

26283

NOVEMBER 13, 2024

NEW IBERIA, LOUISIANA

IBERIA PARISH COUNCIL

The Parish Council of Iberia Parish, Louisiana met in Regular Session in the Parish Council Chambers, Main Courthouse Building, New Iberia, Louisiana, on Wednesday, November 13, 2024, at 6:00 p.m.

The following members were recorded as PRESENT:

Francis "Tommy" Pollard, Sr., Michael R. Landry, Marcus "Bruce" Broussard, Lloyd Brown, Warren P. Trahan, Natalie Broussard, Dustin Suire, James P. Trahan, Scott Ransonet, Brock Pellerin, Lady Fontenette Brown (entered meeting at 6:17 p.m.), and Caymen Crappell.

ABSENT: Brian P. Napier and Chad Maturin.

OTHERS IN ATTENDANCE:

Ian Alpha, Legal Counsel

Parish President M. Larry Richard

Purchasing Officer Michael Broussard

Executive Assistant to Parish President Cynthia Provost

Executive Assistant Josepha "Jo" Morgan

Director of Personnel Edythe "Edie" Casselman

Director of Sewerage District No. 1 Brad Cradeur

Director of Permit, Planning & Zoning Jacob Weaver

Director of Public Works Jean Romero

Director of Acadiana Regional Airport Maurice "Moe" Songy

Director of Library Marjorie Hills

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. Warren P. Gachassin, Jr., its Chairman, who announced that the Council was now ready to conduct its business.

COUNCIL MEMBER ANNOUNCEMENTS

1. Councilman Brock Pellerin announced that the Lydia Food Fest will be held on November 15-16, 2024 at Lydia Weeks Park located at 4412 Weeks Road, Lydia, Louisiana. There will be live music, car shows, food, and crafts at the festival.
2. Councilman Brock Pellerin informed the Iberia Parish Council that he attended the Veteran's Memorial Ceremony in Bouligny Plaza on Veteran's Day.
3. Councilman Brock Pellerin thanked the Iberia Parish Sheriff's Office for their assistance with catching a donkey that was eating a neighbor's grass.

PARISH PRESIDENT ANNOUNCEMENTS

1. Purchasing Officer Michael Broussard announced that Iberia Parish Government is seeking to hire several vacant positions, including: 1) Director of Finance; 2) Maintenance Worker, Acadiana Fairgrounds; 3) Public Worker I; 4) Animal Control Officer; and 5) Public Safety Telecommunicator. For additional information, please visit Iberia Parish Government website: www.iberiaparishgovernment.com.
2. Purchasing Officer Michael Broussard reminded everyone to visit the website for Iberia Parish Government which can be viewed at <https://iberiaparishgovernment.com>.

A motion was made by Mr. Scott Ransonet, seconded by Mr. Marcus "Bruce" Broussard, that the Council recess its Regular Session and convene in a Public Hearing to hear comments from the public at this time.

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

YEAS: Francis "Tommy" Pollard, Sr., Michael R. Landry, Marcus "Bruce" Broussard, Lloyd Brown, Warren P. Gachassin, Jr., Natalie Broussard, Dustin Suire, James P. Trahan, Scott Ransonet, Brock Pellerin, Lady Fontenette Brown, and Caymen Crappell.

NAYS: None.

ABSENT: Brian P. Napier and Chad Maturin.

And the motion was declared adopted this 13th day of November, 2024.

PUBLIC COMMENTS (Policy allows Three (3) Minutes/person)

1. Comments from the General Public on Agenda Items, as follows:
 - a. Ms. Hannah Bertrand addressed the Council in support of Summary No. 212.
 - b. Mr. Joshua Trosclair also addressed the Council in support of Summary No. 212.
2. Persons being considered for appointment to Parish Boards, Commissions, and/or Districts address the Council, as follows:
 - a. Ms. Alice Robicheaux addressed the Council for appointment to Iberia Parish Veterans Memorial Advisory Board.

