

Listing as of 10/2/2020

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ORDINANCES 16 UP ARE IN A SEPARATE LISTING

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAYLOR'S LANDING:

Section 1: That, subject to the terms, conditions and provisions of this ordinance, the City of Taylor's Landing, Texas, hereinafter referred to as "City", does hereby grant unto Entergy Gulf States, Inc., hereinafter referred to as "Company", and its successors and assigns, the right, privilege and franchise to conduct within the City an electrical lighting and power business and to enter upon, erect, construct, maintain, extend, repair, replace and remove in, under, upon, over, above, across and along any and all of the present and future public roads, highways, parks, streets, lands, alleys, whether designated or undesignated and other public areas and rights of way of the City and over, under, above, along and across any and all streams, canals, bayous, embankments and bridges, now or hereafter owned or controlled by the City (hereinafter referred to as "Public Rights-of-Way"), a system of poles, pole lines, towers, distribution lines, transmission lines, wires, guys, cables, conduits, transformers and other distribution and transmission instrumentalities, facilities and appurtenances (including communications facilities) necessary or proper for the transmission and distribution of electricity into, in, within, from, across, and through the City, as now existing, or as said City limits may hereafter be extended (hereinafter referred to as "Company Facilities"); and Company and its successors and assigns are authorized to use Company Facilities for the transmission, distribution, delivery and sale of electricity and communication to the municipality and to the inhabitants of the City and to any governmental agency, and to any governmental subdivision, and to any person, firm or corporation, wherever located, within or without the City limits of the City of Taylor's Landing, for use by such purchaser, or purchasers, for light, power, cooling and heat, and for any other purpose, or

purposes, whether same or different from those herein specified, for which electricity may be used.

Section 2: Upon the filing with the City by Company of the acceptance required hereunder, this franchise shall be in full force and effect for a term and period of fifty (50) years commencing upon, and extending from, the date of passage of this ordinance by City.

Section 3: Company, on written request of any person, shall relocate, raise or lower its wires temporarily to permit construction work in the vicinity thereof, or to permit the moving of houses or other bulky structures. The expense of such temporary relocation, raising or lowering of such wires shall be paid by the benefited party or parties and the Company may require the payment in advance, being without obligation to remove, raise or lower its wires until such payment shall have been made. The Company shall be given not less than forty-eight hours prior notice to arrange for such temporary wire change.

Section 4: In the event City desires the permanent relocation, modification or removal of Company Facilities, Company shall be provided written notice at least sixty (60) days in advance. City shall provide an alternate site, acceptable to Company, for the relocation of Company Facilities. City shall reimburse Company in full for any costs associated with the relocation, modification or removal of Company Facilities, including but not limited to costs associated with material costs, labor costs, labor cost adders, costs associated with third party vendors, taxes, and overheads.

Section 5: Company shall have the right to install Company Facilities within any Public Rights-of-Way or other City-owned property. Determination of the placement

of Company Facilities within Public Rights-of-Way or other City-owned property shall be solely at Company's discretion.

Section 6: Company shall have the full and continuing right to clear and keep clear vegetation within or growing into said rights of way by use of a variety of methods used in the vegetation management industry

Section 7: In the event of damage caused by one party to the other party's property, each party agrees that it fully releases the other party hereto.

Section 8: Nothing contained in this ordinance shall ever be construed as conferring upon Company any exclusive rights or privileges of any nature whatsoever.

Section 9: If any provision, section, sub-section, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, void, or invalid (or for any reason unenforceable) the validity of the remaining portions of this ordinance shall not be affected thereby, it being the intent of the City in adopting this ordinance that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation, and, to this end, all provisions of this ordinance are declared to be severable.

Section 10: The City, by granting of this franchise, does not surrender or to any extent lose, waive, impair or lessen the lawful powers and rights, now or hereafter vested in the City under the constitution and statutes of the State of Texas to regulate the rates for services of Company; and Company, by its acceptance of this franchise, agrees that all such lawful regulatory powers and rights, as the same may be from time to time vested in the City, shall be in full force and effect and subject to the exercise thereof by the City at any time, and from time to time.

Section 11: As compensation to City for the use and occupancy of its Public Rights-of-Way, and in consideration for the other rights and privileges herein granted, Company agrees to pay to the City and City agrees to accept from Company on September 1, 20__, and on each September 1, thereafter occurring during the continuance of this agreement, a fee equal to \$0.00202562450915654 ("Franchise Fee Factor") multiplied times the number of kilowatt hours delivered during the period commencing on July 1 of the previous calendar year and ending on June 30 of the calendar year in which the payment is due, inclusive, by Company to retail customers whose consuming facility's point of delivery is within the City's boundaries.

Each payment hereinabove provided shall be a prepayment and shall compensate the City for the use of its Public Rights-of-Way by Company with its facilities for the twelve month period commencing upon, and extending from July 1 of the same calendar year in which such particular payment is actually due and paid.

The parties agree that the payments due under this franchise are reasonable and necessary and that the parties shall use their best efforts to enable Company to recover these payments through its electric rates.

Section 11: The fee payable hereunder shall be the total compensation payable by Company to City for Company's use of the Public Rights-of-Way for the conduct of its business under the franchise. City shall not charge any additional license, charge, fee, street or alley rental, or other character of charge or levy for the use or occupancy of the Public Rights-of-Way in City, or any pole tax or inspection fee tax. If City does charge Company any additional license, charge, fee, street or alley rental, or other character of charge or levy, then Company may deduct the amount charged from the next succeeding

franchise payment or payments until fully reimbursed. The franchise shall constitute a permit to perform all work on Company's system within the Public Rights-of-Way and to park vehicles in the Streets and other Public Rights-of-Way when necessary for the installation, removal, operation or maintenance of Company's System. Company and contractors performing work for Company shall not be required to obtain any permits in addition to the Franchise or to pay any fee in addition to the fee in order to perform work on Company's System or to park within the Streets and other Public Rights-of-Way.

Section 12: City may conduct an audit or other inquiry, or may pursue a cause of action in relation to the payment of the fee only if such audit, inquiry, or pursuit of a cause of action concerns a payment made less than two (2) years before commencement of such audit, inquiry, or pursuit of a cause of action. City shall bear the costs of any such audit or inquiry. All books and records related to Company's calculation of the fee shall be available to City. Upon receipt of a written request from City, such documents shall be made available for inspection no later than sixty (60) days from the receipt of such request. Company shall make such documents available at the location at which such are maintained by Company. Amounts due to City for past underpayments or amounts due Company for past overpayments shall include interest calculated using the annual interest rates for overcharges as set by the Public Utility Commission of Texas. Said interest shall be payable on such sum from the date the initial payment was due until it is paid.

Section 13: Within thirty (30) days of execution of this agreement, the City shall provide to Company a list of addresses of retail customers whose consuming facility's points of delivery are within the City's boundaries. Within thirty (30) days of the effective date of any expansion, annexation or other lawful means of modifying the

City's boundaries, the City shall provide to Company a list of addresses of retail customers whose consuming facility's points of delivery are within the City's boundaries.

Section 14: Company shall, within thirty days from the date of the final passage of this ordinance by the City Council of the City of Taylor's Landing, file with the City Secretary of the City of Taylor's Landing, a written statement signed in its name and behalf in the following form:

"To the Honorable Mayor and the City Council of the City of Taylor's Landing:

Entergy Gulf States, Inc., for itself, and its successors and assigns, hereby accepts the attached ordinance finally passed by the City Council of the City of Taylor's Landing the ___ day of ___, ___, and agrees to be bound by all of its terms and provisions.

Entergy Gulf States, Inc.

By _____

Dated the ___ day of _____, 200_."

Section 15: This franchise ordinance shall be in force, and effective, from and after the passage of this ordinance, conditioned that Company file the written acceptance above provided, within the period provided, after the passage of this ordinance; and thereupon this franchise shall become a binding contract; and shall exist for a period of fifty (50) years from the date of its passage.

Passed and duly enacted as an ordinance of the City of Taylor's Landing, Texas, a regular meeting of the City Council of the City of Taylor's Landing, Texas, in accordance with the laws of the State of Texas, on this the 20th day of Sept, 2006

ORDINANCE NUMBER 2

AN ORDINANCE

THE COMISSION OF THE CITY OF TAYLOR LANDING HEREBY PASSES THE FOLLOWING ORDINANCE:

Section 1.

For calendar year 2007 and until changed each resident tapped into the sewage treatment lines shall pay a monthly fee of \$ fifty-five (55.00) per home tapped in for collection fees associated with sewer and garbage collection. No household shall be except from the aforementioned fee regardless of preference to participate in monthly garbage collection or not. The fee shall be paid monthly in advance and shall bear interest at the rate of 18% per annum if paid late. These sums are owed to the City of Taylor Landing, Texas. All collection costs of the City including reasonable attorneys fees will be owed in the event that the City must collect late payments. The Public Works Committee is authorized to take whatever steps are necessary to collect all past due payments, including any payments owed to the Country Club Park Estates Utility Trust, since all receivables of that trust were transferred to the City of Taylor Landing.

The tap in fee is set at \$750.00.
PASSED AND APPROVED THIS 21st DAY OF December, 2006

John J. Durkay, Mayor
City of Taylor Landing, Texas

ATTEST:

Title:
City of Taylor Landing, Texas

VOTE: Mayor Durkay
Commissioner Guidry
Commissioner Gaspard

Yes
Yes
Yes

No
No Absent
No

CITY OF TAYLOR LANDING
ORDINANCE NO. 3

THE COMMISSION OF TAYLOR LANDING PASSES THE FOLLOWING
ORDINANCE:

BURNING WITHIN CITY LIMITS

Sec. 1. Permit--Required; application; fee.

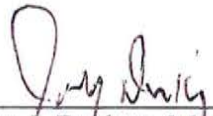
It shall be unlawful for any business, including any individual engaged in business within the City, to burn any materials inside the City Limits, including brush, tree debris, and construction materials without first obtaining a permit as herein provided. The City shall issue to any one a permit authorizing such person to burn materials on a one time basis, only after such person shall have fully complied with all provisions of this article and made payment of the sum of two hundred fifty dollars (\$250.00) for such permit, which sum shall be compensation to the city for the services herein required of it and enable the city to partially defray the expenses of enforcing the provisions of this article as follows:

- (1) The applicant shall make application to the City at least three (3) days prior to the date of his contemplated burn to be held in the city, which application shall be in the form of an affidavit, stating the full name and address of the applicant.
- (2) Before such permit shall be issued, the application therefor must be accompanied by a statement showing the kind and character of the materials sought to be burned.
- (3) The City may deny the permit for any reason including an objection by a neighbor to the burn.

Sec. 2. Violations.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and each burn shall be a separate offense.

PASSED AND APPROVED THIS 15 DAY OF February,
2007



John J. Durkay, Mayor
City of Taylor Landing, Texas

ATTEST:


Assistant City Secretary

VOTE:

Mayor Durkay	<input checked="" type="radio"/>	Yes	<input type="radio"/>	No
Commissioner Guidry	<input checked="" type="radio"/>	Yes	<input type="radio"/>	No

Commissioner Gaspard

Yes

No



CITY OF TAYLOR LANDING
ORDINANCE NO. 54

THE COMMISSION OF TAYLOR LANDING PASSES THE FOLLOWING
ORDINANCE:

ITINERANT VENDORS

Sec. 1. Permit--Required; application; fee; bond.

It shall be unlawful for any one to sell, offer for sale, exhibit for sale, or exhibit for the purpose of taking orders for the sale thereof, any goods, merchandise or services in the city without first obtaining a permit as herein provided. The City shall issue to any one a permit authorizing such person to sell, exhibit for sale, offer for sale, or exhibit for the purpose of taking orders for the sale thereof in the city, his goods, wares, or merchandise, only after such itinerant vendor shall have fully complied with all provisions of this article and made payment of the sum of two hundred fifty dollars (\$250.00) for such permit, which sum shall be compensation to the city for the services herein required of it and enable the city to partially defray the expenses of enforcing the provisions of this article as follows:

- (1) The applicant shall make application to the City at least three (3) days prior to the date of his contemplated sale or exhibit to be held in the city, which application shall be in the form of an affidavit, stating the full name and address of the applicant, the location of his principal office and place of business, the names and addresses of its officers if it be a corporation, and the partnership name and the names and addresses of all partners if such itinerant vendor be a partnership.
- (2) Before such permit shall be issued, the application therefor must be accompanied by:
 - (a) A statement showing the kind and character of the goods, wares, merchandise or services to be sold, offered for sale, or exhibited.
 - (b) A certified copy of the charter if the itinerant vendor be a corporation incorporated under the laws of the state.
 - (c) A certified copy of its permit to do business in the state if the itinerant vendor be a corporation incorporated under the laws of some other state.
 - (d) A bond in the sum of not less than two thousand dollars (\$2,000.00) shall be executed by the itinerant vendor as principal with good and sufficient sureties satisfactory to the City, which bond shall be payable to the mayor and his successors in office for the use and benefit of any person entitled thereto and conditioned that the principal and surety will pay all damages to any person caused by or arising from or growing out of the wrongful, fraudulent or illegal conduct of the itinerant vendor while conducting the sale or exhibit in the city. The bond shall remain in full force and effect for the entire duration of the permit as provided herein and two (2) years thereafter.

Sec. 2. Same--Nontransferable; to whom applicable.

The permit provided for herein shall not be transferable, nor give authority to more than one person to conduct a business as an itinerant vendor, but any such person having

obtained such permit may have the assistance of one or more persons in conducting such business.

Sec. 3. Same--Duration; display.

The permit provided for herein shall be issued for a term of one year from and after the date thereof and shall be prominently displayed in a conspicuous place on the premises where such sale or exhibit is being conducted and shall remain so displayed so long as any goods, wares or merchandise are being so sold or exhibited.

In the event the holder of any permit, as provided herein, has no temporary place of business but conducts such business on or from any vehicle, then such permit shall be prominently displayed in a conspicuous place on such vehicle where such sale or exhibit is being conducted, and shall remain so displayed so long as any goods, wares, or merchandise, are being sold or exhibited.

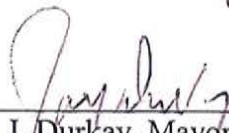
Sec. 4. Exemptions

Any one engaging in the activities described in this ordinance in the company of a resident shall be exempt from the provisions of this ordinance.

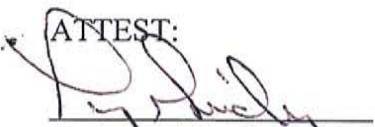
Sec. 5. Violations.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and each sale, offer for sale, exhibit for the purpose of sale, or exhibition for the purpose of taking orders for the sale thereof, shall be a separate offense.

