



Office Of The Clerk  
**Court of Appeal, First Circuit**  
State of Louisiana  
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Christine L. Crow  
Clerk of Court

Post Office Box 4408  
Baton Rouge, LA  
70821-4408  
(225) 382-3000

**Notice of Judgment and Disposition**

June 26, 2015

Docket Number: 2015 - CW - 0715

Louisiana Local Government Environmental Facilities and  
Community Development Authority, State of Louisiana  
versus

All Taxpayers, Property Owners, Citizens of the State of  
Louisiana and Non-Residents Owning Property or Subject to  
Taxation Therein, and all other persons interested in or  
affected in any way by the issuance by the Louisiana Local  
Government Environmental Facilities and Community  
Development Authority of its Property Assessed Clean Energy  
(PACE) Special Assessment Revenue Bonds, in one or more  
series

TO: Fred L. Chevalier  
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Hon. Wilson E. Fields  
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Baton Rouge, LA 70802 1

In accordance with Local Rule 6 of the Court of Appeal, First Circuit, I hereby certify that this notice of judgment and disposition and the attached disposition were transmitted this date to the trial judge or equivalent, all counsel of record, and all parties not represented by counsel.

  
CHRISTINE L. CROW  
CLERK OF COURT

**NOT DESIGNATED FOR PUBLICATION**

**STATE OF LOUISIANA**

**COURT OF APPEAL**

**FIRST CIRCUIT**

**2015 CW 0715**

**LOUISIANA LOCAL GOVERNMENT ENVIRONMENTAL  
FACILITIES AND COMMUNITY DEVELOPMENT  
AUTHORITY, STATE OF LOUISIANA**

**VERSUS**

**ALL TAXPAYERS, ET AL**

*YGW by TMH  
P/Mc by TMH  
TMH*

**DATE OF JUDGMENT: JUN 26 2015**

**ON A SUPERVISORY WRIT FROM THE  
19TH JUDICIAL DISTRICT COURT  
PARISH OF EAST BATON ROUGE  
STATE OF LOUISIANA  
DOCKET NO. 633872**

**HONORABLE WILSON FIELDS, JUDGE**

William L. Schuette  
Fred L. Chevalier  
Matthew W. Kern  
L. Etienne Balart  
Scott T. Zander  
Baton Rouge, Louisiana

Counsel for Relator  
Louisiana Local Government  
Environmental Facilities and  
Community Development Authority

Unknown

Counsel for Respondent  
All Taxpayers, et al

**BEFORE: WHIPPLE, C.J., McCLENDON AND HIGGINBOTHAM, JJ.**

**PER CURIAM.**

Louisiana Local Government Environmental Facilities and Community Development Authority (LCDA), filed a motion for judgment in the Nineteenth Judicial District Court (suit #633,872), seeking validation of its PACE municipal bonds pursuant to the Bond Validation Act, La. R.S. 13:5121, *et seq*, on September 29, 2014. The motion was denied by the district court on November 17, 2014, on the ground that service by publication, as authorized by La. R.S. 13:5124, was inadequate. LCDA timely appealed and on February 12, 2015, this court entered judgment rejecting the district court's conclusion that service by publication was inadequate, but affirming the denial of LCDA's motion on the basis that the evidentiary record did not contain a copy of a resolution authorizing the bonds.

LCDA thereafter filed an application for writs of certiorari and review with the Louisiana Supreme Court seeking review of this court's February 12, 2015 ruling in suit #633,872. On April 17, 2015, the Supreme Court granted LCDA's application for writs, finding there was no basis to deny validation of the PACE bonds, reversed this court's February 12, 2015 judgment, and remanded the matter to the district court for entry of judgment validating LCDA's PACE bonds. **Louisiana Local Government Facilities and Community Development Authority v. All Taxpayers**, 2015-0417 (La. 4/17/15), \_\_\_ So.3d \_\_\_.

During the pendency of these proceedings, however, LCDA adopted a resolution on February 12, 2015, authorizing the issuance of the PACE bonds and published it as required by law on February 18, 2015. No challenges to the resolution or the bonds were filed and on March 27, 2015, LCDA filed its second motion for judgment in the Nineteenth Judicial District Court in suit #638,171, seeking to validate its PACE bonds. This matter was allotted to the same district court judge. The basis of the second motion was that because no challenge to the resolution or the bonds was raised within thirty days of publication of the bond

resolution, all challenges were preempted, and the bonds and their associated documents and proceedings were conclusively presumed to be valid pursuant to Article VI, §35(B) of the Louisiana Constitution and La. R.S. 33:4548.6(I). However, before any ruling and/or activity occurred in suit #638,171, the Louisiana Supreme Court's April 17, 2015 ruling rendered those proceedings moot.

Thereafter, on April 21, 2015, LCDA filed a motion to dismiss without prejudice the proceedings in suit #638,171 as moot. The district court signed and filed the dismissal that same day. Also, on April 21, 2015, LCDA hand delivered to the district court judge a copy of the Supreme Court's ruling in this matter, a clean copy of the judgment validating the PACE bonds and a letter requesting that he enter judgment in suit #633,872, validating the PACE bonds within ten days as required by law.

Although two separate bond validation proceedings had been filed and the executed judgment of dismissal applied only to suit #638,171, the district court marked the judgment of validation "File As Is," along with a handwritten notation that plaintiff dismissed suit, and filed it in the #633,872 suit record unexecuted.

Upon learning of the district judge's action, counsel for LCDA phoned his office on April 29, 2015, and explained that there were two separate proceedings and that the dismissal without prejudice affected only the suit filed under docket #638,171. Thereafter, on April 30, 2015, counsel for LCDA hand delivered another clean copy of the judgment of validation to the judge's staff and again explained the situation. To date, and in contravention of the Supreme Court's April 17, 2015 remand, the district court has failed to enter judgment validating LCDA's PACE bonds as prayed for in suit #633,872.

LCDA now requests that this court grant a writ of mandamus and direct the district court to comply with the April 17, 2015 ruling of the Supreme Court.