A motion was made by Mr. Marcus "Bruce" Broussard, seconded by Mr. Michael R. Landry, that the Council does hereby recess its Public Hearing and reconvene into Regular Session at this time.

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

YEAS: Francis "Tommy" Pollard, Sr., Michael R. Landry, Marcus "Bruce" Broussard, Lloyd Brown, Warren P. Gachassin, Jr., Natalie Broussard, Dustin Suire, James P. Trahan, Scott Ransonet, Brock Pellerin, Lady Fontenette Brown, and Caymen Crappell.

NAYS: None.

ABSENT: Brian P. Napier and Chad Maturin.

And the motion was declared adopted this 13th day of November, 2024.

COMMUNITY EVENTS AND PUBLIC SERVICE ANNOUNCEMENTS

1. Executive Director Maurice "Moe" Songy of Iberia Parish Airport Authority gave an update on the Acadiana Regional Airport Tri-Box Hangar Project.

REPORTS (PARISH OR OTHER GOVERNMENTAL AGENCIES):

1. The Monthly Permit Report for the Month of October 2024 was emailed to Council Members.

PUBLIC WORKS REPORTS:

1. The Public Works Department Report for Closed Work Orders dated October 9-22, 2024 were emailed to Council Members.

SPECIAL BUSINESS:

1. A notice was given that at its meeting to be held on Wednesday, November 13, 2024 at 6:00 p.m., at its regular meeting place, the Council Chambers, Fourth Floor, Main Courthouse Building, 300 Iberia Street, New Iberia, Louisiana, the Iberia Parish Council, plans to consider adopting a Resolution ordering and calling an election to be held in the Parish of Iberia, State of Louisiana to authorize the renewal of an ad valorem tax therein.

CONSENT AGENDA ITEMS FOR PUBLIC HEARING AND ADOPTION:

(To be voted upon at tonight's meeting)

Chairman Warren P. Gachassin, Jr. requested if there were any items to be removed from Consent Agenda at this time. Hearing no requests for removal of items, a motion was made by Mr. Michael R. Landry, seconded Mr. Brock Pellerin, that the following item be adopted:

MINUTES

Regular Meeting of October 23, 2024.

A motion was made by Mr. Michael R. Landry, seconded by Mr. Marcus "Bruce" Broussard, that the following be adopted:

RESOLUTION NO. 2024-206

A RESOLUTION OF CONDOLENCES TO THE FAMILY OF MR. OLAN "BOY" JOSEPH ROMERO, BROTHER OF PUBLIC WORKER II BRIAN ROMERO, WHO PASSED AWAY ON OCTOBER 2, 2024.

WHEREAS, it is with profound sorrow that the Iberia Parish Council does hereby acknowledge the recent passing of Mr. Olan "Boy" Joseph Romero, the brother of Iberia Parish Public Works

26287

Worker II Brian Romero, who passed away on October 2, 2024; and

WHEREAS, Mr. Romero was a son, brother, husband, father, grandfather, and great-grandfather to his family; and

WHEREAS, Mr. Romero was a proud member of the law enforcement community and served as a sheriff's deputy for Iberia Parish Sheriff's Office; and

WHEREAS, Mr. Romero enjoyed watching his grandchildren and great-grandchildren grown and thrive, particularly in sports, which was one of his greatest joys.

WHEREAS, Mr. Romero will be deeply missed by his family, his friends, and the community.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby express its sincere sympathies and condolences to the family of Mr. Olan "Boy" Joseph Romero, brother of Iberia Parish Public Works Worker II Brian Romero, who passed away on October 2, 2024.

BE IT FURTHER RESOLVED, that this Resolution shall be forwarded to the family of Mr. Olan "Boy" Joseph Romero.

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.

RESOLUTION NO. 2024-207

A RESOLUTION OF CONDOLENCES TO THE FAMILY OF MS. JOYCELYN "JOY" LEDET CALLAIS, MOTHER OF PUBLIC WORKER I ANTONIO PEQUENO, WHO PASSED AWAY ON OCTOBER 14, 2024.

