

OFFICIAL PROCEEDINGS
OF THE
TERREBONNE PARISH COUNCIL
IN REGULAR SESSION
JUNE 25, 2003

The Chairman, Mr. C. Voisin, called the meeting to order at 6:05 p.m. in the Terrebonne Parish Council Meeting Room. Following the Invocation, led by Minute Clerk V. Whitney, Council Clerk P. Labat led the Pledge of Allegiance.

Upon roll call, Council Members recorded as present were: R. Boudreaux, C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, D. Henry, A. Tillman, and W. Thibodeaux. A quorum was declared present.

Mr. R. Boudreaux moved, seconded by Ms. C. Duplantis, "THAT, the Council approve the minutes of the Regular Council Session held on 5/28/03."

The Chairman called for a vote on the motion offered by Mr. R. Boudreaux.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, D. Henry, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: None

The Chairman declared the motion adopted.

Ms. C. Duplantis moved, seconded by Mr. R. Boudreaux and Mr. H. Lapeyre, "THAT, the Council approve the Parish Bill List dated 6/23/03."

The Chairman called for a vote on the motion offered by Ms. C. Duplantis.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, D. Henry, and A. Tillman

NAYS: None

ABSTAINING: W. Thibodeaux

ABSENT: None

The Chairman declared the motion adopted.

OFFERED BY: Mr. D. Henry.

SECONDED: Unanimously.

RESOLUTION NO. 03-275

WHEREAS, the Terrebonne Parish Council has learned that several local residents, members of the Living Word Church, traveled to Panama City Beach to enjoy the beach community attractions and to participate in recreational, spiritual and educational activities, and

WHEREAS, due to a strong undercurrent, the lives of several several young people were severely jeopardized as these local children were being towed under water and further out into the Gulf of Mexico, and

WHEREAS, due to the swift and courageous action of church counselors, the effective team effort of these people, and, most importantly, the divine intervention of Almighty God, these children were able to be saved with no physical injury, and

WHEREAS, the unselfish and courageous acts of these outstanding counselors will be honored and appreciated by many loving parents and families in Terrebonne Parish for years to come.

NOW, THEREFORE BE IT RESOLVED that the Terrebonne Parish Council, on behalf of the Parish President and the entire Terrebonne Parish Consolidated Government, does hereby commend all chaperones and counselors of the Living Word Church youth group who were instrumental in saving the lives of several young Terrebonne Parish residents.

THERE WAS RECORDED:

YEAS: R. Boudreaux, Jr., C. Duplantis, J.B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, D. Henry, A. Tillman and W. Thibodeaux.

NAYS: None.

ABSTAINING: None.

ABSENT: None.

The Chairman declared the resolution adopted on this, the 25th day of June, 2003.

* * * * *

The Chairman recognized Mrs. Eloise Champagne, Marrero resident, who expressed her concerns relative to some property she inherited from her family on Shrimper's Row in Dulac not having adequate access to a fire hydrant.

Ms. C. Duplantis moved, seconded by Mr. J. B. Breaux and Mr. P. Rhodes, "THAT, the Council extend Ms. Eloise Champagne's time an additional three minutes."

The Chairman called for a vote on the motion offered by Ms. C. Duplantis.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, D. Henry, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: None

The Chairman declared the motion adopted.

Mrs. Eloise Champagne requested the necessary amount of fire hydrants be installed as required by law in the vicinity of the property she owns on Shrimper's Row in Dulac.

Mr. J. B. Breaux moved, seconded by Mr. H. Lapeyre, "THAT, the Council allow the Fire Chief from Grand Caillou, Mr. Johnny Duplantis, to respond to the request of Mrs. Eloise Champagne regarding the installation of fire hydrants on Shrimper's Row in Dulac."

The Chairman called for a vote on the motion offered by Mr. J. B. Breaux.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, D. Henry, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: None

The Chairman declared the motion adopted.

The Chairman recognized Chief Johnny Duplantis, Grand Caillou Fire Department, who stated that he has reviewed Mrs. Champagne's request for additional fire hydrants in the vicinity of property on Shrimper's Row and has determined that the current hydrants are adequate. Chief Duplantis stated that there are no structures on the property. Chief Duplantis stated Councilman P. Rhodes is correct in that if a residence or commercial building is located on a piece of property a fire hydrant is required to be within 500' and if the property is open land, it should be within 1400'.

Upon questioning by Councilman D. Henry, Planning & Zoning Director Pat Gordon stated that he believes the property owner on Shrimper's Row is planning on dividing the property and normally it is required that the developer install fire hydrants if they are needed. Mr. Gordon stated that when a subdivision is being built it is required to have fire hydrants 500' apart and, in a commercial subdivision, 300' apart.

Mrs. Eloise Champagne stated that she contacted the Planning & Zoning Director, Mr. Pat Gordon, who informed her that before a building was placed on the property a fire hydrant would have to be installed. Mrs. Champagne stated that after she was told that is when she approached the Grand Caillou Fire Department to request that a hydrant be installed. Mrs. Champagne stated that the property was cleared by the State Government that the property is not considered to be wetlands.

Chairman C. Voisin stated that he would further evaluate the situation presented by Mrs. Eloise Champagne regarding her request for the installation of an additional fire hydrant on Shrimper's Row and report back to her with his findings.

Mr. J. B. Breaux moved, seconded by Mr. R. Boudreaux, "THAT, it now being 6:30 p.m., the Council open public hearings."

The Chairman called for a vote on the motion offered by Mr. J. B. Breaux.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, D. Henry, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: None

The Chairman declared the motion adopted.

The Chairman recognized the public for comments on the following:

- A. A proposed ordinance that will amend the FY 2003 Budget to provide funds for the Cooperative Endeavor Agreement with the Houma-Terrebonne Airport Commission

There were no comments from the public on the proposed ordinance.

Ms. C. Duplantis moved, seconded by Mr. R. Boudreaux and Mr. P. Rhodes, "THAT, the Council close the aforementioned public hearing."

The Chairman called for a vote on the motion offered by Ms. C. Duplantis.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, C. Duplantis, J. B. Breaux, C. Voisin, P. Rhodes, D. Henry, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: H. Lapeyre

The Chairman declared the motion adopted.

OFFERED BY: Mr. R. Boudreaux, Jr.

SECONDED BY: Ms. C. Duplantis.

ORDINANCE NO. 6767

An ordinance to amend the 2003 Adopted Budget of the Terrebonne Parish Consolidated Government to provide funds for the Cooperative Endeavor Agreement with the Houma-Terrebonne Airport Commission and grant the Parish President the authority to enter into this said agreement.

SECTION I

WHEREAS, it is the desire of TPCG and the Houma-Terrebonne Airport Commission to enter into a cooperative endeavor agreement to install sewer lines on James Road, and

WHEREAS, TPCG's share of this endeavor is \$36,000, and

WHEREAS, the entire west portion of the airport will be on Parish's sewer system.

NOW, THEREFORE BE IT ORDAINED, that the Terrebonne Parish Council, on behalf of the Terrebonne Parish Consolidated Government hereby authorizes Robert J. Bergeron, Parish President, to sign and submit the Cooperative Endeavor Agreement and any other agreements necessary for the James Road Sewer Project.

BE IT FURTHER ORDAINED, by the Terrebonne Parish Council, on behalf of the Terrebonne Parish Consolidated Government, that the 2003 Adopted Budget of the Terrebonne Parish Consolidated Government be amended as follows:

FUND 698 – 1998 PUBLIC IMPROVEMENT CONSTRUCTION FUND

698-431-8927-11	James Road Sewers	36,000.00
698-431-8927-01	Sewerage Projects	(36,000.00)

SECTION II

If any word, clause, phrase, section or other portion of this ordinance shall be declared null, void, invalid, illegal, or unconstitutional, the remaining words, clauses, phrases, sections and other portions of this ordinance shall remain in full force and effect, the provisions of this ordinance hereby being declared to be severable.

SECTION III

This ordinance shall become effective upon approval by the Parish President or as otherwise provided in Section 2-13(b) of the Home Rule Charter for a Consolidated Government for Terrebonne Parish, whichever occurs sooner.

This ordinance, having been introduced and laid on the table for at least two weeks, was voted upon as follows:

THERE WAS RECORDED:

YEAS: R. Boudreaux, Jr., C. Duplantis, J.B. Breaux, C. Voisin, P. Rhodes, D. Henry, A. Tillman and W. Thibodeaux.

NAYS: None.

ABSTAINING: None.

ABSENT: H. Lapeyre.

The Chairman declared the ordinance adopted on this, the 25th day of June, 2003.

* * * * *

The Chairman recognized the public for comments on the following:

- B. A proposed ordinance that will authorize the issuance of the Public Improvement Refunding Bonds, Series ST-2003 of the Parish of Terrebonne, State of Louisiana; prescribing the form, fixing the details and providing for the rights of the owners thereof; providing for the payment of the principal on such bonds

There were no comments from the public on the proposed ordinance.

Ms. C. Duplantis moved, seconded by Mr. D. Henry, "THAT, the Council close the aforementioned public hearing."

The Chairman called for a vote on the motion offered by Ms. C. Duplantis.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, D. Henry, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: None

The Chairman declared the motion adopted.

The following ordinance, having been introduced at a duly convened meeting on June 11, 2003, notice of its introduction having been published on June 13, 2003, and a public hearing having been held on June 25, 2003, was offered for final adoption by Mr. Ray B. Boudreaux, Jr. and seconded by Mr. Harold Lapeyre:

Ordinance No. 6768

An ordinance authorizing the issuance of Five Million Two Hundred Thousand Dollars (\$5,200,000) of Public Improvement Refunding Bonds, Series ST-2003 of the Parish of Terrebonne, State of Louisiana; prescribing the form, fixing the details and providing for the rights of the owners thereof; providing for the payment of the principal on such bonds and the application of the proceeds thereof to the refunding of certain bonds of said Parish; authorizing an agreement with the Paying Agent; providing for the employment of special bond counsel; and providing for other matters in connection therewith.

WHEREAS, the Parish of Terrebonne, State of Louisiana (the "Parish" or "Issuer"), is now levying and collecting a parishwide one percent (1%) sales and use tax by virtue of a

resolution adopted by the Police Jury of the Parish of Terrebonne, State of Louisiana, on October 14, 1964, as amended, under the authority of Act No. 500 of the Regular Session of the Legislature of Louisiana for the year 1964, and a special election held in the Parish on September 15, 1964, at which election the following proposition was approved by a majority of the qualified electors voting at such election, viz:

PROPOSITION

Shall the Parish of Terrebonne, State of Louisiana, under the provisions of Act No. 500 of the Regular Session of the Legislature of Louisiana for the year 1964, and other constitutional and statutory authority supplemental thereto, be authorized to levy and collect a tax of one per cent (1%) upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption of tangible personal property and upon the sale of services, as presently defined in R.S. 47:301 to 47:317, inclusive, with the avails or proceeds of said tax (after paying reasonable and necessary costs and expenses of collecting and administering the tax) being allocated and distributed monthly in equal amounts between the Mayor and Board of Aldermen of the City of Houma, Louisiana, and the Parish School Board of the Parish of Terrebonne, Louisiana, until each has received Five Hundred Thousand Dollars (\$500,000.00) in each calendar year, after which all of the remaining avails or proceeds of such tax for the calendar year shall be allocated and paid to the Police Jury of the Parish of Terrebonne, Louisiana, until Five Hundred Thousand Dollars (\$500,000.00) has been paid to the Parish during the same calendar year, and after this first One Million Five Hundred Thousand Dollars (\$1,500,000.00) of net avails or proceeds of said tax have been so paid during any calendar year, any remaining avails or proceeds of said tax shall be distributed equally between said Mayor and Board of Aldermen, said Parish School Board and said Police Jury; said avails or proceeds of the tax to be subject to funding into negotiable bonds in the manner provided in said Act No. 500 of 1964 and to be dedicated and used by the various political subdivisions for the following purposes:

1. The avails or proceeds of said tax received by the City of Houma, through its governing authority, shall be used for the purpose of constructing, acquiring, extending and/or improving waterworks (including raw water supply, treatment and distribution), drainage, sewerage, streets (including surfacing, repair and street lighting), sidewalks, bridges, public parks (including parkways beautification), recreational facilities, police stations and jail, fire stations and equipment, maintenance shops and warehouse and other public buildings, as well as purchasing equipment necessary for the operation of the various municipal departments, title to which shall be in the public;
2. The avails or proceeds of the tax received by the Terrebonne Parish School Board shall be used solely for the purpose of acquiring lands for building sites and playgrounds, purchasing, erecting and improving school buildings and related school facilities and acquiring the necessary equipment and furnishings therefor, title to which shall be in the public, and/or for the purpose of maintaining such school buildings, equipment, furnishings and related school facilities;
3. The avails or proceeds of the tax received by the Parish of Terrebonne, through its governing authority, shall be used for any lawful corporate purpose for which its governing authority may appropriate parish revenues and such avails or proceeds may be deposited in the general fund of the Parish?

WHEREAS, the Issuer has levied and provided for the collection of a parishwide one-fourth of one percent (1/4%) sales and use tax by virtue of a resolution adopted by the Police Jury of the Parish of Terrebonne, State of Louisiana, on February 25, 1981, under the authority of Article 6, Section 29 of the Louisiana Constitution of 1974 and other constitutional and statutory authority supplemental thereto, and a special election held in the Parish on October 27, 1979, at which the following proposition was approved by a majority of the qualified electors voting in said election, viz:

PROPOSITION NO. 1

"Shall the Parish of Terrebonne, State of Louisiana, under the provisions of Article 6, Section 29 of the Louisiana Constitution of 1974, and other constitutional and statutory authority supplemental thereto, be authorized to levy and collect a tax of one-fourth of one percent (1/4%) upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption, of tangible personal property and on sales of services in said Parish, as presently defined in R.S. 47:301 through 47:317, with the avails or proceeds of said tax (after paying the reasonable and necessary costs of administering and collecting said tax) being dedicated and expended for the purpose of constructing, acquiring, extending and/or improving (a) hospital facilities for Terrebonne General Hospital, (b) sewers, sewerage disposal works and related facilities for pollution control and abatement, (c) a multi-purpose Civic and Community Center and related facilities, and (d) any other public works or capital improvements for said Parish or any portion thereof, including any necessary sites, equipment or furnishings therefor, and for the purpose of paying any bonds or debt obligations of said Parish issued for such purposes; and further shall the avails or proceeds of said tax and the avails or proceeds of the Police Jury's portion of the one percent (1%) parishwide sales and use tax now being levied and collected under the authority of Act 500 of the Regular Session of the Legislature of the State of Louisiana for the year 1964 (such avails or proceeds of both taxes being hereinafter referred to as "tax proceeds") be subject to funding into negotiable bonds of said Parish to mature over a period of twenty (20) years from date thereof, to bear interest at a rate or rates not exceeding eight per centum (8%) per annum and to be issued in such principal amounts as may be required for the above stated purposes and payment of the costs of issuance of such bonds and providing a reserve for the payment thereof; provided, however:

- (1) That priority shall be given to the issuance and sale of \$20,000,000 of said bonds for the Terrebonne General Hospital purpose as set forth in item (a) above, \$13,500,000 of said bonds for the sewer purpose as set forth in item (b) above and \$6,000,000 of said bonds for the Civic and Community Center purpose as set forth in item (c) above (such amounts to include issuance expenses and funding of bond reserves) and no other bonds payable from the tax proceeds shall be issued and sold unless the Police Jury finds and determines that sufficient debt capacity remains for the issuance and sale of any unissued portion of said priority bonds;
- (2) That the one-fourth of one percent (1/4%) sales and use tax hereby authorized shall not be collected by said Police Jury until the Police Jury's authority to levy and collect the existing one-fourth of one percent (1/4%) hospital sales and use tax (voted May 25, 1976) has terminated as a result of the payment, or defeasance and provisions for payment in the manner set out in R.S. 39:1442, of all outstanding Public Hospital Bonds, Series 1977 and 1978, dated March 1, 1977 and March 1, 1978, by the formal call of such outstanding bonds for redemption on the earliest possible call date and the irrevocable deposit in trust of a sufficient amount of funds then on deposit in the Sales Tax Hospital Fund, Public Hospital Bonds Sinking Fund, Public Hospital Bonds Reserve Fund and Public Hospital Bonds, Series 1977 and 1978, Hospital Construction Trust Funds established by resolutions adopted by said Police Jury on January 26, 1977, March 2, 1977 and March 8, 1978;
- (3) That the balance on deposit in the various funds named in item (2) above after providing for payment or defeasance of the outstanding Public Hospital Bonds, Series 1977 and 1978 as provided in item (2) above shall be dedicated for the purpose of constructing, acquiring and improving hospital facilities for Terrebonne General Hospital, including any necessary buildings, equipment, furnishings and sites therefor?"

WHEREAS, at a special election held in the Parish on January 16, 1982, the majority of the qualified electors voting in said election approved the issuance of sales tax bonds authorized

at said special election of October 27, 1979, at a rate or rates not exceeding twelve per centum (12%) per annum; and

WHEREAS, effective January 1, 1984, this governing authority succeeded the Terrebonne Parish Police Jury as the governing authority of the Issuer; and

WHEREAS, in accordance with the provisions of said resolution of October 14, 1964, a portion of the net avails or proceeds of the aforesaid 1% tax (after the reasonable and necessary costs and expenses of the collection and administration thereof have been paid therefrom) shall be available for appropriation and expenditure by the Issuer for the purposes designated in the proposition authorizing the levy of the aforesaid 1% tax, which includes the payment of bonds authorized to be issued in accordance with Louisiana law; and

WHEREAS, in accordance with the provisions of said resolution of February 25, 1981, the net avails or proceeds of the aforesaid 1/4% tax (after the reasonable and necessary costs and expenses of the collection and administration thereof have been paid therefrom) shall be available for appropriation and expenditure by the Issuer for the purposes designated in the proposition authorizing the levy of the aforesaid 1/4% tax, which includes the payment of bonds authorized to be issued in accordance with Louisiana law; and

WHEREAS, this governing authority desires to issue bonds payable from a pledge and dedication of the Issuer's portion of the avails or proceeds of the special one percent (1%) sales and use tax now being levied and collected, and the avails or proceeds of the special one-fourth of one percent (1/4%) sales and use tax now being levied and collected, all in accordance with Act No. 500 of the Regular Session of the Legislature of the State of Louisiana for the year 1964 and Article VI, Section 29 of the Louisiana Constitution of 1974; and

WHEREAS, pursuant to the provisions of Sub-Part F, Part III, Chapter 4 of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, and special elections held on September 15, 1964 and October 27, 1979, the results of which was duly promulgated in accordance with law, the Issuer has heretofore issued \$7,110,000 of Public Improvement Bonds, Series 1994, of which \$5,000,000 is currently outstanding (the "Series 1994 Bonds"); and

WHEREAS, in order to provide debt service reductions, the Issuer, acting through its governing authority, the Terrebonne Parish Council, has found and determined that the refunding of \$4,665,000 of the Series 1994 Bonds consisting of those bonds maturing March 1, 2005 to March 1, 2014, inclusive (the "Refunded Bonds"), pursuant to the provisions of Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended (the "Act") and other constitutional and statutory authority, through the issuance of its refunding bonds; and

WHEREAS, the Issuer, by resolution adopted on April 23, 2003, gave preliminary approval of the issuance of not exceeding \$5,400,000 of its refunding bonds to refund the Refunded Bonds; and

WHEREAS, other than the refunding bonds herein authorized or the Refunded Bonds, the Issuer has outstanding no bonds or other obligations of any kind or nature payable from or enjoying a lien on the portion of the aforesaid taxes herein pledged, EXCEPT:

- (i) \$4,230,000 of Public Improvement Bonds, Series ST-2000, maturing March 1, 2004 to March 1, 2020, inclusive, (ii) \$12,300,000 of Public Improvement Bonds, Series ST-1998A, maturing March 1, 2004 to March 1, 2018, inclusive, and (iii) \$1,495,000 of Public Improvement Sewer Refunding Bonds, Series ST-1998B, maturing March 1, 2004 to March 1, 2006, inclusive (together, the "Outstanding Parity Bonds"); and

WHEREAS, under the terms and conditions of the ordinances adopted by the governing authority of the Issuer authorizing the issuance of the Outstanding Parity Bonds (together, the "Parity Bond Ordinance"), the Issuer has authority to issue refunding bonds on a complete parity with said 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 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 (hereinafter defined) be issued on a complete parity with the Outstanding Parity Bonds; and

WHEREAS, the maturities on the hereinafter described Bonds have been arranged so that the total amount of principal and interest falling due in any year on the Bonds and the Outstanding Parity Bonds will never exceed 75% of the Issuer's portion of the proceeds of the aforesaid 1% tax and the aforesaid 1/4% tax estimated to be received by the Issuer in the calendar year (2003) in which the Bonds are to be issued (which amount is hereby estimated to be at least \$9,273,857, and will provide a coverage of at least 4.15 times the highest annual debt service on the Outstanding Parity Bonds and the Bonds being issued in any future calendar year); and

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

WHEREAS, in connection with the issuance of the Bonds, it is necessary that provision be made for the payment of the principal, interest and redemption premium, if any, 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, it is necessary that this Terrebonne Parish Council, as the governing authority of the Issuer, prescribe the form and content of an Escrow Deposit Agreement providing for the payment of the principal, premium and interest of the Refunded Bonds and authorize the execution thereof as hereinafter provided; and

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

NOW, THEREFORE, BE IT ORDAINED by the Terrebonne Parish Council of the Parish of Terrebonne, State of Louisiana, acting as the governing authority of the Issuer, that:

SECTION 1. Definitions. As used herein, the following terms shall have the following meanings, unless the context otherwise requires:

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

"**Additional Parity Bonds**" means any issue of additional *pari passu* bonds hereafter issued by the Issuer pursuant to Section and payable from revenues the Taxes on a parity with the Bonds.