PASSED AND APPROVED THIS 15th DAY OF February, 2007



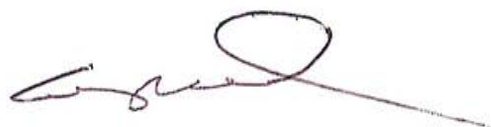
John J. Durkay, Mayor
City of Taylor Landing, Texas

ATTEST:


Assistant City Secretary

VOTE:

Mayor Durkay Yes No
Commissioner Guidry Yes No
Commissioner Gaspard Yes No



**ORDINANCE AUTHORIZING THE ISSUANCE OF
CITY OF TAYLOR LANDING, TEXAS
UTILITY SYSTEM REVENUE BONDS, SERIES 2007;
PROVIDING FOR THE PAYMENT OF SAID BONDS BY PLEDGE
OF CERTAIN NET REVENUES DERIVED FOR THE OPERATION AND
OWNERSHIP OF THE CITY'S WASTEWATER SYSTEM;
SPECIFYING THE TERMS AND PROVISIONS OF SUCH BONDS;
MAKING COVENANTS AND AGREEMENTS IN RELATIONSHIP TO THE
ISSUANCE OF SAID BONDS AND RESOLVING OTHER MATTERS AND
RELATED TO THE ISSUANCE, SALE AND DELIVERY OF SAID BONDS**

THE STATE OF TEXAS

§

COUNTY OF JEFFERSON

§

§

WHEREAS, an election was duly held within the boundaries of the proposed City of Taylor Landing, Texas (the "City") in Jefferson County, Texas on September 10, 2005, to determine whether the property contained within the boundaries of the proposed City should be incorporated under Chapter 8 of the Local Government Code for the State of Texas for municipal purposes, and said City be known as the City of Taylor Landing, Texas; returns of said election duly made and from the returns, a majority of votes were cast at the election in favor of the incorporation being 80 yes votes and 40 were no votes.

WHEREAS, by Order of the Commissioners' Court of Jefferson County, Texas, the incorporation petition if the City was duly considered on the 19th day of September, 2005, and therein, the Court adjudged and decreed that said election in favored incorporation, and the Court declared that the territory described in said election and as set forth in the incorporation petition filed with the Commissioners' Court was established as a Type C general law municipality.

WHEREAS, the City acquired all of the assets, liabilities and operations of the Country Club Park Estates Utility Trust which ended business on September 12, 2006, with the City beginning operation of its assets including but not limited to its wastewater system on said date. The City and its System (as herein defined) are subject to the continuing jurisdiction of the Texas Commission on Environmental Quality (the "TCEQ").

WHEREAS, the City provides wastewater services for business and domestic purposes to customers residing in the City, and finds in the best interest of the residents of the City to pursue planning, design and construction of improvements to its wastewater system, facilities, plants, equipment and appliances;

WHEREAS, the City has received financing commitments from the Texas Water Development Board ("TWDB") through the Texas Water Development Board Clean Water State Revolving Fund ("CWSRF") through Resolution No. 07-63 in the amount of \$710,000 for purposes of (i) construction, expansion, improvement, repair and rehabilitation of wastewater facilities within

the City, (ii) engineering fees and permit costs associated with the System (as hereinafter defined) and (iii) professional service costs associated with the issuance of the Bonds and in relation to the System (as herein defined) and the financing thereof;

WHEREAS, the aforesated bonds were approved and authorized to be issued at such rate or rates (within the limitations prescribed by law and effective at the time of issuance of the Bonds) as determined by the City Commission at the time of issuance; and

WHEREAS, the City has decided to issue and deliver the Bonds for the purposes set forth above and as hereinafter set forth.

BE IT ORDERED BY THE CITY COMMISSION OF CITY OF TAYLOR LANDING, TEXAS:

1. **Effect of Preamble.** The matters and facts contained in the preamble to this Ordinance are hereby found to be true and correct.

2. **Definitions.** Throughout this Ordinance, the following terms and expressions as used herein shall have the meanings set forth below:

The term "Additional Bonds" shall mean revenue bonds or other evidences of indebtedness which the City reserves the right to issue or enter into, as the case may be, in the future in accordance with the terms and conditions provided in Section 24 of this Ordinance.

The term "Average Annual Debt Service" shall be the amount which, at the time of computation, is derived by dividing the total amount of Debt Service to be paid over a period of years as the same as scheduled to become due and payable by the number of years taken into account in determining the total Debt Service.

The term "Bond Fund" shall mean the fund established by the City pursuant to the Section 18 of this Ordinance.

The term "Business Day" shall mean any day which is not a Saturday, a Sunday, a legal holiday or a day on which the Registrar is authorized by law or executive order to close.

The term "Bonds" shall mean the Bonds in the principal amount of \$710,000 which shall be sold for the purpose of improving the facilities, plants, equipment, and appliances for the wastewater system of the City engineering fees and permit costs together with professional service costs associated with the issuance of the Bonds; said Bonds to be known as the \$710,000 City of Taylor Landing, Texas Utility System Revenue Bonds, Series 2007 funded through the Texas Water Development Board.

The term "City" shall mean City of Taylor Landing, Texas, and any other public agency succeeding to the powers, rights, privileges and functions of the City and, when appropriate, the City Commission.

The term "City Commission" shall mean the governing body of the City.

The term "Code" shall mean the Internal Revenue Code of 1986, as amended.

The term "Debt Service" as of any particular date of computation, with respect to any obligations and with respect to any period, is the aggregate of the amounts to be paid or set aside by the City as of such date or in such period for the payment of the principal of, premium, if any, and interest (to the extent not capitalized) on such obligations, assuming, in the case of obligations without a fixed numerical rate, that such obligations bear, or would have born, interest at the highest rate reached, or that would have been applied to such obligations (using the index or measure for computing interest applicable to such obligations) during the twenty-four (24) month period next preceding the date of computation, and further assuming in the case of obligations required to be redeemed or prepaid as to principal prior to maturity, the principal amounts thereof will be redeemed prior to maturity in accordance with the mandatory redemption provisions applicable thereto.

The term "Fiscal Year" shall mean the annual financial accounting period for the System now ending on September 30 of each calendar year; provided, however, the City Commission may change such annual financial accounting period to end on another date if such changes found and deemed to be necessary.

The term "Governmental Obligations" shall mean the obligations of or obligations guaranteed as to the full and timely payment of principal and interest by the United States of America or an agency or instrumentality thereof, and such obligations are backed by the full faith and credit of the United States of America.

The term "Gross Revenues" shall mean all revenues, income and receipts of every nature derived or received by the City from the operation and ownership of the System (excluding refundable meter deposits, restricted gifts and grants in aid of construction), including earnings and income derived from the investment or deposit of monies in any special funds or accounts created and established for the payment and security of the Bonds and other obligations payable solely from and secured only by a lien on and pledge of the Net Revenues.

The term "Interest Payment Date", when used in connection with any Bond, shall mean March 1, 2008, and each September 1 and March 1 thereafter until each of the Bonds as herein defined shall mature.

The term "Issuance Date" shall mean the date on which the Bonds are authenticated by the Registrar and are delivered to and paid for by the TWDB. Bonds delivered upon transfer of or in exchange for other Bonds shall bear the same issuance date as the Bond or Bonds in lieu of or in exchange for which the new Bond or Bonds may be delivered.

The term "Maintenance and Operating Expenses" shall mean the reasonable and necessary expenses of operation and maintenance of the System, including all salaries, labor, materials, repairs and extensions necessary to render efficient service (but only such repairs and extensions as in the judgment of the City are necessary to keep the System in operation and render adequate service to

the City and its customers, or such may be necessary to meet some other physical action or condition which would otherwise impair the Bonds), and all payments under contracts now or hereafter defined as Operating Expenses by the Legislature of State of Texas. Depreciation shall not be considered as maintenance and operation expense.

The term "Net Revenues" shall mean all Gross Revenues remaining after the deduction of Maintenance and Operating Expenses.

The term "Ordinance" as used herein and in the Bonds shall mean this ordinance authorizing the Bonds.

The term "Owner" shall mean any person or entity who shall be the registered owner of any outstanding Bonds.

The term "Paying Agent" shall mean the Registrar.

The term "Record Date" shall mean, with respect to the Bonds, the fifteenth day of the calendar month next preceding each Interest Payment Date during the term of the Bonds.

The term "Register" shall mean the books of registration kept by the Registrar in which are maintained the names and addresses of and the principal amounts of Bonds registered to each Owner.

The term "Registrar" shall mean Wells Fargo Bank, N.A., and its successors in that capacity.

The term "Required Reserve" shall mean the amount required to be accumulated and maintained in the Reserve Fund under the provisions of Section 18 of this Ordinance.

The term "Reserve Fund" shall mean the account established pursuant to the Ordinance whereby certain Net Revenues are set aside by the City and may be withdrawn and used for bond payments, extension to facilities and replacement of short-lived assets.

The term "Revenue Fund" shall mean the general operating fund of the City as such account existed prior to the adoption of this Ordinance.

The term "State Water Pollution Control Revolving Fund" shall mean the program of financial assistance established by Texas Water Code, Chapter 15, Subchapter J and as administered by the Texas Water Development Board.

The term "System" shall mean the plants, facilities and improvements comprising the wastewater system of the City which has been or will be hereafter constructed or otherwise acquired, together with any additions or extensions thereto or improvements and replacements thereof.

The term "TWDB" shall mean the Texas Water Development Board, and any other public agency succeeding to its powers, rights, privileges and functions.

3. **Authorization.** Bonds of the City shall be and are hereby authorized to be issued in the aggregate principal amount of \$710,000, to be designated and bear the title "CITY OF TAYLOR LANDING, TEXAS UTILITY SYSTEM REVENUE BONDS, SERIES 2007" (hereinafter referred to as the "Bonds"), for the purpose of providing funding for any cost, labor, material, machinery and equipment for (i) construction, expansion, improvement, repair and rehabilitation of wastewater facilities within the City, (ii) engineering fees and permitting costs associated with the System and (iii) professional service costs associated with the issuance of the Bonds and in relation to the System and the financing thereof and pursuant to authority conferred by and in conformity with the Constitution and laws of the State of Texas, including particularly Chapter 1207, Texas Government Code, as amended and pursuant to this Ordinance of the City authorizing the issuance of the Bonds.

4. **Designation, Bond Date and Interest Payment Date.** The Bonds shall be designated as the "CITY OF TAYLOR LANDING, TEXAS UTILITY SYSTEM REVENUE BONDS, SERIES 2007" and shall be dated November 1, 2007. The Bonds shall bear interest from the later of their Issuance Date or the most recent Interest Payment Date to which interest has been paid or duly provided for, calculated on the basis of a 360 day year of twelve 30 day months, interest payable on March 1, 2008, and each September 1 and March 1, thereafter.

5. **Initial Bonds, Numbers and Denominations.** The Bonds in each Series herein authorized to be initially delivered to the TWDB shall be issued bearing the numbers, in the principal amounts, and bearing interest at the rates set forth in the following schedule and may be transferred and exchanged as set out in this Ordinance. The Bonds shall mature on September 1 in each of the years and in the amounts set out in the following schedule. Bonds delivered in transfer of or in exchange for other Bonds shall be numbered (with appropriate prefix) in order of their authentication by the Registrar, shall be in the denomination of \$5,000 or integral multiples thereof, and shall mature on the same date and bear interest at the same rate as the Bond or Bonds in lieu of which they are delivered.

Series 2007 Bonds

<u>Bond No.</u>	<u>Year</u>	<u>Amount</u>	<u>Interest</u>
R-1	2009	\$25,000	3.100%
R-2	2010	25,000	3.150%
R-3	2011	25,000	3.150%
R-4	2012	30,000	3.200%
R-5	2013	30,000	3.300%
R-6	2014	30,000	3.350%
R-7	2015	30,000	3.400%
R-8	2016	30,000	3.500%
R-9	2017	35,000	3.550%
R-10	2018	35,000	3.650%
R-11	2019	35,000	3.700%
R-12	2020	35,000	3.750%

R-13	2021	40,000	3.850%
R-14	2022	40,000	3.850%
R-15	2023	40,000	3.850%
R-16	2024	40,000	3.900%
R-17	2025	45,000	3.950%
R-18	2026	45,000	4.000%
R-19	2027	45,000	4.000%
R-20	2028	50,000	4.050%

The City reserves the right, at its option, to redeem Bonds prior to maturity, in whole or from time to time in part, in inverse order of maturity, on March 1, 2018, or any date thereafter at a price of par plus accrued interest on the Bonds called for redemption to the date fixed for redemption. If less than all the Bond of a particular maturity are redeemed, the Bonds or a portion thereof to be redeemed shall be as selected by the City.

6. **Execution of Bonds; Seal.** The Bonds shall be signed by the Mayor and countersigned by the City Clerk, by their manual, lithographed, or facsimile signatures, and the official seal of the City shall be impressed or placed in facsimile thereon. Such facsimile signatures on the Bonds shall have the same effect as if each of the Bonds had been signed manually and in person by each of said municipal officers, and such facsimile seal on the Bonds shall have the same effect as if the official seal of the City had been manually impressed upon each of the Bonds. If the Mayor and/or City Clerk whose manual or facsimile signature shall appear on the Bonds shall cease to be such officer before the authentication of such Bonds or before the delivery of such Bonds, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes as if such municipal officer had remained in such office.

7. **Approval by Attorney General; Registration by Comptroller.** The Bonds to be initially issued shall be delivered to the Attorney General of Texas for approval and shall be registered by the Comptroller of Public Accounts of the State of Texas. The manually executed registration certificate of the Comptroller of Public Accounts substantially in the form provided in Section 16 of this Ordinance shall be attached or affixed to the Bonds to be initially issued.

8. **Special Election for Uncertificated Bonds.** The Bonds will be issued only in fully registered form and will be initially registered and delivered only to Cede & Co., the nominee of the Depository Trust Company ("DTC") pursuant to the book-entry-only system described herein. Bonds issued in the name of Cede & Co., as nominee of DTC, as registered owner of the Bonds, will be held in the custody of DTC. For so long as DTC shall continue to serve as securities depository for the Bonds as provided herein, all transfers of beneficial ownership interests will be made by book-entry only, and no investor or other party purchasing, selling, or otherwise transferring beneficial ownership of Bonds is to receive, hold or deliver any Bond certificate. **No physical delivery of the Bonds will be made to the owners thereof. So long as the Bonds are owned by the TWDB, the City may not discontinue use of the system of book-entry transfers through DTC without prior written approval of TWDB.**

Notwithstanding any other provision of this Ordinance to the contrary, the City and the Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the Register as the absolute Owner of such Bond for the purpose of all matters with respect to such Bond, for the purpose of registering transfers with respect to such Bond, and for all other purposes whatsoever. The Registrar shall pay all principal of, premium, if any, and interest on the Bonds only to or upon the order of the respective Owners, as shown in the Register as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payment of principal of, premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. No person other than an Owner as shown in the Register, shall receive a Bond certificate evidencing the obligation of the City to make payments of amounts due pursuant to this Ordinance. Upon delivery by DTC to the Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

In the event that the City or the Registrar determines that DTC is incapable of discharging its responsibilities described herein and in the Letter of Representations of the City to DTC, and that it is in the best interest of the beneficial Owners of the Bonds that they be able to obtain certified Bonds, or if DTC Participants owning at least 50% of the Bonds outstanding based on current records of the DTC (or a successor securities depository) is not in the best interest of the beneficial Owners of the Bonds, or in the event DTC discontinues the services described herein, the City or the Registrar shall (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, and notify DTC of the appointment of such successor securities depository and transfer one or more separate Bonds to such successor securities depository or (ii) notify DTC of the availability through DTC of Bonds and transfer one or more separate Bonds to DTC Participants having Bonds credited to their DTC accounts. In such event, the Bonds shall no longer be restricted to being registered in the Register in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Bondholders transferring or exchanging Bonds shall designate, in accordance with the provisions of this Ordinance.

Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bonds are registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on the Bonds, and all notices with respect to the Bonds, shall be made and given, respectively, in the manner provided in the Letter of Representations from the City to DTC.

9. Registration, Transfer and Exchange. So long as any Bonds remain outstanding, the Registrar shall keep the Register at its principal corporate trust office in which, subject to such reasonable regulations as it may prescribe, the Registrar shall provide for the registration and transfer of Bonds in accordance with the terms of this Ordinance.

Each Bond shall be transferable only upon the presentation and surrender thereof at the principal corporate trust office of the Registrar, duly endorsed for transfer, or accompanied by an assignment duly executed by the registered Owner or his authorized representative in form satisfactory to the Registrar. Upon due presentation of any Bond for transfer, the Registrar shall

authenticate and deliver in exchange therefor, within 72 hours after such presentation, a new Bond or Bonds, registered in the name of the transferee or transferees, in authorized denominations and of the same maturity and aggregate principal amount and bearing interest at the same rate as the Bond or Bonds so presented. Notwithstanding the foregoing, the Registrar shall not be obligated to transfer or exchange any Bond selected for redemption during the 15-day period preceding the first mailing of notice of redemption of such Bond.

All Bonds shall be exchangeable upon presentation and surrender thereof at the principal corporate trust office of the Registrar for a Bond or Bonds of the same type, maturity and interest rate and in any authorized denomination, in an aggregate principal amount equal to the unpaid principal amount of the Bond or Bonds presented for exchange. The Registrar shall be and is hereby authorized to authenticate and deliver exchange Bonds in accordance with the provisions of this Section 9. Each Bond delivered in accordance with this Section 9 shall be entitled to the benefits and security of this Ordinance to the same extent as the Bond or Bonds in lieu of which such Bond is delivered.

The City or the Registrar may require the Owner of the Bond to pay a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with the transfer or exchange of such Bond. Any fee or charge of the Registrar for such transfer or exchange shall be paid by the City.

10. Payment of Principal and Interest. The Registrar is hereby appointed as the paying agent for the Bonds. The principal of and premium, if any, on the Bonds shall be payable, without exchange or collection charges, in any coin or currency of the United States of America which, on the date of payment, is legal tender for the payment of debts due the United States of America upon their presentation and surrender, as they become due and payable, whether at maturity or by prior redemption at the principal corporate trust office of the Registrar.

11. Special Record Date. If interest on any Bond is not paid on any Interest Payment Date and continues unpaid for 30 days thereafter, the Registrar shall establish a new record date for the payment of such interest, to be known as a "Special Record Date". The Registrar shall establish a Special Record Date when funds to make such interest payment are received from or on behalf of the City. Such Special Record Date shall be 15 days prior to the date fixed for payment of such past due interest, and notice of the date of payment and the Special Record Date shall be sent by United States mail, first class, postage prepaid, not later than 5 days prior to the Special Record Date, to each affected Owner of record as of the close of business on the day prior to the mailing of such notice.

12. Ownership; Unclaimed Principal and Interest. The City, the Registrar 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 principal of and premium, if any, or interest on such Bond and for all other purposes, whether or not such Bond is overdue, and neither the City nor the Registrar 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 12 shall be valid and effectual and shall discharge the liability of the City and the Registrar upon such Bond to the extent of the sums paid.

Amounts held by the Registrar which represent principal of, premium, if any, or interest on the Bonds remaining unclaimed by the Owner after the expiration of three (3) years from the date such amounts have become due and payable shall be reported and disposed of by the Registrar in accordance with the provisions of Texas law, including to the extent applicable, Title 6 of the Texas Property Code, as amended.

13. Cancellation of Bonds. All Bonds in certificate form, paid in accordance with this Ordinance, and all Bonds in lieu of which exchange Bonds or replacement Bonds are authenticated and delivered in accordance herewith, shall be cancelled and destroyed upon the making of proper records regarding such payment. The Registrar shall furnish the City with appropriate certificates of destruction of such Bonds.

14. Mutilated, Lost or Stolen Bonds. Upon the presentation and surrender to the Registrar of a mutilated Bond, the Registrar shall authenticate and deliver in exchange therefor a replacement Bond of like maturity, lot, interest rate and principal amount, bearing a number not contemporaneously outstanding. The City or the Registrar may require the Owner of such Bond to pay a sum sufficient to cover any tax or other governmental charge that may be imposed in connection therewith and any other expenses connected therewith, including the fees and expenses of the Registrar.

If any Bond is lost, apparently destroyed, or wrongfully taken, the City, pursuant to the applicable laws of the State of Texas and in the absence of notice or knowledge that such Bond has been acquired by a bona fide purchaser, shall execute and the Registrar shall authenticate and deliver a replacement Bond of like maturity, lot, interest rate and principal amount, bearing a number not contemporaneously outstanding, provided that the Owner thereof shall have:

- (i) furnish to the City and the Registrar satisfactory evidence of the ownership of and the circumstances of the loss, destruction or theft of such Bond;
- (ii) furnish such security or indemnity as may be required by the Registrar and the City to save them harmless;
- (iii) paid all expenses and charges in connection therewith, including, but not limited to, printing costs, legal fees, fees of the Registrar and any tax or other governmental charge that may be imposed; and
- (iv) met any other reasonable requirements of the City and the Registrar.

If, after the delivery of such replacement Bond, a bona fide purchaser of the original Bond in lieu of which such replacement Bond was issued presents for payment such original Bond, the City and the Registrar shall be entitled to recover such replacement Bond from the person to whom it was delivered or any person taking therefrom, except a bona fide purchaser, and shall be entitled to recover upon the security or indemnity provided therefor to the extent of any loss, damage, cost or expense incurred by the City or the Registrar in connection therewith.

If any such mutilated, lost, apparently destroyed or wrongfully taken Bond has become or is about to become due and payable, the City in its discretion may, instead of issuing a replacement Bond, authorize the Registrar to pay such Bond.

Each replacement Bond delivered in accordance with this Section 14 shall be entitled to the benefits and security of this Ordinance to the same extent as the Bond or Bonds in lieu of which such replacement Bond is delivered.

15. Optional Redemption. The City reserves the right, at its option, to redeem Bonds in accordance with the date specified following the debt service schedule in Section 5 of this Ordinance at a price of par plus accrued interest on the amount called for redemption to the date fixed for redemption. All such redemptions shall be in inverse order of the stated maturities.

Principal amounts may be redeemed only in integral multiples of \$5,000. If a Bond subject to redemption is in a denomination larger than \$5,000, a portion of such Bond may be redeemed, but only in integral multiples of \$5,000. Upon surrender of any Bond for redemption in part, the Registrar, in accordance with Section 13 hereof, shall authenticate and deliver in exchange therefor a Bond or Bonds of like maturity, lot and interest rate in an aggregate principal amount equal to the unredeemed portion of the Bond so surrendered.

Notice of any redemption identifying the Bonds to be redeemed in whole or in part shall be given by the Registrar at least 30 days prior to the date fixed for redemption by sending written notice by first class mail to the Owner of each bond to be redeemed in whole or in part at the address shown on the Register. Such notices shall state the redemption date, the redemption price, the place at which Bonds are to be surrendered for payment and, if less than all Bonds outstanding are to be redeemed, the number and lot of the Bonds or portions thereof to be redeemed. Any notice given as provided in this Section 15 shall be conclusively presumed to have been duly given, whether or not the Owner receives such notice. By the date fixed for redemption, due provisions shall be made with the Registrar for payment of the redemption price of the Bonds or portions thereof to be redeemed, plus accrued interest to the date fixed for redemption. When Bonds have been called for redemption in whole or in part and due provision has been made to redeem the same as herein provided, the Bonds or portions thereof so redeemed shall no longer be regarded as outstanding except for the purpose of receiving payment solely from the funds so provided for redemption, and the rights of the Owners to collect interest which would otherwise accrue after their redemption date on any Bond or portion thereof called for redemption shall terminate on the date fixed for redemption.

16. Forms. (a) The Bonds shall be in substantially the following form, including the form of Registrar's Certificate of Authentication, the form of Assignment, and the form of Registration Statement of the Comptroller of Public Accounts, with such additions, deletions and variations as may be necessary to cause the Bonds to be issued or as may otherwise be desirable and permitted by this Ordinance.

FORM OF BOND
(Face of Bond)

**UNITED STATES OF AMERICA
STATE OF TEXAS
COUNTY OF JEFFERSON**

NUMBER
R-_____
REGISTERED

DENOMINATION
\$ _____
REGISTERED

**CITY OF TAYLOR LANDING, TEXAS
UTILITY SYSTEM REVENUE BONDS, SERIES 2007**

INTEREST RATE: MATURITY DATE: DATED DATE: CUSIP:

REGISTERED OWNER:
PRINCIPAL AMOUNT:

DOLLARS

City of Taylor Landing, Texas in the Jefferson County, Texas (the "City"), promises to pay to the Registered Owner identified above, or registered assigns, on the date specified above, upon presentation and surrender of this bond at the principal payment office of Wells Fargo Bank, N.A., Houston, Texas (the "Registrar"), the principal amount identified above, payable in any coin or currency of the United States of America which on the date of payment of such principal is legal tender for the payment of debts due the United States of America, and to pay interest thereon at the rate shown above, calculated on the basis of a 360 day year of twelve 30 day months, from the later of the Issuance Date as defined in the Ordinance or the most recent interest payment date to which interest has been paid or duly provided for. The date of this Bond is November 1, 2007, but interest shall accrue on the principal amount hereof from the Issuance Date (as defined in the Ordinance). Interest on this Bond shall be paid by check payable on March 1 and September 1 beginning on March 1, 2008, mailed to the registered owner of record as shown on the books of registration kept by the Registrar as of the fifteenth day of the calendar month next preceding each interest payment date. Any accrued interest due at maturity shall be paid upon presentation and surrender of this Bond at the principal payment office of the Registrar. Provided that for so long as TWDB is the Owner of the Bonds, all payments of principal and interest will be made in wire transfer form at no cost to the TWDB in immediately available funds to the account designated by such Owner to the Registrar in writing at least five (5) days before the Record Date for such payment.

IN WITNESS WHEREOF, this Bond has been signed with the manual or facsimile signature of the Mayor and countersigned with the manual or facsimile signature of the City Clerk, and the official seal of the City has been duly impressed, or placed in facsimile, on this Bond.

(SEAL)

City of Taylor Landing, Texas

Mayor

City Clerk

THIS BOND is one of the series specified in its title issued in the aggregate principal amount of \$710,000 (collectively referred to as the "Bonds"), pursuant to an Ordinance adopted by the City Commission on October 18, 2007 (the "Ordinance"), for the purpose of (i) construction, expansion, improvement, repair and rehabilitation of wastewater facilities within the City, (ii) engineering fees and permit costs associated with the City's wastewater system (the "System") and (iii) professional service costs associated with the issuance of the Bonds and in relation to the System and the financing thereof and pursuant to authority conferred by and in conformity with the Constitution and laws of the State of Texas, including particularly Chapter 1207, Texas Government Code, as amended. The Bonds are special obligations of the City and are payable solely from a pledge of the Net Revenues of the System. THE BONDS DO NOT CONSTITUTE AN INDEBTEDNESS OR GENERAL OBLIGATION OF THE CITY AND ARE NOT PAYABLE FROM FUNDS RAISED OR TO BE RAISED BY TAXATION.

THE CITY RESERVES THE RIGHT, at its option, to redeem Bonds prior to maturity, in whole or from time to time in part, in inverse order of maturity, on March 1, 2018, or any date thereafter at a price of par plus accrued interest on the Bonds called for redemption to the date fixed for redemption. If less than all the Bond of a particular maturity are redeemed, the Bonds or a portion thereof to be redeemed shall be as selected by the City. Reference is made to the Ordinance for complete details concerning the manner of redeeming Bonds.

NOTICE OF ANY REDEMPTION shall be given at least 30 days prior to the date fixed for redemption by first class mail addressed to the registered owner of each Bond to be redeemed in whole or in part at the address shown on the books of registration kept by the Registrar. When Bonds or portions thereof have been called for redemption, and due provision has been made to redeem the same, the principal amounts so redeemed shall be payable solely from the funds provided for redemption, and interest which would otherwise accrue on the amounts called for redemption shall terminate on the date fixed for redemption.

THIS BOND IS TRANSFERABLE only upon presentation and surrender at the principal payment office of the Registrar, duly endorsed for transfer or accompanied by an assignment duly executed by the registered owner or his authorized representative, subject to the terms and conditions of the Ordinance.

THE BONDS ARE EXCHANGEABLE at the principal payment office of the Registrar for bonds in the principal amount of \$5,000 or any integral multiple thereof, subject to the terms and conditions of the Ordinance.

THIS BOND SHALL NOT BE VALID OR OBLIGATORY for any purpose or be entitled to any benefit under the Ordinance unless this Bond either (i) is registered by the Comptroller of Public Accounts of the State of Texas by registration certificate attached or affixed hereto or (ii) is authenticated by the Registrar by due execution of the authentication certificate endorsed hereon.

THE CITY HAS COVENANTED in the Ordinance that it will at all times provide a legally qualified registrar for the Bonds and will cause notice of any change of registrar to be mailed to each registered owner.

NEITHER THE STATE OF TEXAS, JEFFERSON COUNTY, TEXAS, nor any political subdivision other than the City shall be obligated to pay the principal of and interest on or the redemption price of the Bonds. Neither the faith and credit nor the taxing power of the State of Texas or Jefferson County, Texas, is pledged to be payment of the principal of and interest on or the redemption price of the Bonds. The Bonds are payable on a parity, first lien basis from the Net Revenues of the System. The holder hereof shall never have the right to demand payment of this Bond out of any funds raised or to be raised by taxation.

IT IS HEREBY certified, recited and covenanted that this Bond has been duly and validly issued and delivered; that all acts, conditions and things required or proper to be performed, to exist and to be done precedent to or in the issuance and delivery of this Bond have been performed, exist and have been done in accordance with law.

IT IS FURTHER certified, recited and represented that the net revenues (the "Net Revenues") to be derived from the operation of the System are pledged, on a senior lien basis, to the payment of the principal of and the interest on the Bonds ; provided, however, the City reserves the right to issue, for any lawful purpose at any time, in one or more installments, Additional Bonds or other evidences of indebtedness payable in whole or in part from the Net Revenues of the System, secured by a pledge of the Net Revenues of the System that is on a parity with, or junior and subordinate to, the pledge of the Net Revenues securing the Bonds.

BOND COUNSEL has provided an opinion that (i) the Bonds have been duly authorized, issued and delivered, all in accordance with law; and that, except as may be limited by laws applicable to the City relating to bankruptcy, reorganization, and other similar matters affecting creditors' rights, the Bonds will constitute valid and legally binding special obligations of the City, and that the principal of and interest on the Bonds are payable from, and secured by a lien on and pledge of the Net Revenues of the System; and (ii) the interest on the Bonds is excludable from the gross income of the owners for federal income tax purposes under the statutes, regulations, published rulings, and court decisions existing on the date of this opinion. Bond Counsel further has provided the opinion that the Bonds are not "private activity bonds" and that accordingly, interest on the Bonds will not be included as an individual or corporate alternative minimum tax preference item under Section 57(a)(5) of the Internal Revenue Code of 1986 (the "Code"). In expressing the aforementioned opinions, Bond Counsel has relied on, and assume compliance by the City with, certain representations and covenants regarding the use and investment of the proceeds of the Bonds. Failure by the City to comply with such representation and covenants may cause the interest on the Bonds to become includable in gross income retroactively to the date of issuance of the Bonds.

