



AGENDA  
REGULAR MEETING  
MONDAY, DECEMBER 21, 2020 6:00 PM  
CARENCRO CITY HALL  
210 E. ST. PETER ST.  
CARENCRO, LOUISIANA

**IN COMPLIANCE WITH PHASE TWO OF THE GOVERNOR'S ROADMAP TO A RESILIENT LOUISIANA, PUBLIC ATTENDANCE WILL BE LIMITED TO 50% OCCUPANCY LOAD WHICH IS 34 OCCUPANTS IN THE OPEN SEATING AREA.**

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT PRAYER.**
- C. ANNOUNCEMENTS**
  - 1. APPOINT MAYOR PRO-TEM POSITION EFFECTIVE JANUARY 1, 2021 FOR SIX MONTHS.
  - 2. RECOGNIZE MR. MARK HUTCHINSON, PRESIDENT OF BLUE LINE SOLUTIONS.
- D. GUESTS:**
- E. PROCLAMATION:**
- F. APPROVAL OF MINUTES OF PREVIOUS MEETINGS & FINANCIAL REPORTS:**
  - 1. NOVEMBER 16, 2020- BUDGET HEARING
  - 2. NOVEMBER 16, 2020 - REGULAR MEETING
  - 3. FINANCIAL REPORTS
- G. RECOGNIZE DEPARTMENT HEADS/CONSULTANTS FOR PRESENTATION OF MONTHLY REPORTS**
- H. UPDATES:**

1. HECTOR CONNOLY WATER PLANT
2. STREET OVERLAY PROJECT
3. FIRE STATION ON GLORIA SWITCH ROAD
4. HURRICANE DEBRIS PICK-UP

**I/J RESOLUTIONS:**

1. RESOLUTION 2020-030: A RESOLUTION OF THE CARENCRO CITY COUNCIL AUTHORIZING THE DONATION BY THE CARENCRO FIRE DEPARTMENT OF A PUBLICLY OWNED VEHICLE NO LONGER NEEDED FOR PUBLIC PURPOSES.

**K. INTRODUCTORY ORDINANCES:**

1. ORDINANCE NO. 2020-015: AN ORDINANCE OF THE CARENCRO CITY COUNCIL AMENDING THE CARENCRO CODE OF ORDINANCES REGARDING THE NUMBER AND PERMITTING PROCEDURES FOR FIREWORKS STANDS OPERATING WITHIN THE CITY OF CARENCRO.
2. ORDINANCE NO. 2020-016: AN ORDINANCE OF THE CARENCRO CITY COUNCIL AMENDING THE CARENCRO CODE OF ORDINANCES TO PROVIDE FOR THE ENFORCEMENT OF CERTAIN TRAFFIC VIOLATIONS BY AUTOMATED MEANS AND PROVIDE FOR CIVIL PENALTIES FOR THOSE CERTAIN TRAFFIC VIOLATIONS ENFORCED BY AUTOMATED MEANS.

**PUBLIC HEARING:**

**L. ORDINANCES FOR FINAL ADOPTION:**

1. ORDINANCE NO. 2020-013: AN ORDINANCE PROVIDING FOR THE INCURRING OF DEBT AND ISSUANCE OF FIVE MILLION DOLLARS (\$5,000,000) OF SALES TAX BONDS, SERIES 2021, OF I-49 CORRIDOR ECONOMIC DEVELOPMENT DISTRICT, STATE OF LOUISIANA; PRESCRIBING THE FORM, FIXING THE DETAILS AND PROVIDING FOR THE PAYMENT OF PRINCIPAL OF AND INTEREST ON SUCH BONDS; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.
2. ORDINANCE NO. 2020-014: AN ORDINANCE OF THE CARENCRO CITY COUNCIL AMENDING THE CARENCRO CODE OF ORDINANCES ESTABLISHING STANDARDS FOR SMALL WIRELESS FACILITIES IN THE RIGHTS-OF-WAY IN THE CITY OF CARENCRO, LOUISIANA.

**M. PUBLIC HEARINGS:**

**N. DISCUSSIONS:**

1. DISCUSS MARDI GRAS PARADE.
2. DISCUSS MARDI GRAS FLOAT.

**O. PUBLIC COMMENTS:**

**P. ADJOURN**

**PLEASE NOTE:** DUE TO COVID-19 RESTRICTIONS, THE MEETING CAN BE VIEWED VIA OUR CITY OF CARENCRO WEBSITE: [www.carencro.org](http://www.carencro.org) CLICK THE LINK TAB “LIVE” AT THE TOP OF THE PAGE.

**“REASONABLE ACCOMMODATIONS WILL BE MADE FOR THE HEARING OR VISUALLY IMPAIRED WISHING TO ATTEND AND PARTICIPATE IN CITY COUNCIL MEETINGS UPON GIVING AT LEAST THREE (3) DAYS PRIOR NOTICE BY CALLING (337) 896-8481.**

**Posted at City Hall 12/18/20 AT 0900 HOURS**

The following ordinance, having been introduced at a meeting held on November 16, 2020, notice of its introduction having been published in the official journal on November 28, 2020, was offered for final adoption by \_\_\_\_\_ and seconded by \_\_\_\_\_:

**ORDINANCE NO. 2020-013**

An ordinance providing for the incurring of debt and issuance of Five Million Dollars (\$5,000,000) of Sales Tax Bonds, Series 2021, of the I-49 Corridor Economic Development District, State of Louisiana; prescribing the form, fixing the details and providing for the payment of principal of and interest on such bonds; and providing for other matters in connection therewith.

**WHEREAS**, Part II of Chapter 27 of Title 33 (La. R.S. 33:9038.31, *et seq.*) of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority (collectively, the "EDD Act") authorizes municipalities, parishes and certain other local governmental subdivisions to create economic development districts to carry out the purposes of the EDD Act, which economic development districts are political subdivisions of the State of Louisiana and possess such power and authority and have such duties as provided by the EDD Act and other law; and

**WHEREAS**, the Mayor and Council of the City of Carencro, State of Louisiana (the "Governing Authority"), created the I-49 Corridor Economic Development District, State of Louisiana (the "Issuer"), in accordance with the EDD Act; and

**WHEREAS**, the EDD Act permits the Issuer to levy a sales and use tax for authorized purposes; and

**WHEREAS**, the Issuer is now levying and collecting a one percent (1%) sales and use tax (the "Tax") by virtue of ordinances 2009-09 and 2009-021 adopted by the Governing Authority on May 18, 2009 and July 20, 2009, respectively (collectively, the "Tax Ordinance"); and

**WHEREAS**, in accordance with the provisions of the Tax Ordinance, the net avails or proceeds of the Tax, after the reasonable and necessary expenses of collection and administration thereof have been paid therefrom, shall be available for appropriation and expenditure by the Issuer solely for the purposes designated in the EDD Act, which includes the payment of bonds authorized to be issued in accordance with Louisiana law; and

