

MARCH 17, 2010

NEW IBERIA, LOUISIANA

IBERIA PARISH COUNCIL

The Parish Council of Iberia Parish, Louisiana met in Special Session in the Parish Council Chambers, Main Courthouse Building, New Iberia, Louisiana, on Wednesday, March 17, 2010

The following members were recorded PRESENT:

Maggie F. Daniels, Curtis Boudoin, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, John Berard, Barry Verret, Glenn Romero, Roger Duncan, Jerome Fitch, M. Larry Richard and Naray Hulin.

ABSENT: Charles Williams.

OTHERS IN ATTENDANCE: Ernest Freyou, Parish President
Sally Angers, Administrative Assistant
Kevin Hagerich, Public Works Director

The Parish Council of the Parish of Iberia, State of Louisiana, was duly convened as the Governing Authority of the Parish of Iberia by Mr. Jerome Fitch, its Chairman, who announced that the Council was now ready to conduct its business.

14719

March 15, 2010

VIA FAX & EMAIL

MEMO: Iberia Parish Council

SUBJECT: Notice of Special Meeting

Please be advised that the Council Chairman has called a special meeting of the Iberia Parish Council. Following please find the agenda for the special meeting of the Iberia Parish Council to be held on Wednesday, March 17, 2010 at 6:00 p.m. in the Council Chambers.

Should you have any questions, please contact this office.

BY DIRECTION OF THE CHAIRMAN
/s/ Diane
Diane B. Phillips, CPS
Clerk of the Council

Enclosure

cc: Parish President
CAO
Department Heads
Legal Counsel
News Media

A motion was made by Mr. Lloyd Brown, seconded by Mr. Thomas J. Landry, that the Iberia Parish Council does hereby recess its Regular Session and convene as a Public Hearing in order to consider public input regarding the agenda item.

This motion having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Curtis Boudoin, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, John Berard, Barry Verret, Glenn Romero, Roger Duncan, Jerome Fitch, M. Larry Richard and Naray Hulin.

NAYS: None.

ABSENT: Charles Williams.

And the motion was declared adopted this 17th of March, 2010.

Upon requesting and hearing no comments regarding the agenda items, the Chair requested a motion to adjourn the Public Hearing and to reconvene the Regular Session.

A motion was made by Mr. M. Larry Richard, seconded by Mr. John Berard, that the Iberia Parish Council does hereby adjourn the Public Hearing and reconvene the Regular Session.

This motion having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Curtis Boudoin, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, John Berard, Barry Verret, Glenn Romero, Roger Duncan, Jerome Fitch, M. Larry Richard and Naray Hulin.

NAYS: None.

ABSENT: Charles Williams.

And the motion was declared adopted this 17th day of March, 2010.

14721

SPECIAL BUSINESS:

1. The Council was scheduled to convene into Executive Session to discuss action regarding litigation entitled "City of New Iberia vs. Iberia Parish Council", Docket No. 115420, regarding the TIF District, which is scheduled for trial for March 29, 2010, but at the recommendation of Legal Counsel Eric Duplantis, the Council remained in Regular Session to discuss this item. It was explained that the City of New Iberia has accepted the Parish's counter offer for settlement of the litigation with a few minor clarification changes in the wording of the settlement.

A motion was made by Mr. Lloyd Brown, seconded by Mr. Barry Verret, that the following be adopted:

RESOLUTION NO. 2010-83

WHEREAS, the Iberia Parish Council adopted Resolution No. 2010-71 on March 3, 2010, which Resolution proposed a counter offer to the City of New Iberia for the settlement of litigation entitled "City of New Iberia vs. Iberia Parish Council", Docket No. 115420; and

WHEREAS, said litigation involves the Iberia Parish Economic Development District No. 1 (also known as the TIF District); and

WHEREAS, the City of New Iberia has accepted the provisions of said counter offer by the adoption of Resolution No. 10-21, dated March 16, 2010, with minor clarifications; and

WHEREAS, the Iberia Parish Council does hereby agree to the minor clarifications being proposed to the counter offer.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby accept the provisions of Resolution No. 10-21 by the City of New Iberia, dated March 16, 2010, for the settlement of litigation entitled "City of New Iberia vs. Iberia Parish Council", regarding the Parish's Economic Development District No. 1 (also known as the TIF District), which Resolution essentially accepts the provisions of the Parish's counter offer dated March 10, 2010 with minor provisions.

BE IT FURTHER RESOLVED, that said settlement proposal shall include the following provisions:

- (1) The Parish will agree to amend its TIF to exclude the corporate limits of the City;
- (2) The City agrees to set aside 15% of the revenues of TIF District No. 1 (Highway 14 area business) to be used on the following projects: the extension of Dale Street from Jefferson Terrace Boulevard to Bayard Street, Fontelieu Drive, Nelson Canal Road; bypass from LA 182 to LA 674 to LA 31; construction of a City fire house and acquisition of truck and apparatus on the south side of the corporate limits of the City; and connect Queen City Drive to Sucrose Drive, extend Sucrose Drive to LA Highway 675.
- (3) The Parish agrees to set aside the amount of dollars that the