Mandamus is a summary proceeding, which is defined as a writ that may, among other things, be used to direct a public officer to perform ministerial duties required by law. La. Code Civ. P. arts. 3781, 3861, and 3863; **Gibson & Associates, Inc. v. State, Dept. of Transp. & Development**, 2010–1696, p. 20 (La. App. 1st Cir. 5/18/11), 68 So.3d 1128, 1140; **Acadian Ambulance Service, Inc. v. Parish of East Baton Rouge**, 97–2119, p. 7 (La. App. 1st Cir. 11/6/98), 722 So.2d 317, 322, writ denied, 98–2995 (La. 12/9/98), 729 So.2d 583. Mandamus may be issued in all cases where the law provides no relief by ordinary means or where the delay involved in obtaining ordinary relief may cause injustice. La. Code Civ. P. art. 3862. It is an extraordinary remedy, which must be used sparingly and only to compel action that is clearly provided by law. **Pelican Educational Foundation, Inc. v. Louisiana State Bd. of Elementary and Secondary Educ.**, 2011–2067, pp. 5–6 (La. App. 1st Cir. 6/22/12), 97 So.3d 440, 444.

“Ministerial duties are duties in which no element of discretion is left to the public officer. [It] is a simple, definite duty, arising under conditions admitted or proved to exist, and imposed by law. If a public officer is vested with any element of discretion, mandamus will not lie.” **Hoag v. State**, 2004–0857, p. 7 (La. 12/1/04), 889 So.2d 1019, 1024 (citations omitted). The appellate court will grant a writ of mandamus only when there is usurpation of judicial power or clear abuse of discretion. **Goux v. St. Tammany Parish Government**, 2013-1387, p. 9 (La. App. 1st Cir. 10/24/14), 156 So.3d 714, writ not considered, 2014-2471 (La. 2/13/15), 158 So.3d 828.

On April 17, 2015, in a per curiam opinion addressing the merits of the instant suit, the Louisiana Supreme Court granted the LCDA’s writ, reversed this court’s judgment insofar as we held that LCDA’s motion to validate was defective for failure to introduce the resolution into the record, and remanded the case to the

district court for entry of judgment. Thus, at this stage of the proceedings, there is no element of discretion involved, as the per curiam opinion issued by the Supreme Court clearly remanded the case for the district court judge to enter judgment in suit #633,872. After multiple attempts and requests from LCDA for the district court judge to sign the Motion for Judgment, the district court has not done so.

Accordingly, LCDA's application for writ of mandamus is hereby granted, and the district court is directed to enter judgment in suit #633,872, in accordance with the Louisiana Supreme Court's per curiam opinion issued on April 17, 2015, and to furnish this court with a copy of its ruling in accordance with this per curiam within ten days.



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October 23, 2014

Louisiana State Bond Commission  
P. O. Box 44154  
Baton Rouge LA 70804-0154

**Certified Mail # 7009 1680 0000 5095 5814**  
**Return Receipt Requested**

Re: Louisiana Local Government Environmental Facilities and Community Development Authority, State of Louisiana vs. All taxpayers, property owners, citizens of the State of Louisiana and non-residents owning property or subject to taxation therein, and all other persons interested in or affected in any way by the issuance by the Louisiana Local Government Environmental Facilities and Community Development Authority of its property assessed clean energy (PACE) special assessment revenue bonds, in one or more series  
Our Matter # 144937-00

To Whom It May Concern:

Notification of the initiation of bond validation proceedings must be made upon the State Bond Commission by registered or certified mail, with return receipt requested.

Enclosed please find a certified copy of a Motion for Judgment and Order filed on September 29, 2014 by the Louisiana Local Government Environmental Facilities and Community Development Authority, State of Louisiana and a certified copy of an Ex Parte Motion to Amend Order Setting Notice Publication Dates.

This is an informational filing required by law.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Fred L. Chevalier".

Fred L. Chevalier

FLC/nl  
Enc.

{B0980940.1}

JONES WALKER LLP

ALABAMA \* ARIZONA \* CALIFORNIA \* DISTRICT OF COLUMBIA \* FLORIDA \* GEORGIA \* LOUISIANA \* MISSISSIPPI \* NEW YORK \* OHIO \* TEXAS

~~STATE~~ FILED

633872

SEC. 25

LOUISIANA LOCAL GOVERNMENT ENVIRONMENTAL FACILITIES AND COMMUNITY DEVELOPMENT AUTHORITY, STATE OF LOUISIANA

NUMBER: \_\_\_\_\_; DIVISION \_\_\_\_\_

VERSUS

ALL TAXPAYERS, PROPERTY OWNERS, CITIZENS OF THE STATE OF LOUISIANA AND NON-RESIDENTS OWNING PROPERTY OR SUBJECT TO TAXATION THEREIN, AND ALL OTHER PERSONS INTERESTED IN OR AFFECTED IN ANY WAY BY THE ISSUANCE BY THE LOUISIANA LOCAL GOVERNMENT ENVIRONMENTAL FACILITIES AND COMMUNITY DEVELOPMENT AUTHORITY OF ITS PROPERTY ASSESSED CLEAN ENERGY (PACE) SPECIAL ASSESSMENT REVENUE BONDS, IN ONE OR MORE SERIES

19TH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

COST OK \$25

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DEPUTY CLERK OF COURT

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MOTION FOR JUDGMENT

NOW INTO COURT, through undersigned counsel, comes the LOUISIANA LOCAL GOVERNMENT ENVIRONMENTAL FACILITIES AND COMMUNITY DEVELOPMENT AUTHORITY (the "Plaintiff" or the "LCDA"), which respectfully represents:

1.

Plaintiff is a political subdivision of the State of Louisiana (the "State") created and organized under and pursuant to the provisions of Chapter 10-D of Title 33 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 33:4548.1 through 33:4548.16, inclusive) (the "Community Development Act").

2.