**WHEREAS**, the Issuer now desires to incur debt and issue its Sales Tax Bonds, Series 2021, in the principal amount of Five Million Dollars (\$5,000,000) (the "Bonds"), pursuant to Part II of Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, for the purpose of (i) constructing and installing public improvements, including buildings, structures, utilities and fixtures, and acquiring real or personal property and (ii) paying the costs of issuance of the Bonds; and

**WHEREAS**, after the issuance of the Bonds, the District will have no outstanding bonds or other obligations of any kind or nature payable from or enjoying a lien on the revenues of the Tax herein pledged EXCEPT its: \$295,000 of Sales Tax Bonds, Series 2011 (the "Outstanding Parity Bonds"); and

**WHEREAS**, this Governing Authority has determined that all terms and conditions specified in the ordinance authorizing the issuance of the Outstanding Parity Bonds have been or will be complied with prior to the delivery of the Bonds and it is the express desire and intent of this Governing Authority that the Bonds be issued on a complete parity with the Outstanding Parity Bonds; and

**WHEREAS**, this Governing Authority gave preliminary approval on November 16, 2020, to the issuance of the Bonds and made application to the Louisiana State Bond Commission for approval (which approval was given on December 17, 2020); and

**WHEREAS**, the maturities of the 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 revenues of the Tax estimated to be received by the Issuer in the year in which the Bonds are issued; and

**WHEREAS**, it is the desire of the Issuer to fix the details necessary with respect to the issuance of the Bonds and to provide for the payment thereof;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Carencro, 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 Part II of Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority.

"**Additional Parity Bonds**" means any additional *pari passu* bonds which may hereafter be issued on a parity with the Bonds pursuant to Section 10 hereof.

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

"**Bond**" or "**Bonds**" means the Issuer's Sales Tax Bonds, Series 2021, authorized by this Ordinance, in the total aggregate principal amount of Five Million Dollars (\$5,000,000), 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 Register**" means the records kept by the Paying Agent at its designated office in which registration of the Bonds and transfers of the Bonds shall be made as provided herein.

"**City**" means the City of Carencro, State of Louisiana.

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

**"EDD Act"** means Part II of Chapter 27 of Title 33 (La. R.S. 33:9038.31, *et seq.*) of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority.

**"Executive Officers"** means, collectively, the Mayor and City Clerk of the City.

**"Fiscal Year"** means the one-year accounting period commencing December 1<sup>st</sup> of each year, or such other period as may be designated by the Governing Authority as the fiscal year of the Issuer.

**"Governing Authority"** means the Mayor and Council of the City of Carencro, State of Louisiana, or its successor in function

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

**"Interest Payment Date"** means June 1 and December 1 of each year in which the Bonds are outstanding, commencing June 1, 2021.

**"Issuer"** means the I-49 Corridor Economic Development District, State of Louisiana.

**"Offer to Purchase"** means the offer to purchase of the Purchaser set forth in **Exhibit A** attached hereto.

**"Ordinance"** means this ordinance authorizing the issuance of the Bonds, as it may be supplemented and amended.

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

1. Bonds theretofore canceled by the Paying Agent or delivered to the Paying Agent for cancellation;
2. Bonds for which payment sufficient funds or Government Securities have been theretofore deposited in trust for the owners of such Bonds with the effect specified in this Ordinance;
3. Bonds in exchange for or in lieu of which other Bonds have been registered and delivered pursuant to this Ordinance; and
4. Bonds alleged to have been mutilated, destroyed, lost or stolen which have been paid as provided in this Ordinance or by law.

**"Outstanding Parity Bonds"** means the Issuer's outstanding Sales Tax Bonds, Series 2011.

**"Outstanding Parity Bond Ordinance"** means the ordinance adopted by the Issuer on November 7, 2011, authorizing the issuance of the Outstanding Parity 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.

**"Paying Agent"** means IBERIABANK, a division of First Horizon Bank, Lafayette, Louisiana, unless and until a successor Paying Agent shall have been appointed pursuant to the applicable provisions of this 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 IBERIABANK, a division of First Horizon Bank, Lafayette, Louisiana, the original purchaser of the Bonds.

**"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.

**"Revenues of the Tax"** means the avails or proceeds of the Tax.

**"Tax"** means the one percent (1%) sales and use tax now being levied and collected by the Issuer pursuant to the EDD Act.

**"Tax Ordinance"** means ordinances 2009-09 and 2009-021 adopted by the Governing Authority on May 18, 2009 and July 20, 2009, respectively, providing for the levy and collection of the Tax.

SECTION 2. **Authorization of Bonds; Maturities.** In compliance with the terms and provisions of the Act, there is hereby authorized the incurring of an indebtedness of Five Million Dollars (\$5,000,000) for, on behalf of, and in the name of the Issuer, for the purpose of (i) constructing and installing public improvements, including buildings, structures, utilities and fixtures, and acquiring real or personal property and (ii) paying the costs of issuance of the Bonds, and to represent said indebtedness, this Governing Authority does hereby authorize the issuance of Five Million Dollars (\$5,000,000) of Sales Tax Bonds, Series 2021, of the Issuer. The Bonds shall be in the form of a single, fully-registered Bond numbered R-1, and shall be dated the date of delivery thereof. The unpaid principal of the Bonds shall bear interest at the rate of 1.95% per annum, calculated on the basis of a 360-day year consisting of twelve 30-day months, from the date thereof or the most recent Interest Payment Date to which interest has been paid or duly provided for, payable on each Interest Payment Date, commencing June 1, 2021, and shall mature in installments on December 1 of each year as follows:

<u>MATURITY</u> <u>(December 1)</u>	<u>PRINCIPAL</u> <u>AMOUNT</u> <u>DUE</u>
2021	\$400,000
2022	390,000
2023	400,000
2024	515,000
2025	520,000
2026	535,000
2027	545,000
2028	555,000
2029	565,000
2030*	575,000

\*Final Maturity

The principal of the Bonds, upon final maturity, shall be payable at the principal office of the Paying Agent, upon presentation and surrender thereof, and installments of principal and interest on the Bonds shall be payable by check of the Paying Agent 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 Ordinance upon transfer of, 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 so 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 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 Ordinance, executed by the Paying Agent by manual signature.

**SECTION 3. Redemption Provisions.** The principal installments of the Bond are callable for redemption by the Issuer in full or in part at any time on and after December 1, 2025, at the principal amount thereof, plus accrued interest from the most recent Interest Payment Date to which interest has been paid or duly provided for. Bonds are not required to be redeemed in inverse order of maturity. Official notice of such call of any of the Bonds for redemption shall be given by means of (i) first class mail, postage prepaid, by notice deposited in the United States mails not less than fifteen (15) days prior to the redemption date or (ii) electronic transmission not later than fifteen (15) days prior to the redemption date addressed to the Owner of each Bond to be redeemed at his address or email address, as appropriate, as shown on the Bond Register.

