

November 16, 2000

MINUTES

OF THE MEETING OF THE COUNCIL OF THE CITY OF NEW ORLEANS  
HELD IN THE COUNCIL CHAMBER, CITY HALL, THURSDAY, NOVEMBER 16, 2000  
AT 10:17 A.M.

---

The Council of the City of New Orleans met this day in Regular Session, at 10:17 A.M., in the Council Chamber, City Hall, Council President, Jim Singleton, presiding.

On calling the roll, the following members answered to their names:

PRESENT:

CARTER

GUSMAN

SAPIR (VICE-PRESIDENT)

SHEA

SINGLETON (PRESIDENT)

THOMAS

ABSENT:

WILLARD-LEWIS (ARRIVED LATER)

SIX MEMBERS, CONSTITUTING A QUORUM, PRESENT.

INVOCATION

REVEREND JEFF CONNER  
PASTOR, CARROLLTON UNITED METHODIST CHURCH

PRESENTATION OF COLORS

COLONEL FLOYD STOWE  
JROTC JESUIT HIGH SCHOOL

PLEDGE OF ALLEGIANCE TO THE FLAG

SCOTT P. SHEA  
Councilmember District "A"

NATIONAL ANTHEM

NORMAN HACARD, CHOIR MEMBER  
FIRST CHRISTIAN CHURCH

DR. C. JAMES SMITH  
CITY COUNCIL CHAPLIN

MRS. LILLIAN DUNN PERRY  
DIRECTOR OF ROBERT PERRY SINGERS

At this time Councilmember Willard-Lewis arrived and participated in the remainder of the meeting.

CONSENT AGENDA

ORDINANCES ON FINAL PASSAGE

CAL. NO. 23,299 - BY: COUNCILMEMBER CARTER - An Ordinance to provide for the establishment of a conditional use to permit the development of a hotel in a CBD-3 Central Business District, on Lots 4,6,7,8, Square 66, in the Second Municipal District, bounded by Royal, Canal, Iberville, and Bourbon Streets (Municipal Addresses: 119 Royal Street and 711 thru 725 Canal Street); and otherwise to provide with respect thereto. (ZONING DOCKET NO. 79/00)

ROLL CALL:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas, Willard-Lewis  
- 7

NAYS: 0

ABSENT: 0

AND THE ORDINANCE WAS ADOPTED.

CAL. NO. 23,300 - BY: COUNCILMEMBER CARTER - An Ordinance to provide for the establishment of a conditional use to permit a bed and breakfast (two rooms) in a RM-2 Multiple Family Residential District, on Lot 18, Square 128, in the Fifth Municipal District, bounded by Pacific and Opelousas Avenues, Elmira and Slidell Streets (Municipal address: 731 Pacific Avenue); and otherwise to provide with respect thereto. (ZONING DOCKET NO. 86/00)

ROLL CALL:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas, Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE ORDINANCE WAS ADOPTED.

CAL. NO. 23,323 - BY: COUNCILMEMBER GUSMAN - An Ordinance to provide for the establishment of a conditional use to permit a fast food restaurant (PaPa John=s Pizza), in a B-1 Neighborhood Business District, on Square D, Lot B-1, in the Third Municipal District, bounded by Paris Avenue, Robert E. Lee Boulevard, Aviators and Hamburg Streets (Municipal Address: 1534 Robert E. Lee Boulevard), and otherwise to provide with respect thereto. (ZONING DOCKET NO. 104/00)

ROLL CALL:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas, Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE ORDINANCE WAS ADOPTED.

CAL. NO. 23,355 - BY: COUNCILMEMBERS GUSMAN, SHEA, CARTER AND SINGLETON (BY REQUEST) - An Ordinance to amend Ordinance No. 19,476 M.C.S., as amended entitled AAn Ordinance Providing an Operating Budget of Expenditures for

the City of New Orleans for the Year 2000,@ to transfer grant funds within the Law Department.

ROLL CALL:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas, Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE ORDINANCE WAS ADOPTED.

### COMMUNICATIONS

FROM DAVID W. GERNHAUSER, ACTING SECRETARY, BOARD OF LIQUIDATION, CITY DEBT - Submitting a copy of the final Office Statement which contains the details of the \$20,300,000 Sewerage Service Revenue Bonds, Series 2000B sale.

RECEIVED & REFERRED TO CAO AND FINANCE DEPARTMENT.

FROM J. MICHAEL DOYLE, DIRECTOR OF PERSONNEL, CITY CIVIL SERVICE - Submitting amendments to the Pay Plan for the Classified Service adopted by the Civil Service Commission on October 27, 2000.

class code	class title	from: grade/step	annual	to: grade/step	annual
4048	Technical Specialist	52/01	\$24,882	52/13	\$28,882
4049	Technical Administrator	57/01	\$28,173	57/15	\$33,524
4050	Senior Technical Administrator	61/01	\$31,117	61/11	\$35,232

RECEIVED & REFERRED TO COUNCIL BUDGET COMMITTEE, COUNCIL RESEARCH & COUNCIL FISCAL OFFICE.

FROM J. WAYNE ANDERSON, LEGAL SERVICES, DEPUTY GENERAL COUNSEL, REGULATORY, ENTERGY - Submitting two copies of the Joint Application

of Entergy New Orleans, Inc. and Entergy Louisiana, Inc. for Official Action of Approval of or Non-opposition to a Transfer of Controlling Interest in Their Common Stock as a Result of a Merger.

RECEIVED & REFERRED TO THE UTILITY CABLE AND TELECOMMUNICATIONS COMMITTEE.

FROM THOMAS A. ANTOON, CHAIRMAN, BOARD OF TRUSTEES -  
Presenting the 25th Anniversary Annual Report of the Louisiana Public Facilities Authority.

RECEIVED.

*MOTION TO ADOPT CONSENT CALENDAR AND REFER OTHER MATTERS TO THE PROPER AGENCY.*

*YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,  
Willard-Lewis - 7*

*NAYS: 0*

*ABSENT: 0*

*AND THE CONSENT CALENDAR WAS ADOPTED.*

#### FIRST ORDER OF BUSINESS

#### RESOLUTION

NO. R-00-737

BY: COUNCILMEMBERS SINGLETON, CARTER, GUSMAN, SAPIR, SHEA,  
THOMAS AND WILLARD-LEWIS

WHEREAS, more than fourteen years ago, on September 18, 1986, the Young Leadership Council was created as a non-profit, non-partisan civic organization to develop leadership through community projects; and

WHEREAS, YLC=s goals are to assist in the improvement of public education; to collaborate with community leaders and other civic organizations to improve the quality of life in our community; to promote and embrace diversity within the organization of Greater New Orleans; to promote the economic development of Greater New Orleans; and to lead, educate, and assist the youth of Greater New Orleans; and

WHEREAS, the YLC is a volunteer-driven civic organization, building and developing leaders through community service projects; and

WHEREAS, one such project is the Festival of Fins, which officially started in November, 1999, and under the direction of its President, Darren Mire, recently culminated this month with an auction raising five hundred fifty-one thousand dollars (\$551,000.) for approximately sixty local charities, with an economic impact upon the City of New Orleans of forty two million dollars; and

WHEREAS, the Festival of Fins has been YLC=s largest fund-raising event in history; and

WHEREAS, all of the redfish replicas in the Festival of Fins project were created by Louisiana artists; and

WHEREAS, other YLC volunteer projects include Project Prodigy, Attending Arts, Neighborhood Renaissance Partnership, Dress For Success, Academies of Entrepreneurship, I-10 Beautification, International Committee, Reach Out and Read, Everybody Wins!, Academy Angels, Methodist Home, ACTION Plan, Recreate New Orleans, and Power Ties; now therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, THAT THIS COUNCIL commends the Young Leadership Council=s commitment to the community, applauds the accomplishments of the Festival of Fins project, and urges the citizens of New Orleans to continue to be Proud to Call YLC Home.

At this time, Mr. Darren Mire, President of YLC addressed the Council on the foregoing Resolution.

After discussion, Councilmember Singleton moved adoption of the foregoing Resolution.

ROLL CALL:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas, Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

---

At this time Councilmember Sapir moved to continue and/or withdraw the following legislation.

Seconded by Councilmember Gusman.

There being no objection, so ordered.

#### REPORT

OF MAVIS EARLY, CITY ATTORNEY AND JULIO GUICHARD, EXECUTIVE ASSISTANT TO THE MAYOR FOR ECONOMIC DEVELOPMENT - Presenting a status report on the Handelman Property project and on the Open Access Plan. (PER NO. M-00-401)

CONTINUED TO THE MEETING OF DECEMBER 1, 2000.

#### HDLC APPEALS

OF ERROL AND WILDA RIDEAU - Requesting to address the City Council regarding the Historic District Landmark Commission's decision of denial of a roof replacement for property located at 1015-17 Pelican Ave.

CONTINUED TO THE MEETING OF DECEMBER 14, 2000.

OF RICK FIFIELD - Requesting to appeal the decision of the Historic District Landmarks Commission for property located at 156-74 S. Rampart/1013-27 Common Street.

CONTINUED TO THE MEETING OF DECEMBER 14, 2000.

OF LEON RADKOVICH - Requesting to appeal the Historic District Landmarks Commission's decision of denial to retain the security door for property located at 507 Elmira Street.

CONTINUED TO THE MEETING OF DECEMBER 14, 2000.

OF MICHAEL OLIVAS - Requesting to appeal the Historic District Landmarks Commission's decision of denial to retain work that has been done on property located at 630-632 Poland Avenue.

CONTINUED TO THE MEETING OF DECEMBER 14, 2000.

OF EDWARD T. SUFFERN, JR. - Requesting to appeal the Historic District Landmarks Commission's decision of denial for partial demolition of the historic Natchez Street buildings and conceptual approval for the construction of a new hotel (massing only) for property located at 501 Poydras Street.

CONTINUED TO THE MEETING OF DECEMBER 14, 2000.

OF WILLIAM B. LANCASTER, CFO MARCO OUTDOOR ADVERTISING, INC. - Requesting to appeal the Historic District Landmarks Commission's decision of denial for the demolition of property located at 1134-36 Baronne Street.

CONTINUED TO THE MEETING OF DECEMBER 14, 2000.

OF DR. CALVIN W. WOODS, JR. GREATER LIBERTY BAPTIST CHURCH - Requesting to appeal the Historic District Landmarks Commission's decision of denial to allow the demolition of property located at 1228 Desire Street.

CONTINUED TO THE MEETING OF DECEMBER 14, 2000.

#### VIEUX CARRE APPEAL

OF CHRIS OWENS - Requesting to appeal the decision of the Vieux Carre Commission in regard to property located at 500 Bourbon Street. The request was to remove existing showcases in facade and install French Doors on the Bourbon Street side.

CONTINUED TO THE MEETING OF DECEMBER 14, 2000.

#### ZONING PETITIONS

ZONING PETITION NO. 111/00 - VY UTEN PHAM - A joint request for a Map Change from RD-3 Two Family Residential to B-1A Neighborhood Business and for a Conditional Use to permit the sale of alcoholic beverages for off premise consumption in a grocery store, Lot 2, Square 735, first Municipal District bounded by S. Cortez, S. Scott, Baudin and Banks Street (3800 Banks Street). The recommendation of the City Planning Commission being AFOR DENIAL@.

CONTINUED TO THE MEETING OF DECEMBER 14, 2000.



ZONING PETITION NO. 121/00 - VUONG M. NGUYEN - Requesting a Map Change from an HMR-3 Historic Marigny/Treme Residential District to an HMC-2 Historic Marigny Commercial District to permit a grocery store, on Square 385, Lot 1, in the Third Municipal District, bounded by Marais, St. Claude, St. Anthony and Annette Streets (1242 St. Anthony Street). The recommendation of the City Planning Commission being AFOR MODIFIED APPROVAL@ (Map Change to HMC-1).

CONTINUED TO THE MEETING OF DECEMBER 14, 2000.

ZONING PETITION NO. 122/00 - MICHAEL OLIVAS - Requesting a Map Change from an HMR-2 Historic Marigny/Treme Residential District to an HMC-2 Historic Marigny Commercial District, to permit a copy center, on Square 260, Lot 3 in the Third Municipal District, bounded by Elysian Fields Avenue, Dauphine and Marigny Streets (831 Elysian Fields Avenue). The recommendation of the City Planning Commission being ANO LEGAL MAJORITY@.

CONTINUED TO THE MEETING OF DECEMBER 14, 2000.

ZONING PETITION NO. 127/00 - BRYAN D. BROCK AND ARTHUR J. KELLER, JR. - Requesting a text amendment to the Comprehensive Zoning Ordinance (CZO) #4264 as amended, to authorize Bed and Breakfast Family Homes, Bed and Breakfast Guest Homes, Bed and Breakfast Historic Homes, and Bed and Breakfast Inns, as permitted uses in the RO-1 General Office District and to amend Article 11 of the Supplemental Use Standards. The recommendation of the City Planning Commission being AFOR APPROVAL@.

CONTINUED TO THE MEETING OF DECEMBER 1, 2000.

#### DESIGN REVIEW

DESIGN REVIEW NO. 18/00 - PELICAN OUTDOOR ADVERTISING - Requesting an appeal to raise a billboard beyond height limit on Square 459 in the First Municipal District, bounded by Interstate 10, Julia, Cypress and Derbigny Streets. The recommendation of the City Planning Commission being AFOR DENIAL@.

CONTINUED TO THE MEETING OF DECEMBER 1, 2000.

#### ORDINANCES ON FINAL PASSAGE

CAL. NO. 23,143 - BY: COUNCILMEMBER SINGLETON - An Ordinance to amend Ordinance Number 19,476 M.C.S., as amended, entitled AAn Ordinance

Providing an Operating Budget of Expenditures for the City of New Orleans for the Year 2000,@ to transfer funds within the budget of the City Council.

CONTINUED TO THE MEETING OF DECEMBER 14, 2000.

CAL. NO. 23,262 - BY: COUNCILMEMBER CARTER - An Ordinance to amend Ordinance No. 19,500 M.C.S. entitled AAn Ordinance authorizing the Mayor of the City of New Orleans to enter into a contract of lease of air space for a primary term of fifty (50) years commencing July 1, 1999 with four (4) consecutive ten (10) year option terms with Whitehouse Condominium Association, Inc. pertaining to certain portions of air space located above public property designated as Canal Street, Dauphine Street, Iberville Street and Burgundy Street adjacent to Square 94, Second Municipal District; to declare that such property to be leased is not needed for public purposes; to set forth the reasons for said lease; and to fix the minimum price and terms of said lease, and, to provide otherwise with respect thereto@ by deleting SECTION 1 AND SECTION 2 of said Ordinance in their entirety and replacing them, in order to account for some areas where additional encroachments were discovered in the process of the renovation of the building, as set forth on that survey of the property by Gandolfo, Kuhn & Associates, Civil Engineers and Land Surveyors, dated May 3, 2000.

CONTINUED TO THE MEETING OF DECEMBER 1, 2000.

CAL. NO. 23,295 - BY: COUNCILMEMBERS SINGLETON, SAPIR AND CARTER (BY REQUEST) - An Ordinance to amend Ordinance No. 19,475 M.C.S., as amended entitled AAn Ordinance Providing an Operating Budget of Revenues for the City of New Orleans for the Year 2000,@ to appropriate fund balance in the Department of Finance.

WITHDRAWN.

CAL. NO. 23,296 - BY: COUNCILMEMBERS SINGLETON, SAPIR AND CARTER (BY REQUEST) - An Ordinance to amend Ordinance No. 19,476 M.C.S., as amended entitled AAn Ordinance Providing an Operating Budget of Expenditures for the City of New Orleans for the Year 2000,@ to appropriate fund balance to the Coroner=s Office.

WITHDRAWN.

CAL. NO. 23,317 - BY: COUNCILMEMBER CARTER (BY REQUEST) - An Ordinance to amend the Code of the City of New Orleans, by adding thereto a new subsection to be designated as section 106-178 of Article III of Chapter 106, relative to vehicle entrance fees to Brechtel Memorial Park; to provide for the establishment of

fees for vehicles to enter Brechtel Memorial Park; to repeal Ordinance 8723 M.C.S.; to provide for an effective date for the Ordinance; and otherwise to provide with respect thereto.

CONTINUED TO THE MEETING OF DECEMBER 14, 2000.

CAL. NO. 23,319 - BY: COUNCILMEMBER THOMAS (BY REQUEST) - An Ordinance authorizing the revocation of dedication and the sale at public auction of a portion of Calliope (formerly Erato) Street between Square 27 and Square 28 and between S. Peters Street and S. Front Street, with all improvements and appurtenances thereon, all in the First Municipal District, no longer needed for public purposes.

CONTINUED TO THE MEETING OF DECEMBER 1, 2000.

CAL. NO. 23,322 - BY: COUNCILMEMBER THOMAS (BY REQUEST) - An Ordinance authorizing the Mayor of the City of New Orleans to enter into a Notarial Act of Exchange, Revocation of Dedication and Dedication by and between the City of New Orleans (City) and the Ernest N. Morial Exhibition Hall Authority (AENMNOEHA@) for the revocation of dedication and transfer of two certain parcels of ground, comprising portions of S. Peters and Euterpe Streets owned by the City of New Orleans and no longer needed for public use, to ENMNOEHA, and the grant of a temporary personal servitude, to be used in the construction and widening of Tchoupitoulas Street between Thalia Street and Euterpe Street, by ENMNOEHA to the City, and the transfer to the City of a certain parcel of ground owned by ENMNOEHA and the dedication of said parcel of ground to public use as Melpomene Street. All of the aforesaid properties are situated in the First Municipal District of New Orleans, Parish of Orleans, State of Louisiana, bounded generally by Thalia Street on the north, Annunciation Street on the west, the Mississippi River on the south, and Tchoupitoulas Street on the east, all as shown on a map of survey by John J. Avery & Associates, Inc., dated October 9, 2000, revised October 18, 2000, drawing No. T00-341, with said properties being more particularly described herein.

CONTINUED TO THE MEETING OF DECEMBER 1, 2000.

CAL. NO. 23,369 - BY: COUNCILMEMBERS GUSMAN, SHEA, CARTER AND SINGLETON (BY REQUEST) - An Ordinance authorizing the City of New Orleans to obtain reimbursement from an inmate for medical and dental expenses necessitated by incarceration, required during incarceration, and/or requested by an inmate; and to provide for the authorization of the City to require an inmate to make co-payments upon receiving medical or dental treatment; all as provided for in Louisiana Revised Statute 15:705; and otherwise to provide with respect thereto.

CONTINUED TO THE MEETING OF DECEMBER 1, 2000.

COMMUNICATION

FROM LLOYD E. LAZARD - Requesting to address the City of New Orleans about the concept of having a Slave Ship Museum at Jackson Avenue and the Mississippi River.

CONTINUED TO THE MEETING OF DECEMBER 14, 2000.

MOTION/RESOLUTION

NO. M-00-722  
BY: COUNCILMEMBER THOMAS (REQUEST)

Authorizing demolition of property located at 916 Robertson Street (N) to Crescent Environmental the lowest qualified bidder in the amount of \$2,240.00.

CONTINUED TO THE MEETING OF DECEMBER 1, 2000.

This concludes legislation to be continued and/or withdrawn.

REGULAR ORDER OF BUSINESS RESUMED

LEGISLATIVE GROUPINGS

TAX ABATEMENT HEARINGS

REPORT

OF THE MAYOR=S OFFICE/DIVISION OF ECONOMIC DEVELOPMENT -  
Recommending approval of the Restoration Tax Abatement request for:

RTA	ADDRESS	COUNCILMEMBER

#92-06-0269 (RENEWAL)	1641 Amelia Street	Thomas
#940082-10 (RENEWAL)	1432 Polymnia Street	Thomas

HEARING HELD. After discussion, Councilmembers Thomas and Singleton offered the following Resolutions:

RESOLUTIONS

NO. R-00-729

BY: COUNCILMEMBERS THOMAS AND SINGLETON

WHEREAS, Article VII, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on a certain basis for property owners performing certain improvements in Historic, Economic Development, and Downtown Development Districts; and

WHEREAS, in accordance with the procedures established by Resolution R-95-1269 the following described property has been submitted to the Mayor's Department of Economic Development for review, said property being described as municipal address 1641 Amelia Street owned by Larry and Fran Fuselier; and

WHEREAS, the Mayor's Department of Economic Development recommends approval with regard to participation in the renewal of the aforementioned tax program; now therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Department of Economic Development, hereby approves participation of municipal address 1641 Amelia Street owned by Larry and Fran Fuselier, and further identified by the State Board of Commerce and Industry as application number RTA# 92-06-0269 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective November 16, 2000; therefore

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of this resolution be forwarded to the State Board of Commerce and Industry.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas, Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

NO. R-00-730

BY: COUNCILMEMBERS THOMAS AND SINGLETON

WHEREAS, Article VII, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on a certain basis for property owners performing certain improvements in Historic, Economic Development, and Downtown Development Districts; and

WHEREAS, in accordance with the procedures established by Resolution R-98-126 the following described property has been submitted to the Mayor's Department of Economic Development for review, said property being described as municipal address 1432 Polymnia Street owned by James Brooks Graham III and Julie A. Little; and

WHEREAS, the Mayor's Department of Economic Development recommends approval with regard to participation in the renewal of the aforementioned tax program; now therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Department of Economic Development, hereby approves participation of municipal address 1432 Polymnia Street owned by James Brooks Graham III and Julie A. Little, and further identified by the State Board of Commerce and Industry as application number RTA# 940082-10 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective November 16, 2000, therefore

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of this resolution be forwarded to the State Board of Commerce and Industry.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas, Willard-Lewis - 7

NAYS: 0  
ABSENT: 0  
AND THE RESOLUTION WAS ADOPTED.

REPORT

OF THE MAYOR=S OFFICE/DIVISION OF ECONOMIC DEVELOPMENT -  
Recommending approval of the Restoration Tax Abatement request for:

RTA	ADDRESS	COUNCILMEMBER
#960020-03	3200-22 Canal Street	Thomas
#19990474-54	610 Poydras Street	Thomas
#19960331-54	1041 Magazine Street	Thomas

HEARING HELD. After discussion, Councilmembers Thomas and Singleton offered the following Resolutions:

RESOLUTIONS

NO. R-00-731  
BY: COUNCILMEMBERS THOMAS AND SINGLETON

WHEREAS, Article VII, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on a certain basis for property owners performing certain improvements in Historic, Economic Development, and Downtown Development Districts; and

WHEREAS, in accordance with the procedures established by Resolution R-98-126 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 3200-22 Canal Street owned by Malta Square at Sacred Heart Limited Partnership; and

WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the Council, after consideration of the recommendation of the Mayor's Office of Economic Development, hereby approves participation of municipal address 3200-22 Canal Street owned by Malta Square at Sacred Heart Limited Partnership, and further identified by the State Board of Commerce and Industry as application number RTA #960020-03 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective November 16, 2000; therefore,

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of this resolution be forwarded to the State Board of Commerce and Industry.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

NO. R-00-732

BY: COUNCILMEMBERS THOMAS AND SINGLETON

WHEREAS, Article VII, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on a certain basis for property owners performing certain improvements in Historic, Economic Development, and Downtown Development Districts; and

WHEREAS, in accordance with the procedures established by Resolution R-98-126 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 610 Poydras Street owned by Whitney Hotel Limited Partnership; and

WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore,



BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the Council, after consideration of the recommendation of the Mayor's Office of Economic Development, hereby approves participation of municipal address 610 Poydras Street owned by Whitney Hotel Limited Partnership, and further identified by the State Board of Commerce and Industry as application number RTA #19990474-54 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective November 16, 2000; therefore

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of this resolution be forwarded to the State Board of Commerce and Industry.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas, Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

NO. R-00-733

BY: COUNCILMEMBERS THOMAS AND SINGLETON

WHEREAS, Article VII, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on a certain basis for property owners performing certain improvements in Historic, Economic Development, and Downtown Development Districts; and

WHEREAS, in accordance with the procedures established by Resolution R-98-126 the following described property has been submitted to the Mayor's Office of Economic Development for review, said property being described as municipal address 1041 Magazine Street owned by Patricia Henican; and

WHEREAS, the Mayor's Office of Economic Development recommends approval with regard to participation in the aforementioned tax program; now therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the Council, after consideration of the recommendation of the Mayor's Office of Economic Development, hereby approves participation of municipal address 1041 Magazine Street owned by Patricia Henican, and further identified by the State Board of

Commerce and Industry as application number RTA #19960331-54 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective November 16, 2000; therefore,

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a copy of this resolution be forwarded to the State Board of Commerce and Industry.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

---

#### REPORTS

On motion of Councilmember Singleton, seconded by Councilmember Carter, and without objection, the rules of the Council were suspended for the purpose of introducing and considering the following Reports received after the Council=s deadline:

OF THE INTERIM EXECUTIVE DIRECTOR OF THE CITY PLANNING COMMISSION - Recommending approval of the sale of city owned properties located at 2711 Dauphine Street, 1377 Annunciation Street, 514 Jackson Avenue which is declared as surplus and not needed for public purposes.

The CPC recommended denial of the sale of 2340 Rousseau Street which was declared still needed for public purposes.

After discussion, the foregoing Report was declared RECEIVED.

---

HDLC APPEAL

(CONTINUED)

At this time (10:46 a.m.), on motion of Councilmember Thomas, seconded by Councilmember Sapir, and without objection, the rules of the Council were suspended for the purpose of considering Land Use Matter before 11:30 a.m.

OF GEORGE A. HERO IV, AIA - Requesting to appeal the Historic District Landmarks Commission's decision of denial of the installation of plate glass in exterior windows and painting exterior brick on property located at 1240 Camp Street.

PROPONENT:

Kevin J. Christensen

OPPONENT:

None

HISTORIC DISTRICT LANDMARKS COMMISSION:

Walter Gallas, Deputy Director

After discussion, Councilmember Thomas offered the following Motion.

NO. M-00-745

BY: COUNCILMEMBER THOMAS

SECONDED BY: COUNCILMEMBER SHEA

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the request OF GEORGE A. HERO IV, AIA - To appeal the Historic District Landmarks Commission's decision of denial of the installation of plate glass in exterior windows and painting exterior brick on property located at 1240 Camp Street, be, and the same is hereby overruled and the appeal granted.

BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected department.

THE FOREGOING MOTION WAS READ IN FULL THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,  
Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

---

On motion of Councilmember Willard-Lewis, seconded by Councilmember Singleton, and without objection, the rules of the Council were suspended for the purpose of advancing to Motions/Resolutions.

### MOTIONS/RESOLUTIONS

On motion of Councilmember Willard-Lewis, seconded by Councilmember Singleton, and without objection, the rules of the Council were further suspended for the purpose of introducing and considering the following Motions/Resolutions received after the Council=s deadline.

NO. R-00-739

BY: COUNCILMEMBERS WILLARD-LEWIS, CARTER, GUSMAN, SAPIR, SHEA,  
SINGLETON AND THOMAS

WHEREAS, Vietnam=s current state of poverty and degradation is due to the totalitarian rule of the Vietnamese Communist Party; and

WHEREAS, it is the right of all Vietnamese to live in freedom and to freely elect their own government; and

WHEREAS, the Free Vietnam Alliance is actively working to establish democracy and to restore human rights in Vietnam; and

WHEREAS, the Free Vietnam Alliance=s goals are to seek a peaceful change in Vietnam; and

WHEREAS, the Free Alliance=s agenda is politically inclusive and reflects the wishes of the Vietnamese; now therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT, this Council supports the Free Vietnam Alliance=s Fifth Congress to be held in Sydney, Australia, on the 17th, 18th, and 19th of November, 2000.

At this time Lang Nguyen, addressed the Council on the foregoing Resolution.

After discussion, Councilmember Willard-Lewis moved adoption of the foregoing Resolution.

ROLL CALL:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

#### REGULAR ORDER OF BUSINESS RESUMED

#### APPEAL

OF THE GARDEN DISTRICT NEIGHBORHOOD IMPROVEMENT ASSOCIATION - Requesting to appeal the Housing Conservation District Review Committee=s verbal and written decision taken in reference to 2241 Magazine Street.

GARDEN DISTRICT NEIGHBORHOOD IMPROVEMENT ASSOCIATION:

Robert Fisher

CITY ATTORNEY OFFICE:

Evelyn Pugh, Deputy

After discussion, the foregoing appeal was declared RECEIVED.

---

On motion of Councilmember Gusman, seconded by Councilmember Singleton, and without objection, the rules of the Council were suspended for the purpose of advancing to Ordinances on Final Passage.

ORDINANCES ON FINAL PASSAGE

(CONTINUED)

CAL. NO. 23,264 - BY: COUNCILMEMBERS GUSMAN, CARTER, SAPIR, SHEA, SINGLETON, THOMAS AND WILLARD-LEWIS (BY REQUEST) - An Ordinance to authorize the City of New Orleans to enter into a contract of lease with FRANKLIN AVENUE BAPTIST CHURCH for a portion of Florida Avenue Right of Way from Music Street to Deers Street, with all improvements and appurtenances thereon, all in the Third Municipal District, no longer needed for public purposes at this time to be used for egress and ingress and parking only for FRANKLIN AVENUE BAPTIST CHURCH only, subject to a full width servitude, which does not allow for the construction of any improvements except for ground level surface paving, fencing, lighting, and curb cuts, in favor of the City of New Orleans; and to provide otherwise with respect thereto.

Councilmember Gusman offered the following amendment:

AMENDMENT TO ORDINANCE CALENDAR NUMBER 23,264

CITY HALL: November 16, 2000

BY: COUNCILMEMBER GUSMAN

SECONDED BY: COUNCILMEMBER SINGLETON

1. In Section 1, on line 32, delete the figure A\$26,400 and insert the figure \$5,000.@
2. In the attachment to the ordinance, in section 3.1 thereof, delete the first and second unnumbered lines, thereof, and insert the following:

AThe rent for the term of this lease shall be \$5,000 per year, made payable in advance on the first of each year, or monthly at \$416.66 payable in advance on the first of each month for eleven months, with the twelfth month payment being \$416.74 at:@

After discussion, Councilmember Sapir moved adoption of the foregoing amendment.

ROLL CALL:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas, Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE AMENDMENT WAS ADOPTED.

After further discussion, Councilmember Singleton moved adoption of the foregoing ordinance, as amended.

ROLL CALL:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE ORDINANCE, AS AMENDED, WAS ADOPTED.

On motion of Councilmember Sapir, seconded by Councilmember Singleton, and without objection, the rules of the Council were suspended for the purpose of advancing to Motions/Resolutions.