*Form of Registration Certificate of Comptroller of Public Accounts to appear on Initial Bond(s) only.

**REGISTRATION CERTIFICATE OF
COMPTROLLER OF PUBLIC ACCOUNTS**

OFFICE OF THE COMPTROLLER §
OF PUBLIC ACCOUNTS § REGISTER NO. _____

THE STATE OF TEXAS

§
§

I HEREBY CERTIFY that this Bond has been examined, certified as to validity and approved by the Attorney General of the State of Texas, and duly registered by the Comptroller of Public Accounts of the State of Texas.

WITNESS my signature and seal of office this _____.

Comptroller of Public Accounts
of the State of Texas

(SEAL)

*NOTE TO PRINTER: Do Not Print Form of Registration Certificate of Comptroller of Public Accounts on Definitive Bonds.

Form of Certificate of Paying Agent/Registrar to appear on All Bonds.

Registration Date: _____

AUTHENTICATION CERTIFICATE

It is hereby certified that this bond is one of the Bonds described in and delivered pursuant to the Ordinance described in the text of this bond, in exchange for or in replacement of a bond, bonds or a portion of a bond or bonds of a Series which was originally approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Wells Fargo Bank, N.A.

By _____
Authorized Signature

Form of Assignment to appear on All Bonds.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns, and transfers unto (Print or typewrite name, address, and zip code of transferee:)

(Social Security or other identifying number _____) the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

DATED:

Signature guaranteed:

NOTICE: The signature on this assignment must correspond with the name of the registered owner as it appears on the face of the within Bond in every particular.

17. Legal Opinion; CUSIP. The approving opinion of Germer Gertz, L.L.P., Beaumont, Texas, and CUSIP Numbers may be printed on the Bonds, but errors or omissions in the printing of such opinion or such numbers shall have no effect on the validity of the Bonds.

18. Pledge of Net Revenues and Establishment of Funds. The City hereby confirms the establishment of, and agrees to maintain so long as any Bond remains outstanding, the following funds at a depository of the City. The City shall invest such funds only as provided for in this Section 18 of the Ordinance and shall apply such funds as described in this Section.

(a) Pledge of Net Revenues. The Net Revenues of the System are hereby irrevocably pledged to the payment of the principal of and the interest on the Bonds; provided, however, the City reserves the right to issue, for any lawful purpose at any time, in one or more installments, bonds or other evidences of indebtedness payable in whole or in part from the Net Revenues of the System that may be on a parity with, or junior and subordinate to the pledge of the Net Revenues securing the Bonds as specified in paragraph 25 of this Ordinance.

(b) Rates and Charges. So long as any Bonds remains outstanding, there shall be fixed, charged and collected rates and charges for the use and services of the System which may be fully sufficient at all times:

- (i) To pay all Maintenance and Operating Expenses, depreciation charges and replacement and betterment costs;
- (ii) to produce Net Revenues in an amount not less than the amounts required to accumulate and maintain the funds as established and required by this Ordinance; and
- (iii) to pay all other indebtedness payable from the Net Revenues and/or secured by a lien, City properties or revenues of the System.

The City shall review rates and charges annually to insure sufficient revenues to meet all outstanding obligations and requirements including those contained in this Ordinance. If the System should become legally liable for any indebtedness, the City shall fix, maintain, charge and collect additional rates and charges for services rendered by the System sufficient to establish and maintain funds for the payment thereof. The City covenants that it shall not grant or permit any free service from the System except for public buildings and facilities operated by the City.

(c) Special Funds. The following special funds shall be maintained and accounted for as long as the Bonds remain outstanding. The Bond Fund and the Reserve Fund shall be common funds that may be used for both the requirements specified in this Ordinance for the Bonds and for any Additional Bonds issued pursuant to Section 24 of this Ordinance.

- (i) Utility System Revenue Bonds Interest and Sinking Fund (the "Bond Fund");
- (ii) Utility System Revenue Bonds Reserve Fund (the "Reserve Fund");
- (iii) Utility System Revenue Bonds Construction Fund, Series 2007 (the "2007 Bond Construction Fund"); and
- (iv) Utility System Revenue Bonds Escrow Fund, Series 2007 (the "2007 Escrow Fund").

The Special Funds shall be maintained at an official depository bank of the City, and shall constitute trust funds which shall be held in occurrence for the benefit of the Bonds and the proceeds of which are hereby pledged to the payment of the Bonds. All of the funds named above shall be used as provided in this Ordinance as long as the Bonds remain outstanding.

(d) Flow of Funds. The City hereby covenants and agrees that the Gross Revenues of the System (excluding earnings and income derived from investments held in the Bond Fund, Reserve Fund and the Reserve Account) shall be deposited to the credit of a fund or account maintained on the books and records of the City to be known as the "Utility System Fund" (the "Revenue Fund"). Such revenues of the System shall be accounted for separate and apart from other funds of the City and, such revenues, as collected, shall be deposited in a banking account maintained at an official depository of City Funds. All revenues deposited in the Revenue Fund shall be pledged and appropriated to the extent required for the following uses and in the following order of priority:

- (i) **First**, to pay Maintenance and Operating Expenses and to provide by encumbrance for the payment of all obligations incurred by the City for Maintenance and Operating Expenses which may include an operating reserve equal to one month estimated Maintenance and Operating Expenses.
- (ii) **Second**, to the payment on a parity basis of amounts and the establishment of accounts required by this Ordinance.
- (iii) **Third**, to the payment of the amounts required to be deposited in the Reserve Fund to accumulate and maintain therein the Required Reserve in accordance with provisions of this Ordinance or any other ordinance relating to the issuance of Additional Bonds.

Any Net Revenues remaining in the Revenue Fund after satisfying the foregoing payments, or making adequate and sufficient provision for the payment thereof, may be appropriated and used for any other City purpose now or hereafter permitted by law.

(e) Bond Fund. On or before the last business day of each month so long as any Bonds remain outstanding, there shall be transferred into the Bond Fund from the Revenue Fund the following amounts:

(i) Such amounts, in approximately equal monthly installments, as will be sufficient to pay the interest scheduled to become due on the Bonds on the next interest payment date; and

(ii) Such amounts, in approximately equal monthly installments, as will be sufficient to pay the next maturing principal of the Bonds, including the principal amount of and any redemption premiums on any bonds payable as a result of the exercise or operation of any redemption provision contained in this Ordinance or in any ordinance authorizing the issuance of Additional Bonds.

Monies deposited to the credit of the Bond Fund shall be used for the purpose of paying principal (either at maturity or prior redemption or to purchase Bonds in the open market to be credited against mandatory redemption requirements), interest and redemption premiums on the Bonds, plus bank charges and other costs and expenses relating to such payment, on a pro rata basis among all series of Bonds.

On or before each principal and/or interest payment date for the Bonds, the City shall transfer from the Bond Fund to the paying agents for the Bonds an amount equal to the principal, interest and redemption premium, if any, payable on the Bonds on such date together with an amount equal to all bank charges and other costs and expenses relating to such payment. The paying agent for the Bonds shall totally destroy all paid Bonds and coupons, if any, and shall provide the City with an appropriate certificate of destruction.

(f) Reserve Fund. (i) After making transfers into the Bond Fund as required in paragraph 18(e) of this Ordinance, the City shall deposit and maintain or cause to be deposited and maintained in the Reserve Fund an amount of not less than the average annual debt service requirement, to be accumulated in equal monthly installments, over the initial sixty (60) months following the issuance of the Bonds or, if a surety policy or municipal bond guarantee insurance policy is utilized, a provision that said policy will be issued in an amount equal to the accumulation required for the reserve fund and lieu of depositing cash in the Reserve Fund. After the Reserve Fund requirements have been satisfied as herein described and so long thereafter as any such requirements remain satisfied, no further deposits into the Reserve Fund shall be required. When the Reserve Fund contains more than the Reserve Fund requirement, the City may transfer any excess cash amount to the Bond Fund for the payment of Bonds, and (ii) if a surety policy or municipal bond guarantee insurance policy is utilized in lieu of depositing cash in the Reserve Fund and if the TWDB holds the Bonds, that (a) sixty (60) days prior to closing, or sixty (60) days prior to the conversion from a cash reserve to a surety policy or a municipal bond guarantee insurance policy, a draft of said policy will be provided to the Executive Administrator of the TWDB for the determination of whether the policy is appropriate security in accordance with TWDB policies; (b) prior to closing, or prior to the conversion from a cash reserve to a surety policy or municipal bond guarantee insurance policy, the executed underlying documents of said policy will be provided, the form and substance of which is satisfactory to the Executive Administrator of the TWDB; and (c) prior to closing, the Attorney

General's Office will have approved the use of said policy as a part of its approval of the proposed bond issue.

(g) Escrow Fund. Following the closing on the Bonds and the payment of closing costs as specified in this Ordinance, the remaining Bond proceeds shall be deposited in the escrow fund established pursuant to TWDB Resolution 07-63, and funds shall be released only in accordance with the escrow agreement on written authorization of the TWDB as therein provided. On release of funds from the Escrow Fund, said monies shall be deposited into the Construction Fund as herein defined. The District is allowed from time to time, in accordance with good money management practices to transfer funds into the Escrow Fund or parts thereof from one financial institution to another provided that the conditions are met for release from the financial institutions from which funds are held.

(h) Investment of Funds; Transfer of Investment Income. Money in each fund maintained pursuant to this Section of this Ordinance are subject to the Public Funds Investment Act, Texas Government Code, Chapter 2256 and may, at the option of the City, be invested in authorized investments of the City as provided for in the City's Investment Policy provided that, if invested in time deposits or certificates of deposit, they be secured in a manner required by law for public funds, or if invested in a direct obligations of, or obligations the principal of and interest on which are unconditionally guarantee by the United States of America or any other of its agencies or instrumentalities or any other obligations permitted by law provided that such obligations are rated "AA" or better by Moody's or Standard's and Poor's Rating Agencies, that such deposits or investments shall be made in such a manner that the money required to be expended from any fund will be available at the proper time or times provided further that in no event shall such deposits or investments of money mature later than the final maturity date of the Bonds. All investments shall be valued in terms of current market value no less frequently than the last business day of each fiscal year of the City except that any direct obligations of the United States of America, state or local government shall be continuously valued at their par value or principal face amount. Any obligation which is monies so invested shall be kept and held in the official depository of the City at which the fund is maintained from which such investment was made. All such investments shall be promptly sold when necessary to prevent any default in connection with the Bonds.

(i) Security for Uninvested Funds. So long as any Bonds remain outstanding, all uninvested monies on deposit in, are credited to Funds maintained pursuant to this Section shall be secured by a pledge or security, as provided by law in the State of Texas in a principal amount not less than the amount of such uninvested funds.

(j) Government Code, Section 1208. Section 1208, Government Code, applies to the issuance of the Bonds and the pledge of the Net Revenues of the System granted by the City under this Section, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Bonds are outstanding such that the pledge of the Net Revenues of the System granted by the City under this Section is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, then in order to preserve to the registered owners of the Bonds the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable

provisions of Chapter 9, Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

19. Special Covenants of the City.

(a) TWDB Commitment Requirements. In conformance with TWDB Resolution No. 07-63, the purchase by the TWDB of the Bonds is conditioned upon compliance with the published rules and regulations of the TWDB and the following: (i) the City covenants to maintain and collect sufficient rates and charges to produce Net Revenues an amount necessary to meet the Debt Service obligations as to the Bonds and to maintain the Special Funds established and required by this Ordinance (ii) the City, prior to closing, will submit documentation evidencing the adoption and implementation of sufficient System rates and charges for the repayment of the Debt Service of the Bonds, (iii) prior to construction of improvements to the System, the City will provide evidence of FEMA National Flood Insurance coverage for any facilities to be constructed within a 100-year flood plain in a form and substance satisfactory to the Executive Administrator of the TWDB, and (iv) prior to closing, the City shall adopt and implement the program of water conservation as approved by the TWDB.

(b) TWDB Pre-Design Fund Option. The Bonds are approved for funding under the TWDB pre-design commitment option as specified in Board Rule 31 TAC §363.16 and §371.38, and initial and future releases of funds are subject to all rules of the Board relating to such pre-design option on the Bonds.

(c) Loan Origination Fee. Upon the closing, the City shall pay a 1.85% origination fee calculated pursuant to TWDB Rules.

(d) TWDB Rules. So long as any Bonds are held by the TWDB, the City will abide by the TWDB's rules and the relevant statutes of the State of Texas, including Chapters 15, 16 and 17 of the Texas Water Code.

(e) Submission of Financial Statements and Annual Audit. So long as any of the Bonds are held by the TWDB, the City shall provide to the Executive Administrator of the TWDB an annual audit report to be submitted without charge within one-hundred twenty (120) days of the close of each Fiscal Year of the City.

(f) Insurance. The City shall maintain the System in good condition and operate the System in an efficient manner and at a reasonable cost. In regard to the operations and properties of the System, the City also agrees to carry and maintain liability and property damage insurance of the kind and in the amounts carried by cities in Texas owning and operating similar facilities and providing like services.

(g) No Free Service. No free service of the System shall be allowed, and should the City or any of its agents or instrumentalities make use of the services and facilities of the City, payment of the reasonable value thereof shall be made by the City out of funds from sources other than the revenues and income of the System.

(h) Compliance with Franchises. The City shall comply with all the terms and conditions of any and all franchises, permits and authorizations applicable to or necessary with respect to the System, and which have been obtained from any governmental agency, and the City has or will obtain and keep in full force and effect all franchises, permits, authorizations and other requirements applicable to or necessary with respect to the acquisition, construction, operation, equipping and maintenance of the System.

(i) Ordinance is a Contract. In consideration of the purchase and acceptance of the Bonds authorized to be issued hereunder by those persons who hold the same from time to time, the provisions of this Ordinance shall be deemed to be and shall constitute a contract between the City and the Owners of the Bonds, all of which, regardless of the time or times of their issue or maturity, shall be of equal rank without preference, priority or distinction except as expressly provided herein.

(j) Final Accounting. At the time the project is complete and when all loan proceeds and investment earnings are expended, a final accounting review will be completed to determine the total sources and authorized uses of project funds. Any unexpended (surplus) proceeds or related investment earnings are generally to deem bonds by the TWDB as hereinafter specified (the "Final Accounting").

(k) As-Built Drawings. Pursuant to the CWSRF rules of the TWDB, the City shall submit as-built or record drawings for the project at the Final Accounting on the project.

(l) Repayment of Unauthorized Expenses. Upon completion of construction of the project financed, in whole or in part by the Bonds, and a Final Accounting of total costs of the project will be provided to the Executive Administrator of the TWDB. If the project as finally completed is built at a total cost less than the amount of available funds for the project represented by the principal amount of the Bonds plus related investment earnings, or if the Executive Administrator of the TWDB disapproves construction of any portion of the project as not being in accordance with the plans and specifications, the City agrees to immediately, with the filing of its Final Accounting, return to the TWDB the amount of any such excess and/or costs determined by the Executive Administrator of the TWDB relating to the portions of the project not built in accordance with the plans and specifications, to the nearest multiple of the authorized denomination of the Bonds, upon surrendering cancellation of a like amount of such Bonds held by the TWDB and inverse order of their stated maturity.

