City of Mansfield MINUTES OF REGULAR PUBLIC MEETING March 28, 2011

The Board of Aldermen met in regular session on **Monday, March 28**th, in Mansfield City Hall, located at 705 Polk Street. Mayor McCoy called the meeting to order at **4:30 p.m.**, after which an **Invocation** was offered by **Alderman Joseph Hall, Jr.** The Pledge of Allegiance was led by **Alderman Alvin R. Woodley.** The following officials were recorded as **Present**: Honorable Curtis W. McCoy, G. B. Hall III –District **A, Troy** N. Terrell –District **B,** Mitchell L. Lewis – District **C,** Joseph Hall, Jr. –District **B,** and Alvin R. Woodley –District **E. Absent**: None. **Press Present**: Kriston Newsom (*The Enterprise*) and Vickie Welborn (*The Times*).

It was MOTIONED by **ALVIN R. WOODLEY** and SECONDED by **MITCHELL L. LEWIS** to approve the minutes of the **March 14, 2011** *regular* City Council meeting and to dispense with the reading. Motion Passed Unanimously.

It was MOTIONED by **MITCHELL L. LEWIS** and SECONDED by **ALVIN R. WOODLEY** to approve the minutes of the **March 21, 2011** *special* City Council meeting and to dispense with the reading. Motion Passed Unanimously.

The Mayor next opened the floor to hear public comments from those in attendance to any item outlined on the meeting agenda. When no comments were offered, the **Public Comments Period** was then closed.

Old Business: None

New Business:

Item A: It was MOTIONED by G. B. HALL III and SECONDED by ALVIN R. WOODLEY to approve Change Order No. 3 as submitted by Wicker Construction, Inc. for Phase I of the Water Distribution System Improvements Project. This change order increases the current contract price of \$2,443,761.80 by \$25,188.00. The new contract price is now \$2,468,949.80. The revisions are representative of installing a 6" water main on U.S. Hwy. 84, and a 3" main on LA Hwy. 175 in order to allow abandonment of the existing water mains along those streets. The water services cannot be tied into the existing parallel water mains due to their location beneath the travel lanes of the highways. This change order was also a request for an extension of time by 28 calendar days to effect completion of the contract. The new date for completion is now April 22, 2011. Motion Passed Unanimously.

Item B: It was MOTIONED by JOSEPH HALL, JR. and SECONDED by ALVIN R. WOODLEY to adopt the Resolution on page 17 of the City's Annual Municipal Water Pollution Prevention (MWPP) Environmental Audit Report. The Resolution informs the Louisiana Department of Environmental Quality (LDEQ) that the Mansfield Board of Aldermen has reviewed the MWPP and has set forth the actions necessary to maintain permit requirements contained in the Louisiana Pollution Discharge Elimination System (LPDES). (Full copy of Resolution on file at City Hall). Motion Passed Unanimously.

Page 2 of 18
City of Mansfield
City Council Meeting Minutes for
March 28, 2011

Item C: It was MOTIONED by G. B. HALL III and SECONDED by JOSEPH HALL, JR. to adopt a Second Supplemental Bond Ordinance authorizing the issuance of not exceeding \$2,280,000 of Sales Tax Bonds, Series 2011, of the City of Mansfield, Louisiana in accordance with the terms of a General Bond Ordinance adopted on December 14, 2009; prescribing the form, and certain terms and conditions of said Bonds; and providing for other matters in connection therewith. This Second Supplemental Bond Ordinance will fund the Phase II improvements of the City's Water Distribution System Improvements project. Only one correction was noted by Alderman G. B. Hall and that was to delete former Alderman J. Dudley Kemper's name from page 8 that reflects the vote of the alderman and insert Alderman Troy N. Terrell's name. The ordinance was drafted by the City's bond attorney and this was simply a typographical error. Before the ordinance is published in our local journal (*The Enterprise*), this correction will be made. Motion Passed Unanimously. (The full ordinance is recited below).

Ordinance No. 5 of 2011

SECOND SUPPLEMENTAL BOND ORDINANCE

A second supplemental bond ordinance authorizing the issuance of not exceeding \$2,280,000 of Sales Tax Bonds, Series 2011, of the City of Mansfield, Louisiana, in accordance with the terms of a General Bond Ordinance adopted on December 14, 2009; prescribing the form, and certain terms and conditions of said Bonds; and providing for other matters in connection therewith.