WHEREAS, it is with profound sorrow that the Iberia Parish Council does hereby acknowledge the recent passing of Ms. Joycelyn "Joy" Ledet Callais, the mother of Iberia Parish Public Works Worker I Antonio Pequeno, who passed away on October 14, 2024; and

WHEREAS, Ms. Callais was a daughter, sister, wife, mother, grandmother, and great-grandmother to her family; and

WHEREAS, Ms. Callais enjoyed water aerobics, attending pokena games, watching movies and reading books.

WHEREAS, Ms. Callais will be deeply missed by her family, her friends, and the community.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby express its sincere sympathies and condolences to the family of Ms. Joycelyn "Joy" Ledet Callais, the mother of Iberia Parish Public Works Worker I Antonio Pequeno, who passed away on October 14, 2024.

BE IT FURTHER RESOLVED, that this Resolution shall be forwarded to the family of Ms. Joycelyn "Joy" Ledet Callais.

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.

RESOLUTION NO. 2024-208

A RESOLUTION OF CONDOLENCES TO THE FAMILY OF MS. BETTY BABIN ROMERO, WIFE OF FORMER DISTRICT 9 IBERIA PARISH COUNCIL MEMBER, GLENN ROMERO, WHO PASSED AWAY ON OCTOBER 22, 2024.

WHEREAS, it is with profound sorrow that the Iberia Parish Council does hereby acknowledge the recent passing of Ms. Betty Babin Romero, the wife of Former District 9 Iberia Parish Council Member Glenn Romero, who passed away on October 22, 2024; and

WHEREAS, Ms. Romero was a daughter, sister, wife, mother, and grandmother to her family; and

WHEREAS, Ms. Romero was a dedicated homemaker to her family and community and was an active member of St. Joseph's Catholic Church in Loreauville and volunteered her time at Loreauville Elementary School.

WHEREAS, Ms. Romero was supported her husband during his term as Former District 9 Iberia Parish Council Member and became an avid supporter of her children and grandchildren's sporting events.

WHEREAS, Ms. Romero will be deeply missed by her family, her friends, and the community.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby express its sincere sympathies and condolences to the family of Ms. Betty Babin Romero, the wife of Former District 9 Iberia Parish Council Member Glenn Romero, who passed away on October 22, 2024.

BE IT FURTHER RESOLVED, that this Resolution shall be forwarded to the family of Ms. Betty Babin Romero.

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.

RESOLUTION NO. 2024-209

A RESOLUTION ACCEPTING THE RESIGNATION OF MR. LARRY DARBY, JR. AS A MEMBER OF IBERIA PARISH SEWERAGE DISTRICT NO. 1 BOARD, REPRESENTING THE COMMUNITY, EFFECTIVE IMMEDIATELY.

WHEREAS, Mr. Larry Darby, Jr. has tendered his resignation as a member of the Iberia Parish Sewerage District No. 1 Board, representing the community, effective immediately.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby accept the resignation of Mr. Larry Darby, Jr. as a member of the Iberia Parish Sewerage District No. 1 Board, representing the community, effective immediately.

BE IT FURTHER RESOLVED, that the Iberia Parish Council does hereby express its sincere appreciation to Mr. Larry Darby, Jr. for his service to Iberia Parish Government in this capacity.

26289

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.

RESOLUTION NO. 2024-210

A RESOLUTION AUTHORIZING THE PARISH PRESIDENT TO SIGN SERVITUDE AND RIGHT OF WAY AGREEMENTS WITH IBERIA PARISH AIRPORT AUTHORITY AND ENTERGY FOR THE FIRST SOLAR PROJECT AT THE ACADIANA REGIONAL AIRPORT; PROVIDING FOR THE EFFECTIVE DATE THEREOF; AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, Iberia Parish Government ("Parish") and the Acadiana Regional Airport Commission ("Commission") have entered into a 10 year ground lease, with the option of three additional ten year renewal terms, with First Solar Inc. for the construction and operation of an approximately 2.3 million square foot manufacturing facility that will have a significant economic impact to Iberia Parish increasing property values as well as providing direct lease payments for the operation and development of the airport; and

