

# Town of Abita Springs



**MAYOR  
DANIEL J. CURTIS**

**TOWN COUNCIL MEETING  
TUESDAY, AUGUST 20, 2019 6:00PM  
TOWN OF ABITA SPRINGS, ABITA SPRINGS TOWN HALL  
22161 LEVEL ST., ABITA SPRINGS, LA 70420**

POSTED: AUGUST 16, 2019 5PM

CALL TO ORDER: Mayor Curtis  
INVOCATION: Alderman Patterson  
PLEDGE OF ALLEGIANCE: Alderman Randolph

**MAYOR'S ANNOUNCEMENTS:** 1.) Thank You Sherry Firmin 2.) Cynthia Winch 3.) Rykert Toledano

**PUBLIC HEARINGS:** 1.) Hearing - INSTRUMENT 2019-007 AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF ABITA SPRINGS; TO REPEAL SECTION 9-215.1 OF THE TOWN OF ABITA SPRINGS CODE OF ORDINANCES RELATIVE TO THE BROOK FOREST ZONING DISTRICT AND TO PROVIDE FOR RELATED MATTERS. 2.) Hearing - INSTRUMENT 2019-008 AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF ABITA SPRINGS; TO AMEND SECTION 9-205 BY ADDING THERETO THE DEFINITION OF OWNER AND SHORT-TERM RENTALS AND TO ADD SECTION 9-231 TO PROVIDE FOR AND REGULATE THE USE OF SHORT-TERM RENTALS AND TO PROVIDE FOR RELATED MATTERS. 3.) Hearing - Introduction of INSTRUMENT 2019-009 AN ORDINANCE TO PROVIDE FOR THE ZONING AND ANNEXATION OF CERTAIN LAND INTO THE CORPORATE LIMITS OF THE TOWN OF ABITA SPRINGS, LOUISIANA AND TO PROVIDE FOR RELATED MATTERS.

#### **ROLL CALL:**

CALL FOR AGENDA MODIFICATIONS  
ACCEPT JULY 16, 2019 TOWN COUNCIL MEETING MINUTES  
ACCEPT THE JUNE 2019 FINANCIAL REPORT

#### **OLD BUSINESS:**

- 1.) Consideration of INSTRUMENT 2019-007 AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF ABITA SPRINGS; TO REPEAL SECTION 9-215.1 OF THE TOWN OF ABITA SPRINGS CODE OF ORDINANCES RELATIVE TO THE BROOK FOREST ZONING DISTRICT AND TO PROVIDE FOR RELATED MATTERS.
- 2.) Consideration of INSTRUMENT 2019-008 AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF ABITA SPRINGS; TO AMEND SECTION 9-205 BY ADDING THERETO THE DEFINITION OF OWNER AND SHORT-TERM RENTALS AND TO ADD SECTION 9-231 TO PROVIDE FOR AND REGULATE THE USE OF SHORT-TERM RENTALS AND TO PROVIDE FOR RELATED MATTERS.
- 3.) Consideration of INSTRUMENT 2019-009 AN ORDINANCE TO PROVIDE FOR THE ZONING AND ANNEXATION OF CERTAIN LAND INTO THE CORPORATE LIMITS OF THE TOWN OF ABITA SPRINGS, LOUISIANA AND TO PROVIDE FOR RELATED MATTERS.

#### **NEW BUSINESS:**

- 1.) Adopt a RESOLUTION ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD IN THE TOWN OF ABITA SPRINGS, STATE OF LOUISIANA, TO AUTHORIZE THE INCURRING OF DEBT AND ISSUANCE OF BONDS THEREIN; MAKING APPLICATION TO THE STATE BOND COMMISSION IN CONNECTION THEREWITH; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.
- 2.) Adoption of a RESOLUTION MAKING APPLICATION TO THE STATE BOND COMMISSION FOR CONSENT AND APPROVAL OF THE ISSUANCE OF NOT EXCEEDING EIGHT HUNDRED THOUSAND DOLLARS (\$800,000.) OF LIMITED TAX BONDS, SERIES 2019, OF THE TOWN OF ABITA SPRINGS, STATE OF LOUISIANA AND PROVIDING FOR THE EMPLOYMENT OF BOND COUNSEL AND OTHER MATTERS IN CONNECTION THEREWITH.
- 3.) Introduce INSTRUMENT 2019-011 AN ORDINANCE PROVIDING FOR THE INCURRING OF DEBT AND ISSUANCE OF EIGHT HUNDRED THOUSAND DOLLARS (\$800,000) OF LIMITED TAX BONDS, SERIES 2019, OF THE TOWN OF ABITA SPRINGS, STATE OF LOUISIANA; PRESCRIBING THE FORM, TERMS AND CONDITIONS OF SAID BONDS; DESIGNATING THE DATE, DENOMINATION AND PLACE OF PAYMENT THEREOF IN PRINCIPAL AND INTEREST; PROVIDING FOR THE ACCEPTANCE OF OFFERS FOR THE PURCHASE OF SAID BONDS; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

#### **OPEN/ANNOUNCEMENTS/ADJOURNMENT:**

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE, PLEASE CONTACT US AT (985) 892-0711.  
PLEASE CONTACT TOWN HALL AT THE SAME NUMBER FOR ADDITIONAL INFORMATION REGARDING THIS AGENDA.

# Town of Abita Springs



**MAYOR  
DANIEL J. CURTIS**

INSTRUMENT 2019-007

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF ABITA SPRINGS;  
TO REPEAL SECTION 9-215.1 OF THE TOWN OF ABITA SPRINGS CODE OF  
ORDINANCES RELATIVE TO THE BROOK FOREST ZONING DISTRICT AND TO  
PROVIDE FOR RELATED MATTERS.

**IT IS HEREBY ORDAINED** by the Board of Aldermen of the Town of Abita Springs that the  
Code of Ordinance of the Town of Abita Springs be amended as follows:  
Section 9-215.1 is hereby repealed.

An Ordinance introduced by Alderman Patterson and seconded by Alderwoman Randolph on this  
16th day of July 2019.

An Ordinance adopted by Alderman \_\_\_\_\_ and seconded by Alderman  
\_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

The vote was:

YEAS:

NAYS:

ABSENT:

ABSTAIN

\_\_\_\_\_  
HONORABLE DANIEL J. CURTIS, MAYOR

ATTEST

\_\_\_\_\_  
JANET DUFRENE, TOWN CLERK

# Town of Abita Springs



**MAYOR  
DANIEL J. CURTIS**

## **INSTRUMENT 2019-008**

1  
2  
3  
4 AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF ABITA SPRINGS; TO AMEND  
5 SECTION 9-205 BY ADDING THERETO THE DEFINITION OF OWNER AND SHORT-TERM RENTALS  
6 AND TO ADD SECTION 9-231 TO PROVIDE FOR AND REGULATE THE USE OF SHORT-TERM  
7 RENTALS AND TO PROVIDE FOR RELATED MATTERS.  
8

9 **WHEREAS**, the short-term rental of residential units and dwellings is an increasing segment of the  
10 rental market across the country; and,  
11

12 **WHEREAS**, there are numerous short-term rental listings in the Town of Abita Springs; and,  
13

14 **WHEREAS**, the regulation of short-term rentals is necessary to provide minimum safety requirements  
15 and for the collection of applicable taxes; and,  
16

17 **WHEREAS**, the regulation of short-term rentals is necessary to protect and promote the public peace  
18 and the health, safety and welfare of the citizens of the Town of Abita Springs and the occupants of  
19 short-term rentals; and,  
20

21 **WHEREAS**, the Board of Aldermen of the Town of Abita Springs deems these amendments appropriate  
22 to protect the health, safety, and welfare of the citizens of Abita Springs; and,  
23

24 **NOW, THEREFORE, BE IT ORDAINED** by the Board of Aldermen of the Town of Abita Springs, at its  
25 regular session convened, that Section 9-205 of the Code of Ordinances of the Town of Abita Springs  
26 shall be amended as follows, to wit:  
27

28 **Amend SECTION 9-205- DEFINITIONS, to add a new definition for Owner and Short-Term**  
29 **Rentals as outlined below.** The remainder of all other definitions, as set forth in Section 9-205 shall  
30 remain in full force and effect following the amendment below.  
31

32 **Sec. 9-205. -Definitions** – For the purpose of this chapter, the following terms, phrases, words, and  
33 their derivations shall have the meaning given herein. When not inconsistent with the context, words  
34 used in the present tense include the future, words in the plural number include the singular number,  
35 and words in the singular number include the plural number. The word "shall" is always mandatory  
36 and not merely directory.