WHEREAS, The City of Mansfield, State of Louisiana (the "Issuer"), is authorized to levy a one-half of one percent (1/2%) sales and use tax for a period of thirty (30) years, effective January 1, 2009 pursuant to an election held on October 27, 2008 (the "Tax"); and

WHEREAS, pursuant to Section 1430 of Title 39 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 39:1430), and other constitutional and statutory authority (the "Act"), it is the desire of this Mayor and Board of Aldermen (the "Governing Authority"), acting as the governing authority of the Issuer, to provide for the issuance of sales tax bonds of the Issuer, payable from a pledge of the revenues of the Tax for the purpose of acquiring, constructing and improving the waterworks facilities of the Issuer, including extensions, replacements, equipment, fixtures and machinery therefore (the "Project"), and paying the costs of issuance thereof; and

WHEREAS, this Governing Authority adopted a General Bond Ordinance on December 14, 2009, entitled: "A General Bond Ordinance authorizing the issuance from time to time of Sales Tax Bonds of the City of Mansfield, State of Louisiana; prescribing the form, and certain

Page 3 of 18
City of Mansfield
Council Meeting Minutes for
March 28, 2011

terms and conditions of said Bonds; providing for the payment thereof in principal and interest; and providing for other matters in connection therewith" (the "General Bond Ordinance"), which authorizes the issuance of sales tax bonds from time to time for the aforesaid purposes; and

WHEREAS, pursuant to the General Bond Ordinance and the First Supplemental Bond Ordinance adopted on December 14, 2009, the Issuer has heretofore issued its Sales Tax Bonds, Series 2010 (Taxable) in the principal amount of \$4,120,000 (the "Outstanding Parity Bonds"); and

WHEREAS, it is now the desire of this Governing Authority to authorize the issuance of not exceeding \$2,280,000 of Sales Tax Bonds, Series 2011, of the Issuer (the "2011 Bonds"), pursuant to the General Bond Ordinance and on a parity with the Outstanding Parity Bonds for paying costs of the Project as further set forth in Exhibit B hereto and paying costs of issuance; and

WHEREAS, the State Bond Commission approved the issuance of the 2011 Bonds on May 20, 2010;

- **NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Board of Aldermen of the City of Mansfield, State of Louisiana, acting as the governing authority of City of Mansfield, State of Louisiana, that:
- SECTION 1. <u>Definitions.</u> In addition to words and terms elsewhere defined in the General Bond Ordinance, the First Supplemental Bond Ordinance and this Second Supplemental Bond Ordinance, the following words and terms as used in this Second Supplemental Bond Ordinance shall have the following meanings, unless some other meaning is plainly intended:
- "Administrative Fee" means, with respect to the 2011 Bonds and any other Bonds purchased by the Department from the State Loan Fund, the annual fee equal to one-half of one percent (0.5%) per annum of the outstanding principal amount of such bonds, or such lesser amount as the Department may approve from time to time, which shall be payable each year in two equal semi-annual installments on each Interest Payment Date.
- "Code" means the Internal Revenue Code of 1986, as the same may be amended and supplemented from time to time, including any regulations promulgated thereunder or any administrative or judicial interpretations thereof.
- "Department" means the Louisiana Department of Health and Hospitals, an executive department and agency of the State, and any successor to the duties and functions thereof.

Page 4 of 18

City of Mansfield

Council Meeting Minutes for

March 28, 2011

"First Supplemental Ordinance" means the ordinance authorizing the issuance of the 2010 Bonds, as adopted on December 14, 2009.

"General Bond Ordinance" means the General Bond Ordinance described in the preambles hereof.

"Loan Agreement" means the Loan and Pledge Agreement to be entered into by and between the Department and the Issuer, prior to the delivery of the 2011 Bonds, which will contain certain additional agreements relating to the 2011 Bonds and any other series of Bonds purchased by the Department, which Loan Agreement shall be in substantially the form on file with the Clerk of the Issuer, as it may be supplemented, modified or amended from time to time in accordance with the terms thereof.

"Paying Agent" with respect to the 2011 Bonds means the Clerk of the Issuer, unless and until a successor Paying Agent shall have assumed such responsibilities pursuant to the General Bond Ordinance.

"Reimbursement Expenditures" means Costs of the Project made prior to the date of delivery of the 2011 Bonds, but not more than sixty days prior to September 14, 2009, which was the date of adoption of an "official intent" Ordinance pursuant to Section 1.150-2 of the United States Treasury Regulations under Section 150 of the Code.

"Second Supplemental Ordinance" means this ordinance authorizing the issuance of the 2011 Bonds, as adopted on the date hereof.

"State Loan Fund" means the Drinking Water Revolving Loan Fund established by the State of Louisiana, pursuant to Chapter 32 of Title 40 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 30:2821, et seq.) in the custody of the Department, which is to be used for the purpose of providing financial assistance for the improvement of public drinking water systems in the State, as more fully described in La. R.S. 30:2825(A)(2).

"2011 Bonds" or "Bonds" means the Issuer's Sales Tax Bonds, Series 2011, authorized to be issued by this Second Supplemental Ordinance and particularly by Section 2 hereof.