The Community Development Act, together with other constitutional and statutory authority (together with the Community Development Act, the "Act") empower the LCDA to issue its revenue bonds to provide funds for and to fulfill and achieve its authorized public functions or corporate purposes, including but not limited to the payment of all or a portion of the project costs of authorized projects as set forth in the Community Development Act, including financing programs or loans to participating political subdivisions, as defined in the Community Development Act (the "Participating Political Subdivisions").

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DIVISION O  
JUDGE FIELDS

3.

The Act empowers the LCDA to pledge to secure the payment of such bonds or obligations, any money, assets, or revenues of the LCDA or from any other sources whatsoever, that may be available to the LCDA provided that such bonds or obligations shall not be secured by the full faith and credit of the State.

4.

Subpart B-44, Part IV, Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 33:130.811 through 130.814, inclusive) (the "*Sustainable Energy Financing Law*") authorizes the creation of special districts and political subdivisions of the State referred to as sustainable energy financing districts (the "*Districts*") by the governing authorities of any local governmental subdivisions that are otherwise authorized to collect property taxes and to issue and sell bonds. The Districts are authorized to borrow money for the purposes of encouraging, accommodating and providing a source of revenues and means for financing capital improvements for energy efficiency improvements, such as retrofitting and the installation of renewable energy improvements, such as fixtures for immovable property within such Districts, whether such immovable property is commercial or residential (the "*Qualifying Improvements*").

5.

Pursuant to the authority of the Act and the Sustainable Energy Financing Law, the LCDA adopted a resolution on September 11, 2014 (the "*Bond Resolution*") authorizing the issuance of its special assessment revenue bonds, in one or more series (the "*Bonds*"), upon receipt of the appropriate approvals and authorization to proceed, for the purpose of financing Qualifying Improvements on behalf of the Districts throughout the State that desire to become Participating Political Subdivisions (the "*Program*").

6.

The Bonds will be issued pursuant to a Master Trust Indenture between the LCDA and Deutsche Bank Trust Company America, as trustee, as the same may be supplemented and amended from time to time in accordance with the provisions thereof (the "*Indenture*") and will be secured by and payable from loan payments made by the Districts to the LCDA pursuant to Loan Agreements by and between the LCDA and the Districts, as the same may be supplemented and amended from time to time in accordance with the provisions thereof (the "*Loan Agreements*"). The Districts will satisfy the loan payments from funds received by the Districts

pursuant to financing agreements, as the same may be supplemented and amended from time to time in accordance with the provisions thereof (collectively, the "*Financing Agreements*"), by and between the Districts and the Property Owners (as hereinafter defined) from the levy of special assessments by the Districts upon the property of the owners of commercial or residential property within each of the Districts that have agreed to participate in the Program (the "*Property Owners*").

7.

The LCDA is authorized as a governmental unit of the State to bring this action under Part XVI of Chapter 32 of Title 13 (La. R.S. 13:5121 *et seq.*) of the Louisiana Revised Statutes of 1950, as amended (the "*Bond Validation Act*"), to judicially determine: (i) the validity of the Bonds, (ii) the validity of all proceedings taken in connection with the authorization of the Bonds, (iii) the legality and validity of the Sustainable Energy Financing Law and its authorization of the creation of sustainable energy financing districts, the levy of assessments and the other transactions contemplated thereby, (iv) the validity of the Indenture, the Loan Agreements, the Financing Agreements and any other contracts or agreements providing for the payment of such Bonds, (v) the validity of the pledges of revenues and the covenants and provisions which constitute the contract between the LCDA and the holders of the Bonds and (vi) any other matters related to the validity or approvals related to the Bonds, or the security therefor, all in order to provide a uniform, expeditious, and equitable procedure with due regard for the public fisc and rights of persons in interest.

8.

The LCDA is duly authorized pursuant to the Act and the Bond Validation Act to file and does hereby file this Motion for Judgment (this "*Motion*") against all defendants hereinafter stated in order to determine: (i) the validity of the Bonds, (ii) the validity of all proceedings taken in connection with the authorization of the Bonds, (iii) the legality and validity of the Sustainable Energy Financing Law and its authorization of the creation of sustainable energy financing districts, the levy of assessments and the other transactions contemplated thereby, (iv) the validity of the Indenture, the Loan Agreements, the Financing Agreements and any other contracts or agreements providing for the payment of such Bonds, (v) the validity of the pledges of revenues and the covenants and provisions which constitute the contract between the LCDA

and the holders of the Bonds and (vi) any other matters related to the validity or approvals related to the Bonds, or the security therefor.

9.

Made defendants herein, pursuant to the Bond Validation Act, are all taxpayers, property owners, citizens of the State of Louisiana and non-residents owning property or subject to taxation therein, and all other persons interested in or affected in any way by the issuance of the Bonds, more fully described hereinafter, or having or claiming to have any rights or interest in the issuance of such Bonds.

10.

Plaintiff avers that the Bonds, the Indenture, the Loan Agreements, the Financing Agreements, including the transactions contemplated thereby, and the assessments will each be a valid, legal, and enforceable obligation of the parties thereto.

11.

Plaintiff has instituted this action in order to obtain an expedited determination of: (i) the validity of the Bonds, (ii) the validity of all proceedings taken in connection with the authorization of the Bonds, (iii) the legality and validity of the Sustainable Energy Financing Law and its authorization of the creation of sustainable energy financing districts, the levy of assessments and the other transactions contemplated thereby, (iv) the validity of the Indenture, the Loan Agreements, the Financing Agreements and any other contracts or agreements providing for the payment of such Bonds, (v) the validity of the pledges of revenues and the covenants and provisions which constitute the contract between the LCDA and the holders of the Bonds, (vi) any other matters related to the validity or approvals related to the Bonds, or the security therefor and (vii) any other matters or objections adjudicated or that might have been called into question in this proceeding.