"**Agreement**" means the agreement to be entered into between the Issuer and the Paying Agent pursuant to this Bond Ordinance.

"**Bond**" or "**Bonds**" means the Issuer's Public Improvement Refunding Bonds, Series ST-2003, issued pursuant to this Bond Ordinance in the aggregate principal amount of \$5,200,000, and any bond of said issue, whether initially delivered or issued in exchange for, upon transfer of, or *in lieu* of any previously issued.

"**Bond Ordinance**" means this ordinance authorizing the issuance of the Bonds.

"**Bond Register**" means the registration books of the Paying Agent in which registration of the Bonds and transfers of the Bonds shall be made as provided herein.

"**Bond Year**" means the one year period ending on March 1 of each year, the principal payment dates for the Bonds.

"**Business Day**" means a day of the year on which banks located in the cities in which the principal corporate trust offices of the Paying Agent are located are not required or authorized to remain closed and on which the New York Stock Exchange is not closed.

"**Capital Improvement Sales Tax**" means the one-fourth of one percent (1/4%) sales and use tax authorized under the provisions of Article VI, Section 29 of the Louisiana Constitution of 1974 and other constitutional and statutory authority in compliance with a special

election held in the Parish of Terrebonne on October 27, 1979, said tax having been levied and provisions made for its collection by a resolution adopted by the governing authority of the Issuer on February 25, 1981.

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

"Escrow Agent" shall mean Bank One Trust Company, N. A., in the City of New Orleans, Louisiana, and its successor or successors, and any other person which may at any time be substituted in its place pursuant to the Bond Ordinance.

"Escrow Agreement" means the Escrow Deposit Agreement dated as of August 1, 2003 between the Issuer and the Escrow Agent, substantially in the form attached hereto as Exhibit B, as the same may be amended from time to time, the terms of which Escrow Agreement are incorporated herein by reference.

"Executive Officers" means collectively the Parish President and the Clerk to the Terrebonne Parish Council.

"Fiscal Year" means the twelve-month accounting period commencing on the first day of January 1 or any other twelve-month accounting period determined by the Governing Authority as the fiscal year of the Issuer.

"Governing Authority" means the Terrebonne Parish Council of the Parish of Terrebonne, State of Louisiana.

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

"Insurer" means XL Capital Assurance, Inc., or any successor thereto.

"Interest Payment Date" means March 1 and September 1 of each year, commencing September 1, 2003.

"Investment Obligations" means any investments or securities then permitted under Louisiana law, which law currently permits investment in the following obligations:

(a) Direct United States Treasury obligations, the principal and interest of which are fully guaranteed by the government of the United States;

(b) (i) bonds, debentures, notes or other evidence of indebtedness issued or guaranteed by federal agencies and provided such obligations are backed by the full faith and credit of the United States of America, which obligations include but are not limited to:

- (aa) U.S. Export-Import Bank.
- (bb) Farmers Home Administration.
- (cc) Federal Financing Bank.
- (dd) Federal Housing Administration.
- (ee) General Services Administration.
- (ff) Government National Mortgage Association--guaranteed mortgage-backed bonds and guaranteed pass-through obligations.
- (gg) U. S. Maritime Administration--guaranteed Title XI financing.
- (hh) U. S. Department of Housing and Urban Development.

(ii) Bonds, debentures, notes or other evidence of indebtedness issued or guaranteed by U. S. government instrumentalities, which are federally sponsored, and such obligations include but are not limited to:

- (aa) Federal Home Loan Bank System.
- (bb) Federal Home Loan Mortgage Corporation.
- (cc) Federal National Mortgage Association.
- (dd) Student Loan Marketing Association.
- (ee) Resolution Funding Corporation.

(iii) Notwithstanding the foregoing list of investments, the Issuer shall not invest in obligations described in Items (i) and (ii) of this Subparagraph which are collateralized mortgage obligations that have been stripped into interest only or principal only obligations, inverse floaters or structured notes. For the purposes of this Item “structured notes” shall mean securities of U.S. government agencies, instrumentalities, or government sponsored enterprises which have been restructured, modified and/or reissued by private entities.

(c) Direct security repurchase agreements of any federal book entry only securities enumerated in subparagraphs (a) and (b). “Direct security repurchase agreement” means an agreement under which the political subdivision buys and holds obligations of any state of the United States of America or any political subdivision thereof or any agency, instrumentality or local government unit of any such state or political subdivision which shall be rated at the time of the investment in any of the three highest long-term Rating Categories or the highest short-term Rating Category by a Rating Agency.

(d) Time certificates of deposit of any bank domiciled or having a branch office in the state of Louisiana, savings accounts or shares of savings and loan associations and savings banks, as defined by R.S. 6:703 (16) or (17), or share accounts and share certificate accounts of federally or state chartered credit unions issuing time certificates of deposit. For those funds made available for investment in time certificates of deposit, the rate of interest paid by the banks shall be established by contract between the bank and the political subdivision; however, the interest rate at the time of investment shall be a rate not less than fifty basis points below the prevailing market interest rate on direct obligations of the United States Treasury with a similar length of maturity.

(e) Mutual or trust fund institutions which are registered with the Securities and Exchange Commission under the Securities Act of 1933 and the Investment Act of 1940, and which have underlying investments consisting solely of and limited to securities of the United States government or its Agencies.

(f) Funds invested in accordance with the provisions of subparagraph (d) above shall not exceed at any time the amount insured by the Federal Deposit Insurance Corporation in any one banking institution, or in any one savings and loan association, or National Credit Union Administration, unless the uninsured portion is collateralized by the pledge of securities in the manner provided in R.S. 39:1221.

(g) Guaranteed investment contracts issued by bank, financial institution, insurance company, or other entity having one of the two highest short-term rating categories of either Standard & Poor’s Corporation or Moody’s Investors Service, provided that no such investment may be made except in connection with a financing program for political subdivisions which financing program is approved by the State Bond Commission and offered by a public trust having the state as its beneficiary, provided further that no such investment shall be for a term longer than eighteen months, and provided further that any such guaranteed investment contract shall contain provision providing that in the event the issuer of the guaranteed investment contract is at any time no longer rated in either of the two highest short-term rating categories of Standard & Poor’s Corporation or Moody’s Investors Service, the investing unit of local government may either be released from the guaranteed investment provided collateralize the guaranteed investment contract with any bonds or other obligations which as to principal and interest constitute direct general obligations of, or are unconditionally guaranteed by, the United States of America, including obligations set forth in Subparagraphs (a) and (b) to the extent unconditionally guaranteed by the United States of America.

(h) Investment grade (A-1/P-1) commercial paper of domestic United States corporations.

(i) Investment of funds in such mutual or trust fund institutions shall be limited to twenty-five percent of the monies considered available for investment as provided by this Section. In no event shall monies be considered available for investment under the authority of this section unless and until such funds are determined by the treasurer or chief financial officer of said subdivisions, in the exercise of prudent judgment, to be in excess of the immediate cash requirements of the fund to which the monies are credited. As a criteria in making such a determination, any amount of money exceeding ten thousand dollars which is on demand deposit to the credit of a subdivision, or to the credit of any fund and which is not required to meet an

obligation for at least forty-five days, or any amount of money exceeding one hundred thousand dollars which is on demand to the credit of a subdivision or to the credit of any fund and which is not required to meet an obligation for at least fifteen days shall be construed available for investment.

"Issuer" means the Parish of Terrebonne, State of Louisiana.

"Municipal Bond Insurance Policy" means the municipal bond insurance policy issued by the Insurer insuring the payment when due of the principal of and interest on the Bonds as provided therein.

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

- (a) Bonds theretofore cancelled by the Paying Agent or delivered to the Paying Agent for cancellation;
- (b) Bonds for whose payment or redemption sufficient funds have been theretofore deposited with the Paying Agent in trust for the Owners of such Bonds as provided in Section , provided that, if such Bonds are to be redeemed, irrevocable notice of such redemption has been duly given or provided for pursuant to this 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 this Bond Ordinance; and
- (d) Bonds alleged to have been mutilated, destroyed, lost or stolen which have been paid as provided in this Bond Ordinance.

"Outstanding Parity Bonds" means (i) the Issuer's \$4,230,000 of Public Improvement Bonds, Series ST-2000, maturing March 1, 2004 to March 1, 2020, inclusive, (ii) the Issuer's \$12,300,000 of Public Improvement Bonds, Series ST-1998A, maturing March 1, 2004 to March 1, 2018, inclusive, and (iii) the Issuer's \$1,495,000 of Public Improvement Sewer Refunding Bonds, Series ST-1998B, maturing March 1, 2004 to March 1, 2006.

"Outstanding Parity Bond Ordinance" means, collectively, the ordinance adopted by the Issuer on October 25, 2000 authorizing the issuance of the Issuer's Series ST-2000 Bonds, and the ordinance adopted by the Issuer on September 23, 1998 authorizing the issuance of the Issuer's Series ST-1998A Bonds and Series ST-1998B Bonds.

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

"Parish Sales Tax" means the Issuer's allocation or portion [approximately one-third (1/3)] of the special parishwide one percent (1%) sales and use tax authorized under the provisions of Act No. 500 of the Regular Session of the Legislature for the State of Louisiana for the year 1964 and at a special election held in the Parish on September 15, 1964 and levied and collected pursuant to a resolution adopted by the Police Jury on October 14, 1964, as amended, said allocation or portion being more fully described in said Act No. 500 of 1964 and the foregoing proposition approved at the special election held on September 15, 1964.

"Paying Agent" means Bank One Trust Company, N. A., in the City of New Orleans, Louisiana, until a successor Paying Agent shall have become such pursuant to the applicable provisions of this Bond Ordinance, and thereafter Paying Agent shall mean such successor Paying Agent.

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

"Purchaser" means Edward D. Jones & Co., L.P.. of St. Louis, Missouri.

"Rating Agency" means each nationally recognized securities rating agencies then maintaining a rating on the Bonds or any future parity bonds at the request of the Issuer.

"Record Date" for the interest payable on any Interest Payment Date means the 15th calendar day of the month next preceding such interest payment date, whether or not such day is a Business Day.

"Redemption Price" means, 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" means the Issuer's outstanding \$4,665,000 of Public Improvement Bonds, Series 1994, maturing March 1, 2005 to March 1, 2014, inclusive, which are being refunded by the Bonds, as more fully described in Exhibit A hereto.

"Reserve Fund Requirement" means, as of any date of calculation, a sum equal to the highest combined principal and interest requirements for any succeeding Fiscal Year on the Bonds, the Outstanding Parity Bonds and any Additional Parity Bonds.

"Reserve Product" means a policy of bond insurance, a surety bond or a letter of credit or other credit facility used in lieu of a cash deposit in the Reserve Fund meeting the terms and conditions of Section 10(c) hereof.

"Reserve Product Provider" means a bond insurance provider or a bank or other financial institution providing a Reserve Product, whose bond insurance policies insuring, or whose letters of credit, surety bonds or other credit facilities securing, the payment, when due, or the principal of and interest on bond issues by public entities, at the time such Reserve Product is obtained, result in such issues being rated in one of the two highest full rating categories by each of the Rating Agencies; provided, however, that nothing herein shall require the Issuer to obtain a rating on any Bonds issued under the Bond Ordinance.

"Revenues of the Taxes" or "Taxes" means collectively the Parish Sales Tax and the Capital Improvement Sales Tax.

"Sales Tax Resolutions" means the resolution adopted by the Terrebonne Parish Police Jury on October 14, 1964, as amended by resolution adopted on May 12, 1965.

"State" means the State of Louisiana.

SECTION 2. Authorization of the Bonds and Escrow Agreement. (a) Pursuant to the provisions of the Act, and other constitutional and statutory authority, there is hereby authorized the incurring of an indebtedness of \$5,200,000 for, on behalf of and in the name of the Issuer, for the purpose of refunding the Refunded Bonds through the escrow of the proceeds of the Bonds, together with other available moneys of the Issuer, in Government Securities plus an initial cash deposit, in accordance with the terms of the Escrow Agreement, in order to provide for the payment of the principal of, premium, if any, and interest on the Refunded Bonds as they mature or upon earlier redemption as provided in Section 33 hereof.

(b) Provision having been made for the orderly payment until maturity or earlier redemption of 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, except to assure that the Refunded Bonds are paid from the Government Securities and funds so escrowed in accordance with the provisions of the Escrow Agreement.

(c) The Escrow Agreement is hereby approved by the Issuer and the Executive Officers are hereby authorized and directed to execute and deliver the Escrow Agreement on behalf of the Issuer substantially in the form of **Exhibit B** hereof, with such changes, additions, deletions or completions deemed appropriate by such Executive Officers and it is expressly provided and covenanted that all of the provisions for the payment of the principal of, premium, if any, and interest on the Refunded Bonds from the special trust fund created under the Escrow Agreement shall be strictly observed and followed in all respects.

(d) The Bonds shall be in fully registered form, shall be dated August 1, 2003, shall be in the denomination of Five Thousand Dollars (\$5,000) each or any integral multiple thereof within a single maturity, shall be numbered consecutively from R-1 upward, shall bear interest from date thereof or the most recent Interest Payment Date to which interest has been paid or duly provided for, payable on September 1, 2003 and semiannually thereafter on March 1

and September 1 of each year, at the following rates of interest per annum, and shall become due and payable and mature serially on March 1 of each year as follows:

Year (March 1)	Principal Payment	Interest Rate
2004	\$470,000	1.00%
2005	425,000	1.20
2006	430,000	1.40
2007	435,000	1.75
2008	445,000	2.05
2009	460,000	2.35
2010	475,000	2.65
2011	485,000	2.85
2012	505,000	3.00
2013	525,000	3.125
2014	545,000	3.25

The principal of the Bonds, upon maturity or redemption, shall be payable at the principal corporate trust office of the Paying Agent, upon presentation and surrender thereof, and interest on the Bonds will be payable by check mailed by the Paying Agent to the Owner (determined as of the close of business on the Record Date) at the address shown on the Bond Register. Each Bond delivered under this Bond Ordinance upon transfer or in exchange for or *in lieu* of any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond, and each such Bond shall bear interest (as herein set forth) so that neither gain nor loss in interest shall result from such transfer, exchange or substitution. No Bond shall be entitled to any right or benefit under this Bond Ordinance, or be valid or obligatory for any purpose, unless there appears on such Bond a certificate of registration, substantially in the form provided in this Bond Ordinance, executed by the Paying Agent by manual signature.

(e) The Issuer does hereby find that since substantial benefits will accrue from the insurance of the Bonds, the Bonds are being insured by the Insurer and an appropriate legend shall be printed on the Bonds as evidence of such insurance. The cost of the Municipal Bond Insurance Policy shall be paid by the Issuer from the proceeds of the Bonds.

SECTION 3. Redemption of Bonds. The Bonds maturing March 1, 2009, and thereafter will be callable for redemption by the Issuer in full or in part at any time on or after March 1, 2008, at the principal amount thereof plus accrued interest to the date fixed for redemption.

In the event a Bond is of a denomination larger than \$5,000, a portion of such Bond (\$5,000 or any multiple thereof) may be redeemed. Official notice of such call of any of the Bonds for redemption will be given by first class mail, postage prepaid, by notice deposited in the United States mails not less than thirty (30) days prior to the redemption date addressed to the registered owner of each Bond to be redeemed at his address as shown on the registration books of the Paying Agent.

SECTION 4. 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 of the same series 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 \$5,000 for any one maturity, or any integral multiple thereof within a single maturity. Neither the Issuer nor the Paying Agent shall be required to issue, register, transfer or exchange (i) 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, or (ii) any Bond called for redemption prior to maturity, during a period beginning at the opening of business fifteen (15) days before the date of the mailing of a notice of redemption of such Bond and ending on the date of such redemption.

SECTION 5. Form of Bonds. The Bonds and the endorsements to appear thereon shall be in substantially the form attached hereto as Exhibit C.

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

SECTION 7. Registration of Bonds by Secretary of State and Paying Agent.

(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 C 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 sales and use Tax in the Parish of Terrebonne, State of Louisiana. Registered this _____ day of _____, 2003.

Secretary of State"

SECTION 8. Recital of Regularity. This Governing Authority, having investigated the regularity of the proceedings had in connection with this issue of Bonds, and having determined the same to be regular, the Bonds shall contain the following recital, to-wit:

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

SECTION 9. Pledge of Tax Revenues. The Bonds, equally with the Outstanding Parity Bonds, shall be secured by and payable in principal and interest solely from an irrevocable pledge and dedication of the avails or proceeds of (i) the Issuer's portion (approximately 1/3) of the one percent (1%) sales and use tax now being levied and collected under the authority of Act No. 500 of the Regular Session of the Legislature of the State of Louisiana for the year 1964 pursuant to an election held on September 15, 1964, and (ii) the one fourth of one percent (1/4%) sales and use tax of the Issuer now being levied and collected under the authority of Article VI, Section 29 of the Louisiana Constitution of 1974, pursuant to an election held on October 27, 1979, after there have first been paid from the gross avails or proceeds of the Taxes the reasonable and necessary costs and expenses of collecting and administering the Taxes, all as more fully provided in the Ordinance providing for the levy and collection of the Taxes. Said net avails or proceeds be and they are hereby irrevocably and irrepealably pledged and dedicated in an amount sufficient for the payment of the Bonds and the Outstanding Parity Bonds in principal 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 avails or proceeds of the Tax shall be set aside in a separate fund, as provided herein and in the Outstanding Parity Bond Ordinance, and shall be and remain pledged for the security and payment of the Bonds in principal and interest and for all other payments provided for in this Bond Ordinance until the Bonds shall have been fully paid and discharged.

SECTION 10. Flow of Funds. The Issuer by proper resolutions and/or ordinances, hereby obligates itself to continue to levy and collect the Taxes and not to discontinue or decrease or permit to be discontinued or decreased the Taxes in anticipation of the collection of which the Bonds have been issued, nor in any way make any change which would diminish the amount of the Revenues of the Taxes to be received by the Issuer until all of the Bonds and the Outstanding Parity Bonds have been paid as to both principal and interest. In order that the principal of and the interest on the Bonds and the Outstanding Parity Bonds will be paid in accordance with their terms and for the other objects and purposes hereinafter provided, the Issuer further covenants as follows:

All avails or proceeds derived from the levy and collection of the Taxes shall be deposited daily as the same may be collected in separate and special bank accounts maintained with the regularly designated fiscal agent of the Issuer and designated as the "Sales Tax Capital Improvement Fund" (hereinafter called the "Sales Tax Fund").