SECTION 2. <u>Authorization of Series 2011 Bonds</u>. (a) In compliance with and under the authority of the Act, there is hereby authorized the incurring of an indebtedness of not exceeding Two Million Two Hundred Eighty Thousand Dollars (\$2,280,000) for, on behalf of and in the name of the Issuer, for the purpose of paying costs of the Project as further set forth in the Loan Agreement and paying Costs of Issuance, and to represent the indebtedness, this Governing Authority does hereby authorize the issuance of not exceeding Two Million Two Hundred Eighty Thousand Dollars (\$2,280,000) of Sales Tax Bonds, Series 2011, of the Issuer.

The 2011 Bonds shall be dated the Delivery Date thereof, and the exact principal amount of the Bonds, not to exceed \$2,280,000 as stated above.

(b) The 2011 Bonds will be Fixed Rate Bonds and the unpaid principal of the Bonds shall bear interest from the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, at a rate or rates of not exceeding two and ninety-five hundredths percent (2.95%) per annum, said interest to be calculated on the basis of a 360-day year consisting of twelve thirty-day months and payable on each Interest Payment Date. Interest on the Bonds on any Interest Payment Date shall be payable only on the aggregate amount of the purchase price which shall have been paid theretofore to the Issuer and is outstanding and shall accrue with respect to each purchase price installment only from the date of payment of such installment.

In addition to interest at the rate set forth above, at any time that the Department owns the Bonds the Issuer will pay the Administrative Fee to the Department on each Interest Payment Date. In the event (i) the Department owns any Bonds or the Department has pledged or assigned any Bonds in connection with its Drinking Water Revolving Loan Fund and (ii) the Administrative Fee payable by the Issuer to the Department under the terms of the Loan Agreement is declared illegal or unenforceable by a court or an administrative body of competent jurisdiction, the interest rate borne by the Bonds shall be increased by one-half of one percent (0.50%) per annum, effective as of the date declared to be the date from which the Administrative Fee is no longer owed because of such illegality or unenforceability.

(c) Reserved.

(d) The amount and dates of the principal installments of the Bonds shall be determined as of the date of delivery of the Bonds by the Executive Officers, in integral multiples of One Thousand Dollars (\$1,000), in the percentages set forth in the Form of Bond attached as Exhibit A hereto, so that the combined annual principal, interest and Administrative Fee on the Bonds from and after the Scheduled Completion Date shall be approximately equal. In the event that less than the authorized principal amount of the Bonds is purchased, then upon the payment of the final installment of the purchase price of the Bonds the schedule of principal payments shall be recalculated so that the actual amount of principal, interest and Administrative Fee due in each Bond Year are approximately equal and, to the extent feasible, the principal installments are in integral multiples of One Thousand Dollars (\$1,000).

The Bonds shall mature in twenty (20) installments of principal, payable annually on the Principal Payment Dates in compliance with the requirements with the first repayment of principal be not more than one year after the Completion Date. In no event shall the final

Page 6 of 18

City of Mansfield

Council Meeting Minutes for

March 28, 2011

maturity of the Bonds be more than twenty-two (22) years from the date of the delivery thereof to the Department.

- (e) The principal and interest on the 2011 Bonds shall be payable by check mailed to the registered owner of the 2011 Bonds (determined as of the Interest Payment Date) at the address shown on the registration books kept by the Paying Agent for such purpose, provided that payment of the final installment of principal on the 2011 Bonds shall be made only upon presentation and surrender of the 2011 Bonds to the Paying Agent.
- (f) The principal installments of the 2011 Bonds are subject to prepayment at the option of the Issuer at any time, in whole or in part, at a prepayment price of par plus accrued interest and accrued Administrative Fee, if any, to the prepayment date and in such case the remaining principal of the 2011 Bonds shall continue to mature in installments calculated using the percentages shown in the Form of Bond.
- (g) The 2011 Bonds shall be issued in the form of a single fully registered bond, initially numbered R-1, as the case may be, and shall be in substantially the form attached hereto as Exhibit A.
 - (h) The Clerk of the Issuer shall be the initial Paying Agent for the 2011 Bonds.
- (i) The 2011 Bonds are hereby awarded to and sold to the Department at a price of par plus accrued interest, if any, under the terms and conditions set forth in the Loan Agreement, and after their execution and authentication by the Paying Agent, the 2011 Bonds shall be delivered to the Department or its agents or assigns, upon receipt by the Issuer of the agreed first installment (advance) of the purchase price. Pursuant to the Act and La. R.S. 39:1426(B), the Issuer has determined to sell the 2011 Bonds at a private sale without the necessity of publishing any notice of sale.
- (j) No proceeds of the 2011 Bonds shall be deposited into the Reserve Fund, however upon the delivery of the 2011 Bonds the Issuer shall establish and maintain the "Series 2011 Account" in the Reserve Fund and shall cause the Reserve Fund Requirement to be deposited to said account within five (5) years after the Delivery Date at a rate per year at least equal to 20% of the Reserve Fund Requirement.
- (k) No proceeds of the 2011 Bonds will be used to refund any outstanding obligations.
- (l) The 2011 Bonds will be issued on a complete parity with the 2010 Bonds, and the Issuer will fully comply with all parity requirements set forth in Section 6.01 of the General Bond Ordinance with regard to the issuance of bonds on a parity with the 2010 Bonds at time of