WHEREFORE, Plaintiff prays:

(1) That, pursuant to the Bond Validation Act, this Court issue an order (the "Order") directing the publication of this Motion two (2) times within a period of fifteen (15) consecutive calendar days from the date of the Order in *The Advocate*, a daily newspaper published in the City of Baton Rouge, Louisiana, being the official journal of the LCDA (the first publication of which is to be not later than eight (8) days from and after the date of issuance of the Order), and at the same time fix a time and place for hearing this cause, which time and place will be

published with this Motion for Judgment (the date fixed for the hearing to be at least ten (10) days, but not more than thirteen (13) days, after the second publication of this Motion for Judgment);

(2) That, at the time and place designated in the Order, this Court proceed to hear and determine all questions of law and fact in this cause, including, but not limited to: (i) the validity of the Bonds, (ii) the validity of all proceedings taken in connection with the authorization of the Bonds, (iii) the legality and validity of the Sustainable Energy Financing Law and its authorization of the creation of sustainable energy financing districts, the levy of assessments and the other transactions contemplated thereby, (iv) the validity of the Indenture, the Loan Agreements, the Financing Agreements and any other contracts or agreements providing for the payment of such Bonds, (v) the validity of the pledges of revenues and the covenants and provisions which constitute the contract between the LCDA and the holders of the Bonds, (vi) any other matters related to the validity or approvals related to the Bonds, or the security therefor and (vii) any other matters or objections adjudicated or that might have been called into question in this proceeding;

(3) That, after due proceedings, this Court render a judgment herein establishing and declaring: (i) the validity of the Bonds, (ii) the validity of all proceedings taken in connection with the authorization of the Bonds, (iii) the legality and validity of the Sustainable Energy Financing Law and its authorization of the creation of sustainable energy financing districts, the levy of assessments and the other transactions contemplated thereby, (iv) the validity of the Indenture, the Loan Agreements, the Financing Agreements and any other contracts or agreements providing for the payment of such Bonds, (v) the validity of the pledges of revenues and the covenants and provisions which constitute the contract between the LCDA and the holders of the Bonds, (vi) any other matters related to the validity or approvals related to the Bonds, or the security therefor and (vii) any other matters or objections adjudicated or that might have been called into question in this proceeding;

(4) That this Honorable Court issue a permanent injunction against the institution by any person of any action or proceeding contesting: (i) the validity of the Bonds, (ii) the validity of all proceedings taken in connection with the authorization of the Bonds, (iii) the legality and validity of the Sustainable Energy Financing Law and its authorization of the creation of sustainable energy financing districts, the levy of assessments and the other transactions

contemplated thereby, (iv) the validity of the Indenture, the Loan Agreements, the Financing Agreements and any other contracts or agreements providing for the payment of such Bonds, (v) the validity of the pledges of revenues and the covenants and provisions which constitute the contract between the LCDA and the holders of the Bonds, (vi) any other matters related to the validity or approvals related to the Bonds, or the security therefor and (vii) any other matters or objections adjudicated or that might have been called into question in this proceeding; and

(5) For all equitable relief.

Respectfully submitted,

**LOUISIANA LOCAL GOVERNMENT  
ENVIRONMENTAL FACILITIES AND  
COMMUNITY DEVELOPMENT  
AUTHORITY, STATE OF LOUISIANA**

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EAST BATON ROUGE PARISH, LA

2014 SEP 29 AM 10:13

*C. J. ...*  
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DIVISION O  
JUDGE FIELDS

LOUISIANA LOCAL GOVERNMENT  
ENVIRONMENTAL FACILITIES AND  
COMMUNITY DEVELOPMENT  
AUTHORITY, STATE OF LOUISIANA

NUMBER: 033872; DIVISION 25

VERSUS

ALL TAXPAYERS, PROPERTY  
OWNERS, CITIZENS OF THE STATE OF  
LOUISIANA AND NON-RESIDENTS  
OWNING PROPERTY OR SUBJECT TO  
TAXATION THEREIN, AND ALL OTHER  
PERSONS INTERESTED IN OR  
AFFECTED IN ANY WAY BY THE  
ISSUANCE BY THE LOUISIANA LOCAL  
GOVERNMENT ENVIRONMENTAL  
FACILITIES AND COMMUNITY  
DEVELOPMENT AUTHORITY OF ITS  
PROPERTY ASSESSED CLEAN ENERGY  
(PACE) SPECIAL ASSESSMENT  
REVENUE BONDS, IN ONE OR MORE  
SERIES

19TH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

COST OK \$ ✓

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DEPUTY CLERK OF COURT

**ORDER**

TO: All taxpayers, property owners, citizens of the State of Louisiana and non-residents owning property or subject to taxation therein, and all other persons interested in or affected in any way by the issuance by the Louisiana Local Government Environmental Facilities and Community Development Authority of its Property Assessed Clean Energy (PACE) Special Assessment Revenue Bonds, in one or more series

Considering the Motion for Judgment (the "*Motion*") filed herein by the Louisiana Local Government Environmental Facilities and Community Development Authority, State of Louisiana (the "*Plaintiff*" or the "*LCDA*"), in which the authority is vested by virtue of Part XVI of Chapter 32 of Title 13 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 13:5121 *et seq.*), to file this validation proceeding to establish and recognize: (i) the validity of the Bonds, (ii) the validity of all proceedings taken in connection with the authorization of the Bonds, (iii) the legality and validity of the Sustainable Energy Financing Law and its authorization of the creation of sustainable energy financing districts, the levy of assessments and the other transactions contemplated thereby, (iv) the validity of the Indenture, the Loan Agreements, the Financing Agreements and any other contracts or agreements providing for the payment of such Bonds, (v) the validity of the pledges of revenues and the covenants and provisions which constitute the contract between the LCDA and the holders of the Bonds, (vi) any other matters related to the validity or approvals related to the Bonds, or the security therefor and (vii) any other matters or objections adjudicated or that might have been called into question

EBR2490233

in this proceeding, said Motion now having been presented to this Court, and the Court being fully advised of the premises:

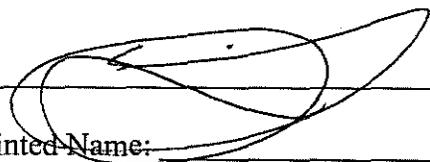
IT IS HEREBY ORDERED THAT the Plaintiff is hereby directed to publish the Motion filed in these proceedings, together with a notice of the time and place scheduled for hearing this matter, on the 10<sup>th</sup> day of October, 2014, and on the 24<sup>th</sup> day of October, 2014, in *The Advocate*, a daily newspaper published in the City of Baton Rouge, Louisiana, being the official journal of the LCDA, as required by the Bond Validation Act.