(m) Surplus Funds: Bond Redemption. As stated in paragraph 19(m) of this Ordinance, surplus funds pursuant to the CWSRF rules of the TWDB shall be redeemed pursuant to the terms of this Ordinance in an amount to the nearest multiple of the authorized denomination for the Bonds, upon the surrender and cancellation of the like amount of such Bonds held by the TWDB in inverse order of their stated maturities.

20. Default Provisions. In addition to all rights and remedies of any Owner of the Bonds provided by the laws of the State of Texas, the City and its City Commission covenant and agree that in the event the City defaults in the payment of the principal or premium of or interest on any of the Bonds when due, or fails to make the payments required by this Ordinance to be made into the Bond Fund, or defaults in the observance or performance of any of the covenants,

conditions or obligations set forth in the Ordinance, the Owner of any of the Bonds shall be entitled to a writ of mandamus issued by a court of proper jurisdiction compelling and requiring the City Commission and other officers of the City to observe and perform any covenant, obligation or condition prescribed in this Ordinance. No delay or omission by any Owner to exercise any right or power accruing upon default shall impair any such right or power, or shall be construed to be a waiver of any such default or acquiescence therein, and every such right or power may be exercised from time to time and as often as may be deemed expedient. These specific remedies mentioned in this Ordinance shall be available to any Owner of any of the Bonds and shall be cumulative of all other existing remedies.

21. Further Proceedings. After the Bonds to be initially delivered to the TWDB shall have been executed, it shall be the duty of the Mayor to deliver the Bonds to be initially issued and all pertinent records and proceedings to the Attorney General of the State of Texas, for examination and approval by the Attorney General. After the Bonds to be initially delivered to the TWDB shall have been approved by the Attorney General, they shall be delivered to the Comptroller of Public Accounts of the State of Texas for registration. Upon registration of the Bonds to be initially delivered to the TWDB, the Comptroller of Public Accounts (or a deputy lawfully designated in writing to act for the Comptroller) shall manually sign the Comptroller's Registration Certificate prescribed herein to be printed and endorsed on the Bonds to be initially delivered to the TWDB and the seal of said Comptroller shall be impressed, or placed in facsimile, thereon.

22. Sale of Bonds. The Bonds are hereby sold and shall be delivered to the TWDB at par for a price of \$710,000, which price and terms are hereby found to be the most advantageous reasonably obtainable by the City. The sale is subject to the unqualified approving opinions of Germer Gertz, L.L.P. and the Attorney General of the State of Texas as to the legality and validity of the Bonds.

23. Tax Exemption. (a) The City intends that the interest on the Bonds shall be excludable from gross income for purposes of federal income taxation pursuant to Sections 103 and 141 through 150 of the Code, and applicable regulations. The City covenants and agrees not to take any action, or knowingly omit to take any action within its control, that if taken or omitted, respectively, would cause the interest on the Bonds to be includable in gross income, as defined in Section 61 of the Code, of the holders thereof for purposes of federal income taxation. In particular, the City covenants and agrees to comply with each requirement of this Section 23; provided, however, that the City shall not be required to comply with any particular requirement of this Section 23 if the City has received an opinion of nationally recognized bond counsel (a "Counsel's Opinion") that such noncompliance will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the Bonds or if the City has received a Counsel's Opinion to the effect that compliance with some other requirement set forth in this Section 23 will satisfy the applicable requirements of the Code, in which case compliance with such other requirement specified in such Counsel's Opinion shall constitute compliance with the corresponding requirement specified in this Section 23.

(b) The City covenants and agrees that its use of Net Proceeds of the Bonds (as hereinafter defined) will at all times satisfy the following requirements:

(i) The City will limit the amount of original or investment proceeds of the Bonds to be used (other than use as a member of the general public) in the trade or business of any person other than a governmental unit to an amount aggregating no more than 10% of the Net Proceeds of the Bonds ("private-use proceeds"). For purposes of this Section, the term "person" includes any individual, corporation, partnership, unincorporated association, or any other entity capable of carrying on a trade or business; and the term "trade or business" means, with respect to any natural person, any activity regularly carried on for profit and, with respect to persons other than natural persons, any activity other than an activity carried on by a governmental unit. Any use of proceeds of the Bonds in any manner contrary to the guidelines set forth in Revenue Procedure 93-19, including any revisions or amendments thereto, shall constitute the use of such proceeds in the trade or business of one who is not a governmental unit;

(ii) The City will not permit more than 5% of the Net Proceeds of the Bonds to be used in the trade or business of any person other than a governmental unit if such use is unrelated to the governmental purpose of the or the Bonds. Further, the amount of private-use proceeds of the Bonds in excess of 5% of the Net Proceeds thereof ("excess private-use proceeds") will not exceed the proceeds of the Bonds expended for the governmental purpose of the Bonds to which such excess private-use proceeds relate;

(iii) Principal of, premium, if any, and interest on the Bonds shall be paid solely from Net Revenues of the City. Further, no person using more than 10% of the Net Proceeds of the Bonds in a trade or business, other than a governmental unit, has made or shall make payments (other than as a member of the general public), directly or indirectly, accounting for more than 10% of such receipts;

(iv) The City will not permit with respect to the Bonds an amount of proceeds thereof exceeding the lesser of (a) \$710,000 or (b) 5% of the Net Proceeds of the Bonds to be used, directly or indirectly, to finance loans to persons other than a governmental unit;

(v) The City will use \$39,904 of the Net Proceeds to pay the cost of issuance of the Bonds; and

(vi) The City will use \$12,896 to pay the bond origination fee to the Texas Water Development Board as required by the rules of the State Water Pollution Control Revolving Fund.

(vii) The City covenants and agrees that the monies on deposit in the Bond Fund, the Reserve Fund, the Escrow Fund and the Construction Fund established hereunder shall be transferred and applied as provided in this Ordinance.

When used in this Section 23, the term "Net Proceeds of the Bonds" shall mean the proceeds from the sale of the Bonds, including investment earnings on such proceeds, less accrued interest.

(c) The City covenants and agrees not to take any action, or knowingly omit to take any action within its control, that, if taken or omitted, respectively, would cause the Bonds to be

"federally guaranteed" within the meaning of Section 149(b) of the Code and applicable regulations thereunder, except as permitted by Section 149(b)(3) of the Code and such regulations.

(d) The City covenants and agrees that not more than 50 percent of the proceeds of the Bonds will be invested in non-purpose investments (as defined in Section 148(f)(6)(A) of the Code) having a substantially guaranteed yield for four years or more within the meaning of Section 149(g)(3)(A)(ii) of the Code, and the City reasonably expects that at least 85 percent of the spendable proceeds of the Bonds will be used to carry out the governmental purposes of the Bonds within the three-year period beginning on the date the Bonds are issued.

(e) The City shall certify, through an authorized municipal officer, employee or agent, that based upon all facts and estimates known or reasonably expected to be in existence on the date the Bonds are delivered, the City will reasonably expect that the proceeds of the Bonds will not be used in a manner that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148(a) of the Code and applicable regulations thereunder. Moreover, the City covenants and agrees that it will make such use of the proceeds of the Bonds, including interest or other investment income derived from Bond proceeds, regulate investments of such proceeds and amounts, and take such other and further action as may be required so that the Bonds will not be "arbitrage bonds" within the meaning of Section 148(a) of the Code and applicable regulations thereunder.

(f) The City will take all necessary steps to comply with the requirement that certain amounts earned by the City on the investment of the "gross proceeds" of the Bonds (within the meaning of Section 148(f)(6)(B) of the Code), be rebated to the federal government. Specifically, the City will (i) maintain records regarding the investment of the gross proceeds of the Bonds as may be required to calculate the amount earned on the investment of the gross proceeds of the Bonds separately from records of amounts on deposit in the funds and accounts of the City allocable to other bond issues of the City or moneys which do not represent gross proceeds of any bonds of the City, (ii) calculate at such times as are required by applicable regulations, the rebatable amount earned from the investment of the gross proceeds of the Bonds, and (iii) pay, not less often than every 5th anniversary date of the delivery of the Bonds, or on such other dates as are permitted or required by applicable regulations, all amounts required to be rebated to the federal government. Further, the City will not indirectly pay any amount otherwise payable to the federal government pursuant to the foregoing requirements to any person other than the federal government by entering into any investment arrangement with respect to the gross proceeds of the Bonds that might result in a reduction in the amount required to be paid to the federal government because such arrangement results in a smaller profit or larger loss than would have resulted if the arrangement had been at arm's length and had the yield on the issue not been relevant to either party.

(g) The City covenants and agrees to file or cause to be filed with the Secretary of the Treasury, not later than the 15th day of the second calendar month after the close of the calendar quarter in which the Bonds are issued, an information statement concerning the Bonds, all under and in accordance with Section 149(e) of the Code and applicable regulations thereunder.

24. Additional Bonds. (a) The City may issue additional revenue bonds only if Net Revenues are at least 1.25 times the Average Annual Debt Service Requirement after giving effect to the Additional Bonds when Net Revenues are (i) determined from the last completed fiscal year

or a twelve (12) consecutive calendar period ending no more than ninety (90) days preceding the adoption of the Additional Bonds as certified by a certified public accountant or (ii) determined from projected Net Revenues for a 12-month period based on rates and charges that have been in effect for at least sixty (60) days prior to the month in which the issuance of the Additional Bonds is authorized, as certified by a certified public accountant or professional engineer.

(b) Subject to the satisfaction of the conditions precedent, the City reserves the right to issue, from time to time, as needed, Additional Bonds, on a parity with or junior and subordinate to the pledge of the Net Revenues securing the Bonds for any lawful purpose. Such Additional Bonds may be issued in such form and manner as now or hereafter authorized by the laws for the State of Texas for the issuance of evidences of indebtedness or other instruments, and should new methods or financing techniques be developed that differ from those now available and in normal use, the City reserves the right to employ the same in its financing arrangements.

(c) The City further reserves the right to issue Special Project Bonds in one or more series or installments for the purchase, construction, acquisition, ownership, operation, improvement, extension, replacement, enlargement or repair of sewer facilities necessary under a contract or contracts with persons, corporations, municipal corporations, political subdivisions or other entities, with such bonds to be payable from and secured by the proceeds of such contract or contracts. The City further reserves the right to refund any Special Project Bond. Prior to the issuance of any special project bonds, the City shall obtain written consent for the issuance of such parity debt from the Texas Water Development Board acting by and through its Executive Administrator or such other designee.

(d) The City reserves the right to issue bonds in one or more installments to refund the Bonds and Additional Bonds subject to prior redemption if they have been called for redemption, or any of the Bonds and Additional Bonds the owners of which have consented to have refunded, and the refunding bonds so issued shall enjoy complete parity of lien with the portion of the Bond or Additional Bonds not refunded, if there are any such bonds, and the refunding bonds so issued shall have the same priority of lien that have been held by the Bonds or Additional Bonds being refunded.

25. Open Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551 of the Texas Government Code, as amended. The City has established a regular meeting place within the boundaries of the City, and by such designation is not required to post any notices as might otherwise be required.

26. Registrar. The Registrar, by undertaking the performance of the duties of the Registrar and in consideration of the payment of fees or deposits of money pursuant to this Ordinance and a Paying Agent/Registrar's Agreement, accepts and agrees to abide by the terms of this Ordinance and such Agreement. The City hereby approves the Paying Agent/Registrar's Agreement.

The City covenants that at all times while any Bonds are outstanding, the City will provide a legally qualified bank, trust company, financial institution or other agency to act as Registrar for the Bonds. The City reserves the right to change the Registrar for the Bonds on not less than 60 days

prior written notice to the Registrar, so long as any such notice is effective not less than 60 days prior to the next succeeding principal or interest payment date on the Bonds. Promptly upon appointment of any successor Registrar, the previous Registrar shall deliver the Register or copies thereof to the new Registrar and shall notify each Owner, by United States mail, first class, postage prepaid, of such change and of the address of the new Registrar. Each Registrar hereunder, by acting in that capacity, shall be deemed to have agreed to the provisions of this Section.

27. Related Matters. To satisfy in a timely manner all of the City's obligations under this Ordinance, the Mayor, City Clerk and all other appropriate municipal officers and agents of the City are hereby authorized and directed to take all other actions that are reasonably necessary to provide for issuance of the Bonds, including, without limitation, executing and delivering on behalf of the City all certificates, consents, receipts, requests and other documents as may be reasonably necessary to satisfy the City's obligations under this Ordinance and to direct the application of funds of the City consistent with the provisions hereof.

28. No Personal Liability. No recourse shall be had for payment of the principal of or premium, if any, or interest on any Bonds, or for any claim based thereon, or on this Ordinance, against any officer, official or employee of the City or any person executing any Bonds.

29. Severability. If any Section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such Section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

30. Repealer. All orders, resolutions, and ordinances, and parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

31. Qualified Tax-Exempt Obligations. The City hereby designates the Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b) of the Code. In connection therewith, the City represents that (a) the aggregate amount of tax-exempt obligations issued by the City during calendar year 2007, including the Bonds, which have been designated as "qualified tax-exempt obligations" under Section 265(b)(3) of the Code, does not exceed \$10,000,000, and (b) the reasonably anticipated amount of tax-exempt obligations which will be issued by the City during calendar year 2007, including the Bonds, will not exceed \$10,000,000. For purposes of this Section 31, the term "tax-exempt obligation" does not include "private activity bonds" within the meaning of Section 141 of the Code, other than "qualified 501(c)(3) bonds" within the meaning of Section 145 of the Code. In addition, for purposes of this Section 32, the City includes all governmental units which are "subordinate entities" of the City within the meaning of Section 265(b) of the Code.

32. Amendments to Ordinance. The City may, without the consent of or notice to any Owners, amend this Ordinance in any manner not detrimental to the interests of the Owners, including the curing of any ambiguity, inconsistency or formal defect or omission herein. In addition, the City may, with the written consent of the Owners of a majority in aggregate principal amount of the Bonds then outstanding affected thereby, amend, add to or rescind any of the provisions of this Ordinance, provided that without the consent of the Owners of all of the Bonds affected, no such amendment, addition or rescission may (1) change the date specified as the date on

which the principal of or any installment of interest on any Bond is due and payable, reduce the principal amount thereof, the redemption price therefor, or the rate of interest thereon, change the place or places at, or the coin or currency in which any Bond or the interest thereon is payable, or in any other way modify the terms of payment of the principal of or interest on the Bonds, (2) give any preference to any Bond over any other Bond, or (3) modify any of the provisions of this Ordinance relating to the amendment hereof, except to increase any percentage provided hereby or to provide that certain other provisions of this Ordinance cannot be modified or waived without the consent of the Owner of each Bond affected thereby.