Page 7 of 18
City of Mansfield
Council Meeting Minutes for
March 28, 2011

the delivery of the 2011 Bonds. The form of parity certificate to be issued in connection with the delivery of the Bonds is attached as Exhibit B hereto.

- (m) The Executive Officers are each hereby empowered, authorized and directed to do any and all things necessary and incidental to carry out all of the provisions of the General Bond Ordinance and this Second Supplemental Ordinance, to execute and deliver the Loan Agreement, and to cause the 2011 Bonds to be prepared and/or printed, to issue, execute and seal the 2011 Bonds and to effect delivery thereof as hereinafter provided. In connection with the issuance and sale of the 2011 Bonds, the Executive Officers are each authorized, empowered and directed to execute on behalf of the Issuer such additional documents, certificates and instruments as they may deem necessary, upon the advice of bond counsel, to effect the transactions contemplated by this Ordinance. The signatures of said on such documents, certificates and instruments shall be conclusive evidence of the due exercise of the authority granted hereunder.
- (n) The Bonds are designated as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3)(B) of the Code. In making this designation, the Issuer finds and determines that:
 - (a) the Bonds are not "pirate 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 2011 does not exceed \$10,000,000.
- (o) It is recognized that the Issuer will not be required to comply with the continuing disclosure requirements described in the Rule 15c2-12(b) of the Securities and Exchange Commission [17 CFR §240.15c2-12(b)], because (i) the 2011 Bonds are not being purchased by a broker, dealer or municipal securities dealer acting as an underwriter in a primary offering of municipal securities, and (ii) the 2011 Bonds are being sold to only one financial institution (i.e., no more than thirty-five persons), which has such knowledge and experience in financial and business matters that it is capable of evaluating the merits and risks of the prospective investment in the 2011 Bonds and is not purchasing the 2011 Bonds for more than one account or with a view to distributing the Bonds.
- (p) By virtue of the 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 the Issuer 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 State Bond

Page 8 of 18
City of Mansfield
Council Meeting Minutes for
March 28, 2011

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.

- (q) The "Scheduled Completion Date" for the 2011 Bonds Project is August 1, 2012.
- (r) There will be no Credit Facility with respect to the 2011 Bonds.
- (s) The Loan Agreement, which will be substantially the form on file with the Clerk of the Issuer, is hereby approved, and the Executive Officers are authorized to execute and deliver the said documents on behalf of the Issuer, with such changes as may be deemed necessary, upon the advice of counsel, in connection with the 2011 Bonds, including a Commitment Agreement with the Department and any supplemental loan and pledge agreement which may be required by the Department.
- SECTION 3. <u>Davis-Bacon Wage Rate Requirements</u>. The Issuer agrees that all laborers and mechanics employed by contractors and subcontractors on the portion of the Project that is funded in whole or in part with the Series 2011 Bonds shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality of the Issuer as determined by the Secretary of the United States Department of Labor ("DOL") in accordance with Subchapter IV of Chapter 31 of Title 40, United States Code. DOL provides all pertinent information related to compliance with the foregoing requirements, including prevailing wage rates and instructions for reporting. The Issuer will ensure that all construction contracts relating to the portion of the Project that is funded in whole or in part with the Series 2011 Bonds will require that the contractor comply with the aforesaid wage and reporting requirements. This section shall not apply to "force account" work where the Issuer may perform construction work using its own employees rather than any contractor or subcontractor.
- SECTION 4. Parties Interested Herein. Nothing in this Second Supplemental Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or corporation, other than the Issuer, the Paying Agent and the Owner of the 2011 Bonds any right, remedy or claim under or by reason of this Second Supplemental Ordinance or any covenant, condition or stipulation thereof; and all the covenants, stipulations, promises and agreements in this Second Supplemental Ordinance contained by and on behalf of the Issuer shall be for the sole and exclusive benefit of the Issuer, the Paying Agent and said Owners.
- SECTION 5. <u>No Recourse on the Bonds</u>. No recourse shall be had for the payment of the principal of or interest on the Bonds or for any claim based thereon or on the General Bond Ordinance and/or the Second Supplemental Ordinance against any member of the Governing Authority or officer of the Issuer or any person executing the Bonds.