WHEREAS, Entergy is to provide a necessary service and enable the completion and future operation of the First Solar Project and requires access to the manufacturing facility, transmission lines, and a substation at the lease site in order to serve the facility;

WHEREAS, Commission, as manager of the airport property, has entered into certain servitude and right of way agreements with Entergy in support of the First Solar Project, attached as Exhibit "A";

WHEREAS, Parish, as owner of the property, seeks to join in and ratify these agreements;

WHEREAS, due to the impact on the First Solar Project the relative economic or monetary value of the benefits to be derived by each of the parties is not easily susceptible to precise determination or measurement. However, Parish has determined that the benefit to be received by Parish is fair compensation and sufficient consideration for the agreements and obligations made and that Parish has a reasonable expectation of receiving at least equivalent benefits or value in exchange for the conveyance, payment and/or agreement made;

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Government join in and ratify the agreements of the Acadiana Regional Airport Commission with Entergy Louisiana LLC, to provide for a construction/material laydown yard near the SugArena and hereby authorize the Iberia Parish President to execute those agreements, attached as Exhibit "A" by and between the Acadiana Regional Airport Commission and Entergy Louisiana LLC or its assign, relating to the use of the property owned by Parish.

BE IT FURTHER RESOLVED, that the Iberia Parish President is also authorized to execute any and all other agreements, documents or other writings necessary to carry out the intent and purposes of this Resolution.

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

RESOLUTION NO. 2024-211

A RESOLUTION AUTHORIZING THE PARISH PRESIDENT TO ENTER INTO A COOPERATIVE ENDEAVOR AGREEMENT WITH ENTERGY TO PROVIDE FOR A TEMPORARY LAYDOWN YARD NEAR THE SUGARENA FOR THE FIRST SOLAR PROJECT; PROVIDING FOR THE EFFECTIVE DATE THEREOF; AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, Iberia Parish Government ("Parish") and the Acadiana Regional Airport Commission have entered into a 10 year ground lease, with the option of three additional ten year renewal terms, with First Solar Inc. for the construction and operation of an approximately 2.3 million square foot manufacturing facility that will have a significant economic impact to Iberia Parish increasing property values as well as providing direct lease payments for the operation and development of the airport; and

WHEREAS, Entergy is to provide a necessary service and enable the completion and future operation of the First Solar Project;

WHEREAS, Parish owns property adjacent to the First Solar site and said property is available for use as temporary construction and material laydown yard;

WHEREAS, Entergy has agreed to make improvements on the property, to wit an aggregate parking area, at no cost to Parish;

WHEREAS, the parking area provided by Entergy will by its proximity to the SugArena, enhance the operation of the Acadiana Fairgrounds a recreational facility of Parish, a public purpose authorized by ;La. R.S. 33:1221 et seq. and 33:4681 et seq;

WHEREAS, due to the impact on the First Solar Project the relative economic or monetary value of the benefits to be derived by each of the parties is not easily susceptible to precise determination or measurement. However, Parish has determined that the benefit to be received by Parish is fair compensation and sufficient consideration for the agreements and obligations made and that Parish has a reasonable expectation of receiving at least equivalent benefits or value in exchange for the conveyance, payment and/or agreement made;

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Government enter into an agreement with Entergy, through Entergy Louisiana LLC, to provide for a construction/material laydown yard

26291

near the SugArena and hereby authorize the Iberia Parish President to execute a Cooperative Endeavor Agreement, by and between Iberia Parish Government and Entergy Louisiana LLC or its assign, relating to the use of the property owned by Parish, attached as Exhibit "A" for the purposes herein.

BE IT FURTHER RESOLVED, that the Iberia Parish President is also authorized to execute any and all other agreements, documents or other writings necessary to carry out the intent and purposes of this Resolution and the Cooperative Endeavor Agreement.