Out of the funds on deposit in the Sales Tax Fund, the Issuer shall first pay all reasonable and necessary costs and expenses of collection and administration of the Taxes. After payment of such expenses, the remaining balance of the proceeds of the Taxes shall be used in the following order of priority and for the following express purposes:

- (a) The maintenance of the "Capital Improvement Bond Sinking Fund" (hereinafter called the "Sinking Fund"), sufficient in amount to pay promptly and fully the principal of and interest on the Bonds, the Outstanding Parity Bonds, and any Additional Parity Bonds, in the manner provided by this Bond Ordinance, as they severally become due and payable, by transferring from the Sales Tax Fund, monthly in advance, on or before the 20th day of each month of each year, for the period from June 1, 2003 and ending August 28, 2003, a sum equal to one-third (1/3) of the interest falling due on the Bonds on September 1, 2003, and one-twelfth (1/12) of the principal of and one-sixth (1/6) of the interest on the Outstanding Parity Bonds falling due on March 1, 2004, and thereafter, a sum equal to one-sixth (1/6) of the interest falling due on the Bonds and the Outstanding Parity Bonds on the next Interest Payment Date and one-twelfth (1/12) of the principal falling due on the Bonds and the Outstanding Parity Bonds on the following Principal Payment Date, together with such additional proportionate sum as may be required to pay said principal and interest as the same respectively become due. The regularly designated fiscal agent of the Issuer shall transfer from the Sinking Fund to the paying agent bank or banks for all bonds payable from the Sinking Fund, at least five (5) days in advance of the date on which payment of principal or interest falls due, funds fully sufficient to pay promptly the principal and interest so falling due on each such date.
- (b) The maintenance of the Capital Improvement Bond Reserve Fund (hereinafter called the "Reserve Fund"), with the regularly designated fiscal agent of the Issuer. The money in the Reserve Fund is to be retained solely for the purpose of paying the principal of and the interest on the Bonds payable from the aforesaid Sinking Fund as to which there would be otherwise be default (except for certain earnings which may be owed to the United States pursuant to Section 148(f) of the Code). Upon delivery of the Bonds, there shall be deposited in the Reserve Fund an amount of proceeds of the Bonds sufficient to cause the balance in the Reserve Fund to be equal to the Reserve Fund Requirement. In the event that Additional Parity Bonds are issued hereafter in the manner provided by this Bond Ordinance, there shall be deposited into the Reserve Fund, from the proceeds of such Additional Parity Bonds and/or from the proceeds of the Taxes or from any other source provided by the Issuer, such additional amounts (as may be designated in the ordinance authorizing the issuance of such Additional Parity Bonds) as will increase the total amount on deposit in the Reserve Fund within a period not exceeding five (5) years to a sum equal to the Reserve Fund Requirement.
- (c) After the pledge of the Revenues of the Tax to the Outstanding Parity Bonds has terminated through the retirement of the Outstanding Parity Bonds, defeasement thereof, or otherwise, the Reserve Fund Requirement may be funded with cash or Investment Obligations, or one or more Reserve Products, or a combination thereof. Any such Reserve Product must provide for payment on any interest or principal payment date (provided adequate notice is given) on which a deficiency exists (or is expected to exist) in moneys held hereunder for payment of the principal of or interest on the Bonds due on such date which cannot be cured by funds in any other fund or account held pursuant to the Bond Ordinance and available for such purpose, and shall name the Paying Agent as the beneficiary thereof. In no event shall the use of a Reserve Product be permitted if it would cause any existing rating on any parity debt thereof to be lowered, suspended or withdrawn. If a disbursement is made from a Reserve Product as provided above, the Issuer shall be obligated to reinstate the maximum limits of such Reserve Product immediately

following such disbursement from the first Revenues available pursuant to this Section or to replace such Reserve Product by depositing into the Reserve Fund, funds in the maximum amount originally available under such Reserve Product, plus amounts necessary to reimburse the Reserve Product Provider for previous disbursements under such Reserve Product, or a combination thereof. For purposes of this Section, amounts necessary to satisfy such Reimbursement Obligations of the Issuer to the Reserve Product Provider shall be deemed to be required deposits to the Reserve Fund, but shall be applied to satisfy the Reimbursement Obligations to the Reserve Product Provider.

If the Reserve Fund Requirement is funded in whole or in part with cash or Investment Obligations and no event of default shall have occurred and be continuing hereunder, the Issuer may at any time in its discretion, substitute a Reserve Product meeting the requirements of the Bond Ordinance for the cash and Investment Obligations in the Reserve Fund and the Issuer may then withdraw such cash and Investment Obligations from the Reserve Fund and deposit them to the credit of the Sales Tax Fund so long as (i) the same does not adversely affect any rating by a Rating Agency then in effect with respect to the parity debt, or any Series thereof, and (ii) the Issuer obtains an opinion of Bond Counsel to the effect that such actions will not, in and of themselves, adversely affect the exclusion from gross income of interest on the parity debt (if not Taxable Bonds) for federal income tax purposes.

Cash on deposit in the Reserve Fund shall be used (or investments purchased with such cash shall be liquidated and the proceeds applied as required) prior to any drawing on any Reserve Product. If more than one Reserve Product is deposited in the Reserve Fund, drawings thereunder shall be made on a pro rata basis, calculated by reference to the maximum amounts available thereunder.

Any Supplemental Ordinance may require a greater Reserve Fund Requirement or other obligations on behalf of Issuer with respect to the Reserve Fund.

If at any time it shall be necessary to use moneys in the Reserve Fund for the purpose of paying principal or interest on the Bonds, any other outstanding parity obligations, Obligations as to which there would otherwise be default, then the moneys so used shall be replaced from the revenues first thereafter received by the Sales Tax Fund, not hereinabove required to pay the expenses of collecting and administering the Tax or to pay current principal and interest requirements, it being the intention hereof that there shall be as nearly as possible at all times (after the payments contemplated by (c) above have been made) in the Reserve Fund an amount of money equal to the Reserve Fund Requirement.

All moneys remaining in the Sales Tax Fund on the 20th day of each month in excess of all reasonable and necessary expenses of collection and administration of the Taxes and 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 may be used by the Issuer for any of the purposes for which the imposition of the Taxes is authorized or for the purpose of retiring Bonds in advance of their maturities, either by purchase of Bonds then outstanding at prices not greater than the redemption prices of said Bonds or by retiring such Bonds at the prices and in the manner hereinbefore set forth in this Bond Ordinance.

All or any part of the moneys in the Reserve Fund shall at the written request of the Issuer be invested in direct obligations of the United States of America, maturing in five (5) years or less. The income on such funds shall be added to the Sales Tax Fund, provided that if the amount in the Reserve Fund at any time is less than the Reserve Fund Requirement, then any income derived from such investments in the Reserve Fund shall be retained in the Reserve Fund. Such investments shall, to the extent at any time necessary, be liquidated and the proceeds thereof applied to the purposes for which the respective funds are herein created.

The Capital Improvement Sales Tax to the extent available shall be used first to make the above payments. Any moneys remaining in the Sales Tax Capital Improvement Fund on the 20th day of each month after making the required payments into the Bond Sinking Fund and the Bond 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 may be used by the Parish for the respective purpose for which the imposition of the Capital Improvement Sales Tax and the Parish Sales Tax are now or may hereafter be authorized by law, or for the purpose of retiring any bonds, payable from the Bond Sinking Fund, in advance of their maturities, either by purchase of bonds then outstanding at prices not greater than the then redemption prices of said bonds or by retiring such bonds at the prices and in the manner hereinabove set forth in this Bond Ordinance.

The Sales Tax Funds, the Sinking Fund, and the Reserve Fund provided for in this section hereof shall all be and constitute trust funds for the purposes provided in this Bond Ordinance, and the Owners of Bonds issued pursuant to this Bond Ordinance are hereby granted a lien on all such funds until applied in the manner provided herein. The moneys in such funds shall at all times be secured to the full extent thereof by the bank or trust company holding such funds in the manner required by the laws of the State. To diversify the deposit of the moneys to be held by the fiscal agent bank, it is herewith determined to provide for such uninvested moneys in the funds herein established to be held in part by other banks now or hereafter located in the Parish in the manner designated from time to time by resolutions duly adopted by this Governing Authority. Such other bank or banks shall hold such moneys subject to the instructions of the fiscal agent bank as is required hereunder for their transfer, transmittal or expenditure. All of the provisions of this Bond Ordinance with respect to the manner in which moneys in the fiscal agent bank are to be held and are to be secured shall be applicable to moneys held by all banks.

In computing the amount in any fund provided for in this section, investments shall be valued at the lower of the cost or the market price, exclusive of accrued interest. Any deficiencies in the amount on deposit in any fund or account resulting from a decline in market value shall be restored no later than the succeeding valuation date. With respect to all funds and accounts (except the Reserve Fund), valuation shall occur annually. The Reserve Fund shall be valued semi-annually, except in the event of a withdrawal from the Reserve Fund, whereupon it shall be valued immediately after such withdrawal.

SECTION 11. Issuer Obligated to Continue to Collect Taxes. The Issuer does hereby obligate itself and is bound under the terms and provisions of law to levy, impose, enforce and collect the Taxes and to provide for all reasonable and necessary rules, regulations, procedures and penalties in connection therewith, including the proper application of the proceeds of the Taxes, until all of the Bonds have been retired as to both principal and interest. Nothing herein contained shall be construed to prevent the Issuer from altering, amending or repealing from time to time as may be necessary this Bond Ordinance or any subsequent resolution or ordinance providing with respect to the Taxes, said alterations, amendments or repeals to be conditioned upon the continued preservation of the rights of the Owners with respect to the revenues from the Taxes. The Sales Tax Resolutions imposing the Taxes and pursuant to which the Taxes are being levied, collected and allocated, and the obligations to continue to levy, collect and allocate the Taxes and to apply the revenues therefrom in accordance with the provisions of this Bond Ordinance, shall be irrevocable until the Bonds have been paid in full as to both principal and interest, and shall not be subject to amendment in any manner which would impair the rights of the Owners from time to time of the Bonds or which would in any way jeopardize the prompt payment of principal thereof and interest thereon. More specifically, neither the Legislature of Louisiana nor the Issuer may discontinue or decrease the Taxes or permit to be discontinued or decreased the Taxes in anticipation of the collection of which the Bonds have been issued, or in any way make any change which would diminish the amount of the Revenues of the Taxes pledged to the payment of the Bonds and received by the Issuer, until all of such Bonds shall have been retired as to both principal and interest.

The Owners of any of the Bonds may, either at law or in equity, by suit, action, mandamus or other proceeding, enforce and compel performance of all duties required to be performed as a result of issuing the Bonds and may similarly enforce the provisions of any resolution or ordinance imposing the Taxes and the Bond Ordinance and proceedings authorizing the issuance of the Bonds.

SECTION 12. Covenants of the Issuer. In providing for the issuance of the Bonds, the Issuer does hereby covenant that it has a legal right to levy and collect the Taxes, to issue the Bonds and to pledge the revenues from the Taxes as herein provided, and that the Bonds will

have a lien and privilege on the revenues of the Taxes subject only to the prior payment of the reasonable and necessary expenses of collecting and administering the Taxes.

SECTION 13. Bond Ordinance a Contract. The provisions of this Bond Ordinance shall constitute a contract between the Issuer and the Owner or Owners from time to time of the Bonds, and any Owner of any of the Bonds may either at law or in equity, by suit, action, mandamus or other proceedings, enforce and compel the performance of all duties required to be performed by the Governing Authority as a result of issuing the Bonds, and may similarly enforce the provisions of the Sales Tax Resolutions imposing the Taxes and this Bond Ordinance.

SECTION 14. Records and Accounts Relating to Taxes. 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 revenues of the Taxes, including specifically but without limitation, all reasonable and necessary costs and expenses of collection.

Not later than three (3) 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 an accounting of the receipts and disbursements made for the account of the 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.

SECTION 15. Issuance of Refunding and Additional Parity Bonds. The Bonds shall enjoy complete parity of lien on the revenues of the Tax despite the fact that any of the Bonds may be delivered at an earlier date than any other of the Bonds. The Issuer shall issue no other bonds or obligations of any kind or nature payable from or enjoying a lien on the revenues of the Tax having priority over or parity with the Bonds, except that bonds may hereafter be issued on a parity with the Bonds under the following conditions:

(d) The Bonds or any part thereof, including interest thereon, may be refunded with the consent of the Owners thereof (except that as to Bonds which are then subject to redemption and have been properly called for redemption, such consent shall not be necessary) and the refunding bonds so issued shall enjoy complete equality of lien with the portion of the Bonds which is not refunded, if there be any, and the refunding bonds shall continue to enjoy whatever priority of lien over subsequent issues may have been enjoyed by the Bonds refunded, provided, however, that if only a portion of the Bonds outstanding is so refunded and the refunding bonds require total principal and interest payments during any bond year in excess of the principal and interest which would have been required in such bond year to pay the Bonds refunded thereby, then such Bonds may not be refunded without consent of the Owners of the unrefunded portion of the Bonds issued hereunder.

(e) Additional Parity Bonds, including any other *pari passu* additional bonds as may at any later date be authorized at an election held by the Issuer or otherwise, may also be issued, and such Additional Parity Bonds shall be on a parity with the Bonds herein authorized if all of the following conditions are met:

(i) The Net Revenues of the Taxes for the calendar year immediately preceding the issuance of the bonds must have been not less than two (2) times the highest combined principal and interest requirements for any succeeding calendar year period on all bonds then outstanding, including any Additional Parity Bonds theretofore issued and then outstanding, and any other bonds or other obligations whatsoever then outstanding which are payable from the Taxes (but not including bonds which have been refunded or provision otherwise made for their full payment and redemption) and the additional bonds so proposed to be issued;

(ii) The payments to be made into the various funds provided for in Section 10 hereof must be current;

(iii) The existence of the facts required by paragraphs (i) and (ii) above must be determined and certified to by the chief financial officer of the Issuer on the basis of the public audits, books, records and/or accounts relating to the Parish Sales Tax and the Capital Improvement Sales Tax, and for this purpose a system of cash receipts rather than accrued accounting shall be used; and

- (iv) The Additional Parity Bonds must be payable as to principal on March 1st of each year in which principal falls due, beginning not later than three (3) years from the date of issuance of said Additional Parity Bonds and payable as to interest on March 1st and September 1st of each year.

SECTION 16. Fidelity Bonds for Officers and Employees. 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 17. Amendments to Bond Ordinance. The Issuer may make amendments at any time which will cure ambiguities, correct format defects or add security to the payment of the Bonds upon giving Notice to the Insurer. No material modification or amendment of this Bond Ordinance, or of any ordinance amendatory hereof or supplemental hereto, may be made without the consent in writing of the Owners of two-thirds (2/3) of the aggregate principal amount of the Bonds then outstanding; provided, however, that no such modification or amendment shall permit a change in the maturity of the Bonds or the redemption provisions thereof, or a reduction in the rate of interest thereon, or the promise of the Issuer to pay the principal of an the interest on the Bonds as the same shall come due from the revenues of the Tax, or reduce the percentage of owners required to consent to any material modification or amendment of this Bond Ordinance, without the consent of the Owner or Owners of the Bonds and the Insurer.

SECTION 18. Mutilated, Destroyed, Lost or Stolen Bonds. If any mutilated Bond is surrendered to the Paying Agent, or the Issuer and the Paying Agent receive evidence to their satisfaction of the destruction, loss, or theft of any Bond, and there is delivered to the Issuer and the Paying Agent such security or indemnity as may be required by them to save each of them harmless, then, in the absence of notice to the Issuer or the Paying Agent that such Bond has been acquired by a bona fide purchaser, the Issuer shall execute and upon its request the Paying Agent shall register and deliver, in exchange for or *in lieu* of any such mutilated, destroyed, lost, or stolen Bond, a new Bond of the same maturity and of like tenor and principal amount, bearing a number not contemporaneously outstanding. In case any such mutilated, destroyed, lost, or stolen Bond has become or is about to become due and payable, the issuer in its discretion may, instead of issuing a new Bond, pay such Bond. Upon the issuance of any new Bond under this Section, the Issuer may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith. Every new Bond issued pursuant to this Section *in lieu* of any mutilated, destroyed, lost, or stolen Bond shall constitute a replacement of the prior obligation of the Issuer, whether or not the mutilated, destroyed, lost, or stolen Bond shall be at any time enforceable by anyone, and shall be entitled to all the benefits of this Bond Ordinance equally and ratably with all other Outstanding Bonds. The procedures set forth in the Agreement authorized in this Bond Ordinance shall also be available with respect to mutilated, destroyed, lost or stolen Bonds. The provisions of this Section are exclusive and shall preclude (to the extent lawful) all other rights and remedies with respect to the replacement and payment of mutilated, destroyed, lost or stolen Bonds.

SECTION 19. Discharge of Bond Ordinance. If the Issuer shall pay or cause to be paid, or there shall be paid to the Owners, the principal (and redemption price) of and interest on the Bonds, at the times and in the manner stipulated in this Bond Ordinance, then the pledge of the Tax or any other money, securities, and funds pledged under this Bond Ordinance and all covenants, agreements, and other obligations of the Issuer to the Owners of Bonds shall thereupon cease, terminate, and become void and be discharged and satisfied, and the Paying Agent shall pay over or deliver all money held by it under this Bond Ordinance to the Issuer.

SECTION 20. Defeasance. Bonds or interest installments for the payment of which money shall have been set aside and shall be held in trust (through deposit of funds for such payment or otherwise) at the maturity date thereof shall be deemed to have been paid within the meaning and with the effect expressed above in this Section. 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 with Defeasance Obligations pursuant to Chapter 14 of Title 39 of the Louisiana Revised Statutes of 1950, as amended, or any successor provisions thereto.

SECTION 21. Events of Default. If one or more of the following events (in this Bond Ordinance called "Events of Default") shall happen, that is to say,

- i) if default shall be made in the due and punctual payment of the principal of any Bond when and as the same shall become due and payable, whether at maturity or otherwise; or

- ii) if default shall be made in the due and punctual payment of any installment of interest on any bond when and as such interest installment shall become due and payable; or
- iii) 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 the Bond Ordinance, any supplemental ordinance or in the Bonds contained and such default shall continue for a period of thirty (30) days after written notice thereof to the Issuer by any Owner; or
- iv) if the Issuer shall file a petition or otherwise seek relief under any federal or State bankruptcy law or similar law;

then, upon the happening and continuance of any Event of Default the Owners of the Bonds shall be entitled to exercise all rights and powers for which provision is made under Louisiana law. As long as the Bonds are insured, the Insurer, acting alone, shall have the right to direct all remedies in the event of a default. The Insurer shall be recognized as the registered owner of each bond which it insures for the purposes of exercising all rights and privileges available to bondholders. For bonds which it insures, the Insurer shall have the right to institute any suit, action, or proceeding at law or in equity under the same terms as a bondholder in accordance with applicable provisions of the governing documents.

SECTION 22. Successor Paying Agent; Paying Agent Agreement. The Issuer will at all times maintain a Paying Agent meeting the qualifications hereinafter described for the performance of the duties hereunder for the Bonds. The designation of Bank One Trust Company, N. A., in the City of New Orleans, Louisiana, as the initial Paying Agent is hereby confirmed and approved. The Issuer reserves the right to appoint a successor Paying Agent by filing with the Person then performing such function a certified copy of a resolution or ordinance giving notice of the termination of the Agreement and appointing a successor and causing notice to be given to each Owner. Every Paying Agent appointed hereunder shall at all times be a bank or trust company organized and doing business under the laws of the United States of America or of any state, authorized under such laws to exercise trust powers, and subject to supervision or examination by Federal or State authority. The Executive Officers are hereby authorized and directed to execute an appropriate Agreement with the Paying Agent for and on behalf of the Issuer in such form as may be satisfactory to said officers, the signatures of said officers on such Agreement to be conclusive evidence of the due exercise of the authority granted hereunder.

SECTION 23. Effect of Registration. The Issuer, the Paying Agent, and any agent of either of them may treat the Owner in whose name any Bond is registered as the Owner of such Bond for the purpose of receiving payment of the principal (and redemption price) of and interest on such Bond and for all other purposes whatsoever, and to the extent permitted by law, neither the Issuer, the Paying Agent, nor any agent of either of them shall be affected by notice to the contrary.

SECTION 24. Notices to Owners. Wherever this Bond Ordinance provides for notice to Owners of Bonds of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided) if in writing and mailed, first-class postage prepaid, to each Owner of such Bonds, at the address of such Owner as it appears in the Bond Register. In any case where notice to Owners of Bonds is given by mail, neither the failure to mail such notice to any particular Owner of Bonds, nor any defect in any notice so mailed, shall affect the sufficiency of such notice with respect to all other Bonds. Where this Bond Ordinance provides for notice in any manner, such notice may be waived in writing by the Owner entitled to receive such notice, either before or after the event, and such waiver shall be the equivalent of such notice. Waivers of notice by Owners shall be filed with the Paying Agent, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

SECTION 25. Cancellation of Bonds. All Bonds surrendered for payment, redemption, transfer, exchange or replacement, if surrendered to the Paying Agent, shall be promptly cancelled by it and, if surrendered to the Issuer, shall be delivered to the Paying Agent and, if not already cancelled, shall be promptly cancelled by the Paying Agent. The Issuer may at any time deliver to the Paying Agent for cancellation any Bonds previously registered and delivered which the Issuer may have acquired in any manner whatsoever, and all Bonds so delivered shall be promptly cancelled by the Paying Agent. All cancelled Bonds held by the Paying Agent shall be disposed of as directed in writing by the Issuer.