Page 9 of 18

City of Mansfield

Council Meeting Minutes for

March 28, 2011

SECTION 6. <u>Successors and Assigns</u>. Whenever in this Second Supplemental Ordinance the Issuer is named or referred to, it shall be deemed to include its successors and assigns and all the covenants and agreements in this Second Supplemental Ordinance contained by or on behalf of the Issuer shall bind and inure to the benefit of its successors and assigns whether so expressed or not.

SECTION 7. <u>Severability</u>. In case any one or more of the provisions of this Second Supplemental Ordinance or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Second Supplemental Ordinance or of the Bonds, but this Second Supplemental Ordinance and the Bonds shall be construed and enforced as if such illegal or invalid provisions had not been contained therein. Any constitutional or statutory provision enacted after the date of this Second Supplemental Ordinance which validates or makes legal any provision of this Second Supplemental Ordinance or the Bonds which would not otherwise be valid or legal shall be deemed to apply to this Second Supplemental Ordinance and to the Bonds.

Publication; Preemption. This Second Supplemental Ordinance shall SECTION 8. be published one time in the official journal of the Issuer. It shall not be necessary to publish the exhibits to this Second Supplemental Ordinance but such exhibits shall be made available for public inspection at the offices of the Governing Authority at reasonable times and such fact must be stated in the publication within the official journal. For a period of thirty days after the date of such publication any persons in interest may contest the legality of this Second Supplemental Ordinance and any provisions herein made for the security and payment of the Bonds. After such thirty day period no one shall have any cause or right of action to contest the regularity, formality, legality, or effectiveness of this Second Supplemental Ordinance and the provisions hereof or of the Bonds authorized hereby for any cause whatsoever. If no suit, action, or proceeding is begun contesting the validity of the Bonds authorized pursuant to this Second Supplemental Ordinance within the thirty days herein prescribed, the authority to issue the Bonds or to provide for the payment thereof, and the legality thereof, and all of the provisions of this Second Supplemental Ordinance and such Bonds shall be conclusively presumed, and no court shall have authority or jurisdiction to inquire into any such matter.

SECTION 9. Employment of Bond Counsel. The Issuer finds and determines that a real necessity exists for the employment of special bond counsel in connection with the issuance of the Bonds. Foley & Judell, LLP, Bond Counsel, is hereby requested to do and perform 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 Issuer for adoption all of the proceedings incidental to the authorization, issuance, sale and delivery of the Bonds, shall counsel and advise the Issuer 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

Page 10 of 18
City of Mansfield
Council Meeting Minutes for
March 28, 2011

allowed by the Attorney General's fee guidelines for such comprehensive legal work in connection with the issuance of revenue bonds and based on the amount of the 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 the Bonds. A certified copy of this Second Supplemental Bond Ordinance shall be submitted to the Attorney General of the State of Louisiana for his written approval of said employment and of the fees herein designated.

SECTION 11. <u>Effective Date</u>. This Second Supplemental Ordinance shall become effective upon signature of the Mayor, or, in the event of Mayoral veto, upon re-adoption by the Board of Aldermen.

thereon was as follows:		C		·
Member	<u>Yea</u>	Nay	Absent	<u>Abstaining</u>
G. B. Hall, III	X			
Troy N. Terrell	X			
Mitchell L. Lewis	X			
Joseph Hall, Jr.	X			
Alvin R. Woodley	X			<u></u> ,
And the Ordinance was decl	ared adopted, on	this, 28 th day of	of March, 2011	
/s/ Marvin Jackson		/s/ Curtis McCoy		
Clerk		Mayor		
Delivered to the Mayor on March 28, 2011, at <u>4:30</u> p.m.				
APPROVED: 5 VETOED: 0				
Mayor				
Returned to the Clerk on				
March 28, 2011, at <u>5:00</u> p.m.				
Clerk				

This Second Supplemental Bond Ordinance having been submitted to a vote, the vote

Page **12** of **18**City of Mansfield

Council Meeting Minutes for

March **28**, **2011**

EXHIBIT A to Second Supplemental Bond Ordinance

[FORM OF BOND]

UNITED STATES OF AMERICA STATE OF LOUISIANA PARISH OF DESOTO

SALES TAX BOND, SERIES 2011 OF THE CITY OF MANSFIELD, STATE OF LOUISIANA

Bond	Bond	Interest	Principal
Number	Date	Rate	Amount
R-1	, 2011	2.95%	\$2,280,000

FOR VALUE RECEIVED, the City of Mansfield, State of Louisiana (the "Issuer"), hereby promises to pay (but only from the sources hereinafter described) to:

REGISTERED OWNER: Department of Health & Hospitals (the "Department")

Office of Management & Finance

ATTN: Cash Management

P. O. Box 61979

New Orleans, LA 70161-1979

or registered assigns noted on the registration record attached hereto, but solely from the revenues hereinafter specified, the Principal Amount set forth above (unless a lower Principal Amount applies, as set forth below), 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, unless this Bond shall have been previously called for prepayment and payment shall have been duly made or provided for.