### MOTIONS/RESOLUTIONS

(CONTINUED)

NO. R-00-735

BY: COUNCILMEMBERS SAPIR, SHEA, THOMAS AND SINGLETON

WHEREAS, Resolution R-86-112, being a partial settlement of Entergy New Orleans, Inc. (formerly New Orleans Public Service, Inc.) rate application Docket CD-85-1, included the commitment by Entergy New Orleans, Inc. to provide Two Hundred Fifty Thousand (\$250,000) per year toward the economic development of the City of New Orleans; and

WHEREAS, Resolution R-91-157, being a further partial settlement of Entergy New Orleans, Inc. rate application Docket CD-85-1, included a renewed commitment by Entergy New Orleans, Inc. to provide Two Hundred Fifty Thousand Dollars (\$250,000) per year toward the economic development of the City of New Orleans; and

WHEREAS, guidelines developed by the Council and Entergy New Orleans, Inc. provide that expenditure of such funds shall be for the development of new business, expansion and retention of existing businesses, increased tourism; increased employment in the city, and fostering of opportunities for community redevelopment; and

WHEREAS, the Superbowl XXXVI Host Committee, Inc. has filed a grant application for a total of \$250,000, including \$125,000 for 2000 and an additional \$125,000 for 2001; and

WHEREAS, the purpose of the grant application is to facilitate the fulfillment of the bid of the City of New Orleans to host Superbowl XXXVI; and

WHEREAS, the grant application includes substantial economic analysis of the benefits to the City=s economy and tax revenues from hosting a major sporting event as significant as Superbowl XXXVI; and

WHEREAS, the City Council Economic Development Committee considered the application at its November 8, 2000 meeting and unanimously recommended approval of the Superbowl XXXVI, Inc. grant application to the full Council; now, therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS That the Council hereby approves a grant in the amount of \$125,000 for the year 2000 and a grant of \$125,000 for the year 2001, reflecting a total of \$250,000 to the Superbowl XXXVI Host Committee, Inc. to further the important economic development purposes set forth in its grant application.

BE IT FURTHER RESOLVED That the \$125,000 grant for the year 2000 shall come from the \$62,333 remaining in 1999 Economic Development Funds and \$62,667 from 2000 Economic Development Funds, leaving a zero balance in 1999 Economic Development Funds and a balance of \$187,333 in 2000 Economic Development Funds.

BE IT FURTHER RESOLVED That the \$125,00 grant for the year 2001 shall come from year 2001 Economic Development Funds after they are committed by Entergy in January, 2001 leaving a balance of \$125,000 in 2001 Economic Development Funds.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,



Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

REGULAR ORDER OF BUSINESS RESUMED

LEGISLATIVE GROUPING

OFF-STREET PARKING APPEAL

OF BETSY WHITTY, PRUDENTIAL LOUISIANA PROPERTIES, ON BEHALF OF ST. PAUL BAPTIST CHURCH - Requesting a waiver of lot area, side yards, front yards, minimum lot width, and off-Street parking for property located at 3214-16 Washington Avenue.

REPORT

OF THE INTERIM EXECUTIVE DIRECTOR OF THE CITY PLANNING COMMISSION - Recommending denial of the required minimum lot area, side yards, front yard, minimum lot width, and off-street parking appeal for St. Paul Baptist Church, 3214-16

Washington Avenue. (DESIGN REVIEW NO. 105/00)

	REQUIRED	PROPOSED	WAIVED	% WAIVED
Lot Area	20,000 Sq. Ft.	4,574 Sq. Ft.	15,451 Sq. Ft.	77%
Side Yard	91 Ft.	6 Ft.	4 Ft.	40%
Front Yard	20 Ft.	0	20 Ft.	100%
Lot Width	100 Ft.	41 Ft.	59 Ft.	41%
Parking	16	0	16	100%

**PROPONENT:**

Betsy Whitty, Rev. Clint Jonas

**OPPONENT:**

None

**CITY PLANNING COMMISSION:**

Karen Hilton, Assistant Director

After discussion, the foregoing Report was declared RECEIVED, Councilmember Thomas then offered the following Motion:

NO. M-00-746

BY: COUNCILMEMBER THOMAS

SECONDED BY: COUNCILMEMBER SAPIR

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the request of BETSY WHITTY, PRUDENTIAL LOUISIANA PROPERTIES, ON BEHALF OF ST. PAUL BAPTIST CHURCH (DESIGN REVIEW #105/00) - for a waiver of lot area, side yards, front yards, minimum lot width, and off-street parking for property located at 3214-16 Washington Avenue, be, and the same is hereby granted, subject to the following waivers and provisos:

**WAIVERS:**

	REQUIRED	PROPOSED	WAIVED	% WAIVED
Lot Area	20,000 Sq. Ft.	4,574 Sq. Ft.	15,451 Sq. Ft.	77%
Side Yard	91 Ft.	6 Ft.	4 Ft.	40%
Front Yard	20 Ft.	0	20 Ft.	100%
Lot Width	100 Ft.	41 Ft.	59 Ft.	41%

Parking	16	0	16	100%
---------	----	---	----	------

PROVISOS:

1. The applicant shall establish a litter abatement policy requiring the daily clearing of litter from the site and the adjacent public right-of-way and its cleaning with a watering hose as necessary. The pastor of the church shall be the contact person should a violation occur;
2. Church services shall be restricted only to the first floor of the structure, the second floor shall remain residential and shall not be used for storage or other associated church uses; and
3. The structure shall comply with all applicable building codes.

BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected departments.

THE FOREGOING MOTION WAS READ IN FULL THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Singleton, Thomas,  
Willard-Lewis - 6

NAYS: 0  
ABSENT: Shea (Temporarily Out of Chamber) - 1  
AND THE MOTION WAS ADOPTED.

OF PASTOR ANTHONY W. TAPLIN, SR. COME INTO THE LIGHT MISSIONARY CHURCH - Requesting a waiver of off-street parking for property located at 1030 Teche Street.

REPORT

OF THE INTERIM EXECUTIVE DIRECTOR OF THE CITY PLANNING COMMISSION - Recommending denial of the required off-street parking appeal for Come Into the Light Missionary Church, 1030 Teche Street. (DESIGN REVIEW NO. 106/00)

	REQUIRED	PROPOSED	WAIVED	% WAIVED
Parking	27	0	27	100%

PROPONENT:  
None

OPPONENT:  
None

CITY PLANNING COMMISSION:  
Karen Hilton, Assistant Director

After discussion, the foregoing Report was declared RECEIVED, Councilmember Thomas then offered the following Motion:

NO. M-00-747  
BY: COUNCILMEMBER THOMAS

SECONDED BY: COUNCILMEMBER SAPIR

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the request of PASTOR ANTHONY W. TAPLIN, SR./COME INTO THE LIGHT MISSIONARY CHURCH - for a waiver of off-street parking for property located at 1030 Teche Street, be, and the same is hereby granted.

	REQUIRED	PROPOSED	WAIVED	% WAIVED
Parking	27	0	27	100%

BE IT FURTHER MOVED, That the Clerk of Council shall forward copies of this motion directly to all affected departments.

THE FOREGOING MOTION WAS READ IN FULL THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Thomas, Willard-Lewis - 6

NAYS: 0

ABSENT: Singleton (Temporarily Out of Chamber) - 1

AND THE MOTION WAS ADOPTED.

At this time Councilmember Thomas moved to reconsider the vote by which the following off-street parking appeal was adopted. The purpose being to introduce and consider additional provisos.

Seconded by Councilmember Sapir.

There being no objection, so ordered.

LEGISLATIVE GROUPING

OFF-STREET PARKING APPEAL

OF BETSY WHITTY, PRUDENTIAL LOUISIANA PROPERTIES, ON BEHALF OF ST. PAUL BAPTIST CHURCH - Requesting a waiver of lot area, side yards, front yards, minimum lot width, and off-Street parking for property located at 3214-16 Washington Avenue.

	REQUIRED	PROPOSED	WAIVED	% WAIVED
Lot Area	20,000 Sq. Ft.	4,574 Sq. Ft.	15,451 Sq. Ft.	77%
Side Yard	91 Ft.	6 Ft.	4 Ft.	40%
Front Yard	20 Ft.	0	20 Ft.	100%
Lot Width	100 Ft.	41 Ft.	59 Ft.	41%

Parking	16	0	16	100%
---------	----	---	----	------

PROPONENT:

Betsy White, Rev. Clint Jonas

OPPONENT:

None

At this time, Karen Hilton, Assistant Director, City Planning Commission, informed Councilmember Thomas that the additional provisos were incorporated in the previous motion. Therefore, no additional provisos were necessary.

ZONING PETITIONS

(CONTINUED)

ZONING PETITION NO. 108/00 - VIEW POINT DEVELOPMENT & CONSTRUCTION COMPANY - Requesting a Map Change from an RD-3 Two Family Residential District to an RM-3 Multiple Family Residential District, to convert a duplex into a triplex, on Square 19, Lot 313, in the Second Municipal District, bounded by N. Rocheblave, St. Philip, Dumaine and North Tonti Streets (2401-03 Dumaine Street). The recommendation of the City Planning Commission being AFOR DENIAL@.

PROPONENT:

None

OPPONENT:

Mable Lee

CITY PLANNING COMMISSION:

Karen Hilton, Assistant Director

After discussion, Councilmember Shea offered the following Motion:

NO. M-00-748

BY: COUNCILMEMBER SHEA

SECONDED BY: COUNCILMEMBER SAPIR

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and unfavorable recommendation of the City Planning Commission on ZONING PETITION NO. 108/00 - VIEW POINT DEVELOPMENT & CONSTRUCTION COMPANY - Requesting a Map Change from an RD-3 Two Family Residential District to an RM-3 Multiple Family Residential District, to convert a duplex into a triplex, on Square 19, Lot 313, in the Second Municipal District, bounded by N. Rocheblave, St. Philip, Dumaine and North Tonti Streets (2401-03 Dumaine Street), be, and the same is hereby overruled and the Map Change granted.

BE IT FURTHER MOVED, That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Map Change.

THE FOREGOING MOTION WAS READ IN FULL THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,  
Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

ZONING PETITION NO. 112/00 - THURSTON D. WRIGHT, JR.- Requesting a Map Change from an RD-3 Two Family Residential District to a B-1A Neighborhood Business District to permit a beauty salon, on Square 1397, Lot 12, in the Third Municipal District, bounded by Piety, N. Dorgenois, Desire and Law Streets (2501 Piety Street). The recommendation of the City Planning Commission being AFOR DENIAL@.

Continued to the meeting of December 1, 2000.

ZONING PETITION NO. 113/00 - LUKE CORPORATION - Requesting a Conditional Use to permit a parking Lot in an RO-1 General Office District, on Square 632, Lots A & B, in the First Municipal District, bounded by Cleveland Avenue, S. Salcedo, Canal and S. Gayoso Streets (3033-35 Cleveland Avenue & 122-24 S. Salcedo Street). The recommendation of the City Planning Commission being AFOR DENIAL@.

Continued to the meeting of December 1, 2000.

ZONING PETITION NO. 116/00 - NEW ORLEANS YOUTH FOUNDATION (DRYADES YMCA) - Requesting a Conditional Use to permit a charter middle school in an RM-4 Multiple Family Residential District, on Square 271, Lot 12-B, in the Fourth

Municipal District, bounded by Dryades, Danneel, Philip and First Streets (1924 Philip Street). The recommendation of the City Planning Commission being AFOR APPROVAL@ subject to five (5) waivers for setbacks and site area and five (5) provisos.

PROPONENT:  
None

OPPONENT:  
None

CITY PLANNING COMMISSION:  
Karen Hilton, Assistant Director

After discussion, Councilmember Thomas offered the following Motion:

NO. M-00-749  
BY: COUNCILMEMBER THOMAS

SECONDED BY: COUNCILMEMBER SAPIR

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ZONING PETITION NO. 116/00 - NEW ORLEANS YOUTH FOUNDATION (DRYADES YMCA)- Requesting a Conditional Use to permit a charter middle school in an RM-4 Multiple Family Residential District, on Square 271, Lot 12-B, in the Fourth Municipal District, bounded by Dryades, Danneel, Philip and First Streets (1924 Philip Street), be, and the same is hereby upheld and the Conditional Use granted, subject to five (5) waivers for setbacks and site area and five (5) provisos as stated in the City Planning Commission=s report.

BE IT FURTHER MOVED, That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney=s Office for the preparation of an ordinance to effectuate the Conditional Use.

THE FOREGOING MOTION WAS READ IN FULL THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,



NAYS: 0  
ABSENT: 0

AND THE MOTION WAS ADOPTED.

LEGISLATIVE GROUPING

ZONING PETITION NO. 117/00 - THE 1927 PARTNERSHIP - Requesting a Conditional Use and rescission of Ord. #13,903 (ZD 13/90), to permit the expansion of an existing hotel in a C-1A General Commercial District, on Square 237, Lots A, B, C, D, C and an undesignated Lot, in the Fourth Municipal District, bounded by St. Charles Avenue, Carondelet, Josephine and St. Andrew Streets (2031 St. Charles Avenue). The recommendation of the City Planning Commission being AFOR APPROVAL@ subject to six (6) provisos.

PROPONENT:  
None

OPPONENT:  
None

CITY PLANNING COMMISSION:  
Karen Hilton, Assistant Director

After discussion, Councilmember Thomas offered the following Motion:

NO. M-00-750

BY: COUNCILMEMBER THOMAS

SECONDED BY: COUNCILMEMBER SHEA

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ZONING PETITION NO. 117/00 - THE 1927 PARTNERSHIP - Requesting a Conditional Use and rescission of Ord. #13,903 (ZD 13/90), to permit the expansion of an existing hotel in a C-1A General Commercial District, on Square 237, Lots A, B, C, D, C and an undesignated Lot, in the Fourth Municipal District, bounded by St. Charles Avenue, Carondelet, Josephine and St. Andrew Streets (2031 St. Charles Avenue), be, and the same is hereby upheld and the Conditional Use granted, subject to six (6) provisos as stated in the City Planning Commission=s report.

BE IT FURTHER MOVED, That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Conditional Use.

THE FOREGOING MOTION WAS READ IN FULL THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,  
Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

#### ORDINANCE ON FINAL PASSAGE

CAL. NO. 23,320 - BY COUNCILMEMBER THOMAS - An Ordinance to provide for the establishment of a Conditional Use and the rescission of Ordinance 13,903 M.C.S., to permit the expansion of an existing hotel in a C-1A General Commercial District, on Lots A, B, C, D, C and an undesignated lot, Square 237, in the Fourth Municipal District, bounded by St. Charles Avenue, Carondelet, Josephine and St. Andrew Streets (Municipal Address is 2031 St. Charles Avenue); and otherwise to provide with respect thereto. (ZONING DOCKET NO. 117/00)

After discussion, Councilmember Thomas moved adoption of the foregoing ordinance.

ROLL CALL:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas, Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE ORDINANCE WAS ADOPTED.

On motion of Councilmember Singleton, seconded by Councilmember Sapir, and without objection, the rules of the Council were suspended for the purpose of advancing to Motions/Resolutions.

#### MOTIONS/RESOLUTIONS

(CONTINUED)

On motion of Councilmember Singleton, seconded by Councilmember Sapir, and without objection, the rules of the Council were further suspended for the purpose of introducing and considering Motions/Resolutions received after the Council's deadline.

NO. R-00-740

BY: COUNCILMEMBERS GUSMAN, CARTER, SHEA, SINGLETON (BY REQUEST)

A RESOLUTION providing for the incurrence of debt and issuance of not exceeding \$180,000,000 of Taxable Pension Revenue Bonds, Series 2000 (the "Bonds"); amending and supplementing Resolution No. R-00-553 to provide for the issuance of the Bonds in a variable rate weekly mode; authorizing the execution and delivery of an ISDA Master Agreement and related schedules and confirmation with PaineWebber Capital Services Inc; authorizing the delivery of a Standby Bond Purchase Agreement with Bank One, Louisiana N.A.; accepting the benefits of various insurance policies issued by AMBAC Assurance Corporation; authorizing the execution of any and all documents and instruments in accordance with the provisions hereof; and providing for other matters in connection with the foregoing.

WHEREAS, the City adopted Resolution No. R-00-553 (the AOriginal Resolution@) authorizing the issuance of the Bonds pursuant to LA. R.S. 39:1430 (the AAct@) which authorizes the City to issue revenue bonds for any authorized purpose, payable out of any source whatsoever or any other monies which, by law or contract, may be made available to the City;

WHEREAS, the Firefighters= Pension and Relief Fund (the AFund@) was created by La. R. S. 11:3361; and

WHEREAS, pursuant to La. R. S. 11:3375, the board of trustees of the Fund reports the condition of the Fund to the Council of the City of New Orleans, Louisiana (the "City") and if at any time there is not sufficient money in the Fund to pay each person entitled to the benefits thereof the full amount, then the Council of the City is obligated to appropriate and pay into the Fund an amount sufficient to make good the deficit in the Fund; and

WHEREAS, the Council of the City currently pays over approximately \$17,000,000 a year to the Fund to satisfy its obligations under La. R. S. 11:3375; and

WHEREAS, this Council, by Resolution No. R-00-464 adopted on August 3, 2000, granted its approval to proceed with the issuance of the Bonds, subject to the terms of said Resolution, for the purpose of funding a portion of the current projected

unfunded accrued liability of the Fund and reimbursing the City for a portion of the appropriations made to date in fiscal year 2000 to the Fund; and

WHEREAS, on October 27, 2000, a judicial order was issued declaring, ordering, adjudging and decreeing that (1) all proceedings held and actions taken by the City in connection with the authorization or issuance of not to exceed One Hundred Eighty Million Dollars (\$180,000,000) principal amount of the Bonds are valid and legal; (2) all proceedings held and actions taken by the City in connection with the authorization of the transactions contemplated by Resolution No. R-00-464 adopted by the Plaintiff on August 3, 2000 (the APreliminary Resolution@) and by the Original Resolution are valid and legal; (3) Resolution No. R-00-01 adopted by the Board of City Trusts on September 14, 2000 accepting the trust created by the Board of City Trusts - New Orleans Firefighters Pension and Retirement Fund Trust Agreement (the APension Trust Agreement@) and authorizing the execution of the Cooperative Endeavor Agreement is valid and legal; (5) the Cooperative Endeavor Agreement dated October 5, 2000 by and among the City of New Orleans, the Board of City Trusts and the Board of Trustees of the Firefighters= Pension and Relief Fund (the ACooperative Endeavor Agreement@) is valid and legal; (6) the Pension Trust Agreement is valid and legal; and (7) all other documents executed in connection with the issuance and/or security of the Bonds and the deposit, administration and investment (including the investment thereof in equities) of the proceeds of the Bonds for the purpose of funding a portion of the unfunded accrued liability of the Firefighters= Pension and Relief Fund are valid and legal;

WHEREAS, the City has determined to issue the Bonds as variable rate bonds in a weekly mode and enter into an ISDA Master Agreement with PaineWebber Capital Services, Inc. and related schedule and confirmations (the ASwap Agreement@) to fix the City=s obligations with respect to the Bonds in order to lower the costs of borrowing;

WHEREAS, it is necessary for the City to enter into a Standby Bond Purchase Agreement (the ALiquidity Facility@) dated as of as of December 1, 2000 with Bank One, Louisiana, N.A. (the ALiquidity Facility Issuer@) to provide for the purchase from time to time by the Liquidity Facility Issuer of the Bonds under the conditions as described herein;

WHEREAS, pursuant to La. R.S. 39:1421 and 39:1429, the City is authorized to obtain credit enhancement devices, including bond insurance, interest rate swap agreements and liquidity facilities and the City hereby finds and determines that the marketability of the Bonds will be enhanced and the interest costs reduced by virtue of the use of the municipal insurance policy issued by AMBAC Assurance Corporation, and the entering into of the Swap Agreement with PaineWebber Capital Services, Inc. and the Liquidity Facility with Bank One, Louisiana, N.A.; and

WHEREAS, the Bonds were authorized to be issued as fixed rate Bonds pursuant to the Original Resolution and the City now desires to amend and supplement the Original Resolution to provide for the issuance of the Bonds in a variable rate weekly mode; authorize the execution and delivery of an ISDA Master Agreement and related schedules and confirmation with PaineWebber Capital Services Inc; authorize the delivery of a Standby Bond Purchase Agreement with Bank One, Louisiana N.A.; accept the benefits of various insurance policies issued by AMBAC Assurance Corporation; authorize the execution of any and all documents and instruments in accordance with the provisions hereof; and provide for other matters in connection with the foregoing;

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS THAT:

1. ARTICLE  
DEFINITIONS

SECTION 1.1. Definitions. All definitions used herein which are not otherwise defined shall have the meaning assigned in the Original Resolution. Unless the context shall clearly indicate some other meaning, the following terms, for the purposes of the Original Resolution and this Resolution, or any resolution or other instrument amendatory hereof or supplemental hereto, and for all purposes of any certificate, opinion, instrument or any document therein or herein mentioned, shall have the following meanings, with the following definitions to be equally applicable to both the singular and plural forms of such terms and vice versa and any definitions contained in the Original Resolution are hereby amended to read as set forth below:

AAct of Bankruptcy@ means the filing of a petition commencing a case by or against the Issuer under the Federal Bankruptcy Code or any other applicable bankruptcy, insolvency or similar law for the relief of creditors in which the Issuer is the debtor.

AAAdministrative Expenses@ means the Liquidity Facility Fee, the Remarketing Fee, the annual Rating Agency fee, the Trustee=s Expenses and fees and expenses associated with (but not scheduled payments under) Swap Agreements.

AAuthorized Denominations@ means (i) for the Bonds bearing the Weekly Rate, \$100,000 or any integral multiple thereof; and (ii) for the Bonds bearing interest at a Fixed Rate, \$5,000 or any integral multiple thereof; or (iii) for Bank Bonds, \$5,000 or any integral multiple thereof.

AAuthorized Newspaper@ means *The Bond Buyer* or successor publication or a business newspaper customarily published at least once a day for at least five days

(other than legal holidays) in each calendar week, printed in the English language and of general circulation in the Borough of Manhattan, City and State of New York.

ABank Bond@ means any Bond purchased by the Liquidity Facility Issuer pursuant to the terms of the Liquidity Facility.

"Bank Bond Purchase Date" means the date on which the Liquidity Facility Issuer purchases a Bond pursuant to the terms of the Liquidity Facility.

"Bank Bond Sale Date" means the date on which a Bank Bond is remarketed and ceases to be a Bank Bond.

ABank One Standby Bond Purchase Agreement@ means the Standby Bond Purchase Agreements, dated as of December 1, 2000 and among the Issuer, Bank One, Louisiana, N.A. and the Tender Agent, applicable to the Bonds.

"Bank Rate" means the meaning ascribed to such term in the Liquidity Facility.

"Bond Counsel" means an attorney-at-law or a firm of attorneys of nationally recognized standing in matters pertaining to the federal income tax treatment of interest on bonds issued by states and their political subdivisions, duly admitted to the practice of law before the highest court of any state of the United States of America, selected by the Issuer and acceptable to the Bond Facility Issuer.

"Bond Facility" means any irrevocable letter of credit, surety, guaranty, Insurance Policy or other credit facility or any combination thereof securing payment of principal of and interest on the Bonds, initially, the Insurance Policy, and, so long as Bonds are not in the Fixed Mode, any Liquidity Facility providing for payment of the Purchase Price of Bonds Outstanding under this Resolution, provided that such Liquidity Facility satisfies the requirements of Article IV hereof.

"Bond Facility Issuer" means the issuer or issuers of any Bond Facility or Bond Facilities, including any issuer of a Substitute Liquidity Facility, then in effect under this Resolution.

ABond Payment Date@ shall mean, for any Bond, any Interest Payment Date, its Stated Maturity or the date of any other regularly scheduled principal payment with respect thereto.

"Bond Rate" means the interest rate on the Bonds determined as provided in Section 3.5 hereof.

"Bond Register" means the records kept by the Paying Agent at its principal corporate trust office in which registration of the Bonds and transfers of the Bonds shall be made as provided herein.

"Bonds" means the bonds authorized to be issued by the Original Resolution and this Resolution, whether initially delivered or issued in exchange for, upon transfer of, or in lieu of any bond previously issued.

"Business Day" means any day other than (i) a Saturday or Sunday, (ii) a day on which banking institutions located in the State or in any of the cities in which the principal office of the Trustee, any Paying Agent, Tender Agent or, with respect to the Bonds, any Remarketing Agent, or the office of any Bond Facility Issuer at which documents are required to be delivered in order to obtain payments under any Bond Facility for the Bonds is located, are required or are authorized by law or executive order to close or (iii) a day on which the New York Stock Exchange is closed.

"City" or "Issuer" means the City of New Orleans, Louisiana.

"Commercial Paper Rate" means for the 30-day (one month) Commercial Paper Rate, the dealer (non-financial) Commercial Paper Rate listed on Federal Reserve Statistical Release H.15 (519) as provided by the Federal Reserve Bank of New York for the first New York banking day preceding the Rate Adjustment Date with respect to which the Commercial Paper Rate is being determined for the Interest Index. Such Commercial Paper Rate is provided by the Federal Reserve Bank of New York both by telephone (a recording available on the date of execution and delivery of the Resolution at 212-720-6693) and at the Federal Reserve Bank of New York website (address: [www.bog.frb.fed.us/releases/H15/Current](http://www.bog.frb.fed.us/releases/H15/Current)) on the date of execution and delivery of the Amended and Restated Resolution). Such Commercial Paper Rate shall be verified by means of the printed Federal Reserve Statistical Release H.15 (519) Selected Interest Rates, as subsequently available.

ACommitment Period@ means the term so defined in the Liquidity Facility.

"Council" means the Council of the City, the governing authority of the Issuer.

"Counsel's Opinion" means an opinion signed by an attorney or firm of attorneys, of national recognized standing in the field of law relating to municipal securities, acceptable to the Issuer and the Bond Facility Issuer.

"Derivative Payment Date" shall mean, with respect to a Swap Agreement, any date specified in the Swap Agreement on which both or either of the Issuer Derivative Payment and/or a Reciprocal Payment is due and payable under the Swap Agreement.

"DTC" means The Depository Trust Company.

AEvent of Default@ means any event of default specified in the Original Resolution or Section 7.1 hereof.

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

"Federal Bankruptcy Code" means the Bankruptcy Reform Act of 1978, constituting Title 11, United States Code, as amended or supplemented.

"Fixed Mode" means an Interest Mode designated as such in the Mode Adjustment Notice and extending from the Mode Adjustment Date to the final maturity date of the Bonds in which the interest rate for Bonds in such Interest Mode is determined as provided in paragraph (2) of Section 3.5 hereof.

"Fixed Rate" means the interest rate on the Bonds in a Fixed Mode established and determined pursuant to paragraph (2) of Section 3.5 hereof.

"Fixed Rate Conversion" means the conversion of the interest rate on any Bonds to a Fixed Rate from the Weekly Mode.

"Fund" means the Firefighters= Pension and Relief Fund.

"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 and which may be United States Treasury obligations such as the State and Local Government Series and may be in book-entry form.

"Insurance Policy" means the municipal bond insurance policy issued by the Insurer insuring the payment when due of the principal of and interest on the Bonds.



"Insurer" means Ambac Assurance Corporation, a Wisconsin-domiciled stock insurance company, or any successor thereto or assignee thereof.

Initial Swap Agreement@ means the Swap Agreement with PaineWebber Capital Services Inc.

"Interest Index" means in respect to the Bonds, the interest rate determined by the Remarketing Agent to be equal to the Commercial Paper Rate for the Weekly Rate Period.

"Interest Mode" means a period of time relating to the frequency with which the interest rate on the Bonds is determined pursuant to Section 3.5 hereof, which Interest Mode may be a Weekly Mode or a Fixed Mode.

"Interest Payment Date" means (a) each Mode Adjustment Date for any Bond; (b) except as to any Bank Bonds, as to any Bonds in a Weekly Mode, the first Business Day of each calendar month; (c) the date any Sinking Fund Installment is due; and (d) as to any Bank Bonds, (i) the first Business Day of each calendar month commencing with the first such date following the date on which such Bonds commence being Bank Bonds, (ii) each Bank Bond Purchase Date, (iii) each Bank Bond Sale Date and (iv) each date fixed for the mandatory redemption of Bank Bonds pursuant to Section 4.6 hereof.

"Interest Period" means the period from and including each Interest Payment Date for a Bond to and excluding the next Interest Payment Date for such Bond. The initial Interest Period for the Bonds shall begin on (and include) the date of its initial delivery or remarketing and the final Interest Period shall end on the day next preceding the maturity date of such Bond.

"Investment Company" means an open-end diversified management investment company registered under the Investment Company Act of 1940, as amended.

ISDA Master Agreement@ shall mean the 1992 ISDA Master Interest Rate and Currency Exchange Agreement, (local currency - single jurisdiction), as amended from time to time, and as in effect with respect to any Swap Agreement.

Issuer Derivative Payment@ shall mean a payment required to be made by or on behalf of the Issuer due to a Reciprocal Payor pursuant to a Swap Agreement.

"Liquidity Facility" means any letter of credit, standby bond purchase agreement (including the Standby Bond Purchase Agreement) or other liquidity facility then in effect

under this Resolution to provide for payment of Purchase Price of Bonds in the Weekly Mode.

"Liquidity Facility Drawings Fund" means the fund by that name created and established in Section 5.2 hereof and consisting of a Payment Account and a Purchase Account to be held by the Trustee separate and apart from the funds, accounts and subaccounts under this Resolution or the Original Resolution and which shall not constitute funds, accounts or subaccounts for purposes of this Resolution or the Original Resolution.

"Liquidity Facility Expiration Date" means the date upon which the Liquidity Facility is stated to expire, as such date may be extended from time to time, either by extension or renewal of the then-existing Liquidity Facility.

"Liquidity Facility Fee" means the fee charged by the Liquidity Facility Issuer for the issuance of its Liquidity Facility, as specified in the applicable Liquidity Facility or commitment therefor. So long as the Liquidity Facility is comprised of the Bank One Standby Bond Purchase Agreement, the Liquidity Facility Fee shall mean the commitment fee for the Bank One Standby Bond Purchase Agreement charged by Bank One, Louisiana, N.A.

"Liquidity Facility Issuer" means the issuer of any Liquidity Facility then in effect under this Resolution.

"Liquidity Facility Requirement" means at any time, the amounts which must be available for drawing under the Liquidity Facility, which amounts are the sum of (a) the principal amount of Outstanding Bonds entitled to the benefit of the Liquidity Facility, and (b) an amount equal to 35 days' interest for Bonds in a Weekly Mode, computed at an annual rate equal to the Maximum Bond Rate, on the principal amount of Outstanding Bonds entitled to the benefit of the Liquidity Facility subject to reinstatement of the Liquidity Facility following a drawing thereon and as more fully provided therein.

"Liquidity Facility Termination Date" means the earlier of (i) the Liquidity Facility Expiration Date or (ii) that date on which the Liquidity Facility terminates in accordance with its terms.