IT IS FURTHER ORDERED THAT all taxpayers, property owners, citizens of the State of Louisiana and non-residents owning property or subject to taxation therein, and all other persons interested in or affected in any way by the issuance by the Louisiana Local Government Environmental Facilities and Community Development Authority of its Property Assessed Clean Energy (PACE) Special Assessment Revenue Bonds, in one or more series, and the means and security provided for the payment thereof and all other matters set forth above, be and they are each hereby required to show cause, if any they can, on the 6 day of November 2014 at 9:00 o'clock a.m., at the Nineteenth Judicial District Court for the Parish of East Baton Rouge, Louisiana, why the relief prayed for in the said Motion should not be granted establishing and declaring that after due proceedings, this Court render a judgment herein establishing and declaring: (i) the validity of the Bonds, (ii) the validity of all proceedings taken in connection with the authorization of the Bonds, (iii) the legality and validity of the Sustainable Energy Financing Law and its authorization of the creation of sustainable energy financing districts, the levy of assessments and the other transactions contemplated thereby, (iv) the validity of the Indenture, the Loan Agreements, the Financing Agreements and any other contracts or agreements providing for the payment of such Bonds, (v) the validity of the pledges of revenues and the covenants and provisions which constitute the contract between the LCDA and the holders of the Bonds, (vi) any other matters related to the validity or approvals related to the Bonds, or the security therefor and (vii) any other matters or objections adjudicated or that might have been called into question in this proceeding.

IT IS FURTHER ORDERED THAT, by the publication of the Motion in this cause and of this Order, all taxpayers, property owners, citizens of the State of Louisiana and non-residents owning property or subject to taxation therein, and all other persons interested in or affected in any way by the issuance by the Louisiana Local Government Environmental Facilities and

Community Development Authority of its Property Assessed Clean Energy (PACE) Special Assessment Revenue Bonds, in one or more series, the means provided for the payment and security thereof, and all other matters set forth above, shall be considered as parties defendants in these proceedings and as having been duly served, and this Court shall have jurisdiction over them the same as if each of them were named individually as a party defendant in said Motion and personally served with process in this cause.

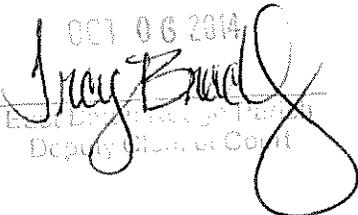
THIS DONE AND ORDERED at Baton Rouge, Louisiana, this 02 day <sup>October</sup> ~~01~~ ~~September~~, 2014.

  
\_\_\_\_\_  
Printed Name: \_\_\_\_\_

JUDGE, 19TH JUDICIAL DISTRICT COURT

FILED  
EAST BATON ROUGE PARISH, LA  
2014 SEP 29 AM 10: 22  
  
DEPUTY CLERK OF COURT

CERTIFIED TRUE AND  
CORRECT COPY

OCT 06 2014  
  
DEPUTY CLERK OF COURT

**RECEIVED**  
SEP 29 2014  
DIVISION O  
JUDGE FIELDS

LOUISIANA LOCAL GOVERNMENT  
ENVIRONMENTAL FACILITIES AND  
COMMUNITY DEVELOPMENT  
AUTHORITY, STATE OF LOUISIANA

NUMBER: 633872; DIVISION 25

VERSUS

ALL TAXPAYERS, PROPERTY  
OWNERS, CITIZENS OF THE STATE OF  
LOUISIANA AND NON-RESIDENTS  
OWNING PROPERTY OR SUBJECT TO  
TAXATION THEREIN, AND ALL OTHER  
PERSONS INTERESTED IN OR  
AFFECTED IN ANY WAY BY THE  
ISSUANCE BY THE LOUISIANA LOCAL  
GOVERNMENT ENVIRONMENTAL  
FACILITIES AND COMMUNITY  
DEVELOPMENT AUTHORITY OF ITS  
PROPERTY ASSESSED CLEAN ENERGY  
(PACE) SPECIAL ASSESSMENT  
REVENUE BONDS, IN ONE OR MORE  
SERIES

19TH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

COST OK \$ 100

OCT 14 2014  
CH # 858488 AK  
DEPUTY CLERK OF COURT

**EX PARTE MOTION TO AMEND ORDER SETTING  
NOTICE PUBLICATION DATES**

Plaintiff, the Louisiana Local Government Environmental Facilities and Community Development Authority, State of Louisiana (the "LCDA") submits this motion and respectfully requests that the Court amend its prior Order issued on October 2, 2014, only to adjust the required notice publication dates provided by La. R.S. 13:5124. Amending the Order to simply change the notice publication dates will ensure that the proceedings comply with the statutory requirements and avoid the possibility of annulment of this Court's ultimate judgment on the merits. LCDA further urges that this relief may be granted *ex parte*, without a hearing, because no other parties have been served or properly joined in this action and, accordingly, there is no opposition to this motion. LCDA, therefore, respectfully requests that its motion be granted for the following reasons:

1.

On or about October 2, 2014, LCDA initiated this bond validation proceeding by filing its "Motion for Judgment" pursuant to La. R.S. 13:5121 *et seq.* That same day, the Court signed an Order that, among other things, required LCDA to publish notice of the proceeding and the hearing date in the Baton Rouge Advocate on October 10 and October 17. The Court's Order further set the hearing date on LCDA's motion for November 6.

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REC'D C.P.

OCT 15 2014

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2.