This Bond shall bear interest, payable semi-annually on February 1 and August 1 of each year, commencing August 1, 2011 (each, an "Interest Payment Date"), at the Interest Rate shown above, said interest to be calculated on the basis of a 360-day year consisting of twelve 30-day months. Interest on the Bonds on any Interest Payment Date shall be payable only on the aggregate amount of the purchase price which shall have been paid theretofore, as noted on Schedule A

hereto, and shall accrue with respect to each purchase price installment only from the date of payment of such installment.

If the Louisiana Department of Health and Hospitals (the "Department"), is the registered owner of this Bond, the Issuer will additionally pay an Administrative Fee to the Department at the annual rate of one-half of one percent (0.50%) on the outstanding principal amount of the Bond, payable on each Interest Payment Date. In the event (i) the Department owns this Bond or the Department has pledged or assigned this Bond in connection with its Drinking Water Revolving Loan Fund Program and (ii) the Administrative Fee payable to the Department is declared illegal or unenforceable by a court or an administrative body of competent jurisdiction, then the "Annual Interest Rate" shown in the foregoing table and borne by this Bond shall be increased by one-half of one percent (0.5%) per annum, effective as of the date declared to be the date from which the Administrative Fee is no longer owed because of such illegality or unenforceability.

This Bond shall mature in twenty (20) installments of principal, payable annually on each February 1, and each annual installment shall be the applicable percentage shown in the following table, rounded to the nearest \$1,000, of the outstanding principal amount of Bonds on the day before the applicable Principal Payment Date:

Year (February 1)	Percentage Of Principal	Year (February 1)	Percentage Of Principal
2013	3.554%	2023	8.544%
2014	3.812	2024	9.664
2015	4.100	2025	11.067
2016	4.423	2026	12.874
2017	4.787	2027	15.286
2018	5.202	2028	18.667
2019	5.676	2029	23.743
2020	6.226	2030	32.209
2021	6.868	2031	49.152
2022	7.629	2032	100.00

The principal and interest on this Bond shall be payable by check mailed to the registered owner of this Bond (determined as of the Interest Payment Date) at the address shown on the registration books kept by the Paying Agent (hereinafter defined) for such purpose, provided that payment of the final installment of principal on this Bond shall be made only upon presentation and surrender of this Bond to the Paying Agent.

The principal installments of this Bond are subject to prepayment at the option of the Issuer at any time, in whole or in part, at a prepayment price of par plus accrued interest and

Page **14** of **18**City of Mansfield

Council Meeting Minutes for

March **28**, **2011**

accrued Administrative Fee, if any, to the prepayment date. In such case, the remaining principal shall continue to mature in annual installments calculated using the percentages shown above.

In the event a portion of this Bond is to be prepaid, this Bond shall be surrendered to the Clerk of the Issuer, as initial Paying Agent for the Bonds (the "Paying Agent"), who shall note the amount of such prepayment in the space provided therefor on Schedule B to this Bond. Official notice of such call of this Bond for prepayment shall be given by means of first class mail, postage prepaid by notice deposited in the United States Mail not less than thirty (30) days prior to the prepayment date addressed to the registered owner of this Bond to be prepaid at his address as shown on the registration books of the Paying Agent, which notice may be waived by any registered owner. The Issuer shall cause to be kept at the office of the Paying Agent a register in which registration of this Bond and of transfers of the Bonds shall be made as provided herein and in the Ordinance. This Bond may be transferred, registered and assigned only on such registration records of the Paying Agent, and such registration shall be at the expense of the Issuer.

This Bond represents the entire issue of bonds of the Issuer designated "Sales Tax Bonds, Series 2011" aggregating in principal the sum of Two Million Two Hundred Eighty Thousand Dollars (\$2,280,000) (the "Bonds"), the Bonds having been issued by the Issuer pursuant to a General Bond Ordinance adopted by its governing authority on December 14, 2009, as supplemented by the Second Supplemental Bond Ordinance adopted by its governing authority on March 28, 2011 (collectively, the "Ordinance"), for the purpose of paying Costs of the Project, as defined in the Ordinance, consisting generally of improvements to the Issuer's water system (defined in the Ordinance and hereinafter referred to as the "System"), and paying costs of issuance, under the authority conferred by Section 1430 of Title 39 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 39:1430, *et seq.*), and other constitutional and statutory authority, pursuant to all requirements therein specified, and an election held in the Issuer on October 4, 2008, the results of which have been published in accordance with law (the "Election").