"Mandatory Tender Notice" shall have the meaning specified in paragraph 6 of Section 3.7 hereof.

AMaximum Bond Rate@ means the maximum interest rate permitted on the Bonds described in Section 3.4(3) hereof.

AMaximum Rate@ means the rate specified as such in the Liquidity Facility but not more than 18%.

AMode Adjustment Date@ means the Business Day established as provided in Section 3.6 hereof on which an Interest Mode for any Bond is changed from the Weekly Mode to the Fixed Mode.

AMode Adjustment Notice@ shall have the meaning specified in Section 3.6 hereof.

AMoody=s@ means Moody=s Investors Service, a Delaware corporation, its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, AMoody=s@ shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer with the prior written consent of each Bond Facility Issuer.

ANotice Parties@ means the Issuer, the Paying Agent, the Remarketing Agent, the Tender Agent, each Bond Facility Issuer, and the Trustee.

AOpinion of Bond Counsel@ means a written opinion of Bond Counsel.

APaying Agent@ means Bank One Trust Company, N.A. and its successors hereunder.

"Payment Account" means the account by that name created and established in the Liquidity Facility Drawings Fund in Section 5.2 hereof.

"Person" means any individual, corporation, partnership, joint venture, association, joint stock company, trust, unincorporated organization or government or any agency or political subdivision thereof.

"Principal Office" of any Paying Agent, Tender Agent or Remarketing Agent means the office thereof designated in writing to the Trustee.

"Purchase Account" means the account by that name created and established in the Liquidity Facility Drawings Fund in Section 5.2 hereof.

"Purchase Date@ means a Business Day on which Bonds are to be purchased upon voluntary or mandatory tender or deemed tendered thereof pursuant to the terms hereof.

"Purchase Price" means an amount equal to 100% of the principal amount of any Bonds tendered or deemed tendered pursuant to this Resolution plus accrued and unpaid interest, if any, at the Bond Rate to the Purchase Date or the date of remarketing, as the case may be, unless the Purchase Date is also an Interest Payment Date.

"Rate Adjustment Date" means (a) each Mode Adjustment Date and (b) each date, other than a Mode Adjustment Date, as of which the interest rate determined for an Interest Mode shall be effective which with respect to a Weekly Mode shall be Thursday of each week.

"Rating Agency" means Moody=s, if the Bonds are then rated by Moody=s, and/or S&P, if the Bonds are then rated by S&P.

"Rate Period" means the period commencing from and including a Rate Adjustment Date and to and excluding the next succeeding Rate Adjustment Date.

"Reciprocal Payments" shall mean any payment to be made to, or for the benefit of, the Issuer under a Swap Agreement.

AReciprocal Payor@ shall mean PaineWebber Capital Services, Inc. or, if there is an early termination of Initial Swap Agreement, such other third party approved by the Insurer which, at the time of entering into a Swap Agreement, has at least an @Aa2/P-1" rating, or its equivalent from a Rating Agency, and which is obligated to make Reciprocal Payments under a Swap Agreement.

"Record Date" means (i) with respect to an Interest Payment Date for Bonds in the Fixed Mode, the fifteenth day of the month, whether or not a Business Day, immediately preceding such Interest Payment Date and (ii) with respect to an Interest Payment Date for Bonds in a Weekly Mode or any Bank Bonds, the Business Day immediately preceding such Interest Payment Date; provided, however, if any Bond is bearing interest at the Bank Rate on the last day of any calendar month, such day shall be the Record Date for such Bond in respect of interest accrued and unpaid on such

Bond as of such date regardless of any day which would otherwise be the Record Date for such Bond.

ARegistered Owner@ or AHolder@ or AOwner@ shall mean the Person whose name a Bond is registered on the Bond registration books maintained by the Trustee.

"Reimbursement Agreement" means with respect to a Liquidity Facility, any agreement between the Liquidity Facility Issuer and the Issuer, in each case securing Reimbursement Obligations thereunder, and any and all modifications, alterations, amendments and supplements thereto, initially the Bank One Standby Bond Purchase Agreement.

"Reimbursement Obligation" means the obligation of the Issuer under the Reimbursement Agreement to reimburse the Liquidity Facility Issuer for all amounts owed under the Reimbursement Agreement.

"Remarketing Agent" means the Remarketing Agent appointed in accordance with Section 6.2 hereof, and its successor or successors. "Principal Office" of a Remarketing Agent means the office designated in writing to the Issuer, the Trustee, the Liquidity Facility Issuer and the Tender Agent.

"Remarketing Agent Fee" means the annual fee charged by the Remarketing Agent in the amount and payable in the manner set forth in the Remarketing Agreement.

"Remarketing Proceeds Fund" means the fund of that name created and established in Section 5.2 hereof to be held by the Tender Agent separate and apart from any funds, accounts or subaccounts under this Resolution and which shall not constitute funds, accounts or subaccounts for purposes of this Resolution.

"Resolution" means this First Amendatory and Supplemental Resolution adopted by the Issuer amending and supplementing the Original Resolution and authorizing the issuance of the Bonds.

"S&P" means Standard & Poor=s Rating Services, a division of the McGraw-Hill Companies, Inc., its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, AS&P@ shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer with the prior written consent of each Bond Facility Issuer.

AScheduled Tender Date@ means the last Interest Payment Date occurring not less than five (5) Business Days before the Liquidity Facility Expiration Date.

ASection 3.17 Bonds@ means any Bonds held by or for the account of the Liquidity Facility Issuer as a result of a purchase of such Bonds pursuant to Section 3.17 hereof.

ASinking Fund Installment@ means as of any date of calculation and with respect to the Bonds, so long as any Bonds thereof are Outstanding, the amount of money required by the Resolution to be paid on a single future date for the retirement of any Outstanding Bonds that mature after said future date, but does not include any amount payable by the Issuer by reason only of the maturity of a Bond.

ASpecial Mandatory Purchase Date@ means the date on which all of the Bonds are deemed tendered pursuant to Section 3.17 hereof.

AStandby Bond Purchase Agreement@ means an agreement among the Issuer, the Tender Agent and a bank, underwriter or financial institution, constituting a Liquidity Facility and providing for the purchase of Bonds in other than a Fixed Mode on a Purchase Date; initially, the Bank One Standby Bond Purchase Agreement, including the Custody Agreement dated as of December 1, 2000, between the Trustee, in its capacity as ACustodian@ and Bank One, Louisiana, N.A., relating to the Bonds, substantially in the form attached to the Bank One Standby Bond Purchase Agreement, which agreement will serve as a Liquidity Facility for Bonds during the Weekly Mode only.

"State" means the State of Louisiana.

ASubstitute Liquidity Facility@ means any Liquidity Facility which meets the criteria set forth in Section 3.14 hereof, in each case with administrative provisions reasonably satisfactory to the Trustee.

ASubstitution Date@ means with respect to any Bonds then payable from any Bond Facility, the Interest Payment Date or Dates for such Bonds which occurs not less than five (5) Business Days immediately preceding the date on which the Issuer substitutes a Liquidity Facility and/or Substitute Liquidity Facility, with respect to such Bonds; any date specified as a Substitution Date in a Mandatory Tender Notice mailed to the Holders of Bonds then payable from a Liquidity Facility, shall be treated as a Substitution Date for purposes of this Resolution even if the substitution of the Substitute Liquidity Facility fails to occur.

"Supplemental Resolution" means any resolution adopted by the Council supplementing, modifying or revising the provisions of this Resolution or the Original Resolution.

"Swap Agreement" shall mean initially the Initial Swap Agreement and otherwise a written contract or agreement between the Issuer and a Reciprocal Payor approved by the Insurer, which provides that the Issuer=s obligations thereunder will be conditioned on the absence of (i) a failure by the Reciprocal Payor to make any payment required thereunder when due and payable, or (ii) a default thereunder with respect to the financial status of the Reciprocal Payor, and:

(a) under which the Issuer is obligated to pay (whether on a net payment basis or otherwise) on one or more scheduled and specified Derivative Payment Dates, the Issuer Derivative Payments in exchange for the Reciprocal Payor=s obligation to pay (whether on a net payment basis or otherwise), or to cause to be paid, to the Issuer, Reciprocal Payments on one or more scheduled and specified Derivative Payment Dates in the amounts set forth in the Swap Agreement;

(b) for which the Issuer=s obligation to make Issuer Derivative Payments may be secured on an equal and ratable basis with the Outstanding Bonds, provided that the obligation of the Issuer to make termination payments shall be subordinate in priority to the Issuer's Bonds; and

(c) under which Reciprocal Payments are to be made directly to the Trustee for deposit into the Revenue Fund.

ASwap Agreement Termination Date@ means the thirtieth date after which the Swap Agreement is terminated without replacement or substitution.

ATender Agent@ means Bank One Trust Company, N.A., a corporation organized under the laws of the State of Louisiana, having its principal office in New Orleans, and its successor or successors as Tender Agent hereunder. APrincipal Office@ of the Tender Agent means the office designated in writing to the Issuer, the Trustee and the Remarketing Agent.

ATender Notice@ means a written notice from a Holder of Bonds, substantially in the form of Annex A hereto or such other form as shall be agreed to by the Tender Agent, the Remarketing Agent and the Issuer, delivered to the Tender Agent, the Trustee and the Remarketing Agent evidencing such Holder=s election to tender Bonds

as provided by Section 3.7 hereof. Each Tender Notice must state the principal amount of Bonds being tendered, the Interest Mode applicable to such Bonds, the Bond and CUSIP numbers and the Purchase Date and, if the Tender Notice is being delivered by an Investment Company, the office where it intends to deliver such Bond for purchase.

ATrustee@ means Bank One Trust Company, N.A., and its successors in trust hereunder.

ATrustee=s Expenses@ means the compensation and expenses payable to the Trustee, as follows:

- A. an amount equal to the acceptance fee, the annual administration fee of the Trustee, as trustee, for the ordinary services of the Trustee rendered and its ordinary expenses incurred, including reasonable counsel fees, under this Resolution during each twelve month period;
- B. the reasonable fees and charges of the Trustee, as Paying Agent, and as Paying Agent as provided in this Resolution, as and when the same become due; and
- C. the reasonable fees and charges of the Trustee for necessary extraordinary services rendered by it and extraordinary expenses incurred by it under this Resolution as and when the same become due, including reasonable counsel fees (including fees at trial or appellate proceedings).

AUndelivered Bonds@ means Bonds which have not been tendered on a Purchase Date for such Bonds at or prior to the time specified herein pursuant to the provisions hereof.

"Underwriter" means, collectively, PaineWebber Incorporated, M.R. Beal & Company and First Commonwealth Securities Corporation.

AUnremarketed Bonds@ means Bonds which have not been sold by the Remarketing Agent as of the applicable time on the applicable Purchase Date so that the Trustee has drawn under the Liquidity Facility to pay the Purchase Price thereof. Upon remarketing by the Remarketing Agent, Bonds cease to be Unremarketed Bonds.

AWeekly Mode@ means an Interest Mode in which the interest rate on the Bonds in such Interest Mode is determined as provided in paragraph (1) of Section 3.5 hereof.



AWeekly Rate@ means with respect to each Bond in a Weekly Mode, a rate of interest on the Bonds determined each week during a Weekly Mode, as provided in paragraph (1) of Section 3.5 hereof.

2. ARTICLE  
GENERAL TERMS AND PROVISIONS OF THE BONDS

1. SECTION Amendments. Sections 2.2 through 2.7 of the Original Resolution are hereby amended in their entirety by the following provisions of this Article II.
2. SECTION Form of Bonds. The Bonds shall be substantially in the form and tenor hereinabove recited in Exhibit A hereto with such variations, omissions and insertions as may be required by the circumstances, be permitted or required by this Resolution, or be consistent with this Resolution and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto.
3. SECTION Ownership. The Issuer, the Trustee, and any other person may treat the person in whose name any Bond is registered as the absolute owner of such Bond for the purpose of making and receiving payment of the principal thereof, interest and premium, if any, thereon and neither the Issuer, the Paying Agent, the Registrar appointed pursuant to Section 2.4 hereof, nor the Trustee shall be bound by any notice or knowledge to the contrary. All payments made to the person deemed to be the owner of any Bond in accordance with this Section 2.3 shall be valid and effectual and shall discharge the liability of the Issuer, the Paying Agent, the Registrar and the Trustee upon such Bond to the extent of the sums paid.
4. SECTION Registration and Transfer. The Paying Agent is hereby appointed as the Registrar for the Bonds. So long as any Bonds remain outstanding, the Paying Agent shall keep at its principal office a register in which, subject to such reasonable regulations as it may prescribe, the Paying Agent shall provide for the registration and transfer of Bonds in accordance with the terms of this Resolution.

Each Bond shall be transferable only by presenting it at the principal office of the Paying Agent or at the office of any agent of the Paying Agent for transfer purposes duly endorsed for transfer and accompanied by an assignment duly executed by the registered owner or his duly authorized representative in the form attached hereto as Exhibit A or otherwise acceptable to the Paying Agent.

All Bonds shall be exchangeable upon the presentation and surrender thereof at the principal office of the Paying Agent or at the office of any agent of the Paying Agent for transfer purposes for a Bond or Bonds of the same maturity and interest rate and in any authorized denomination, in an aggregate principal amount equal to the unpaid principal amount of the Bond presented for exchange. The Paying Agent shall be and is hereby authorized to authenticate and deliver exchange Bonds in accordance with the

provisions of this Section 2.4. Each exchange Bond delivered in accordance with this Section 2.4 shall constitute a contractual obligation of the Issuer and shall be entitled to the benefits and security of this Resolution to the same extent as the Bond or Bonds in lieu of which such exchange Bond is delivered.

The Issuer or the Paying Agent may require the owner of any Bond to pay a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with the transfer of such Bond.

The Paying Agent shall not be required to transfer any Bond on any date which is after a Record Date and prior to the next succeeding Interest Payment Date, or during any period beginning two days prior to the selection by the Trustee of Bonds to be redeemed prior to maturity and ending on the date of the mailing of notice of such redemption.

5. SECTION Cancellation. All Bonds paid or redeemed in accordance with this Resolution, and all Bonds in lieu of which replacement Bonds are authenticated and delivered in accordance with Section 2.6 of this Resolution, shall be canceled and destroyed upon the making of proper records regarding such payment or redemption. The Paying Agent and the Registrar shall periodically furnish the Issuer with certificates of destruction of such Bonds.

6. SECTION Replacement Bonds. (1) To the extent permitted by law, upon receipt by the Issuer and the Paying Agent of evidence satisfactory to them of the loss, theft, destruction or mutilation of any Bond and of indemnity, if required, reasonably satisfactory to them and upon surrender and cancellation of such Bond, if mutilated, the Issuer shall execute, and the Paying Agent shall authenticate and deliver, a new Bond of the same series and of like tenor and bearing a different number, in lieu of such lost, stolen, destroyed or mutilated Bond. Such new Bond may bear such endorsement or distinguishing mark as may be agreed upon by the Issuer and the Paying Agent. The Issuer may require the payment of a sum sufficient to reimburse it for all reasonable expenses incurred by it in connection with the issuance of each new Bond under this Section, including the charges of the Paying Agent.

(2) Bonds executed by the Issuer and authenticated and delivered by the Paying Agent in lieu of any lost, stolen or destroyed Bonds shall evidence and represent the identical obligations which, prior thereto, were evidenced and represented by the Bonds with respect to which they are executed, authenticated and delivered, all without novation of any rights, obligations or liens pertaining thereto.

(3) In the event that any such mutilated, lost, apparently destroyed or wrongfully taken Bond has become or is about to become due and payable, the Paying Agent in its discretion may, instead of issuing a replacement Bond, pay such Bond.

## ISSUANCE OF THE BONDS

7. SECTION Maturity of the Bonds. The Bonds shall mature on September 1, 2030 and shall be subject to mandatory sinking fund redemption as provided in Section 3.16(3) hereof.
8. SECTION Bonds. The Bonds shall be issuable as fully registered bonds, without coupons, in the denomination provided in Section 3.13 hereof. Each initially issued Bond and each Bond issued prior to the first Interest Payment Date on the Bonds shall be dated (as shown on the registration and authentication certificate appearing on the face of each Bond) on the date of original delivery of the Bonds, and each Bond issued on or after the first Interest Payment Date on the Bonds shall be dated the Interest Payment Date next preceding the date on which such Bond is issued, unless such Bond is issued on an Interest Payment Date, in which case it shall be dated as of such date; provided, however, that if at the time of issuance of any Bond the interest thereon is in default, such Bond shall be dated the date to which interest has been paid in full and if no interest has been paid with respect to such Bond, such Bond shall be dated the initial delivery date of the Bonds. Each Bond shall bear interest, from its date until paid, at the rate set forth in Section 3.4 hereof, such interest to be payable as provided in Section 3.4 hereof, until the Bonds are no longer Outstanding.
9. SECTION Authentication and Delivery of Bonds. The Bonds after execution by the Issuer shall be delivered to the Trustee for delivery to the Paying Agent for authentication. No Bonds shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Resolution unless and until such Bond has been duly authenticated by an authorized officer or agent of the Paying Agent by execution of the certificate of authentication appearing on such Bond. The certificate of authentication shall be deemed to have been duly executed by the Paying Agent if manually signed by an authorized officer or agent of the Paying Agent. It shall not be required that the same officer or agent sign the certificate of authentication on all of the Bonds.

Upon receipt of the following instruments by the Trustee, the Trustee shall direct the Paying Agent to authenticate or cause the authentication of the Bonds by executing or causing the execution of the certificate of authentication appearing on each Bond:

- a. a certified copy of this Resolution and the Original Resolution and any supplemental resolution;
- b. an opinion or opinions of Bond Counsel substantially to the effect that the Bonds constitute legal, valid and binding obligations of the Issuer, that the Bonds are not required to be registered under the Securities Act of 1933 and that the Resolution and the Original Resolution are not required to be qualified under the Trust Resolution Act of 1939, as amended and that this Resolution and the Original Resolution have been duly adopted;
- c. an order from the Issuer, to the Trustee directing and authorizing the Trustee (a) to authenticate the

Bonds; (b) to deliver the Bonds to the initial purchaser or purchasers thereof upon receipt of the purchase price therefor; and (c) to deposit the proceeds from the sale of the Bonds in the amounts set forth in such order for the purposes provided in Article IV of the Original Resolution; and

- d. an original of the Bond Facility, together with an opinion of counsel to each Bond Facility Issuer addressed to the Issuer and the Trustee to the effect that the Bond Facility is a legal, valid and binding obligation of the Bond Facility Issuer, enforceable against it in accordance with its terms subject only to standard exceptions approved prior to delivery of the Bonds.

10. SECTION Interest Modes, Interest Rates and Payment.  
Determination of Interest Rate. Each Bond, including Bank Bonds, shall be in an Interest Mode and, except for Bank Bonds, shall bear interest at a corresponding Bond Rate and Bank Bonds shall bear interest at the Bank Rate; provided, however, that in no event shall any Bond Rate exceed the Maximum Bond Rate. In the event that the Bond Rate for any time would otherwise exceed the Maximum Bond Rate, such Bond shall bear interest at such Maximum Bond Rate. All Bonds shall at any time be in one Interest Mode permitted under this Resolution with Bonds in such Mode subject to Authorized Denominations. The Bonds shall bear interest from the date of original delivery at the Weekly Rate for the initial Interest Period and the Bonds shall bear interest pursuant to the applicable Interest Mode (initially the Weekly Mode) from each Interest Payment Date to the following Interest Payment Date; provided, however, that (i) the Holder of a Bond other than a Liquidity Facility Issuer shall be paid interest thereon for an Interest Period only in the amount that would have accrued thereon at the Bond Rate, and (ii) the amount, if any, accrued as interest on such Bond at the Bank Rate in excess of the amount required to be paid to a Holder described in (i) hereof shall be paid as provided in Section 3.4(4) hereof.

Payment and Calculation of Interest. Interest on the Bonds shall be paid in arrears. Interest on the Bonds shall be computed upon the basis of a 365/366-day year, for the number of days actually elapsed for Bonds subject to the Weekly Mode. Interest for the period to which such interest relates for Bonds subject to the Fixed Mode shall be computed on the basis of a 360-day year, consisting of twelve (12) thirty (30) day months. Interest on the Bank Bonds shall be computed on the basis of the actual days elapsed and a year of 365/366 days. Interest on Reimbursement Obligations shall be computed as described in the Reimbursement Agreement.

Maximum Bond Rate. The maximum rate of interest on the Bonds (other than Bank Bonds) at any time, whether before or after the maturity thereof, shall be the Maximum Bond Rate of 15% (the maximum bond interest rate of 9% in the Original Resolution being hereby amended), or such higher rate as shall be approved by the Insurer and the Issuer if (i) an Opinion of Bond Counsel shall have been delivered to the Issuer, the Trustee and the Tender Agent to the effect that any such change in the Maximum Bond Rate is authorized or permitted by this Resolution and the Act and (ii) the Liquidity Facility is modified by having its stated amount increased to give effect to

the increased Maximum Bond Rate for at least the minimum number of days required by the Rating Agency in order to maintain the then-current ratings on the Bonds.

Bank Bonds. All Bank Bonds shall bear interest at the Bank Rate which shall be payable at such times, in such amounts and in such manner as is provided in the Liquidity Facility. The maximum rate of interest permitted on Bank Bonds or under any related Reimbursement Obligation shall be the Maximum Rate or such higher rate as shall be approved by the Issuer and the Insurer if an Opinion of Bond Counsel shall have been delivered to the Issuer, the Trustee and the Tender Agent to the effect that any such change in the Maximum Rate is authorized or permitted by this Resolution and the Act.

Issuer Derivative Payments. The fixed interest rate payments of the Issuer under the Swap Agreement shall not exceed 8.5% unless there is a default under the Swap Agreement in which case the maximum rate payable thereunder shall not exceed the Maximum Rate. The final fixed interest rate payments shall be set forth in a supplemental resolution.

11. SECTION Determination of Interest Rate on the Bonds During the Two Interest Modes.

Weekly Mode. The Weekly Rate for the Bonds in a Weekly Mode shall be determined by the Remarketing Agent at or before 5:00 P.M., New York City time, on the Business Day preceding the Rate Adjustment Date of each week in which such Bonds are to bear interest at the Weekly Rate. Such interest rate shall be that interest rate which, in the sole and exclusive judgment of the Remarketing Agent, would equal (but not exceed) the interest rate necessary to enable the Remarketing Agent to sell such Bonds (exclusive of accrued interest, if any) on the relevant Rate Adjustment Date and for such Rate Period at a price equal to 100% of the principal amount thereof. The interest rate so determined shall be effective on the next succeeding Thursday and shall continue in effect through the next succeeding Wednesday, provided that if any Bonds subject to a Weekly Mode shall be converted to another Interest Mode prior to such Wednesday, such Weekly Mode for such Bond shall continue in effect only until the day preceding the applicable Mode Adjustment Date. The initial Weekly Rate for the Bonds shall be determined by the Remarketing Agent no later than the day before the original delivery of the Bonds.

Fixed Mode. The Fixed Rate of each Bond in a Fixed Mode shall be determined by the Remarketing Agent on the date selected by the Remarketing Agent occurring not earlier than fifteen (15) Business Days and not later than the last Business Day immediately preceding the Fixed Rate Conversion Date for such Bonds. Such interest rate shall be the interest rate which in the sole and exclusive judgment of the Remarketing Agent would equal (but not exceed) the interest rate necessary to enable the Remarketing Agent to sell such Bonds (exclusive of accrued interest, if any) on the Fixed Rate Conversion Date at a price equal to 100% of the principal amount thereof;

provided, however, that such interest rate shall not exceed the applicable Maximum Bond Rate.

Manner of Determining Interest Rate. In determining such interest rates described above, the Remarketing Agent shall have due regard for general financial conditions and such other conditions as, in the judgment of the Remarketing Agent, have a bearing on the interest rate on the Bonds, including the tender provisions applicable to the Bonds during the forthcoming Rate Period.

Invalidity of Rate. If, for any reason, the Remarketing Agent fails to determine the interest rate in accordance with this Resolution, or the interest rate for any Bonds during any Rate Period cannot be established as provided in the preceding paragraphs, or is held invalid or unenforceable by a court of law, the interest rate for such Bonds for such Rate Period shall be equal to 115% of the Interest Index. If for any reason the interest rate for any Bonds during any Rate Period cannot be established as provided in the preceding sentence, or such method is held invalid or unenforceable by a court of law, the interest rate on such Bonds for such Rate Period shall equal the Interest Index. The foregoing provisions shall not apply to any Bonds bearing interest at the Bank Rate so long as such Bonds continue to bear interest at the Bank Rate. In no event shall the rate on the Bonds exceed the Maximum Bond Rate or, in the case of Bank Bonds, the Maximum Rate.

Notices. On each date on which the Remarketing Agent determines the interest rate on any Bond, the Remarketing Agent shall give the Tender Agent, the Trustee, each Bond Facility Issuer and the Issuer notice by telephone, facsimile transmission, electronic mail or Internet transmission, promptly confirmed in writing if other than by facsimile transmission, of the interest rate determined by the Remarketing Agent on such date. Anyone entitled to receive telephonic notice under this paragraph may waive or modify its right to such notice.

Binding Effect. Each determination of the interest rate for the Bonds, as provided herein, shall be conclusive and binding upon the Holders of Bonds, the Issuer, the Remarketing Agent, the Tender Agent, each Bond Facility Issuer and the Trustee. Upon telephonic request to the Remarketing Agent from the Issuer, the Trustee, each Bond Facility Issuer or any Holder of any Bond, the Remarketing Agent shall inform such person of the interest rate or rates then in effect on the Bonds. Failure of the Remarketing Agent to give any of the notices described in this Section 3.5 hereof, or any defect therein, shall not affect the interest rate to be borne by any of the Bonds nor the applicable Interest Mode nor in any way change the rights of the Holders of the Bonds to tender their Bonds for purchase in accordance with this Resolution.

Conversion to New Mode. (i) Subject to the requirements for Unremarketed Bonds pursuant to Section 3.12 hereof, in order to designate a new Interest Mode for any Bonds of any Authorized Denomination, the Issuer shall, at least two (2) days prior to the date the Trustee is required to mail to Holders of Bonds a Mandatory Tender Notice relating to such mode adjustment (or such lesser period of time as the Trustee may reasonably require), provide written notice substantially in the form of Annex B hereto (a "Mode Adjustment Notice") to the Trustee, the Remarketing Agent, the Tender Agent and each Bond Facility Issuer stating:

(a) the Interest Mode to which the Bonds to be converted to a new Interest Mode are then subject,

(b) the date of the Mode Adjustment Date, which date shall be at least fifteen (15) days after the date on which the Mode Adjustment Notice is received by the Trustee, and

(c) the type of Interest Mode that will be effective for such Bonds on such Mode Adjustment Date.

(d) If the Issuer desires to effect a Fixed Rate Conversion, the Mode Adjustment Notice shall state the Bond Facility.

(e) The prior written consent of the Insurer (which shall not be unreasonably withheld) shall be required for all conversions pursuant to this Section 3.6(1).

Notwithstanding the foregoing, the interest rate on the Bonds shall automatically convert to the Fixed Mode on the Swap Agreement Termination Date (without the consent of the Insurer) and notice of such conversion shall be given on the date the mandatory notice of tender is given to the Holders of the Bonds in accordance with Section 3.7(6) and no separate Mode Adjustment Notice shall be given to the Holders.

Failed Conversion. Other than in connection with a conversion to Fixed Mode on the Swap Agreement Termination Date, in the event that (i) the requirements of this Section 3.6 have not been met on a scheduled Mode Adjustment Date in respect of the Bonds, or (ii) on the Business Day preceding a scheduled Mode Adjustment Date in respect of the Bonds, the Remarketing Agent notifies the Trustee and the Issuer that the Bonds cannot be remarketed (except in connection with Swap Agreement Termination Date), or (iii) on or prior to the Business Day preceding a scheduled Mode Adjustment Date, the Issuer notifies the Remarketing Agent and the Trustee that it does not want the Bonds proposed to be adjusted to the Fixed Mode on such Mode Adjustment Date

to be adjusted to the Fixed Mode, then the Interest Mode shall continue to be the Weekly Mode; provided that if at any time Bonds will remain in the Weekly Mode, the Trustee must have received evidence that the existing Liquidity Facility or a Substitute Liquidity Facility will continue to cover or cover the Bonds during the period they will bear interest in such Weekly Mode. If on a Mode Adjustment Date on which the Interest Mode for the Bonds is being adjusted to a Fixed Mode such Bonds are not remarketed, such Unremarketed Bonds shall remain in the Weekly Mode provided that the Trustee has received evidence that the existing Liquidity Facility or a Substitute Liquidity Facility will continue to cover or cover such Bonds during the period they will bear interest in Weekly Mode; otherwise such Bonds will be automatically converted to the Fixed Mode. The Trustee shall give prompt notice to the Notice Parties of any event described in this paragraph and of the succeeding Interest Modes and of any change in CUSIP numbers. In no event shall the failure of Bonds to be converted in accordance with the Mode Adjustment Notice for any reason be deemed to be a default under this Resolution or the Original Resolution.

Substitution of Serial Bonds for Term Bonds upon Fixed Rate Conversion. In connection with any Fixed Rate Conversion of the Bonds, the Issuer may specify that all such Bonds constituting term Bonds shall no longer mature on the date or dates specified but that such Bonds shall mature as serial Bonds in such years, but in no event later than the original maturity date or dates so specified, and in such amounts as are specified by the Issuer in a written notice to the Trustee and the Paying Agent; provided, however, that no such specification shall be effective unless the Issuer shall have received and delivered to the Trustee an Opinion of Bond Counsel that such specification will comply in all respects with the provisions of the Act, the Original Resolution and this Resolution, including, without limitation, provisions relating to required amortization of Bonds and a certified copy of a resolution adopted by the Issuer authorizing such change; and provided further that in the event that any such specification becomes effective, the aggregate amount of Sinking Fund Installments for Bonds due in any year, other than the year of final maturity originally specified for such term Bonds, shall be reduced by the principal amount of Bonds so specified by the Issuer as maturing in the same year.

13. SECTION Tender, Presentation and Purchase Provisions of the Bonds.

Mandatory Tender for Purchase of Bonds on the Substitution Date, the Special Mandatory Purchase Date, Scheduled Tender Date, Mode Adjustment Date or Swap Agreement Termination Date. The Bonds, other than the Bonds in a Fixed Mode, Bank Bonds and Bonds held by or for the benefit of the Issuer (if any), shall be subject to mandatory tender and purchase on the Substitution Date, the Special Mandatory Purchase Date, the Scheduled Tender Date, the Mode Adjustment Date and the Swap Agreement Termination Date.