**SECTION 4. Registration and Transfer.** The Issuer shall cause the Bond Register to be kept by the Paying Agent. The Bonds may be transferred, registered and assigned only on the Bond Register, which such registration shall be at the expense of the Issuer, and only by the execution of an assignment form on the Bonds being transferred. A new Bond or Bonds, may,



upon request, be delivered by the Paying Agent to the last assignee (the new Owner) in exchange for such transferred and assigned Bond or Bonds after receipt of the Bond(s) to be transferred in proper form. Such new Bond or Bonds shall be in an authorized denomination of the same maturity and like principal. The Paying Agent shall not be required to issue, register the transfer of, or exchange any Bond during a period beginning at the opening of business on a Record Date and ending at the close of business on the Interest Payment Date.

SECTION 5. **Form of Bonds.** The Bonds and the endorsements to appear thereon shall be in substantially the following forms, respectively, to-wit:

NO. R-1

PRINCIPAL AMOUNT \$5,000,000

**UNITED STATES OF AMERICA  
STATE OF LOUISIANA  
PARISH OF LAFAYETTE  
SALES TAX BOND, SERIES 2021  
OF THE  
I-49 CORRIDOR ECONOMIC DEVELOPMENT DISTRICT,  
STATE OF LOUISIANA**

Bond <u>Date:</u> _____, 20__	Final Maturity <u>Date:</u> December 1, 2030	Interest <u>Rate:</u> 1.95%
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The I-49 Corridor Economic Development District, State of Louisiana (the "Issuer"), promises to pay, but solely from the source and as hereinafter provided, to:

IBERIABANK, a division of First Horizon Bank

or registered assigns, on the Final Maturity Date set forth above, the Principal Amount set forth above, together with interest thereon from the Bond Date set forth above or the most recent interest payment date to which interest has been paid or duly provided for, payable on June 1 and December 1 of each year, commencing June 1, 2021 (each an "Interest Payment Date"), at the Interest Rate per annum set forth above, calculated on the basis of a 360-day year consisting of twelve 30-day months, until said Principal Amount is paid. The principal of this Bond, upon final maturity, is payable in lawful money of the United States of America at the principal office of IBERIABANK, a division of First Horizon Bank, in the City of Lafayette, Louisiana, or successor thereto (the "Paying Agent"), upon presentation and surrender hereof. Installments of principal and interest on this Bond are payable by check mailed by the Paying Agent to the registered owner (determined as of the close of business on the 15<sup>th</sup> calendar day of the month next preceding each Interest Payment Date) at the address as shown on the registration books of the Paying Agent.

This Bond represents the entire authorized issue of Sales Tax Bonds, Series 2021, of the Issuer (the "Bonds"), said Bonds having been issued by the Issuer pursuant to an ordinance adopted by its governing authority on December 21, 2020 (the "Ordinance"), for the purpose of

(i) constructing and installing public improvements, including buildings, structures, utilities and fixtures, and acquiring real or personal property and (ii) paying the costs of issuance of the Bonds, under the authority conferred by Part II of Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised Statutes, as amended and other constitutional and statutory authority, pursuant to all requirements therein specified.

Principal installments on this Bond shall mature and be due and payable on December 1 in each of the years set forth below:

<u>MATURITY</u> <u>(December 1)</u>	<u>PRINCIPAL</u> <u>AMOUNT</u> <u>DUE</u>
2021	\$400,000
2022	390,000
2023	400,000
2024	515,000
2025	520,000
2026	535,000
2027	545,000
2028	555,000
2029	565,000
2030*	575,000

\*Final Maturity

The principal installments of this Bond are callable for redemption by the Issuer in full or in part at any time on and after December 1, 2025, at the principal amount thereof, plus accrued interest from the most recent Interest Payment Date to which interest has been paid or duly provided for. This Bond is not required to be redeemed in inverse order of maturity. Official notice of such call of any of this Bond for redemption shall be given by means of (i) first class mail, postage prepaid, by notice deposited in the United States mails not less than fifteen (15) days prior to the redemption date or (ii) electronic transmission not later than fifteen (15) days prior to the redemption date addressed to the Owner of each Bond to be redeemed at his address or email address, as appropriate, as shown on the Bond Register.

The Issuer shall cause the Bond Register to be kept by the Paying Agent. The Bonds may be transferred, registered and assigned only on the Bond Register, which such registration shall be at the expense of the Issuer, and only by the execution of an assignment form on the Bonds being transferred. A new Bond or Bonds, may, upon request, be delivered by the Paying Agent to the last assignee (the new Owner) in exchange for such transferred and assigned Bond or Bonds after receipt of the Bond(s) to be transferred in proper form. Such new Bond or Bonds shall be in an authorized denomination of the same maturity and like principal. The Paying Agent shall not be required to issue, register the transfer of, or exchange any Bond during a period beginning at the opening of business on a Record Date and ending at the close of business on the Interest Payment Date.

This Bond is issued on a complete parity in all respects with the Issuer's outstanding Sales Tax Bonds, Series 2011 (the "Outstanding Parity Bonds"). It is certified that the Issuer, in issuing this Bond has complied with all the terms and conditions set forth in the ordinance authorizing the issuance of the Outstanding Parity Bonds.

This Bond, equally with the Outstanding Parity Bonds, is payable solely from and secured by an irrevocable pledge and dedication of the avails or proceeds of the special one percent (1%) sales and use tax (the "Tax") now being levied and collected by the Issuer pursuant to La. R.S. 33:9038.39, and other constitutional and statutory authority, subject only to the prior payment of the reasonable and necessary costs and expenses of collecting and administering the Tax. This Bond constitutes a borrowing solely upon the credit of the revenues of the Tax received by the Issuer and does not constitute an indebtedness or pledge of the general credit of the Issuer within the meaning of any constitutional or statutory provisions relating to the incurring of indebtedness. The Issuer has covenanted and agreed and does hereby covenant and agree to continue to levy the Tax for the full period of its authorization and not discontinue or decrease or permit to be discontinued or decreased the Tax in anticipation of the collection of which this Bond has been issued, nor in any way make any change which would diminish the amount of said revenues of the Tax pledged to the payment of the Bonds, until all of the Bonds have been paid in principal and interest. For a complete statement of the revenues from which and conditions under which this Bond is issued, reference is hereby made to the Ordinance.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Ordinance until the certificate of registration hereon shall have been signed by the Paying Agent.

It is certified that this Bond is authorized by and is issued in conformity with the requirements of the Constitution and statutes of Louisiana. It is further certified, recited and declared that all acts, conditions and things required to exist, to happen and to be performed precedent to and in the issuance of this Bond and the issue of which it forms a part to constitute the same legal, binding and valid obligations of the Issuer have existed, have happened and have been performed in due time, form and manner as required by law, and that the indebtedness of the Issuer, including this Bond and the issue of which it forms a part, does not exceed the limitations prescribed by the Constitution and statutes of the State of Louisiana.