SECTION 26. Preparation of Bonds; Deposit of Bond Proceeds. The Executive Officers are hereby empowered, authorized and directed to do any and all things necessary and incidental to carry out all of the provisions of this Bond Ordinance, to cause the necessary Bonds to be printed or lithographed, to issue, execute, seal and deliver the Bonds, to effect the delivery of the

Bonds in accordance with the sale thereof, to collect the purchase price therefor, and to deposit the funds derived from the sale of the Bonds as follows:

1. Accrued interest shall be deposited in the Sinking Fund.
2. An appropriate deposit shall be made into the Reserve Fund in accordance with the provisions of Section 10 hereof.
3. The remaining Bond proceeds shall be deposited and used in accordance with the provisions of the Escrow Deposit Agreement.

The Executive Officers are hereby directed to transfer all funds required by the provisions of the Escrow Deposit Agreement.

SECTION 27. Arbitrage. 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 in order to establish, maintain and preserve the exclusion from "gross income" of interest on the Bonds under the Code. The Issuer further covenants and agrees that it will not take any action, fail to take any action, or permit any action within its control to be taken, or permit at any time or times any of the proceeds of the Bonds or any other funds of the Issuer to be used directly or indirectly in any manner, the effect of which would be to cause the Bonds to be "arbitrage bonds" or would result in the inclusion of the interest on any of the Bonds in gross income under the Code, including, without limitation, the failure to comply with the limitation on investment of Bond proceeds or the failure to pay any required rebate of arbitrage earnings to the United States of America or the use of the proceeds of the Bonds in a manner which would cause the Bonds to be "private activity bonds". The Executive Officers are hereby empowered, authorized and directed to take any and all action and to execute and deliver any instrument, document or certificate necessary to effectuate the purposes of this Section.

The Executive Officers of the Issuer 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 28. Publication; Peremption. A copy of this Bond Ordinance shall be published immediately after its adoption in one issue of 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 Bond Ordinance and of the Bonds to be issued pursuant hereto and the provisions hereof securing the Bonds. After the expiration of said thirty (30) days, no one shall have any cause of right of action to contest the legality, formality or regularity of this Bond Ordinance or bond authorization, for any cause whatsoever. If the question of the validity of this Bond Ordinance or bond authorization is not raised within the thirty days, the authority to issue the Bonds and the regularity thereof, including all things pertaining to the election at which the Bonds were authorized, shall be conclusively presumed, and no court may inquire into such matters.

SECTION 29. Recordation. A certified copy of this Bond Ordinance shall be filed and recorded as soon as possible in the Mortgage Records of the Parish of Terrebonne, State of Louisiana.

SECTION 30. Section Headings. The headings of the various 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 31. Severability. In case any one or more of the provisions of this Bond Ordinance or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Bond Ordinance or of the Bonds, but this Bond 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 Bond Ordinance which validates or makes legal any provision of this Bond Ordinance and/or the Bonds which would not otherwise be valid or legal, shall be deemed to apply to this Bond Ordinance and to the Bonds.

SECTION 32. Employment of Bond Counsel . It is recognized by the Governing Authority that a real necessity exists for the employment of special bond counsel in connection with the issuance of the Bonds and accordingly the employment of Foley & Judell, L.L.P., of New Orleans, Louisiana, as special bond counsel to the Issuer to do and perform comprehensive legal and co-ordinate professional work with respect to the issuance and sale of the Bonds, is hereby ratified and confirmed. The fees to be paid said attorneys shall be in accordance with the Attorney General's Guidelines for Fees and Services of Bond Attorneys, which fee for special bond counsel shall not exceed the amount calculated in accordance with the Attorney General's Guidelines for Comprehensive Legal Services in the issuance of revenue bonds, plus actual out-of-pocket expenses incurred in connection with the issuance of the Bonds, and shall be contingent upon the delivery of the Bonds. Bond Counsel shall also assist in the preparation of an Official Statement containing detailed and comprehensive financial and statistical data

required with respect to the sale of the Bonds and the costs of the preparation, printing and distribution of such official statement shall be paid from the proceeds of the Bonds. Said Official Statement may be submitted to such nationally recognized bond rating service or services as may be recommended by bond counsel, together with a request that an appropriate rating be assigned. A certified copy of this Bond Ordinance shall be submitted to the Attorney General of the State of Louisiana for his written approval of said employment and of the fees herein designated.

SECTION 33. Escrow Agent; Appointment and Acceptance of Duties . Bank One Trust Company, N. A., in the City of New Orleans, Louisiana, is hereby appointed Escrow Agent. The Escrow Agent shall signify its acceptance of the duties and obligations imposed upon it by this Bond Ordinance by executing and delivering the Escrow Agreement. The Escrow Agent is authorized to file, on behalf of the Issuer, subscription forms for any Government Securities required by the Escrow Agreement. A successor to the Escrow Agent may be designated in the manner set forth in the Escrow Agreement.

SECTION 34. Call for Redemption . Subject only to the actual delivery of the Bonds, \$4,665,000 principal amount of the Issuer's Public Improvement Bonds, Series 1994, maturing March 1, 2005 to March 1, 2014, inclusive, are hereby irrevocably called for redemption on March 1, 2004 at the principal amount thereof and accrued interest to the redemption date, plus a premium equal to 102% of the principal amount so redeemed, in compliance with the ordinance authorizing their issuance.

SECTION 35. Notices of Redemption . In accordance with the ordinance authorizing the issuance of the Refunded Bonds, a notice of redemption in substantially the forms attached hereto as **Exhibit D**, shall be sent by the paying agent for the Refunded Bonds first class mail, postage prepaid, by notice deposited in the United States mails not less than thirty (30) days prior to the redemption date addressed to the registered owner of each Bond to be redeemed at his address as shown on the registration books of the Paying Agent.

SECTION 36. Continuing Disclosure Certificate. The Parish President and/or Director of Finance are hereby empowered and directed to execute an appropriate Continuing Disclosure Certificate (substantially in the form set forth in Appendix H of the official statement issued in connection with the sale and issuance of the Bonds) pursuant to S.E.C. Rule 15c2-12(b)(5).

SECTION 37. Sale of Bonds. The Bonds are hereby awarded to and sold to the Underwriter at a price of \$5,108,327.11 [representing the par amount of the Bonds (\$5,200,000), minus Underwriters' Discount (1.3%) of \$67,600.00, minus the cost of the Municipal Bond Insurance Policy of (\$24,072.89) which will be paid by the Purchaser directly to the Insurer), plus accrued interest, and under the terms and conditions set forth in the Bond Purchase Agreement (hereinafter defined), and after their execution, registration by the Secretary of State and authentication by the Paying Agent, the Bonds shall be delivered to the Purchaser or their agents or assigns, upon receipt by the Issuer of the agreed purchase price. The Bond Purchase Agreement dated June 25, 2003, in substantially the form attached hereto as Exhibit E is hereby approved and the Executive Officers are hereby authorized, empowered and directed to execute the Bond Purchase Agreement on behalf of the Issuer and deliver or cause to be executed and delivered all documents required to be executed on behalf of the Issuer or deemed by them necessary or advisable to implement the Bond Ordinance or to facilitate the sale of the Bonds.

SECTION 38. Official Statement . The Issuer hereby approves the form and content of the Preliminary Official Statement dated June 25, 2003, pertaining to the Bonds, as submitted to the Issuer, and hereby ratifies its prior use in connection with the sale of the Bonds. The Issuer further approves the form and content of the final Official Statement and hereby authorizes and directs the execution by the Executive Officers and delivery of such final Official Statement to the Underwriter for use in connection with the public offering of the Bonds.

SECTION 39. Bond Insurance Requirements. This Council hereby finds that the Bonds and the financing through the Bonds are issued and will be benefited by the purchase of the Insurance Policy. All notices required to be given under the terms of this ordinance shall additionally be given to the Insurer.

SECTION 40. Effective Date. This Bond Ordinance shall become effective immediately.

This ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: Ray J. Boudreaux, Jr., Christa Duplantis, J.B. Breaux, Harold Lapeyre, Clayton Voisin, Peter Rhodes, Daniel D. Henry, Alvin Tillman and Wayne Thibodeaux.

NAYS: None.

ABSENT: None.

ABSTAINING: None.

And the ordinance was declared adopted on this 25th day of June, 2003.

* * * * *

The Chairman recognized the public for comments on the following:

- C. A proposed ordinance that will authorize the issuance of General Obligation Refunding Bonds, Series 2003, of the Parish of Terrebonne, State of Louisiana, prescribing the form, fixing the details and providing for the rights of owners thereof; providing for the payment of the principal of and interest on such bonds

There were no comments from the public on the proposed ordinance.

Mr. R. Boudreaux moved, seconded by Mr. J. B. Breaux, "THAT, the Council close the aforementioned public hearing."

The Chairman called for a vote on the motion offered by Mr. R. Boudreaux.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, D. Henry, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: None

The Chairman declared the motion adopted.

The Chairman recognized Mr. Jerry Osborne, Foley, Judell Bond Counsel, who explained that the refunding of bonds on tonight's agenda will be a cost savings of \$267,000 for the General Obligation Bonds and \$475,000 for the Sales Tax Bonds for Terrebonne Parish. Mr. Osborne stated that the interest rates are probably at an all time low and it is very beneficial to be able to take advantage of the cost savings.

Upon questioning by Councilman W. Thibodeaux, Mr. C. J. Domangue, Edward Jones Investments in Houma, stated that approximately \$2,000,000. worth of bonds have been recently sold to local residents and the bulk of the interest is remaining in Terrebonne Parish. Mr. Domangue thanked Terrebonne Parish and Foley, Judell for allowing them the opportunity to do business with Terrebonne Parish Government.

The following ordinance was offered by Mr. Daniel D. Henry and seconded Unanimously:

ORDINANCE NO. 6769

An ordinance providing for the issuance and sale of One Million Eight Hundred Forty-five Thousand Dollars (\$1,845,000) of General Obligation Refunding Bonds, Series 2003, of the Parish of Terrebonne, State of Louisiana; prescribing the form, fixing the details and providing for the rights of the owners thereof; providing for the payment of the principal of and interest on such bonds and the application of the proceeds thereof to the refunding of certain bonds of said Parish; and providing for other matters in connection therewith.

WHEREAS, pursuant to the provisions of Article VI, Section 33 of the Constitution of the State of Louisiana of 1974, Sub-Part A, Part III, Chapter 4, and Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, the Parish of Terrebonne, State of Louisiana (the "Issuer"), acting through its governing authority, the Terrebonne Parish Council of the Parish of Terrebonne, State of Louisiana (the "Governing Authority"), has heretofore issued (i)\$900,000 of General Obligation Paving Bonds, Series 1993A (the "Series 1993A Bonds"); and (ii)\$1,600,000 of General Obligation Drainage Bonds, Series 1993B (the "Series 1993B Bonds").

WHEREAS, the Issuer is authorized to borrow money and issue general obligation bonds payable from ad valorem taxes to refund its outstanding general obligation bonds, pursuant to Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended (the "Act"), and other constitutional and statutory authority; and

WHEREAS, the Issuer has found and determined that the refunding of the outstanding General Obligation Series 1993A and 1993B Bonds, consisting of (i)\$650,000 of General Obligation Paving Bonds, Series 1993A which mature March 1,2004 to 2018, inclusive and (ii) \$1,135,000 of General Obligation Drainage Bonds, Series 1993B which mature March 1, 2004 to March 1, 2018, inclusive (the "Refunded Bonds"), would be financially advantageous to the Issuer and would result in a lower effective interest rate on such Refunded Bonds and debt service savings to the Issuer; and

WHEREAS, pursuant to Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, it is now the desire of this Governing Authority to adopt this Ordinance in order to provide for the issuance of One Million Eight Hundred Forty-five Thousand Dollars (\$1,845,000) principal amount of its General Obligation Refunding Bonds, Series 2003, of the Issuer (the "Bonds"), for the purpose of refunding the Refunded Bonds, to fix the details of the Bonds and to sell the Bonds to the purchaser thereof; 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, 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 and to provide for the call for redemption of the Refunded Bonds, pursuant to a Notice of Call for Redemption substantially in the form attached hereto as Exhibit D; 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 RESOLVED by the Terrebonne Parish Council of the Parish of Terrebonne, State of Louisiana, acting as the governing authority thereof, that:

ARTICLE 1

DEFINITIONS AND INTERPRETATION

1

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

"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.

"Bond" or **"Bonds"** shall mean any or all of the General Obligation Refunding Bonds, Series 2003 of the Issuer, 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 Obligation" shall mean, as of the date of computation, the principal amount of the Bonds then Outstanding.

"Bond Ordinance" shall mean this Ordinance, as it may be amended and supplemented as herein provided.

"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 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, premiums for the insurance of the payment of the Bonds, if any, and any other cost, charge or fee paid or payable by the Issuer in connection with the original issuance of Bonds.

"Debt Service" for any period shall mean, as of the date of calculation, an amount equal to the sum of (a) interest payable during such period on Bonds and (b) the principal amount of Bonds which mature during such period.

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

"Executive Officers" shall mean, collectively, the Parish President and the Clerk of the Governing Authority.

"Fiscal Year" shall mean the one-year accounting period commencing on January 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 Terrebonne Parish Council of the Parish of Terrebonne, 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.

"Insurer" means XL Capital Assurance, Inc., or any successor thereto.

"Interest Payment Date" shall mean March 1 and September 1 of each year, commencing September 1, 2003.

"Issuer" shall mean the Parish of Terrebonne, State of Louisiana.

"Municipal Bond Insurance Policy" means the municipal bond insurance policy issued by the Insurer insuring the payment when due of the principal of and interest on the Bonds as provided therein.

"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 or an escrow agent in trust for the owners of such Bonds as provided in Section hereof, 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.

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

"Paying Agent" shall mean Bank One Trust Company, N.A, in the City of New Orleans, Louisiana, as paying agent and registrar 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 Edward D. Jones & Co.,L.P., of St. Louis, Missouri.

"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.

"Refunded Bonds" shall mean the Issuer's (i) \$650,000 of outstanding General Obligation Paving Bonds, Series 1993A maturing March 1, 2004 to March 1, 2018, inclusive and (ii)\$1,135,000 of outstanding General Obligation Drainage Bonds, Series 1993B, maturing March 1, 2004 to March 1, 2018, inclusive, which are being refunded by the Bonds, as more fully described in Exhibit A hereto.

"State" shall mean the State of Louisiana.

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 2

AUTHORIZATION AND ISSUANCE OF BONDS

2

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 "General Obligation Refunding Bonds, Series 2003, of the Parish of Terrebonne, 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 through the deposit of a portion of the proceeds of the Bonds, in order to provide for the payment of the principal of and interest on the Refunded Bonds upon redemption as provided in Section 13.1 hereof, and paying the Costs of Issuance.

(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 constitute general obligations of the Issuer, and the full faith and credit of the Issuer is hereby pledged for their payment and for the payment of all the interest thereon. The Issuer is bound under the terms and provisions of law and this Bond Ordinance to impose and collect annually, in excess of all other taxes, a tax on all the property subject to taxation within the territorial limits of the Issuer, sufficient to pay the principal of and interest on the Bonds falling due each year, said tax to be levied and collected by the same officers, in the same manner and at the same time as other taxes are levied and collected within the territorial limits of the Issuer. All ad valorem taxes levied by the Issuer in each year for the payment of the Bonds shall, upon their receipt, be transferred to the Governing Authority, which shall have responsibility for the deposit of such receipts and for the investment and reinvestment of such receipts and the servicing of the Bonds and any other general obligation bonds of the Issuer.

SECTION 2.4 Authorization and Designation . Pursuant to the provisions of the Act, there is hereby authorized the issuance of One Million Eight Hundred Forty-five Thousand Dollars (\$1,845,000) principal amount of Bonds of the Issuer to be designated "General Obligation Refunding Bonds, Series 2003, of the Parish of Terrebonne, State of Louisiana," for the purpose of refunding the Refunded Bonds and paying the Costs of Issuance. The Bonds shall be in substantially the form set forth as Exhibit B hereto, with such necessary or appropriate variations, omissions and insertions as are required or permitted by the Act and this Bond Ordinance.

This Governing Authority hereby finds and determines that upon the issuance of the Bonds, the total outstanding amount of general obligation bonds of the Issuer issued and deemed to be outstanding will not exceed the Issuer's general obligation bond limit.

SECTION 2.5 Denominations, Dates, Maturities and Interest . The Bonds are issuable as fully registered bonds without coupons in the denominations corresponding to the principal amount of each maturity (one Bond per maturity), and shall be numbered R-1 upward.

The Bonds shall be dated the August 1, 2003 thereof, shall mature on March 1 in the years and in the principal amounts and shall bear interest, payable on March 1 and September 1 of each year, commencing September 1, 2003, at the rates per annum, as follows:

<u>DATE</u> <u>(MARCH 1)</u>	<u>PRINCIPAL</u> <u>PAYMENT</u>	<u>INTEREST</u> <u>RATE</u>	<u>DATE</u> <u>(MARCH 1)</u>	<u>PRINCIPAL</u> <u>PAYMENT</u>	<u>INTEREST</u> <u>RATE</u>
2004	\$160,000	1.00%	2012	\$205,000	3.00%
2005	165,000	1.20	2013	220,000	3.125
2006	165,000	1.40			
2007	175,000	1.75			
2008	180,000	2.05			
2009	185,000	2.35			
2010	195,000	2.65			
2011	195,000	2.85			

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. 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.

The Issuer does hereby find that since substantial benefits will accrue from the insurance of the Bonds, the Bonds are being insured by the Insurer and an appropriate legend shall be printed on the Bonds as evidence of such insurance. The cost of the Municipal Bond Insurance Policy shall be paid by the Issuer from the proceeds of the Bonds.

ARTICLE 3

GENERAL TERMS AND PROVISIONS OF THE BONDS

3

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 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.

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.

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 a resolution 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 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) complying 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 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."

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 Preparation of Definitive Bonds, Temporary Bonds . Until the definitive Bonds are prepared, the Issuer may execute, in the same manner as is provided in Section , and deliver, *in lieu* of definitive Bonds, but subject to the same provisions, limitations and conditions as the definitive Bonds except as to the denominations, one or more temporary typewritten Bonds substantially of the tenor of the definitive Bonds *in lieu* of which such temporary Bond or Bonds are issued, in authorized denominations, and with such omissions, insertions and variations as may be appropriate to temporary Bonds.

SECTION 3.4 Cancellation of Bonds . All Bonds paid 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 Secretary of the Governing Authority an appropriate certificate of cancellation.

SECTION 3.5 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 3.6 Registration by Secretary of State . The Bonds shall be registered with the Secretary of State of the State of Louisiana and shall bear the endorsement of the Secretary of State of Louisiana substantially in the form set forth in Exhibit B hereto, provided such endorsement shall be manually signed only on the Bonds initially delivered to the Purchaser and any Bonds subsequently exchanged therefor as permitted in this Bond Ordinance may bear the facsimile signature of said Secretary of State.

SECTION 3.7 Registration by Paying Agent . 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 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.

SECTION 3.8 Recital of Regularity . This Governing Authority, having investigated the regularity of the proceedings had in connection with this issue of Bonds, and having determined the same to be regular, the Bonds shall contain the following recital, to-wit:

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

ARTICLE 4

SINKING FUND; PAYMENT OF BONDS

4

(a) SECTION 4.1 Sinking Fund . For the payment of the principal of and the interest on the Bonds, the Issuer will maintain a special fund, to be held by the regularly designated fiscal agent of the Issuer (the "Sinking Fund"), into which the Issuer will deposit the proceeds of the aforesaid tax described in Section hereof and no other moneys whatsoever (except for interest earnings thereon). The depository for the Sinking Fund shall transfer from the Sinking Fund to the Paying Agent at least three (3) days in advance of each Interest Payment Date, funds fully sufficient to pay promptly the principal and interest falling due on such date.

(b) All moneys deposited with the regularly designated fiscal agent bank or banks of the Issuer or the Paying Agent under the terms of this Bond Ordinance shall constitute sacred funds for the benefit of the Owners of the Bonds, and shall be secured by said fiduciaries at all times to the full extent thereof in the manner required by law for the securing of deposits of public funds.