BE IT FINALLY RESOLVED, that this resolution shall become effective immediately upon adoption by the Iberia Parish Council and approval of 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: Francis "Tommy" Pollard, Sr., Michael R. Landry, Marcus "Bruce" Broussard, Lloyd Brown, Warren P. Gachassin, Jr., Natalie Broussard, Dustin Suire, James P. Trahan, Scott Ransonet, Brock Pellerin, Lady Fontenette Brown, and Caymen Crappell.

NAYS: None.

ABSENT: Brian P. Napier and Chad Maturin.

And the Resolution was declared adopted this 13th day of November, 2024.

A motion was made by Mr. Brock Pellerin, seconded by Mr. Dustin Suire, that Ordinance Summary No. 5313, which is an Ordinance declaring the Sugarcane Festival Building and certain surrounding property in new Iberia City Park as surplus and transferring the property to the City of New Iberia in connection with the City's renovation of and continued operation of the Sugarcane Festival Building, be adopted at this time.

A motion was made by Ms. Natalie Broussard, seconded by Mr. Brock Pellerin, that Ordinance Summary No. 5313, be deferred to the December 11, 2024 Iberia Parish Council Meeting to allow Legal Counsel Ian Alpha additional time to complete the title search of this property.

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

YEAS: Francis "Tommy" Pollard, Sr., Michael R. Landry, Marcus "Bruce" Broussard, Lloyd Brown, Warren P. Gachassin, Jr., Natalie Broussard, Dustin Suire, James P. Trahan, Scott Ransonet, Brock Pellerin, Lady Fontenette Brown, and Caymen Crappell.

NAYS: None.

ABSENT: Brian P. Napier and Chad Maturin.

And the motion to DEFER was declared adopted this 13th day of November, 2024.

26293

A motion was made by Mr. Michael R. Landry, seconded by Mr. Scott Ransonet, that the following be adopted:

ORDINANCE NO. 2024-11-5314

AN ORDINANCE FOR THE REGULATION OF PUBLIC SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, SEWER SYSTEM CONSTRUCTION PROCEDURE, DISCHARGE OF WATERS AND WASTES INTO PUBLIC SEWER SYSTEMS, DEVELOPMENT AND IMPLEMENTATION OF A PRETREATMENT PLAN IN SEWER DISTRICT NO. 1 OF IBERIA PARISH, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND OTHERWISE PROVIDING WITH RESPECT THERETO.

PART I.

BE IT ORDAINED by the Iberia Parish Government, that: Chapter 32, Article VII. of the Iberia Government Code of Ordinances shall be amended as follows:

Subdivision III. Sewerage Regulations

Sec. 32-439. Purpose.

The purpose of the sewerage regulations in this Article is to set forth uniform requirements for Users of the Publicly Owned Treatment Works for the Iberia Parish Sewer District #1 to provide regulations to:

- (1) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the publicly owned treatment works (POTW), or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, atmosphere, or otherwise be incompatible with the POTW;
- (3) To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (4) To enable the Parish to comply with National Pollutant Discharge Elimination System or Louisiana Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW is subject;
- (5) To improve the opportunity to recycle and reclaim wastewater and sludges from the POTW;
- (6) To monitor and regulate the generation, transportation, and disposal of industrial and hazardous waste;
- (7) To enforce applicable EPA categorical standards;
- (8) To reduce the health and environmental risk of pollution caused by discharges; and
- (9) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW;
- (10) To provide for the development and operation of sewerage service.

Sec-32-440. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases as used in this article shall have the meanings as follows:

- (1) Act or "the Act" shall mean the Federal Water Pollution Control, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.
- (2) Authorized or Duly Authorized Representative of the User.
 - (a) If the User is a corporation:
 - (i) The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (ii) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (b) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - (c) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (d) The individuals described in paragraphs (a) through (c), above, may designate a Duly Authorized Representative if the authorization is in writing; the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the District.
- (3) Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory

26295

procedure in five (5) days at 20°C, expressed in milligrams per liter.