IN WITNESS WHEREOF, the Mayor and Council of the City of Carencro, State of Louisiana, acting as the governing authority of the Issuer, has caused this Bond to be executed in its name by the facsimile signatures of the Mayor and the City Clerk of the City of Carencro, State of Louisiana and a facsimile of its corporate seal to be imprinted hereon.

I-49 CORRIDOR ECONOMIC DEVELOPMENT  
DISTRICT, STATE OF LOUISIANA

                  /s/ Gwen Martin                    
City Clerk

                  /s/ Glenn Brasseaux                    
Mayor

(SEAL)

\* \* \* \* \*

(FORM OF PAYING AGENT'S CERTIFICATE OF REGISTRATION)

This Bond is the Bond referred to in the within mentioned Ordinance.

IBERIABANK, a division of First Horizon Bank  
Lafayette, Louisiana  
as Paying Agent

By: \_\_\_\_\_  
Authorized Officer

\* \* \* \* \*

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED, the undersigned Assignor hereby sells, assigns and transfers the within bond and all rights thereunder unto the following Assignee:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

who by its execution below hereby certifies to the Paying Agent that (a) it is (i) an affiliate of the original owner of this Bond, or (ii) a bank, or entity directly or indirectly controlled by a bank, or under common control with a bank, other than a broker dealer or municipal securities dealer, which certifies that it is a "qualified institutional buyer" as defined in Rule 144A of the Securities Act of 1933, as amended, and (b) it consents to the terms of the Purchaser Letter executed by the original owner of this Bond as referenced in the Ordinance.

\_\_\_\_\_, Assignee                      \_\_\_\_\_, Assignor

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

Date: \_\_\_\_\_

\* \* \* \* \*

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

SECTION 7. **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 8. **Pledge of Sales 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 Revenues of the Tax, subject only to the prior payment of the reasonable and necessary costs and expenses of collecting and administering the Tax. The Revenues of the Tax 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 Ordinance. In compliance with the Tax Ordinance, all of the Revenues of the Tax shall be set aside as herein provided and shall be and remain pledged for the security and payment of the Bonds and the Outstanding Parity Bonds in principal and interest and for all other payments provided for in this Ordinance until the Bonds and the Outstanding Parity Bonds shall have been fully paid and discharged.

SECTION 9. **Outstanding Parity Bonds.** The Bonds shall be and the same are hereby issued on a parity with the Outstanding Parity Bonds, and the Bonds shall rank equally with and shall enjoy complete parity of lien with the Outstanding Parity Bonds on the Revenues of the Tax or other funds specially applicable to the payment of said bonds, including funds established by the Outstanding Parity Bond Ordinance.

This Governing Authority does hereby find, determine and declare that the Issuer has complied, or will comply prior to the delivery of the Bonds, with all of the terms and conditions set forth in the Outstanding Parity Bond Ordinance with respect to authorizing the issuance of the Bonds on a parity with the Outstanding Parity Bonds.

SECTION 10. **Additional Parity Bonds.** All of the Bonds shall enjoy complete parity of lien on the avails or proceeds 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 hereby covenants that it will 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 or the Outstanding Parity Bonds, except that bonds may hereafter be issued on a parity with the Bonds and the Outstanding Parity Bonds under the following conditions:

- (1) The Bonds herein authorized or any part thereof, including the interest thereon, may be refunded, and the refunding bonds so issued shall enjoy complete equality of lien with the portion of the Bonds which is not refunded, if there be any, 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 year in

excess of the principal and interest which would have been required in such year to pay the Outstanding Parity Bonds and the Bonds refunded thereby, then such Bonds may not be refunded without the consent of the Owners of the unrefunded portion of the Bonds issued hereunder (provided such consent shall not be required if such refunding bonds meet the requirements set forth in clause 2 of this Section).

(2) Additional Parity Bonds may also be issued, and such Additional Parity Bonds shall be on a parity with the Bonds and the Outstanding Parity Bonds if all of the following conditions are met:

- (i) The annual Revenues of the Tax when computed for the last completed calendar year immediately preceding the issuance of the Additional Parity Bonds must have been not less than 2.0 times the highest combined principal and interest requirements for any succeeding calendar year on the Outstanding Parity Bonds, the Bonds then outstanding, including any *pari passu* Additional Parity Bonds theretofore issued and then outstanding, and any other bonds or other obligations whatsoever then outstanding which are payable from the Revenues of the Tax (but not including bonds which have been refunded or provision otherwise made for their full and complete payment and redemption) and the bonds so proposed to be issued;
- (ii) The payments to be made into the various funds provided for in Section 11 hereof must be current;
- (iii) The existence of the facts required by paragraphs (i) and (ii) above must be confirmed by the Finance Director of the Issuer, or by an independent firm of certified public accountants who have previously audited the books of the Issuer or by such successors thereof as may have been employed for that purpose;
- (iv) The Additional Parity Bonds must be payable as to principal on December 1 of each year in which principal falls due, beginning not later than three (3) years after the date of such bonds, and payable as to interest on June 1 and December 1 of each year; and
- (v) No Additional Parity Bonds may be issued should any event of default under the Ordinance have occurred and be continuing.

SECTION 11. **Flow of Funds.** In order that the principal of and the interest on the Bonds will be paid in accordance with their terms and for the other objects and purposes hereinafter provided, the Issuer further covenants as follows:

In compliance with the Tax Ordinance, all of the Revenues of the Tax shall continue to be deposited daily as the same may be collected in the separate and special bank account maintained with the regularly designated fiscal agent of the Issuer and designated as the "I-49 Corridor Economic Development Trust Fund" (hereinafter called the "Sales Tax Fund"). The Sales Tax Fund constitutes a dedicated fund of the Issuer, from which appropriations and expenditures by the Issuer shall be made solely for the purposes for which the Tax is authorized, including the payment of the Bonds.

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

(a) The maintenance of the "Sales Tax Bond Sinking Fund" (hereinafter called the "Sinking Fund"), sufficient in amount to pay promptly and fully the principal of, premium, if any, and the interest on the Bonds herein authorized and the Outstanding Parity Bonds, including any Additional Parity Bonds issued hereafter in the manner provided by this Ordinance, as they severally become due and payable, by transferring from the Sales Tax Fund to the regularly designated fiscal agent of the Issuer, monthly in advance on or before the 20<sup>th</sup> day of each month of each year, a fractional amount of the interest, if any, falling due on the Bonds on the next interest payment date and a fractional amount of the principal of the Bonds falling due on the next principal payment date, whether by maturity or mandatory call, such fractions being equal to the number 1 divided by the number of months preceding such interest payment date or principal payment date, as the case may be, since the last interest or principal payment date, as the case may be, so that by making equal monthly payments the Issuer will always provide the necessary sums required to be on hand on each interest and principal payment date. The Issuer shall transfer from said Sinking Fund to the paying agent(s) for the Outstanding Parity Bonds and for all Bonds payable from the Sales Tax Bond Sinking Fund, or directly to the Owners, not less than one (1) day prior to each Interest Payment Date, funds fully sufficient to pay promptly the principal and interest of the Outstanding Parity Bonds and the Bonds falling due on such date.