37 *Owner* is the person who possesses ownership of the real property containing a residential dwelling  
38 unit subject to a short-term rental as evidenced by a deed and proof of homestead exemption.  
39

40 *Short-term Rental* is the rental of a residential dwelling unit or accessory building on a temporary  
41 basis for the purpose of overnight lodging for a period of (30) thirty consecutive days or less.  
42

43 **BE IT FURTHER ORDAINED** by the Board of Aldermen of the Town of Abita Springs, at its regular  
44 session convened, that Section 9-231 of the Code of Ordinances of the Town of Abita Springs shall be  
45 added as follows, to wit:  
46

47 **Amend PART 9, CHAPTER 2 – ZONING REGULATIONS, to add a new section as outlined below.**  
48 The remainder of all other sections of zoning regulations, as set forth in Part 9, Section 2 Zoning  
49 Regulations shall remain in full force and effect following the amendment below.  
50

51 **Sec. 9-231 Short Term Rentals**  
52

53 **(1) Applicability.** No person shall use or maintain, nor shall any person advertise the use of any  
54 residential dwelling unit on any parcel in this town for short-term rental without a short-term  
55 rental permit. Short-term rentals may only be allowed in the following districts:  
56

- 57 (a) Residential District, as described in Sec. 9-215 of the Abita Springs Code of Ordinances;
- 58 (b) Brook Forest Residential District, as defined in Sec. 9-215.1 of the Abita Springs Code  
59 of Ordinances;
- 60 (c) Midtown Cultural District, as described in Sec. 9-218.3 of the Abita Springs Code of  
61 Ordinances; and
- 62 (d) Historic District, as described in Sec. 9-222 of the Abita Springs Code of Ordinances.
- 63 (e) Commercial Districts as defined in section 9-218, 9-218.1, and 9-218.2.  
64

65 **(2) Regulations.**  
66

- 67 (a) The short-term rental permit shall be in the name of the Owner, who shall be an owner of  
68 the real property upon which the short-term rental use is to be permitted.
- 69 (b) The Owner shall occupy the dwelling and be present during any short-term rental  
70 occupancy.
- 71 (c) One person may hold no more than one short-term rental permit, unless that person is the  
72 owner of a residential dwelling unit on a parcel immediately adjacent to and sharing an  
73 adjoining property line to an already permitted short-term rental, in such case that person may  
74 hold two short term rental permits. The permit shall not be transferable.
- 75 (d) Short-term rentals shall not be operated outdoors or in a recreational vehicle.
- 76 (e) Short-term rentals use shall be limited to residential dwelling units existing and constructed  
77 as of the date of application for the short-term rental permit.
- 78 (f) Short-term rental dwellings shall meet all applicable building, health, fire, and related safety  
79 codes at all times and shall be inspected by the fire department before any short-term rental  
80 activity can occur. Each bedroom shall contain a smoke detector and a carbon monoxide  
81 detector.
- 82 (g) A minimum of one on-site parking space shall be provided for use per bedroom used by the  
83 short-term rental occupants. Vehicles shall be parked in the designated area onsite and shall  
84 not be parked on the street.

- 85 (h) The short-term rental shall appear outwardly to be a residential dwelling. No exterior  
86 signage or other exterior evidence that the property is used for short-term rental is permitted.  
87 (i) Use of the short-term rentals for commercial functions, ceremonies, and/or other special  
88 events shall be prohibited.  
89 (j) The Owner shall ensure that the occupants and/or guests of the short-term rental use do  
90 not create unreasonable noise or disturbances, engage in disorderly conduct or violate  
91 provisions of this code or any state law pertaining to noise, disorderly conduct, the  
92 consumption of alcohol, or the use of illegal drugs or be subject to fines and penalties levied by  
93 the city up to and including revocation of the short-term rental permit.  
94 (k) The Owner, upon notification that occupants and/or guests of his or her short-term rental  
95 use have created unreasonable noise or disturbances, engaged in disorderly conduct or  
96 committed violations of this code or state law pertaining to noise, disorderly conduct, the  
97 excessive consumption of alcohol or the use of illegal drugs, shall prevent a recurrence of such  
98 conduct by those occupants or guests or be subject to fines and penalties levied by the Town  
99 up to and including revocation of the short-term rental permit.  
100 (l) The Owner shall maintain an occupational license and pay all occupancy taxes required by  
101 law, including but not limited to state sales tax and hotel/motel occupancy tax.  
102 (m) No food service shall be provided by the Owner or anyone on his behalf.  
103

104 **(3) Permits.** Prospective owner-applicants of a short-term rental use shall apply for an annual  
105 permit with the planning director in accordance with the provisions of this Section and on a  
106 form provided by the Town. A Short-term Rental Permit is a privilege, not a right, and may be  
107 revoked or not renewed based on non-compliance with the requirements provided herein.  
108

109 (a) The application shall be accompanied by the short-term rental permit fee as set forth herein  
110 to cover the administrative costs of issuing a short-term rental permit and, but not limited to,  
111 inspecting the following information:  
112

- 113 (1) The name, address, and phone number of the applicant, and verification that the  
114 applicant is the Owner of the property, including proof of homestead exemption;
- 115 (2) The assessor's parcel number of the lot on which the short-term rental use is proposed;
- 116 (3) A site and floor plan identifying the location of parking on the site and the location of any  
117 bedrooms to be used for short-term rental use;
- 118 (4) Evidence that the property has current, valid liability insurance of \$500,000.00 or more  
119 with proof that such coverage includes use as a short-term rental property; and
- 120 (5) Acknowledgment of compliance with all regulations pertaining to the operation of a  
121 short-term rental.  
122

123 (b) The permit term for all short-term rental permits shall run from January 15 to January 14  
124 of each year, regardless of when issued. All permits must be renewed annually.

125 (c) There shall be no more than fifty (50) short-term rental permits issued by the Town  
126 annually.

127 (d) The annual permit fee for a short-term rental permit shall be \$250.00.

128 (e) Any fraud, material misrepresentations, or false statements contained in the attestations,  
129 required documentation, or correlating application materials shall be grounds for immediate  
130 revocation of a short-term rental permit. Furthermore, all requirements herein shall be  
131 continuously maintained throughout the duration of the permit.  
132

133 **(4) Violations.** Any violation of this Section and the correlating provisions in this chapter may  
134 subject a violator to any remedy, legal or equitable, available to the town. Violations include but  
135 are not limited to: advertisement or rental of a short-term rental without proper permitting,  
136 operation outside the scope of any of the applicable short-term rental regulations provided by law  
137 and advertising a short-term rental outside the permitted scope of a short-term rental permit. The  
138 Planning Director may suspend, revoke or not renew any permit issued pursuant to this Section if  
139 the Planning Director determines that the permit holder has violated any provision of this Section,  
140 two (2) or more times. Remedies include but are not limited to: revocation of a short-term rental  
141 permit, daily fines, and property liens, as more fully provided in Section 9-228 of this Chapter.  
142 Each day of violation shall be considered a separate offense. Nothing contained herein shall be  
143 construed to limit the legal remedies available to any other person for the correction of violations  
144 of this Section.

145  
146 **BE IT FURTHER ORDAINED** that all other sections of Chapter 2 shall remain the same and in full force.

147  
148 **BE IT FURTHER ORDAINED** that if any provision of this Section shall be held to be invalid, such  
149 invalidity shall not affect other provisions herein which can be given effect without the invalid  
150 provision and to this end the provisions of this ordinance are hereby declared to be severable.

151  
152 **BE IT FURTHER ORDAINED**, that the Clerk of this Board be, and she is hereby authorized and  
153 empowered to take any and all actions which she, in the exercise of her discretion, deems necessary to  
154 promulgate the provisions of this ordinance.

155  
156 Introduced on a motion of Alderwoman Randolph, seconded by Alderman Patterson on the 16th day  
157 of July 2019. Adopted on motion of Alderman \_\_\_\_\_ and seconded by Alderman \_\_\_\_\_ on the \_\_\_\_\_  
158 day of \_\_\_\_\_ 2019. The vote was:

159  
160 AYES:

161 NAYS:

162 ABSTENTIONS:

163 ABSENT:

164

165

166

167 ATTEST

168 Janet Dufrene, Town Clerk

169

\_\_\_\_\_

Honorable Daniel J. Curtis, Mayor

# Town of Abita Springs



## MAYOR DANIEL J. CURTIS

### INSTRUMENT 2019-009

1  
2  
3 AN ORDINANCE TO PROVIDE FOR THE ZONING AND ANNEXATION OF CERTAIN LAND INTO THE CORPORATE  
4 LIMITS OF THE TOWN OF ABITA SPRINGS, LOUISIANA AND TO PROVIDE FOR RELATED MATTERS.  
5

6 IT IS HEREBY ORDAINED by the Board of Aldermen of the Town of Abita Springs that the below described  
7 property be and is hereby annexed into the municipal corporate limits of the Town of Abita Springs, Louisiana, without  
8 the necessity of an election for annexation. Said property is described as follows, to-wit:  
9

10 **ALL THAT CERTAIN LOT OR PORTION OF GROUND**, situated in Section 1, Township 7 South, Range 11 East,  
11 Greensburg Land District, St. Tammany Parish, Louisiana and being more particularly described as follows:  
12