- (4) Best Management Practices or BMPs shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Sec. 32-445. (6) Prohibited Discharge. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- (5) Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
- (6) Building Sewer shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.
- (7) Bypass means the intentional diversion of a wastestream that contains prohibited waste from a wastewater treatment system to the Publicly Owned Treatment Works.
- (8) Categorical Pretreatment Standard or Categorical Standard shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (9) Categorical Industrial User shall mean an Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
- (10) Chemical Oxygen Demand or COD shall mean a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- (11) City shall mean the City of New Iberia.
- (12) Composite Sample shall mean a sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample may be composited either as a time composite sample; composed of discrete equal volume sample aliquots collected in one container at constant time intervals providing representative samples irrespective of stream flow; or as a flow proportional composite sample: collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots.

- (13) Daily Discharge shall mean the arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- (14) Daily Maximum Limit shall mean the maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- (15) District shall mean the legal boundaries of Sewerage District No. 1 of Iberia Parish, Louisiana.
- (16) Easement shall mean an acquired legal right for the specific use of land owned by others.
- (17) Environmental Protection Agency or EPA shall mean the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
- (18) Executive Director shall mean the Executive Director of the District or their duly authorized deputy, agent, or representative.
- (19) Existing Source shall mean any source of discharge that is not a New Source.
- (20) Floatable oil is oil, fats, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated, does not interfere with the collection system, and does not violate the General and Specific Prohibitions in Sec. 32-445.(6).
- (21) Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- (22) Grab Sample shall mean a sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- (23) Indirect Discharge shall mean the introduction of pollutants into the POTW from any nondomestic source.
- (24) Instantaneous limit shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

26297

- (25) Interference shall mean a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the District's or City's LPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- (26) Local Limit shall mean specific discharge limits developed and enforced by the District and/or City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- (27) May is permissive (see Shall, Sec. 32-440.(49)).
- (28) Medical Waste shall mean isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, alkaline hydrolysis cremation wastes, and dialysis wastes.
- (29) Monthly Average shall mean the sum of all Daily Discharges measured during a calendar month divided by the number of Daily Discharges measured during that month. Where only one Daily Discharge was collected during a calendar month, the Daily Discharge is the Monthly Average.
- (30) Monthly Average Limit shall mean the highest allowable average of Daily Discharges over a calendar month, calculated as the sum of all Daily Discharges measured during a calendar month divided by the number of Daily Discharges measured during that month.
- (31) Natural Outlet shall mean any outlet, including storm sewers, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- (33) New Source shall mean:
- (a) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

- (i) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (ii) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 - (iii) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
- (b) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (a)(ii) or (iii) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (c) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
- (i) Begun, or caused to begin, as part of a continuous onsite construction program
 - (1) any placement, assembly, or installation of facilities or equipment; or
 - (2) significant site preparation work, including clearing, excavation, or removal of existing buildings, structures,
 - (3) or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (ii) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- (33) Noncontact Cooling Water shall mean Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

- (34) Pass Through shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District's or the City's LPDES permit, including an increase in the magnitude or duration of a violation.
- (35) Person shall mean any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- (36) pH shall mean the logarithm of the reciprocal of the hydrogen ion concentration, which is a measure of the acidity or alkalinity of a solution, expressed in standard units.
- (37) Pollutant shall mean dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural, and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (38) Pretreatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.
- (39) Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
- (40) Pretreatment Standards or Standards shall mean prohibited discharge standards, Categorical Pretreatment Standards, and Local Limits.
- (41) Process Wastewater shall mean any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.
- (42) Prohibited Discharge Standards or Prohibited Discharges shall mean absolute prohibitions against the discharge of certain substances; these prohibitions appear in Sec. 32-445(6) of this article.
- (43) Properly Shredded Garbage shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.