All or any part of the moneys in the Sales Tax Fund and the Sinking Fund shall, at the written request of the Issuer, be invested in the manner provided by Louisiana law in obligations maturing in five (5) years or less. All income derived from such investments shall be added to the Sales Tax Fund, and such investments shall, to the extent at any time necessary, be liquidated and the proceeds thereof applied to the purposes for which the Sales Tax Fund was created.

All moneys remaining in the Sales Tax Fund on the 20<sup>th</sup> day of each month in excess of (i) all reasonable and necessary expenses of collection and administration of the Tax, and (ii) after making the required payments into the Sinking 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 Tax is authorized or for the purpose of retiring Bonds in advance of their maturities, either by purchase of the Outstanding Parity Bonds and the Bonds then outstanding at prices not greater than the then redemption prices of said Outstanding Parity Bonds and the Bonds, or by redeeming such Bonds at the prices and in the manner set forth in this Ordinance.

The Sales Tax Fund and the Sinking Fund provided for in this Section shall all be and constitute trust funds for the purposes provided in this Ordinance, and the Owners of Bonds issued pursuant to this Ordinance are 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 of Louisiana.

SECTION 12. **Issuer Obligated to Continue to Collect Tax.** The Issuer recognizes that the governing authority of the Issuer is bound under the terms and provisions of law to levy, impose, enforce and collect the Tax 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 Tax, until all of the Bonds and the Outstanding Parity 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 the ordinances adopted providing for the levying, imposition, enforcement and collection of the Tax or any subsequent ordinance providing therefor, 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 Tax. The ordinances imposing the Tax and pursuant to which the Tax is being levied, collected and allocated, and the obligation to continue to levy, collect and allocate the Tax and to apply the revenues therefrom in accordance with the provisions of this Ordinance, shall be irrevocable until the Bonds and the Outstanding Parity 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 the Outstanding Parity Bonds or which would in any way jeopardize the prompt payment of principal thereof and interest thereon. More specifically, the Issuer may not discontinue or decrease the Tax or permit to be discontinued or decreased the Tax in anticipation of the collection of which the Bonds and the Outstanding Parity Bonds have been issued, or in any way make any change in such Tax which would diminish the amount of the sales tax revenues to be received by the Issuer, until all of such Bonds and the Outstanding Parity Bonds shall have been retired as to both principal and interest.

SECTION 13. **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 Tax, to issue the Bonds and to pledge the Revenues of the Tax as herein provided, and that the Bonds will have a lien and privilege on the Revenues of the Tax as herein provided.

SECTION 14. **Issuer to Maintain Books and Records.** So long as any of the Bonds are outstanding and unpaid in principal or interest, the Issuer shall maintain and keep proper books of records and accounts separate and apart from all other records and accounts in which shall be made full and correct entries of all transactions relating to the collection and expenditure of the Revenues of the Tax, including specifically but without limitation, all reasonable and necessary costs and expenses of collection. Not later than six (6) months after the close of each Fiscal Year, the Issuer shall cause an audit of such books and accounts to be made by the Legislative Auditor of the State of Louisiana (or his successor) or by a recognized independent firm of certified public accountants showing the receipts of and disbursements made for the account of the aforesaid Sales Tax Fund. Such audit shall be available for inspection upon



request by the Owners of any of the Bonds. The Issuer further agrees that the Paying Agent and the Owners of any of the Bonds shall have at all reasonable times the right to inspect the records, accounts and data of the Issuer relating to the Tax.

SECTION 15. **Application of 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 Ordinance, to cause the necessary Bonds to be printed, to issue, execute and seal the Bonds, and to effect delivery thereof as hereinafter provided. The proceeds derived from the sale of the Bonds shall be used only for the purpose for which the Bonds are issued.

SECTION 16. **Bonds Legal Obligations.** The Bonds shall constitute legal, binding and valid obligations of the Issuer and shall be the only representations of the indebtedness as herein authorized and created.

SECTION 17. **Ordinance a Contract.** The provisions of this Ordinance shall constitute a contract between the Issuer, or its successor, and the Owner or Owners from time to time of the Bonds, and any such Owner or Owners may 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 this Governing Authority or the Issuer as a result of issuing the Bonds.

No material modification or amendment of this 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 modification or amendment shall permit a change in the maturity provisions of the Bonds, or a reduction in the rate of interest thereon, or in the amount of the principal obligation thereof, or affecting the obligation of the Issuer to pay the principal of and the interest on the Bonds as the same shall come due from the revenues appropriated, pledged and dedicated to the payment thereof by this Ordinance, or reduce the percentage of the Owners required to consent to any material modification or amendment of this Ordinance, without the consent of the Owners of the Bonds.

SECTION 18. **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 this 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 19. **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 Louisiana."

SECTION 20. **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 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 21. **Notices to Owners.** Wherever this 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 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 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 22. **Cancellation of Bonds.** All Bonds surrendered for payment, 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 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 Agent shall be disposed of as directed in writing by the Issuer.

SECTION 23. **Mutilated, Destroyed, Lost or Stolen Bonds.** If (1) 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 (2) 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, interest rate 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 Ordinance equally and ratably with all other Outstanding Bonds. Any additional procedures set forth in the Agreement, authorized in this

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 24. **Discharge of Ordinance; Defeasance.** If the Issuer shall pay or cause to be paid, or there shall otherwise be paid to the Owner, the principal of and interest on the Bonds, at the times and in the manner stipulated in this Ordinance, then the pledge of the money, securities, and funds pledged under this Ordinance and all covenants, agreements, and other obligations of the Issuer to the Owner 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 Ordinance to the Issuer.

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 if they are defeased in the manner provided by Chapter 14 of Title 39 of the Louisiana Revised Statutes of 1950, as amended.

SECTION 25. **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 the initial Paying Agent in this Ordinance is hereby confirmed and approved. The Issuer reserves the right to appoint a successor Paying Agent by (a) filing with the Person then performing such function a certified copy of an ordinance or Ordinance giving notice of the termination of the Agreement and appointing a successor and (b) 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 26. **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 Internal Revenue Code of 1986 and any amendment thereto (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, (i) the failure to comply with the limitation on investment of Bond proceeds, (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".

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

SECTION 27. **Disclosure Under SEC Rule 15c2-12.** The Issuer will not be required to comply with the continuing disclosure requirements described in Rule 15c2-12 of the Securities and Exchange Commission [17 CFR 240.15c2-12].

SECTION 28. **Designation Concerning "Qualified Tax-Exempt Obligations".** The Bonds are designated as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code. In making this designation, the Issuer finds and determines that:

- (a) the Bonds are not "private activity bonds" within the meaning of the Code; and
- (b) the reasonably anticipated amount of qualified tax-exempt obligations which will be issued by the Issuer and all subordinate entities in calendar year 2021 does not exceed \$10,000,000.