13 Commence at a 1/2 inch iron rod found being South 1,445.60 feet from the Quarter Corner common to Section 36,  
14 Township 6 South, Range 11 East & Section 1, Township 7 South, Range 11 East as the POINT OF BEGINNING and  
15 measure North 61 degrees 08 minutes 38 seconds East a distance of 336.28 feet to a 1 inch iron pipe found; thence  
16 North 87 degrees 45 minutes 38 seconds East a distance of 370.59 feet to a 1/2 inch iron rod found; thence South 03  
17 degrees 24 minutes 40 seconds West a distance of 177.21 feet to a 5/8 inch iron rod found; thence South 23 degrees  
18 27 minutes 16 seconds East a distance of 336.20 feet to 1/2 inch iron rod set; thence South 89 degrees 37 minutes  
19 40 seconds West a distance of 329.35 feet to a 1/2 inch iron rod found; thence South 00 degrees 24 minutes 22  
20 seconds East a distance of 289.81 feet to a 1/2 inch iron rod found; thence South 89 degrees 48 minutes 25 seconds  
21 West a distance of 460.81 feet to a 1 inch iron pipe found; thence North a distance of 602.05 feet to the POINT  
22 OF BEGINNING, and containing 10.174 acre(s) of land, more or less, all as per survey by Kelly J. McHugh &  
23 Associates, Inc., dated 07/08/2019, dwg. no.: A19-188-1.  
24

25 The officials of the Town of Abita Springs are hereby authorized and directed to take all necessary actions that are  
26 proper in order to affect the annexation into the corporate limits of the Town of Abita Springs.  
27

28 BE IT FURTHER ORDAINED that the above described property be zoned to allow its continued use as a sewer  
29 treatment plant and town maintenance barn.  
30

31 This Ordinance shall take effect upon signature of the Mayor. Technical Amendments to the property description  
32 contained herein may be made in accordance with the laws of the Town of Abita Springs.  
33

34 Introduced by Alderman Saussy, seconded by Alderman Murphy on the 16<sup>th</sup> day of July 2019. Adopted on a motion of  
35 Alderman \_\_\_\_\_, seconded by Alderman \_\_\_\_\_ on the \_\_\_ day of \_\_\_\_\_ 2019.  
36

37 Vote was:

38 YEAS:

39 NAYS:

40 ABSENT:

ABSTAIN:

41  
42 ATTEST

43 \_\_\_\_\_  
44 Janet Dufrene, Town Clerk

\_\_\_\_\_   
Honorable Daniel J. Curtis, Mayor

# Town of Abita Springs



**MAYOR  
DANIEL J. CURTIS**

1  
2 *THE FOLLOWING AMENDMENT WAS MOVED FOR ADOPTION BY ALDERMAN MEMBER .....,*  
3 *AND SECONDED FOR ADOPTION BY ALDERMAN MEMBER .....*  
4  
5  
6

7 AMENDMENT TO INSTRUMENT #2019-009, AN ORDINANCE TO PROVIDE FOR THE  
8 ZONING AND ANNEXATION OF CERTAIN LAND INTO THE CORPORATE LIMITS OF THE  
9 TOWN OF ABITA SPRINGS, LOUISIANA AND TO PROVIDE FOR RELATED MATTERS.  
10

11  
12 **AMENDMENT 1**

13  
14 On page 1, lines 28 and 29, following the word zoned delete the words “to allow its continued  
15 use as a sewer treatment plant and town maintenance barn” and in lieu thereof insert the  
16 words “Light Industrial.”  
17

18  
19 The vote was:  
20

21 YEAS:

22 NAYS:

23 ABSENT:

24 ABSTAIN:  
25  
26  
27  
28

29 \_\_\_\_\_  
HONORABLE DANIEL J. CURTIS, MAYOR  
30  
31  
32

33 \_\_\_\_\_  
34 JANET DUFRENE  
35 TOWN CLERK  
36



The following resolution was offered by \_\_\_\_\_ and seconded  
by \_\_\_\_\_:

### RESOLUTION

A resolution ordering and calling a special election to be held in the Town of Abita Springs, State of Louisiana, to authorize the incurring of debt and issuance of bonds therein; making application to the State Bond Commission in connection therewith; and providing for other matters in connection therewith.

BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Abita Springs, State of Louisiana (the "Governing Authority"), acting as the governing authority of the Town of Abita Springs, State of Louisiana (the "Town"), that:

SECTION 1. Election Call. Subject to the approval of the State Bond Commission, and under the authority conferred by the Constitution of the State of Louisiana of 1974, the applicable provisions of the Louisiana Election Code, and other constitutional and statutory authority, a special election is hereby called and ordered to be held in the Town on **SATURDAY, NOVEMBER 16, 2019**, between the hours of seven o'clock (7:00) a.m. and eight o'clock (8:00) p.m., in accordance with the provisions of La. R.S. 18:541, and at the said election there shall be submitted to all registered voters qualified and entitled to vote at the said election under the Constitution and laws of this State and the Constitution of the United States, the following proposition, to-wit:

### PROPOSITION (BOND)

Shall the Town of Abita Springs, State of Louisiana (the "Town"), incur debt and issue bonds to the amount of not exceeding One Million Dollars (\$1,000,000), to run not exceeding fifteen (15) years from date thereof, with interest at a rate or rates not exceeding six per centum (6%) per annum, with the proceeds to be used for purposes of paying costs of acquiring and constructing improvements and replacements to the Town's sewerage system and water system and constructing, paving, resurfacing and improving public streets in the Town, including equipment, fixtures and accessories for the aforesaid purposes, title to which shall be in the public, which bonds will be general obligation bonds of the Town and will be payable from ad valorem taxes to be levied and collected in the manner provided by Article VI, Section 33 of the Constitution of the State of Louisiana of 1974 and statutory authority supplemental thereto, with no estimated increase in the millage rate to be levied in the first year of issue above the 5 mills currently being levied to pay general obligation bonds of the Town?

SECTION 2. Publication of Notice of Election. A Notice of Special Election shall be published in the *St. Tammany Farmer*, a newspaper of general circulation within the Town, published in Covington, Louisiana, and being the official journal of the Town, once a week for four consecutive weeks, with the first publication to be made not less than forty-five (45) days nor more than ninety (90) days prior to the date of the election, which Notice shall be substantially in the form attached hereto as "Exhibit A" and incorporated herein by reference the same as if it were set forth herein in full.

Notwithstanding the foregoing, prior to the publication of the Notice of Election, the Mayor is authorized and directed to make any amendments to the foregoing proposition that may be required to comply with any state or federal regulatory agencies.

SECTION 3. Canvass. This Governing Authority shall meet at its regular meeting place, the Town Hall, 22161 Level Street, Abita Springs, Louisiana, on **TUESDAY, DECEMBER 17, 2019**, at **SIX O'CLOCK (6:00) P.M.**, and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of the said special election.

SECTION 4. Polling Places. The polling places for the precincts set forth in the aforesaid Notice of Special Election are hereby designated as the polling places at which to hold the said election, and the Commissioners-in-Charge and Commissioners, respectively, will be the same persons as those designated in accordance with law.

SECTION 5. Election Commissioners: Voting Machines. The officers designated to serve as Commissioners-in-Charge and Commissioners pursuant to Section 4 hereof, or such substitutes therefor as may be selected and designated in accordance with La. R.S. 18:1287, shall hold the said special election as herein provided, and shall make due returns of said election for the meeting of the Governing Authority to be held as provided in Section 3 hereof. All registered voters in the Town will be entitled to vote at the special election, and voting machines shall be used.

SECTION 6. Authorization of Officers. The Clerk of the Town is hereby empowered, authorized and directed to arrange for and to furnish to said election officers in ample time for the holding of said election, the necessary equipment, forms and other paraphernalia essential to the proper holding of said election and the Mayor and/or Clerk of the Town are further authorized, empowered and directed to take any and all further action required by State and/or Federal law to arrange for the election.

SECTION 7. Furnishing Election Call to Election Officials. Certified copies of this resolution shall be forwarded to the Secretary of State, the Clerk of Court and *Ex-Officio* Parish Custodian of Voting Machines of St. Tammany Parish and the Registrar of Voters of St. Tammany Parish, as notification of the special election, in order that each may prepare for said election and perform their respective functions as required by law.

SECTION 8. Application to State Bond Commission. Application is made to the State Bond Commission for consent and authority to hold the special election as herein provided, and in the event said election carries for further consent and authority to issue, sell and deliver the bonds provided for therein. A certified copy of this resolution shall be forwarded to the State Bond Commission on behalf of this Governing Authority, together with a letter requesting the prompt consideration and approval of this application. By virtue of applicant/issuer's application for, acceptance and utilization of the benefits of the Louisiana State Bond Commission's approval(s) resolved and set forth herein, it resolves that it understands and agrees that such approval(s) are expressly conditioned upon, and it further resolves that it understands, agrees and binds itself, its successors and assigns to, full and continuing compliance with the "State Bond Commission Policy on Approval of Proposed Use of Swaps, or other forms of Derivative Products Hedges, Etc.", adopted by the Commission on July 20, 2006, as to the borrowing(s) and other matter(s) subject to the approval(s), including subsequent application and approval under said Policy of the implementation or use of any swap(s) or other product(s) or enhancement(s) covered thereby.