The Bonds, equally with the Issuer's outstanding Sales Tax Bonds, Series 2010, (Taxable) (the "Outstanding Parity Bonds") are secured and payable in principal and interest solely from and secured by an irrevocable pledge and dedication of the revenues of the one-half of one percent (1/2%) sales and use tax authorized to be levied by the Issuer pursuant to the Election (the "Tax"), pursuant to the Constitution and laws of the State, after there have first been paid from the gross avails or proceeds of the Tax the reasonable and necessary costs and expenses of collecting and administering the Tax. The Net Revenues of the Tax (as defined in the Ordinance) are hereby irrevocably and irrepealably pledged and dedicated in an amount sufficient for the payment of the Outstanding Parity Bonds and this Bond in principal and

Page 15 of 18
City of Mansfield
Council Meeting Minutes for
March 28, 2011

interest and for the payment of the Administrative Fee as they shall respectively become due and payable, and for the other purposes hereinafter set forth in the Ordinance. All of the Net Revenues of the Tax shall be set aside in a separate fund and the Net Revenues thereof shall be, and remain pledged for the security and payment of the Outstanding Parity Bonds and this Bond in principal and interest and for all other payments provided for in this Ordinance until the Bonds shall have been fully paid and discharged.

The Issuer, through its governing authority, by proper ordinance and/or ordinances, is obligated to continue to levy and collect the Tax for the full period of its authorization or and is further obligated not to discontinue or decrease or permit to be discontinued or decreased the Tax in anticipation of the collection of which the Bonds have been issued, nor in any way make any change in the allocation and dedication of the proceeds of the Tax which would diminish the amount of the revenues to be received by the Issuer from the tax until all of the Bonds have been paid as to both principal and interest.

This Bond is issued on a complete parity with the Outstanding Parity Bonds, and it is certified that the Issuer has complied with all required terms and conditions with respect to the issuance of bonds on a parity with the Outstanding Parity Bonds.

Subject to the additional provisions set forth in the Ordinance, the governing authority of the Issuer has covenanted and agreed and does hereby covenant and agree to fix, establish and maintain such rates and collect such fees, rents or other charges for the services and facilities furnished by the System, as shall be sufficient to provide for the payment of all reasonable and necessary expenses of operation and maintenance of the System, to provide for the payment of interest on and principal of all bonds or other obligations payable therefrom as and when the same shall become due and payable, for the creation of a reserves therefor, and for the provision of a reserve to care for extensions, additions, improvements, renewals and replacements necessary to properly operate the System. For a more complete statement of the revenues from which and conditions under which this Bond is payable, and the general covenants and provisions pursuant to 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 the State 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 necessary to constitute the same a legal, binding and valid obligation of the Issuer have existed, have happened and have been performed

Page **16** of 18

City of Mansfield

Council Meeting Minutes for

March **28, 2011**

in due time, form and manner as required by law, and that the indebtedness of the Issuer, including this Bond, does not exceed any limitation prescribed by the Constitution and statutes of the State of Louisiana, and that the Bond shall not be invalid for any irregularity or defect in the proceedings for the issuance and sale thereof.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be executed by the manual or facsimile signatures of its Mayor and Clerk, and to be dated the date of delivery hereof and the Issuer's corporate seal to be impressed or imprinted hereon.

CITY OF MANSFIELD

	STATE	STATE OF LOUISIANA		
ATTEST:	_			
	By:	/s/ Curtis W. McCoy		
		Mayor		
By: /s/ Marvin R	Jackson			
Clerl				

Item D: It was MOTIONED by JOSEPH HALL, JR. and SECONDED by MITCHELL L. LEWIS to approve the expense of \$46,545.00 for the purchase of one (1) police unit, three (3) in-car digital video systems, two (2) taser units and ten (10) digital patrol car cameras. All equipment itemized is for use in the Mansfield Police Department. Motion Passed Unanimously.