SECTION 29. **Post-Issuance Compliance.** The Executive Officers and/or their designees are directed to establish, continue, and/or amend, as applicable, written procedures to assist the Issuer in complying with various State and Federal statutes, rules and regulations applicable to the Bonds and are further authorized to take any and all actions as may be required by said written procedures to ensure continued compliance with such statutes, rules and regulations throughout the term of the Bonds.

SECTION 30. **Award of Bonds.** The Issuer hereby accepts the offer of the Purchaser for the Bonds, which offer is attached as **Exhibit A** hereto, and an Executive Officer is hereby authorized to execute said offer on behalf of the Issuer. As a condition to the delivery of the Bonds to the Purchaser, the Purchaser will execute a standard letter, acceptable to it and the Issuer, indicating it has conducted its own analysis with respect to the Bonds and is extending credit in the form of the Bonds as a vehicle for making a commercial loan to the Issuer.

SECTION 31. **Publication.** This 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 32. **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.

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SECTION 33. **Effective Date.** This Ordinance shall become effective immediately.

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

YEAS:

NAYS:

ABSENT:

And the ordinance was declared adopted on this 21<sup>st</sup> day of December, 2020.

\_\_\_\_\_  
/s/ Gwen Martin  
City Clerk

\_\_\_\_\_  
/s/ Glenn L. Brasseaux  
Mayor

**EXHIBIT A**

OFFER TO PURCHASE

STATE OF LOUISIANA

PARISH OF LAFAYETTE

I, the undersigned City Clerk of the City of Carencro, State of Louisiana, do hereby certify that the foregoing pages constitute a true and correct copy of an ordinance adopted by the Mayor and Council of said City on December 21, 2020, providing for the incurring of debt and issuance of Five Million Dollars (\$5,000,000) of Sales Tax Bonds, Series 2021, of the I-49 Corridor Economic Development District, State of Louisiana; prescribing the form, fixing the details and providing for the payment of principal of and interest on such bonds; and providing for other matters in connection therewith.

IN FAITH WHEREOF, witness my official signature at Carencro, Louisiana, on this, the 21<sup>st</sup> day of December, 2020.

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City Clerk

## ORDINANCE 2020-014

### AN ORDINANCE OF THE CARENCRO CITY COUNCIL AMENDING THE CARENCRO CODE OF ORDINANCES ESTABLISHING STANDARDS FOR SMALL WIRELESS FACILITIES IN THE RIGHTS-OF-WAY IN THE CITY OF CARENCRO, LOUISIANA

#### Preamble

WHEREAS, the City of Carencro (“City”) desires to encourage wireless infrastructure investment by providing a fair and predictable process for the deployment of small wireless facilities, while enabling the City to promote the management of the rights-of-way in the overall interests of the public health, safety and welfare; and

WHEREAS, the City recognizes that small wireless facilities are critical to delivering wireless access and capacity to advanced technology, broadband and first responder services to homes, and businesses, as well as health care, public safety and educational services providers within the City; and

WHEREAS, the City recognizes that small wireless facilities, including facilities commonly referred to as small cells and distributed antenna systems, are deployed most effectively in the public rights-of-way; and,

WHEREAS, the City intends to fully comply with state and federal law to the extent it preempts or conflicts with local municipal control.

#### Section 1 – Purpose and Scope

- (A) Purpose. The purpose of this Chapter is to establish nondiscriminatory policies and procedures for use of the rights-of-way and more specifically the placement of small wireless facilities in right-of-way within the City’s jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and reasonable aesthetic qualities of the City rights-of-way and the City as a whole.
- (B) Intent. In enacting this Chapter, the City is establishing uniform standards consistent with federal law to address the placement of small wireless facilities and associated poles in the rights-of-way, including without limitation, to:
- (1) prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
  - (2) prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
  - (3) prevent interference with the facilities and operations of facilities lawfully located in rights-of-way or public property;
  - (4) protect against environmental damage, including damage to trees;
  - (5) preserve the character of Historic Districts or areas with Decorative Poles; and



(6) facilitate rapid deployment of small cell facilities to provide the benefits of wireless services.

- (C) Conflicts with Other Chapters. This Chapter supersedes all Chapters or parts of Chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.

## **Section 2 - Definitions**

- (A) “Antenna” means an apparatus designed for the purpose of emitting radio frequency (RF) signals to be operated or operating from a fixed location pursuant to the Federal Communications Commission authorization for the provision of wireless service. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under 47 C.F.R. Part 15.
- (B) “Antenna Equipment” means equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.
- (C) “Antenna Facility” means an antenna and associated antenna equipment.
- (D) “Applicable Codes” means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes that are of general application, address public safety, and are consistent with this Chapter.
- (E) “Applicant” means any person who submits an application as or on behalf of a wireless provider.
- (F) “Application” means a request submitted by an applicant for a permit to (i) collocate small wireless facilities; or (ii) install, modify, or replace a structure on which to collocate a small wireless facility in the rights-of-way, where required.
- (G) “City Structure” means a structure in the rights-of-way owned, managed or operated by the City or any subdivision or instrumentality thereof, including municipal electric utilities.
- (H) “Collocate” means 1) mounting or installing an antenna facility on a preexisting structure, and/or 2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure. “Collocation” has a corresponding meaning.
- (I) “Day” means calendar day, except for state holidays.
- (J) “Decorative Pole” means a city structure that is specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than a small wireless facility, lighting, specially designed informational or directional signage, or

temporary holiday or special events attachments, have been placed or are permitted to be placed according to nondiscriminatory standards.

- (K) “Director” means the Director of Planning.
- (L) “Fee” means a one-time, nonrecurring charge.
- (M) “Historic District” means a group of buildings, properties, or sites that are either: 1) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register in accordance with Section VI.D.1a.i-v of the Nationwide Programmatic Agreement codified at 47 C.F.R. Part 1, Appendix C; or, 2) a registered historic district as defined by Louisiana law as of the effective date of this Chapter.
- (N) “Permit” means any and all authorizations, written or otherwise, required by the City to perform an action or initiate, continue, or complete a project for the deployment of wireless service at a specified location.
- (O) “Person” means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including the City.
- (P) “Pole” means a type of structure in the rights-of-way that is or may be used in whole or in part by or for wireline communications, electric distribution, lighting, traffic control, signage, or similar function, or for collocation of small wireless facilities; provided, such term does not include a tower, building or electric transmission structures.
- (Q) “Rate” means a recurring charge.
- (R) “Rights-of-Way” or “ROW” means the area on, below, or above a public utility easement, roadway, highway, street, sidewalk, alley, or similar property, but not including a federal interstate highway.
- (S) “Small Wireless Facility” means a facility that meets each of the following conditions:
  - (1) The facilities (i) are mounted on structures 50 feet or less in height including the antennas, or (ii) are mounted on structures no more than 10 percent taller than other adjacent structures, or (iii) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater; and,
  - (2) Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume; and,
  - (3) All other wireless equipment associated with the structure, including wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume; and,