SECTION 9. Employment of Bond Counsel. This Governing Authority finds and determines that a real necessity exists for the employment of special counsel in connection with the issuance of the Bonds, and accordingly, Foley & Judell, L.L.P., of New Orleans, Louisiana, as Bond Counsel, is hereby employed to do and perform work of a traditional legal nature as bond counsel with respect to the issuance and sale of said Bonds. Said Bond Counsel shall prepare and submit to this Governing Authority for adoption all of the proceedings incidental to the authorization, issuance, sale and delivery of such Bonds, shall counsel and advise this Governing Authority as to the issuance and sale thereof and shall furnish its opinions covering the legality of the issuance of the Bonds. The fee of Bond Counsel for each series of bonds shall be fixed at a sum not exceeding the fee allowed by the Attorney General's fee guidelines for such bond counsel work in connection with the issuance of general obligation bonds and based on the amount of said Bonds actually issued, sold, delivered and paid for, plus "out-of-pocket" expenses, said fees to be contingent upon the issuance, sale and delivery of said Bonds. The Mayor is hereby authorized and directed to execute, and this Governing Authority hereby agrees to and accepts the terms of, the engagement letter of Bond Counsel appended hereto as Exhibit B. A certified copy of this resolution shall be submitted to the Attorney General of the State of Louisiana for his written approval of said employment and of the fees herein designated, and the Clerk is hereby empowered and directed to provide for payment of the work herein specified upon completion thereof and under the conditions herein enumerated without further approval of this Governing Authority.

SECTION 10. Appointment of Municipal Advisor. The Issuer hereby retains Raymond James & Associates, Inc., of Baton Rouge, Louisiana, to act as its Municipal Advisor ("MA") pursuant to the provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act and the rules promulgated thereunder by the Securities and Exchange Commission. The Issuer hereby acknowledges that it is represented by the MA and will rely upon the advice of the MA with respect to the Bonds. The fee to be paid the MA shall be payable solely from the proceeds of the Bonds when and if issued, and the amount thereof shall be subject to the approval of the State Bond Commission. The Mayor is hereby authorized and directed, in his discretion, to execute any contract the MA may require with respect to the engagement.

SECTION 11. Declaration of Official Intent. Prior to the delivery of the Bonds, the Governing Authority anticipates that it may pay a portion of the costs of the projects from the General Fund. The projects include those purposes set forth in the proposition herein. Upon the issuance of the Bonds, the Issuer reasonably expects to reimburse any such expenditures of other available funds from a portion of the proceeds of the Bonds. Any such allocation of proceeds of the Bonds for reimbursement will be with respect to capital expenditures (as defined in Reg. 1.150-1(b)) and will be made upon the delivery of the Bonds and not later than one year after the later of (i) the date such expenditure was paid or (ii) the date on which the project was placed in service. This Section is intended to be a declaration of official intent within the meaning of Reg. 1.150-2.

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

MEMBERS:	YEAS:	NAYS:	ABSENT:	ABSTAINING:
Ryan Murphy	_____	_____	_____	_____
Regan Contois	_____	_____	_____	_____
Pat Patterson	_____	_____	_____	_____
Evette Randolph	_____	_____	_____	_____
Stephen Saussy	_____	_____	_____	_____

And the resolution was declared adopted on this, the 20<sup>th</sup> day of August, 2019.

\_\_\_\_\_  
/s/ Janet Dufrene  
Clerk

\_\_\_\_\_  
/s/ Dan Curtis  
Mayor

NOTICE OF SPECIAL ELECTION

Pursuant to the provisions of a resolution adopted by the Mayor and Board of Aldermen of the Town of Abita Springs, State of Louisiana (the "Governing Authority"), acting as the governing authority of the Town of Abita Springs, State of Louisiana (the "Town"), on August 20, 2019, NOTICE IS HEREBY GIVEN that a special election will be held within the Town on **SATURDAY, NOVEMBER 16, 2019**, and that at the said election there will be submitted to all registered voters in the Town qualified and entitled to vote at the said election under the Constitution and Laws of the State of Louisiana and the Constitution of the United States, the following proposition, to-wit:

**PROPOSITION  
(BOND)**

Shall the Town of Abita Springs, State of Louisiana (the "Town"), incur debt and issue bonds to the amount of not exceeding One Million Dollars (\$1,000,000), to run not exceeding fifteen (15) years from date thereof, with interest at a rate or rates not exceeding six per centum (6%) per annum, with the proceeds to be used for purposes of paying costs of acquiring and constructing improvements and replacements to the Town's sewerage system and water system and constructing, paving, resurfacing and improving public streets in the Town, including equipment, fixtures and accessories for the aforesaid purposes, title to which shall be in the public, which bonds will be general obligation bonds of the Town and will be payable from ad valorem taxes to be levied and collected in the manner provided by Article VI, Section 33 of the Constitution of the State of Louisiana of 1974 and statutory authority supplemental thereto, with no estimated increase in the millage rate to be levied in the first year of issue above the 5 mills currently being levied to pay general obligation bonds of the Town?

The said special election shall be held at the polling places for the following precincts, which polls will open at seven o'clock (7:00) a.m. and close at eight o'clock (8:00) p.m., in accordance with the provisions of La. R.S. 18:541, to-wit:

**PRECINCTS**  
406(PART)  
A01(PART)  
A02(PART)  
A03(PART)  
A04(PART)

The polling places for the precincts set forth above are hereby designated as the polling places at which to hold the said election, and the Commissioners-in-Charge and Commissioners, respectively, shall be those persons designated according to law.

Notice is further given that a portion of the monies collected from the tax described in the Proposition shall be remitted to certain state and statewide retirement systems in the manner required by law.



ENGAGEMENT LETTER

August 20, 2019

Hon. Dan Curtis, Mayor  
Town of Abita Springs, State of Louisiana  
Abita Springs, Louisiana

Re: Proposed General Obligation Bonds of the Town  
of Abita Springs, State of Louisiana

Dear Hon. Curtis:

The purpose of this engagement letter is to set forth certain matters concerning the role we will serve and the legal services we will provide as bond counsel to the Town of Abita Springs, State of Louisiana (the "Issuer") in connection with the issuance of the captioned bonds (the "Bonds"). We understand that the Bonds will be issued for the purpose (the "Project") described in the resolution adopted by the Mayor and Board of Alderment of the Town of Abita Springs, State of Louisiana (the "Governing Authority"), acting as the governing authority of the Issuer, on August 20, 2019.

As bond counsel, we will prepare and submit to the Governing Authority for adoption all of the legal proceedings required for the authorization, issuance, sale and delivery of the Bonds and provide advice of a traditional legal nature as to the issuance and sale of the Bonds. Our job is principally to render certain opinions to the Issuer regarding (i) the validity of the Bonds under applicable Louisiana law, (ii) the exemption of interest paid on the bonds from federal and/or state taxes, and (iii) other matters as may be applicable. The bond opinion will be based on facts and law existing as of its date. In rendering such opinion, we will rely upon the certified proceedings and other certifications of public officials and other persons furnished to our firm without undertaking to verify the same by independent investigation, and we will assume continuing compliance by the Issuer with applicable laws and other resolutions relating to the Bonds. During the course of this engagement, we will rely upon the staff of the Issuer and the members of the Governing Authority to provide us with complete and timely information on all developments pertaining to any aspect of the Bonds.

In our engagement as bond counsel, we will:

- Confer with members of the working group, including you and other officials of the Issuer, relating to the Project and review legal issues relating to the structure of the Bond issue;
- Prepare the Issuing Bond Resolution and all related financing documents (collectively, the "Bond Documents");
- Attend meetings of the Governing Authority at which the Bond Documents are adopted;
- Prepare the application for approval of the issuance of the Bonds by the State Bond Commission and attend the State Bond Commission meeting at which such approval will be considered;
- Review any insurance policy in the event the Issuer determines that the Bonds will have credit enhancement;

- Prepare the closing index and various closing certificates, including the Tax Compliance Certificate, and supervise the execution of certain closing documents by the various parties thereto;
- Prepare and file Internal Revenue Service Form 8038-G, as required by Federal law;
- Prepare the Bonds and supervise their execution and authentication,
- Prepare complete transcripts of record covering the issuance of the Bonds and furnishing the transcripts to various parties in connection therewith; and
- Submit applicable post-closing reports to the State Bond Commission.

Our fee as bond counsel is based upon the terms, structure, size and schedule of the financing, the services provided, and the responsibilities assumed; however, our fee will not exceed that permitted by guidelines set forth by the Attorney General of the State of Louisiana and is subject to his approval. Our fee as bond counsel is a “contingent fee,” meaning you are required to pay for our legal services only in the event the Bonds are actually sold and delivered. Other vendors or members of the working group may charge additional fees or costs for their services.

In addition to our services provided as bond counsel, you have requested that we prepare an official statement with respect to the sale of the Bonds in coordination with the working group. The costs associated with the preparation of the official statement will be invoiced separately from our fee as bond counsel as approved by the State Bond Commission.