Purchase of Bonds in Weekly Mode. Bonds, other than Bank Bonds and Bonds held by or for the benefit of the Issuer, if any, in the Weekly Mode are subject to



purchase on any Business Day on the demand of the Holder thereof, upon irrevocable Tender Notice delivered to the Tender Agent and the Remarketing Agent at their respective Principal Offices not less than seven (7) calendar days prior to such Business Day. The Tender Agent shall also, as soon as practicable, notify the Trustee and the Liquidity Facility Issuer of the principal amount of Bonds being tendered. Such Tender Notice, once transmitted as described herein to the Tender Agent and the Remarketing Agent, shall be irrevocable with respect to the tender for which such Tender Notice was delivered and such tender shall occur on the Business Day specified in such Tender Notice.

Manner and Timing of Payment for Tendered Bonds. Each Holder of any Bonds which are to be tendered pursuant to this Section 3.7 shall be entitled to receive the proceeds of such tender by delivering such Bonds (with an appropriate transfer of registration form executed in blank) to the principal corporate trust office of the Tender Agent; provided that in order to receive payment by 4:30 p.m., New York City time, on the Purchase Date, such delivery must be made at any time at or prior to 10:00 A.M., New York City time, on the Purchase Date with respect to such Bonds. Holders of Bonds that are delivered to such principal corporate trust office of the Tender Agent after the time stated above shall not be entitled to receive payment from the Tender Agent of the Purchase Price until the later of the next Business Day following (i) the Purchase Date or (ii) the date of delivery of such Bond. The Purchase Price of any such tendered Bonds shall be paid in immediately available funds. The Purchase Price of such tendered Bonds (or portions thereof in Authorized Denominations) shall be payable on the Purchase Date applicable thereto by the Tender Agent, as provided in Section 3.10 hereof, but only from amounts received therefor from the Remarketing Agent or the Liquidity Facility Issuer in immediately available funds by wire transfer to any Holder of at least one million dollars (\$1,000,000) aggregate principal amount of Bonds upon written notice from such Holder containing the wire transfer address (which shall be within the continental United States) to which such Holder wishes to have such wire directed, if such written notice is received with the applicable Tender Notice when such Tender Notice is delivered to the Tender Agent. On any date when Unremarketed Bonds are released to the Tender Agent pursuant to Section 3.12 hereof, the Purchase Price of such Bonds released to the Tender Agent shall be paid by wire transfer, in immediately available funds, to the Liquidity Facility Issuer at the wire transfer address specified in the Liquidity Facility.

No Right of Purchase for Bank Bonds, Bonds Subject to Fixed Mode or Bonds Held by or for the Benefit of the Insurer or the Issuer. Any provision of this Resolution to the contrary notwithstanding, there is no right of purchase on demand of a Holder or, obligation to purchase Bonds subject to mandatory tender pursuant to this Section 3.7, with respect to (i) Bonds in a Fixed Mode, (ii) Bonds which are Bank Bonds or (iii) Bonds held by or for the benefit of the Insurer or the Issuer.

Agreement to Tender Bonds. Each Holder of Bonds, by its acceptance of the Bonds, agrees to tender its Bonds to the Tender Agent for purchase, on the dates on which such Bonds are subject under this Section to mandatory tender pursuant to a Tender Notice.

Notice of Mandatory Tender for Purchase. Subject to the provisions of Section 3.17 hereof, which shall apply in the event of a Special Mandatory Purchase Date, notice of any mandatory tender of Bonds in substantially the form of Annex C hereto (a "Mandatory Tender Notice") identifying the Bonds to be purchased pursuant to this Section 3.7 shall be provided by the Trustee or caused to be provided by the Trustee by mailing a copy of the notice of mandatory tender by first-class mail at least fifteen (15) days prior to the Purchase Date to any Holder of Bonds subject to such purchase at the address shown on the registration books. Such notice of mandatory tender shall identify such Bonds to be tendered, the reason for the mandatory tender for purchase, and specify the Purchase Date, the Purchase Price, the place and manner of payment, and that no further interest will accrue from and after the Purchase Date to such Holder.

In the event a mandatory tender of Bonds shall occur at or prior to the same date on which a purchase is scheduled to occur, the terms and conditions of the applicable mandatory tender shall control.

The Trustee shall give a copy of any notice of mandatory tender given by it to the Issuer, the Tender Agent, the Remarketing Agent and each Bond Facility Issuer.

Any notice mailed as provided in this Section shall be conclusively presumed to have been duly given, whether or not the Holder of a Bond receives the notice, and the failure of such Holder to receive any such notice shall not affect the validity of the action described in such notice.

Tender of Portion of Bonds Held. In the event a Holder of a Bond files with the Tender Agent and the Remarketing Agent a Tender Notice with respect to a portion of such Bond, such Holder shall be required to deliver such Bond to the Tender Agent along with the Tender Notice. The Tender Agent shall pay the Purchase Price for such portion as provided in this Resolution and the Trustee shall issue in the name of such Holder a new Bond in the amount not so purchased, which Bond the Tender Agent shall forward to such Holder.

Tender Agent to Hold Bonds Until Payment Therefor. The Tender Agent shall hold all Bonds (or portions thereof in Authorized Denominations) delivered to it for purchase pursuant to this Section 3.7 for the benefit of the respective Holders thereof until moneys representing the Purchase Price or redemption price of such Bonds (or

portions thereof in Authorized Denominations), as the case may be, shall have been delivered to or for the account of or to the order of the Holders thereof.

14. SECTION Undelivered Bonds.

15. Deemed Tendered. In the event that any Bonds with respect to which a Tender Notice has been sent to the Tender Agent and the Remarketing Agent or which are subject to mandatory tender for purchase pursuant to Section 3.7 hereof are not delivered to the Tender Agent at the time, in the manner and at the place required by Section 3.7(3) hereof, the Undelivered Bonds will be deemed to have been tendered and purchased by the Tender Agent, and interest accruing on such Bonds on and after the applicable Purchase Date shall no longer be payable to the prior registered Holders thereof. Such prior Holders shall have recourse solely to the funds held by the Tender Agent or the Trustee for the purchase of the Undelivered Bonds, and the Trustee shall not recognize any further transfer of such Undelivered Bonds by such prior Holders. The Trustee or Tender Agent, as the case may be, shall register the transfer of such Bonds to the purchaser thereof (or to the Bond Facility Issuer in the case of Unremarketed Bonds) and shall issue a new Bond or Bonds and deliver the same pursuant to Section 3.11 hereof, notwithstanding such non-delivery.

Payment. The Tender Agent shall on and after each date upon which Bonds are deemed tendered, deposit with the Trustee upon receipt all funds then held in the Remarketing Proceeds Fund or the Purchase Account in the Liquidity Facility Drawings Fund and any other amounts held by the Tender Agent by virtue of the fact that Bonds deemed tendered on such date were not presented for purchase to the Tender Agent in accordance with the provisions of this Resolution. The Trustee shall set aside such amount on its books and hold the same in trust for the payment to the Holders of such Bonds of the Purchase Price thereof as required by the provisions of paragraph (3) of Section 3.7 hereof. The Trustee shall pay such Purchase Price from such amount by check or draft of the Trustee made payable to the party entitled to such payment. Any such moneys so held in trust by the Trustee shall be held uninvested. Subject to laws relating to abandoned property in the State, any such moneys which remain unclaimed for six years after the date such moneys were so deposited with the Trustee shall at the written request of the Issuer be paid by the Trustee to the Issuer as its absolute property and free from trust, and the Trustee shall thereupon be released and discharged with respect thereto and the Holders of such Bonds shall look only to the Issuer for the payment of the Purchase Price of such Bonds; provided, however, that before being required to make any such payment to the Issuer the Trustee may, at the expense of the Issuer, cause to be published at least twice, at an interval of not less than 7 days between publications, in an Authorized Newspaper, a notice that said moneys remain unclaimed and that, after a date named in said notice, which date shall be not less than 30 days after the date of the first publication of such notice, the balance of such moneys then unclaimed will be returned to the Issuer.

16. SECTION Remarketing of Tendered Bonds.

Best Efforts to Remarket. The Remarketing Agent shall, subject to Section 3.17 hereof, offer for sale for the account of the Holder and use its best efforts to sell an aggregate principal amount of Bonds equal to the amount of Bonds with respect to

which a Tender Notice has been received or which are required to be tendered for purchase pursuant to Section 3.7 hereof at a price equal to the Purchase Price thereof, on the Purchase Date of such Bonds or as soon thereafter as possible, without selling any such Bonds at a discount or a premium; except that Bonds tendered on a Scheduled Tender Date shall be remarketed only in the Fixed Mode, unless the Liquidity Facility has been extended or renewed or a Substitute Liquidity Facility is in effect, and no Bonds shall be remarketed to the Issuer and Bonds tendered on a Swap Agreement Termination Date shall be remarketed only in the Fixed Mode.

Payment and Delivery Upon Remarketing. If the Remarketing Agent is able to sell all or any portion of such Bonds at such price, the Remarketing Agent shall deliver or cause to be delivered the Bonds so resold in accordance with clause (i) of Section 3.11 hereof and shall cause the deposit of the proceeds of the sale of such Bonds in immediately available funds in the Remarketing Proceeds Fund by 10:15 A.M., New York City time (or such later time as the Trustee and the Tender Agent shall permit, but in no event later than such time as shall be necessary to enable the Trustee to comply with the provisions of Section 3.10(2) hereof), on such Purchase Date.

Remarketing in a Weekly Mode. In the case of Bonds remarketed on a Purchase Date occurring during a Weekly Mode for such Bonds, the Remarketing Agent shall notify the Tender Agent by 1:00 P.M., New York City time, on the Business Day preceding the Purchase Date, to the extent such information is then available, of the principal amount of Bonds sold pursuant to this paragraph, the denominations thereof, and the names, addresses and taxpayer identification numbers of the purchasers of such Bonds.

17. SECTION Procedure for Purchase of Bonds.
18. Purchase. On the date any Bonds are to be purchased pursuant to Section 3.7 hereof, the Tender Agent shall purchase, but only from the funds and in the order of priority listed below, such Bonds at the Purchase Price:
- (i) moneys on deposit in the Remarketing Bond Proceeds Fund derived from the remarketing of Bonds; and
  - (ii) amounts on deposit in the Purchase Account in the Liquidity Facility Drawings Fund derived from a draw on the Liquidity Facility.

Drawing. The Tender Agent shall promptly take all action in accordance with the Liquidity Facility and this Resolution necessary to draw under the Liquidity Facility in accordance with Article IV hereof and in accordance with the Liquidity Facility an amount sufficient to pay the Purchase Price of the Bonds pursuant to clause (1)(ii) of this Section on the Purchase Date. The Tender Agent shall draw upon the Liquidity Facility by 11:30 A.M., New York City time, on each Purchase Date in an amount equal to the Purchase Price of all Bonds to be purchased on such Purchase Date less amounts described in paragraph (1)(i) of this Section.

19. SECTION Disposition of Purchased Bonds. Bonds tendered to the Trustee or the Tender Agent, as the case may be, for purchase pursuant to Section 3.7 hereof or deemed tendered for purchase pursuant to Section 3.8 hereof, shall be made available by the Trustee or the Tender Agent, as the case may be, for pick-up, as follows:

(i) Bonds remarketed by the Remarketing Agent shall be made available for pick-up by the purchasers thereof; and

(ii) Bonds purchased by the Tender Agent with moneys described in clause (ii) of paragraph (1) of Section 3.10 hereof shall be disposed of pursuant to Section 3.12 hereof.

20. SECTION Unremarketed Bonds.

21. Purchase, Registration and Remarketing. Any Unremarketed Bonds purchased by the Tender Agent from funds advanced from the Liquidity Facility and deposited in the Purchase Account in the Liquidity Facility Drawings Fund shall be registered in the name of the Liquidity Facility Issuer and held by the Tender Agent as custodian for the Liquidity Facility Issuer, for the account of the Liquidity Facility Issuer. The Issuer hereby authorizes the Tender Agent to agree to hold such Unremarketed Bonds as custodian for the account of the Liquidity Facility Issuer, and to deliver such Unremarketed Bonds to or at the direction of the Liquidity Facility Issuer. With respect to such Unremarketed Bonds, the Remarketing Agent shall be required, subject to the provisions of the Remarketing Agreement, to offer for sale, and use its best efforts to sell, such Unremarketed Bonds, at the Purchase Price thereof, without selling any such Unremarketed Bonds at a discount or a premium. When remarketing Unremarketed Bonds pursuant to this Section 3.12, the Remarketing Agent shall remarket such Unremarketed Bonds as if such Unremarketed Bonds were, unless another Interest Mode is designated by the Issuer pursuant to Section 3.6 hereof, which designation shall be effective immediately upon the giving of notice thereof by the Issuer to the Trustee, in the Interest Mode borne by such Bonds on the date they became Unremarketed Bonds or the Interest Mode determined as provided in paragraph 2 of Section 3.6 hereof, if applicable, and bearing interest at the rate for such Interest Mode determined as provided in Section 3.5 hereof. Unless such Unremarketed Bonds have been delivered to the Liquidity Facility Issuer, the Tender Agent on any Business Day shall make available such Unremarketed Bonds to the Remarketing Agent for delivery to the purchaser thereof on notice received on or prior to 11:15 A.M., New York City time, on such Business Day. Upon receipt of notice from the Remarketing Agent that it has resold all or any portion of the Unremarketed Bonds, the Tender Agent shall make available for delivery such Unremarketed Bonds as provided in clause (1)(i) of Section 3.11 hereof, or, if held by or on behalf of the Liquidity Facility Issuer, the Liquidity Facility Issuer shall return, or cause to be returned, such Unremarketed Bonds to the Tender Agent for redelivery to the purchasers thereof in accordance with clause (1) (i) of Section 3.11 hereof, in either case only upon receipt of the payments required by paragraph (3) of this Section; provided, however, that, subject to the Liquidity Facility Issuer's rights to sell Bank Bonds pursuant to Sections 2.5 and 2.6 of the Bank One Standby Bond Purchase Agreement, no Unremarketed Bond purchased with a draw on the Liquidity Facility shall be sold by the Liquidity Facility Issuer unless the Liquidity

Facility is immediately reinstated upon such sale to an amount equal to the stated amount of the Liquidity Facility without reduction for the draw thereunder made to purchase such Unremarketed Bonds. The proceeds received from the purchaser of any Unremarketed Bonds so remarketed and resold pursuant to the foregoing sentence shall be paid promptly to the Liquidity Facility Issuer.

Redemption. In the event of a redemption of any Unremarketed Bonds, the Trustee shall remit to the Liquidity Facility Issuer the redemption price of such Unremarketed Bonds.

Release. The Liquidity Facility Issuer agrees to release, or approve the release of, if held by the Tender Agent, any Unremarketed Bond held by it or for its account for delivery by the Tender Agent to the purchasers thereof upon notice from the Tender Agent that such Bond has been remarketed but only, however, against receipt by the Liquidity Facility Issuer or the Tender Agent for the account of the Liquidity Facility Issuer or the Remarketing Agent pursuant to clause (i) of paragraph (1) of Section 3.10 hereof of the Purchase Price therefor in immediately available funds. The Issuer shall pay, or cause the Trustee to pay, first (i) the difference between the amount of accrued interest to the date of such remarketing computed at the Bond Rate and the amount of interest accrued at the Bank Rate for such period and then (ii) any accrued and unpaid interest on Reimbursement Obligations representing interest on amounts paid as accrued interest as part of the Purchase Price of such Unremarketed Bonds on the date of such release of Bank Bonds by the Liquidity Facility Issuer, all in accordance with the Liquidity Facility.

22. SECTION Authorized Denominations. Notwithstanding anything in this Resolution or the Original Resolution to the contrary, a Bond may be tendered in whole or in part provided that (i) any such tendered Bond or portion thereof must be in an Authorized Denomination or, if the Purchase Date relating to such tender is a Mode Adjustment Date, will be in an Authorized Denomination for the Interest Mode commencing on such Mode Adjustment Date, and (ii) no portion of any Bond may be tendered if the principal amount of the Bond to be retained by the Holder of the Bond thereafter is not an Authorized Denomination.

23. SECTION Substitute Liquidity Facility.  
If, at any time before forty-five (45) days prior to the Liquidity Facility Expiration Date, the Issuer obtains a renewal or extension of the Liquidity Facility (or a written commitment which evidences such renewal or extension) on substantially the same terms, the Issuer shall promptly give notice to the other Notice Parties of such renewal or extension. Any such renewal or extension shall not require notice to the Holders of Bonds and shall not constitute substitution of a Liquidity Facility.

If, at any time, the Issuer provides for a Substitute Liquidity Facility by (i) delivering to the Trustee a Substitute Liquidity Facility, and (ii) complying with the requirements set forth in the next succeeding paragraph, then the Trustee shall give prompt notice to the Tender Agent, the Remarketing Agent, each Rating Agency, the

Issuer, the existing Liquidity Facility Issuer and, substantially in the form of Annex D hereto, the Holders of Bonds, the Purchase Price of which is then payable from the Liquidity Facility, that the Issuer has obtained a Substitute Liquidity Facility and that the then-current Liquidity Facility for which a substitute has been obtained will be canceled on the earliest to occur of (a) the Liquidity Facility Expiration Date or (b) the date the Trustee has delivered a certificate to the Liquidity Facility Issuer specifying that the Liquidity Facility shall terminate pursuant to the terms of the Liquidity Facility. The notice shall state: (x) the principal terms of the Substitute Liquidity Facility; (y) that the Bonds shall be subject to mandatory tender on the Substitution Date pursuant to Section 3.7(1) hereof, and explaining the terms of such mandatory tender; and (z) the effect, if any, such replacement and cancellation will have on the ratings assigned to the Bonds by each Rating Agency. The Issuer shall forward to the Trustee upon receipt any rating letters from any Rating Agency with respect to the Bonds and the Substitute Liquidity Facility.

Any Substitute Liquidity Facility shall be approved in writing by the Insurer and shall meet the following criteria:

(i) Any Substitute Liquidity Facility shall provide that funds may be advanced for the purposes, in the amounts and at the times provided in Articles III and IV hereof and shall contain administrative provisions satisfactory to the Trustee and the Tender Agent.

(ii) Any Substitute Liquidity Facility shall have a term of not less than the lesser of 364 days or the remaining term of the Liquidity Facility which such Substitute Liquidity Facility is replacing and expire not less than five (5) days after the next succeeding Interest Payment Date after the Substitution Date for each Bond to be entitled to the benefit of such Substitute Liquidity Facility.

(iii) At least five (5) Business Days prior to the delivery to the Trustee of the Substitute Liquidity Facility as provided in the preceding paragraph, the Trustee shall have received an irrevocable commitment to issue or enter into such replacement and on the Substitution Date the Trustee shall have received an opinion of counsel for the issuer or issuers of the Substitute Liquidity Facility that the Substitute Liquidity Facility and any documents related to it constitute a legal, valid and binding obligation of the issuer of the Substitute Liquidity Facility enforceable in accordance with its terms, except as such enforceability may be limited by bankruptcy, moratorium or insolvency or by equitable principles.

(iv) No Substitute Liquidity Facility shall be effective unless the issuer of a Substitute Liquidity Facility shall purchase or the Issuer shall cause the payment or purchase of all Bank Bonds held by or for the account of the prior Liquidity Facility Issuer on the Substitution Date, and all Reimbursement

Obligations then due to such prior Liquidity Facility Issuer shall be paid in full on or prior to the Substitution Date.

If, on the date forty-five (45) days prior to the Liquidity Facility Expiration Date, the Liquidity Facility has not been renewed, extended or replaced nor has the Issuer obtained a written commitment for such renewal, extension or replacement, the Trustee shall promptly give notice to the Holders of the Bonds the Purchase Price of which is then payable from the Liquidity Facility and the Tender Agent that (i) the Liquidity Facility is scheduled to expire and stating the date of such expiration; (ii) the Issuer has not obtained a renewal, extension or substitution of said Liquidity Facility; and (iii) the Bonds shall be subject to mandatory tender pursuant to Section 3.7(1) hereof and explaining the terms of such mandatory tender.

Other than in connection with a Substitute Liquidity Facility, neither the Trustee nor the Issuer shall terminate or surrender the Liquidity Facility prior to the discharge of this Resolution in accordance with Article X hereof or the Original Resolution with respect to all Bonds not in a Fixed Mode on the Scheduled Tender Date or prior to the conversion of all Bonds to a Fixed Mode. In the event that Bonds have been retired in part or have been converted to a Fixed Mode and the stated amount of the Liquidity Facility is to be reduced accordingly, the Trustee shall take such action as is necessary under the Liquidity Facility to reduce the amount available to be drawn thereunder and, if permitted by the terms of the Liquidity Facility, may exchange the Liquidity Facility for a revised form of Liquidity Facility.

24. SECTION Place and Medium of Payment. Principal and redemption price of the Bonds shall be payable at the principal corporate trust office of the Paying Agent. Interest on the Bonds shall be paid by check or draft of the Paying Agent mailed on each Interest Payment Date to the Holder thereof as of the Record Date at the address of such Holder as it appears on the registration books of the Issuer or, at the option of any Holder of at least one million dollars (\$1,000,000) in principal amount of such Bonds by wire transfer on each Interest Payment Date to such Holder thereof upon written notice from such Holder containing the wire transfer address (which shall be in the continental United States) to which such Holder wishes to have such wire directed and any other necessary instructions, if such written notice is received not less than five days prior to the related Record Date, it being understood that such notice may refer to multiple interest payments. The principal of and interest on any Bank Bonds shall be paid by wire transfer in immediately available funds to the Liquidity Facility Issuer at the wire transfer address specified in the Reimbursement Agreement or such other instructions as may be provided in writing by the Liquidity Facility Issuer from time to time.

25. SECTION Redemption Prices and Terms. The Bonds are subject to redemption prior to maturity as described in this Section 3.16. The Issuer shall furnish to each Rating Agency the notice provided in Section 13.2 hereof, but the failure to provide such notice shall not affect the validity of any such redemption.



Mandatory Sinking Fund Redemptions. The Bonds maturing September 1, 2030 are subject to mandatory sinking fund redemption prior to maturity, in part, by lot in such manner as may be designated by the Trustee at the principal amount of such Bonds to be redeemed, plus accrued interest thereon to the date of redemption, on September 1 of the years and in the amounts set forth in a supplemental resolution to be adopted by the Issuer.

The required mandatory sinking fund redemption may be satisfied by purchases of the Bonds maturing on September 1, 2030 by the City in the open market, which purchases will be credited against the required redemptions at 100% of the principal amount of the Bonds so purchased.

General Optional Redemption of Bonds During Any Interest Mode Other Than the Fixed Mode. At the option of the Issuer, any Bonds are subject to redemption prior to maturity (and, once called for redemption, such Bonds may be purchased by the Issuer in lieu of such redemption), during any Interest Mode other than the Fixed Mode, in whole or in part (but if in part in the Authorized Denomination applicable to such Interest Mode) on any Interest Payment Date, in the case of redemption, at a redemption price equal to one hundred percent (100%) of the principal amount of the Bonds to be redeemed plus accrued and unpaid interest not otherwise payable on such date and, in the case of purchase, at a purchase price not in excess of one hundred percent (100%) of the principal amount of the Bonds to be purchased plus accrued and unpaid interest not otherwise payable on the date of purchase. No redemption of the Bonds shall occur without the consent of the Insurer and evidence of the swap termination of a Swap Agreement as to a corresponding principal amount of Bonds.

General Optional Redemption of Bonds in the Fixed Mode. Any Bonds in a Fixed Mode are subject to redemption, at the option of the Issuer, at the redemption prices as shall be determined by the Issuer on or prior to the Fixed Rate Conversion Date for such Bonds and accompanied by an Opinion of Bond Counsel to the effect that such other redemption prices are authorized or permitted by this Resolution and the Act.

Redemption of Bank Bonds. In the event the Issuer elects to redeem less than all of the Outstanding Bonds pursuant to paragraph (2) of this Section 3.16, the Trustee shall select Bank Bonds for such redemption prior to selecting any other Bonds for redemption pursuant to paragraph (3) of this Section 3.16. Bank Bonds shall be mandatorily redeemed on the dates and in the amounts required pursuant to Section 4.6 hereof, in addition to any other amounts due and payable in connection with said Bank Bonds, pursuant to the Liquidity Facility.

Redemption of Less Than All Bonds. In the event of redemption of less than all of the Outstanding Bonds (other than pursuant to paragraph (4) of this Section 3.16), the Trustee shall assign to each such Outstanding Bond to be redeemed a distinctive number for each unit of the principal amount of such Bond equal to the minimum

Authorized Denomination and shall select by lot, using such method of selection as it shall deem proper in its discretion, provided that Bank Bonds shall be selected for redemption prior to any other Bonds.

Notice to Trustee of General Optional Redemption. In the case of any redemption of Bonds pursuant to subsection (2) or subsection (3) of this Section 3.16, the Issuer shall give written notice to the Trustee and each Bond Facility Issuer of its election or direction so to redeem, of the redemption date and of the principal amounts of the Bonds to be redeemed. Such notice shall be given to the Trustee (i) in the case of any redemption of Bonds pursuant to subsection (3) of this Section 3.16, at least forty (40) days prior to the date on which such Bonds are to be redeemed, (ii) in the case of any redemption of Bonds pursuant to subsection (2) of this Section 3.16, at least thirty (30) days prior to the date on which such Bonds are to be redeemed, or (iii) in either case, such lesser number of days prior to such redemption date as shall be acceptable to the Trustee. In the case of any redemption of Bonds pursuant to subsection (2) of this Section 3.16, such notice shall also be given by the Issuer to the other Notice Parties.

(a) Notice by Trustee of Sinking Fund and General Optional Redemption. When the Trustee shall receive notice from the Issuer pursuant to paragraph (6) of this Section 3.16 or when Bonds are to be redeemed out of Sinking Fund Installments pursuant to paragraph (1) of this Section 3.16 and the supplemental resolution, the Trustee shall give notice, in the name of the Issuer, of the redemption of such Bonds, which notice shall specify the redemption date and the place or places where amounts due upon such redemption will be payable and, if less than all of the Bonds are to be redeemed, the letters and numbers or other distinguishing marks of such Bonds so to be redeemed, and, in the case of Bonds to be redeemed in part only, such notice shall also specify the respective portions of the principal amount thereof to be redeemed. Such notice shall further state that on such redemption date there shall become due and payable upon each Bond to be redeemed, the redemption price thereof, or the redemption price of the specified portions of the principal thereof in the case of registered Bonds to be redeemed in part only and that from and after such date interest on each Bond to be redeemed shall cease to accrue and be payable. The Trustee shall mail a copy of such notice, postage prepaid, not less than 25 days before the redemption date if such Bonds are in a Fixed Mode and not less than 15 days before the redemption date if such Bonds are in the Weekly Mode, to each Bond Facility Issuer and to the registered Holders of any Bonds or portions of Bonds which are to be redeemed, at their last addresses, if any, appearing upon the registry books of the Issuer, but receipt of such notice shall not be a condition precedent to such redemption and failure to receive any such notice shall not affect the validity of the proceedings for the redemption of Bonds.

(b) Delivery Prior to Redemption. In the event any Bond (other than a Bond then bearing interest at a Fixed Rate) previously called for redemption shall be tendered for purchase or delivered for registration of transfer or exchange thereof prior to the redemption date, notation by endorsement or otherwise shall be made upon such Bond (or any Bond authenticated in substitution therefor) of such call for redemption. Each successive Bond authenticated in substitution for a Bond which has been called for redemption shall be deemed to be the Bond called for redemption.

26. SECTION Special Mandatory Tender and Purchase of Bonds.

(a) If by 12:00 p.m., New York City time, on any Business Day the Tender Agent receives notice from the

Liquidity Facility Issuer pursuant to the Liquidity Facility directing the Tender Agent to call for the mandatory tender of all Bonds then Outstanding which are entitled to the benefit of the Liquidity Facility, as a result of an occurrence of an Event of Default under the Liquidity Facility, then the Tender Agent shall draw on the Liquidity Facility in accordance with Article IV hereof, by 4:00 p.m., New York City time, on the Business Day directed by the Liquidity Facility Issuer (which shall be a date at least two Business Days following the date of such direction and at least one Business Day prior to any termination or expiration of the Liquidity Facility) by presentation of documents described in the Liquidity Facility in order to receive by 12:00 noon, New York City time, on the Business Day following presentation of such documents, an amount in immediately available funds, sufficient to pay the Purchase Price of all of the Bonds to be deemed tendered on such Business Day in accordance with this paragraph. Upon deposit of such amounts with the Tender Agent, all Bonds then entitled to the benefit of the Liquidity Facility shall be deemed tendered and the Tender Agent shall immediately give notice to the Remarketing Agent and the Holders of such Bonds of such fact. Such notice shall also state that the date of such notice shall be the Special Mandatory Purchase Date and that all Bonds entitled to the benefit of the Liquidity Facility, other than Bank Bonds, and Bonds held by or for the benefit of the Issuer, if any, are deemed tendered on the Special Mandatory Purchase Date. The Remarketing Agent may not remarket any Bond deemed tendered pursuant to this Section until the Remarketing Agent receives written notice from the Liquidity Facility Issuer stating that the Liquidity Facility has been reinstated to an amount equal to the Liquidity Facility Requirement for all Bonds then Outstanding which are entitled to the benefit of the Liquidity Facility. Once the Remarketing Agent receives such written notice from the Liquidity Facility Issuer, the Remarketing Agent shall remarket, subject to the provisions of the Remarketing Agreement, all Outstanding Bonds then entitled to the benefit of the Liquidity Facility in accordance with paragraph (1) of Section 3.12 hereof. The notice the Tender Agent is required to give to the Holders of the Bonds pursuant to this paragraph (1) shall be in substantially the form attached to this Resolution as Annex E.

(c) All Bonds deemed tendered on the Special Mandatory Purchase Date pursuant to paragraph (1) of this Section 3.17 will be purchased by the Tender Agent on the Special Mandatory Purchase Date only from funds provided to the Tender Agent by or on behalf of Liquidity Facility Issuer pursuant to the Liquidity Facility, which funds shall be deposited by the Tender Agent into the Purchase Account and used to pay the Purchase Price of all Bonds deemed tendered on the Special Mandatory Purchase Date.

#### 4. ARTICLE LIQUIDITY FACILITY

27. SECTION Claims on the Liquidity Facility for Purchase of Bonds.  
(1) The Trustee, the Tender Agent and the Issuer hereby acknowledge that the Bank One Standby Bond Purchase Agreement is available for purchase of the Bonds only in a Weekly Mode.