(c) All or any part of the moneys in the Sinking Fund shall, at the written request of the Issuer, be invested in accordance with the provisions of the laws of the State of Louisiana, in which event all income derived from such investments shall be added only to the Sinking Fund. Accrued interest, if any, received upon delivery of the Bonds shall be invested only in Government Securities maturing on or prior to the first Interest Payment Date.

SECTION 4.2 Payment of Bonds . The Issuer shall duly and punctually pay or cause to be paid as herein provided, the principal of every Bond and the interest thereon, at the dates and places and in the manner stated in the Bonds according to the true intent and meaning thereof.

ARTICLE 5

REDEMPTION OF BONDS

5

SECTION 5.1 Redemption of Bonds . The Bonds maturing March 1, 2009, and thereafter will be callable for redemption by the Issuer in full or in part at any time on or after March 1, 2008, at the principal amount thereof plus accrued interest to the date fixed for redemption.

In the event a Bond is of a denomination larger than \$5,000, a portion of such Bond (\$5,000 or any multiple thereof) may be redeemed. Any Bond which is to be redeemed only in part shall be surrendered at the office of the Paying Agent and there shall be delivered to the owner of such Bond or Bonds of the same maturity and of any authorized denomination or denominations as requested by such owner in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

In the event of redemption of less than all of the outstanding Bonds of like maturity, such Bonds shall be redeemed by lot or in such other manner as shall be deemed fair and equitable by the Paying Agent for random selection.

Official notice of such call of any of the Bonds for redemption will be given by first class mail, postage prepaid, by notice deposited in the United States mails not less than thirty (30) days prior to the redemption date addressed to the registered owner of each Bond to be redeemed at his address as shown on the registration books of the Paying Agent.

ARTICLE 6

APPLICATION OF BOND PROCEEDS

6

SECTION 6.1 Application of Bond Proceeds . As a condition of the issuance of the Bonds, the Issuer hereby binds and obligates itself to:

- (a) Apply an amount of the proceeds derived from the issuance and sale of the Bonds (exclusive of accrued interest), as will fully redeem the Refunded Bonds.
- (b) Deposit accrued interest, if any, received on the delivery date of the Bonds into the Sinking Fund established by Section hereof and apply said funds to pay a portion of the interest due on the Bonds on the first Interest Payment Date therefor. Accrued interest, if any, received upon delivery of the Bonds shall be invested only in Government Securities maturing on or prior to the first Interest Payment Date.

ARTICLE 7

SUPPLEMENTAL BOND ORDINANCES

7

SECTION 7.1 Supplemental Ordinances Effective Without Consent of Owners . For any one or more of the following purposes and at any time from time to time, a 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 7.2 Supplemental Ordinances Effective With Consent of Owners . Except as provided in Section , any modification or amendment of the Bond Ordinance or of the rights and obligations of the Issuer and of the Owners of the Bonds 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 redemption price thereof or in the rate of interest thereon without the consent of the Owner of such Bond, or shall reduce the percentage 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 taxes 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 the Paying 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 8

TAX AND SECURITIES LAWS COVENANTS

8

SECTION 8.1 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 in order 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 8.2 Bonds are not "Bank-Qualified" . The Bonds are not designated as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code.

SECTION 8.3 Disclosure Under SEC Rule 15c2-12 . The Parish President and/or Director of Finance are hereby empowered and directed to execute an appropriate Continuing Disclosure Certificate (substantially in the form set forth in Appendix H of the official statement issued in connection with the sale and issuance of the Bonds) pursuant to S.E.C. Rule 15c2-12(b)(5).

ARTICLE 9

REMEDIES ON DEFAULT

9

SECTION 9.1 Events of Default . If one or more of the following events (in this Bond Ordinance called "Events of Default") shall happen, that is to say,

- (a) if default shall be made in the due and punctual payment of the principal of any Bond when and as the same shall become due and payable, whether at maturity or otherwise; or
- (b) if default shall be made in the due and punctual payment of any installment of interest on any Bond when and as such interest installment shall become due and payable; or
- (c) if default shall be made by the Issuer in the performance or observance of any other of the covenants, agreements or conditions on its part in the Bond Ordinance, any supplemental ordinance or in the Bonds contained and such default shall continue for a period of forty-five (45) days after written notice thereof to the Issuer by any Owner; or
- (d) if the Issuer shall file a petition or otherwise seek relief under any Federal or State bankruptcy law or similar law;

then, upon the happening and continuance of any Event of Default the Owners of the Bonds shall be entitled to exercise all rights and powers for which provision is made under Louisiana law. As long as the Bonds are insured, the Insurer, acting alone, shall have the right to direct all remedies in the event of a default. The Insurer shall be recognized as the registered owner of each bond which it insures for the purposes of exercising all rights and privileges available to bondholders. For bonds which it insures, the Insurer shall have the right to institute any suit,

action, or proceeding at law or in equity under the same terms as a bondholder in accordance with applicable provisions of the governing documents.

ARTICLE 10

CONCERNING FIDUCIARIES

10

SECTION 10.1 Paying Agent; Appointment and Acceptance of Duties . The Issuer will at all times maintain a Paying Agent having the necessary qualifications for the performance of the duties described in this Bond Ordinance. The designation of Bank One Trust Company, N.A. in the City of New Orleans, Louisiana, as the initial Paying Agent is hereby confirmed and approved. The Paying Agent shall signify its acceptance of the duties and obligations imposed on it by the Bond Ordinance by executing and delivering to the Executive Officers a written acceptance thereof. The Governing Authority reserves the right to appoint a successor Paying Agent by filing with the Person then performing such function a certified copy of a resolution or ordinance giving notice of the termination of the agreement and appointing a successor and causing notice to be given to each Owner. Furthermore, the Paying Agent may be removed by the Issuer at any time for any breach of its duties set forth herein, affective upon appointment of a successor Paying Agent as set forth above. Every Paying Agent appointed hereunder shall at all times be a trust company or bank organized and doing business under the laws of the United States of America or of any State, authorized under such laws to exercise trust powers, and subject to supervision or examination by Federal or State authority.

ARTICLE 11

MISCELLANEOUS

11

SECTION 11.1 Defeasance . (a) If the Issuer shall pay or cause to be paid to the Owners of all Bonds then outstanding, the principal and interest to become due thereon, at the times and in the manner stipulated therein and in the Bond Ordinance, then the covenants, agreements and other obligations of the Issuer to the Owners shall be discharged and satisfied. In such event, the Paying Agent 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 shall pay over or deliver to the Issuer all moneys, securities and funds held by them pursuant to the Bond Ordinance which are not required for the payment of Bonds not theretofore surrendered for such payment.

Bonds or interest installments for the payment of which money shall have been set aside and shall be held in trust (through deposit by the Issuer of funds for such payment or otherwise) at the maturity date thereof shall be deemed to have been paid within the meaning and with the effect expressed above in this Section. 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 11.2 Evidence of Signatures of Owners and Ownership of Bonds . (a) Any request, consent, revocation of consent or other instrument which the Bond Ordinance may require or permit to be signed and executed by the Owners may be in one or more instruments of similar tenor, and shall be signed or executed by such Owners in person or by their attorneys-in-fact appointed in writing. Proof of the execution of any such instrument, or of an instrument appointing any such attorney, or the ownership by any person of the Bonds shall be sufficient for any purpose of the Bond Ordinance (except as otherwise therein expressly provided) if made in the following manner, or in any other manner satisfactory to the Paying Agent, 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 Owner or his attorney-in-fact of such instrument 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 a 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 registration books of the Paying Agent.

(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 or the Paying Agent in accordance therewith.

SECTION 11.3 Moneys Held for Particular Bonds . The amounts held by the Paying Agent for the payment due on any date with respect to particular Bonds shall, on and after such date and pending such payment, be set aside on its books and held in trust by it, without liability for interest, for the Owners of the Bonds entitled thereto.

SECTION 11.4 Parties Interested Herein . Nothing in the Bond Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the Issuer, the Paying Agent and the Owners of the Bonds any right, remedy or claim under or by reason of the Bond Ordinance or any covenant, condition or stipulation thereof; and all the covenants, stipulations, promises and agreements in the Bond Ordinance contained by and on behalf of the Issuer shall be for the sole and exclusive benefit of the Issuer, the Paying Agent and the Owners of the Bonds and the Refunded Bonds.

SECTION 11.5 No Recourse on the Bonds . No recourse shall be had for the payment of the principal of or interest on the Bonds or for any claim based thereon or on this Bond Ordinance against any member of the Governing Authority or officer of the Issuer or any person executing the Bonds.

SECTION 11.6 Successors and Assigns . Whenever in this Bond 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 Bond 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 11.7 Subrogation . In the event the Bonds herein authorized to be issued, or any of them, should ever be held invalid by any court of competent jurisdiction, the Owner or Owners thereof shall be subrogated to all the rights and remedies against the Issuer had and possessed by the owner or owners of the Refunded Bonds.

SECTION 11.8 Severability . In case any one or more of the provisions of the Bond Ordinance or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of the Bond Ordinance or of the Bonds, but the Bond Ordinance and the Bonds shall be construed and enforced as if such illegal or invalid provisions had not been contained therein. Any constitutional or statutory provision enacted after the date of the Bond Ordinance which validates or makes legal any provision of the Bond Ordinance or the Bonds which would not otherwise be valid or legal shall be deemed to apply to the Bond Ordinance and to the Bonds.

SECTION 11.9 Publication of Bond Ordinance . This Bond Ordinance shall be published one time in the official journal of the Issuer; however, it shall not be necessary to publish any exhibits hereto if the same are available for public inspection and such fact is stated in the publication.

SECTION 11.10 Execution of Documents . In connection with the issuance and sale of the Bonds, the Executive Officers are each authorized, empowered and directed to execute on behalf of the Issuer such documents, certificates and instruments as they may deem necessary, upon the advice of bond counsel, to effect the transactions contemplated by this Bond Ordinance, the signatures of the Executive Officers on such documents, certificates and instruments to be conclusive evidence of the due exercise of the authority granted hereunder.

ARTICLE 12

SALE OF BONDS

12

SECTION 12.1 Sale of Bonds . The Bonds are hereby awarded to and sold to the Underwriter at a price of \$1,812,606.87 [representing the par amount of the Bonds (\$1,845,000), minus Underwriters' Discount (0.400%) of \$23,985.00, minus the cost of the Municipal Bond Insurance Policy of (\$8,408.13) which will be paid by the Purchaser directly to the Insurer), plus accrued interest, and under the terms and conditions set forth in the Bond Purchase Agreement (hereinafter defined), and after their execution, registration by the Secretary of State and authentication by the Paying Agent, the Bonds shall be delivered to the Purchaser or their agents or assigns, upon receipt by the Issuer of the agreed purchase price. The Bond Purchase Agreement dated June 25, 2003, in substantially the form attached hereto as Exhibit C is hereby approved and the Executive Officers are hereby authorized, empowered and directed to execute the Bond Purchase Agreement on behalf of the Issuer and deliver or cause to be executed and delivered all documents required to be executed on behalf of the Issuer or deemed by them necessary or advisable to implement the Bond Ordinance or to facilitate the sale of the Bonds.

SECTION 12.2 Official Statement . The Issuer hereby approves the form and content of the Preliminary Official Statement dated June 25, 2003, pertaining to the Bonds, as submitted to the Issuer, and hereby ratifies its prior use in connection with the sale of the Bonds. The Issuer further approves the form and content of the final Official Statement and hereby authorizes and directs the execution by the Executive Officers and delivery of such final Official Statement to the Underwriter for use in connection with the public offering of the Bonds.

ARTICLE 13

REDEMPTION OF REFUNDED BONDS

SECTION 13.1 Call for Redemption . The Issuer's (i)\$650,000 of General Obligation Paving Bonds, Series 1993A, consisting of all outstanding bonds of that issue, maturing March 1, 2004 to March 1, 2018 inclusive and (ii)\$1,135,000 of General Obligation Drainage Bonds Series 1993B, consisting of all outstanding bonds of that issue, maturing March 1, 2004 to March 1, 2018, inclusive, which are being refunded by the Bonds, as more fully described in Exhibit A hereto, are hereby called for redemption on August 6, 2003, 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 in substantially the form attached hereto as Exhibit D, 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 prior to the date of redemption.

ARTICLE 14

INSURANCE PROVISIONS

SECTION 14.1 Bond Insurance Requirements. (a) This Council hereby finds that the Bonds and the financing through the Bonds are issued and will be benefited by the purchase of the Insurance Policy.

(b) Any notice required to be given under the provisions of this ordinance shall also be given to the Insurer, Attn. Surveillance.

This ordinance having been submitted to a vote, the vote thereon was as follows:
YEAS: Ray J. Boudreaux, Jr., Christa Duplantis, J.B. Breaux, Harold Lapeyre, Clayton Voisin, Peter Rhodes, Daniel D. Henry, Alvin Tillman and Wayne Thibodeaux.

NAYS: None.

ABSENT: None.

ABSTAINING: None.

And the ordinance was declared adopted on this 25th day of June, 2003.

* * * * *

Mr. Jerry Osborne invited the Council and Administration to attend the delivery of the aforementioned bonds on August 6 at 10:00 a.m. in New Orleans.

The Chairman recognized the public for comments on the following:

- D. A proposed ordinance that will amend the 2003 Adopted Budget and the 5-Year Capital Outlay of TPCG to change the applicant share of 25% from "Citizens's Participation – Flood Mitigation" as adopted in Ordinance No. 6696 to TPCG – local share for remaining homes (in the Fred LeBouef Subdivision) approved in a prior FEMA award

There were no comments from the public on the proposed ordinance.

Mr. H. Lapeyre moved, seconded by Mr. J. B. Breaux, "THAT, the Council close the aforementioned public hearing." ***(MOTION VOTED ON AFTER DISCUSSION.)**

Upon questioning by Councilman W. Thibodeaux, Parish Manager Al Levron stated that previous action indicated that the entire 25% from Citizen's Participation – Flood Mitigation was to be paid by the citizens and the proposed ordinance corrects that in that it will be partly paid by Parish funds.

Councilman W. Thibodeaux expressed his concerns relative to not adhering to the initial agreement that was made to the property owners.

***The Chairman called for a vote on the motion offered by Mr. H. Lapeyre.**

UPON ROLL CALL THERE WAS RECORDED:

YEAS: C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, D. Henry, and A. Tillman.

NAYS: P. Rhodes and W. Thibodeaux

ABSTAINING: None

ABSENT: R. Boudreaux

The Chairman declared the motion adopted.

OFFERED BY: Mr. D. Henry.
SECONDED BY: Mr. H. Lapeyre.

ORDINANCE NO. 6770

AN ORDINANCE TO AMEND THE 2003 ADOPTED BUDGET AND THE 5-YEAR CAPITAL OUTLAY OF THE TERREBONNE PARISH CONSOLIDATED GOVERNMENT SO AS TO CHANGE THE APPLICANT SHARE OF 25% FROM "CITIZENS PARTICIPATION – FLOOD MITIGATION" AS ADOPTED IN ORDINANCE NO. 6696 TO TERREBONNE PARISH CONSOLIDATED GOVERNMENT – LOCAL SHARE FOR TWO REMAINING HOMES APPROVED IN A PRIOR FEMA AWARD.

WHEREAS, Terrebonne Parish was awarded Federal assistance under the Hazard Mitigation Grant Program (#1380-109-0001/HMGP – Tropical Storm Allison) in January 2002 to provide for the buy-out and demolition of several homes I the Fred LeBouef Subdivision, Schriever, La., and

WHEREAS, the applicant share of 25% was financed by the Terrebonne Parish Consolidated Government following Tropical Storm Allison, and

WHEREAS, two homes (Kinsey and Thomas) qualifying under this grant were not able to be funded before exhausting this grant, and

WHEREAS, these same homes now qualify for assistance through a Flood Mitigation Assistance Program awarded to the Parish in October 2002 (FMA 01-109-0001), Ordinance No. 6696 with the local match financed by the property owners (25%), and

WHEREAS, \$99,916 of local Parish Funds dedicated to the 25% share of the Schriever Hazard Mitigation Grant Program are remaining and available to assist with the local match required by the FEMA Flood Mitigation Assistance Program limited to these two homes, and

WHEREAS, the funds would be proportionately applied to each homeowner with the homeowners participating in the remaining project balance, and

WHEREAS, a budget amendment reducing the "Citizen's Participation – Flood Mitigation" in the amount of \$99,916 using Parish funds from the Hazard Mitigation Grant is required to proceed.

NOW, THEREFORE BE IT ORDAINED by the Terrebonne Parish Council, on behalf of the Terrebonne Parish Consolidated Government, that the 2003 Adopted Budget and 5-Year Capital Outlay of the Terrebonne Parish Consolidated Government be amended as follows:

655 – PARISHWIDE DRAINAGE CONSTRUCTION FUND

655-000-6375-05	Citizen's Participation - Flood Mitigation	\$99,916.00
655-351-891910	Schriever Hazard Mitigation Program	<\$13,666.00>
655-351-8929-00	Drainage/Public Facility Mitigation Projects	<\$86,250.00>

SECTION II

If any word, clause, phrase, section or other portion of this ordinance shall be declared null, void, invalid, illegal, or unconstitutional, the remaining words, clauses, phrases, sections and other portions of this ordinance shall remain in full force and effect, the provisions of this ordinance hereby being declared to be severable.

SECTION III

This ordinance shall become effective upon approval by the Parish President or as otherwise provided in Section 2-13(b) of the Home Rule Charter for a Consolidated Government for Terrebonne Parish, whichever occurs sooner.

This ordinance, having been introduced and laid on the table for at least two weeks, was voted upon as follows:

THERE WAS RECORDED:

YEAS: C. Duplantis, J.B. Breaux, H. Lapeyre, C. Voisin, D. Henry and A. Tillman.

NAYS: P. Rhodes and W. Thibodeaux.

ABSTAINING: None.

ABSENT: R. Boudreaux, Jr.

The Chairman declared the ordinance adopted on this, the 25th day of June, 2003.

* * * * *

The Chairman recognized the public for comments on the following:

- E. A proposed ordinance that will dedicate and accept the maintenance/operation of the streets, servitudes, utilities, gas, sewer & rights-of-way for Mulberry Estates, Phase C and

incorporate the extension of Keely Ann Drive into the Enhanced 911 Emergency Response System

There were no comments from the public on the proposed ordinance.

Ms. C. Duplantis, seconded by Mr. H. Lapeyre and Mr. D. Henry, "THAT, the Council close the aforementioned public hearing."

The Chairman called for a vote on the motion offered by Mr. H. Lapeyre.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, D. Henry, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: R. Boudreaux

The Chairman declared the motion adopted.

OFFERED BY: Ms. C. Duplantis.

SECONDED BY: Mr. H. Lapeyre.

ORDINANCE NO. 6771

AN ORDINANCE DEDICATING AND ACCEPTING THE MAINTENANCE/OPERATION OF THE STREETS, SERVITUDES, UTILITIES, GAS, SEWER, RIGHTS-OF-WAY FOR "MULBERRY ESTATES PHASE C"; TO INCORPORATE THE EXTENSION OF "KEELEY ANN DRIVE" INTO THE ENHANCED 911 EMERGENCY RESPONSE SYSTEM FOR THE PURPOSE OF PROVIDING A BETTER MEANS OF LOCATING ADDRESSES; AND TO SET FORTH AN EFFECTIVE DATE FOR THE INCORPORATION OF THE STREET NAME(S), TO INFORM THE PROPER AGENCIES OF THE STREET NAME(S), AND TO AUTHORIZE THE INSTALLATION OF THE APPROPRIATE STREET SIGN(S), AND TO ADDRESS OTHER MATTERS RELATIVE THERETO.

SECTION I

BE IT ORDAINED, that the Terrebonne Parish Council, on behalf of the Terrebonne Parish Consolidated Government, dedicates and accepts the maintenance/operation of the streets, servitudes, utilities, gas, sewer, and rights-of-way as depicted on a plat, prepared March 7, 2003, by Milford & Associates, Inc. titled "MULBERRY ESTATES PHASE C", a copy of which is attached hereto and made a part hereof;

BE IT FURTHER ORDAINED, effective on the 16th day of July, 2003, that the extension of "KEELEY ANN DRIVE" be incorporated into the Enhanced 911 Emergency Response System;

BE IT FURTHER ORDAINED, that a copy of this ordinance be submitted to the Terrebonne Parish Communications Board, local U.S. Postal Services, fire districts, Acadian Ambulance, Terrebonne Parish Sheriff's Office, and any other appropriate agency; and

BE IT FURTHER ORDAINED, that the Parish Forces be directed to install the proper street sign on the appropriate street, and that any other actions relative thereto be addressed.