We will continue to serve as bond counsel until the delivery of the Bonds; however, the Issuer and our firm each have the right to terminate this engagement at any time after providing reasonable advanced written notice, subject to the applicable rules of professional responsibility. Upon conclusion or termination of our representation of the Issuer, papers and property furnished by the Issuer will be returned promptly upon request.

Please note that we are not municipal advisors, and we do not render financial advice or other financial services to the Issuer; however, in the course of providing traditional legal services, we may provide factual information to the Issuer that is not specifically tailored to the Bonds or that does not rise to the level of a recommendation concerning a course of action. We will, however, analyze and advise the Issuer regarding the legal ramifications of the structure, timing, terms and other provisions of the Bonds, as these functions are essential to developing a plan of finance.

On behalf of the Issuer, you have represented to us that in connection with the issuance of the Bonds the Issuer is represented by, and with respect to financial matters will rely on the advice of, Raymond James & Associates, Inc., of Baton Rouge, Louisiana, a registered municipal advisor under the rules promulgated by the Securities and Exchange Commission. By obtaining such representation from you, our firm is not a municipal advisor and is not subject to the fiduciary duty established in Section 15B(c)(1) of the Securities Exchange Act of 1934, as amended.

Applicable ethical rules in Louisiana prohibit us from undertaking this representation if we represent another party that is directly adverse to the Issuer or if there is a significant risk that other considerations will materially limit our representation of the Issuer. As you are aware, our firm represents the State of Louisiana and many other political subdivisions, including others in St. Tammany Parish. At this time, we do not believe any other current or past engagement of our firm adversely affects our ability to represent the Issuer as provided in this letter; however, we invite you to discuss any concerns you have with us.



In the interest of facilitating our services to you, we may (i) send documents, information or data electronically or via the Internet or (ii) store electronic documents or data via computer software applications hosted remotely or utilize cloud-based storage. Confidential electronic documents or data of the Issuer may be transmitted or stored using these methods. We may use third party service providers to store or transmit these documents or data. In using these electronic communication and storage methods, we employ reasonable efforts to keep such communications, documents and data secure in accordance with our obligations under applicable laws, regulations, and professional standards; however, the Issuer recognizes and accepts that we have no control over the unauthorized interception or breach of any communications, documents or data once it has been transmitted or if it has been subject to unauthorized access while stored, notwithstanding all reasonable security measures employed by us or by our third party service providers. By acceptance of this letter, the Issuer consents to our use of these electronic devices and applications and submission of confidential client information to or through third party service providers during this engagement.

If this letter is acceptable to the Issuer, please so indicate by executing below and returning a copy to us, retaining an original for your files. We appreciate the opportunity to serve the Issuer and look forward to working with you.

**FOLEY & JUDELL, L.L.P.**

**BY:** \_\_\_\_\_  
**ALAN L. OFFNER, PARTNER**

**ACCEPTED AND APPROVED:**  
**TOWN OF ABITA SPRINGS, STATE OF LOUISIANA**

**BY:** \_\_\_\_\_  
**NAME: DAN CURTIS**  
**TITLE: MAYOR**

**DATED: AUGUST 20, 2019**

cc: Raymond James & Associates, Inc.

STATE OF LOUISIANA

PARISH OF ST. TAMMANY

I, the undersigned Clerk of the Town of Abita Springs, State of Louisiana (the "Town"), do hereby certify that the foregoing pages constitute a true and correct copy of the proceedings taken by the Mayor and Board of Aldermen of the Town on August 20, 2019, ordering and calling a special election to be held in the Town of Abita Springs, State of Louisiana, to authorize the incurring of debt and issuance of bonds therein; making application to the State Bond Commission in connection therewith; and providing for other matters in connection therewith.

IN FAITH WHEREOF, witness my official signature at Abita Springs, Louisiana, on this, the 20<sup>th</sup> day of August, 2019.

---

Clerk

The following resolution was offered by \_\_\_\_\_ and seconded by

\_\_\_\_\_:

**RESOLUTION**

A resolution making application to the State Bond Commission for consent and approval of the issuance of not exceeding Eight Hundred Thousand Dollars (\$800,000) of Limited Tax Bonds, Series 2019, of the Town of Abita Springs, State of Louisiana and providing for the employment of bond counsel and other matters in connection therewith.

WHEREAS, the Town of Abita Springs, State of Louisiana (the “Issuer”), is authorized to levy a special tax of 7.86 mills (such tax being subject to adjustment from time to time due to reassessment) in each year pursuant to Section 27.(A) of Article VI of the Louisiana Constitution of 1974, as amended (the “Tax”); and

WHEREAS, Section 1430 of Title 39 of the Louisiana Revised Statutes of 1950, as amended (the “Act”), authorizes the Issuer to borrow money in anticipation of revenues to be realized from the Tax; and

WHEREAS, the Issuer has no outstanding indebtedness of any kind payable from a pledge or dedication of the avails or proceeds of the Tax, except for its outstanding Limited Tax Bonds, Series 2012, issued pursuant to an ordinance adopted on June 19, 2012, in the original principal amount of \$556,000; and

WHEREAS, the Issuer wishes to incur debt and issue Eight Hundred Thousand Dollars (\$800,000) of Limited Tax Bonds, Series 2019, in the manner authorized and provided by the Act for the purposes hereinafter set forth; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Abita Springs, State of Louisiana, acting as the governing authority thereof, that:

SECTION 1. Application is hereby made to the Louisiana State Bond Commission for consent and authority for the Town of Abita Springs, State of Louisiana, to issue, sell and deliver not exceeding Eight Hundred Thousand Dollars (\$800,000) of Limited Tax Bonds, Series 2019, all in the manner provided by the Act, for the purpose of paying costs of acquiring and constructing improvements and replacements to the Issuer’s sewerage system, water system and Town Hall, including equipment, accessories and fixtures therefor, and to pay costs of issuance

of the Bonds. The Bonds will be sold at par, with a final maturity no later than September 1, 2029, and bear interest at a rate or rates not exceeding two and three-fourths per centum (2.75%) per annum. The Bonds, equally with the Issuer's outstanding Limited Tax Refunding Bonds, Series 2012, shall be secured by and payable from a pledge and dedication of the Tax (the rate thereof being subject to adjustment from time to time due to reassessment) authorized to be levied in each year.

SECTION 2. A certified copy of this resolution shall be forwarded to said State Bond Commission, together with a letter requesting the prompt consideration and approval of this application.

SECTION 3. By virtue of applicants/issuer's application for, acceptance and utilization of the benefits of the Louisiana State Bond Commission's approval(s) resolved and set forth herein, it resolves that it understands and agrees that such approval(s) are expressly conditioned upon, and it further resolves that it understands, agrees and binds itself, its successors and assigns to, full and continuing compliance with the "State Bond Commission Policy on Approval of Proposed Use of Swaps, or other forms of Derivative Products Hedges, Etc.", adopted by the Commission on July 20, 2006, as to the borrowing(s) and other matter(s) subject to the approval(s), including subsequent application and approval under said Policy of the implementation or use of any swap(s) or other product(s) or enhancement(s) covered thereby.

SECTION 4. This Governing Authority finds and determines that a real necessity exists for the employment of special counsel in connection with the issuance of the Bonds. Foley & Judell, L.L.P., Bond Counsel, is hereby requested to do and perform traditional comprehensive legal work as bond counsel with respect to the issuance and sale of the Bonds. Said Bond Counsel shall prepare and submit to the Governing Authority for adoption all of the proceedings incidental to the authorization, issuance, sale and delivery of such Bonds, shall counsel and advise the Governing Authority as to the issuance and sale thereof and shall furnish its opinion

covering the legality of the issuance of the Bonds. The fee of said Bond Counsel shall not exceed the maximum fee allowed by the Attorney General's fee guidelines for such comprehensive legal work in connection with the issuance of Bonds and based on the amount of said Bonds actually issued, sold, delivered and paid for, plus "out-of-pocket" expenses, said fees to be contingent upon the issuance, sale and delivery of said Bonds. A certified copy of this resolution shall be submitted to the Attorney General of the State of Louisiana for his written approval of said employment and of the fees herein designated, and the Clerk of the Issuer is hereby empowered and directed to provide for payment of the work herein specified upon completion thereof and under the conditions herein enumerated without further approval of this Governing Authority. The Governing Authority hereby acknowledges that it has named Foley & Judell, L.L.P., as bond counsel for the Bonds, and in connection therewith, the Mayor of the Issuer is hereby authorized and directed to execute, and the Governing Authority hereby agrees to and accepts the terms of the engagement letter of Bond Counsel, a copy of which is on file with the Clerk of the Issuer.

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

<u>Member</u>	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstaining</u>
Regan Contois	_____	_____	_____	_____
Ryan Murphy	_____	_____	_____	_____
Pat Patterson	_____	_____	_____	_____
Evette Randolph	_____	_____	_____	_____
Stephen Saussy	_____	_____	_____	_____

And the resolution was declared adopted on this, the 20th day of August, 2019.