- (4) The facilities do not require antenna structure registration under 47 C.F.R. Part 17;
- (5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x);  
and,
- (6) The facilities do not result in human exposure to radio frequency in excess of the applicable safety standards specified in 47 C.F.R. 1.1307(b).
- (T) “Structure” means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of wireless service.
- (U) “Technically Feasible” means that by virtue of engineering or spectrum usage the proposed placement for a small wireless facility, or its design, concealment measures, or site location can be implemented without a reduction in the functionality of the small wireless facility.
- (V) “Wireless Infrastructure Provider” means any person, including a person authorized to provide telecommunications service in the state, that builds or installs wireless communication transmission equipment, wireless facilities, but that is not a wireless services provider.
- (W) “Wireless Provider” means a wireless infrastructure provider or a wireless services provider.
- (X) “Wireless Services” means any services, using licensed or unlicensed spectrum, including the use of WiFi, whether at a fixed location or mobile, provided to the public.
- (Y) “Wireless Services Provider” means a person who provides wireless services.

### **Section 3 – Permitted Use; Application and Fees**

- (A) Permitted Use: The following uses within the rights-of-way shall be a permitted use, subject to administrative review only and issuance of a permit as set forth in this Chapter:
  - (1) Collocation of a small wireless facility; and,
  - (2) Placement of a new, modified, or replacement pole to be used for collocation of a small wireless facility that does not exceed the maximum height set forth in Section 5(A).
- (B) Permit Required. Except as otherwise provided in this Chapter, no person shall place any small wireless facility, pole or structure described in Section 3(A) in the right-of-way, without first filing an application for the same and obtaining a permit therefor.
- (C) Application Requirements. An application filed pursuant to this Chapter shall be made by the wireless provider or its duly authorized representative and shall contain the following:

- (1) The applicant's name, address, telephone number, and e-mail address;
  - (2) The names, addresses, telephone numbers, and e-mail addresses of all duly authorized representatives and consultants, if any, acting on behalf of the applicant with respect to the filing of the application.
  - (3) A general description of the proposed small wireless facility and associated pole, if applicable. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the physical work proposed;
  - (4) Site plans and engineering drawings to scale that identify the proposed small wireless facility.
  - (5) A statement that the small wireless facility shall comply with all applicable codes.
  - (6) The applicant shall not be required to provide more information to obtain a small wireless facility permit than is required of other entities who install facilities in the rights-of-way.
- (D) Routine Maintenance and Replacement. An application shall not be required for: (1) routine maintenance; or (2) the replacement of a small wireless facility with another small wireless facility that is the same, substantially similar or smaller in size, weight and height. The City may require a permit for work that requires excavation or closure of sidewalks or vehicular lanes within the ROW for such activities. Such a permit must be issued to the applicant on a non-discriminatory basis upon terms and conditions applied to any other person performing similar activities, regardless of technology, in the ROW.
- (E) Information Updates. Any amendment to information contained in an application shall be submitted in writing to the City within thirty (30) days after the change.
- (F) Application Fees. Application fees shall not collectively exceed the following:
- (1) \$500 for up to the first five small wireless facilities in the same application, with an additional \$100 for each small wireless facility beyond five in the same application.
  - (2) \$1,000 for the installation, modification or replacement of a pole together with the collocation of an associated small wireless facility in the rights-of-way that is a permitted use in accordance with this Chapter

#### **Section 4 – Action on Administrative Permit Applications Subject to this Chapter**

- (A) The Director shall review an application subject to this Chapter considering its conformity with applicable provisions of this Chapter, and shall issue a permit on nondiscriminatory terms and conditions subject to the following requirements:

- (1) For an initial application, the Director shall notify the applicant in writing on or before the tenth (10) day of submission if the application is materially incomplete. In the written notice that the application is incomplete, the Director must clearly and specifically identify all the missing documents or information and must specify the related code provision, ordinance, application instruction or otherwise publicly-stated procedures related to missing information; and,
  - (2) If the Director notifies the applicant in writing that the application is incomplete in accordance with subsection (1), the processing deadline in subsection (3) shall restart at zero on the date the applicant submits all the documents and information identified by the Director to render the application complete; and,
  - (3) The Director shall make its final decision to approve or deny a complete application within (i) sixty (60) days of receiving an application for the collocation of a small wireless facility using an existing structure, and (ii) 90 days for an application to collocate a small wireless facility on a new structure. These timelines may be tolled only by mutual agreement between the applicant and the City; and
  - (4) The City must advise the applicant **of its final decision in writing via U.S. Mail and e-mail based on the information provided in the Application**, and if the final decision is to deny the application, the final decision document shall state the basis for a denial, including specific code provisions on which the denial was based, and send the decision document to the applicant on or before the day the City denies the application.
- (B) The City must process all applications on a nondiscriminatory basis and may only deny an application subject to this Chapter if the proposed small wireless facility or new, modified, or replaced pole:
- (1) Materially and demonstrably interferes with the safe operation of traffic control equipment;
  - (2) Materially and demonstrably interferes with sight lines or clear zones for transportation or pedestrians;
  - (3) Materially fails to comply with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement;
  - (4) Fails to comply with applicable codes; or
  - (5) Fails to comply with the provisions in this Chapter.
- (C) Batch Applications: An applicant may at the applicant's discretion, file a consolidated application for small wireless facilities and related poles; provided, that the denial of one or more small cell facilities in a consolidated application shall not delay the processing of any other small wireless facility or related poles submitted in the same consolidated application. Batch applications shall be collectively processed in accordance with the procedures in subsection (A). A batch application that includes deployments that fall

within Section 4(A)(3)(i) and Section 4(A)(3)(ii) shall be subject to a 90-day timeframe for approval.