(b) If any Bonds to which a Liquidity Facility applies are to be tendered for purchase pursuant to Section 3.7 hereof and the Remarketing Agent shall not then have provided the Tender Agent with sufficient funds to make such purchase by depositing in the Remarketing Proceeds Fund immediately available funds by no later than the time provided in the Liquidity Facility applicable to such Bonds for presentation of documents in order to receive payment in immediately available funds by 2:30 p.m., New York City time, on the date such Bonds are required to be purchased, then the Tender Agent shall draw under the applicable Liquidity Facility by no later than the time provided in the applicable Liquidity Facility for presentation of documents in order to receive payment in immediately available funds by 2:30 p.m., New York City time, on such day, an amount sufficient to pay the portion of the Purchase Price of such Bonds, other than any Bank Bonds and Bonds held by or for the benefit of the Issuer, less any amounts then available in the Remarketing Proceeds Fund for the payment of such Purchase Price on such date, to the Tender Agent. All proceeds of drawings on a Liquidity Facility shall be deposited to the Purchase Account in the Liquidity Facility Drawings Fund created by Section 5.2 hereof.

(c) If the Tender Agent shall not have received notice from the Remarketing Agent indicating the amount required to be so drawn, the Tender Agent shall draw under the Liquidity Facility by no later than the time provided in the Liquidity Facility for presentation of documents in order to receive payment in immediately available funds by 2:30 p.m., New York City time, on such day an amount sufficient to pay 100% of the Purchase Price of all Bonds Outstanding (other than Bank Bonds and Bonds held by or for the benefit of the Issuer).

28. SECTION Amendments to Liquidity Facility. Except with the consent of all the Holders of the Bonds, neither the Issuer, the Tender Agent nor the Trustee shall permit any amendment, supplement, modification or waiver to a Liquidity Facility which would result in the rating assigned to the Bonds by the Rating Agency being withdrawn or reduced below that in effect prior to such amendment, supplement, modification or waiver. Upon the amendment of a Liquidity Facility pursuant to this Section 4.2, the Issuer shall furnish to each Rating Agency the notice provided in Section 13.2 hereof, but the failure to provide such notice shall not affect the validity of any such amendment.

29. SECTION Tender Agent to Reduce and Terminate Liquidity Facility.

30. The Tender Agent shall, in accordance with the applicable provisions of the Liquidity Facility, take such action (including filing of certificates of reduction) as shall be required to reduce the amounts available thereunder in respect of Purchase Price on the Bonds to which such Liquidity Facility applies to reflect any permanent reduction, whether by conversion of Bonds to a Fixed Mode, by redemption, by defeasance or otherwise, in the amount of the Bonds Outstanding covered by the Liquidity Facility. The amount available in respect of the payment of the principal portion of Purchase Price of such Bonds shall be reduced in an amount equal to the principal amount of such Bonds so converted or so paid or deemed paid and the amount available in respect of the payment of interest on such Bonds for the interest portion of the Purchase Price of such Bonds shall be reduced by a percentage equal to the percentage by which the amount available in respect of the payment of principal is reduced as aforesaid.

(a) As soon as practicable on the first day after any such payment, conversion or defeasance, the Tender Agent shall, in accordance with the applicable provisions

of the Liquidity Facility, take such action (including filing of certificates of termination) as shall be required to terminate the Liquidity Facility as a result of the payment or defeasance of all Bonds to which such Liquidity Facility is applicable or the conversion of the interest rate on all Bonds to the Fixed Rate.

31. SECTION Liquidity Facility Requirement. Except as otherwise provided in Section 3.7(4), Bonds shall be entitled to the benefit of a Liquidity Facility or a Substitute Liquidity Facility and maintained at the Liquidity Facility Requirement as provided herein and therein, and such Liquidity Facility shall be delivered to the Tender Agent upon the issuance or remarketing of such Bonds. The Issuer hereby covenants that it will not release or terminate such Liquidity Facility without providing a Substitute Liquidity Facility unless such Bonds adjusts to a Fixed Mode.

32. SECTION No Presentation of Documents if Substitute Liquidity Facility is in Effect; Drawings by Trustee. No presentation of the documents necessary to make a drawing under a Liquidity Facility requiring drawings by its terms shall be made if a Substitute Liquidity Facility shall be effective and available to make drawings thereunder on the date of such presentation. All drawings on a Liquidity Facility shall be made by the Tender Agent irrespective of whether the Tender Agent shall have received any fee, compensation or indemnification it may be entitled to receive under this Resolution. Upon delivery of a Substitute Liquidity Facility, the Tender Agent shall promptly surrender for cancellation the predecessor Liquidity Facility to the issuer thereof.

33. SECTION Mandatory Redemption of Bank Bonds. After the expiration of the Commitment Period (the "Expiration Date"), any Bank Bonds Outstanding shall be redeemed, at a redemption price equal to 100% of the principal amount to be redeemed plus accrued interest thereon to the redemption date, on dates and in principal amounts as follows:

(a) One-tenth of the amount of such Bank Bonds Outstanding on the Expiration Date shall be redeemed on the first semi-annual anniversary of such Expiration Date and on each semi-annual anniversary thereafter; and

(b) All Bank Bonds that remain Outstanding shall be redeemed on or prior to the tenth semi-annual anniversary of such Expiration Date (herein referred to as the "Final Bank Bond Redemption Date"); provided, however, that (i) the principal amount of such Bank Bonds previously redeemed (other than Bank Bonds redeemed pursuant to this paragraph) or matured after such Expiration Date may be claimed as a credit against such annual redemption requirements in such amounts and in such years as directed by the Issuer and (ii) notwithstanding the foregoing, the Issuer shall pay, or cause to be paid, all Bank Bonds on the earliest to occur of the date all of the Bonds (a) are converted to the Fixed Rate Mode, (b) are paid in full or (c) are subject to a Substitute Liquidity Facility on a Substitution Date. The provisions of this Section 4.6 are applicable solely to the Bonds that are the subject of the Bank One Standby Bond Purchase Agreement. The Trustee shall have no responsibility to determine the amount of Bank Bonds to be redeemed or the dates on which Bank Bonds must be redeemed under this Section.

34. SECTION Covenants of Issuer. So long as the Commitment Period is in effect or any amounts are due or owing to the Liquidity Facility Issuer under the Bank One Standby Bond Purchase Agreement, the Issuer will comply with such Bank One Standby Bond Purchase Agreement.

5. ARTICLE

## ESTABLISHMENT AND MAINTENANCE OF FUNDS AND APPLICATION THEREOF; DERIVATIVE PRODUCTS

35. SECTION Amendments to Section 5.11 of Original Resolution. Section 5.1 of the Original Resolution is hereby amended in its entirety by the following provisions of this Article V. For the payment of the principal of and the interest on the Bonds, there is hereby created a special fund to be known as "Taxable Pension Revenue Bonds (Series 2000) Sinking Fund" (the ASinking Fund@), which shall constitute a Debt Service Fund as defined in Section 6-203 of the Home Rule Charter of the City, as amended, said Sinking Fund to be established and maintained with the Trustee.

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

It shall be specifically understood and agreed, and this provision shall be a part of this contract, that after the funds have actually been set aside out of the revenues of any Fiscal Year sufficient to pay the principal and interest on the Bonds herein authorized for that Fiscal Year, and all required amounts have been deposited in the aforesaid Sinking Fund established by the Original Resolution and this Resolution and all other amounts due hereunder, including Administrative Expenses, payments due to the Bond Facility Issuer or any Issuer Derivative Payments, then any excess of available revenues remaining in that Fiscal Year shall be free for expenditure by the Issuer for any other lawful corporate purpose.

36. SECTION Creation of Liquidity Facility Drawings Fund and Remarketing Proceeds Fund.

(b) Liquidity Facility Drawings Fund. There is hereby created a fund to be held by the Trustee and described as the "Liquidity Facility Drawings Fund." The Liquidity Facility Drawings Fund shall be held separate and apart from all funds and accounts hereunder. Amounts on deposit in the Liquidity Facility Drawings Fund shall not be commingled with the amounts held in any fund or account under this Resolution or in the Remarketing Proceeds Fund. All proceeds of drawings on any Liquidity Facility shall be deposited in a separate sub-account for the Bonds secured by such Liquidity Facility within the Liquidity Facility Drawings Fund as provided in Article IV hereof, and shall be used only for payments of the Purchase Price of Bonds Outstanding which are payable from the Liquidity Facility in respect of which such proceeds were drawn under the Liquidity Facility in the manner and at the times set forth in Article IV hereof.

(c) Remarketing Proceeds Fund. There is hereby created a fund to be held by the Tender Agent and described as the "Remarketing Proceeds Fund." Amounts on deposit in the Remarketing Proceeds Fund shall not be commingled with the amounts held in any fund or account under this Resolution or in the Liquidity Facility Drawings Fund. All amounts received by the Tender Agent from the Remarketing Agent representing the Purchase Price of Bonds remarketed by the Remarketing Agent shall be deposited in the Remarketing Proceeds Fund and shall be used only to pay the Purchase Price of the Bonds so remarketed (i) as provided in Section 3.10 hereof in the case of Bonds tendered for purchase and (ii) as provided in Section 3.12 hereof in the case of Unremarketed Bonds being remarketed.

(d) Moneys Held in Trust. All moneys deposited in the Liquidity Facility Drawings Fund and the Remarketing Proceeds Fund shall be held in trust by the Trustee and the Tender Agent, respectively, and applied only in accordance with the provisions of this Resolution, and the Liquidity Facility Drawings Fund and the Remarketing Proceeds Fund shall each be a trust fund for the purposes thereof. Amounts on deposit in the Liquidity Facility Drawings Fund and the Remarketing Proceeds Fund shall not be commingled with any other funds held by the Trustee or the Tender Agent, respectively, and all amounts on deposit in such funds are hereby pledged to the payment or purchase, as the case may be, of Bonds in accordance with the terms hereof. The moneys and securities herein pledged shall immediately be subject to the lien of this pledge without any physical delivery thereof or further act, and the lien of this pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Issuer irrespective of whether such parties have notice thereof.

(e) Investment. Amounts on deposit in the Liquidity Facility Drawings Fund and the Remarketing Proceeds Fund shall be held uninvested by the Trustee.

(f) No Lien for Trustee, Remarketing Agent, Bond Facility Issuer or Tender Agent. Notwithstanding anything in this Resolution to the contrary, neither the Trustee, the Remarketing Agent, any Bond Facility Issuer nor the Tender Agent shall have any right to, or lien whatsoever upon, any of the amounts on deposit in the Liquidity Facility Drawings Fund and Remarketing Proceeds Fund, except to the extent they are entitled thereto by virtue of being a Bondholder.

37. SECTION Deposits to the Sinking Fund; Use of Moneys in the Sinking Fund.

The Issuer shall deposit into the Sinking Fund the following amounts in the following order and the Trustee shall promptly deposit into the Sinking Fund all Reciprocal Payments as follows:

(i) by 1:00 p.m. on the second Business Day preceding the first Business Day of each month (or such other date as shall be necessary for a Mode Adjustment Date or an Interest Payment Date applicable to Bank Bonds or Derivative Payment Date) for deposit to the Sinking Fund an amount not to exceed the proportionate amount required each month to have on deposit therein on the next Interest Payment Date or Derivative Payment Date the amount required to pay interest on the Bonds, including Bank Bonds, due on the next Interest Payment Date and any Issuer Derivative Payment due on such Derivative Payment Date (except termination payments which shall be paid on a subordinate basis);

(ii) by 1:00 p.m. on the second Business Day preceding the first Business Day of each month (or such other date as shall be necessary for a Mode Adjustment Date or an Interest Payment Date applicable to Bank Bonds or Derivative Payment Date), for deposit to the Sinking Fund an amount not to exceed the proportionate amount required each month to have on deposit therein on the next Interest Payment Date or Derivative Payment Date the amount required to pay principal on or the redemption price of the Bonds, including Bank Bonds, maturing or subject to redemption on such next Interest Payment Date, if any, and any Derivative Payment due on a Derivative Payment Date;

The City shall also pay the following amounts after satisfaction of its above obligations:

(i) on the second Business Day preceding the first Business Day of each month to the Liquidity Facility Issuer all Reimbursement Obligations due under Liquidity Facility;

(ii) on the due date, all termination payments owed to the Reciprocal Payor under a Swap Agreement; and

(iii) on the Business Day preceding the first Business Day of the applicable month, an amount equal to the Administrative Expenses due on such date which shall be paid directly to the party due such Administrative Expenses.

On the applicable Interest Payment Date or other due date, the Trustee shall pay from the Sinking Fund the amounts due to the owners of the Bonds.

38.           SECTION                           Swap Agreements; Reciprocal Payments; Issuer Derivative Payments. The Issuer hereby authorizes and directs the Trustee to acknowledge and agree to the Initial Swap Agreement and any Swap Agreement hereafter entered into by the Issuer and a Reciprocal Payor under which (a) the Issuer may be required to make, from time to time, Issuer Derivative Payments and (b) the Trustee may receive, from time to time, Reciprocal Payments for the account of the Issuer. No Swap Agreement shall be entered into unless (i) the Trustee shall have received a rating confirmation from each Rating Agency that such Swap Agreement will not adversely affect the then current rating on any of the Bonds and the consent of the Insurer and (ii) all Issuer Derivative Payments and Reciprocal Payments are made on the second Business Day immediately preceding a Bond Payment Date. Anything in this Resolution to the contrary notwithstanding, any revenues representing Reciprocal Payments shall not be available to make an Issuer Derivative Payment or to pay any other amounts owed to a Reciprocal Payor under a Swap Agreement.

No later than the fourth Business Day immediately preceding each Bond Payment Date on which a Reciprocal Payment or Issuer Derivative Payment is due pursuant to the applicable Swap Agreement through and including the termination date of a Swap Agreement, the Trustee shall give written notice to the City stating either (a) the amount of any Reciprocal Payment due to be received by the Trustee for the account of the Issuer on the second Business Day immediately preceding such Bond Payment Date or (b) the amount of any Issuer Derivative Payment to be paid to the Reciprocal Payor on the second Business Day immediately preceding such Bond Payment Date. If the City fails to receive such written notification from the Trustee by the end of such fourth Business Day, it shall immediately notify the Trustee of such fact in writing.

On the second Business Day immediately preceding each Bond Payment Date on which a Reciprocal Payment is due pursuant to the applicable Swap Agreement in accordance with such, the Trustee shall deposit all moneys received representing such



Reciprocal Payment in the Sinking Fund to be applied in accordance with the provisions of Section 5.3 hereof. The Trustee shall notify the Issuer on such Business Day, if (a) the amount received from the Reciprocal Payor is not equal to the amount specified in the written notification of the Issuer, (b) no amount is received from the Reciprocal Payor or (c) the amount received is not received in immediately available funds.

On the second Business Day immediately preceding any Bond Payment Date with respect to which an Issuer Derivative Payment or, with respect to a payment in respect of an early termination date due pursuant to the terms of a Swap Agreement from the Issuer, the Trustee shall make payment to the Reciprocal Payor from moneys in the Sinking Fund of the amount of the Issuer Derivative Payment due on such date by the deposit or wire transfer of immediately available funds to the credit of the account of the Reciprocal Payor specified in the Swap Agreement notification of the Issuer.

## 6. ARTICLE

### THE TENDER AGENT AND THE REMARKETING AGENT

#### 39. SECTION The Tender Agent.

(1) Bank One Trust Company, N.A., is hereby appointed Tender Agent for the Bonds. The Tender Agent shall accept the duties and obligations thereof by execution and delivery of a written instrument of acceptance delivered to the other Notice Parties.

(2) For so long as the Tender Agent and the Paying Agent are the same, the Tender Agent agrees to:

(i) hold all Bonds properly tendered to it for purchase hereunder as agent and bailee of, and in escrow for the benefit of, the respective Holders of the Bonds which shall have so tendered such Bonds until moneys representing the Purchase Price of such Bonds shall have been delivered to or for the account of or to the order of such Holders of the Bonds;

(ii) hold all moneys delivered to it hereunder for the purchase of Bonds as agent and bailee of, and in escrow for the benefit of, the Person which shall have so delivered such moneys, until the Bonds purchased with such moneys shall have been delivered to or for the account of such Person;

(iii) keep such books and records as shall be consistent with prudent industry practice and make such books and records available for inspection by the other Notice Parties;

(iv) hold all Unremarketed Bonds delivered to it pursuant to clause (ii) of Section 3.11 hereof in trust for the benefit of the Liquidity Facility Issuer in accordance with the Liquidity Facility until such Bonds are released by the Liquidity Facility Issuer in accordance with paragraph (1) of Section 3.12 hereof;

(v) provide to the Trustee as soon as practicable after the close of business on each Record Date prior to all Bonds being in a Fixed Mode, but in no case later than 1:00 p.m., New York City time, on the applicable Interest Payment Date, a list of the names and addresses of the Holders of the Bonds as of such Record Date;

(vi) provide to the Trustee as soon as practicable after each Fixed Rate Conversion Date, the registration books of the Issuer containing the names and addresses of the Holders of Bonds as of such Fixed Rate Conversion Date; and

(vii) give notices as required hereunder at the times and in the manner specified herein.

(3) Upon receipt by the Tender Agent of any Tender Notice and the Bonds delivered pursuant to it for purchase in accordance with this Resolution, the Tender Agent shall deliver to the Person delivering the Tender Notice and the Bonds written evidence of the Tender Agent's receipt of such materials. The Tender Agent shall promptly return any Tender Notice (together with the Bonds submitted in connection therewith) that is incomplete or improperly completed or not delivered by the date and time required hereunder to the Person submitting such notice upon surrender of the receipt, if any, issued therefor. The Tender Agent's determination of whether a Tender Notice is properly completed or delivered on a timely basis shall be binding on the Issuer and the Holder of the Bonds submitted therewith.

(4) The Tender Agent shall be a commercial bank having trust powers or a trust company organized under the laws of the State of New York, the State or national banking association having a capital and surplus aggregating at least \$50,000,000 and authorized by law to perform all the duties imposed upon it by this Resolution and shall be rated Baa 3/P3 or its equivalent, or otherwise be acceptable to the Rating Agency, as evidenced by written confirmation from the Rating Agency that the appointment of such Tender Agent will not result in the reduction or withdrawal of the then current rating on the Bonds. The Tender Agent shall have an office or agency in New York, New York at which its duties hereunder are to be performed. The Tender Agent may at any time resign and be discharged of the duties and obligations created by this Resolution by giving at least sixty (60) days' notice to the other Notice Parties. The Tender Agent may be removed at any time by the Issuer upon at least seven (7) days' notice to the other Notice Parties and the Holders of the Bonds, other than Bonds then in a Fixed Mode. No such resignation or removal shall take effect until the appointment of, and the acceptance of such appointment by, a successor Tender Agent. Successor Tender Agents may be appointed from time to time by the Issuer with the prior written consent of the Bond Facility Issuer. Upon the resignation or removal of the Tender Agent, the Tender Agent shall deliver any Bonds, any Liquidity Facility and any moneys held by it in such capacity to its successor.

(5) The Tender Agent, upon receipt of any notice, resolution, request, consent, order, certificate, report, opinion, bond, or other paper or document furnished to it pursuant to any provision of this Resolution, shall examine such instrument to determine whether it conforms to the requirements of this Resolution and shall, in the absence of

negligence or willful misconduct on the part of the Tender Agent, be protected in acting upon any such instrument believed by it to be genuine and to have been signed or presented by the proper party or parties. The Tender Agent may consult with counsel and the written opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by it under this Resolution in good faith and in accordance therewith.

(6) Whenever the Tender Agent shall deem it necessary or desirable that a matter be proved or established prior to taking or suffering any action under this Resolution, such matter (unless other evidence in respect thereof be therein specifically prescribed) may be deemed to be conclusively proved and established by a certificate of an Authorized Representative, and such certificate shall be full warrant for any action taken or suffered in good faith under the provisions of this Resolution upon the faith thereof; but in its discretion the Tender Agent may in lieu thereof accept other evidence of such fact or matter or may require such further or additional evidence as it may deem reasonable.

(7) Except as otherwise expressly provided in this Resolution, any request, order, notice or other direction required or permitted to be furnished pursuant to any provision of this Resolution by the Issuer to the Tender Agent shall be sufficiently executed in the name of the Issuer by the Executive Officers.

(8) In the event that the Tender Agent is required to act pursuant to the terms of this Resolution upon the receipt of telephonic notice, such notice shall be promptly confirmed in writing. If such notice shall not be so confirmed, the Tender Agent shall be entitled to rely upon such telephonic notice for all purposes whatsoever.

(9) In purchasing Bonds hereunder in its capacity as Tender Agent, the Tender Agent shall be acting as a conduit and shall not be purchasing such Bonds for its own account.

(10) Unless otherwise provided by contract with the Tender Agent, the Issuer shall pay to the Tender Agent, from time to time, reasonable compensation for all services rendered by it under this Resolution, and also all reasonable expenses, charges, counsel fees and other disbursements and those of their attorneys, agents and employees, incurred in and about the performance of their powers and duties under this Resolution. None of the provisions contained in this Resolution shall require the Tender Agent to expend or risk its own funds or otherwise incur financial liability in the performance of any of its duties or in the exercise of any of its rights or powers.

(11) Upon any change in the Tender Agent, the Issuer shall furnish to each Rating Agency the notice provided in Section 13.2 hereof, but the failure to provide such notice shall not affect the validity of any change in the Tender Agent.

40.

SECTION

The Remarketing Agent.

(1) PaineWebber Incorporated is hereby appointed the Remarketing Agent for the Bonds. The Remarketing Agent shall accept the duties and obligations thereof under this Resolution by execution and delivery of an agreement with the Issuer under which the Remarketing Agent will agree, among other things, to keep such books and records regarding the remarketing of Bonds and determining the interest rates on the Bonds as provided herein as shall be consistent with prudent industry practice and to make such books and records available for inspection by the Notice Parties at all reasonable times.

(2) The Remarketing Agent shall be a member of the National Association of Securities Dealers, Inc., having a capitalization of at least Fifty Million Dollars (\$50,000,000) and be authorized by law to perform all the duties imposed upon it by this Resolution. The Remarketing Agent may at any time resign and be discharged of the duties and obligations created by this Resolution by giving at least thirty (30) days' notice to the other Notice Parties and as otherwise provided in the Remarketing Agreement. The Remarketing Agent may be removed at any time by the Issuer upon at least two (2) Business Days' written notice to the other Notice Parties. Prior to all Bonds being converted to a Fixed Mode, no such resignation or removal shall be effective until a successor Remarketing Agent shall have been appointed and shall have accepted such appointment. A successor Remarketing Agent may be appointed from time to time by the Issuer with the prior written consents of the Insurer and Liquidity Facility Issuer.

(3) If the Remarketing Agent resigns or is removed, the Remarketing Agent shall pay over, assign and deliver any moneys and Bonds held by it in such capacity, other than Bonds held for its own account, to its successor or, if no successor has then accepted the duties of the Remarketing Agent, to the Trustee. In no event shall the Trustee, or the co-Trustee, be required to perform the obligations of the Remarketing Agent. Upon any change in the Remarketing Agent, the Issuer shall furnish to each Rating Agency the notice provided in Section 13.2 hereof, but the failure to provide such notice shall not affect the validity of any change in the Remarketing Agent.

41.

SECTION

Dealings in Bonds. The Trustee, the Paying Agent, the Tender Agent, any Bond Facility Issuer, or the Remarketing Agent, each in its individual capacity, may in good faith and to the extent otherwise permitted by law, buy, sell, own, hold and deal in any of the Bonds, and may join in any action which any Holder of the Bonds may be entitled to take with like effect as if it did not act in any capacity hereunder. The Trustee, the Paying Agent, each Bond Facility Issuer, the Tender Agent or the Remarketing Agent, each in its individual capacity, either as principal or agent, may also engage in or be interested in any financial or other transaction with the Issuer, and may act as depository, trustee, or agent for any committee or body of Holders of any Bonds secured hereby or other obligations of the Issuer as freely as if it did not act in any capacity hereunder or under the Bond Facility or the Reimbursement Agreement.

7. ARTICLE

## EVENTS OF DEFAULTS AND REMEDIES

42. SECTION Events of Default, Acceleration. (1) In addition to the Events of Default set forth in Section 8.1 of the Original Resolution, an Event of Default shall also occur under the Original Resolution and this Resolution upon the occurrence of an event of default under the Bank One Standby Purchase Agreement.

Upon the happening and continuance of any Event of Default under the Original Resolution or this Resolution the Trustee, on behalf of the Owners of the Bonds, shall be entitled to exercise all rights and powers for which provision is made under Louisiana law.

43. SECTION Enforcement of Rights. The Trustee shall, upon compliance with applicable requirements of law and except as otherwise set forth in this Article VII, be the sole real party in interest and shall have standing, exclusive of the owners of Bonds, to enforce each and every right granted to the Trustee pursuant to the Original Resolution and this Resolution and any supplemental resolution thereto. In exercising such rights and the rights given the Trustee under this Article VII, the Trustee shall upon receipt of indemnity to its satisfaction take such action as directed by the owners of a majority in principal amount of the Outstanding Bonds, or, failing such direction as in the judgment of the Trustee would best serve the interests of the Holders of the Bonds, taking into account the provisions of the Bond Facility.
44. SECTION Enforceability by Trustee. All rights of action under the Original Resolution, this Resolution or any supplemental resolution or under any of the Bonds secured hereby which are enforceable by the Trustee may be enforced by it without the possession of any of the Bonds or the production thereof at the trial or other proceedings relative thereto, and any such suit, action or proceeding instituted by the Trustee shall be brought in its name, as Trustee, or, if necessary, in the name of the Issuer, for the equal and ratable benefit of the owners of the Bonds subject to the provisions of this Resolution.
45. SECTION Delays, Omissions. No delay or omission by the Trustee or by any owner of the Bonds to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default, or an acquiescence therein; and every power and remedy given by this Article to the Trustee and to the owners of the Bonds, respectively, may be exercised from time to time and as often as may be deemed expedient.
46. SECTION Application of Moneys. All moneys received by the Trustee pursuant to any action taken under the provisions of this Article VII (other than payments from the Insurance Policy which shall be applied only as provided therein), after payment of the costs and expenses of the proceedings resulting in the collection of such moneys and the Trustee's Expenses, shall be deposited in the Sinking Fund and all moneys so deposited in the Sinking Fund during the continuance of an Event of Default (other than moneys for the payment of Bonds which have matured or otherwise become payable prior to such Event of Default or for the payment of interest due prior to such Event of Default) shall notwithstanding the provisions of Section 5.3 hereof (after payment of the Trustee's Expenses), be applied as follows:

First, to the payment to the Persons entitled thereto of all installments of interest then due on the Bonds and to the payment of all Issuer Derivative Payments (other than with respect to any early termination), in the direct order of the maturity of the installments of such interest and, if the amounts available shall not be sufficient to pay in full any particular installment, then to the payment ratably, according to the amounts due on such installment, to the persons entitled thereto, without any discrimination or privilege; and

Second, to the payment to the Persons entitled thereto of the unpaid principal and premium, if any, on any of the Bonds and the payment of all Issuer Derivative Payments with respect to an early termination, which shall have become due (other than Bonds which have matured or otherwise become payable prior to such Event of Default and moneys for the payment of which are held in the Sinking Fund or otherwise held by the Trustee), with interest on such principal or Issuer Derivative Products from the respective dates upon which the same became due and, if the amount available shall not be sufficient to pay in full the amount of principal, premium, if any, and the interest due on any particular date, then to the payment ratably, according to the amount of principal due on such date, to the Persons entitled thereto, without any discrimination or privilege.

After payment of all principal and interest due on the Bonds, any amounts remaining on deposit with the Trustee shall be applied to the payment first to the Insurer to reimburse any payments made under the Insurance Policy for principal of and interest on the Bonds, and then of any amounts owing under the Liquidity Facility.

Whenever moneys are to be applied pursuant to the provisions of this Section 7.5, such moneys shall be applied at such time, and from time to time, as the Trustee shall have determined, having due regard to the amount of such moneys available for application and the likelihood of additional moneys becoming available for such application in the future. Whenever the Trustee shall apply such funds, it shall (i) fix the date (which shall be an Interest Payment Date unless another date is required under the applicable Bond Facility or unless it shall deem another date more suitable) upon which such application is to be made and upon such date interest on the amount of principal to be paid on such dates shall cease to accrue, and (ii) on or before such date set aside from the appropriate funds created by this Resolution the moneys necessary to effect such application. The Trustee shall give such notice, if any, as it may deem appropriate of the deposit with it of any such moneys and of the fixing of any such date. The Trustee shall not be required to make payment to the owner of any Bond until such Bond shall be presented for appropriate endorsement or for cancellation if fully paid. Anything to the contrary in this Section 7.5 notwithstanding, the Trustee shall have no lien on amounts in any fund or account held under this Resolution determined to be required for payment of debt service on the Bonds and which amount has been netted against the amount to be drawn under the Bond Facility for payment of Bonds.

47.                   SECTION                   Consent of the Insurer in the Event of Insolvency. Any reorganization or liquidation plan with respect to the Issuer must be acceptable to the Insurer. In the event of any reorganization or liquidation, the Insurer shall

have the right to vote on behalf of all Owners who hold Insurer bonds absent a default by the Insurer under the Insurance Policy insuring such Bonds.

48. SECTION Consent of the Insurer Upon Default. Anything in this Resolution to the contrary notwithstanding, upon the occurrence and continuance of an Event of Default, as defined herein, the Insurer shall be entitled to control and direct the enforcement of all rights and remedies granted to the Owners or the Trustee for the benefit of the Owners under the Resolution.

49. SECTION Consent of the Insurer When Consent of Holders of Bonds Required. As long as the Insurance Policy is in effect, the Insurer, and not the registered Holders of Bonds payable from the Insurance Policy, shall be deemed to be the Holder of Bonds for the purpose of giving any approval or consent or making any request under this Resolution; provided, however, that if such approval or consent relates to any change in the terms of redemption, maturity, installment of interest or reduction in principal amount or redemption price of a Bond or rights of consent of its Holder, the consent of both the Holders of the Bonds which such change affects and the Insurer, if any, to which such Bonds are entitled shall be required and, to the extent such changes affect the rights or obligations of the Liquidity Facility Issuer under the Liquidity Facility then in effect, the consent of such Liquidity Facility Issuer shall also be required.

## 8. ARTICLE THE TRUSTEE AND PAYING AGENT

50. SECTION Acceptance of Trusts. Subject to the provisions of this Article VIII, the Trustee hereby accepts the trusts imposed upon it by this Resolution and the duties placed upon the Trustee by the Bond Facility, and agrees to perform the same. The Trustee shall not be required to give any bond or surety in respect of the execution of the said trusts, powers or otherwise.

51. SECTION Recitals, Representations. The recitals, statements and representations contained in this Resolution or in the Bonds, except only the Paying Agent's authentication upon the Bonds, and the Trustee's representations of trust powers and the Trustee's acceptance of the trusts hereunder, shall be taken and construed as made by and on the part of the Issuer, and not by the Trustee, and the Trustee does not assume, and shall not have any responsibility or obligation for the correctness thereof.