\_\_\_\_\_  
/s/ Janet Dufrene  
Clerk

\_\_\_\_\_  
/s/ Daniel J. Curtis  
Mayor

1 The following ordinance, having been previously introduced on August 20, 2019, and laid  
2 over with a public hearing having been held in connection therewith on this date, was offered for  
3 adoption by \_\_\_\_\_ and seconded by \_\_\_\_\_:

4  
5 **INSTRUMENT 2019-011 - ORDINANCE**

6  
7 An ordinance providing for the incurring of debt and issuance of  
8 Eight Hundred Thousand Dollars (\$800,000) of Limited Tax Bonds,  
9 Series 2019, of the Town of Abita Springs, State of Louisiana;  
10 prescribing the form, terms and conditions of said Bonds;  
11 designating the date, denomination and place of payment thereof in  
12 principal and interest; providing for the acceptance of offers for the  
13 purchase of said Bonds; and providing for other matters in  
14 connection therewith.  
15

16 WHEREAS, the Town of Abita Springs, State of Louisiana (the “Issuer”), is authorized to  
17 levy a special tax of 7.86 mills (such rate being subject to adjustment from time to time due to  
18 reassessment) in each year pursuant to Section 27(A) of Article VI of the Louisiana Constitution  
19 of 1974, as amended (the “Tax”); and  
20

21 WHEREAS, Section 1430 of Title 39 of the Louisiana Revised Statutes of 1950, as  
22 amended (the “Act”), authorizes the Issuer to borrow money in anticipation of revenues to be  
23 realized from the Tax; and  
24

25 WHEREAS, the Issuer has no outstanding indebtedness of any kind payable from a pledge  
26 or dedication of the avails or proceeds of the Tax, except for its outstanding Limited Tax Refunding  
27 Bonds, Series 2012, issued pursuant to an ordinance adopted on June 19, 2012, in the original  
28 principal amount of \$556,000 (the “Outstanding Parity Bonds”); and  
29

30 WHEREAS, the Issuer wishes to incur debt and issue Eight Hundred Thousand Dollars  
31 (\$800,000) of its Limited Tax Bonds, Series 2019 (the “Bonds”), in the manner authorized and  
32 provided by the Act for the purposes hereinafter set forth; and  
33

34 WHEREAS, it is the wish of this Governing Authority to fix the details necessary with  
35 respect to the issuance of the Bonds and to provide for the authorization and issuance thereof;  
36

37 NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the  
38 Town of Abita Springs, State of Louisiana, acting as the governing authority of the Issuer, that:  
39

40 SECTION 1. Definitions. As used herein, the following terms shall have the following  
41 meanings, unless the context otherwise requires:  
42

43 “Act” means Section 1430 of Title 39 of the Louisiana Revised Statutes of 1950 (R.S.  
44 39:1430), as amended, and other constitutional and statutory authority.  
45

46           **“Additional Parity Obligations”** means any additional *pari passu* indebtedness which  
47 may hereafter be issued pursuant to Section 9 hereof on a parity with the Bonds.

48  
49           **“Bond”** or **“Bonds”** means the Issuer's Limited Tax Bonds, Series 2019, authorized by  
50 this Ordinance in the aggregate principal amount of Eight Hundred Thousand Dollars (\$800,000),  
51 and any bond of said issue, whether initially delivered or issued in exchange for, upon transfer of,  
52 or in lieu of any bond previously issued.

53  
54           **“Bond Register”** means the records kept by the Paying Agents at their principal offices  
55 in which registration of the appropriate Bonds and transfers thereof shall be made as provided  
56 herein.

57  
58           **“Code”** means the Internal Revenue Code of 1986, as amended.

59  
60           **“Executive Officers”** means, collectively, the Mayor and the Clerk of the Issuer.

61  
62           **“Fiscal Year”** means the one-year accounting period beginning July 1st of each year, or  
63 such other period as may be designated by the Governing Authority as the fiscal year of the Issuer.

64  
65           **“Governing Authority”** means the Mayor and Board of Aldermen of the Town of Abita  
66 Springs, State of Louisiana, or its successor in function.

67  
68           **“Government Securities”** means direct obligations of, or obligations the principal of and  
69 interest on which are unconditionally guaranteed by the United States of America, which are non-  
70 callable prior to their maturity, may be United States Treasury obligations such as the State and  
71 Local Government Series and may be in book-entry form.

72  
73           **“Interest Payment Dates”** means each March 1 and September 1 during the period the  
74 Bonds are outstanding, commencing on March 1, 2020.

75  
76           **“Issuer”** means the Town of Abita Springs, State of Louisiana.

77  
78           **“Ordinance”** means this ordinance authorizing the issuance of the Bonds, as it may be  
79 supplemented and amended.

80  
81           **“Outstanding”** when used with respect to the Bonds means, as of the date of  
82 determination, any Bond theretofore issued and delivered under this Ordinance, except:

- 83  
84           1. Any Bond theretofore canceled by the Paying Agent or delivered to the  
85 appropriate Paying Agent for cancellation;  
86  
87           2. Any Bond for which payment sufficient funds or government securities, or  
88 both, have been theretofore deposited in trust for the owners of such Bond  
89 with the effect specified in this Ordinance or by law;  
90

- 91 3. Any Bond in exchange for or in lieu of which another Bond has been  
92 registered and delivered pursuant to this Ordinance; and  
93  
94 4. Any Bond alleged to have been mutilated, destroyed, lost or stolen which  
95 may have been paid as provided in this Ordinance or by law.  
96

97 **“Outstanding Parity Bonds”** has the meaning as set forth in the preamble hereto.  
98

99 **“Owner”** or **“Owners”** when used with respect to any Bond means the Person(s) in whose  
100 name such Bond is registered in the appropriate Bond Register.  
101

102 **“Paying Agent”** or **“Paying Agents”** means Citizens Bank & Trust Company, Covington,  
103 Louisiana, for the initial odd numbered Bonds, and any replacements therefor, and the Clerk of the  
104 Issuer, for the initial even numbered Bonds, and any replacements therefor, or such successor  
105 Paying Agents which may be named by this Governing Authority.  
106

107 **“Person”** means any individual, corporation, partnership, joint venture, association, joint-  
108 stock company, trust, unincorporated organization or government or any agency or political  
109 subdivision thereof.  
110

111 **“Purchaser”** or **“Purchasers”** means the aforesaid Citizens Bank & Trust Company for  
112 the initial odd numbered Bonds and the Louisiana Public Facilities Authority, of Baton Rouge,  
113 Louisiana, for the initial even numbered Bonds.  
114

115 **“Record Date”** for the interest payable on any Interest Payment Date, means the 15th  
116 calendar day of the month next preceding such Interest Payment Date.  
117

118 **“State”** means the State of Louisiana.  
119

120 **“Tax”** means the Issuer’s special ad valorem tax of seven and eighty-six hundredths (7.86)  
121 mills (such rate being subject to adjustment from time to time due to reassessment), and authorized  
122 to be levied and collected annually in each year pursuant to Section 27.(A) of Article VI of the  
123 Louisiana Constitution of 1974, as amended.  
124

125 SECTION 2. Authorization of Bonds; Maturities. In compliance with the terms and  
126 provisions of the Act, there is hereby authorized the incurring of an indebtedness of Eight Hundred  
127 Thousand Dollars (\$800,000) for, on behalf of, and in the name of the Issuer, for the purpose of  
128 paying costs of acquiring and constructing improvements and replacements to the Issuer’s  
129 sewerage system, water system and Town Hall, including equipment, accessories and fixtures  
130 therefor, and to pay costs of issuance of the Bonds, and to represent said indebtedness this Govern-  
131 ing Authority does hereby authorize the issuance of its Limited Tax Bonds, Series 2019, in the  
132 principal amount of Eight Hundred Thousand Dollars (\$800,000). The Bonds shall be in fully  
133 registered form, shall be dated the date of delivery thereof and shall be in the denominations  
134 hereinafter set forth and shall be numbered R-1 upward. The unpaid principal of the Bonds shall  
135 bear interest at the following rates of interest per annum from the date thereof, or from the most  
136 recent Interest Payment Date to which interest has been paid or duly provided for, payable on each



137 Interest Payment Date and the Bonds shall mature serially on September 1 of each of the years as  
138 follows:

139

140	<u>BOND</u>	<u>YEAR</u>	<u>PRINCIPAL MATURING</u>	<u>INTEREST</u>
141	<u>NUMBER</u>	<u>(SEPTEMBER 1)</u>	<u>DENOMINATIONS</u>	<u>RATE</u>
142				
143	R-1	2020	\$ 27,000	2.750%
144	R-2	2020	20,000	1.375
145	R-3	2021	27,000	2.750
146	R-4	2021	20,000	1.375
147	R-5	2022	28,000	2.750
148	R-6	2022	20,000	1.375
149	R-7	2023	29,000	2.750
150	R-8	2023	20,000	1.375
151	R-9	2024	31,000	2.750
152	R-10	2024	20,000	1.375
153	R-11	2025	86,000	2.750
154	R-12	2025	20,000	1.375
155	R-13	2026	89,000	2.750
156	R-14	2026	20,000	1.375
157	R-15	2027	92,000	2.750
158	R-16	2027	20,000	1.375
159	R-17	2028	94,000	2.750
160	R-18	2028	20,000	1.375
161	R-19	2029	97,000	2.750
162	R-20	2029	20,000	1.375

163

164 The principal of the Bonds, upon maturity or redemption, shall be payable at the principal  
165 office of the appropriate Paying Agent, upon presentation and surrender thereof, and interest on  
166 the Bonds shall be payable by check mailed by the appropriate Paying Agent to the Owner  
167 (determined as of the close of business on the Record Date) at the address shown on the Bond  
168 Register. Each Bond delivered under this Ordinance upon transfer of, in exchange for or in lieu  
169 of any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which  
170 were carried by such other Bond, and each such Bond shall bear interest (as herein set forth) so  
171 neither gain nor loss in interest shall result from such transfer, exchange or substitution.