SECTION II

If any word, clause, phrase, section or other portion of this ordinance shall be declared null, void, invalid, illegal, or unconstitutional, the remaining words, clauses, phrases, sections or other portions of this ordinance shall remain in full force and effect, the provisions of this section hereby being declared to be severable.

This ordinance, having been introduced and laid on the table for at least two weeks, was voted upon as follows:

THERE WAS RECORDED:

YEAS: C. Duplantis, J.B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, D. Henry, A. Tillman and W. Thibodeaux.

NAYS: None.

ABSTAINING: None.

ABSENT: R. Boudreaux, Jr.

The Chairman declared the ordinance adopted on this, the 25th day of June, 2003.

* * * * *

Mr. J. B. Breaux moved, seconded by Ms. C. Duplantis, "THAT, the Council continue with the regular order of business."

The Chairman called for a vote on the motion offered by Mr. J. B. Breaux.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, D. Henry, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: R. Boudreaux

The Chairman declared the motion adopted.

Chairman C. Voisin acknowledged that the following former elected officials were present in the audience:

Mr. Robert Hale – former Council Member
Ms. Lorraine Kimbrell – former Council Member
Mr. Willie Bonvillain – former Police Juror

The Chairman recognized Ms. Diana Edmonson, Executive Director of the Area Agency on Aging and the Terrebonne Council on Aging, who gave a power point presentation outlining the services provided by the agency for the elderly and the increase in clients over the last several years.

Upon questioning by Councilwoman C. Duplantis, Ms. Edmonson explained that the Council on Aging Board is appointed by the general membership of the organization.

Councilman H. Lapeyre stated that it is his belief that the matter of determining the salary of the Executive Director of the Council on Aging is strictly up to the Council on Aging Board.

The Chairman recognized Ms. Lorraine Kimbrell, Council on Aging Board Member, who expressed her concerns relative to how the increase in salaries for Council on Aging employees was presented. Ms. Kimbrell expressed her concerns relative to not being able to obtain requested information from the Council on Aging and how board members are selected.

Ms. C. Duplantis moved, seconded by Mr. W. Thibodeaux, "THAT, the Council extend Ms. Lorraine Kimbrell's time an additional three minutes."

The Chairman called for a vote on the motion offered Ms. C. Duplantis.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, D. Henry, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: None

The Chairman declared the motion adopted.

Ms. Lorraine Kimbrell continued her presentation regarding her concerns relative to salary increases for Council on Aging personnel.

The Chairman recognized Mr. Earl Vice who read aloud a letter from Ms. Gloria Anders, Council on Aging employee, that praised Mrs. Diana Edmonson and the job she does as Director of the Council on Aging.

The Chairman recognized Ms. Darla Cantrelle, Council on Aging Operations Manager, who expressed her support in a proposed salary increase for the Director of the Council on Aging because of the responsibility, commitment, dedication, and knowledge involved in the position. Ms. Cantrelle responded to opposing comments made in regards to the proposed salary increase of the Council on Aging Director.

Ms. C. Duplantis moved, seconded by Mr. P. Rhodes, "THAT, the Council extend Ms. Darla Cantrelle's time limit an additional three minutes."

The Chairman called for a vote on the motion offered by Ms. C. Duplantis.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, D. Henry, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: None

The Chairman declared the motion adopted.

Ms. Darla Cantrelle continued her presentation regarding her justification for the Council on Aging Director to receive the proposed salary increase.

The Chairman recognized Mr. Robert Bonnette, Hawthorne Drive resident, who expressed his concerns relative to property tax payers in Terrebonne Parish having the right to question matters in which the taxes they pay are spent, such as salary increases for Council on Aging employees. Mr. Bonnette expressed his concerns for the huge salary increases for the Council on Aging employees.

The Chairman recognized Mr. Joe Pinero, President for Citizens for Good Government, who expressed his concerns relative to previous action taken by the Council on 5/6/02 that authorized the lease of storage space for general Parish use with Underwood Properties at 7720 Main Street in Houma. Mr. Pinero stated there is a discrepancy with the address that is listed on the agreement and questioned whether the transaction wasn't a waste of taxpayer's money. Mr. Pinero expressed his concerns relative to previous action taken by the Council on 3/20/03 that approves a contract for grass cutting at thirty locations in Terrebonne Parish. Mr. Pinero stated that twenty-seven of the locations are inside the City of Houma and not in the rural areas of the Parish.

Ms. C. Duplantis moved, seconded by Mr. P. Rhodes, "THAT, the Council extend Mr. Joe Pinero's time an additional three minutes."

The Chairman called for a vote on the motion offered by Ms. C. Duplantis.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, D. Henry, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: None

The Chairman declared the motion adopted.

Mr. Joe Pinero expressed his concerns for the Parish hiring an outside contractor to cut grass when he feels that the Parish has the equipment and manpower to perform the same services.

Mr. J. B. Breaux moved, seconded by Mr. W. Thibodeaux, "THAT, the Council extend Mr. Joe Pinero's time an additional three minutes."

The Chairman called for a vote on the motion offered by Mr. J. B. Breaux.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, D. Henry, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: None

The Chairman declared the motion adopted.

Mr. Joe Pinero continued his presentation regarding matters he feels are a waste of taxpayers' money. Mr. Pinero also expressed his concerns relative to being subpoenaed by the Parish's Legal Department to provide all the information regarding the Citizens for Good Government Organization as an attempt to intimidate them.

Councilman D. Henry requested Parish Manager Al Levron to review the matter of the lease of a building for storage space for the Parish and to provide an update to the Council for this particular endeavor.

Upon questioning by Councilman W. Thibodeaux, Parish Attorney Carolyn McNabb stated that the reason the Citizens for Good Government was subpoenaed for their documents was it was noticed that the documents being requested by the organization paralleled the same information that was requested by a local developer who is engaged in two different lawsuits pending against the Parish, which the court was saying did not all have to be produced. Ms. McNabb stated that Councilman Thibodeaux was correct in that the public records requests are paid for and once they receive them, they become the recipient's property.

The Chairman recognized Mrs. Merian Henry, Terrebonne Council on Aging Chairman of the Board, who explained how the Board is elected and commended the Council on Aging for all the good services this organization provides for the people of this Parish.

The Chairman recognized Ms. June Williams, Terrebonne Parish Women's Commission Member and newly appointed member of the La. Executive Board on Aging Board (LEBA), who stated that the LEBA is very proud of the Terrebonne Council on Aging Organization and feels

that Ms. Diana Edmonson is an outstanding director. Upon questioning by Councilman W. Thibodeaux stated that she is speaking on behalf of the LEBA Board.

The Chairman recognized Ms. Diana Edmonson, Council on Aging Director, who stated that her job performance is such that the Board for the Council on Aging chose to reward her with merit raises in the past several years. Ms. Edmonson stated if an employee's performance falls below the expectations anyone could be asked to resign their position or be demoted. Ms. Edmonson stated that the senior citizens at the Council on Aging are allowed to have two casino trips per year that are totally sponsored by the casinos themselves and does not cost the organization anything for these trips. Ms. Edmonson also stated that the Krewe of Hercules supports the Council on Aging in great measure by raising funds to entertain the elderly citizens and if there are any funds remaining they are put into a Gift Fund to purchase medicine and provide utility assistance for the clients.

At this time, 8:00 p.m., Councilman D. Henry was recorded as leaving the proceedings.

Mr. H. Lapeyre moved, seconded by Mr. P. Rhodes, "THAT, the Council allow Mrs. Diana Edmonson an additional two minutes."

The Chairman called for a vote on the motion offered by Mr. H. Lapeyre.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: D. Henry

The Chairman declared the motion adopted.

Chairman C. Voisin relinquished the Chair to Vice-Chair C. Duplantis.

Ms. Diana Edmonson continued her presentation regarding the Council on Aging Organization and the open door policy that is in place if anyone wishes to review the financial statements. Ms. Edmonson stated that proposed salary increase for employees was listed on the Board meeting's agenda to inform board members prior to the meeting.

The Vice-Chair called for a report on the Budget & Finance Committee meeting held on 6/23/03, whereupon Committee Member P. Rhodes rendered the following:

BUDGET & FINANCE COMMITTEE

JUNE 23, 2003

The Chairman, Daniel D. Henry, Sr., called the Budget & Finance Committee meeting to order at 5:30 p. m. in the Terrebonne Parish Council Meeting Room with the Invocation led by H. Lapeyre and the Pledge of Allegiance led by A. Tillman. Upon roll call, Committee Members recorded as present were: R. Boudreaux, J. B. Breaux, C. Duplantis, D. Henry, H. Lapeyre, P. Rhodes, W. Thibodeaux, A. Tillman, and C. Voisin. A quorum was declared present.

OFFERED BY: Mr. H. Lapeyre.

SECONDED BY: Mr. C. Voisin.

RESOLUTION NO. 03-276

WHEREAS, M.S. Benbow & Associates began working for the Parish in March of 2002 to assess the needs of the Parish for two-way radio communications, and

WHEREAS, an emergency situation arose within the Parish to provide an immediate alternative short-term plan to continue uninterrupted radio service for our departments where

work efforts and funding with M.S. Benbow were redirected toward finding and obtaining a temporary two-way radio service because the Nextel radio service was discontinued, and

WHEREAS, the Parish would like M.S. Benbow to continue the work to establish a permanent two-way radio system that would allow communications between Houma Police Department, Parish Departments and other Public Safety Agencies, and

WHEREAS, M.S. Benbow would investigate available frequency channel space in both the public safety and commercial spectrum, determine features and coverage requirements for the new radio system, and prepare a report describing the above information, assisting in the preparation of Request for Proposal for a new radio system, and

WHEREAS, various departments of the Parish will share in the cost based on the number of users, and

WHEREAS, M.S. Benbow has provided a cost figure estimate of 180 man-hours of engineering services at a composite rate of \$80.00 per hour for this phase of the project, which will take approximately six months to complete and the remaining costs will cover materials in all totaling \$15,000.00.

NOW, THEREFORE BE IT RESOLVED that the Terrebonne Parish Council (Budget and Finance Committee), on behalf of the Terrebonne Parish Consolidated Government, hereby authorizes Robert J. Bergeron, Parish President, to proceed with disbursements not to exceed the total of \$15,000.00.

THERE WAS RECORDED:

YEAS: R. Boudreaux, Jr., J.B. Breaux, C. Duplantis, D. Henry, H. Lapeyre, P. Rhodes, W. Thibodeaux, A. Tillman and C. Voisin.

NAYS: None.

ABSTAINING: None.

ABSENT: None.

The Chairman declared the resolution adopted on this, this 23rd day of June, 2003.

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Parish Manager Al Levron explained that Administration has been negotiating a contract to provide permanent telecommunication services from a universal provider so that all Parish Government departments may be able to use the same service and frequency. He noted that M. S. Benbow & Associates has provided similar systems to St. Bernard, Jefferson, and Orleans Parishes, and has the expertise in wireless communications. Upon questioning, he continued that Administration is uncertain if the equipment recently purchased by some volunteer fire departments will be compatible with the equipment that may be proposed for the aforementioned system, and explained that because the current equipment is leased, none of the equipment will be used in the "long run." Mr. Levron stated that the \$15,000.00 allocation would help Administration identify the frequencies needed and the application process to the Federal Communications Commission to lock in the frequencies.

OFFERED BY: Mr. A. Tillman.

SECONDED BY: Mr. J.B. Breaux and Mr. H. Lapeyre.

RESOLUTION NO. 03-277

WHEREAS, the Terrebonne Parish Consolidated Government Civic Center maintains a checking account to reimburse promoters once an event is complete, and

WHEREAS, it is necessary that the Civic Center have several personnel authorized to sign on the promoter account, and

WHEREAS, it is necessary that changes in the staff authorized to sign on all checking accounts be approved by the Parish Government, and

WHEREAS, it is the policy of the Parish Government that two authorized signatures appear on any check issued by the Parish.

NOW, THEREFORE BE IT RESOLVED by the Terrebonne Parish Council (Budget and Finance Committee), on behalf of the Terrebonne Parish Consolidated Government, that Jamie J. Elfert (Comptroller), Donald Picou (Assistant Comptroller), Linda McCarthy (Civic Center Director), Christopher Moore (Business Manager), or Janel Ricca (Event Coordinator) be authorized to sign checks on behalf of the Terrebonne Parish Consolidated Government Promoter Account.

THERE WAS RECORDED:

YEAS: R. Boudreaux, Jr., J.B. Breaux, C. Duplantis, D. Henry, H. Lapeyre, P. Rhodes, W. Thibodeaux, A. Tillman and C. Voisin.

NAYS: None.

ABSTAINING: None.

ABSENT: None.

The Chairman declared the resolution adopted on this, this 23rd day of June, 2003.

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OFFERED BY: Mr. C. Voisin.

SECONDED BY: Mr. H. Lapeyre.

RESOLUTION NO. 03-278

A resolution awarding Bid No. 02-1/9-19 (2nd Re-bid) Purchase of One New & Unused Track Mounted Excavator and One New & Unused Excavator for Mounting on Marsh Buggy Pontoon to M&L Industries, Inc. in the amount of Two Hundred Thirty-four Thousand, Two Hundred Sixty-six Dollars and Zero Cents (\$234,266.00).

WHEREAS, Blaise LeCompte, Forced Drainage Superintendent, Perry Blanchard, Operations Manager – Public Works, Angela Guidry, Purchasing Manager and Sharon Celestin, Bid Coordinator, have reviewed the bids received and recommends the bid of M&L Industries, Inc. as the lowest responsive bid, and

WHEREAS, the Department of Finance has certified compliance of this bid with procedural requirements of the bid documents and the availability of funding, and

WHEREAS, based upon these supporting recommendations, the Drainage Department recommends the award of Bid No. 02-1/9-19 (2nd Re-bid) Purchase of One New & Unused Track Mounted Excavator and One New & Unused Excavator for Mounting on Marsh Buggy Pontoon to M&L Industries, Inc. in the amount of Two Hundred Thirty-four Thousand, Two Hundred Sixty-six Dollars and Zero Cents (\$234,266.00).

NOW, THEREFORE BE IT RESOLVED that the Terrebonne Parish Council (Budget and Finance Committee), on behalf of the Terrebonne Parish Consolidated Government, awards Bid No. 02-1/9-19 (2nd Re-bid) Purchase of One New & Unused Track Mounted Excavator and One New & Unused Excavator for Mounting on Marsh Buggy Pontoon to M&L Industries, Inc. in the amount of \$234,266.00, and that the Parish President and all other appropriate parties be, and they are hereby authorized to execute any and all contract documents associated therewith.

THERE WAS RECORDED:

YEAS: R. Boudreaux, Jr., J.B. Breaux, C. Duplantis, D. Henry, H. Lapeyre, P. Rhodes, W. Thibodeaux, A. Tillman and C. Voisin.

NAYS: None.

ABSTAINING: None.

ABSENT: None.

The Chairman declared the resolution adopted on this, this 23rd day of June, 2003.

* * * * *

Purchasing Director Angela Guidry explained that Addendum No. 1 for the aforementioned bid requested that vendors numerically identify those specifications listed in their brochures which met the specifications. Upon additional questioning, Mrs. Guidry stated that M & L Industries, Inc. has met or exceeded the comparable specifications as outlined by Terrebonne Parish Consolidated Government.

OFFERED BY: Mr. R. Boudreaux, Jr.

SECONDED BY: Mr. J.B. Breaux.

RESOLUTION NO. 03-279

WHEREAS, bid prices were obtained through Sealed Quotations by the Terrebonne Parish Consolidated Government for the purpose of securing an annual service contract with a one (1) year option for renewal for Grass Cutting of Vegetation and Offensive Accumulation along Abandoned Properties, for the Planning and Zoning Department, under Terrebonne Parish Nuisance Abatement Ordinance Number 6492, and

WHEREAS, on May 30, 2003, bids were received by the Terrebonne Parish Consolidated Government for Bid No. 03-03-HG, Annual Grass Cutting of Vegetation and Offensive Accumulations along Abandoned Properties, and

WHEREAS, upon careful review by Pat Gordon, Planning and Zoning Director, it has been determined that the bid of G&W Construction Company, Inc. was the lowest responsive bid I the amount of Twenty-two Thousand, Three Hundred Dollars and Zero Cents (\$22,300.00), and

WHEREAS, the Parish Finance Department has verified that funds are budgeted and available in the 2003 Account No. 151-195-8353-16, and

WHEREAS, the Parish Administration has recommended the acceptance of the bid price received for the aforementioned service contract for Grass Cutting of Vegetation and Offensive Accumulations along Abandoned Properties as per attached documents.

NOW, THEREFORE BE IT RESOLVED that the Terrebonne Parish Council (Budget and Finance Committee), on behalf of the Terrebonne Parish Consolidated Government, authorizes the Parish President to execute any and all necessary documents to enter into an agreement with G&W Construction Company, Inc. for a period of one (1) year with the option to extend for an additional year at the same unit prices, if agreed to by both parties and to address other matters relative thereto.

THERE WAS RECORDED:

YEAS: R. Boudreaux, Jr., J.B. Breaux, C. Duplantis, D. Henry, H. Lapeyre, P. Rhodes, W. Thibodeaux, A. Tillman and C. Voisin.

NAYS: None.

ABSTAINING: None.

ABSENT: None.

The Chairman declared the resolution adopted on this, this 23rd day of June, 2003.

* * * * *

OFFERED BY: Mr. H. Lapeyre.
SECONDED BY: Mr. R. Boudreaux, Jr.

RESOLUTION NO. 03-280

WHEREAS, bid prices were obtained through Sealed Quotations by the Terrebonne Parish Consolidated Government for the purpose of securing an annual service contract with a one (1) year option for renewal for Grass Cutting and Maintenance of Various Locations, for various departments of the Terrebonne Parish Consolidated Government, and

WHEREAS, on May 30, 2003, bids were received by the Terrebonne Parish Consolidated Government for Bid No. 03-034HG, Annual Grass Cutting and Maintenance of Various Locations, and

WHEREAS, upon careful review by Perry Blanchard, Public Works Operations Manager, and David Luke, Vegetation Superintendent, it has been determined that the bid of Green Scapes of Louisiana was the lowest responsive bid in the amount of Eighteen Thousand One Hundred Ninety Dollars and Zero Cents (\$18,190.00), and

WHEREAS, the Parish Finance Department has verified that funds are budgeted and available in various 2003 account numbers for the purpose of the aforementioned service contract, and

WHEREAS, the Parish Administration has recommended the acceptance of the bid price received for the aforementioned service contract for Grass Cutting and Maintenance of Various Locations, as per attached documents.

NOW, THEREFORE BE IT RESOLVED that the Terrebonne Parish Council (Budget and Finance Committee), on behalf of the Terrebonne Parish Consolidated Government, authorizes the Parish President to execute any and all necessary documents to enter into an agreement with Green Scapes of Louisiana, for a period of one (1) year with the option to extend for an additional year at the same unit prices, if agreed to by both parties and to address other matters relative thereto.

THERE WAS RECORDED:

YEAS: R. Boudreaux, Jr., J.B. Breaux, C. Duplantis, D. Henry, H. Lapeyre, P. Rhodes, W. Thibodeaux, A. Tillman and C. Voisin.

NAYS: None.

ABSTAINING: None.

ABSENT: None.

The Chairman declared the resolution adopted on this, this 23rd day of June, 2003.

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Mr. R. Boudreaux moved, seconded by Mr. P. Rhodes, "THAT, there being no further business to come before the Budget & Finance Committee, the meeting be adjourned."

The Chairman called for the vote on the motion offered by Mr. R. Boudreaux.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, J.B. Breaux, C. Duplantis, D. Henry, H. Lapeyre, P. Rhodes, W. Thibodeaux, A. Tillman, and C. Voisin.

NAYS: None.

ABSTAINING: None.

ABSENT: None.

The Chairman declared the motion adopted and the meeting was adjourned at 5:41 p.m.

Daniel D. Henry, Sr., Chairman

Suzette Thomas, Minute Clerk

Mr. P. Rhodes moved, seconded by Mr. R. Boudreaux, "THAT, the Council accept and ratify the minutes of the Budget & Finance Committee meeting held on 6/23/03."