52. SECTION Performance Through Attorneys, Agents, Receivers, or Employees. The Trustee may execute any of the trusts or powers hereof and perform the duties required of it hereunder by or through attorneys, agents, receivers, or employees, and shall be entitled to advice of counsel concerning all matters of trust and its duties hereunder. The Trustee may act upon the opinion or advice of counsel (who may be the attorney or attorneys for the Issuer) approved by the Trustee in the exercise of reasonable care. The Trustee shall not be answerable for the exercise of any discretion or power under this Resolution or for anything whatever in connection with the trusts hereby created except only for its own intentional misconduct or negligence.

53. SECTION Expenses, Charges and Other Disbursements. The Issuer shall pay to the Trustee the Trustee's Expenses. No provision of this Resolution shall require the Trustee to expend or risk its own funds or otherwise

incur any financial liability in the performance of any of its duties hereunder, or in the exercise of any of its rights or powers if it shall have reasonable grounds for believing that repayment of such funds or adequate indemnity against such risk or liability is not reasonably assured to it.

54. SECTION Obligation to Take Action. Except as provided in Section 7.1(2) hereof the Trustee shall be under no obligation to take any action in respect of any Event of Default, or to institute, appear in or defend any suit or other proceedings in connection therewith, unless requested in writing so to do by owners of at least fifty-one percent (51%) in aggregate principal amount of the Bonds then Outstanding, and if in its opinion such action may tend to involve it in expense or liability, unless furnished, from time to time as often as it may require with security and indemnity satisfactory to it; but the foregoing provisions are intended only for the protection of the Trustee, and shall not affect any discretion or power given by any provisions of this Resolution to the Trustee to take action in respect of any Event of Default without such notice or request from the Bondholders, or without such security or indemnity. The permissive rights of the Trustee under this Resolution shall not be construed as duties and the Trustee shall not be answerable for other than its own negligence or willful default.
55. SECTION Reliance by Trustee. The Trustee and the Paying Agent shall be protected and shall incur no liability in acting or proceeding in good faith upon any resolution, notice, telegram, request, consent, waiver, certificate, statement, affidavit, voucher, bond, requisition or other paper or document which they shall in good faith believe (i) to be genuine and to have been passed or signed by the proper board, body or person or (ii) to have been prepared and furnished pursuant to any of the provisions of this Resolution, and they shall be under no duty to make any investigation or inquiry as to any statements contained or matters referred to in any such instrument, but may accept and rely upon the same as conclusive evidence of the truth and accuracy of such statements. The Trustee and the Paying Agent shall not be bound to recognize any person as an owner of any Bond or to take any action at his request unless such Bond shall be deposited with the entity being requested to take such action or evidence satisfactory to the Paying Agent of the ownership of such Bond shall be furnished to the entity being requested to take such action.
56. SECTION Trustee May Own Bonds. Upon compliance with all applicable laws, the Trustee may in good faith buy, sell, own, hold and deal in any of the Bonds issued hereunder and secured by this Resolution, and may join in any action which any Bondholder may be entitled to take with like effect as if the Trustee were not a party to this Resolution. The Trustee, either as principal or agent, or in any other commercial or banking capacity, may also engage in or be interested in any financial or other transaction with the Issuer, and may act as depository, trustee, or agent for any committee or body of owners of the Bonds secured hereby or other obligations of the Issuer as freely as if it were not Trustee hereunder.
57. SECTION Resignation by Trustee. The Trustee may resign and be discharged of the trusts created by this Resolution by executing an instrument in writing resigning such trust and specifying the date when such resignation is expected to take effect, and filing the same with the Issuer and a copy thereof with the Bond Facility Issuer not less than thirty days before the date specified in such instrument when such resignation is expected to take effect. Upon receiving such notice of resignation, the Issuer shall promptly appoint a successor trustee approved in writing by the Insurer by resolution, one copy of



which resolution shall be delivered to the resigning Trustee and one copy to the successor Trustee. If no successor Trustee shall have been so appointed and have accepted appointment within 30 days after the mailing of such notice of resignation, the resigning Trustee may petition any court of competent jurisdiction for the appointment of a successor Trustee, or any Bondholder may, on behalf of himself and all others similarly situated petition any such court for the appointment of a successor Trustee. Such court may thereupon, after such notice, if any, as it may deem proper and prescribe, appoint a successor Trustee. Any resignation of the Trustee shall become effective only upon acceptance of appointment by the successor Trustee and transferral of the Bond Facility to such successor in accordance with the terms of the Bond Facility.

58. SECTION Removal of Trustee. The Trustee may be removed at any time by an instrument in writing, appointing a successor filed with the Trustee so removed and executed by the owners of not less than sixty-six and two-thirds percent (66-2/3%) in aggregate principal amount of the Bonds then Outstanding, provided, that such removal will not take effect prior to the receipt by the Insurer of notice thereof, in writing. The Trustee may be removed at any time by an instrument in writing, appointing a successor filed with the Trustee so removed and executed by the Issuer if the Trustee no longer qualifies under the terms hereof to serve as Trustee and upon transferral of each Bond Facility to such successor in accordance with the terms of said Bond Facility.

59. SECTION Appointment of Successor Trustee in the Event of Removal. (1) In the event the Trustee shall be removed, or be dissolved, or if its property or affairs shall be taken under the control of any state or federal court or administrative body because of insolvency or bankruptcy or for any other reason, a vacancy shall forthwith and ipso facto exist in the office of Trustee and within a period of sixty (60) days thereafter, a successor shall be appointed by the owners of a majority in aggregate principal amount of the Bonds then Outstanding. If the Bondholders fail to make such appointment within such period, the Issuer may make such appointment during the following thirty-day period. Appointments made under this Section shall be made, by an instrument or instruments in writing filed at the offices of the Issuer, signed by such Bondholders or by their attorneys-in-fact duly authorized or by the Issuer, as the facts may require. Copies of each instrument shall be promptly delivered by the Issuer to the predecessor Trustee and to the Trustee so appointed and to each Bond Facility Issuer.

(2) Until a successor Trustee shall be appointed as herein authorized, the Issuer, by resolution, with the prior written consent of the Insurer, may appoint a Trustee to fill such vacancy. Such appointment shall be effective upon the giving of notice in writing thereof to each Bond Facility Issuer. Any new Trustee so appointed by the Issuer, with the prior written consent of the Insurer, shall immediately and without further act be superseded by a Trustee appointed in the manner above provided.

60. SECTION Qualifications of Successor Trustee. Every successor in the trust hereunder appointed pursuant to the foregoing provisions shall be a trust company or a bank with trust powers having a combined capital and surplus of at least Twenty-five Million Dollars (\$25,000,000) if such trust company or bank with trust powers willing and able to accept the trust on customary terms can, with reasonable effort, be located. So long as the Trustee hereunder meets the qualifications under this Section 8.11, any co-Trustee which is a related entity

to the Trustee shall not be required to comply with the capital and surplus provisions of this Section 8.11.

61. SECTION Concerning Successor Trustee. Any successor Trustee appointed hereunder shall execute, acknowledge and deliver to the Issuer an instrument accepting such appointment hereunder, and thereupon such successor Trustee, without any further act, deed or conveyance, shall become duly vested with all the estates, property, rights, powers, trusts, duties and obligations of its predecessor in the trust hereunder, with like effect as if originally named Trustee. Upon request of such successor Trustee, the Trustee ceasing to act and the Issuer shall execute and deliver an instrument transferring to such successor Trustee all the estates, property, rights, powers and trusts hereunder of the Trustee so ceasing to act, and the Trustee so ceasing to act shall pay over or deliver to the successor Trustee all moneys, records and other assets at the time held by it hereunder.
62. SECTION Merger of Trustee. Any corporation into which any Trustee hereunder may be merged or with which it may be consolidated, or any corporation resulting from any merger or consolidation to which any Trustee hereunder shall be a party, or any corporation to which any Trustee hereunder may transfer substantially all of its assets, shall be a successor Trustee under this Resolution or a successor paying agent (as the case may be), without the execution or filing of any paper or any further act on the part of the parties hereto, anything herein to the contrary notwithstanding.
63. SECTION Conduct of Trustee. Notwithstanding any other provisions of this Article VIII, the Trustee shall, during the existence of an Event of Default known to the Trustee, exercise such of the rights and powers vested in it by this Resolution and use the same degree of skill and care in their exercise as a prudent man would use and exercise under the circumstances in the conduct of his own affairs.
64. SECTION Notice of Event of Default. Upon the occurrence of an Event of Default known to the Trustee, the Trustee shall cause the Paying Agent within five Business Days to give written notice thereof by mail to each owner of Bonds at the address set forth on the books of the Issuer maintained by the Paying Agent, unless an Event of Default shall have been cured before the giving of such notice.
65. SECTION Intervention by Trustee. In any judicial proceeding to which the Issuer is a party and which, in the opinion of the Trustee and its counsel, has a substantial bearing on the interests of owners of the Bonds, the Trustee may intervene on behalf of the owners of the Bonds and shall, upon receipt of indemnity satisfactory to it, do so if requested in writing by the owners of at least twenty-five percent (25%) in principal amount of Bonds then Outstanding if permitted by the court having jurisdiction in the premises.
66. SECTION Duties Determined Solely by Resolution. Subject to Section 8.14 hereof, the duties and obligations of the Trustee shall be determined solely by the express provisions of this Resolution, and the Trustee shall not be liable except for the performance of such duties and obligations as are specifically set forth in this Resolution, and no implied covenants or obligations shall be read into this Resolution against the Trustee.

67. SECTION Additional Provisions Relating to the Trustee.

(1) As long as any Bonds are payable from a Bond Facility, the Trustee may not resign or be replaced unless a successor Trustee shall have been appointed and have accepted such appointment and be acting as Trustee under this Resolution and each Bond Facility shall have been transferred to such successor Trustee. The Trustee agrees that it will transfer the Bond Facility to any successor Trustee in accordance with the terms of each Bond Facility.

(2) The Trustee agrees that, whenever required by this Resolution and in accordance therewith, it will (i) make all payments due on or in respect of the Bonds and (ii) cause to occur any mandatory tender or redemption, in each case, without seeking any consent or approval of any Bond Facility Issuer and without seeking any indemnity prior to so acting.

68. SECTION Trustee's Expenses and Indemnification of Trustee. The Trustee shall be entitled to payment and/or reimbursement from the Administrative Expenses Fund for the Trustee's Expenses. The Issuer shall indemnify and hold harmless from the same source of funds the Trustee for any costs and expenses arising from any action or inaction of the Trustee hereunder or under this Resolution unless such claim or liability is occasioned by the negligence or willful misconduct of the Trustee. The Trustee shall have a first lien with right of payment prior to payment on account of interest or principal of, or premium, if any, on any Bond upon all moneys in its possession under any provisions hereof for the foregoing advances, fees, costs and expenses incurred; provided, however, that the Trustee shall not have a first lien with right of payment prior to payment on account of interest or principal of, or premium, if any, on any Bond, with respect to money drawn under the Bond Facility or realized under any Substitute Liquidity Facility or moneys held in the Sinking Fund for the payment of the principal of, premium, if any, and interest on particular Bonds or moneys held for the payment of the Purchase Price of particular Bonds and provided further, that the Trustee shall not require indemnification prior to drawing on the Bond Facility, making scheduled payments on the Bonds or calling the Bonds for mandatory tender or redemptions.

69. SECTION Powers May Be Vested in Separate or Co-trustee. It is the purpose of this Resolution that there shall be no violation of any law of any jurisdiction denying or restricting the right of banking corporations or associations to transact business as Trustee in such jurisdiction. It is recognized that in case of litigation under this Resolution, and in particular in case of the enforcement of either an Event or Default, or in case the Trustee deems that by reason of any present or future law of any jurisdiction it may not exercise any of the powers, rights or remedies herein granted to the Trustee or to take any other action which may be desirable or necessary in connection therewith, it may be necessary that the Trustee appoint an additional institution as a separate or co-trustee. The following provisions of this Section are adapted to these ends.

In the event that the Trustee appoints an additional institution as a separate or co-trustee, each and every remedy, power, right, claim, demand, cause of action, immunity, estate, interest and lien expressed or intended by this Resolution to be exercised by or vested in or conveyed to the Trustee with respect thereto shall be

exercisable by and vest in such separate or co-trustee but only to the extent necessary to enable the separate or co-trustee to exercise such powers, rights and remedies, and every covenant and obligation necessary to the exercise thereof by such separate or co-trustee shall run to and be enforceable by either of them.

Should any instrument in writing from the Issuer be required by separate trustee or co-trustee so appointed by the Trustee for more fully and certainly vesting in and confirming to it such properties, rights, powers, trusts, duties and obligations, any and all instruments in writing shall, on request, be executed, acknowledged and delivered by the Issuer. In case any separate trustee or co-trustee, or a successor to either, shall become incapable of acting, resign or be removed, all the estates, properties, rights, powers, trusts, duties and obligations of such separate trustee or co-trustee, so far as permitted by law, shall vest in and be exercised by the Trustee until the appointment of a new trustee or successor to such separate trustee or co-trustee.

9. ARTICLE  
PARTICULAR COVENANTS; ADDITIONAL PROVISIONS  
RELATING TO BONDS

70. SECTION Resolution a Contract. The provisions of this Resolution and the Original Resolution 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 the Issuer as a result of issuing the Bonds.

71. SECTION Recital of Regularity. This Council, having investigated the regularity of the proceedings had in connection with the Bonds herein authorized and having determined the same to be regular, the Bonds shall contain the following recital, to-wit:

"It is certified that this Bond is authorized by and is issued in conformity with the requirements of the Constitution and statutes of the State of Louisiana."

72. SECTION Cooperative Endeavor Agreement. The execution, delivery and performance of the Cooperative Endeavor Agreement dated October 5, 2000, by and among the City, the Board of Trustees of the Firefighters Pension and Relief Fund and the Board of City Trusts by the Mayor, a copy of which was submitted in connection with the bond validation proceedings, is hereby ratified.

10. ARTICLE  
ADDITIONAL PROVISIONS RELATING TO THE DEFEASANCE OF THE BONDS

73. SECTION Amendments. Section 11.12 of the Original Resolution is hereby amended in its entirety by the following provisions of this Article X.

74. SECTION Discharge. If and when the whole amount of the principal, premium, if any, and interest due and payable upon all of the Bonds shall be paid, or provision shall have been made for the payment of the same,

together with all other sums payable hereunder and all amounts owed to each Bond Facility Issuer under their respective Bond Facility, then and in that case, the right, title and interest of the Trustee in and to the amounts pledged hereunder, including all covenants, agreements and other obligations of the Issuer and each Bond Facility Issuer to the Bondholders shall thereupon cease, terminate and become void and be discharged and satisfied. In such event, the Trustee shall surrender the Trust Estate to the Issuer, deliver each Bond Facility to the respective Bond Facility Issuer and shall deliver to the Issuer, or to such person, body or authority as may be entitled to receive the same, any balance remaining in any fund or account created herein. The Trustee shall execute such documents as may be reasonably required to effect such assignments and transfers. There shall be deemed to be such due payment of the principal, premium, if any, and interest on the Bonds or provision for the same when there has been placed in escrow or in trust with a trust company or bank located within or without the State, an amount sufficient (including the known minimum yield available without reinvestment for such purpose from Government Securities in which such amount wholly or in part may be initially invested) to meet all requirements of the Outstanding Bonds, as the same become due at the final maturities of the Bonds or upon any redemption date as of which the Issuer shall have directed the Trustee to exercise or shall have obligated the Trustee to exercise its prior redemption option by a call of Bonds for payment. Provisions for payment of Bonds pursuant to this Article in advance of their scheduled maturities shall be permitted only with respect to Bonds in a Fixed Mode. The Government Securities shall become due prior to the respective times on which the proceeds thereof shall be needed, in accordance with a schedule established and agreed upon between the Trustee and the Issuer at the time of the creation of the escrow or trust, or the Government Securities shall be subject to redemption at the option of the owners hereof to assure such availability as so needed to meet such schedule. Provision for payment of Bonds pursuant to this Article shall not be deemed to have been made until a verification report prepared by a certified public accountant shall have been delivered to the Rating Agency, each Bond Facility Issuer and the Trustee indicating that the escrowed funds and Government Securities are sufficient pursuant to this Section 10.2.

75.

SECTION Defeasance.

(1) In the case of any Bonds payable from a Bond Facility, in addition to the requirements of paragraph (3) of this Section 10.3 and Section 10.2, such Bonds shall be deemed to have been paid within the meaning of and with the effect expressed herein only if (i) none of such Bonds is bearing interest at the Bank Rate and (ii) the interest due on such Bonds on or prior to the maturity date or redemption date thereof, as the case may be, shall be calculated at the Maximum Bond Rate, (iii) a verification report prepared by an independent certified public accountant as required in the last sentence of Section 10.2 is delivered to the Rating Agencies, the Insurer and the Trustee; provided, however, that if on any date, as a result of any of such Bonds having borne interest at less than the Maximum Bond Rate for any period, the total amount of moneys and investment securities required for deposit with the Trustee for the payment of interest on such Bonds is in excess of the total amount which would have been required to be deposited with the Trustee on such date in respect of such Bonds in order for such Bonds to have been deemed paid within the meaning and with the effect expressed in Section 10.2 hereof, the Trustee shall, if requested by the Issuer, pay the amount of such excess to the Issuer free and clear of any trust, lien, pledge or assignment securing the Bonds or otherwise existing hereunder. The Trustee may not

pay any excess referred to in this Section 10.3(1) to the Issuer unless the Trustee receives a certificate or other written evidence from an independent certified public accountant that an excess as described in this Section 10.3(1) exists and specifying the amount of such excess.

(2) Notwithstanding any provision of this Resolution to the contrary, the Issuer may cause any or all of the Bonds, other than Bonds in a Fixed Mode, to be deemed to have been paid within the meaning of and with the effect expressed in Section 10.2 hereof only with Government Securities described in Section 10.2 hereof which are non-prepayable and non-callable.

(3) Bonds in the Weekly Mode shall be deemed to have been paid within the meaning of and with the effect expressed herein and this Section, only if such Bonds are required to be called for redemption on the next succeeding date on which they are subject to redemption prior to maturity pursuant to Section 3.16(2) hereof that occurs after the deposits required under Section 10.2 and this Section 10.3 have been made, or, if such Bonds are tendered or deemed tendered for purchase prior to such date pursuant to Section 3.7 hereof, they are required to be redeemed on the Purchase Date thereof.

(4) In the case of Bonds payable from a Bond Facility, such Bonds shall be deemed to have been paid within the meaning of and with the effect expressed herein only if there shall be provided to the Trustee, a Counsel's Opinion to the effect that use of such moneys and investment securities (or the proceeds thereof) to make payments to the Holders of such Bonds will not constitute voidable preferences under the Federal Bankruptcy Code in a case commenced under such code by or against the Issuer.

## 11. ARTICLE NOTICES

### 76. SECTION Notices to Bond Facility Issuer, Remarketing Agent and Bondholders.

(1) All notices, requests and other communications provided for hereunder shall be in electronic, telephonic or written (including bank wire, telegram, telecopier, telex or similar writing) form and shall be given to each Notice Party, addressed to them, at their addresses or telephone, telecopier or telex number set forth below:

Bond Facility Provider: Bank One, Louisiana, N.A.

201 St. Charles Avenue, 28<sup>th</sup> Floor  
New Orleans, LA 70170  
Attention: Institutional Banking

Remarketing Agent: PaineWebber Incorporated

1285 Avenue of the Americas, 15<sup>th</sup> Floor  
New York, NY 10019  
Attention: Short Term Underwriting Department

Bond Insurer:                      Ambac Assurance Corporation

One State Street Plaza  
New York, NY 10004  
Attention: Surveillance Department

Tender Agent, Trustee  
and Paying Agent:              Bank One Trust Company, N.A.

201 St. Charles Avenue, 27<sup>th</sup> Floor  
New Orleans, LA 70170  
Attention: Terri Franklin

or such other address or telephone, telecopier or telex number as each Bond Facility Issuer or the Remarketing Agent may thereafter specify for the purpose by notice to the other parties set forth below. Each such notice, request or communication shall be effective (i) if given by telephone, telex, telecopier or other electronic means, when such communication is transmitted to the address specified below and any appropriate answer back is received, (ii) if given by mail, three (3) Business Days after such communication is deposited in the mails with first class postage prepaid, addressed as aforesaid, (iii) if given by any other means, when delivered at the address specified above or (iv) at such other address or telex, bank wire or telephone number as each Bond Facility Issuer or the Remarketing Agent may thereafter specify for the purpose in a notice to the Trustee and the Issuer specifically captioned "Notice of Change of Address pursuant to Resolution."

(2) All notices to Bondholders provided for hereunder shall be sent by first class mail, postage prepaid at their last known addresses, if any, appearing on the registration books of the Issuer.

77.                      SECTION                      Notices to Rating Agencies. Written notice of (i) a change in the Trustee, Remarketing Agent or Tender Agent, (ii) any amendment to the Resolution, the Bond Facility or the Reimbursement Agreement, (iii) an extension, expiration or termination of the Bond Facility, (iv) the occurrence of a Mode Adjustment, (v) a mandatory tender, (vi) an Event of Default, or (vii) a redemption or defeasance of all of the Bonds, shall be given by the Trustee to Moody's (if such rating agency is then rating the Bonds), 99 Church Street, New York, New York 10007, Attention: Fully Supported Group, to S&P (if such rating agency is then rating the Bonds), 45 Water Street, 38th Floor, New York, New York 10041, Attention: Public Finance Department, and to each other rating agency then rating the Bonds for which the Issuer provides an address.

12.      ARTICLE  
MISCELLANEOUS

78. SECTION Miscellaneous. That the Issuer hereby awards the Bonds to the Underwriter pursuant to and upon the terms and conditions of the Bond Purchase Agreement. The sale of the Bonds in accordance with the provisions of the Bond Purchase Agreement and at the price and in the principal amount to be set forth therein (which price shall be not less than 97% of the principal amount of the Bonds plus accrued interest) is hereby authorized and approved.

79. SECTION References to Paying Agent. Section 6.3 of the Original Resolution is hereby amended to provide that all references therein to Paying Agent shall be references to the Trustee.

13. ARTICLE  
SECURITY FOR THE BONDS

80. SECTION Amendments to Section 3.1 of Original Resolution. Section 3.1 of the Original Resolution is hereby amended in its entirety as follows:

SECTION 3.1 Pledge and Dedication of Revenues. The Bonds shall be limited obligations of the City secured by and payable solely from moneys of the City that are available after the payment of contractual and statutory obligations and other required expenses, including the payment of outstanding Certificates of Indebtedness of the City, in each of the fiscal years during which the Bonds are outstanding, any Issuer Derivative Payments are due or any amounts are owed under the Bond Facility. There is hereby irrevocably pledged and dedicated to the payment of the Bonds and the obligations under this Resolution and the Original Resolution, including all payments to the Bond Facility Issuer and all Issuer Derivative Payments an amount of such available moneys sufficient to pay same in principal and interest or otherwise as they respectively mature or become due. Until the Bonds shall have been paid in full in principal and interest and all other amounts due hereunder as provided in Article X hereof, the Council does hereby obligate the Issuer, itself and its successors in office, to budget annually a sum of money sufficient to pay the Bonds and the interest thereon and all other amounts due hereunder, including all Issuer Derivative Payments as they respectively mature, including any principal and/or interest theretofore matured and then unpaid or any other amounts which have become due and are unpaid, and to levy and collect in each year taxes and to collect other revenues within the limits prescribed by law, sufficient to pay the principal of and interest on the Bonds and all other amounts due hereunder, including, without limitation, Issuer Derivative Payments, after payment in such years of contractual and statutory obligations and other required expenses, including the payment of the Issuer's outstanding Certificates of Indebtedness, in each of the fiscal years during which the Bonds are outstanding, any Issuer Derivative Payments are due or any amounts are owed under the Bond Facility. @

81. SECTION Parties Interested Herein. Nothing in this Resolution or Original Resolution expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the Issuer, the Trustee, the Liquidity Facility Issuer, the Tender Agent, the Paying Agent, the



Insurer and the Owners of Bonds any right, remedy or claim under or by reason of this Resolution or any covenant, condition or stipulation thereof; and all the covenants, stipulations, promises and agreements in this Resolution contained by and on behalf of the Issuer shall be for the sole and exclusive benefit of the Issuer, the Insurer, the Trustee, the Liquidity Facility Issuer, the Tender Agent, the Paying Agent and the Owners of Bonds.

82. SECTION Successors and Assigns. Whenever in this Resolution 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 Resolution contained by or on behalf of the Issuer shall bind and enure to the benefit of its successors and assigns whether so expressed or not.
83. SECTION Severability. In case any one or more of the provisions of this Resolution or of 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 Resolution or of Bonds, but this Resolution and 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 Resolution which validates or makes legal any provision of this Resolution or Bonds which would not otherwise be valid or legal shall be deemed to apply to this Resolution and to Bonds.
84. SECTION Publication of Resolution. This Resolution 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.
85. SECTION Peremption. For thirty days after the date of publication of this Resolution, any person in interest may contest the legality of this Resolution and of any provision herein made for the security and payment of the Bonds. After that time, no one shall have any cause of action to test the regularity, formality, legality, or effectiveness of this Resolution, and provisions hereof for any cause whatever. Thereafter, it shall be conclusively presumed that every legal requirement for the issuance of the Bonds has been complied with. No court shall have authority to inquire into any of these matters after the thirty days.
86. SECTION Authorization. The Executive Officers are hereby further authorized and directed, for and on behalf of the City, to accept, receive, execute, seal, attest and deliver all such documents, certificates and other instruments as are required, necessary, convenient and appropriate in connection with the authorization, issuance, sale and delivery of the Bonds or the Original Resolution or this Resolution, including, without limitation, the Bank One Standby Bond Purchase Agreement attached hereto as Exhibit B and the Initial Swap Agreement attached hereto as Exhibit C and the Pension Trust Fund Agreement, between the City and the Board of City Trusts substantially in the form submitted in the bond validation proceeding, and to take such further action as may be required by bond counsel to the City or appropriate or required by law in connection with the authorization, issuance, sale and delivery of the Bonds. It is further understood and agreed that Ambac Assurance Corporation will insure the Issuer's Derivative Payments to the Reciprocal Payor and Ambac Assurance Corporation will insure the Reciprocal Payments to the Issuer and accordingly, the benefits of such credit enhancement devices are hereby accepted and the Executive Officers are hereby further authorized and directed to accept, receive,

execute, seal, attest and deliver all such documents, certificates, and other instruments as are required, necessary, convenient and appropriate in connection with the issuance of the surety bonds by Ambac Assurance Corporation with respect to the Swap Agreement. Said officers are hereby further authorized and directed to approve for, on behalf of, and in the name of the City any changes, additions or deletions in any of the documents, instruments or certificates referred to in this Resolution or the Original Resolution, provided that all such changes, additions or deletions, if any, shall be approved by bond counsel to the City and shall be consistent with the authority provided by the Act. The signatures of the said Executive Officers upon such documents set forth above, or as may be otherwise required for or necessary, convenient or appropriate to the financing described in this Resolution and the Original Resolution, are deemed to be conclusive evidence of their due exercise of the authority vested in them hereunder.

87. SECTION Effective Date. This Resolution shall become effective immediately.
88. SECTION Governing Law. The provisions of this Resolution shall be governed by the laws of the State of Louisiana.
89. SECTION Bond Insurance. The Insurer shall be provided by the Issuer or the Trustee, as appropriate, all notices, certifications, legal opinions, financial statements and cash flows and any other documents required to be provided to the holders of the Bonds, or the Issuer, the Trustee or the Rating Agencies pursuant to this Resolution or to the Liquidity Facility Issuer under the Liquidity Facility. The Insurer shall, in addition, be provided any notice required to be provided to a "Bond Facility Issuer." The Insurer shall have the right to request and receive any available records or information regarding the Bonds and the security therefor then held by or available to the Issuer or the Trustee.

THE FOREGOING IS CERTIFIED  
TO BE A TRUE AND CORRECT COPY

          /s/          Emma J. Williams

CLERK OF COUNCIL

DEPARTMENT OF FINANCE:  
Marina Kahn, Director

Councilmember Carter offered the following amendment:

AMENDMENT TO RESOLUTION NUMBER NO. R-00-740

CITY HALL: NOVEMBER 16, 2000

BY: COUNCILMEMBER CARTER

SECONDED BY: COUNCILMEMBER SINGLETON

14. On page 69, delete the certification clause in its entirety.

CITY ATTORNEY OFFICE:

Evelyn Pugh, Deputy

After discussion, Councilmember Carter moved adoption of the foregoing amendment.

ROLL CALL:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE AMENDMENT WAS ADOPTED.

On motion of Councilmember Singleton, seconded by Councilmember Carter, and without objection, the provisions of Rule No. 17 was suspended for the purpose of adopting Resolution No. R-00-740.

After further discussion, Councilmember Carter moved adoption of the foregoing resolution, as amended.

ROLL CALL:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE RESOLUTION, AS AMENDED, WAS ADOPTED.

COMMUNICATIONS

(CONTINUED)

FROM SUNDANCE MORGAN, CHAIRMAN MCNO - Requesting to address the Council as the Chairman of the Mid-City Neighborhood Organization on a matter of concern to our neighborhood.

After discussion, the foregoing Communication was declared RECEIVED.

On motion of Councilmember Carter, seconded by Councilmember Sapir, and without objection, the rules of the Council were suspended for the purpose of reverting to Motions/Resolutions.

MOTIONS/RESOLUTIONS

(CONTINUED)

On motion of Councilmember Carter, seconded by Councilmember Sapir, and without objection, the rules of the Council were further suspended for the purpose of introducing and considering the following Motions/Resolutions received after the Council's deadline.

NO. R-00-744

BY: COUNCILMEMBER CARTER

SECONDED BY: COUNCILMEMBER SINGLETON

WHEREAS, it has come to our attention that Bryant Patrick Johnson died while in custody at Central Lockup on October 27, 2000; and

WHEREAS, the Council desires that this incident be looked into to determine and understand the facts surrounding this incident; now therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that this Council hereby requests the Office of Municipal Investigation, the Orleans Parish District Attorney=s Office, the Criminal Sheriff=s Office and the New Orleans Police Department, each within their respective jurisdictions, look into the arrest of Bryant Patrick Johnson on October 27, 2000, and his subsequent death while in custody at Central Lockup.

At this time, Mr. Jessie Johnson addressed the Council on the foregoing Resolution.

After discussion, Councilmember Carter moved adoption of the foregoing Resolution.