- (44) Publicly Owned Treatment Works or POTW shall mean a treatment works, as defined by Section 212 of the Act (33 U.S.C. section 1292), which is owned by the District or City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.
- (45) Sanitary Sewer shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- (46) Septic Tank Waste shall mean any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (47) Sewage is the spent water of a community, which is composed of human excrement and gray water such as dishwashing and household showers. The alternate term is "wastewater", Sec. 25.
- (48) Sewer shall mean a pipe or conduit that carries wastewater or drainage water.
- (49) Shall is mandatory (see May, Sec. 32-440.(27)).
- (50) Significant Industrial User, except as provided in paragraph (c) of this subsection, shall mean:
- (a) An Industrial User subject to categorical Pretreatment Standards; or
 - (b) An Industrial User that:
 - (i) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, Noncontact Cooling Water and boiler blowdown wastewater);
 - (ii) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (iii) Is designated as such by the District on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
 - (c) Upon a finding that a User meeting the criteria in subsection (b) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the District may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

26301

- (51) Slug Load or Slug Discharge shall mean any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Sec. 32-445.(6) of this article. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to a spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.
- (52) Storm Drain or Storm Sewer shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
- (53) Stormwater shall mean any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.
- (54) Subdivision shall mean the division of a lot, tract, or parcel of land into two or more lots, plots, sites, or other division of land for the purpose of sale or building development, whether immediate or in the future, or the resubdivision of land heretofore divided or plotted into lots, parcels, or sites.
- (55) Total Suspended Solids or Suspended Solids shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids and that is removable by laboratory filtering, as prescribed in the methods specified in 40 CFR Part 136.
- (56) User shall mean a source of Indirect Discharge.
- (57) Wastewater shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.
- (58) Watercourse shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

Sec. 32-441. Use of Public Sewers Required.

- (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the District, or in any area under the jurisdiction of the District, any human or animal excrement, garbage, or objectionable waste.
- (2) It shall be unlawful to discharge to any natural outlet within the District, or in any area under the jurisdiction of said District, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.
- (3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

- (4) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the District and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the District, is hereby required to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 90 (ninety) days after date of official notice to do so, provided that said public sewer is within 300 (three hundred) feet of the property line. A variance may be approved by the District when the Executive Director determines it is impractical or economically infeasible to connect to the public sanitary sewer due to unsuitable site conditions, such as topography, or other environmental or engineering factors.
- (5) Sewerage Impact Fees: This subsection is for the purpose of requiring that new residential, commercial, institutional, and industrial development pay for its appropriate share of capital improvements to the District's sewerage collection, transmission, and treatment system, hereafter referred to as the "system", through the imposition of sewerage impact fees, which will be used to finance, defray, and reimburse the District for all or a portion of the costs of capital improvements to the District's sewerage system.
- (a) Findings: The Board of Supervisors of Sewerage District No. 1 hereby finds that:
- (i) New residential, commercial, institutional, and industrial development imposes increased and excessive demands upon the District's existing sewerage system.
 - (ii) Planning, economic and demographic studies project that new development will continue and will place ever increasing demands on the District to provide sewerage collection, transmission and treatment facilities to serve the new development.
 - (iii) The District does not have sufficient funds to provide necessary capital improvements to the District's sewerage system to serve such new development.
 - (iv) To the extent that new development places demands upon the District's sewerage system, those demands should be satisfied by shifting the responsibility for financing the provision of sewerage collection, transmission, and treatment facilities, or a portion thereof, to the development creating the demands.
 - (v) The Board of Supervisors of Sewerage District No. 1 of Iberia Parish finds that the imposition of sewerage impact fees to

finance sewerage systems, the demand for which is created by new development, is in the best interest and the general welfare of the District and its residents, is equitable, and does not impose an unfair burden on new development.