La. R.S. 13:5124 provides that, upon the filing of a Motion for Judgment in a bond validation proceeding, “the court shall enter an order requiring the publication of the motion two times within a period of fifteen consecutive calendar days from the date of the issuance of the order, specifying the dates for publication thereof, with the first publication as herinabove provided to be not later than eight days from the date of the issuance of the order, .....” La. R.S. 13:5124 further provides that the date for the hearing on the motion “shall be at least ten, but not more than thirteen days, after the second publication ....”

3.

The Court’s initial Order of October 2 fixed the second notice date for October 17. However, it fixed the hearing date on the motion for November 6, which is more than thirteen days after the second notice date. Accordingly, the October 2 Order does not comply with the strict requirements of La. R.S. 13:5124, thereby exposing the Court’s ultimate judgment on the merits to annulment by an interested party.

4.

Plaintiff has no objection to proceeding with the hearing on November 6. However, to ensure compliance with La. R.S. 13:5124, Plaintiff respectfully requests that the Court issue the Amended Order attached as Exhibit A to this motion, which merely changes the notice publication dates to October 22 and October 24.

5.

Plaintiff further urges that it is entitled to the relief requested in this motion *ex parte* because it is mandated by La. R.S. 13:5124, and because there is no opposition to this motion inasmuch as no other party has been served.

WHEREFORE, based on the foregoing reasons, Plaintiff, the Louisiana Local Government Environmental Facilities and Community Development Authority, State of Louisiana, urges that its motion be granted, and that the Court sign the attached proposed Amended Order to ensure compliance with La. R.S. 13:5124.

Respectfully submitted,

**LOUISIANA LOCAL GOVERNMENT  
ENVIRONMENTAL FACILITIES AND  
COMMUNITY DEVELOPMENT  
AUTHORITY, STATE OF LOUISIANA**

By: *Ch.D. Martin*  
**Fred L. Chevalier (Bar# 4049)**  
**Kimberly L. Robinson (Bar# 25768)**  
**Christopher D. Martin (Bar# 30613)**  
**Matthew W. Kern (Bar # 31810)**  
Jones Walker LLP  
8555 United Plaza Blvd., 5th Floor  
Baton Rouge, Louisiana 70809  
Telephone: (225) 248-2000

**L. Etienne Balart (Bar #29451)**  
**Scott T. Zander (Bar #20436)**  
Jones Walker LLP  
201 St. Charles Ave.  
New Orleans, Louisiana 70170  
Telephone: (504) 582-8000

**CERTIFICATE OF SERVICE**

I certify that no other party has been served or made an appearance in this matter and therefore there is no other party or counsel of record upon which this motion can be served at this time.

*Ch.D. Martin*  
Christopher D. Martin

FILED  
EAST BATON ROUGE PARISH, LA

2014 OCT 14 AM 11:29

*Alicia Jones*  
DEPUTY CLERK OF COURT

**CERTIFIED TRUE AND  
CORRECT COPY**

OCT 21 2014

*Alicia Jones*  
East Baton Rouge Parish  
Deputy Clerk of Court

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OCT 15 2014

DIVISION O  
JUDGE FIELDS

LOUISIANA LOCAL GOVERNMENT  
ENVIRONMENTAL FACILITIES AND  
COMMUNITY DEVELOPMENT  
AUTHORITY, STATE OF LOUISIANA

NUMBER: 633872; DIVISION 25

VERSUS

ALL TAXPAYERS, PROPERTY  
OWNERS, CITIZENS OF THE STATE OF  
LOUISIANA AND NON-RESIDENTS  
OWNING PROPERTY OR SUBJECT TO  
TAXATION THEREIN, AND ALL OTHER  
PERSONS INTERESTED IN OR  
AFFECTED IN ANY WAY BY THE  
ISSUANCE BY THE LOUISIANA LOCAL  
GOVERNMENT ENVIRONMENTAL  
FACILITIES AND COMMUNITY  
DEVELOPMENT AUTHORITY OF ITS  
PROPERTY ASSESSED CLEAN ENERGY  
(PACE) SPECIAL ASSESSMENT  
REVENUE BONDS, IN ONE OR MORE  
SERIES

19TH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

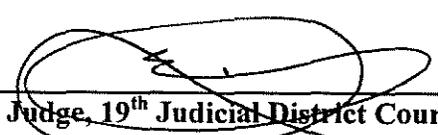
STATE OF LOUISIANA

**ORDER**

Considering the *Ex Parte* Motion to Amend Order Setting Notice Publication Dates filed by the plaintiff, Louisiana Local Government Environmental Facilities and Community Development Authority, State of Louisiana,

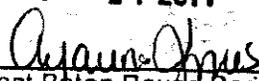
**IT IS ORDERED** that the motion is GRANTED and that the Amended Order attached as Exhibit A to the Plaintiff's motion, resetting the notice publication dates, be issued in this matter.

Signed in Baton Rouge, Louisiana, this 16 day of October, 2014.

  
\_\_\_\_\_  
Judge, 19<sup>th</sup> Judicial District Court

**CERTIFIED TRUE AND  
CORRECT COPY**

OCT 21 2014

  
\_\_\_\_\_  
East Baton Rouge Parish  
Deputy Clerk of Court

EAST BATON ROUGE PARISH, LA  
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OCT 15 2014

DIVISION O  
JUDGE FIELDS

LOUISIANA LOCAL GOVERNMENT  
ENVIRONMENTAL FACILITIES AND  
COMMUNITY DEVELOPMENT  
AUTHORITY, STATE OF LOUISIANA

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ALL TAXPAYERS, PROPERTY  
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ISSUANCE BY THE LOUISIANA LOCAL  
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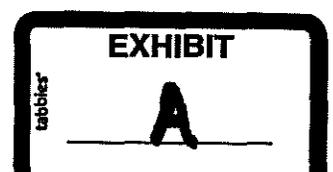
PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

**AMENDED ORDER**

TO: All taxpayers, property owners, citizens of the State of Louisiana and non-residents owning property or subject to taxation therein, and all other persons interested in or affected in any way by the issuance by the Louisiana Local Government Environmental Facilities and Community Development Authority of its Property Assessed Clean Energy (PACE) Special Assessment Revenue Bonds, in one or more series