172

173 No Bond shall be entitled to any right or benefit under this Ordinance, or be valid or obliga-  
174 tory for any purpose, unless there appears on such Bond of registration, substantially in the form  
175 provided in this Ordinance, executed by the Paying Agent by manual signature.

176

177 SECTION 3. Redemption Provisions. The Bonds are callable for redemption at the option  
178 of the Issuer in full or in part at any time at the principal amount thereof, plus accrued interest to  
179 the date of redemption. Official notice of such call of any of the Bonds for redemption shall be  
180 given by means of first class mail, postage prepaid, by notice deposited in the United States mail  
181 not less than fifteen (15) days prior to the redemption date addressed to the Owner of each Bond  
182 to be redeemed at his address as shown on the registration books of each Paying Agent.

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SECTION 4. Registration and Transfer. The Issuer shall cause to be kept at the principal office of each Paying Agent a register (the “Bond Register”) in which registration of the appropriate Bonds and transfers thereof shall be made as provided herein. The Bonds may be transferred, registered and assigned only on the appropriate Bond Register, and such registration shall be at the expense of the Issuer. A Bond may be assigned by the execution of the assignment form on the Bond. A new Bond will be delivered by such 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 authorized denomination and like principal amount and maturity.

SECTION 5. Form of Bonds. The Bonds and the endorsements to appear thereon shall be in a form acceptable to the Executive Officers, as the same may be advised by bond counsel and the Purchasers.

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

SECTION 7. Pledge of Tax Avails. The Bonds, equally with the Outstanding Parity Bonds, shall be secured by and payable from an irrevocable pledge and dedication of the avails or proceeds of the Tax. This Governing Authority does hereby obligate itself and its successors in office to impose and collect the Tax annually in each year and does hereby irrevocably and irrepealably dedicate, appropriate and pledge the annual income to be derived from the assessment, levy and collection of the Tax in each year to the payment of the Bonds and the Outstanding Parity Bonds. The Issuer, to the extent allowed by law, shall maintain the Tax rate such that the Tax revenues for each fiscal year will be not less than 1.35 times the combined maximum debt service requirements for the Bonds, the Outstanding Parity Bonds and any Additional Parity Obligations in such fiscal year.

SECTION 8. Sinking Fund. For the payment of the principal of and the interest on the Bonds and the Outstanding Parity Bonds, the Issuer shall maintain a special fund known as the “Town of Abita Springs Limited Tax Bonds (2012) Sinking Fund” (the “Sinking Fund”), the Sinking Fund to be maintained with the regularly designated fiscal agent bank of the Issuer. The Issuer shall deposit in the Sinking Fund from the first revenues of the Tax received in any calendar year, a sum equal to the principal and/or interest falling due on the Bonds and the Outstanding Parity Bonds in that calendar year, together with such additional proportionate sum as may be required to pay said principal and interest as the same become due and any amount required to pay the charges of the Paying Agent. The depository for the Sinking Fund shall transfer from the Sinking Fund to the Paying Agent at least one (1) day in advance of each Interest Payment Date, funds fully sufficient to pay promptly the principal and interest falling due on such date.

It shall be specifically understood and agreed, however, and this provision shall be a part of this contract, that after funds have actually been set aside out of the revenues of the Tax for any calendar year sufficient to pay the principal and interest on the Bonds and the Outstanding Parity Bonds and for that year, and all required amounts have been deposited in the Sinking Fund,

229 then any excess of annual revenues of the Tax remaining in that calendar year shall be free for  
230 expenditure by the Issuer for any other lawful corporate purpose for which the Tax was voted.

231  
232 All moneys deposited with the regularly designated fiscal agent bank of the Issuer  
233 or the Paying Agent or any other bank under the terms of this Ordinance shall constitute sacred  
234 funds for the benefit of the Owners and shall be secured by said fiduciaries at all times to the full  
235 extent thereof in the manner required by law for the securing of deposits of public funds.

236  
237 All or any part of the moneys in the Sinking Fund shall, at the written request of  
238 the Issuer, be invested in accordance with the provisions of the laws of the State of Louisiana, in  
239 which event all income derived from such investments shall be added to the General Fund of the  
240 Issuer.

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242 SECTION 9. Additional Parity Obligations. The Issuer shall issue no other bonds,  
243 indebtedness or obligations of any kind or nature payable from a pledge or dedication of the funds  
244 to be derived by the Issuer from the levy and collection of the Tax having priority over or parity  
245 with the Bonds, except that additional bonds or indebtedness may hereafter be issued on a parity  
246 with the Bonds under the following conditions:

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248 (1) The Bonds or any part thereof, including the interest thereon, may be refunded,  
249 and the refunding obligations so issued shall enjoy complete equality of lien with  
250 the portion of the Bonds which is not refunded, if there be any, and the refunding  
251 obligations shall continue to enjoy whatever priority of lien over subsequent issues  
252 may have been enjoyed by the Bonds refunded; provided, however, that if only a  
253 portion of the Bonds outstanding is so refunded and the refunding obligations  
254 require total principal and interest payments during any year in excess of the  
255 principal and interest which would have been required in such year to pay the Bonds  
256 refunded thereby, then such Bonds may not be refunded without the consent of the  
257 Owner of the unrefunded portion of the Bonds issued hereunder (provided such  
258 consent shall not be required if such refunding obligations meet the requirements  
259 set forth in clauses (2) (3) and (4) of this Section).

260  
261 (2) Additional Parity Obligations may be issued on and enjoy a full and complete  
262 parity with the Bonds with respect to the funds to be derived by the Issuer from the  
263 levy and collection of the Tax provided that the anticipated Tax revenues in the  
264 year in which the Additional Parity Obligations are to be issued, must be at least  
265 1.35 times the combined principal and interest requirements for any calendar year  
266 on the Bonds, the Outstanding Parity Bonds and the proposed Additional Parity  
267 Obligations and any outstanding Additional Parity Obligations issued pursuant to  
268 the provisions hereof.

269  
270 (3) The Issuer must be in full compliance with all covenants and undertakings in  
271 connection with the Bonds and there must be no delinquencies in payments required  
272 to be made by this ordinance in connection therewith.

273

274 (4) The Additional Parity Obligations must be payable in principal on September  
275 1st of each year in which principal falls due and payable as to interest on March 1  
276 and September 1 of each year.

277  
278 (5) The Clerk of the Issuer will certify the Issuer's compliance with the  
279 requirements of Clauses (2) and (3), as are applicable.

280  
281 (6) Junior and subordinate bonds or indebtedness may be issued without  
282 restriction.

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284 SECTION 10. Budget; Audit. As long as any of the Bonds are outstanding and unpaid in  
285 principal or interest, the Issuer shall prepare and adopt a budget prior to the beginning of each  
286 Fiscal Year and shall furnish a copy of such budget within thirty (30) days after its adoption to any  
287 Owner who requests the same. Not later than six (6) months after the close of each Fiscal Year,  
288 the Issuer shall cause an audit of its books and accounts to be made by the Legislative Auditor or  
289 an independent firm of certified public accountants showing the receipts and disbursements made  
290 by the Issuer during the previous Fiscal Year. Such audit shall be available for inspection by any  
291 Owner, and, upon completion, a copy of such audit shall be furnished to the Purchasers, if  
292 requested.

293  
294 SECTION 11. Application of Proceeds. The Executive Officers are hereby empowered,  
295 authorized and directed to do any and all things necessary and incidental to carry out the provisions  
296 of this Ordinance; to cause the necessary Bonds to be printed; to issue, execute and seal the Bonds;  
297 and to effect delivery thereof as herein provided. The proceeds derived from the sale of the Bonds  
298 shall be deposited by the Issuer with its fiscal agent bank or banks to be used only for the purposes  
299 for which the Bonds are issued.

300  
301 SECTION 12. Bonds Legal Obligations. The Bonds shall constitute legal, binding and  
302 valid obligations of the Issuer and shall be the only representations of the indebtedness as herein  
303 authorized and created.