- City's 15% equals for the construction of the five (5) projects mentioned herein so that the set aside for both the City and the Parish is used exclusively on these projects.
- (4) This agreement will be memorialized in the form of an Intergovernmental Agreement between both parties and the parties will seek an Attorney General's Opinion on this use of funds and validity of this agreement and also request that our Legislative Delegation confirm same with a legislative instrument/bill.
 - (5) Should the Cooperative Agreement not receive a favorable Attorney General's Opinion or authorizing legislation, or should bonding authorities decline to bond the financing due to objections to the agreement, then both governments will be obligated to a solution such as mutually agreeable projects within the TIF districts which comply with the economic development law that will give effect to the object and purpose of the cooperative agreement. The object and purpose are hereby stated to be a sharing of funds from both the City and the Parish TIFs to support infrastructure projects that benefit both the City and the Parish. By way of an example of such a solution that will give effect to the object and purpose of the cooperative agreement, the parties could agree to funding any of the projects named in Paragraph (2), or any other mutually agreed upon project, by having the City's TIF funds used for that portion of the project within the boundaries of the City's TIF District and the Parish using its matching funds for the project within the boundaries of the Parish's TIF District. Until such mutually agreeable projects can be approved by both the City and the Parish, the City's 15% set-aside TIF funds and the Parish's matching dollars would be held in escrow, to be released upon reaching such agreement.
 - (6) Upon execution of the agreement, the City shall dismiss its suit with prejudice and the Parish shall amend its ordinance to exclude the incorporated limits of the City.
 - (7) As stated in Court on March 8, 2010, this continuance is agreed upon with the confirmation from the Parish that it shall not amend or seek to make any changes to their ordinance, witness or exhibit list until both parties are satisfied that this agreement shall be binding on both parties.
 - (8) Both parties agree that if the City of New Iberia and Iberia Parish Government do not approve the instant provisions before March 29, 2010, then this matter will be tried before Judge John Connery as stipulated to in Court.

BE IT FURTHER RESOLVED, that the Iberia Parish Council does hereby authorize the District Attorney's Office to proceed with all documentation and agreements necessary for said settlement.

BE IT FURTHER RESOLVED, that the Parish President is hereby authorized to execute all documents necessary for the execution of this Resolution.

BE IT FINALLY RESOLVED, that this Resolution shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Section 2-13 of the Iberia Parish Home Rule Charter.

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This Resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Curtis Boudoin, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, John Berard, Barry Verret, Glenn Romero, Roger Duncan, Jerome Fitch, M. Larry Richard and Naray Hulin.

NAYS: None.

ABSENT: Charles Williams.

And the Resolution was declared adopted this 17th day of March, 2010.

SPECIAL BUSINESS: (Continued....)

2. The Council then discussed action regarding the road list as submitted by the Parish President for the proposed 2010 Road Improvements Project. The Council Chairman explained that the Parish President has submitted a prioritized listing of roads for the project, which estimated costs exceeds the available funding currently designated for the project. The Parish President then requested that Marc Berard, representing Berard, Habetz & Associates, Project Engineer, be allowed to present a revised road listing to include the Council Districts for each road.

Also addressing the Council was Executive Director of the Port of Iberia Roy Pontiff, who stated that the Port Commission may be interested in considering sharing the cost of improvements to several roads at the Port of Iberia if they are directed to remain as part of the 2010 Project. Mr. Pontiff stated that the Port Commission would hold a meeting to discuss this possibility once the Council has finalized the list of roads being considered for the project.

The Chairman directed that a meeting of the Public Works Committee be called for Wednesday, March 24, 2010 at 5:00 P.M. prior to the next regular Council meeting to further discuss the list of roads for the upcoming project and the funding available for said project.

3. At the introduction of Councilman Glenn Romero, District 9, the Council also considered a Resolution amending the 2010 Royalty Fund Budget in the amount of \$20,000 for additional engineering fees for the Vida Shaw Bridge Replacement Project, all to be funded from the 2010 Royalty Fund Budget, Road Improvements Reserve Line Item. Mr. Romero explained that the Council has authorized continued funding for this project and is now ready to receive the Section 106 Report for the final stages of the project. He explained that the Project Engineer, Wayne LaBiche, is currently owed approximately \$8,000 for work already completed and further that the additional funding being requested would provide sufficient funding for engineering for completion of the project.

A motion was made by Mr. Glenn Romero, seconded by Mr. M. Larry Richard, that the following be adopted:

RESOLUTION NO. 2010-84

WHEREAS, the Iberia Parish Council has adopted several Resolutions to authorize the continuation of the Vida Shaw Bridge Replacement Project; and

WHEREAS, it is necessary to appropriate additional funding for engineering fees related to said project in order to get the project through the public bid process and construction for completion.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby amend the 2010 Road District No. 10 Maintenance Fund Budget in the amount of \$20,000 to provide additional funding for engineering fees related to the completion of the Vida Shaw Bridge Replacement Project.

BE IT FURTHER RESOLVED, that said funding shall be appropriated from the 2010 Road District No. 10 Maintenance Fund Budget, Fund Balance - Previous Years.

BE IT FINALLY RESOLVED, that this Resolution shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Section 2-13 of the Iberia Parish Home Rule Charter.

This Resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Curtis Boudoin, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, John Berard, Barry Verret, Glenn Romero, Roger Duncan, Jerome Fitch, M. Larry Richard and Naray Hulin.

NAYS: None.

ABSENT: Charles Williams.

And the Resolution was declared adopted this 17th day of March, 2010.

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ORDINANCES INTRODUCED FOR PUBLICATION:

None.

A motion was made by Mr. John Berard, seconded by Mr. Bernard E. Broussard, that the Iberia Parish Council does hereby adjourn.

The motion carried.

I HEREBY CERTIFY THE FOREGOING TO BE EXACT AND TRUE:

Clerk of the Council