33. Continuing Disclosure. The offering of the Bonds is exempt from continuing disclosure requirements of SEC Rule 15c2-12(b)(5), because the offering is less than \$1,000,000 in aggregate principal amount. The City has not previously undertaken a continuing disclosure agreement in accordance with SEC Rule 15c2-12. Notwithstanding the foregoing, the City, or an obligated person for whom financial or operating data is presented either individually or in combination with other issuers of the City's obligations or obligated persons, will, at a minimum, covenant to comply with the requirements for continuing disclosure on an ongoing basis substantially in the manner required by Securities and Exchange Commission ("SEC") Rule 15c2-12 and determined as if the TWDB were a Participating Underwriter within the meaning of such Rule, such continuing disclosure undertaking being for the benefit of the TWDB and the beneficial owner of the Cities obligations, if the TWDB sells or otherwise transfers such obligations, and the beneficial owners of the TWDB's bonds if the City is an obligated person with respect to such bonds under SEC Rule 15c2-12.

34. Defeasance/Refunding. Any Bond shall be deemed to be paid and shall no longer be considered to be a Bond within the meaning of this Ordinance when payment of the principal of and interest on such Bond to the maturity thereof stated in Section 5 of this Ordinance (the "Stated Maturity") or (if notice of redemption shall have been duly given, irrevocably provided for, or waived as provided herein) to the redemption date shall have been made or shall have been provided for by deposit with the Paying Agent for such payment (or with any other bank or trust company which has agreed to hold the same for such purpose) (1) money sufficient to make such payment, (2) Governmental Obligations certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest as will, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom, be sufficient to make such payment, or (3) a combination of money and Governmental Obligations together so certified sufficient to make such payment, provided that all the expenses pertaining to the Bonds with respect to which such deposit is made shall have been paid or the payment thereof provided for to the satisfaction of the Paying Agent (and to such other bank or trust company). Notwithstanding anything to the contrary herein, the City shall notify the TWDB so long as it is the holder of the Bonds, of any planned defeasance, and shall further provide evidence of any monies and/or Governmental Obligations set aside or placed on deposit for the purpose of defeasing the Bonds. If such deposit is made with respect to some but not all of the bonds then outstanding, the Issuer shall designate the Stated Maturities of Bonds with respect to which such deposit is made. If such deposit shall be sufficient so to provide for the payment of the principal of and interest on some but not all Bonds outstanding as of a particular Stated Maturity so designated, the Paying Agent shall select the Bonds of such Stated Maturity with respect to

which such deposit is made by such random method as the Paying Agent shall deem fair and appropriate and which may provide for the selection of portions (equal to and leaving unredeemed an authorized denomination) of Bonds a denomination larger than \$5,000. Notwithstanding anything herein to the contrary, no such deposit shall have the effect described in this Section (a) if made during the subsistence of a default in the payment of any Bond unless made with respect to all of the Bonds then outstanding or (b) unless accompanied by an opinion of counsel of recognized standing in the field of federal income taxation to the effect that neither such deposit nor the investment thereof shall adversely affect the excludability of interest on any Bond from the gross income of any owner thereof for federal income tax purposes. Any money and Governmental Obligations deposited for such purpose shall be held by the Paying Agent (or other bank or trust company) with which such deposit is made in a segregated account in trust or escrow for the holders of the bonds with respect to which such deposit is made and, together with any investment income therefrom, shall be disbursed solely to pay the principal of and interest on such Bonds when due, except that cash receipts may be withdrawn and paid to the Issuer provided the date and amount of such withdrawals are taken into account in the most recent verification of the accounting firm referred to in this Section. No money or Governmental Obligations so deposited shall be invested or reinvested unless in Governmental Obligations and unless such money and Governmental Obligations not invested and such new investments are together certified by an independent public accounting firm of national reputation to be of such amounts, maturities, and interest payment dates and to bear such interest as will, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom, be sufficient to make such payment.

At such times as a Bond shall be deemed to be paid hereunder, as aforesaid, it shall no longer be entitled to the benefits of this Ordinance, except for the purposes of any such payment from such money or Governmental Obligations.

35. Effective Date. This Ordinance shall take effect and be in full force immediately from and after its adoption on the date hereof in accordance with the provisions of V.T.C.A., Government Code, Section 1201.028.

PASSED AND APPROVED this 18th day of October, 2007.

CITY OF TAYLOR LANDING, TEXAS

Mayor

ATTEST:

City Clerk

(SEAL)

ORDINANCE NUMBER 6

AN ORDINANCE

THE COMMISSION OF THE CITY OF TAYLOR LANDING HEREBY PASSES THE FOLLOWING ORDINANCE:

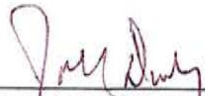
Section 1.

Effective January 1, 2008 and until changed each resident household tapped into the sewage treatment lines shall pay a monthly public works fee of \$ 110.00 per home tapped in as defined by the City policies and procedure referred to in Section 2 of this ordinance and described in detail by the ordinance attachment. It is calculated and stipulated that the amount of that monthly fee attributable to use of the sewage treatment system and designated to the Texas Water Development Board and the State of Texas as "net system revenues" under the Taylor Landing, Texas, Utility System Revenue Bonds Series 2007, paragraph 18, shall be \$60.00 per household per month for fiscal year 2008. The remainder of the fee shall be allocable to public works expenditures as required by the City pursuant to its budget and subsequent resolutions authorizing expenditures for public works and administrative services related to the budget and public works expenditures generally, including accounting fees and collection fees. This is a public works assessment and therefore is not assessable against uninhabited lots and other real property located within the City limits but is assessable against each resident household regardless of the size of the lot on which the household has built and regardless of whether or not at the time of assessment the household is actually inhabited or whether or not at the time of assessment the household is inhabited by the lot owner because the public works costs begin to accrue when the house is tapped in and inhabited whether or not it is subsequently inhabited or vacated.

Section 2.

The document attached to this resolution shall be distributed to each new resident and to any present resident requesting a copy in order for the resident to understand the policies and procedures of the City and its public works committee with respect to the public works fee and the provision generally of public works services by the City. It shall constitute a part of this ordinance and be binding on the residents as such. It represents long-standing policies and procedures and therefore is a reaffirmation of those policies and procedures rather than new legislation.

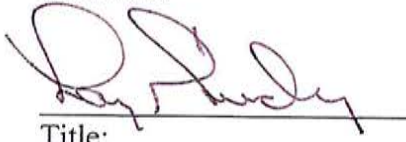
PASSED AND APPROVED THIS 20th DAY OF
November, 2007



John J. Durkay, Mayor

City of Taylor Landing, Texas

ATTEST:



Title:
City of Taylor Landing, Texas

VOTE:	Mayor Durkay	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	Commissioner Guidry	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	Commissioner Gaspard	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	<i>Boone</i>		

**Public Works Committee of the
City of Taylor Landing, Texas**

All public works, including the utility system for the City, is managed and operated by the Mayor and City Commissioners, elected by the residents.

John Durkay - Mayor
Larry Guidry - Commissioner
Ed Boone - Commissioner
Bob Hollar - City Clerk

This activity is managed and supervised on a day to day basis by a public works committee appointed by the City Commission. The present membership of the committee is Ralph Childress, chairman, Jim Silvernail, Ed Boone, Ricky Koenig and Dan Newton. Bob Hollar manages all finances in connection with all City activities as City Clerk.

System Operations

Our sewage treatment plant facility is operated under contract by an individual, who is a licensed plant operator, and can help you with any technical questions you may have about the system.

Both the State of Texas and the Federal Government, license the system as a Sewage Treatment Facility. The Texas Commission on Environmental Quality (TCEQ) and the United States Environmental Protection Agency govern our operation. We operate under the same rules and regulations as apply to larger municipal systems and are free to set our rates as a municipality. We do, however, have to observe some precautions, due to the small size and capacity of our facility. We ask that you please observe the following:

- **Please do not dispose of diapers, underwear or other such items in your toilets.**
- **Ladies, please avoid disposing of sanitary items in your toilets.**
Both the above materials do not dissolve and they will plug and jam our pump systems often causing the motors to burn out.
- **Please avoid pouring kitchen grease down your disposal or drain.**
While grease does not cause a problem in the plant, over time it will plug your lines, causing a backup and unnecessary expense to clean out the lines.

Fees and Charges

Expenses for all City public works, including operation of the sewer treatment plant and system, are borne by the residents of the City. The monthly rates are established City Commission. These rates include the fees required by the

State of Texas to be charged to repay the Texas Water Development Board for the bonds to reconstruct the sewage treatment plant and system, as specified in the Texas Water Development Board bond documents. Revenues associated with the sewage treatment plant and system are pledged to the State of Texas, so each resident needs to understand that the fees are mandatory and failure to pay the fees directly involves the State of Texas and its Attorney General.

The fee for all public works jurisdiction activities, including sewer and trash collection, has been established at \$110 per month. This amount is estimated as follows, but the City is free to use collected funds for any assessable public works infrastructure expenditure, except as limited by the bond documents, including roads, debris removal and drainage:

• Sewer Plant Operations	\$25.00
• Repair/Improvements	\$55.00
• Trash Collection	\$18.00
• Other improvements	\$12.00

The fee is a calendar monthly fee. Statements will be issued around the 1st of the month. Accounts are considered **Past Due** after the due date and a "late fee" may be added, as authorized by the City Commission. If you wish, you may pay in advance either quarterly (\$440); Semi-annually (\$660); or Annually (\$1320). You will no longer, however, be able to pay in arrears (at the end of the year, for example) as many have in the past. The total fee is owed whether or not you choose to use trash collection services.

A Commissioner or a member of the public works committee will contact accounts 45 days overdue, with respect to payment arrangements. Trash collection service may be suspended should the account become more than 90 days past due. Services will not be reinstated until the account is paid in full. Recurrent overdue accounts may

require the advance payment of fees before services are reinstated. Please be advised that the City will exercise any and all legal remedies available to it, including civil suit and liens on property, to collect overdue accounts. Remember that the City is entitled to collect this fee under the Texas Civil Practice and Remedies Code and is granted a priority position on the District Court's docket (called the tax docket) so collection proceedings can be quite rapid.

If you do not see your check in your statement right away, don't be alarmed. Our bank charges us additional fees if the total deposit is below a certain amount. I often hold checks until we can make the deposit without extra fees.

When you pay your fees, please make checks to:

City of Taylor Landing

You may leave them in the **City** mailbox, at my driveway, and avoid having to pay postage; I am in the first house in the development (100 Country Club Drive), or mail them. The Trust's official mailing address is:

City of Taylor Landing
101 Country Club Dr.
Beaumont, TX 77705

RETURNED CHECKS

A fee of \$25.00 will be charged to your account for any checks returned by our bank for insufficient funds or account closure. Letter from the City will notify you, should this occur. Your dishonored check will be returned to you when the amount in question together with the fee has been paid.

Unless you indicate otherwise, you became responsible for charges starting the first of the month following the date you, or your tenant if you are renting the house, actually move into your home. (If you move in on the 15th of June, your charges begin on July 1st.) You will owe the fee as long as you own the house, whether or not you choose to inhabit the house. Lot owners do not owe the public works fee. The fee is assessed per house so those who have built on more than one lot owe only one fee.

TIE-IN FEE

In addition to the normal monthly charges, if you have built a new home and/or established a new connection, you will be billed for a Sewer Tie-In Fee of \$750.00. Realizing the expense of setting up a new home; if you wish, you may spread this fee over a 5 month period, if you wish. Just let the City Clerk know and a \$150 a month tie-in will be added to your normal sewer fee until paid in full.

Sewer Problems

The individual homeowner is responsible for maintenance and repairs to the sewer lines from his home to the point of tie in with the sewer main at the street.

Should you have any questions or problems with the sewer system itself, please call any of the members of the public works committee. The City has established a service agreement with:

Mr. ROOTER , Inc. (892-2244).

If you have a sewer problem and cannot reach a City Official, call **Mr. Rooter** directly, the Board has an agreement with **Mr. Rooter (NOT Roto-Rooter)** for system cleaning. If the blockage is on our side of the lines, they will bill us; if it is on your side, they will bill you.

TRASH COLLECTION

Scheduled each **Thursday** between 10am and 2 pm. John Harrington is the contractor. If this falls on a holiday such as Thanksgiving, trash will normally be collect on Friday. Trash must be bagged, but not necessarily in trash cans. Our agreement generally permits normal household trash in quantities of up to 6 - 7 bags per house. Larger quantities than this may require the homeowner to pay an additional fee. **Do Not** put out loose trash, it must be bagged. Please watch the weights you put in the bags, if you can't comfortably and easily lift it, neither can they.

If you have an unusual amount or type of trash, such as moving residue, appliances, furniture, lumber or something of that nature, you need to make special arrangements with the contractor directly. He will not pick this up in the normal trash collection. Payment for these types of services is arranged between the homeowner and Mr. Harrington.

You may contact John Harrington at 794-2944.

Trash collection charges are paid as part of your sewer bill monthly, and the City issues a single check to the contractor. You do not have the option to discontinue trash collection and must still pay the full public works fee.

School Bus

For those of you with school age children, we are served by the Hampshire-Fannett School District. They provide bus service from your door (or very near it) to the schools. Buses normally pick up between 6:15 and 7:00 am and drop off around 3:30-4:00 pm. This schedule may change periodically due to changes in routing. For exact information please contact the school district.

EASEMENTS & RIGHT OF WAY

Easements and rights of way are maintained throughout the City by the various utilities such as Entergy, Southwest Bell and the City for maintenance of their systems. For the most part, but not always, Entergy and Southwest Bell rights of way are in the City right of way. Before you dig or build in an area of your lot that may be within an easement, you must contact the utility in question and have them mark their lines. If you dig and cut their lines without having them marked, you will be charged by the utility for their repair/replacement.

Of course if you cut an underground power line, you may not have to worry about that expense – But your survivors will!

An easement is retained by the City, 5 feet either side of the center line of all main and lateral sewer lines and manways; for maintenance. These Areas are generally within or near the various drainage ditches and within the City right of way. However, if you construct a structure or driveway over the sewer lines, be aware that it may have to be removed for line repair/maintenance. Removal and replacement costs shall be at the homeowners expense if within an easement.

You should also be aware that the City of Taylor Landing retains a road dedication of varying size,

generally 60 feet or 30 feet off the centerline of all roads within the City, and generally includes all drainage ditches along the City streets. This right of way is City property. Again, you should not build, particularly install culverts, without the permission of the City, and, if you build within that right of way, you may be required, by the City to remove any construction. The Jefferson County Appraisal District maps and the original subdivision plats accurately reflect the right of way but a good hint is to look at the power poles. They are set within the right of way when along the streets and help you to see where City property ends and your property begins.

Emergency

The county wide 911 system serves this area. For any emergency call

911

Law Enforcement: Provided by the Jefferson County Sheriff's Department.

Fire Protection: Provided by the LaBelle Volunteer Fire Department. The nearest station is on LaBelle Road near the Pine Tree Lodge, (about 1 mile as mosquitoes fly – 4 miles by road.)

CITY OF TAYLOR LANDING
ORDINANCE NO. 7

THE COMMISSION OF TAYLOR LANDING PASSES THE FOLLOWING
ORDINANCE:

SEISMOGRAPHIC TESTING

Sec. 1. Declaration of Emergency

It has come to the attention of the City Commission that a firm is soliciting permissions from City property owners to conduct seismic testing. The last time seismic testing was conducted in the vicinity of the City, extensive damage was caused and few citizens received appropriate compensation for that damage. The Commission hereby declares an emergency for purposes of passage of this ordinance, suspending the requirements of posting and notice. The Commission further notes that, in fact, notice of the ordinance by virtue of posting of the agenda for the March meeting was accomplished.