Considering the Motion for Judgment (the "*Motion*") filed herein by the Louisiana Local Government Environmental Facilities and Community Development Authority, State of Louisiana (the "*Plaintiff*" or the "*LCDA*"), in which the authority is vested by virtue of Part XVI of Chapter 32 of Title 13 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 13:5121 *et seq.*), to file this validation proceeding to establish and recognize: (i) the validity of the Bonds, (ii) the validity of all proceedings taken in connection with the authorization of the Bonds, (iii) the legality and validity of the Sustainable Energy Financing Law and its authorization of the creation of sustainable energy financing districts, the levy of assessments and the other transactions contemplated thereby, (iv) the validity of the Indenture, the Loan Agreements, the Financing Agreements and any other contracts or agreements providing for the payment of such Bonds, (v) the validity of the pledges of revenues and the covenants and provisions which constitute the contract between the LCDA and the holders of the Bonds, (vi) any other matters related to the validity or approvals related to the Bonds, or the security therefor and (vii) any other matters or objections adjudicated or that might have been called into question



in this proceeding, said Motion now having been presented to this Court, the Court being fully advised of the premises, and the court having previously signed an Order on October 2, 2014, the Court hereby amends and revises its previous order as follows:

IT IS HEREBY ORDERED THAT the Plaintiff is hereby directed to publish the Motion filed in these proceedings, together with a notice of the time and place scheduled for hearing this matter, on the 22<sup>nd</sup> day of October, 2014, and on the 24<sup>th</sup> day of October, 2014, in *The Advocate*, a daily newspaper published in the City of Baton Rouge, Louisiana, being the official journal of the LCDA, as required by the Bond Validation Act.

IT IS FURTHER ORDERED THAT all taxpayers, property owners, citizens of the State of Louisiana and non-residents owning property or subject to taxation therein, and all other persons interested in or affected in any way by the issuance by the Louisiana Local Government Environmental Facilities and Community Development Authority of its Property Assessed Clean Energy (PACE) Special Assessment Revenue Bonds, in one or more series, and the means and security provided for the payment thereof and all other matters set forth above, be and they are each hereby required to show cause, if any they can, on the 6<sup>th</sup> day of November, 2014 at 9:30 o'clock a.m., at the Nineteenth Judicial District Court for the Parish of East Baton Rouge, Louisiana, why the relief prayed for in the said Motion should not be granted establishing and declaring that after due proceedings, this Court render a judgment herein establishing and declaring: (i) the validity of the Bonds, (ii) the validity of all proceedings taken in connection with the authorization of the Bonds, (iii) the legality and validity of the Sustainable Energy Financing Law and its authorization of the creation of sustainable energy financing districts, the levy of assessments and the other transactions contemplated thereby, (iv) the validity of the Indenture, the Loan Agreements, the Financing Agreements and any other contracts or agreements providing for the payment of such Bonds, (v) the validity of the pledges of revenues and the covenants and provisions which constitute the contract between the LCDA and the holders of the Bonds, (vi) any other matters related to the validity or approvals related to the Bonds, or the security therefor and (vii) any other matters or objections adjudicated or that might have been called into question in this proceeding.

IT IS FURTHER ORDERED THAT, by the publication of the Motion in this cause and of this Order, all taxpayers, property owners, citizens of the State of Louisiana and non-residents owning property or subject to taxation therein, and all other persons interested in or affected in

any way by the issuance by the Louisiana Local Government Environmental Facilities and Community Development Authority of its Property Assessed Clean Energy (PACE) Special Assessment Revenue Bonds, in one or more series, the means provided for the payment and security thereof, and all other matters set forth above, shall be considered as parties defendants in these proceedings and as having been duly served, and this Court shall have jurisdiction over them the same as if each of them were named individually as a party defendant in said Motion and personally served with process in this cause.

THIS DONE AND ORDERED at Baton Rouge, Louisiana, this \_\_\_\_ day of October, 2014.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

JUDGE, 19TH JUDICIAL DISTRICT COURT

Mikki Matthews – JP Morgan  
Lauren Ellis – Jones Walker

## 1. MINUTES

Minutes of the LCDA Development Committee meeting of May 8, 2014 were faxed to all members prior to today's meeting and copies were also provided in the Committee meeting books.

Mr. Lynn Austin asked for any questions or corrections. With no comments or corrections brought to the committee, motion to accept the minutes of the LCDA Development Committee meeting of May 8, 2014 was made by Mayor D'Aquila, seconded by Mack Dellafosse and without an objection, the motion carried.

## DEVELOPMENT COMMITTEE REPORT

### 3. City Of DeRidder Public Improvments – Series 2014

Mr. Jay Delafield Explained that City of DeRidder was requesting preliminary approval for the issuance of Revenue Bonds NTE \$2,300,000 with a NTE 4.75% for a term NTE 15 years in order to finance the cost of rehabilitation of a swimming pool and construction of a wellness center . He further stated that the City of DeRidder has absolutely no debt. Carmen Lavergne serving as Issuers Counsel. A motion for approval was made by Mayor D'Aquila, seconded by Mayor Camardelle and without and objection the motion carried.

### 4. Louisiana Community and Technical College System (The Project) – Series 2014

Mr. Chevalier explained that LCTCS was asking for preliminary approval of Bonds NTE 300,000,000 in one or more series NTE 5.5% NTE 25 years. He further explained this is a continuation of another program that the LCDA financed under another act previously of the Legislature that allows LCTCS as a 501c3 to be the borrower from the LCDA on behalf of a list of projects that are administered and owned by LCTCS across the state of Louisiana. This is a new installment based on Act 360 of 2013. John Mayeaux stated that Act 360 lays out an explanation of each project. A motion for approval was made by Mayor D'Aquila, seconded by Mayor Camardelle and without any objection the motion carried.