## **Section 5 – Small Wireless Facilities in the ROW; Maximum Height; Other Requirements**

- (A) Maximum Size of Permitted Use. A new, modified or replaced pole for the collocation of small wireless facilities may be placed in the rights-of-way as a permitted use provided that each new, modified, or replaced pole does not exceed the greater of:
- (1) Ten (10) percent taller than other adjacent structures; or,
  - (2) Fifty (50) feet above ground level.
- (B) Any wireless provider that seeks to install, modify, or replace a pole in the rights-of-way that exceeds the height limits contained in this section, shall be subject to applicable requirements.
- (C) Decorative Poles. A wireless provider shall be permitted to collocate on or replace a decorative pole when necessary to collocate a small wireless facility; provided that any such collocation or replacement pole shall, to the extent technically feasible, conform to the design aesthetics of the original pole.
- (D) Underground District.
- (1) In areas designated solely for underground or buried cable and utility facilities as set forth in Chapter 62 - Streets, Sidewalks And Other Public Places, Article IV. – Excavations, a wireless provider shall comply with written, objective, reasonable and nondiscriminatory requirements that prohibit the installation of poles or structures in the rights-of-way where (i) all such lines are required to be placed underground by a date certain that is three months prior to the submission of the application; (ii) structures that are allowed to remain shall be made available to wireless providers for the collocation of small wireless facilities, and may be replaced by a wireless provider to accommodate the collocation of small wireless facilities, in compliance with this Chapter; and (iii) a wireless provider may install a new pole in the designed area that otherwise complies with this Section when it is not able to provide wireless service by collocating on a remaining structure.
  - (2) For small wireless facilities installed before the City adopted requirements that communications and electric lines be placed underground, the City shall (i) permit a wireless provider to maintain the small wireless facilities in place, subject to any applicable pole attachment agreement with the pole owner; or (ii) permit the wireless provider to replace the associated pole within 50 feet of the prior location.
- (E) Historic District. The City may require design or concealment measures for small wireless facilities and associated structures in Historic Districts. Any such design or concealment measures may not be considered part of the small wireless facility for purpose of the size restrictions in the definition of small wireless facility.

- (F) Color. Applicant shall comply with requirements regarding the color of the small cell wireless facilities.
- (G) New or Modified Pole. Any new or modified pole shall meet the aesthetic characteristic of surrounding utility poles.
- (H) Wiring and Cabling. Wires and cables serving the small wireless facility shall be installed in accordance with all applicable codes.
- (I) Guy Wires Restricted. Guy wires and similar support structures may not be used as part of the installation of any small wireless facility, unless the small wireless facility is proposed to be attached to an existing pole that incorporated guy wires prior to the date of the small wireless facility application.
- (J) The requirements in (C) – (I) of this section must be: (1) reasonable, meaning they are technically feasible and reasonable directed to avoiding or remedying the intangible public harm of unsightly or out-of-character deployments; (2) no more burdensome than those applied to other types of infrastructure deployment in the rights-of-way; (3) objective; and, (4) published in advance. The requirements may not prohibit or have the effect of prohibiting wireless service.

### **Section 6 – Effect of Permit**

- (A) Authority Granted. No Property Right or Other Interest Created. A permit from the City authorizes an applicant to undertake only certain activities in accordance with this Chapter and does not create a property right or grant authority to the applicant to impinge upon the rights of others who may already have an interest in the rights-of-way.
- (B) Permit Duration.
  - (1) A permit for construction granted pursuant to this Section shall be valid for a period of one year after issuance unless the City and applicant agree to extend this period, or delay is caused by the lack of commercial power, communications facilities, or other events outside of the reasonable control of the wireless provider.
  - (2) After construction, the permit does not expire, but is subject to applicable relocation requirements, termination for material non-compliance after notice, reasonable opportunity to cure, and an applicant’s right to terminate a permit at any time.

### **Section 7 – Removal, Relocation or Modification of Small Wireless Facility in the ROW**

- (A) Notice. The City shall provide the greatest practical notice possible, but no less than ninety (90) days following written notice from the City, the wireless provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate,

change or alter the position of any small wireless facilities within the rights-of-way whenever the City has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the rights-of-way.

- (B) Emergency Removal or Relocation of Facilities. The City retains the right and privilege to cut or move any small wireless facility located within the rights-of-way of the City in the event of an emergency, as the City may determine to be necessary, appropriate or useful in response to any imminent danger to public health, safety, or property. If circumstances permit, the City shall notify the wireless provider and provide the wireless provider an opportunity to move its own facilities prior to cutting or removing a facility and shall notify the wireless provider promptly after cutting or removing a small wireless facility.
- (C) Abandonment of Facilities. A wireless provider is required to notify the City at least 30 days prior to abandonment of a small wireless facility. Following receipt of such notice the City may direct the wireless provider to remove all or any portion of the small wireless facility that the City, or any of its departments, determines would be in the best interest of the public health, safety and welfare to remove. If the wireless provider fails to remove the abandoned facility within 90 days after such notice, the City may undertake to do so and recover the actual and reasonable expenses of doing so from the wireless provider, its successors or assigns.
- (D) Damage and Repair. The City may require a wireless provider to repair all damage to the rights-of-way directly caused by the activities of the wireless provider and return the rights-of-way to its functional equivalence before the damage pursuant to the competitively neutral, reasonable requirements and specifications. If the wireless provider fails to make the repairs within 120 days after written notice, the City may affect those repairs and charge the applicable party the reasonable, documented cost of such repairs.

## **Section 8 – Collocation on City Structures in the ROW**

- (A) Collocation on City Structures. Small wireless facilities may be collocated on city structures in the rights-of-way pursuant to this Chapter. No person will be permitted an exclusive arrangement for use of the rights-of-way for the collocation of small wireless facilities or for the installation, operation, modification, maintenance, or replacement of poles for the collocation of small wireless facilities. A person who purchases or otherwise acquires a city structure is subject to the requirements of this section.
- (B) Make-Ready. The rates, fees, terms and conditions for the make-ready work to collocate a small wireless facility on a pole owned or controlled by the City must be nondiscriminatory, competitively neutral, commercially reasonable, comply with this Chapter and be subject to the following:
  - (1) The City or any person owning, managing, or controlling the poles owned by the City will provide a good faith estimate for any make-ready work reasonably necessary to make a specific city pole suitable for attachment of the requested small wireless



facility, including pole replacement if necessary, within 60 days after receipt of a completed request. Make-ready work including any pole replacement shall be completed within 60 days of written acceptance of the good faith estimate by the applicant.

- (2) The City or any person owning, managing, or controlling the poles owned by the city shall not require more make-ready work than required to meet applicable codes or industry standards. Fees for make-ready work shall not include costs related to pre-existing or prior damage and non-compliance. Fees for make-ready work including any pole replacement shall not exceed actual and direct costs, or the amount charged to others for similar work and shall not include any revenue or contingency-based consultant fees or expenses of any kind.

### **Section 9 – Rates for ROW and Collocation on City Structures in the ROW**

- (A) The recurring rate for use of the ROW and attachment of small wireless facilities to a city structure in the ROW shall be subject to the following requirements:
  - (1) Annual Rate. A wireless provider authorized to place small wireless facilities and any related pole in the rights-of-way will pay to the City compensation for use of the rights-of-way and collocation on city structures in the rights-of-way an aggregate annual rate not to exceed \$270 per small wireless facility. This rate, together with the one-time application fee, shall be the total compensation that the wireless provider is required to pay the city for the deployment of each small wireless facility in the rights-of-way and any associated pole.
  - (2) Cease Payment. A wireless provider may remove its facilities at any time from the rights-of-way and city structures in the rights-of-way and cease paying the City compensation as of the date of removal of the facilities.

### **Section 10 – Effective Date**

This Ordinance shall take effect ten (10) days after its passage, approval and publication.