Sec. 2. Nuisance Declaration

It is hereby declared a nuisance for any person to conduct seismographic testing within the corporate limits of the City of Taylor Landing. For purposes of this declaration, the term "seismographic testing", in addition to the meaning customarily attributed to it by the oil and gas industry in Texas in 2008, shall also include the causing of any vibration to be felt or noise to be heard by any individual standing within the corporate limits of the City of Taylor Landing, regardless of where the testing takes place. This declaration of nuisance shall also constitute specific authorization to the City Commission to seek an injunction against the nuisance without further action of the City Commission.

Sec. 3. Permit Application

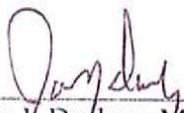
It shall be unlawful for any person to conduct seismographic testing within the corporate limits of the City of Taylor Landing without a permit. For purposes of this section, the term "seismographic testing" shall have the same meaning as in Section 2 of this ordinance. Additionally the term shall include the solicitation of any residents for permission to test and the preparation to or actual conduct of any seismographic testing which causes or is likely to cause any vibration to be felt or noise to be heard by any individual standing within the corporate limits of the City of Taylor Landing without notifying the City at least thirty days in advance of the intent to conduct such testing. In order to obtain a permit, the applicant must seek a permit by requesting to be placed on the agenda for a regularly scheduled meeting of the Commission. At that meeting the applicant must present in writing the legal description of the proposed blast site with a fifty foot variance allowed, evidence of legal authority to be present on that real property,

the proposed location, type, kinds, size, and amount of major equipment, and the proposed numbers, sizes, durations and timing of the charges. This written presentation shall be received and any oral presentation recorded pursuant to standard City practice and included in the minutes of the meeting.

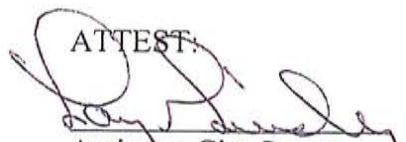
Sec. 4. Permit Terms and Conditions

Once the applicant has been heard at the Commission meeting, the Commission may then consider the terms and conditions for the granting of the permit at a subsequent regularly scheduled meeting of the Commission, and if it approves those terms and conditions, the permit will be effective as of that meeting. For purposes of negotiating the terms and conditions, the Mayor is authorized to conduct the negotiations but will have no authority to agree to the terms and conditions. He will only have authority to place the proposed terms and conditions on the city agenda for the next scheduled meeting. Nothing in this section authorizes the placing of an item on the agenda in violation of the notice requirements of the Texas Local Government Code then in effect. Applicants should understand generally that the terms and conditions of the permit will include financial responsibility for any damage caused including the possible requirement of the posting of a bond. All applicants should further understand that no terms and conditions are specified in this ordinance because it is assumed that the permit will not be granted and that the granting of any permit will constitute an amendment to this ordinance. The permit process is created herein solely to create a precondition for the amendment of the ordinance prohibiting seismographic testing as described in section 3 of this ordinance. The granting of the permit will not in and of itself constitute an amendment to sections 1 and 2 of this ordinance.

PASSED AND APPROVED THIS 10th DAY OF March, 2008



John J. Durkay, Mayor
City of Taylor Landing, Texas

ATTEST:


Assistant City Secretary

VOTE:

Mayor Durkay	<input checked="" type="radio"/>	No
Commissioner Guidry	<input checked="" type="radio"/>	No
Commissioner Boone	<input checked="" type="radio"/>	No

CITY OF TAYLOR LANDING
ORDINANCE NO. 8

THE COMMISSION OF TAYLOR LANDING PASSES THE FOLLOWING
ORDINANCE:

Be it ordained by the Commission of the City of Taylor Landing:

This ordinance is a repromulgation and clarification of an ordinance properly passed and posted pursuant to the Local Government Code on March 20.

SEISMOGRAPHIC TESTING

Sec. 1. Declaration of Emergency

It has come to the attention of the City Commission that a firm is soliciting permissions from City property owners to conduct seismic testing in and in the vicinity of the City. The proposed testing jeopardizes the City's sewage treatment system and roads and the City's residents' water wells and structures. The last time seismic testing was conducted in the vicinity of the City, extensive damage was caused and few citizens received appropriate compensation for that damage. The Commission hereby declares an emergency for purposes of passage of this ordinance, suspending the requirements of posting and notice. The Commission further notes that, in fact, notice of the ordinance by virtue of posting of the agenda for the March meeting was accomplished.

Sec. 2. Nuisance Declaration

It is hereby declared a nuisance for any person to conduct seismographic testing within the corporate limits of the City of Taylor Landing. For purposes of this declaration, the term "seismographic testing", in addition to the meaning customarily attributed to it by the oil and gas industry in Texas in 2008, shall also include the causing of any vibration to be felt or noise to be heard by any individual standing within the corporate limits of the City of Taylor Landing, regardless of where the testing takes place. For purposes of specific additional clarification, no shot may be conducted within the City limits including the extraterritorial jurisdiction of the City. This declaration of nuisance shall also constitute specific authorization to the City Commission to seek an injunction against the nuisance without further action of the City Commission. The failure to seek an injunction by the City shall not constitute an admission that the testing is lawful.

Sec. 3. Permit Application

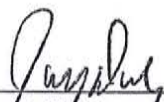
It shall be unlawful for any person to conduct seismographic testing within the corporate limits of the City of Taylor Landing without a permit. For purposes of this section, the term "seismographic testing" shall have the same meaning as in Section 2 of

this ordinance. Additionally the term shall include the solicitation of any residents for permission to test and the preparation to or actual conduct of any seismographic testing which causes or is likely to cause any vibration to be felt or noise to be heard by any individual standing within the corporate limits of the City of Taylor Landing without notifying the City at least thirty days in advance of the intent to conduct such testing. In order to obtain a permit, the applicant must seek a permit by requesting to be placed on the agenda for a regularly scheduled meeting of the Commission. At that meeting the applicant must present in writing the legal description of the proposed blast site with a fifty foot variance allowed, evidence of legal authority to be present on that real property, the proposed location, type, kinds, size, and amount of major equipment, and the proposed numbers, sizes, durations and timing of the charges. This written presentation shall be received and any oral presentation recorded pursuant to standard City practice and included in the minutes of the meeting.

Sec. 4. Permit Terms and Conditions

Once the applicant has been heard at the Commission meeting, the Commission may then consider the terms and conditions for the granting of the permit at a subsequent regularly scheduled meeting of the Commission, and if it approves those terms and conditions, the permit will be effective as of that meeting. For purposes of negotiating the terms and conditions, the Mayor is authorized to conduct the negotiations but will have no authority to agree to the terms and conditions. He will only have authority to place the proposed terms and conditions on the city agenda for the next scheduled meeting. Nothing in this section authorizes the placing of an item on the agenda in violation of the notice requirements of the Texas Local Government Code then in effect. Applicants should understand generally that the terms and conditions of the permit will include financial responsibility for any damage caused including the possible requirement of the posting of a bond. All applicants should further understand that no terms and conditions are specified in this ordinance because it is assumed that the permit will not be granted and that the granting of any permit will constitute an amendment to this ordinance. The permit process is created herein solely to create a precondition for the amendment of the ordinance prohibiting seismographic testing as described in section 3 of this ordinance. The granting of the permit will not in and of itself constitute an amendment to sections 1 and 2 of this ordinance.

PASSED AND APPROVED THIS 26th DAY OF June,
2008



John J. Durkay, Mayor
City of Taylor Landing, Texas

ATTEST:

Assistant City Secretary

VOTE:

Mayor Durkay	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Commissioner Guidry	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Commissioner Boone <i>Dr. [unclear]</i>	<input checked="" type="radio"/> Yes	<input type="radio"/> No

CITY OF TAYLOR LANDING
ORDINANCE NO. 9

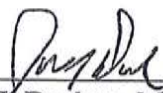
THE COMMISSION OF TAYLOR LANDING PASSES THE FOLLOWING
ORDINANCE:

Be it ordained by the Commission of the City of Taylor Landing:

REGULATION OF PROPERTY DEVELOPMENT

Sec. 1. The City of Taylor Landing hereby chooses to be covered by Subchapter B of Chapter 212 of the Texas Local Government Code.

PASSED AND APPROVED THIS 26th DAY OF June,
2008



John J. Durkay, Mayor
City of Taylor Landing, Texas

ATTEST:


Assistant City Secretary

VOTE:

Mayor Durkay	<input checked="" type="radio"/> Yes	No
Commissioner Guidry	<input checked="" type="radio"/> Yes	No
Commissioner Boone	<input checked="" type="radio"/> Yes	No

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CITY OF TAYLOR LANDING
ORDINANCE NO. 10 998

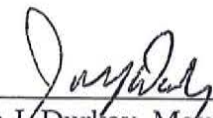
THE COMMISSION OF TAYLOR LANDING PASSES THE FOLLOWING
ORDINANCE:

Be it ordained by the Commission of the City of Taylor Landing:

§402.0025 Municipal Utility Service Lien

Sec. 1. The City of Taylor Landing hereby imposes a Municipal Utility Service Lien, as the term "lien" is defined and understood in §402.0025 of the Texas Local Government Code, on the non-homestead property of any resident failing to pay the City's Utility fee in a timely fashion. For purposes of the recordation of this lien, the City authorizes the Public Works Commission to establish policies and procedures, it being understood that the lien is imposed with respect to all past due amounts but that recordation of the lien will only occur pursuant to actions taken pursuant to the policies and procedures of the Public Works Committee.

PASSED AND APPROVED THIS 26th DAY OF June,
2008



John J. Durkay, Mayor
City of Taylor Landing, Texas

ATTEST


Assistant City Secretary

VOTE:

Mayor Durkay	<input checked="" type="radio"/>	Yes	<input type="radio"/>	No
Commissioner Guidry	<input checked="" type="radio"/>	Yes	<input type="radio"/>	No
Commissioner Boone	<input checked="" type="radio"/>	Yes	<input type="radio"/>	No

D Weis

CITY OF TAYLOR LANDING
ORDINANCE NO. 9

THE COMMISSION OF TAYLOR LANDING PASSES THE FOLLOWING
ORDINANCE:

Be it ordained by the Commission of the City of Taylor Landing:

60.3(d)

FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of Texas has in the Flood Control Insurance Act, Texas Water Code, Section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of Taylor Landing, Texas does ordain as follows:

SECTION B. FINDINGS OF FACT

(1) The flood hazard areas of Taylor Landing are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Protect human life and health;

- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Insure that potential buyers are notified that property is in a flood area.

SECTION D. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

ARTICLE 2

DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

APPURTENANT STRUCTURE - means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure

AREA OF FUTURE CONDITIONS FLOOD HAZARD - means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

AREA OF SHALLOW FLOODING - means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

BASE FLOOD - means the flood having a 1 percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) – The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the Base Flood.

BASEMENT - means any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL - means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING – means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters.
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD ELEVATION STUDY - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) - see *Flood Elevation Study*

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate

flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY - see *Regulatory Floodway*

FUNCTIONALLY DEPENDENT USE - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior or;

(b) Directly by the Secretary of the Interior in states without approved programs.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEEVE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE - means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal

projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

RIVERINE – means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SPECIAL FLOOD HAZARD AREA – see *Area of Special Flood Hazard*

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE – means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have

incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE - means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE 3

GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all areas of special flood hazard with the jurisdiction of Taylor Landing.

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Jefferson County, Texas Unincorporated Areas," dated August 6, 2002, with accompanying Flood Insurance Rate Maps [FIRMs] dated August 6, 2002 and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be; (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

ARTICLE 4

ADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Mayor is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
- (2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for development permits required by adoption of this ordinance.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
- (6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Water Development Board (TWDB), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

(9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community **first** completes all of the provisions required by Section 65.12.

SECTION C. PERMIT PROCEDURES

(1) Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

(b) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(c) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B (2);

(d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

(e) Maintain a record of all such information in accordance with Article 4, Section (B)(1);

(2) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

(a) The danger to life and property due to flooding or erosion damage;

(b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(c) The danger that materials may be swept onto other lands to the injury of others;

(d) The compatibility of the proposed use with existing and anticipated development;

(e) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(g) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(h) The necessity to the facility of a waterfront location, where applicable;

(i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

SECTION D. VARIANCE PROCEDURES

(1) The Appeal Board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this ordinance.

(2) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

(4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C (2) of this Article have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

[10) Prerequisites for granting variances:

(a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(b) Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D (1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

ARTICLE 5

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION B. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B (8), or (iii) Article 5, Section C (3), the following provisions are required:

(1) **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C (1) a., is satisfied.

(2) **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

(3) **Enclosures** - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(a) A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than 1 foot above grade.

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured Homes -

(a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

(i) the lowest floor of the manufactured home is at or above the base flood elevation, or

(ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) **Recreational Vehicles** - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Article 4, Section C (1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

(1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.

(2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.

(4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of **residential** structures have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified).

(2) All new construction and substantial improvements of **non-residential** structures;

(a) have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified), or

(b) together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C are satisfied.

(4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

SECTION E. FLOODWAYS

Floodways - located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) If Article 5, Section E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

(3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community **first** completes all of the provisions required by Section 65.12.

SECTION F. SEVERABILITY

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION G. PENALTIES FOR NON COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this court order and other applicable regulations. Violation of the provisions of this court order by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent City Council from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION H. CERTIFICATION OF ADOPTION

Vote tally

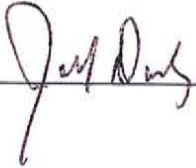
*John Durky Yes
Lynn Greedy Yes
Phil Owens Yes*

APPROVED: 11/13/2008

PASSED: 11/13/2008

ORDINANCE BECOMES EFFECTIVE: 11/13/2008

I, the undersigned, John J. Durkay, Mayor and Assistant City Secretary, do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the City Council, at a regular meeting duly convened on November 13, 2008.



SEAL

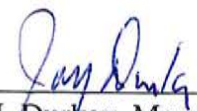
CITY OF TAYLOR LANDING
ORDINANCE NO. 10

THE COMMISSION OF TAYLOR LANDING PASSES THE FOLLOWING ORDINANCE:

Be it ordained by the Commission of the City of Taylor Landing:

The City of Taylor Landing hereby adopts the Jefferson County Emergency Management Plan in effect as of the date of the adoption of this ordinance and as it may from time to time change to be the Emergency Management Plan in effect for the City of Taylor Landing. All who are empowered under that plan are empowered in the City of Taylor Landing. The mayor is authorized to execute a document evidencing the adoption by the City of Taylor Landing of the Jefferson County Emergency Management Plan, specifically the Approval and Implementation page of the Jefferson County Inter-Jurisdictional Emergency Management Program. For purposes of that plan, the mayor shall ex officio serve as the Emergency Management Coordinator for the City of Taylor Landing. Jefferson County Emergency Management is authorized to promulgate to any affected agency, including any Texas or Federal agency, the adoption by the City of Taylor Landing of the Jefferson County Emergency Management Plan and the designation of John J. Durkay, Mayor of the City of Taylor Landing on the effective date of the adoption of this ordinance as the Emergency Management Coordinator for the City of Taylor Landing.

