

ORD.

2004-0114

INTRODUCED BY: ALBERT D. LAQUE, PARISH PRESIDENT
(DEPARTMENT OF FINANCE)

ORDINANCE NO. 04-4-1

An ordinance approving and authorizing the execution of an Intergovernmental Agreement between the Luling Volunteer Fire Department of the Parish of St. Charles, State of Louisiana and the Parish of St. Charles, State of Louisiana; providing funding for the purchase of a fire truck; providing for appropriating not exceeding \$270,000 for such purpose and declaring the intent to repay such advance from future bond proceeds.

WHEREAS, the Constitution of the State of Louisiana and the Local Services Law of the State of Louisiana provided for political subdivisions to engage in cooperative endeavors for public purposes with any public or private association, corporation or individual; and,

WHEREAS, both the Parish of St. Charles, State of Louisiana (the "Parish") and the Luling Volunteer Fire Department of the Parish of St. Charles, State of Louisiana (the "Department") are authorized by law to provide fire protection service; and,

WHEREAS, there exists a need to purchase a fire truck for the Department; and,

WHEREAS, the Department is not in a financial position to purchase said truck without funds being made available to cover the expense until sales tax bonds are issued from the one-eighth of one-percent (1/8%) sales tax authorized by an election held in the Parish on December 8, 1979 (the "Bonds"); and,

WHEREAS, it is the desire of the Parish President and the Parish Council to provide said funds to be repaid to the Parish from the issuance of the Bonds in accordance with the terms of the Intergovernmental Agreement.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Intergovernmental Agreement between the Parish and the Department attached hereto as Exhibit A, is hereby approved.

SECTION II. That the Parish President is hereby authorized to execute said Agreement on behalf of St. Charles Parish.

SECTION III. That the Director of Finance is hereby authorized and directed to advance not exceeding \$270,000 of monies from the Parish's General Fund for the purchase of a 2004 equipped E-One Fire Truck on a Typhoon chasis.

SECTION IV. That the Director of Finance is directed to repay the advance from the Bonds to be issued for fire protection purposes.

SECTION V. That any such advance of the proceeds of the sales tax revenue bonds for reimbursement will be with respect to capital expenditures (as defined in the United States Treasury Regulation 1.150-1[b]) and will be made upon the delivery of the sales tax revenue bonds and not later than one year after the later of (i) the date such expenditure was paid or (ii) the date on which the fire truck was placed in service.

SECTION VI. This ordinance is intended to be a declaration of official intent within the meaning of United States Treasury Regulation 1.150-2.

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

YEAS: MARINO, FAUCHEUX, FABRE, RAMCHANDRAN, WALLS, BLACK, DUHE, MINNICH
NAYS: NONE
ABSENT: HILAIRE

And the ordinance was declared adopted this 5th day of April, 2004, to become effective five (5) days after publication in the Official Journal.

St Charles and Luling FD2

CHAIRMAN: Lance Mann
SECRETARY: Barbara Jacob-Tucker
DLVD/PARISH PRESIDENT: 4-6-04
APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: Albert D. Laque
RETD/SECRETARY: 4-6-04
AT: 2:40 PM RECD BY: BJS

INTERGOVERNMENTAL AGREEMENT
BETWEEN
ST. CHARLES PARISH
AND
LULING VOLUNTEER FIRE DEPARTMENT

This Agreement is made and entered into on this 26th day of April, 2004,
by and between:

St. Charles Parish, 15045 Highway 18, Hahnville, LA 70057, herein represented by Albert D. Laque, its Parish President, duly authorized by Ordinance No. 04-4-1 adopted on the 5th day of April, 2004.

AND

The Luling Volunteer Fire Department of the Parish of St. Charles, State of Louisiana, 67 St. Anthony St., Luling, LA 70070, herein represented by John Heath, its President, duly authorized by Resolution of the Luling Vol. Fire Dept. adopted on the 13th day of October, 2004³

WHEREAS, the Constitution of the State of Louisiana and the Local Services Law of the State of Louisiana provided for political subdivisions to engage in cooperative endeavors for public purposes with any public or private association, corporation or individual; and

WHEREAS, both the Parish of St. Charles, State of Louisiana (the "Parish") and the Luling Volunteer Fire Department of the Parish of St. Charles, State of Louisiana (the "Department") are authorized by law to provide fire protection service; and,

WHEREAS, there exists a need to purchase a fire truck for the Department; and,

WHEREAS, the Department is not in a financial position to purchase said truck without funds being made available to cover the expense until sales tax bonds are issued from the one-eight of one-percent (1/8%) sales tax authorized by an election held in the Parish on December 8, 1979 (the "Bonds"); and

WHEREAS, it is the desire of the Parish President and the Parish Council to provide said funds to be repaid to the Parish from the issuance of the Bonds in accordance with the terms of the Intergovernmental Agreement.

NOW THEREFORE, IT IS HEREBY AGREED THAT:

St. Charles Parish shall:

- 1) Appropriate and allocate up to \$270,000 for the purchase of a 2004 equipped E-One Truck on a Typhoon chasis for the Department, being the cost of said truck determined by public bid.
- 2) Provide said funding in one payment upon execution of this Agreement on or about April 15, 2004.
- 3) When the Bonds are issued, to deduct the debt service of the \$270,000 being used to repay the Parish for the advance from the amount normally distributed to the Department.

Luling Volunteer Fire District shall:

- 1) Assume all liability for the purchase of the fire truck and hereby agrees to indemnify and save harmless the Parish from and against any and all claims, suits, damages, costs (including attorney's fees) losses and expense which it may suffer or pay out by reason of, resulting from or arising out of the purchase of said fire truck.
- 2) Execute any required documents necessary to facilitate the object of this Agreement.

Thus done, executed and signed in St. Charles Parish, Louisiana, on the day, month and year first written, in the presence of the below listed witnesses:

WITNESSES:

Barbara Jacob-Jensen

Sandra H. Miguez

Dwaine Tregre

Barry M. Smith

PARISH OF ST. CHARLES

By: Albert D. Laque
Albert D. Laque, Parish President

LULING VOLUNTEER FIRE
DEPARTMENT
By: John Heath