304  
305 SECTION 13. Ordinance a Contract. The provisions of this Ordinance shall constitute a  
306 contract between the Issuer, or its successor, and the Owner or Owners, and such Owner or Owners  
307 may at law or in equity, by suit, action, mandamus or other proceedings, enforce and compel the  
308 performance of all duties required to be performed by this Governing Authority or the Issuer as a  
309 result of issuing the Bonds.

310 No material modification or amendment of this Ordinance, or of any ordinance amendatory  
311 hereof or supplemental hereto, may be made without the consent in writing of the Owners of two-  
312 thirds (2/3) of the aggregate principal amount of the Bonds then outstanding; provided, however,  
313 that no modification or amendment shall permit a change in the maturity or redemption provisions  
314 of the Bonds, or a reduction in the rate of interest thereon, or in the amount of the principal  
315 obligation thereof, or affecting the obligation of the Issuer to pay the principal of and the interest  
316 on the Bonds as the same shall come due from the revenues appropriated, pledged and dedicated  
317 to the payment thereof by this Ordinance, or reduce the percentage of the Owners required to  
318 consent to any material modification or amendment of this Ordinance, without the consent of the  
319 Owners of all of the Outstanding Bonds.

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SECTION 14. Severability; Application of Subsequently Enacted Laws. In case any one or more of the provisions of this Ordinance or of the Bonds shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions of this Ordinance or of the Bonds, but this Ordinance and the Bonds shall be construed and enforced as if such illegal or invalid provisions had not been contained therein. Any constitutional or statutory provisions enacted after the date of this Ordinance which validate or make legal any provision of the Ordinance and/or the Bonds which would not otherwise be valid or legal, shall be deemed to apply to this Ordinance and to the Bonds.

SECTION 15. Recital of Regularity. This Governing Authority having investigated the regularity of the proceedings had in connection with the 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 the State of Louisiana .”

SECTION 16. Effect of Registration. The Issuer, the Paying Agents, and any agent of either may treat the Owner in whose name the Bond is registered as the Owner thereof, for the purpose of receiving payment of the principal of and interest on such Bond and for all other purposes whatsoever, and to the extent permitted by law, neither the Issuer, the Paying Agents, nor any agent of either shall be affected by notice to the contrary.

SECTION 17. Notice to Owners. Wherever this Ordinance provides for notice to Owners 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, at the address of such Owner as it appears in the appropriate Bond Register. In any case where notice to Owners is given by mail, neither the failure to mail such notice to and particular Owner, nor any defect in any notice so mailed, shall affect the sufficiency of such notice with respect to all other Bonds. Where this Ordinance provides for notice in any manner, such notice may be waived in writing by the Owner or Owners entitled to receive such notice, either before or after the event, and such waiver shall be equivalent of such notice. Waivers of notice by Owners shall be filed with the appropriate Paying Agent, but such filing shall not be condition precedent to the validity of any action taken in reliance upon such waiver.

SECTION 18. Cancellation of Bonds. All Bonds surrendered for payment, redemption, transfer, exchange or replacement, if surrendered to the Paying Agent, shall be promptly canceled by it and, if surrendered to the Issuer, shall be delivered to the appropriate Paying Agent and, if not already canceled , shall be promptly canceled 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 canceled by the Paying Agent. All canceled Bonds held by the Paying Agents shall be disposed of as directed in writing by the Issuer.

365 SECTION 19. Discharge of Ordinance; Defeasance. If the Issuer shall pay or cause to be  
366 paid, or there shall otherwise be paid to the Owners, the principal of and interest on the Bonds, at  
367 the times and in the manner stipulated in this Ordinance, then the pledge of the money, securities,  
368 and funds pledged under this Ordinance and all covenants, agreements and other obligations of the  
369 Issuer to the Owners shall thereupon cease, terminate and become void and be discharged and  
370 satisfied, and the Paying Agent shall paid over or deliver all money held by it under this Ordinance  
371 to the Issuer.

372  
373 Bonds or interest installment for the payment or redemption of which money shall have  
374 been set aside and shall be held in trust (through deposit by the Issuer of funds for such payment  
375 or otherwise) at the maturity date thereof shall be deemed to have been paid within the meaning  
376 and with the effect expressed above in this Section if they are defeased in the manner provided by  
377 Chapter 14 of Title 39 of the Louisiana Revised Statutes of 1950, as amended.

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379 SECTION 20. Successor Paying Agents. The Issuer will at all times maintain a Paying  
380 Agent(s) meeting the qualification hereinafter described for the performance of the duties  
381 hereunder for the Bonds. The designation of the initial Paying Agents in this Ordinance is hereby  
382 confirmed and approved. The Issuer reserves the right to appoint a successor Paying Agent by (a)  
383 filing with the Person then performing such function a certified copy of an ordinance giving notice  
384 of the termination of the Agreement, as appropriate, and appointing a successor and (b) causing  
385 notice to be given to each Owner. Every subsequent Paying Agent appointed hereunder shall at  
386 all times be a bank or trust company organized and doing business under the law of the United  
387 States of America or of any state, authorized under such laws to exercise trust powers, and subject  
388 to supervision or examination by Federal or State authority.

389  
390 SECTION 21. Disclosure Under SEC Rule 15c2-12. The Issuer will not be required to  
391 comply with the continuing disclosure requirements described in Rule 15c2-12(b) of the Securities  
392 and Exchange Commission [17 CFR §240.15c2-12(b)].

393  
394 SECTION 22. Arbitrage and Bank Qualification. The Issuer covenants and agrees that, to  
395 the extent permitted by the laws of the State of Louisiana, it will comply with the requirements of  
396 the Code and any amendment thereto in order to establish, maintain and preserve the exclusion  
397 from “gross income” of interest on the Bonds under the Code. The Issuer further covenants and  
398 agrees that it will not take any action, fail to take any action, or permit any action within its control  
399 to be taken, or permit at any time or times any of the proceeds of the Bonds or any other funds of  
400 the Issuer to be used directly or indirectly in any manner, the effect of which would be to cause  
401 the Bonds to be “arbitrage bonds” or would result in the inclusion of the interest on the Bonds in  
402 gross income under the Code, including, without limitation, (i) the failure to comply with the  
403 limitation on investment of Bond proceeds or (ii) the failure to pay any required rebate of arbitrage  
404 earnings to the United States of America or (iii) the use of the proceeds of the Bonds in a manner  
405 which would cause the Bonds to be a “private activity bond”.

406  
407 The Bonds are designated as “qualified tax-exempt obligations” within the meaning of  
408 Section 265(b)(3) of the Code. In making this designation, the Issuer finds and determines that:  
409

- 410 (a) the Bonds are not “private activity bonds” within the meaning of the Code;
- 411 and
- 412
- 413 (b) the reasonably anticipated amount of qualified tax-exempt obligations
- 414 which will be issued by the Issuer and all subordinate entities in calendar
- 415 year 2019 will not exceed \$10,000,000.
- 416

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

420

421 SECTION 23. Publication. A copy of this Ordinance shall be published immediately after  
 422 its adoption in one (1) issue of the official journal of the Issuer.

423

424 SECTION 24. Award of Bonds. The Issuer hereby accepts the offers of the Purchasers to  
 425 purchase the Bonds, executed copies of which are on file with the Clerk of the Issuer, and said  
 426 Clerk is hereby authorized to execute said offers on behalf of the Issuer. As a condition to the  
 427 delivery of the Bonds to the Purchasers, the Purchasers will execute a standard letter, acceptable  
 428 to the Issuer, indicating they have conducted their own analysis with respect to the Bonds and are  
 429 extending credit in the form of the Bonds as a vehicle for making a commercial loan to the Issuer.  
 430 The Bonds shall be delivered to the Purchasers upon payment of the principal amounts set forth in  
 431 each offer.

432

433 SECTION 25. Compliance. The Executive Officers and/or their designees are directed to  
 434 establish, continue and/or amend as applicable, written procedures to assist the Issuer in  
 435 complying with various State and Federal statutes, rules and regulations applicable to the Bonds  
 436 and are further authorized to take any and all actions as may be required by said written procedures  
 437 to ensure continued compliance with such statutes, rules and regulations throughout the term of  
 438 the Bonds.

439

440 The final adoption of the foregoing Ordinance having been duly moved and seconded, the  
 441 roll was called and the following vote was taken and recorded:

442

<u>Member</u>	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstaining</u>
Regan Contois	_____	_____	_____	_____
Ryan Murphy	_____	_____	_____	_____
Pat Patterson	_____	_____	_____	_____
Evette Randolph	_____	_____	_____	_____
Stephen Saussy	_____	_____	_____	_____

445           There being a favorable vote on the ordinance of at least a majority of the authorized  
446 members of the Governing Authority, the ordinance was declared adopted on this the 17th day of  
447 September, 2019.

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Clerk

Presented to Mayor on September 17, 2019, for action as evidenced by his signature:

Approved: \_\_\_\_\_

Disapproved: \_\_\_\_\_

Presented to Clerk on September 17, 2019.