ROLL CALL:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

REGULAR ORDER OF BUSINESS RESUMED

ZONING PETITIONS

(CONTINUED)

ZONING PETITION NO. 119/00 - CITY COUNCIL MOTION M-00-559 - Requesting a Text Amendment to the Comprehensive Zoning Ordinance #4264 M.C.S. as amended, to delete off track wagering facilities as permitted uses in Section 6.4 CBD-3 Central Business District and any associated subdistrict standards in Article 11 Supplemental Use Regulations. The recommendation of the City Planning Commission being AFOR APPROVAL@.

PROPONENT:

None

OPPONENT:

None

CITY PLANNING COMMISSION:

Karen Hilton, Assistant Director

After discussion, Councilmembers Carter and Thomas offered the following motion:

NO. M-00-751

BY: COUNCILMEMBERS CARTER AND THOMAS

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ZONING PETITION NO. 119/00 - CITY COUNCIL MOTION M-00-559 - Requesting a Text Amendment to the Comprehensive Zoning Ordinance #4264 M.C.S. as amended, to delete off track wagering facilities as permitted uses in Section 6.4 CBD-3 Central Business District and any associated subdistrict standards in Article 11 Supplemental Use Regulations, be, and the same is hereby upheld and the Text Amendment granted.

BE IT FURTHER MOVED, That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney=s Office for the preparation of an ordinance to effectuate the Text Amendment.

THE FOREGOING MOTION WAS READ IN FULL THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,  
Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

---

At this time Elder J. T. Johnson addressed the Council concerning the open container law.

---

ZONING PETITION NO. 125/00 - RITA O. MORRILL AND ROBERT K. MORRILL, JR. - Requesting a Conditional Use to permit a hotel in a C-1A General Commercial District, on Lots F, G, 97 and 96, Pt. 13 and an undesignated lot, on Square 193, in the First Municipal District, bounded by Prytania, Terpsichore, Melpomene, Camp Streets and Coliseum Circle (1518-22-26 Prytania Street). The recommendation of the City Planning Commission being AFOR APPROVAL@ subject to three (3) waivers and fifteen (15) provisos.

PROPONENT:

Donald Maginnis

OPPONENT:

None

CITY PLANNING COMMISSION:

Karen Hilton, Assistant Director

After discussion, Councilmember Thomas offered the following motion:

NO. M-00-752

BY: COUNCILMEMBER THOMAS

SECONDED BY: COUNCILMEMBER SHEA

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ZONING PETITION NO. 125/00 - RITA O. MORRILL AND ROBERT K. MORRILL, JR. - Requesting a Conditional Use to permit a hotel in a C-1A General Commercial District, on Lots F, G, 97 and 96, Pt. 13 and an undesignated lot, Square 193, in the First Municipal District, bounded by Prytania, Terpsichore, Melpomene, Camp Streets and Coliseum Circle (1518-22-26 Prytania Street), be, and the same is hereby upheld and the Conditional Use granted, subject to three (3) waivers and five (5) provisos as stated in the City Planning Commission=s report.

BE IT FURTHER MOVED, That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney=s Office for the preparation of an ordinance to effectuate the Conditional Use.

THE FOREGOING MOTION WAS READ IN FULL THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.



ORDINANCES ON FINAL PASSAGE

(CONTINUED)

CAL. NO. 23,229 - BY: COUNCILMEMBERS THOMAS AND CARTER (BY REQUEST) - An Ordinance authorizing the sale at public auction of four parcels of ground with all improvements and appurtenances designated as PARCEL 1 - LOT 3, SQUARE 254 - 2711 DAUPHINE STREET, PARCEL 2 - LOTS 2 & 3, SQUARE 115 - 1377- 81 ANNUNCIATION STREET, PARCEL 3 - LOT 4, SQUARE 44, 514 JACKSON AVENUE, AND PARCEL 4 - LOT 1, SQUARE 28-A, 2340 ROUSSEAU STREET in various Municipal Districts in New Orleans, Louisiana, no longer needed for public purposes.

Councilmembers Thomas and Carter offered the following amendment:

AMENDMENT TO CALENDAR NO. 23,229

CITY HALL: September 21, 2000

BY: COUNCILMEMBERS THOMAS AND CARTER (BY REQUEST)

1. On Page 1, SECTION 1, in line 7, after the words "JACKSON AVENUE," and before the word "in" add the words "and PARCEL 4 - LOT 1, SQUARE 28-A, 2340 ROUSSEAU STREET".
2. On Page 3, SECTION 2, in line 15, after the word "all" and before the word "shall", delete the words "four. Parcels" and substitute the words "four parcels".

On motion of Councilmember Carter, seconded by Councilmember Thomas, and without objection, the foregoing amendment was WITHDRAWN.

Councilmembers Thomas and Carter offered the following amendment:

AMENDMENT TO CALENDAR NO. 23,229

CITY HALL: November 16, 2000

BY: COUNCILMEMBERS THOMAS AND CARTER (BY REQUEST)

1. On Page 1, SECTION 1, in line 7, after the words "JACKSON AVENUE," and before the word "in" add the words "and PARCEL 4 - LOT 1, SQUARE 28-A, 2340 ROUSSEAU STREET".
2. On Page 1, SECTION 1, in line 3, after the word "these" and before the word "parcels" delete the words "four" and substitute the words "three".
3. On Page 2, SECTION 1, delete lines 51 through 61 in their entirety.
4. On Page 3, SECTION 2, delete line 7 in its entirety.
5. On Page 3, SECTION 2, in line 8, after the number "3" and before the word "(identified" delete the number "+4".
6. On Page 3, SECTION 2, in line 15 after the word "all" and before the word "Parcels" delete the word "four." and substitute the word "three".

PROPERTY MANAGEMENT/REAL ESTATE & RECORDS:

Ed Mazoué

After discussion Councilmember Thomas moved adoption of the foregoing amendment.

ROLL CALL:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE AMENDMENT WAS ADOPTED.

After further discussion, Councilmember Thomas moved adoption of the foregoing ordinance, as amended.

ROLL CALL:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE ORDINANCE, AS AMENDED, WAS ADOPTED.

CAL. NO. 23,263 - BY: COUNCILMEMBERS SINGLETON, SAPIR, SHEA, THOMAS, CARTER, GUSMAN AND WILLARD-LEWIS (BY REQUEST) - An Ordinance to amend and reordain Section 34-24 of the Code of the City of New Orleans, relative to safety precautions, by adding thereto a prohibition against the use of Class I flammable liquids in flambeaux torches during Mardi Gras parades, beginning in the year 2001; and otherwise to provide with respect thereto.

Councilmember Singleton offered the following amendment:

AMENDMENTS TO CALENDAR NO. 23,263

CITY HALL: November 16, 2000

BY: COUNCILMEMBER SINGLETON  
SECONDED BY: COUNCILMEMBER SAPIR

1. In Section 1 of the ordinance, on line number 7, following "100°F," delete the words "such as kerosene, (fuel oil, mineral spirits, or similar type fuels)".
2. In Section 1 of the ordinance, on line number 9, following "100°F," delete the words "such as gasoline or alcohol based fuels.

NEW ORLEANS FIRE DEPARTMENT:  
Mark Gee

Councilmember Singleton moved adoption of the foregoing amendment.

ROLL CALL:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE AMENDMENT WAS ADOPTED.

After further discussion, Councilmember Singleton moved adoption of the foregoing ordinance, as amended.

ROLL CALL:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0  
ABSENT: 0

AND THE ORDINANCE, AS AMENDED, WAS ADOPTED.

CAL. NO. 23,273 - BY: COUNCILMEMBERS THOMAS, WILLARD-LEWIS,

CARTER, GUSMAN, SAPIR, SHEA AND SINGLETON (BY REQUEST) - An Ordinance authorizing the Mayor of the City of New Orleans to enter into a Notarial Act of Revocation of Dedication and Exchange of Property, by and between the City of New Orleans (City) and Board of Commissioners of the Port of New Orleans (Board) and/or its successors or assigns, for the revocation of dedication and transfer of a certain parcel of ground comprising a portion of Napoleon Avenue and a portion of Jena Street, both in the Sixth Municipal District, owned by the City of New Orleans, no longer needed for public use, to the Board, and the transfer of the City of a certain parcel of ground owned by the Board and its dedication to public use as a playground and park, known as DELERY STREET-RIVERFRONT PLAYGROUND, in the Third Municipal District.

After discussion, Councilmember Willard-Lewis moved adoption of the foregoing ordinance.

ROLL CALL:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0  
ABSENT: 0

AND THE ORDINANCE WAS ADOPTED.

CAL. NO. 23,284 - BY: COUNCILMEMBER SHEA - An Ordinance to effect a map change from a B-1A Neighborhood Business District to RD-2 Two Family Residential District, on Square 37, Lots 1 and 2, in the Sixth Municipal District, bounded by Audubon Boulevard, Cohn, Audubon and Spruce Streets (Municipal Addresses: 1901-03 Audubon Street); and otherwise to provide with respect thereto. (ZONING DOCKET NO. 63/00)

After discussion, Councilmember Shea moved adoption of the foregoing ordinance.

ROLL CALL:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0  
ABSENT: 0

AND THE ORDINANCE WAS ADOPTED.

CAL. NO. 23,286 - BY: COUNCILMEMBER GUSMAN - An Ordinance to effect a map change from an RD-3 Two Family Residential District to a C-1A General Commercial District to permit a commercial child care facility, on Square 415, Lots 1, 2, C, Pts. 5-6, Pts. 6-7, Pt. 8, Pts. 8-9, 10-11, Pts. 14-15, 15, 16, 17, 18 and M-3, in the Third Municipal District, bounded by St. Claude and Poland Avenues, Kentucky and Marais Streets Municipal Address: 1111 Poland Avenue); and otherwise to provide with respect thereto. (ZONING DOCKET NO. 114/00)

After discussion, Councilmember Gusman moved adoption of the foregoing ordinance.

ROLL CALL:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0  
ABSENT: 0

AND THE ORDINANCE WAS ADOPTED.

CAL. NO. 23,321 - BY: COUNCILMEMBER THOMAS (BY REQUEST) - An Ordinance to authorize the Mayor to sign an agreement between the City of New Orleans and Mr. & Mrs. Prince A. Williams, Jr., and an agreement between the City of New Orleans and Mr. George Alexander, Jr. and Mr. George Alexander, III, whereby the City Of New Orleans will grant to them servitudes on/over portion of ground owned by the City known as portions of Annunciation and Valance Streets, located in the Sixth Municipal District adjacent to square 118, Lots 8-A and 8-B in order that the City might provide for the encroachments of a building, steps, and roof & gutter overhangs. The compensation for each servitude shall be \$150.00 each to be credited to Capital Funds.

PROPERTY MANAGEMENT/REAL ESTATE & RECORDS:

Ed Mazoué

After discussion, Councilmember Thomas moved adoption of the foregoing ordinance.

ROLL CALL:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0  
ABSENT: 0

AND THE ORDINANCE WAS ADOPTED.

CAL. NO. 23,350 - BY: COUNCILMEMBER CARTER - An Ordinance to temporarily waive specific fees relative to permit requirements for the event entitled AThe Algiers Holiday Bonfire@ which is officially sponsored and sanctioned by the City of New Orleans; to specify the location and duration of said waiver; and to provide otherwise with respect thereto.

After discussion, Councilmember Carter moved adoption of the foregoing ordinance.

ROLL CALL:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0  
ABSENT: 0

AND THE ORDINANCE WAS ADOPTED.

CAL. NO. 23,351 - BY: COUNCILMEMBER CARTER - An Ordinance to amend Section 154-1194 of the Code of the City of New Orleans, relative to the prima facie speed limits, by instituting a 40 mph speed limit at English Turn Parkway between LA 406 and Stanton Road; and otherwise to provide with respect thereto.

After discussion, Councilmember Carter moved adoption of the foregoing ordinance.

ROLL CALL:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0  
ABSENT: 0

AND THE ORDINANCE WAS ADOPTED.

CAL. NO. 23,353 - BY: COUNCILMEMBER CARTER (BY REQUEST) - An Ordinance authorizing the Mayor of the City of New Orleans to enter into an Agreement to Revoke and Release a Full-width Servitude, no longer needed by the City of New Orleans, on that portion of former N. Villere Street, which is presently designated as Lot AA@, Square 182, Second Municipal District.

After discussion, Councilmember Carter moved adoption of the foregoing ordinance.

ROLL CALL:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE ORDINANCE WAS ADOPTED.

CAL. NO. 23,356 - BY: COUNCILMEMBERS GUSMAN, SHEA, CARTER AND SINGLETON (BY REQUEST) - An Ordinance to amend Ordinance No. 19,475 as amended entitled AAn Ordinance Providing an Operating Budget of Revenues for the City of New Orleans for the Year 2000,@ to appropriate fund balance in the Department of Finance for the office of the Criminal Sheriff.

After discussion, Councilmember Gusman moved adoption of the foregoing ordinance.

ROLL CALL:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE ORDINANCE WAS ADOPTED.

CAL. NO. 23,357 - BY: COUNCILMEMBERS GUSMAN, SHEA, CARTER AND SINGLETON (BY REQUEST) - An Ordinance to amend Ordinance No. 19,476 M.C.S., as amended entitled AAn Ordinance Providing an Operating Budget of Expenditures for the City of New Orleans for the Year 2000,@ to appropriate fund balance to the office of the Criminal Sheriff.

After discussion, Councilmember Gusman moved adoption of the foregoing ordinance.

ROLL CALL:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0

ABSENT: 0  
AND THE ORDINANCE WAS ADOPTED.

CAL. NO. 23,361 - BY: COUNCILMEMBER CARTER - An Ordinance to rename Sandra Drive (from General DeGaulle Drive through Pace Boulevard to Murl Street) to Life Center Drive; and otherwise to provide with respect thereto.

After discussion, Councilmember Carter moved adoption of the foregoing ordinance.

ROLL CALL:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,  
Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE ORDINANCE WAS ADOPTED.

CAL. NO. 23,378 - BY: COUNCILMEMBERS GUSMAN, SHEA, CARTER AND SINGLETON (BY REQUEST) - An Ordinance to amend Ordinance No. 23,183 M.C.S., as amended, entitled AAn Ordinance providing a Capital Budget for the City of New Orleans for the Year 2000,@ to appropriate \$3,000,000 in Minor Streets Funds to support Sewerage and Water Board participation in various Minor Streets Projects.

CHIEF ADMINISTRATIVE OFFICE:

Barbara Avalos, Interim Assistant CAO

PUBLIC WORKS DEPARTMENT:

Ida Daniels, Operations Administrator

After discussion, Councilmember Gusman moved adoption of the foregoing ordinance.

ROLL CALL:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,  
Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE ORDINANCE WAS ADOPTED.



MOTIONS/RESOLUTIONS

(LYING OVER)

NO. M-00-688

CITY HALL: November 2, 2000

BY: COUNCILMEMBER THOMAS(BY REQUEST)

SECONDED BY: COUNCILMEMBER SINGLETON

BE IT MOVED BY THE COUNCIL THE CITY OF NEW ORLEANS THAT THE CITY PURSUANT TO 11,625 M.C.S., SECTION 102.4 OF THE STANDARD BUILDING CODE OF THE CITY OF NEW ORLEANS, DOES HEREBY ACCEPT THE LOWEST QUALIFIED BID OF CRESCENT ENVIRONMENTAL IN THE AMOUNT OF \$4,374.00 AUTHORIZES THE DEMOLITION OF PROPERTY LOCATED AT 2913-15 AUDUBON ST. WHICH STRUCTURE WAS DECLARED A PUBLIC NUISANCE@ IN ACCORDANCE WITH CHAPTER 2-B OF THE CITY CODE CASE NO. 2000-2234-HB

THE DIVISION OF HOUSING AND NEIGHBORHOOD DEVELOPMENT IN ACCORDANCE WITH LAW SOLICITED BIDS FROM THREE CERTIFIED DEMOLITION CONTRACTORS. IF FOR ANY REASON THE LOWEST QUALIFIED BIDDER IS UNABLE TO PERFORM, THE NEXT LOWEST QUALIFIED BIDDER SHALL BE UTILIZED.

CRESCENT ENVIRONMENTAL IS HEREBY AUTHORIZED TO PERFORM SAID DEMOLITION.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

NO. M-00-689

CITY HALL: November 2, 2000

BY: COUNCILMEMBER THOMAS(BY REQUEST)

SECONDED BY: COUNCILMEMBER SINGLETON

BE IT MOVED BY THE COUNCIL THE CITY OF NEW ORLEANS THAT THE CITY PURSUANT TO 11,625 M.C.S., SECTION 102.4 OF THE STANDARD BUILDING CODE OF THE CITY OF NEW ORLEANS, DOES HEREBY ACCEPT THE LOWEST

QUALIFIED BID OF HAMP=S ENTERPRISES IN THE AMOUNT OF \$2,250.00  
AUTHORIZES THE DEMOLITION OF PROPERTY LOCATED AT 1936-38 BIENVILLE  
ST. WHICH STRUCTURE WAS DECLARED A APUBLIC NUISANCE@ IN  
ACCORDANCE WITH CHAPTER 2-B OF THE CITY CODE CASE NO. 2000-39-HB

THE DIVISION OF HOUSING AND NEIGHBORHOOD DEVELOPMENT IN  
ACCORDANCE WITH LAW SOLICITED BIDS FROM THREE CERTIFIED  
DEMOLITION CONTRACTORS. IF FOR ANY REASON THE LOWEST QUALIFIED  
BIDDER IS UNABLE TO PERFORM, THE NEXT LOWEST QUALIFIED BIDDER  
SHALL BE UTILIZED.

HAMP=S ENTERPRISES IS HEREBY AUTHORIZED TO PERFORM SAID  
DEMOLITION.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED  
ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

NO. M-00-690

CITY HALL: November 2, 2000

BY: COUNCILMEMBER THOMAS(BY REQUEST)

SECONDED BY: COUNCIMEMBER SINGLETON

BE IT MOVED BY THE COUNCIL THE CITY OF NEW ORLEANS THAT THE  
CITY PURSUANT TO 11,625 M.C.S., SECTION 102.4 OF THE STANDARD BUILDING  
CODE OF THE CITY OF NEW ORLEANS, DOES HEREBY ACCEPT THE LOWEST  
QUALIFIED BID OF CRESCENT ENVIRONMENTAL IN THE AMOUNT OF \$3,640.00  
AUTHORIZES THE DEMOLITION OF PROPERTY LOCATED AT 3117-19  
BROADWAY ST. WHICH STRUCTURE WAS DECLARED A APUBLIC NUISANCE@  
IN ACCORDANCE WITH CHAPTER 2-B OF THE CITY CODE CASE NO. 98-2041HB

THE DIVISION OF HOUSING AND NEIGHBORHOOD DEVELOPMENT IN  
ACCORDANCE WITH LAW SOLICITED BIDS FROM THREE CERTIFIED  
DEMOLITION CONTRACTORS. IF FOR ANY REASON THE LOWEST QUALIFIED  
BIDDER IS UNABLE TO PERFORM, THE NEXT LOWEST QUALIFIED BIDDER  
SHALL BE UTILIZED.

CRESCENT ENVIRONMENTAL IS HEREBY AUTHORIZED TO PERFORM SAID DEMOLITION.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,  
Willard-Lewis - 7

NAYS: 0  
ABSENT: 0

AND THE MOTION WAS ADOPTED.

NO. M-00-691

CITY HALL: November 2, 2000

BY: COUNCILMEMBER THOMAS(BY REQUEST)

SECONDED BY: COUNCILMEMBER SINGLETON

BE IT MOVED BY THE COUNCIL THE CITY OF NEW ORLEANS THAT THE CITY PURSUANT TO 11,625 M.C.S., SECTION 102.4 OF THE STANDARD BUILDING CODE OF THE CITY OF NEW ORLEANS, DOES HEREBY ACCEPT THE LOWEST QUALIFIED BID OF HAMP=S ENTERPRISES IN THE AMOUNT OF \$2,950.00 AUTHORIZES THE DEMOLITION OF PROPERTY LOCATED AT 2521 JENA ST. WHICH STRUCTURE WAS DECLARED A APUBLIC NUISANCE@ IN ACCORDANCE WITH CHAPTER 2-B OF THE CITY CODE CASE NO. 98-4273HB

THE DIVISION OF HOUSING AND NEIGHBORHOOD DEVELOPMENT IN ACCORDANCE WITH LAW SOLICITED BIDS FROM THREE CERTIFIED DEMOLITION CONTRACTORS. IF FOR ANY REASON THE LOWEST QUALIFIED BIDDER IS UNABLE TO PERFORM, THE NEXT LOWEST QUALIFIED BIDDER SHALL BE UTILIZED.

HAMP=S ENTERPRISES IS HEREBY AUTHORIZED TO PERFORM SAID DEMOLITION.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,  
Willard-Lewis - 7

NAYS: 0  
ABSENT: 0

AND THE MOTION WAS ADOPTED.

MOTIONS/RESOLUTIONS

(CONTINUED)

NO. M-00-714

BY: COUNCILMEMBER SHEA (BY REQUEST)

SECONDED BY: COUNCILMEMBER SINGLETON

BE IT MOVED BY THE COUNCIL THE CITY OF NEW ORLEANS THAT THE CITY PURSUANT TO 11,625 M.C.S., SECTION 102.4 OF THE STANDARD BUILDING CODE OF THE CITY OF NEW ORLEANS, DOES HEREBY ACCEPT THE LOWEST QUALIFIED BID OF CRESCENT ENVIRONMENTAL IN THE AMOUNT OF \$3,895.00 AUTHORIZES THE DEMOLITION OF PROPERTY LOCATED AT 8811 BELFAST ST. (FRONT & REAR) WHICH STRUCTURE WAS DECLARED A PUBLIC NUISANCE @ IN ACCORDANCE WITH CHAPTER 2-B OF THE CITY CODE CASE NO. 2000-554HB

THE DIVISION OF HOUSING AND NEIGHBORHOOD DEVELOPMENT IN ACCORDANCE WITH LAW SOLICITED BIDS FROM THREE CERTIFIED DEMOLITION CONTRACTORS. IF FOR ANY REASON THE LOWEST QUALIFIED BIDDER IS UNABLE TO PERFORM, THE NEXT LOWEST QUALIFIED BIDDER SHALL BE UTILIZED.

CRESCENT ENVIRONMENTAL IS HEREBY AUTHORIZED TO PERFORM SAID DEMOLITION.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0  
ABSENT: 0

AND THE MOTION WAS ADOPTED.

NO. M-00-715

BY: COUNCILMEMBER SHEA (BY REQUEST)

SECONDED BY: COUNCILMEMBER SAPIR

BE IT MOVED BY THE COUNCIL THE CITY OF NEW ORLEANS THAT THE CITY PURSUANT TO 11,625 M.C.S., SECTION 102.4 OF THE STANDARD BUILDING

CODE OF THE CITY OF NEW ORLEANS, DOES HEREBY ACCEPT THE LOWEST QUALIFIED BID OF CRESCENT ENVIRONMENTAL IN THE AMOUNT OF \$3,795.00 AUTHORIZES THE DEMOLITION OF PROPERTY LOCATED AT 437 BERNADOTTE ST. (S) WHICH STRUCTURE WAS DECLARED A APUBLIC NUISANCE@ IN ACCORDANCE WITH CHAPTER 2-B OF THE CITY CODE CASE NO. 99-4144HB

THE DIVISION OF HOUSING AND NEIGHBORHOOD DEVELOPMENT IN ACCORDANCE WITH LAW SOLICITED BIDS FROM THREE CERTIFIED DEMOLITION CONTRACTORS. IF FOR ANY REASON THE LOWEST QUALIFIED BIDDER IS UNABLE TO PERFORM, THE NEXT LOWEST QUALIFIED BIDDER SHALL BE UTILIZED.

CRESCENT ENVIRONMENTAL IS HEREBY AUTHORIZED TO PERFORM SAID DEMOLITION.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

NO. M-00-716

BY: COUNCILMEMBER SHEA (BY REQUEST)

SECONDED BY: COUNCILMEMBER SAPIR

BE IT MOVED BY THE COUNCIL THE CITY OF NEW ORLEANS THAT THE CITY PURSUANT TO 11,625 M.C.S., SECTION 102.4 OF THE STANDARD BUILDING CODE OF THE CITY OF NEW ORLEANS, DOES HEREBY ACCEPT THE LOWEST QUALIFIED BID OF CRESCENT ENVIRONMENTAL IN THE AMOUNT OF \$2,240.00 AUTHORIZES THE DEMOLITION OF PROPERTY LOCATED AT 3101 CHERRY ST. WHICH STRUCTURE WAS DECLARED A APUBLIC NUISANCE@ IN ACCORDANCE WITH CHAPTER 2-B OF THE CITY CODE CASE NO. 99-4155HB

THE DIVISION OF HOUSING AND NEIGHBORHOOD DEVELOPMENT IN ACCORDANCE WITH LAW SOLICITED BIDS FROM THREE CERTIFIED DEMOLITION CONTRACTORS. IF FOR ANY REASON THE LOWEST QUALIFIED BIDDER IS UNABLE TO PERFORM, THE NEXT LOWEST QUALIFIED BIDDER SHALL BE UTILIZED.

CRESCENT ENVIRONMENTAL IS HEREBY AUTHORIZED TO PERFORM SAID DEMOLITION.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,  
Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

NO. M-00-717

BY: COUNCILMEMBER THOMAS (BY REQUEST)

SECONDED BY: COUNCILMEMBER SAPIR

BE IT MOVED BY THE COUNCIL THE CITY OF NEW ORLEANS THAT THE CITY PURSUANT TO 11,625 M.C.S., SECTION 102.4 OF THE STANDARD BUILDING CODE OF THE CITY OF NEW ORLEANS, DOES HEREBY ACCEPT THE LOWEST QUALIFIED BID OF HAMP=S ENTERPRISES IN THE AMOUNT OF \$3,600.00 AUTHORIZES THE DEMOLITION OF PROPERTY LOCATED AT 1409 GAYOSO ST. (S) WHICH STRUCTURE WAS DECLARED A PUBLIC NUISANCE @ IN ACCORDANCE WITH CHAPTER 2-B OF THE CITY CODE CASE NO. 2000-537HB

THE DIVISION OF HOUSING AND NEIGHBORHOOD DEVELOPMENT IN ACCORDANCE WITH LAW SOLICITED BIDS FROM THREE CERTIFIED DEMOLITION CONTRACTORS. IF FOR ANY REASON THE LOWEST QUALIFIED BIDDER IS UNABLE TO PERFORM, THE NEXT LOWEST QUALIFIED BIDDER SHALL BE UTILIZED.

HAMP=S ENTERPRISES IS HEREBY AUTHORIZED TO PERFORM SAID DEMOLITION.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,  
Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

NO. M-00-718

BY: COUNCILMEMBER THOMAS (BY REQUEST)

SECONDED BY: COUNCILMEMBER SHEA

BE IT MOVED BY THE COUNCIL THE CITY OF NEW ORLEANS THAT THE CITY PURSUANT TO 11,625 M.C.S., SECTION 102.4 OF THE STANDARD BUILDING CODE OF THE CITY OF NEW ORLEANS, DOES HEREBY ACCEPT THE LOWEST QUALIFIED BID OF HAMP=S ENTERPRISES IN THE AMOUNT OF \$1,000.00 AUTHORIZES THE DEMOLITION OF PROPERTY LOCATED AT 1239 SALCEDO ST. (S) WHICH STRUCTURE WAS DECLARED A PUBLIC NUISANCE@ IN ACCORDANCE WITH CHAPTER 2-B OF THE CITY CODE CASE NO. 99-4099HB

THE DIVISION OF HOUSING AND NEIGHBORHOOD DEVELOPMENT IN ACCORDANCE WITH LAW SOLICITED BIDS FROM THREE CERTIFIED DEMOLITION CONTRACTORS. IF FOR ANY REASON THE LOWEST QUALIFIED BIDDER IS UNABLE TO PERFORM, THE NEXT LOWEST QUALIFIED BIDDER SHALL BE UTILIZED.

HAMP=S ENTERPRISES IS HEREBY AUTHORIZED TO PERFORM SAID DEMOLITION.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

NO. M-00-719

BY: COUNCILMEMBER THOMAS (BY REQUEST)

SECONDED BY: COUNCILMEMBER SAPIR

BE IT MOVED BY THE COUNCIL THE CITY OF NEW ORLEANS THAT THE CITY PURSUANT TO 11,625 M.C.S., SECTION 102.4 OF THE STANDARD BUILDING CODE OF THE CITY OF NEW ORLEANS, DOES HEREBY ACCEPT THE LOWEST QUALIFIED BID OF AUGUILLARD CONSTRUCTION IN THE AMOUNT OF \$2,700.00 AUTHORIZES THE DEMOLITION OF PROPERTY LOCATED AT 3617-19 THIRD ST. WHICH STRUCTURE WAS DECLARED A PUBLIC NUISANCE@ IN ACCORDANCE WITH CHAPTER 2-B OF THE CITY CODE CASE NO. 97-4611HB

THE DIVISION OF HOUSING AND NEIGHBORHOOD DEVELOPMENT IN ACCORDANCE WITH LAW SOLICITED BIDS FROM THREE CERTIFIED DEMOLITION CONTRACTORS. IF FOR ANY REASON THE LOWEST QUALIFIED BIDDER IS UNABLE TO PERFORM, THE NEXT LOWEST QUALIFIED BIDDER SHALL BE UTILIZED.

AUGUILLARD CONSTRUCTION IS HEREBY AUTHORIZED TO PERFORM SAID DEMOLITION.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:\

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

NO. M-00-720

BY: COUNCILMEMBER THOMAS (BY REQUEST)

SECONDED BY: COUNCILMEMBER SAPIR

BE IT MOVED BY THE COUNCIL THE CITY OF NEW ORLEANS THAT THE CITY PURSUANT TO 11,625 M.C.S., SECTION 102.4 OF THE STANDARD BUILDING CODE OF THE CITY OF NEW ORLEANS, DOES HEREBY ACCEPT THE LOWEST QUALIFIED BID OF AUGUILLARD CONSTRUCTION IN THE AMOUNT OF \$2,700.00 AUTHORIZES THE DEMOLITION OF PROPERTY LOCATED AT 3826-28 THIRD ST. WHICH STRUCTURE WAS DECLARED A PUBLIC NUISANCE@ IN ACCORDANCE WITH CHAPTER 2-B OF THE CITY CODE CASE NO. 2000-3252HB

THE DIVISION OF HOUSING AND NEIGHBORHOOD DEVELOPMENT IN ACCORDANCE WITH LAW SOLICITED BIDS FROM THREE CERTIFIED DEMOLITION CONTRACTORS. IF FOR ANY REASON THE LOWEST QUALIFIED BIDDER IS UNABLE TO PERFORM, THE NEXT LOWEST QUALIFIED BIDDER SHALL BE UTILIZED.