The Vice-Chair called for a vote on the motion offered by Mr. P. Rhodes.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: D. Henry

The Vice-Chair declared the motion adopted.

The Vice-Chair called for a report on the Policy, Procedure, & Legal Committee meeting held on 6/23/03, whereupon the Committee Chairman, noting that ratification of the minutes calls a public hearing on 7/9/03, rendered the following:

POLICY, PROCEDURE, & LEGAL COMMITTEE

JUNE 23, 2003

The Chairman, Ray B. Boudreaux, Jr., called the Policy, Procedure, & Legal Committee meeting to order at 5:51 p. m. in the Terrebonne Parish Council Meeting Room with the Invocation led by C. Duplantis and the Pledge of Allegiance led by P. Rhodes. Upon roll call, Committee Members recorded as present were: R. Boudreaux, J. B. Breaux, C. Duplantis, D. Henry, H. Lapeyre, P. Rhodes, W. Thibodeaux, A. Tillman, and C. Voisin. A quorum was declared present.

OFFERED BY: Mr. C. Voisin.

SECONDED BY: Mr. H. Lapeyre.

RESOLUTION NO. 03-281

A resolution establishing procedures for outside agencies' participation in the Parish's Health Insurance Program, and for all other purposes.

WHEREAS, the Terrebonne Parish Consolidated Government provides a program of employee benefit insurance (including medical and dental insurance, long term disability, short term disability and basic life insurance) for its employees, and

WHEREAS, for the purpose of this resolution, "Outside agency" is defined as any agency, district, commission or other such body, that is not funded by the Parish pursuant to a statutory obligation or governed by the Parish Council, and

WHEREAS, over the years, Outside agencies have participated in the employee benefit insurance program, and

WHEREAS, in the past year, Outside agencies that are not currently participating in the employee benefit insurance program have requested permission to participate in said program, and

WHEREAS, in order to contain costs and insure the fiscal viability of the employee benefit insurance program, consistent standards are needed to determine whether Outside agencies may be allowed to participate in the employee benefit insurance program, and standards for continued participation of such agencies, and

WHEREAS, the Parish desires to adopt consistent standards concerning such participation.

NOW, THEREFORE BE IT RESOLVED by the Terrebonne Parish Council (Policy, Procedure and Legal Committee), on behalf of the Terrebonne Parish Consolidated Government, as follows:

1. Outside agencies that are not currently participating in the Parish's employee benefit insurance program, and that wish to be included in the program, may participate under the following terms:
 - a) The agency must complete the underwriting process required by the applicable insurance carriers and be approved for coverage by the applicable insurers;
 - b) The agency must agree to stay in the employee benefit insurance program for a minimum period of five years, or be subject to a buy-out penalty equal to their proportionate share of total incurred but not reported claims (commonly referred to as "INBR") if they leave the program prior to that time;
 - c) Pay an experience-based premium or an additional risk charge, whichever is appropriate as required by the insurance carrier(s);
 - d) Agree to abide by all the Parish's procedures for operation of the employee benefit insurance program.

2. The following Outside agencies currently participate in the health insurance program:

The Airport Commission, the Coroner's Office; the Council on Aging; Fire Protection District 4-A; Fire Protection District 6; Fire Protection District 7; Fire Protection District 9; Fire Protection District 10; Recreation District 2,3; Recreation District 3; Recreation District 4; Recreation District 6; Recreation District 7; Recreation District 10; Recreation District 11; and the Tourist Commission. These Outside agencies will be allowed to continue in the Parish's policies and procedures concerning health insurance. Said Outside agencies may be required to pay an experience-based premium or additional risk charge as required by the insurance carrier(s), whichever is appropriate.

3. If an Outside agency identified in paragraph 2 drops out of the employee benefit insurance program, said agency will have to complete all of the requirements listed in paragraph 1 before it will be allowed to rejoin the employee benefit insurance program.

The Terrebonne Parish Council, on behalf of the Terrebonne Parish Consolidated Government, authorizes the Parish President to negotiate and to execute any documents necessary to comply with the above policy.

THERE WAS RECORDED:

YEAS: R. Boudreaux, Jr., J.B. Breaux, C. Duplantis, D. Henry, H. Lapeyre, P. Rhodes, A. Tillman and C. Voisin.

NAYS: None.

ABSTAINING: W. Thibodeaux.

ABSENT: None.

The Chairman declared the resolution adopted on this, this 23rd day of June, 2003.

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Parish Manager Al Levron explained that the aforementioned procedure would offer some protection to the Parish Government from health claims submitted by agencies that begin participation in the Parish's health care system at a later date, and noted that any existing

condition or catastrophic injury cost would be assumed by the person submitting a claim. Mr. Levron noted that several agencies opted to terminate coverage under the Parish's health care system in order to take advantage of lower premiums with another carrier, and added that the aforementioned measure would protect the Parish Government should the agency wish to regain coverage under the Parish's health care system at a later time. He continued that the Legal Department has reviewed the matter.

The Chairman recognized Mr. Glynn Lapeta of MARSH, USA, who further explained the process of closing "loopholes" in the Parish's health care system should agencies wish to be readmitted at a later date.

Upon questioning, Assistant Parish Attorney Romaine White stated that the Legal Department is confident that the aforementioned procedures would meet any test of applicability in a court of law.

Upon additional questioning, Mr. Levron stated that Recreation District No. 9 would have a fair chance of entering the Parish's health care system, and noted that retired police and fire personnel who currently do not participate in the system, do not meet the agency criteria for entrance into said system.

Mr. C. Voisin moved, seconded by Mr. P. Rhodes, "THAT, the Policy, Procedure, & Legal Committee recess in order to conduct condemnation proceedings."

The Chairman called for the vote on the motion offered by Mr. C. Voisin.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, J. B. Breaux, C. Duplantis, D. Henry, H. Lapeyre, P. Rhodes, W. Thibodeaux, A. Tillman, and C. Voisin.

NAYS: None.

ABSTAINING: None.

ABSENT: None

The Chairman declared the motion adopted.

Mr. C. Voisin moved, seconded by Mr. P. Rhodes, "THAT, the Policy, Procedure, & Legal Committee reconvene into the regular order of business as per the written agenda."

The Chairman called for the vote on the motion offered by Mr. C. Voisin.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, J. B. Breaux, C. Duplantis, D. Henry, H. Lapeyre, P. Rhodes, W. Thibodeaux, A. Tillman, and C. Voisin.

NAYS: None.

ABSTAINING: None.

ABSENT: None

The Chairman declared the motion adopted.

Human Resources & Risk Management Director Margie Scott requested additional time to determine if the Parish's Drug Testing Policy is applicable to those special taxing districts which may not be covered under the auspices of the Human Resources & Risk Management Department.

OFFERED BY: Mr. D. Henry
SECONDED BY: Mr. P. Rhodes.

RESOLUTION NO. 03-282

A RESOLUTION TO DIRECT ADMINISTRATION TO REVIEW THE POSSIBILITY OF REQUIRING EMPLOYEES OF SPECIAL TAXING DISTRICTS TO BE INCLUDED UNDER THE SAME RANDOM DRUG TESTING POLICIES AS EMPLOYEES OF THE PARISH GOVERNMENT.

WHEREAS, many employees of various special taxing districts in Terrebonne Parish are covered under the general insurance policies of the Terrebonne Parish Consolidated Government, and

WHEREAS, in many cases, the employees of special taxing districts are responsible for the care and transportation of children, elderly persons, and persons with special needs, and

WHEREAS, the Terrebonne Parish Council is concerned about the safety of all persons receiving government services and thinks that employees of special taxing districts in specific jobs should be required to undergo random drug testing, as are employees of Parish Government.

NOW, THEREFORE BE IT RESOLVED by the Terrebonne Parish Council (Policy, Procedure & Legal Committee), on behalf of the Terrebonne Parish Consolidated Government, that the Parish Administration be directed to investigate and possibly draft the proper document which will require special taxing districts to institute a random drug testing policy for employees in specific positions that are responsible for the care, transportation and general well-being of the general public.

THERE WAS RECORDED:

YEAS: R. Boudreaux, Jr., C. Duplantis, D. Henry, H. Lapeyre, P. Rhodes, W. Thibodeaux and C. Voisin.

NAYS: None.

ABSTAINING: None.

ABSENT: J.B. Breaux and A. Tillman.

The Chairman declared the resolution adopted on this, this 23rd day of June, 2003.

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Committee Member D. Henry requested that Administration review the Terrebonne Council on Aging Drug Testing Policy.

Mrs. Scott interjected that Administration will request copies of all available Drug Testing Policies from all special taxing districts.

Committee Member C. Duplantis requested that additional enforcement of Section 22-26 of the Parish Code by local law enforcement be done with respect to obstruction of Parish sidewalks by basketball goals and other items. Miss C. Duplantis then requested that the Council Clerk send a letter to the Sheriff's Office and the Houma Police Department regarding said enforcement.

Committee Member D. Henry was recorded as exiting the proceedings at 6:47 p. m.

Discussion transpired relative to addressing the aforementioned problem and it was noted that persons obstructing sidewalks could be fined up to \$200.00. (NO ACTION TAKEN)

Committee Member C. Voisin informed the committee of legislation introduced by Senator Reggie Dupre, Jr. that allows local governments to enforce stringent guidelines for litter abatement and allows Justices of the Peace to enforce litter laws pertaining to abandon marine vessels.

Mr. C. Voisin moved, seconded by Mr., "THAT, the Policy, Procedure, & Legal Committee introduce an ordinance which will amend Chapter 14, Nuisance Abatement to add

Article 11, Justice of the Peace Courts who shall regulate discarded and abandon objects, and call a public hearing on July 9, 2003 at 6:30 p. m.” (**MOTION ADOPTED AFTER DISCUSSION)

Upon questioning, Parish Manager Al Levron expressed Administration’s concern relative to possible legal issues that may be involved in the implementation of a Litter Court and litter prevention in general, and requested that discussion be deferred until such time as the Utilities Director is present to answer questions.

Parish Attorney Carolyn McNabb stated that a comprehensive overhaul of the Parish’s nuisance laws has been completed, and added that other than enforcement, she does not know of any other steps that may be taken. Upon questioning, Ms. McNabb stated that City Court processes citations issued for litter violations.

Committee Member W. Thibodeaux expressed his interest in what steps are being taken by Administration to implement a Litter Court to address the litter problem that plagues Terrebonne Parish.

**The Chairman called for the vote on the motion offered by Mr. C. Voisin.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, J. B. Breaux, C. Duplantis, H. Lapeyre, P. Rhodes, W. Thibodeaux, A. Tillman, and C. Voisin.

NAYS: None.

ABSTAINING: None.

ABSENT: D. Henry.

The Chairman declared the motion adopted.

Parish Attorney Carolyn McNabb informed the committee of a problem with the proposed ordinance that would implement a penalty for those convicted of littering, in that, the proposed local legislation would impose a fine greater than that of the State. Ms. McNabb noted that State legislation supercedes any local legislation, and the proposed ordinance would not be legally permissible.

Committee Member C. Voisin requested that the Council Clerk with the assistance of the Legal Department make the appropriate changes to the proposed ordinance, and place the matter on the Community Development & Planning Committee agenda on June 24, 2003.

Mr. H. Lapeyre moved, seconded by Mr. C. Voisin, “THAT, the Policy, Procedure, & Legal Committee place the matter relative to introducing an ordinance to amend the Parish Code relative to the implementing a penalty for those convicted of littering on the June 24, 2003 Community Development & Planning Committee agenda.”

The Chairman called for the vote on the motion offered by Mr. H. Lapeyre.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, J. B. Breaux, C. Duplantis, H. Lapeyre, P. Rhodes, W. Thibodeaux, A. Tillman, and C. Voisin.

NAYS: None.

ABSTAINING: None.

ABSENT: D. Henry.

The Chairman declared the motion adopted.

Mr. P. Rhodes moved, seconded by Mr. H. Lapeyre, Mr. A. Tillman, and Mr. J. B. Breaux, "THAT, the Policy, Procedure, & Legal Committee retain the matter relative to absenteeism on the Recreation District No. 11 Board of Commissioners in committee for two weeks."

The Chairman called for the vote on the motion offered by Mr. P. Rhodes.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, J. B. Breaux, C. Duplantis, H. Lapeyre, P. Rhodes, W. Thibodeaux, A. Tillman, and C. Voisin.

NAYS: None.

ABSTAINING: None.

ABSENT: D. Henry.

The Chairman declared the motion adopted.

Mr. J. B. Breaux moved, seconded by Mr. A. Tillman, "THAT, there being no further business to come before the Policy, Procedure, & Legal Committee, the meeting be adjourned."

The Chairman called for the vote on the motion offered by Mr. J. B. Breaux.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, J. B. Breaux, C. Duplantis, H. Lapeyre, P. Rhodes, W. Thibodeaux, A. Tillman, and C. Voisin.

NAYS: None.

ABSTAINING: None.

ABSENT: D. Henry.

The Chairman declared the motion adopted and the meeting was adjourned at 6:57 p.m.

Ray B. Boudreaux, Jr., Chairman

Suzette Thomas, Minute Clerk

Mr. R. Boudreaux moved, seconded by Mr. P. Rhodes, "THAT, the Council accept and ratify the minutes of the Policy, Procedure, & Legal Committee meeting held on 6/23/03."

The Vice-Chair called for a vote on the motion offered by Mr. R. Boudreaux.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: D. Henry

The Vice-Chair declared the motion adopted.

The Vice-Chair called for a report on the Public Services Committee meeting held on 6/24/03, whereupon the Committee Chairman rendered the following:

PUBLIC SERVICES COMMITTEE

JUNE 24, 2003

The Chairman, Alvin Tillman, called the Public Services Committee meeting to order at 5:30 p. m. in the Terrebonne Parish Council Meeting Room with the Invocation led by Minute Clerk Suzette Thomas and the Pledge of Allegiance led by R. Boudreaux. Upon roll call, Committee Members recorded as present were: R. Boudreaux, J. B. Breaux, D. Henry, H. Lapeyre, P. Rhodes, W. Thibodeaux, A. Tillman, and C. Voisin. Committee Member C. Duplantis was recorded as entering the proceedings at 5:43 p. m. A quorum was declared present.

Mr. D. Henry moved, seconded by Mr. C. Voisin, "THAT, the Public Services Committee authorize the Parish President to execute a contract for professional law enforcement services with the Houma-Terrebonne Housing Authority." (**MOTION ADOPTED AFTER DISCUSSION)

Parish Manager Al Levron explained that the aforementioned contract is for professional law enforcement services that will be paid on an overtime basis – similar to a "detail." Mr. Levron noted that the officer would be assigned according to the availability of personnel and the need of said personnel in Senator Circle. He further explained that should an officer be hired to assume said services, the officer would be paid at an "actual" rate as opposed to "overtime" pay.

Parish Attorney Carolyn McNabb stated that the Houma-Terrebonne Housing Authority would pay the Parish Government for services rendered as outlined in the contractual service agreement. Upon questioning relative to bearing the responsibility of an officer's action, she explained that both entities have some contractual responsibility for the officer's action in the event of an incident.

**The Chairman called for the vote on the motion offered by Mr. D. Henry.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, J. B. Breaux, D. Henry, H. Lapeyre, P. Rhodes, W. Thibodeaux, and A. Tillman.

NAYS: None.

ABSTAINING: None.

ABSENT: C. Duplantis and C. Voisin.

The Chairman declared the motion adopted.

OFFERED BY: Mr. H. Lapeyre.

SECONDED BY: Mr. R. Boudreaux, Jr.

RESOLUTION NO. 03-283

WHEREAS, bids were obtained by Jefferson Parish for the purpose of purchasing automobile and truck accessories and equipment (Bid Number 55-00005599), and

WHEREAS, after careful review by Eulin Guidry, Solid Waste Administrator and Thomas Bourg, Director of Utilities, it has been determined that the total price of Twenty-seven Thousand, Nine Hundred Sixty-one Dollars and Sixty-three Cents (\$27,961.63) from Truck and Transportation Equipment Co., Inc. for the purchase and installation of three (3) Climate Control Animal Control Slip-In Bodies should be accepted as per the attached documents and the under provisions set forth in the Louisiana Revised Statutes Title 39:1701 et seq., and

WHEREAS, the Parish Finance Department has verified that funds are budgeted and available in the 2003 Account Number 253-442-8914-01 for the purchase and installation of the aforementioned Climate Control Animal Control Slip-In Bodies , and

WHEREAS, the Parish Administration has recommended the acceptance of the price for the aforementioned purchase and installation at a total cost of Twenty-seven Thousand, Nine Hundred Sixty-one Dollars and Sixty-three Cents (\$27,961.63) as per the attached documents.

NOW, THEREFORE BE IT RESOLVED by the Terrebonne Parish Council (Public Services Committee), on behalf of the Terrebonne Parish Consolidated Government, that the recommendation of the Parish Administration be approved and that the purchase and installation of the Climate Control Animal Control Slip-In Bodies be accepted as per the attached documents.

THERE WAS RECORDED:

YEAS: R. Boudreaux, Jr., J.B. Breaux, D. Henry, H. Lapeyre, P. Rhodes, W. Thibodeaux, A. Tillman and C. Voisin.

NAYS: None.

ABSTAINING: None.

ABSENT: C. Duplantis.

The Chairman declared the resolution adopted on this, this 24th day of June, 2003.

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OFFERED BY: Mr. C. Voisin.
SECONDED BY: Mr. J.B. Breaux.

RESOLUTION NO. 03-284

A resolution rejecting all proposals or Parish Project No. 03-BULK-09, Bulkhead for the Downtown Marina, Terrebonne Parish, Louisiana.

WHEREAS, proposals have been received for the Bulkhead for the Downtown Marina, Parish Project No. 03-BULK-09, by the Terrebonne Parish Consolidated Government, and

WHEREAS, the proposals received have come in over budget, and

WHEREAS, the Engineer for the project has recommended that all proposals received for the Bulkhead for the Downtown Marina, Parish Project No. 03-BULK-09, be rejected.

NOW, THEREFORE BE IT RESOLVED by the Terrebonne Parish Council (Public Services Committee), on behalf of the Terrebonne Parish Consolidated Government, that the recommendation of the Parish Administration be approved and that all proposals received for the Bulkhead for the Downtown Marina, Parish Project No. 03-BULK-09, be rejected.

THERE WAS RECORDED:

YEAS: R. Boudreaux, Jr., J.B. Breaux, D. Henry, H. Lapeyre, P. Rhodes, W. Thibodeaux, A. Tillman and C. Voisin.

NAYS: None.

ABSTAINING: None.

ABSENT: C. Duplantis.

The Chairman declared the resolution adopted on this, this 24th day of June, 2003.

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OFFERED BY: Mr. J.B. Breaux.
SECONDED BY: Mr. C. Voisin.

RESOLUTION NO. 03-285

A resolution providing approval of Amendment No. 3 to the Engineering Agreement for Parish Project No. 99-DRA-18, Bayou Chauvin Drainage Improvements Project, Terrebonne Parish, Louisiana.

WHEREAS, the Terrebonne Parish Consolidated Government entered into an Engineering Agreement dated May 27, 1999, and amended on August 26, 2002 with GSE Associates, Inc. for the project entitled Parish Project No. 99-DR-18, Bayou Chauvin Drainage Improvements Project, and

WHEREAS, the Terrebonne Parish Consolidated Government is desirous of including the additional engineering services and additional modeling services necessary to proceed with the hydrodynamic modeling of Bayou Terrebonne for the Bayou Chauvin Drainage Improvements Project, and

WHEREAS, the Terrebonne Parish Consolidated Government is also desirous of increasing the scope of services to include additional modeling for the Bayou Chauvin Drainage Improvements Project, and

WHEREAS, the firm of GSE Associates, Inc., has been asked to perform these activities under the Additional Services sections of the Engineering Agreement for this project, and

WHEREAS, the TPCG is desirous of having these services continued so that there is a need to increase the upset limits for these services.

NOW, THEREFORE BE IT RESOLVED that the Terrebonne Parish Council (Public Services Committee), on behalf of the Terrebonne Parish Consolidated Government, does hereby approve this Amendment No. 3 to the Engineering Agreement for an increase of \$38,400.00 in Additional Services and authorizes Parish President Robert J. Bergeron to execute this Amendment No. 3 to the Engineering Agreement for Parish Project No. 99-DRA-18, Bayou Chauvin Drainage Improvements Project, with GSE Associates, Inc.; and,

BE IT FURTHER RESOLVED that a certified copy of the resolution be forwarded to the Engineer, GSE Associates, Inc.

