

ORD.

2003-0392

INTRODUCED BY: BARRY MINNICH, COUNCILMAN, DISTRICT VII  
ORDINANCE NO. 04-1-2

An ordinance to amend Ordinance No. 80-7-4, the Contract with the St. Charles Firemen's Association, Inc. to provide fire protection services to St. Charles Parish, by further clarifying and expanding the provisions for the issuance of revenue bonds.

WHEREAS, the St. Charles Parish Council has contracted with the St. Charles Firemen's Association, Inc. to provide Fire Protection Services to St. Charles Parish; and,

WHEREAS, it is the desire of the Firemen's Association and the Parish Council to further clarify and expand the provision of the current Agreement that provides for the right to bond a portion of the projected revenues; and,

WHEREAS, the bonding of revenues would allow for a more efficient means of borrowing.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That Ordinance No. 80-7-4 adopted on July 7, 1980, as amended, is hereby amended by adding the following language to the second to last paragraph to read as follows:

"It is further agreed and understood by and between the parties hereto that because of the fiscal economy resulting to the Public by economical spending, the Council does reserve the right to bond a portion of the projected revenues to be produced from the sales tax provided that the bonding of those funds does not unreasonably detract from the intention of this agreement. Said bonds shall constitute a first lien on the total revenues of the sales tax. In the event such bonds are issued at any time, the debt service and other payments required to retire such bonds shall be paid first out of the revenues that would have been received by the Fire Department providing fire protection service to the area benefited by such facilities and equipment and if more than one area is benefited by such facilities and equipment, the Council shall assign a pro rata share of the debt service and other required payments from the sales tax revenues that otherwise would have been paid to the fire departments providing service to the benefited areas in proportion to the benefits received. No bonds payable from the tax shall be sold unless the Parish Council receives a written request from the fire department or departments providing fire protection to the benefited area or areas and unless the Council finds and determines that the revenues the department or departments would have received in the year the bonds are issued are estimated to be in excess of the highest future year's required payments on the bonds to be issued to provide the facilities and equipment to the area or areas served by such department or departments."

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

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

YEAS: MARINO, FAUCHEUX, HILAIRE, FABRE, RAMCHANDRAN, WALLS, BLACK, DUHE, MINNICH

NAYS: NONE

ABSENT: NONE

And the ordinance was declared adopted this 13<sup>th</sup> day of January, 2004, to become effective five (5) days after publication in the Official Journal.

Amend 80-7-4

CHAIRMAN: [Signature]  
SECRETARY: [Signature]  
DLVD/PARISH PRESIDENT: January 14, 2004  
APPROVED: [Signature] DISAPPROVED: \_\_\_\_\_

PARISH PRESIDENT: [Signature]  
RETD/SECRETARY: January 14, 2004  
AT: 3:10 PM RECD BY: [Signature]

CONTRACT AMENDMENT

UNITES STATES OF AMERICA  
STATE OF LOUISIANA  
PARISH OF ST. CHARLES

BE IT KNOWN, that on the 22<sup>nd</sup> day of January, 2004, appeared the following:

ST. CHARLES PARISH, herein represented by Albert D. Laque, Parish President, 15045 River Road, P. O. Box 302, Hahnville, LA 70057, hereinafter referred to as "Parish", and

THE ST. CHARLES FIREMEN'S ASSOCIATION, INC., herein represented by its President, Larry Cochran, P. O. Box 733, Hahnville, LA 70057, pursuant to a resolution of its Board of Directors dated 1-8-04, hereinafter referred to as "Association",

Who declared that on July 7, 1980, the parties hereto entered into a contract which was adopted by Ordinance No. 80-7-4 and which has been previously amended.

That the parties hereto do appear to again amend said Ordinance by adding the following language to the second to last paragraph to read as follows:

"It is further agreed and understood by and between the parties hereto that because of the fiscal economy resulting to the Public by economical spending, the Council does reserve the right to bond a portion of the projected revenues to be produced from the sales tax provided that the bonding of those funds does not unreasonably detract from the intention of this agreement. Said bonds shall constitute a first lien on the total revenues of the sales tax. In the event such bonds are issued at any time, the debt service and other payments required to retire such bonds shall be paid first out of the revenues that would have been received by the Fire Department providing fire protection service to the area benefited by such facilities and equipment and if more than one area is benefited by such facilities and equipment, the Council shall assign a pro rata share of the debt service and other required payments from the sales tax revenues that otherwise would have been paid to the fire departments providing service to the benefited areas in proportion to the benefits received. No bonds payable from the tax shall be sold unless the Parish Council receives a written request from the fire department or departments providing fire protection to the benefited area or areas and unless the Council finds and determines that the revenues the department or departments would have received in the year the bonds are issued are estimated to be in excess of the highest future year's required payments on the bonds to be issued to provide the facilities and equipment to the area or areas served by such department or departments."

That appearers do further declare that all of the remaining covenants and stipulations contained in that contract dated July 7, 1980, as amended, are hereby reaffirmed.

THUS DONE AND SIGNED at Hahnville, St. Charles Parish, Louisiana, on the day and date hereinabove first written, in the presence of the undersigned competent witnesses, who hereunto sign these presents together with the said appearers after reading of the whole.

WITNESSES:

Barbara Jacob Tucker  
Valerie Berthelot

Reginald Newland  
Dana Kellie

ST. CHARLES PARISH

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

ST. CHARLES FIREMEN'S ASSOCIATION, INC.

By: Larry Cochran  
Larry Cochran  
President