A recommendation was made by Police Chief to rehire former Sergeant Herman Collins in the Mansfield Police Department. Chief Pratt stated that he needed Collins' experience, knowledge and ability to work with the public. No start date was given for Mr. Collins. However, his recommendation was met with opposition from some members of the council. Former Sergeant Collins' employment with the City of Mansfield was terminated in May 2009. Alderman Troy Terrell questioned the reasoning behind a consideration to rehire Mr. Collins. Prior to the council meeting, he had obtained information surrounding the reasons for Mr. Collins' termination in 2009, citing certain disciplinary problems earned during Collins' tenure with the police department. Alderman G. B. Hall III also expressed apprehension over a consideration to rehire an employee who was formerly dismissed from duty. He thought it prudent that the council review the information gathered by Alderman Terrell before rendering a decision. Mayor McCoy did not entertain the request, but instead called for an individual vote from each councilman present regarding Chief Pratt's recommendation. Alderman Joseph Hall, Alderman Mitchell Lewis and Alderman Alvin Woodley voted in favor of approving Chief Pratt's recommendation to rehire Mr. Collins. Alderman Troy Terrell and Alderman G. B. Hall voted against rehiring Mr. Collins. It was MOTIONED by JOSEPH HALL, JR. and

SECONDED by **MITCHELL L. LEWIS** to approve the recommendation made by Police Chief Joseph Pratt to rehire Mr. Herman Collins in the Mansfield Police Department. By majority vote of the council, the motion passed.

Item F: It was MOTIONED by JOSEPH HALL, JR. and SECONDED by MITCHELL L. LEWIS to approve the allocation of \$30,000.00 to be used to for repairs and improvements to city sidewalks. Motion Passed Unanimously.

Item G: It was MOTIONED by JOSEPH HALL, JR. and SECONDED by MITCHELL L. LEWIS to approve the allocation of \$22,912.00 to be used for the purchase of a new radio communications system for the Mansfield Fire Department. Motion Passed Unanimously.

Item H: It was MOTIONED by **JOSEPH HALL, JR.** and SECONDED by **ALVIN R. WOODLEY** to approve an authorization to advertise for sealed public bid for the purchase of a new dump truck for use in the area of Public Works at an approximate cost of between \$75,000 and \$80,000.00. Motion Passed Unanimously.

Item I: It was MOTIONED by **JOSEPH HALL, JR.** and SECONDED by **JOSEPH HALL, JR.** and SECONDED by **MITCHELL L. LEWIS** to approve an authorization to advertise for sealed public bid for the purchase of a Street Sweeper for use in the area of Public Works at an approximate cost of \$150,000.00. Motion Passed Unanimously.

Item J: It was MOTIONED by JOSEPH HALL, JR. and SECONDED by MITCHELL L. LEWIS to approve the purchase of three (3) new pickup trucks for use in various areas of public works at an approximate cost of \$51,000.00. Two of the trucks would be ³/₄-ton models and the third would be a ¹/₂-ton model. Motion passed unanimously.

Item K: It was MOTIONED by **ALVIN R. WOODLEY** and SECONDED by **MITCHELL L. LEWIS** to approve the purchase of a new backhoe for use in the maintenance department of Public Works at a total cost of \$61,000.00. The City has been notified that it's 2010/2011 LGAP application was approved and will be awarded \$27,000.00 toward the backhoe purchase. That would result in an expenditure of \$34,000.00 to be disbursed by the City for this purchase. Motion Passed Unanimously.

Department Reports

Next on the agenda was the reception of reports from the City's Department Heads.

• **Public Works Director Jim Ruffin** presented his overview on the status of the various contractors performing infrastructure work within the City's corporate limits. He reported that **Wicker Construction**, **Inc.**, the company performing improvements to the City's water distribution system, is reduced from 98% to 96%. This reduction is a result

Page 18 of 18
City of Mansfield
Council Meeting Minutes for
March 28, 2011

of the change order approved at this meeting, also giving the contractor an extension of time to complete the contract. **Trenchless Methods, Inc.**, the contractor performing improvements to the City's sewer collection system recently completed their 'punch list' items in their contract. They only have some dress up work to perform. The company (**Thielsch Group, Inc.**) contracted to replace water meters city-wide remain at 80% complete with their work. All work by these contractors is warranted for one year after completion. All the contractors will be required to restore the excavated or altered ground surfaces of residential properties, as near as is practical, to their original conditions. Final payments will be retained until all affected properties are restored in a satisfactory condition.

- *Fire Chief Lee Shaver* presented a summary of 2011 statistics to date, with regard to activity in his department: 1 fire call, 1 EMS call, and 3 motor vehicle accidents. Chief Shaver also reported that his crew had met recently with all the parish emergency responders to discuss evacuation plans in the case where a drilling site operation might malfunction.
- *Police Chief Joseph Pratt* reported that from March 1st to March 25th, a total of 238 citations had been issued. His department is becoming even more vigilante in making certain the citizens of Mansfield are provided the best possible protection against threats to safety and physical well-being.

During the period for comments from the Mayor and Council Members, no comments were offered from the Mayor or city council.

With no further business to discuss, the meeting **adjourned at 4:48 p.m.,** by MOTION from **JOSEPH HALL, JR.** and was SECONDED by **MITCHELL L. LEWIS.** Motion Passed Unanimously.

Curtis W. McCoy, Mayor Marvin R. Jackson, Clerk