PASSED AND APPROVED THIS 19th DAY OF February,
2009



John J. Durkay, Mayor
City of Taylor Landing, Texas

ATTEST:



Title:
City of Taylor Landing, Texas

VOTE:	Mayor Durkay	<u>Yes</u>	No	Absent
	Commissioner Guidry	<u>Yes</u>	No	Absent
	Commissioner Owens	<u>Yes</u>	No	Absent

CITY OF TAYLOR LANDING
ORDINANCE NO. 10A108

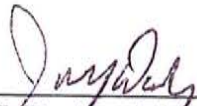
THE COMMISSION OF TAYLOR LANDING PASSES THE FOLLOWING
ORDINANCE:

Be it ordained by the Commission of the City of Taylor Landing:

§402.0025 Municipal Utility Service Lien

Sec. 1. The City of Taylor Landing hereby imposes a Municipal Utility Service Lien, as the term "lien" is defined and understood in §402.0025 of the Texas Local Government Code, on the non-homestead property of any resident failing to pay the City's Utility fee in a timely fashion. For purposes of the recordation of this lien, the City authorizes the Public Works Commission to establish policies and procedures, it being understood that the lien is imposed with respect to all past due amounts but that recordation of the lien will only occur pursuant to actions taken pursuant to the policies and procedures of the Public Works Committee.

PASSED AND APPROVED THIS 26th DAY OF June,
2008



John J. Durkay, Mayor
City of Taylor Landing, Texas

ATTEST


Assistant City Secretary

VOTE:

Mayor Durkay	<input checked="" type="radio"/>	Yes	<input type="radio"/>	No
Commissioner Guidry	<input checked="" type="radio"/>	Yes	<input type="radio"/>	No
Commissioner Boone	<input checked="" type="radio"/>	Yes	<input type="radio"/>	No

D WGS

CITY OF TAYLOR LANDING
ORDINANCE NO. 11

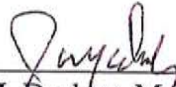
THE COMMISSION OF TAYLOR LANDING PASSES THE FOLLOWING
ORDINANCE:

Be it ordained by the Commission of the City of Taylor Landing:


Section 1.

Pursuant to §42.903 of the Texas Local Government Code, the City of Taylor Landing hereby adopts an extraterritorial jurisdiction for all of the unincorporated area contiguous to the corporate boundaries of the City of Taylor Landing located within one mile of those boundaries.

PASSED AND APPROVED THIS 16th DAY OF June,
2009



John J. Durkay, Mayor
City of Taylor Landing, Texas

ATTEST:


Title:
City of Taylor Landing, Texas

VOTE:	Mayor Durkay	<u>Yes</u>	No	Absent
	Commissioner Guidry	<u>Yes</u>	No	Absent
	Commissioner Owens	<u>Yes</u>	No	Absent

ORDINANCE NO. 17

AN ORDINANCE ESTABLISHING A PROGRAM RESPONSE AND RECOVERY PHASES OF COMPREHENSIVE EMERGENCY MANAGEMENT; ACKNOWLEDGING THE OFFICE OF EMERGENCY MANAGEMENT DIRECTOR; AUTHORIZING THE APPOINTMENT OF AN EMERGENCY MANAGEMENT COORDINATOR; AND PROVIDING FOR THE DUTIES AND RESPONSIBILITIES OF THOSE OFFICES; IDENTIFYING AN OPERATIONAL ORGANIZATION; GRANTING NECESSARY POWERS TO COPE WITH ALL PHASES OF EMERGENCY MANAGEMENT WHICH THREATEN LIFE AND PROPERTY IN THE CITY OF TAYLOR LANDING; AUTHORIZING COOPERATIVE AND MUTUAL AID AGREEMENTS FOR RELIEF WORK BETWEEN THIS AND OTHER CITIES OR COUNTIES AND FOR RELATED PURPOSES.

WHEREAS, the City Council of the City of Taylor Landing finds that the identification of potential hazards and the prevention or mitigation of their effects must be an on-going concern of the City if the lives and property of the populace are to be protected; and

WHEREAS, the City Council hereby declares that the preparation of a Comprehensive Emergency Management plan, and the means for its implementation, for the protection of lives and property of lives and property in the City of Taylor Landing from natural or man-caused disasters or threat thereof is immediately essential; and

WHEREAS, the City Council further finds that in times of disasters which may imperil the safety of the inhabitants of the City, or their property, it becomes necessary to effectuate and place into operation the preconceived plans and preparations with a minimum of delay; and

WHEREAS, the City Council finds, therefore, that the preparation and implementation of such plans are now imperative;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THE CITY OF TAYLOR LANDING, TEXAS:

Section 1. ORGANIZATION

There exists the office of Emergency Management Director of the City of Taylor Landing, Texas, which shall be held by the Mayor in accordance with State law.

(a) An Emergency Management Coordinator may be appointed by and serve at the pleasure of the Director, the Emergency Management Director serving in this capacity unless and until an Emergency Management Coordinator is appointed;

(b) The Director shall be responsible for a program of comprehensive emergency management within the City and for carrying out the duties and responsibilities set forth in this ordinance. He/she may delegate authority for execution of the program.

(c) The operational Emergency Management organization of the City of Taylor Landing shall consist of the officers and employees of the City so designated by the Director in the emergency management plan, as well as organized volunteer groups. The functions and duties of this organization shall be distributed among such officers and employees in accordance with the terms of the Emergency Management plan.

Section 2. EMERGENCY MANAGEMENT DIRECTOR -POWERS AND DUTIES

The duties and responsibilities of the Emergency Management Director shall include the following:

- (a) Surveying actual or potential hazards which threaten life and property within the City and identifying and requiring or recommending the implementation of measures which would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur.
- (b) Supervision of the development and approval of an emergency management plan for the City of Taylor Landing, and shall recommend for adoption by the City Council all mutual aid arrangements deemed necessary for the implementation of such plan.
- (c) Authority to declare a local state of disaster. The declaration may not be continued or renewed for a period in excess of 7 days except by or with the consent of the City Council. Any order or proclamation declaring, continuing, or terminating a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Records.
- (d) Issuance of necessary proclamations, regulations, or directives which are necessary for carrying out the purposes of this ordinance. Such proclamations, regulations, or directives shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless circumstances attendant on the disaster prevent or impede, promptly filed with the City Secretary.
- (e) Direction and control of the operations of the Emergency Management organization as well as the training of Emergency Management personnel.
- (f) Determination of all questions of authority and responsibility that may arise within the Emergency Management organization of the City.
- (g) Maintenance of liaison with other municipal, County, District, State, regional or federal Emergency Management organizations.
- (h) Marshaling of all necessary personnel, equipment, or supplies from any department of the City to aid in the carrying out of the provisions of the emergency management plan.
- (i) Supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the State and of other local political subdivisions of the State, and the drafting and execution, if deemed desirable, of an agreement with the county in which said City is located and with other municipalities within the County, for the County-wide coordination of Emergency

Management efforts.

(j) Supervision of, and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions, which may be offered for the purpose of improving Emergency Management within the City.

(k) Authorizing of agreements, after approval by the City Attorney, for use of private property for public shelter and other purposes.

(l) Surveying the availability of existing personnel, equipment, supplies, and services which could be used during a disaster, as provided for herein.

(m) Other requirements as specified in the Texas Disaster Act (Chapter 418 of the Government Code).

Section 3. EMERGENCY MANAGEMENT PLAN

A comprehensive Emergency Management Plan shall be developed and maintained in a current state. The plan shall set forth the form of the organization; establish and designate divisions and functions; assign responsibilities, tasks, duties, and powers; and designate officers and employees to carry out the provisions of this ordinance. As provided by State law, the plan shall follow the standards and criteria established by the State Division of Emergency Management of the State of Texas. Insofar as possible, the form of organization, titles, and terminology shall conform to the recommendations of the State Division of Emergency Management. When approved, it shall be the duty of all departments and agencies to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The emergency management plan shall be considered supplementary to this ordinance and have the effect of law during the time of a disaster.

Section 4. INTER-JURISDICTIONAL PROGRAM

The Mayor is hereby authorized to join with the County Judge of the County of Jefferson and the Mayors of the other cities in said County in the formation of an inter-jurisdictional emergency management program for the County of , and shall have the authority to cooperate in the preparation of an inter-jurisdictional emergency management plan and in the appointment of a joint Emergency Management Coordinator, as well as all powers necessary to participate in a County-wide program of emergency management insofar as said program may affect the City of Taylor Landing.

Section 5. OVERRIDE

At all times when the orders, rules, and regulations made and promulgated pursuant to this ordinance shall be in effect, they shall supersede and override all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent therewith.

Section 6. LIABILITY

This ordinance is an exercise by the City of its governmental functions for the protection of the public peace, health, and safety and neither the City of Taylor Landing, the agents and representatives of said City, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule, or regulation promulgated pursuant to the provisions of this ordinance shall be liable for any damage sustained to persons as the result of said activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the City of a license of privilege, or otherwise permits the City to inspect, designate, and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending, or practice enemy attack or natural or man-made disaster shall, together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission or for loss of, or damage to, the property of such person.

Section 7. Commitment of Funds

No person shall have the right to expend any public funds of the City in carrying out any Emergency Management activity authorized by this ordinance without prior approval by the City Council, nor shall any person have any right to bind the City by contract, agreement, or otherwise without prior and specific approval of the City Council unless during a declared disaster. During a declared disaster, the Mayor may expend and/or commit public funds of the City when deemed prudent and necessary for the protection of health, life, or property.

Section 8. OFFENSES; PENALTIES

(a) It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the Emergency Management organization in the enforcement of any rule or regulation issued pursuant to this ordinance.

(b) It shall likewise be unlawful for any person to wear, carry, or display any emblem, insignia, or any other means of identification as a member of the Emergency Management organization of the City of Taylor Landing, unless authority to do so has been granted to such person by the proper officials.

(c) Convictions for violations of the provisions of this ordinance shall be punishable by fine not to exceed one thousand dollars (\$1,000.00).

Section 9. SEVERABILITY

If any portion of this ordinance shall, for any reason, be declared invalid such, invalidity shall not affect the remaining provisions thereof.

Section 10. LIMITATIONS

This ordinance shall not be construed so as to conflict with any State or Federal statute or with

any military or naval order, rule, or regulation.

Section 11. REPEALER

All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

PASSED AND APPROVED THIS 27th DAY OF April,
2009

John J. Durkay
John J. Durkay, Mayor
City of Taylor Landing, Texas

ATTEST:

Phil Owens
Title:

City of Taylor Landing, Texas

VOTE:	Mayor Durkay	<u>Yes</u>	No	Absent
	Commissioner Guidry	<u>Yes</u>	No	Absent
	Commissioner Owens	<u>Yes</u>	No	Absent

CITY OF TAYLOR LANDING
ORDINANCE NO. 13

THE COMMISSION OF TAYLOR LANDING PASSES THE FOLLOWING
ORDINANCE:

Be it ordained by the Commission of the City of Taylor Landing:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TAYLOR LANDING, TEXAS declining to approve the change in rates requested in Entergy Texas, Inc.'s ("ETI" or "Company") Statement of Intent filed with the City on December 30, 2009; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS CONSIDERED WAS OPEN TO THE PUBLIC AND IN ACCORDANCE WITH TEXAS LAW.

WHEREAS, ETI, by letter dated November 17, 2009, notified the City of its intent to file a statement of intent to change rates, including a reconciliation of fuel and purchased power costs;

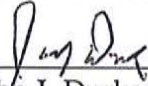
WHEREAS, on December 30, 2009, ETI filed with the City its Statement of Intent and Application for Authority to Change Rates and to Reconcile Fuel Costs ("Statement of Intent");

WHEREAS, the City has duly noticed its consideration of the Company's Statement of Intent and is acting within its authority under applicable law;

NOW THEREFORE:

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF TAYLOR LANDING, TEXAS THAT the City DECLINES to approve any and all changes in rates requested by ETI and included in ETI'S Statement of Intent and that ETI's existing rates should stay in effect.

PASSED AND APPROVED ON THIS THE 21ST DAY OF January, 2010.



John J. Durkay, Mayor
City of Taylor Landing, Texas

ATTEST:



Title:
City of Taylor Landing, Texas

VOTE:	Mayor Durkay	Yes	No	Absent
	Commissioner Guidry	Yes	No	Absent
	Commissioner Owens	Yes	No	Absent


CITY OF TAYLOR LANDING
ORDINANCE NO. 14

THE COMMISSION OF TAYLOR LANDING PASSES THE FOLLOWING ORDINANCE:

Be it ordained by the Commission of the City of Taylor Landing:

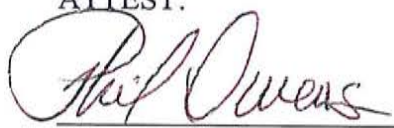
The City of Taylor Landing, acting pursuant to §342.003 (a) (8), hereby prohibits the sale, purchase or ignition of fireworks inside the City Limits. This ordinance will become effective on posting on the mail box poles of Dan Newton, Phil Owens and John Durkay a copy of this ordinance and the passage of two days after posting, all pursuant to §52.012 of the Texas Local Government Code. The penalty for violation of this ordinance shall be a fine of \$500.00. The mayor or any commissioner may request that the Jefferson County Sheriff's Department enforce this ordinance.

PASSED AND APPROVED THIS 14 DAY OF June,
2011



John J. Durkay, Mayor
City of Taylor Landing, Texas

ATTEST:



Title:
City of Taylor Landing, Texas

VOTE:	Mayor Durkay	<input checked="" type="checkbox"/> Yes	No	Absent
	Commissioner Guidry	<input checked="" type="checkbox"/> Yes	No	Absent
	Commissioner Owens	<input checked="" type="checkbox"/> Yes	No	Absent

ORDINANCE NO. 15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF _____, TEXAS (or "City") approving the change in rates requested in Entergy Texas, Inc.'s ("ETI" or "Company") Statement of Intent filed with the City on March 25, 2010; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS CONSIDERED WAS OPEN TO THE PUBLIC AND IN ACCORDANCE WITH TEXAS LAW.

WHEREAS, on March 25, 2010, Entergy Texas, Inc. filed with the City its Statement of Intent to Adopt A New Rate consisting of a Rough Production Cost Equalization Adjustment ("RPCEA") rider designed to credit customers' bills with certain payments made to ETI pursuant to the Entergy System Agreement;

WHEREAS, ETI has received Rough Production Cost Equalization ("RPCE") payments under the terms of the Entergy System Agreement, which have the effect of lowering ETI's production costs;

WHEREAS, implementation by ETI of the RPCEA rider will result in a credit to customers' bills of approximately \$117.5 million, including interest, of RPCE payments received by ETI in 2009;

WHEREAS, ETI proposes to apply the credit to customers' bills over the four-month period from May through August 2010;

NOW THEREFORE:

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF _____, TEXAS THAT the City APPROVES any and all changes in rates requested by ETI and included in ETI's Statement of Intent filed on March 25, 2010.

BE IT FURTHER ORDERED THAT, in accordance with Section 36.103(b) of the Texas Public Utility Regulatory Act ("PURA"), the City WAIVES the publication of notice requirement set forth in Section 36.103(a) of PURA.

PASSED, AND APPROVED this 22nd day of April, 2010.

Jay Dwyer Meyer

Dwyer	Yes
Bridg	Yes
Owens	Yes

Attest:
Phil Owens
Phil Owens, Assistant Secretary