THERE WAS RECORDED:

YEAS: R. Boudreaux, Jr., J.B. Breaux, H. Lapeyre, A. Tillman and C. Voisin.

NAYS: P. Rhodes and W. Thibodeaux.

ABSTAINING: None.

ABSENT: C. Duplantis and D. Henry.

The Chairman declared the resolution adopted on this, this 24th day of June, 2003.

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Committee Member P. Rhodes voiced his opposition to the aforementioned project due to the project delaying the existing Bayou Chauvin Drainage Project. Mr. Rhodes informed the committee of a home on Woodside Drive experiencing flooding after a recent rain and noted that Sherwood Subdivision also experienced flooding. He continued that the Bayou Chauvin Drainage Project will be regulated, and the gates do not necessarily need to be opened.

OFFERED BY: Mr. R. Boudreaux, Jr.
SECONDED BY: Mr. C. Voisin.

RESOLUTION NO. 03-286

A resolution authorizing the execution of Change Order No. 1 for the Construction Agreement for Parish Project No. 01-LAND-24 C & D Landfill (Phase I), Terrebonne Parish, Louisiana.

WHEREAS, the Terrebonne Parish Consolidated Government entered into a contract dated March 25, 2002, with RAD-TON, Inc., for the C & D Landfill (Phase I), Parish Project No. 01-LAND-24, Terrebonne Parish, Louisiana, and

WHEREAS, necessary to add Item S-006, Hauled Borrow so additional material can be brought to Cell No. 1 for construction of the levee and drainage ditch due to a conflict with the Juvenile Detention Center, and

WHEREAS, a construction cost increases of \$23,850.00 has been negotiated for this additional work, and

WHEREAS, this additional dirt work will increase the contract time by an additional 12 days, and

WHEREAS, this Change Order No. 1 has been recommended by the ENGINEER for this project, T. Baker Smith & Son, Inc.

NOW, THEREFORE BE IT RESOLVED that the Terrebonne Parish Council (Public Services Committee), on behalf of the Terrebonne Parish Consolidated Government, does hereby approve and authorize the execution by Terrebonne Parish President Robert J. Bergeron of Change Order No. 1 to the construction agreement with RAD-TON, Inc., to perform construction services for project No. 01-LAND-24 C & D Landfill (Phase 1) which necessary to add Item S-006, Hauled Borrow for an amount of Twenty-Three Thousand Eight-Hundred Fifty and No Cents (\$23,850.00) to the original contract amount and increases the contract time by an additional 12 days, and

BE IT FURTHER RESOLVED that a certified copy of the resolution be forwarded to the Engineer, T. Baker Smith & Son, Inc.

THERE WAS RECORDED:

YEAS: R. Boudreaux, Jr., J.B. Breaux, H. Lapeyre, P. Rhodes, W. Thibodeaux, A. Tillman and C. Voisin.

NAYS: None.

ABSTAINING: None.

ABSENT: C. Duplantis and D. Henry.

The Chairman declared the resolution adopted on this, this 24th day of June, 2003.

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OFFERED BY: Mr. R. Boudreaux, Jr.

SECONDED BY: Mr. P. Rhodes and Mr. H. Lapeyre.

RESOLUTION NO. 03-287

A resolution ratifying the award of a purchase order to the firm of Morris P. Hebert, Inc. to provide consultant services for the Geographic Information System (GIS), Terrebonne Parish, Louisiana.

WHEREAS, the Terrebonne Parish Consolidated Government is desirous of award of purchase order for the consultant to provide GIS services for the TPCG Drainage Division, and

WHEREAS, this purchase order is necessary to reimburse the consultant for the conversion our previous drainage right-of-way shapefile, which are unclosed polylines, and

convert them to a polygons (keeping the same attribution that is associated with the polylines), and

WHEREAS, the firm of Morris P. Hebert, Inc. has been selected by to provide these GIS Services for a total cost of \$5,000.00.

NOW, THEREFORE BE IT RESOLVED that the Terrebonne Parish Council (Public Services Committee), on behalf of the Terrebonne Parish Consolidated Government, does hereby ratify the award of the firm of Morris P. Hebert, Inc. by Terrebonne Parish President Robert J. Bergeron for professional services for GIS Services, and

BE IT FURTHER RESOLVED that the Terrebonne Parish Council, on behalf of the Terrebonne Parish Consolidated Government, does hereby authorize the execution of an Purchase Order to the firm of Morris P. Hebert, Inc. by Terrebonne Parish President Robert J. Bergeron.

THERE WAS RECORDED:

YEAS: R. Boudreaux, Jr., J.B. Breaux, H. Lapeyre, P. Rhodes, W. Thibodeaux, A. Tillman and C. Voisin.

NAYS: None.

ABSTAINING: None.

ABSENT: C. Duplantis and D. Henry.

The Chairman declared the resolution adopted on this, this 24th day of June, 2003.

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Parish Manager Al Levron stated that Morris Hebert was contracted to perform a limited amount of work on scanning the Parish's right-of-way documents and tying in drainage plats of the drainage servitudes onto the GIS Map. Mr. Levron continued that the intent is to have all recorded right-of-way documents scanned in and linked to the GIS System. He added that \$13,000.00 of work has been completed, and an additional \$5,000.00 is being allocated to complete the work.

OFFERED BY: Mr. C. Voisin.

SECONDED BY: Mr. H. Lapeyre.

RESOLUTION NO. 03-288

A resolution establishing a policy to provide solid waste services to indigent fire victims.

WHEREAS, it has been the practice of the Department of Utilities, Solid Waste Division to provide residential fire victims a thirty (30) yard roll-off container for up to thirty (30) days to assist with the accumulation and disposal, and

WHEREAS, this service has been administered under the auspices of the Louisiana Constitution, which negates any conflict with the statutory prohibitions of donation of public funds when such services are provided to the needy, and

WHEREAS, the current practices of the Solid Waste Division does not screen applicants for this service, and

WHEREAS, the Health and Human Services Department provides a similar service for indigent property owners of condemned structures including the screening of applicants, and

WHEREAS, the Parish Administration wishes to expand the indigent disposal allowance and I so doing insure that applicants qualify for this donation.

NOW, THEREFORE BE IT RESOLVED by the Terrebonne Parish Council (Public Services Committee), on behalf of the Terrebonne Parish Consolidated Government, that a

policy regarding the provision of solid waste services to indigent residential property owners be, and is hereby established such that:

- All requests for governmental assistance with solid waste services by residential fire victims shall be administered by the Department of Housing and Human Services
- The Department of Housing and Human Services shall establish the same or similar qualification guidelines for assistance to residential fire victims as are presently administered under the CDBG Program
- Assistance shall be limited to providing a maximum of three containers for periods of up to thirty (30) days each, so long as the recipients make full use of the resource
- This service may be extended beyond the established on a case-by-case basis as may be authorized by the Parish Administration

THERE WAS RECORDED:

YEAS: J.B. Breaux, C. Duplantis, D. Henry, H. Lapeyre, P. Rhodes, W. Thibodeaux, A. Tillman and C. Voisin.

NAYS: None.

ABSTAINING: None.

ABSENT: R. Boudreaux, Jr.

The Chairman declared the resolution adopted on this, this 24th day of June, 2003.

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Utilities Director Tom Bourg explained that the aforementioned policy follows the current policy for assisting indigent individuals who have been placed on the condemnation list.

Committee Member C. Duplantis entered the proceedings at this time.

Mr. Bourg noted that implementation of the policy does not need to be done by ordinance, but simply approved by resolution. Upon questioning relative to the policy being restricted to fire, he explained that there are existing policies that address natural disasters by declaration of the Parish President and Governor, and therefore, those disasters were not included within the policy.

Committee Member W. Thibodeaux interjected that some people may be affected by a small tornado or high wind that would not be a major disaster.

Housing & Human Services Director Darryl Waire explained that persons who do not have funding to demolish homes that have been condemned may apply for assistance through the CDBG Program. He continued that after a review of the ownership and income information, the person is declared to have met the criteria for assistance.

Upon additional questioning, Mr. Bourg stated that Administration is willing to amend the resolution to provide for other types of disasters that have not been included in the resolution.

Committee Member D. Henry offered clarification that the resolution contains a provision that allows the service to be extended on a case-by-case basis after authorization by Administration.

Upon additional questioning, Mr. Bourg explained that the aforementioned policy does not intend to address the removal of trees. He continued that the intent of the ordinance is to address the disposal of structures that have been damaged initially by fire.

Committee Member R. Boudreaux was recorded as exiting the proceedings at 5:50 p. m.

Parish Manager Al Levron noted that the Governor, after declaring an emergency, issues an executive order, which allows Parish employees and/or its contractors to do work on private property, but once a FEMA disaster is completed, the “window of opportunity” closes and the person must enter into some form of a cooperative endeavor in order to receive assistance.

The Chairman requested that Administration take under advisement the matter relative to assisting those persons who still have tree debris in their yards from the hurricane and tropical storm events of 2002.

Mr. J. B. Breaux moved, seconded by Mr. D. Henry, “THAT, there being no further business to come before the Public Services Committee, the meeting be adjourned.”

The Chairman called for the vote on the motion offered by Mr. J. B. Breaux.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: J. B. Breaux, C. Duplantis, D. Henry, H. Lapeyre, P. Rhodes, W. Thibodeaux, A. Tillman, and C. Voisin.

NAYS: None.

ABSTAINING: None.

ABSENT: R. Boudreaux.

The Chairman declared the motion adopted and the meeting was adjourned at 5:56 p.m.

Alvin Tillman, Chairman

Suzette Thomas, Minute Clerk

Mr. A. Tillman moved, seconded by Mr. P. Rhodes, “THAT, the Council accept and ratify the minutes of the Public Services Committee meeting held on 6/24/03.”

The Vice-Chair called for a vote on the motion offered by Mr. A. Tillman.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: D. Henry

The Vice-Chair declared the motion adopted.

The Vice-Chair called for a report on the Community Development & Planning Committee meeting held on 6/24/03, whereupon the Committee Chairman rendered the following:

COMMUNITY DEVELOPMENT & PLANNING COMMITTEE

JUNE 24, 2003

The Chairman, Harold Lapeyre, called the Community Development & Planning Committee meeting to order at 6:02 p. m. in the Terrebonne Parish Council Meeting Room with the Invocation led by W. Thibodeaux and the Pledge of Allegiance led by D. Henry. Upon roll call, Committee Members recorded as present were: R. Boudreaux, J. B. Breaux, C. Duplantis, D. Henry, H. Lapeyre, P. Rhodes, W. Thibodeaux, A. Tillman, and C. Voisin. A quorum was declared present.

Committee Member P. Rhodes requested consideration of supporting a local shrimp festival in Terrebonne Parish. Mr. Rhodes further noted the economic impact of conducting such a festival.

The Chairman recognized Mrs. Kimberly Chauvin of 5248 Bayou Drive, who thanked Councilmen D. Henry, P. Rhodes, W. Thibodeaux, and A. Tillman for attending the recent presentation at Nicholls State University, and presented a copy of the study that was discussed. Mrs. Chauvin stated that a Steering Committee consisting of commercial fishers and businessmen has begun working on establishing a festival, and requested that members of the Council attend some of the meetings. Ms. Chauvin stated that a meeting will be conducted in the near future, but an actual date has not been determined.

Mr. P. Rhodes moved, seconded by Mr. D. Henry, "THAT, the Community Development & Planning Committee request that the Cultural Resources & Economic Development Division review and present a recommendation on implementing a 'Shrimp Festival' in Terrebonne Parish." (**MOTION AMENDED AFTER DISCUSSION)

Committee Member D. Henry requested that Administration also review the possibility of "branding" local and Louisiana shrimp for more notoriety.

Upon questioning, Mrs. Chauvin stated that the actual name of the festival has not been determined, and noted that progression on establishing a festival was halted by the recent war in Iraq.

Discussion ensued relative establishing a local shrimp festival and promotion of local shrimp.

Mr. P. Rhodes offered an amendment, seconded by Mr. D. Henry, "THAT, the Community Development & Planning Committee request that the Cultural Resources & Economic Development Division review and present a recommendation to implement a 'Shrimp Festival' in Terrebonne Parish, and that a member of the Council and an alternate member be appointed to become a member of the 'Shrimp Festival' Steering Committee." (**AMENDED MOTION ADOPTED AFTER DISCUSSION)

Discussion transpired relative to coming up with a unique name for the aforementioned festival.

Council Clerk Paul Labat suggested inviting various national cooking shows to Houma-Terrebonne for the shrimp festival.

The Chairman suggested that the festival highlight various ways of cooking shrimp as well as producing a cookbook on preparing shrimp.

Mr. Bergeron suggested that the festival be called the "La Fete de Chevrette - The Shrimp Holiday."

The Chairman recognized Ms. Julie Falgout of 119 Cottonwood Drive, who thanked the committee for addressing the matter of having a local shrimp festival, and noted the decline in the shrimp industry. Ms. Falgout requested that any ideas for the festival be e-mailed to her or Mrs. Chauvin.

**The Chairman called for the vote on the *amended* motion offered by Mr. P. Rhodes.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, J. B. Breaux, C. Duplantis, D. Henry, H. Lapeyre, P. Rhodes, W. Thibodeaux, A. Tillman, and C. Voisin.

NAYS: None.

ABSTAINING: None.

ABSENT: None.

The Chairman declared the *amended* motion adopted.

Mr. R. Boudreaux moved, seconded by Mr. P. Rhodes and Mr. C. Voisin, "THAT, the Community Development & Planning Committee add on to the agenda the matter relative to amending the Parish Code as it relates to litter abatement."

The Chairman called for the vote on the motion offered by Mr. R. Boudreaux.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, J. B. Breaux, C. Duplantis, D. Henry, H. Lapeyre, P. Rhodes, W. Thibodeaux, A. Tillman, and C. Voisin.

NAYS: None.

ABSTAINING: None.

ABSENT: None.

The Chairman declared the motion adopted.

Parish Attorney Carolyn McNabb requested additional time to review the proposed ordinance to increase a penalty for litter violations. Ms. McNabb noted that, as proposed, the ordinance may present a problem in that both a criminal and a civil penalty cannot be imposed.

Committee Member C. Voisin requested that the matter relative to introducing an ordinance to establish a penalty for litter violations be withdrawn from the agenda and reconsidered at Wednesday's Council meeting.

Committee Member R. Boudreaux requested that the proposed ordinance be reviewed to clarify Section 11-20.

Mr. A. Tillman moved, seconded by Mr. P. Rhodes, "THAT, there being no further business to come before the Community Development & Planning Committee, the meeting be adjourned."

The Chairman called for the vote on the motion offered by Mr. A. Tillman.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, J. B. Breaux, C. Duplantis, D. Henry, H. Lapeyre, P. Rhodes, W. Thibodeaux, A. Tillman, and C. Voisin.

NAYS: None.

ABSTAINING: None.

ABSENT: None.

The Chairman declared the motion adopted and the meeting was adjourned at 6:46 p.m.

Harold Lapeyre, Chairman

Suzette Thomas Minute Clerk

Mr. H. Lapeyre moved, seconded by Mr. J. B. Breaux, "THAT, the Council accept and ratify the minutes of the Community Development & Planning Committee meeting held on 6/24/03."

The Vice-Chair called for a vote on the motion offered by Mr. H. Lapeyre.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: D. Henry

The Vice-Chair declared the motion adopted.

Vice-Chair C. Duplantis stated that in regards to agenda item 4 (Street Lights); there are no streetlights to be approved, therefore no action is necessary.

Mr. P. Rhodes moved, seconded by Mr. H. Lapeyre, "THAT, the Council hold nominations open an additional two weeks for the four vacancies on the Houma, Louisiana – City of Terrebonne Quebec Twinning Committee."

The Vice-Chair called for a vote on the motion offered by Mr. P. Rhodes.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: D. Henry

The Vice-Chair declared the motion adopted.

Mr. J. B. Breaux moved, seconded by Mr. P. Rhodes, "THAT, the Council appoint Mr. William Duncelman to the Terrebonne Parish Youth Advisory Council and that nominations remain open an additional two weeks for the other three vacancies."

The Vice-Chair called for a vote on the motion offered by Mr. J. B. Breaux.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: D. Henry

The Vice-Chair declared the motion adopted.

Mr. J. B. Breaux moved, seconded by Mr. H. Lapeyre, "THAT, the Council hold nominations for two weeks for the vacancy on the Recreation District No. 3 Board to fill the unexpired term of Ms. Sally Authement.

The Vice-Chair called for a vote on the motion offered by Mr. J. B. Breaux.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: D. Henry

The Vice-Chair declared the motion adopted.

Mr. W. Thibodeaux moved, seconded by Mr. H. Lapeyre, "THAT, the Council hold nominations open for two weeks for the expired term (currently held by Mr. C. J. Stoufflet) on the Recreation District No. 11 Board."

The Vice-Chair called for a vote on the motion offered by Mr. W. Thibodeaux.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: D. Henry

The Vice-Chair declared the motion adopted.

Mr. J. B. Breaux moved, seconded by Mr. A. Tillman, "THAT, the Council hold nominations open for two weeks for the expired term (currently held by Mrs. Rosalie Crochet) on the Recreation District No. 6 Board."

The Vice-Chair called for a vote on the motion offered by Mr. J. B. Breaux.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: D. Henry

The Vice-Chair declared the motion adopted.

Mr. J. B. Breaux moved, seconded by Mr. H. Lapeyre, "THAT, the Council allow an add-on to tonight's agenda to address vacancies on the Fire District No. 5 Board."

The Vice-Chair called for a vote on the motion offered by Mr. J. B. Breaux.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: D. Henry

The Vice-Chair declared the motion adopted.

Mr. J. B. Breaux moved, seconded by Mr. H. Lapeyre, "THAT, the Council open nominations for two weeks for the six vacancies on the Fire District No. 5 Board."

The Vice-Chair called for a vote on the motion offered by Mr. J. B. Breaux.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: D. Henry

The Vice-Chair declared the motion adopted.

Mr. C. Voisin moved, seconded by Mr. J. B. Breaux, "THAT, the Council allow an add-on to tonight's agenda to address a matter regarding penalties for individuals violating littering provisions."

The Vice-Chair called for a vote on the motion offered by Mr. C. Voisin.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: D. Henry

The Vice-Chair declared the motion adopted.

Mr. C. Voisin moved seconded by Mr. H. Lapeyre, "THAT, the Council introduce an ordinance that will amend the Parish Code of Terrebonne Parish, Chapter 11. Garbage, Trash, Hazardous Waste and Weeds, Article II. Comprehensive Solid Waste Management Program, Section 13-30. Littering, setting fires, etc.: To include the provisions of RS.30:2531.(C) {Performance of Community Service Work} as the penalty for individuals violating the provisions thereof; and call a public hearing on 7/9/03 at 6:30 p.m." ***(MOTION VOTED ON AFTER BRIEF DISCUSSION.)**

Upon questioning by Councilman P. Rhodes, Parish Attorney C. McNabb indicated that the aforementioned proposed ordinance has been cleared by the Legal Department.

The Vice-Chair called for a vote on the motion offered by Mr. C. Voisin.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: D. Henry

The Vice-Chair declared the motion adopted.

Mr. P. Rhodes moved, seconded by Mr. J. B. Breaux, "THAT, the Council accept the following Monthly Engineering Reports:

- A) GSE Associates, Inc.
- B) T. Baker Smith & Son, Inc.
- C) Cheramie/Whitney Architects."

The Vice-Chair called for a vote on the motion offered by Mr. P. Rhodes.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: D. Henry

The Vice-Chair declared the motion adopted.

Mr. J. B. Breaux moved, seconded by Mr. P. Rhodes and Mr. C. Voisin, "THAT, there being no further business to come before the Council, the meeting be adjourned."

The Vice-Chair called for a vote on the motion offered by Mr. J. B. Breaux.

UPON ROLL CALL THERE WAS RECORDED:

YEAS: R. Boudreaux, C. Duplantis, J. B. Breaux, H. Lapeyre, C. Voisin, P. Rhodes, A. Tillman, and W. Thibodeaux

NAYS: None

ABSTAINING: None

ABSENT: D. Henry

The Vice-Chair declared the motion adopted and the meeting adjourned at 8:21 p.m.

VENITA H. WHITNEY
MINUTE CLERK

ATTEST:

/S/CLAYTON J. VOISIN
CLAYTON J. VOISIN, CHAIRMAN
TERREBONNE PARISH COUNCIL

/S/PAUL A. LABAT
PAUL A. LABAT, COUNCIL CLERK
TERREBONNE PARISH COUNCIL