AUGUILLARD CONSTRUCTION IS HEREBY AUTHORIZED TO PERFORM SAID DEMOLITION.



THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,  
Willard-Lewis - 7

NAYS: 0  
ABSENT: 0

AND THE MOTION WAS ADOPTED.

NO. M-00-721

BY: COUNCILMEMBER THOMAS (BY REQUEST)

SECONDED BY: COUNCILMEMBER SHEA

BE IT MOVED BY THE COUNCIL THE CITY OF NEW ORLEANS THAT THE CITY PURSUANT TO 11,625 M.C.S., SECTION 102.4 OF THE STANDARD BUILDING CODE OF THE CITY OF NEW ORLEANS, DOES HEREBY ACCEPT THE LOWEST QUALIFIED BID OF AUGUILLARD CONSTRUCTION IN THE AMOUNT OF \$3,400.00 AUTHORIZES THE DEMOLITION OF PROPERTY LOCATED AT 3235-37 WASHINGTON AVE. WHICH STRUCTURE WAS DECLARED A APUBLIC NUISANCE@ IN ACCORDANCE WITH CHAPTER 2-B OF THE CITY CODE CASE NO. 2000-969HB

THE DIVISION OF HOUSING AND NEIGHBORHOOD DEVELOPMENT IN ACCORDANCE WITH LAW SOLICITED BIDS FROM THREE CERTIFIED DEMOLITION CONTRACTORS. IF FOR ANY REASON THE LOWEST QUALIFIED BIDDER IS UNABLE TO PERFORM, THE NEXT LOWEST QUALIFIED BIDDER SHALL BE UTILIZED.

AUGUILLARD CONSTRUCTION IS HEREBY AUTHORIZED TO PERFORM SAID DEMOLITION.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,  
Willard-Lewis - 7

NAYS: 0  
ABSENT: 0

AND THE MOTION WAS ADOPTED.

At this time Councilmember Carter moved to reconsider the vote by which the following motion was continued. Seconded by Councilmember Sapir.

There being no objection, so ordered.

NO. M-00-722  
BY: COUNCILMEMBER THOMAS (BY REQUEST)  
SECONDED BY: COUNCILMEMBER SAPIR

BE IT MOVED BY THE COUNCIL THE CITY OF NEW ORLEANS THAT THE CITY PURSUANT TO 11,625 M.C.S., SECTION 102.4 OF THE STANDARD BUILDING CODE OF THE CITY OF NEW ORLEANS, DOES HEREBY ACCEPT THE LOWEST QUALIFIED BID OF CRESCENT ENVIRONMENTAL IN THE AMOUNT OF \$2,240.00 AUTHORIZES THE DEMOLITION OF PROPERTY LOCATED AT 916 ROBERTSON ST. (N) WHICH STRUCTURE WAS DECLARED A PUBLIC NUISANCE @ IN ACCORDANCE WITH CHAPTER 2-B OF THE CITY CODE CASE NO. 2000-99HB

THE DIVISION OF HOUSING AND NEIGHBORHOOD DEVELOPMENT IN ACCORDANCE WITH LAW SOLICITED BIDS FROM THREE CERTIFIED DEMOLITION CONTRACTORS. IF FOR ANY REASON THE LOWEST QUALIFIED BIDDER IS UNABLE TO PERFORM, THE NEXT LOWEST QUALIFIED BIDDER SHALL BE UTILIZED.

CRESCENT ENVIRONMENTAL IS HEREBY AUTHORIZED TO PERFORM SAID DEMOLITION.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

---

NO. M-00-724  
BY: COUNCILMEMBER CARTER (BY REQUEST)  
SECONDED BY: COUNCILMEMBER SAPIR

BE IT MOVED BY THE COUNCIL THE CITY OF NEW ORLEANS THAT THE CITY PURSUANT TO 11,625 M.C.S., SECTION 102.4 OF THE STANDARD BUILDING CODE OF THE CITY OF NEW ORLEANS, DOES HEREBY ACCEPT THE LOWEST QUALIFIED BID OF HAMP=S ENTERPRISES IN THE AMOUNT OF \$3,375.00 AUTHORIZES THE DEMOLITION OF PROPERTY LOCATED AT 1705-07 ST. ANTHONY ST. WHICH STRUCTURE WAS DECLARED A APUBLIC NUISANCE@ IN ACCORDANCE WITH CHAPTER 2-B OF THE CITY CODE CASE NO. 97-45021HB

THE DIVISION OF HOUSING AND NEIGHBORHOOD DEVELOPMENT IN ACCORDANCE WITH LAW SOLICITED BIDS FROM THREE CERTIFIED DEMOLITION CONTRACTORS. IF FOR ANY REASON THE LOWEST QUALIFIED BIDDER IS UNABLE TO PERFORM, THE NEXT LOWEST QUALIFIED BIDDER SHALL BE UTILIZED.

HAMP=S ENTERPRISES IS HEREBY AUTHORIZED TO PERFORM SAID DEMOLITION.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,  
Willard-Lewis - 7

NAYS: 0  
ABSENT: 0

AND THE MOTION WAS ADOPTED.

NO. M-00-725

BY: COUNCILMEMBER GUSMAN (BY REQUEST)  
SECONDED BY: COUNCILMEMBER SINGLETON

BE IT MOVED BY THE COUNCIL THE CITY OF NEW ORLEANS THAT THE CITY PURSUANT TO 11,625 M.C.S., SECTION 102.4 OF THE STANDARD BUILDING CODE OF THE CITY OF NEW ORLEANS, DOES HEREBY ACCEPT THE LOWEST QUALIFIED BID OF HAMP=S ENTERPRISES IN THE AMOUNT OF \$1,800.00 AUTHORIZES THE DEMOLITION OF PROPERTY LOCATED AT 2213-15 PIETY ST. WHICH STRUCTURE WAS DECLARED A APUBLIC NUISANCE@ IN ACCORDANCE WITH CHAPTER 2-B OF THE CITY CODE CASE NO. 2000-571HB

THE DIVISION OF HOUSING AND NEIGHBORHOOD DEVELOPMENT IN ACCORDANCE WITH LAW SOLICITED BIDS FROM THREE CERTIFIED DEMOLITION CONTRACTORS. IF FOR ANY REASON THE LOWEST QUALIFIED

BIDDER IS UNABLE TO PERFORM, THE NEXT LOWEST QUALIFIED BIDDER SHALL BE UTILIZED.

HAMP=S ENTERPRISES IS HEREBY AUTHORIZED TO PERFORM SAID DEMOLITION.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

NO. M-00-726

BY: COUNCILMEMBER GUSMAN (BY REQUEST)

Authorizing demolition of property located at 2648 Piety Street to Hamp=s Construction the lowest qualified bidder in the amount of \$1,800.00.

CONTINUED TO THE MEETING OF DECEMBER 1, 2000.

NO. R-00-738

BY: COUNCILMEMBERS SINGLETON, SAPIR, CARTER, GUSMAN, SHEA, WILLARD-LEWIS AND THOMAS

WHEREAS, the Votes cast in the PRESIDENTIAL AND SPECIAL ELECTION held on November 7, 2000, in accordance with the provisions of Ordinance No. 19,789 M.C.S., adopted, as amended, on August 3, 2000, as to the number of Votes cast FOR and AGAINST - Purpose A - General Obligation Bond Authorization, has been canvassed and compiled and the results thereof transferred to the compilation sheets attached hereto and made a part thereof.

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That said compilation sheets\* attached hereto and made a part hereof are hereby declared to be the official results of the Special Election referred to above, as reflected by the actual returns made by the various commissioners who conducted said election and it is hereby proclaimed that the Propositions, submitted at said election cast by the qualified electors voting at said Special Election held in the City of New Orleans on November 7, 2000, resulted as follows:

PURPOSE A

GENERAL OBLIGATION BOND AUTHORIZATION

VOTES FOR: 117,036

VOTES AGAINST: 38,558

TOTAL VOTES: 155,594

MAJORITY OF VOTES: FOR 117,036

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That a certified copy of this motion, which shall serve as a Proces Verbal of the canvass of the returns of said Special Election shall be forwarded to the Secretary of State, Baton Rouge, Louisiana, who shall record the same in his office; that another certified copy thereof shall be forwarded to the Clerk of Civil District Court and Ex-Officio Recorder of Mortgages in and for the Parish of Orleans who shall record the same in the Mortgage Records of said Parish; that another certified copy shall be retained in the archives of this City Council; and that the results of said Special Election shall be promulgated by publication in the manner provided by law.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

\* ARE ON FILE IN THE OFFICE OF THE CLERK OF COUNCIL, 1300 PERDIDO ST.

On motion of Councilmember Sapir, seconded by Councilmember Singleton, and without objection, the rules of the Council were suspended for the purpose of introducing and considering Motions/Resolutions received after the Council=s deadline.

NO. R-00-736

BY: COUNCILMEMBERS SINGLETON, SAPIR, SHEA, THOMAS, CARTER,  
GUSMAN AND WILLARD-LEWIS (BY REQUEST)

Suspending the provisions of Section VI of Calendar Ordinance No. 23,324 adopted by the Council of the City of New Orleans on December 1, 2000, as Ordinance No. \_\_\_ M.C.S., only insofar as they pertain to the collection by the City of New Orleans of the special ad valorem tax levied for the year 2001 upon all taxable property situated within the boundaries of the Downtown Development District of the City of New Orleans in excess of 15.9 mills on the dollar of the assessed valuation of real property.

Continued to the meeting of December 1, 2000.

NO. M-00-741

BY: COUNCILMEMBER SAPIR

SECONDED BY: COUNCILMEMBER SINGLETON

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS That Dr. S. Mark McKenna (vice-Stephen R. Barry), is hereby appointed to the Industrial Development Board for a term to expire on January 21, 2001 be and the same is hereby ratified, confirmed and approved.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

NO. M-00-742

BY: COUNCILMEMBERS SAPIR, CARTER AND GUSMAN

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS That the Council Chief of Staff is directed to utilize the services of a consultant, at a cost not to exceed \$14,999: said consultant to 1) to conduct an analysis of the City Council Utilities Regulatory Office, 2) review the current qualifications and expertise required for the unclassified position of City Council Utilities Regulatory Officer (U0905), and 3) make recommendations relative thereto.

BE IT FURTHER MOVED That the qualifications and expertise so recommended for the position of City Council Utilities Regulatory Officer be advertised nationally, and that this position be declared vacant, effective December 2, 2000.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Thomas, Willard-Lewis - 6

NAYS: Singleton - 1

ABSENT: 0

AND THE MOTION WAS ADOPTED.

NO. R-00-743

BY: COUNCILMEMBERS SINGLETON, SAPIR, SHEA, THOMAS, CARTER,  
GUSMAN AND WILLARD-LEWIS (BY REQUEST)

WHEREAS, the Surface Transportation Assistance Act of 1978, as enacted by the Congress of the United States, mandates that all structures defined as bridges which are located on all public roads shall be inspected, rated for safe load capacity and so posted in accordance with the National Bridge Inspection Standards; and, further that an inventory of these bridges will be maintained by each state; and,

WHEREAS, the Louisiana Department of Transportation and Development (hereinafter referred to as ALADOTD@) initially satisfied all of these requirements for all public bridges, including those on roadways not part of the State route system as defined in Louisiana Revised Statutes Title 48, Section 191 et seq., but rather owned by municipalities or other local governing bodies (so-called Aoff-system@ bridges); and,

WHEREAS, the Department of Public Works (formerly the Department of Streets) of the City of New Orleans, did received correspondence dated October 20, 1987, from the LADOTD indicating that this agency would not require the active participation of off-system bridge owners in the aforementioned process; and,

WHEREAS, the LADOTD has now delegated to the Parish of Orleans (hereinafter referred to as Athe Parish@) the responsibility to inspect, rate, and load post those bridges under its authority, this action in accordance with the National Bridge Inspection Standards; and,

WHEREAS, compliance with these regulations is required for our continued participation in the Off-System Bridge Replacement Program to receive federal and/or other non-local funds, as they might become available for these same structures; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY NEW ORLEANS, that the following information is certified to the LADOTD for the period October 1, 1999 through September 30, 2000.

14. That the Parish has performed all interim inspection on all Parish-owned or maintained bridges in accordance with the National Bridge Inspection Standards.
15. That all bridges owned or maintained by Parish have been structurally analyzed and rated by the Parish as the safe load capacity in accordance the with the American Association of State Highway and Transportation Officials (AASHTO) Manual for Maintenance Inspection of Bridges.
16. That the Parish has critically reviewed load posting information for all bridges where it has been determined by the LADOTD that the maximum legal load under Louisiana State Law exceeds the load permitted under the ASSHTO operating ratings.
17. That the Parish has updated load posting information to reflect all structural changes, any obsolete ratings, or any missing structural ratings.
18. That all Parish-owned or maintained bridges which require load posting or closing are load posted or closed in accordance with the table in the LADOTD Engineer Directives and Standards Manual directive No. 1.1.1.8.; and further, that all LADOTD-supplied load posting information concerning a bridge that has been critically reviewed by the Parish Engineer prior to load posting.
19. That the current list of off-system bridge information presented to the Parish by the LADOTD has been reviewed and corrected as necessary, and this information transmitted to the LADOTD by December 31, 2000.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Gusman, Sapir, Shea, Singleton, Thomas,

Willard-Lewis - 7

NAYS: 0

ABSENT: 0

AND THE RESOLUTION WAS ADOPTED.

### COMMUNICATIONS

(CONTINUED)

On motion of Councilmember Singleton, seconded by Councilmember Sapir, and without objection, the rules of the Council were suspended for the purpose of introducing and considering the following Communications received after the Council=s deadline.



FROM ANDREW P. FRITS, CPA, DIRECTOR/REGULATORY SUPPORT/ENTERGY - Submitting Entergy New Orleans, Inc. quarterly reports of Natural Gas Storage Program costs and benefits in compliance with the terms and conditions of Resolution R-91-102, dated May 23, 1991.

After discussion, the foregoing Communication was declared RECEIVED.

FROM CHRIS M. WETTACH, SR. CONSTRUCTION COORDINATOR, GLOBAL CROSSING NORTH AMERICAN NETWORKS, INC. - Submitting a copy of acceptance agreement from Global Crossing North American Networks, Inc. for franchise approved by the City of New Orleans by Ordinance No. 19842 M.C.S.

After discussion, the foregoing Communication was declared RECEIVED AND FILED.

On motion of Councilmember Singleton, seconded by Councilmember Shea, and without objection, the rules of the Council were suspended for the purpose of introducing and considering the following Ordinances (23,379 thru 23,382 and 23,384 thru 23,413) received after the Council=s deadline.

#### ORDINANCES ON FIRST READING

CAL. NO. 23,379 - BY: COUNCILMEMBERS SINGLETON, SAPIR AND CARTER - An Ordinance approving and ratifying action of the Sewerage and Water Board of New Orleans in awarding, Contract 1300 (Repairs and Improvements to the Chemical House Elevator at the M.W.P.P.) to Millar Elevator Service.

CAL. NO. 23,380 - BY: COUNCILMEMBERS SINGLETON, SAPIR AND CARTER - An Ordinance approving and ratifying action of the Sewerage and Water Board of New Orleans in awarding, Contract 3915 (Central Business District/French Quarter Sewer Rehabilitation Point Repair and Line Replacement) to Boh Brothers Construction Co., LLC.

CAL. NO. 23,381 - BY: COUNCILMEMBERS SINGLETON, SAPIR AND CARTER - An Ordinance approving and ratifying action of the Sewerage and Water Board of New Orleans in awarding, Contract 3567 (Construction of Parallel Raw Sewerage Channel at the Eastbank Sewerage Treatment Plant) to C.R. Pittman Construction Co., Inc.

CAL. NO. 23, 382 - BY: COUNCILMEMBERS SINGLETON, SAPIR AND CARTER - An Ordinance approving and ratifying action of the Sewerage and Water Board of New Orleans in awarding, Contract 3916 (Central Business District/French Quarter Sewer Rehabilitation Point Repair) to Boh Brothers Construction Co., LLC.

CAL. NO. 23,383 - BY: COUNCILMEMBER SAPIR - An Ordinance to amend Ordinance Number 19,466 M.C.S., as amended by Ordinance Number 19,596 M.C.S., relative to cable television channel(s) serving the City of New Orleans and designated as Government Access Channel(s) and specifically to membership of the Government Access Committee; and otherwise to provide with respect thereto.

CAL. NO. 23,385 - BY: COUNCILMEMBERS GUSMAN, SHEA, CARTER AND SINGLETON (BY REQUEST) - An Ordinance to amend and reordain Section 134-85 of the City Code to increase fees for review and inspection of signage; and otherwise to provide with respect thereto.

CAL. NO. 23,386 - BY: COUNCILMEMBERS GUSMAN, SHEA, CARTER AND SINGLETON (BY REQUEST) - An Ordinance to amend and reordain Section 70-560 of the City Code to increase charges for copies of publications of the Department of Safety and Permits; and otherwise to provide with respect thereto.

CAL. NO. 23,387 - BY: COUNCILMEMBERS GUSMAN, SHEA, CARTER AND SINGLETON (BY REQUEST) - An Ordinance to amend and reordain Section 70-563 of the City Code to increase charges for certificates of use and occupancy; and otherwise to provide with respect thereto.

CAL. NO. 23,388 - BY: COUNCILMEMBERS GUSMAN, SHEA, CARTER AND SINGLETON (BY REQUEST) - An Ordinance to repeal Section 70-564 of the City Code relative to permit and license preparation fees; and otherwise to provide with respect thereto.

CAL. NO. 23,389 - BY: COUNCILMEMBERS GUSMAN, SHEA, CARTER AND SINGLETON (BY REQUEST) - An Ordinance to amend and reordain Section 103.6.4.1 of the City Code to increase charges for Standard Building Code, 1997 edition, permit fees of the Department of Safety and Permits; and otherwise to provide with respect thereto.

CAL. NO. 23,390 - BY: COUNCILMEMBER SHEA (BY REQUEST) - An Ordinance to authorize the Mayor to sign an agreement between the City of New Orleans and 3700 Orleans, L.L.C. whereby the City of New Orleans will grant to them a servitude and air rights on/over a portion of ground owned by the City known as a

portion of N. Cortez Street located in the Second Municipal District adjacent to Squares 498 and 499, in order that the City might provide for the building and step encroachments.

CAL. NO. 23,391 - BY: COUNCILMEMBER CARTER - An Ordinance to provide for establishment of a conditional use to permit the sale of alcoholic beverages in a restaurant in a B-1A Neighborhood Business District with an Inner-City Urban Corridor Overlay, on Square D, Lots 2, 3 and 4 in the Third Municipal District, bounded by N. Carrollton Avenue, Picheloup Place, and Dumaine Street, (Municipal Address: 900 N. Carrollton Avenue); and otherwise to provide with respect thereto. (ZONING DOCKET NO. 100/00)

CAL. NO. 23,392 - BY: COUNCILMEMBER CARTER - An Ordinance to provide for the establishment of a conditional use to permit a nightclub with meeting rooms and offices on the upper floors, on Square 29, Lots C and D, in the Second Municipal District, bounded by Decatur, Bienville, Chartres and Conti Streets (Municipal Addresses: 309-11 Decatur Street); and otherwise to provide with respect thereto. (ZONING DOCKET NO. 118/00)

CAL. NO. 23,393 - BY: COUNCILMEMBER CARTER - An Ordinance to effect a map change from an RM-2 Multiple Family Residential District to a B-1A Neighborhood Business District to permit the renovation of two existing buildings for commercial use/office space, on Lots 5 and C, Square 261, in the Second Municipal District, bounded by Esplanade Avenue, N. Galvez and N. Johnson Streets and Bayou Road (Municipal Addresses: 2024-34 Esplanade Avenue); and otherwise to provide with respect thereto. (ZONING DOCKET NO. 20/00)

CAL. NO. 23,394 - BY: COUNCILMEMBER SHEA (BY REQUEST) - An Ordinance to authorize the City of New Orleans to enter into a contract of lease with Harry=s Ace Hardware (333 N. Carrollton Avenue) for portions of N. David Street sidewalk area within the right of way adjacent to Sq. 538 bounded by N. Carrollton Avenue, Conti Street, N. David Street and Bienville Street, Second Municipal District, not presently needed for public purposes, to be used for loading, storage, and security purposes only; and to provide otherwise with respect thereto.

CAL. NO. 23,395 - BY: COUNCILMEMBER CARTER (BY REQUEST) - An Ordinance to authorize the Mayor to sign an agreement between the City of New Orleans and Norman N. Picone, Sr., or his successor or assigns, whereby the City of New Orleans will grant to him servitudes on a portion of sidewalk area in Brooklyn Street adjacent to Lot 23-A of Sq. 186, 5th M.D. bounded by Brooklyn, Teche, Diana, and DeArmas Streets located in the Fifth Municipal District in order that the City might provide for fence encroachments.

CAL. NO. 23,396 - BY: COUNCILMEMBERS CARTER AND THOMAS (BY REQUEST) - An Ordinance to amend and reordain Chapter 26 of the Code of the City of New Orleans to add to Division 5, new Sections 26-413 through 26-417, relative to the restoration and maintenance of building facades located within the Downtown Development District; to impose certain requirements on building owners for the appearance, maintenance, and design of building facades in the Downtown Development District; to provide for maximum fees and penalties due for violations of the uniform requirements; and to otherwise provide with respect thereto.

CAL. NO. 23,397 - BY: COUNCILMEMBERS CARTER AND THOMAS (BY REQUEST) - An Ordinance to amend and reordain Chapter 26 of the Code of the City of New Orleans to add to Division 4, new Section 26-407 through 26-412, relative to outdoor pay telephones located within the Downtown Development District; to define certain terms and to impose certain requirements for the enforcement of uniform appearance, maintenance, design and construction of outdoor pay telephones in the Downtown Development District; to provide for maximum fees and penalties due for violations of the uniform requirements; and to otherwise provide with respect thereto.

CAL. NO. 23,398 - BY: COUNCILMEMBERS CARTER AND THOMAS (BY REQUEST) - An Ordinance to amend and reordain Chapter 146 of the Code of the City of New Orleans, to add new Article XII, Sections 146-760 through 146-764, relative to the regulation of the species of trees and vegetation planted near, surrounding, or within public property, sidewalks, roads, neutral ground and/or public rights-of-way within the Downtown Development District; to authorize the Downtown Development District to enforce Sec. 146-760 through 146-764; to provide for maximum fees and penalties due for violations of these requirements; to provide for an administrative hearing to determine if the penalties imposed for violations of this requirement was proper; and to otherwise to provide with respect thereto.

CAL. NO. 23,399 - BY: COUNCILMEMBERS CARTER AND THOMAS (BY REQUEST) - An Ordinance to amend and reordain Chapter 146 of the Code of the City of New Orleans, Division 1, to add new Sections 146-411 through 146-416, relative to the timely removal of markings made by utility companies, government agencies operating utilities, and franchisees on public rights-of-way located within the Downtown Development District; to define certain terms and to enforce the removal of such markings within a timely manner; to provide for maximum fees and penalties due for violations of the removal requirements; to provide for an administrative hearing to determine if the penalties imposed for violations of the removal requirements was proper; and to otherwise provide with respect thereto.

CAL. NO. 23,400 - BY: COUNCILMEMBERS CARTER AND THOMAS (BY REQUEST) - An Ordinance to amend and reordain Chapter 18 of the Code of the City of New Orleans, to add new Sections 18-21 through 18-26, relative to prohibiting the

soiling or contaminating of any public or private property by any animal within the Downtown Development District; to authorize the Downtown Development District to enforce Sec. 18-13; to provide for maximum fees and penalties due for violations of these requirement; to provide for an administrative hearing to determine if the penalties imposed for violations of this requirement was proper; and to otherwise provide with respect thereto.

CAL. NO. 23,401 - BY: COUNCILMEMBERS CARTER AND THOMAS (BY REQUEST) - An Ordinance to amend and reordain Chapter 26 of the Code of the City of New Orleans, to add new Article XI, Sections 26-613 through 26-617, relative to requiring each building located within the Downtown Development District to display its municipal address on the exterior thereof at or around the street entrance thereof; to enforce the requirement to display municipal addresses; to authorize the Downtown Development District to enforce the same; to provide for maximum fees and penalties due for violations of these requirements; to provide for an administrative hearing to determine if the penalties imposed for violations of this requirement was proper; and to otherwise provide with respect thereto.

CAL. NO. 23,402 - BY: COUNCILMEMBERS CARTER AND THOMAS (BY REQUEST) - An Ordinance to amend and reordain Chapter 26 of the Code of the City of New Orleans, to add new Sections 26-487 through 26-493, relative to the enactment of additional regulations governing parking lots located within the Central Business District; to enforce maintenance, safety and appearance standards; to provide for maximum fees and penalties due for violations of those standards; to provide for an administrative hearing to determine if the penalties imposed for violations of the standards was proper; and to otherwise provide with respect thereto.

CAL. NO. 23,403 - BY: COUNCILMEMBERS CARTER AND THOMAS (BY REQUEST) - An Ordinance to amend and reordain Chapter 110 of the Code of the City of New Orleans to add new Sections 110-98 through 110-102, relative to the provision of standards for vending stands located within the Downtown Development District; to impose certain requirements for the enforcement of uniform appearance, approved location and design of vending stands; to provide for maximum fees and penalties due for violations of the uniform requirements; and to otherwise provide with respect thereto.

CAL. NO. 23,404 - BY: COUNCILMEMBERS CARTER AND THOMAS (BY REQUEST) - An Ordinance to amend and reordain Chapter 66 of the Code of the City of New Orleans, to add new Sections 66-289 through 66-293, relative to prohibition against littering of any type within the Downtown Development District; to authorize the Downtown Development District to enforce Section 66-282 through 66-293; to provide for maximum fees and penalties due for violations of these requirement; to provide for an administrative hearing to determine if the penalties imposed for violations of this requirement was proper; and to otherwise provide with respect thereto.

CAL. NO. 23,405 - BY: COUNCILMEMBERS CARTER AND THOMAS (BY REQUEST) - An Ordinance to amend and reordain Chapter 138 of the Code of the City of New Orleans, to add new Sections 138-64 through 138-38, relative to the proper time within which to place trash and garbage on the curb or in service alleys for collection, and the time within which containers shall be removed therefrom following collection, within the Downtown Development District; to authorize the Downtown Development District to enforce Sec. 138-44; to provide for maximum fees and penalties due for violations of these requirement; to provide for an administrative hearing to determine if the penalties imposed for violations of this requirement was proper; and to otherwise provide with respect thereto.

CAL. NO. 23,406 - BY: COUNCILMEMBERS CARTER AND THOMAS (BY REQUEST) - An Ordinance to amend and reordain Chapter 134 of the Code of the City of New Orleans, to add new Article VI, Sections 134-206 through 134-207, relative to the provision of wayfinding signs throughout the Downtown Development District; to authorize the Downtown Development District to place such signs on public property, sidewalks, roads, neutral ground and/or public rights-of-way; and to otherwise provide with respect thereto.

CAL. NO. 23,407 - BY: COUNCILMEMBERS CARTER AND THOMAS (BY REQUEST) - An Ordinance to amend and reordain Chapter 146 of the Code of the City of New Orleans to add new Sections 146-247 through 146-252, relative to newsboxes and newsstands located within the Downtown Development District; to impose certain requirements for the enforcement of uniform appearance, maintenance, design and construction of newsboxes and newsstands; to provide for maximum fees and penalties due for violations of the uniform requirements; and to otherwise provide with respect thereto.

CAL. NO. 23,408 - BY: COUNCILMEMBER THOMAS - An Ordinance to amend the Code of the City of New Orleans, Chapter 6, Administrative Procedures, Section 6-34, Authority of Hearing Officer, to add the following issues within the Downtown Development District: Removal of Street Markings, Prevention of Animal Soiling on Public and Private Property, Requirement for Display of Municipal Address on Buildings, Regulation of Parking Lots, Regulation of Outdoor Pay Telephones, Regulation of Vending, Regulation of Tree and vegetation Use, Prevention of Littering, Regulation of Building Facade Restoration and Maintenance, and Placement and Removal of Trash and Garbage Containers Before and After Collection; to the list of adjudication authority of hearing officers; and to otherwise provide with respect thereto.

CAL. NO. 23,409 - BY: COUNCILMEMBERS GUSMAN, SINGLETON AND SAPIR (BY REQUEST) - An Ordinance to amend and reordain Section 14-276 of the Code of the City of New Orleans, to provide for the establishment of Aa percentage of

adjusted gross revenues@ as an alternative method of calculation of the \$2.50 riverboat admission fee levied upon riverboats located in the City of New Orleans; and otherwise to provide with respect thereto.

CAL. NO. 23,410 - BY: COUNCILMEMBER THOMAS - An Ordinance to establish criteria for determining whether a vacant lot may be considered Ablighted property@ pursuant to Section 8 of Act No. 170 of the 1968 Regular Session of the Louisiana Legislature, as amended by Act No. 135 of the 1994 Third Extraordinary Session, Act No. 375 of the 1995 Regular Session, and Act No. 101 of the 1997 Regular Session, and Section 6-44 of the New Orleans City Code; and otherwise to provide with respect thereto.

CAL. NO. 23,411 - BY: COUNCILMEMBER THOMAS - An Ordinance to implement the provisions of La. R.S. Section 33:4753.1 so that persons who allow weeds, grass, or other noxious growths to accumulate on their property may be required to perform community services; and otherwise to provide with respect thereto.

CAL. NO. 23,412 - BY: COUNCILMEMBER THOMAS - An Ordinance to amended the Code of the City of New Orleans, Chapter 6, Administrative Procedures, Section 6-34, Authority of Hearing Officer, to add approval of property renovation plans in connection with the deduction of any tax, interest, penalty, or other charges forming the basis of tax liens on blighted property, pursuant to La. Const. Art. 7, Section 14 (B)(7)and(8), to the list of adjudication authority of hearing officers; and otherwise to provide with respect thereto.

CAL. NO. 23,413 - BY: COUNCILMEMBER THOMAS (BY REQUEST) - An Ordinance granting permission to Louisiana State University and Agricultural and Mechanical College for the construction and operation of a Utility and Pedestrian Overhead Bridge crossing South Claiborne Avenue, Derbigny Street, South Roman Street,

Bolivar Street and South Prieur Street, centered above the curb line of the North Side of Gravier Street for a period of ten years, in accordance with Ordinance No. 828 M.C.S.; and otherwise to provide with respect thereto.

THE FOREGOING ORDINANCES WERE LAID OVER AS REQUIRED BY LAW.

There being no further business, on motion of Councilmember Thomas, seconded by Councilmember Singleton, and without objection, the Council meeting adjourned at 1:42 P.M., subject to call.

Emma J. Williams

Clerk of Council

dmr