## TECHNICAL AMENDMENT

### 5. Property Assessed Clean Energy (PACE) Program

Mr. Scott Zander at Jones Walker explained that the Property Assessed Clean Energy Program was requesting a technical amendment to the resolution adopted by LCDA in 2009. The purpose of the amendment would be to replace the Project Administrator that was part of the 2009 resolution with a Project Administration Team. A motion for approval was made by Mayor D'Aquila , seconded by Mayor Camardelle and without any objection the motion carried

## FINAL APPROVAL

### 6. Louisiana Utilities Restoration Corporation Project EGSL/ELL

Mr. Gordon King of Government Consultants explained that there would need to be a waiver of the rules contingent upon SBC approval. A motion for waiver of the rules was made by Mr. Dellafosse, seconded by Mayor Butler and without any objection the motion carried. Mr. Gordon King of Government Consultants explained that the Louisiana Utilities Restoration Project ELL/EGSL was requesting preliminary approval to issue NTE \$255,000,000 for ELL and NTE 80,000,000 for EGSL in Revenue Bonds,. He added that the bonds would mature no later than 14 years from the date of issuance would bear interest at a fixed or variable rate NTE 6%. A motion for approval was made by Mayor Camardelle, seconded by Mayor D'Aquila and without an objection, the motion carried

7. University of Louisiana Monroe Facilities, Inc. / Clarke M Williams Student Success Center Project – Series 2014  
Mr. Matt Kern explained that a waiver of the rules would be needed for this project to make it contingent upon SBC approval. A motion for waiver was made by Mayor Butler, seconded by Mayor D'Aquilla and without any objection the motion carried. Mr Kern further explained that ULM Clarke M. Williams Success Center was requesting final approval for Revenue refunding bonds NTE 1,732,100 for the purpose of refunding all or a portion of the Series 2007 Bonds, which the LCDA issued and to pay costs of issuance, including cost to defease the bonds through escrow. A motion for approval was made by Mack Dellafosse, seconded by Mayor D'Aquilla and without and objection the motion carried.
8. University of Louisiana Monroe Facilities, Inc. / Athletic Facilities Project – Series 2014  
Mr. Matt Kern explained that a waiver of the rules would be needed for this project to make it contingent upon SBC approval. A motion for waiver was made by Mack Dellafosse, seconded by Julian Dufreche and without any objection the motion carried. Mr. Kern further explained that ULM Clarke M. Williams Success Center was requesting final approval for Bonds to be issued for the purpose of refunding a Prior Loan with Regions Bank (Originally \$2,000,000) which was used to finance the installation of scoreboards at the football, baseball, soccer, and softball fields, replacement of the chair-back seating at the football stadium and the construction of dug-outs at the soccer and softball fields at ULM. A motion for approval was made by Mack Dellafosse, seconded by Mayor Butler and without any objection the motion carried.
9. City of Bossier City, Louisiana Project – Series 2014  
Mr. Jay Delafield explained that The City of Bossier City was requesting final approval for the Issuance of NTE \$15,000,000. The Bonds will be used for Cost of additions, acquisitions, repairs and/or expansions needed to maintain the City owned works of public improvement. Maturity NTE 25 years. A motion for approval was made by Mayor David Butler, seconded by Mack Dellafosse with Mr. Lynn Austin Abstaining. Without any objection the motion carried.

## ADVISORY COMMENTS/REPORTS

## PUBLIC COMMENT

## OTHER BUSINESS

10. Considerations or a resolution employing Amy K. Cedotal as the Authoritys Office Assistant/ Project Manager  
Mr. Lynn Austin explained that Mr. Carlos was requesting approval of a resolution to hire Amy Cedotal as the Office Assistant/ Project Manager. A motion to approve was made by Mayor Butler, seconded by Mayor D'Aquilla and without any objection the motion carried.

## ADJOURN

There being no further business before the Committee, Mayor Camardelle moved to adjourn the Development Committee, seconded by Mayor D'Aquilla and without an objection, the motion carried.

---

Mayor David C. Butler II  
DEVELOPMENT COMMITTEE CHAIRMAN

Louisiana Local Government Environmental Facilities  
and Community Development Authority

**MINUTES OF LCDA EXECUTIVE COMMITTEE**

June 12, 2014

A meeting of the Louisiana Local Government Environmental Facilities and Community Development Authority ("LCDA") Development Committee was held on Thursday, June 12, 2014 at the LMA Building located at 700 North 10<sup>th</sup> Street in Baton Rouge, LA, with advance notices having been mailed to each member. The meeting was called for 10:15 a.m. in Meeting Room 2.

**COMMITTEE MEMBERS PRESENT**

Mr. Lynn Austin - Chairman  
Mr. Billy D'Aquila – Vice Chairman  
Mayor Ms. Mary Adams – Secretary/Treasurer  
Mr. Julian Dufreche  
Mr. Mack Dellafosse  
Mayor David Camardelle  
Mayor David Butler II

**COMMITTEE MEMBERS ABSENT**

**ADVISORY COMMITTEE PRESENT**

**LCDA STAFF**

Ty E. Carlos – Executive Director  
Jennifer B. Bruhl – Executive Assistant  
Amy Cedotal – Office Assistant

**ADVISORY COMMITTEE ABSENT**

**OTHERS PRESENT .**

Danny Dufreche – P.A.R.D.  
Coleen Pilley – Government Consultants  
Carmen Lavergne – Butler Snow  
Jay Delafield  
Whitney Kling – Stephens  
Patti Dunbar – Jones Walker  
Matt Kern – Jones Walker  
Fred Chevalier – Jones Walker  
Jennifer Fiore – Dunlap & Fiorre  
John Mayeaux- Sisung Securities  
Nnamdi Thompson – Government Consultants  
Betty Earnest – Becknell Law Firm  
Chris O' Brien - Bank of Texas  
John Shiroda – Regions Bank  
Jamie Watts – Long Law Firm  
Toby Cortez – Sisung Securities  
Shaun Toups – Government Consultants  
Gordon King – Government Consultants  
Scott Zander – Jones Walker  
Amy Carrick – Red River Bank  
Russ Nolan – JP Morgan