- (b) Applicability: Any person who, after the effective date of this article, initiates residential, commercial, institutional, or industrial development that will be connected to the District's sewerage system shall pay a sewerage impact fee as provided for in this article. The impact fee also applies to any existing residential, commercial, institutional, or industrial structure which is not presently connected to the District's system, when a new system is constructed or the extension of an existing system has been declared ready for service, and the property owner is required to connect to the new or extended system.
- (c) Imposition and Collection of Impact Fees: As provided in this article and any amendments thereto, the District shall impose sewerage impact fees as conditions of approval of all development and connection to the District's sewerage system. Sewerage impact fees shall be due and payable and collected as follows:
 - (i) When the new development is constructed, sewerage impact fees shall be due and payable and collected by the District upon approval of plans. No construction will be allowed to proceed until all applicable sewerage impact fees have been paid by the developer.
 - (ii) If a new sewerage system is constructed by the District or the extension of an existing system has been declared ready for service, and the property owner is required to connect existing structures to the new or extended system, sewerage impact fees are due and payable and shall be collected by the District within 90 days after the date of official notice to connect to the new system as provided for in 32-441 Sec. (4).
- (d) Sewerage Impact Fee Schedule: All new users connecting to the District's sewerage system will be classified as a residential unit or a non-residential unit. The sewerage impact fee for a residential unit and non-residential unit is as follows:
 - (i) A residential unit is defined as a detached residential premise, apartment, mobile home, condominium, townhouse and individual dwelling unit within a planned unit development used solely for non-transient human habitation and designed to house one

family. The sewerage impact fee for a residential unit is \$750.00.

- (ii) A non-residential unit is any commercial, institutional, or industrial development or user of sewerage treatment services that is not classified as a residential unit. The sewerage impact fee for a non-residential unit will be 2¢ per square foot of lot or parcel of property affected, including all areas for setbacks, green space, and parking lots, with a minimum fee of \$750.00 per non-residential unit.
- (iii) The determination of the appropriate sewerage impact fee to be paid by a new user is the responsibility of the Executive Director.
- (e) Sewerage Impact Fee Account: The District shall establish a sewerage impact fee account, and impact fees collected shall be deposited in that account. The funds of the account shall not be co-mingled with other funds of the District. The impact fee account shall be interest-bearing and the accumulated interest shall become part of the account.
- (f) Use of Impact Fee Proceeds: Impact fees shall be expended only for capital improvements or expansion to the District's sewerage system necessary to provide service to a new or existing residential, commercial, institutional, or industrial development. Impact fees may be used to finance such improvements or to pay the principal, interest, and other costs of bonds, notes, and other obligations issued or undertaken by or on behalf of the District to finance such improvements. Expenditure of sewerage impact fees for capital improvements or expansion of the District's sewerage system shall be presented to the Board of Supervisors for consideration and, if appropriate, approved by resolution of the Board.

Sec. 32-442. Private Wastewater Disposal.

- (1) Where a public sanitary sewer is not available under the provisions of Sec. 32-441(4), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Section.
- (2) The type, capacities, location, and layout of a private wastewater disposal system for an individual sewerage system shall comply with all recommendations, requirements, and regulations of the Department of Health of the State of Louisiana. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- (3) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Sec. 32-442(3),

a direct connection shall be made to the public sewer within sixty (60) days in compliance with this article, and any septic tanks, cesspools, individual treatment mechanical treatment plants, and similar private wastewater disposal facilities shall be abandoned, cleaned of sludge, and filled with suitable material.

- (4) The owner(s) shall operate and maintain all private wastewater disposal facilities and individual sewerage systems in a sanitary manner in compliance with the provisions of the Louisiana Sanitation Code and regulations, and requirements of the Department of Health of the State of Louisiana, at all times, at no expense to the District.
- (5) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Parish health officer, who (under Louisiana Revised Statute 40:14) has the authority to approve private sewerage disposal systems.
- (6) All subdivisions and developments wherein there are proposed greater than forty (40) lots approved for construction after the date of this article requiring sewerage treatment shall be required to construct a sewerage treatment system as provided for in Sec. 32-443 of the Iberia Parish Code of Ordinances entitled "Sewer System Construction Procedure". No septic tanks, cesspools, individual treatment plants, or similar private wastewater disposal facilities will be allowed in the aforementioned developments and subdivisions. The sewerage system in said subdivisions and developments shall consist of collection lines, manholes, lift stations, and treatment plants all constructed in accordance with Sec. 32-443 Sewer System Construction Procedure of the Iberia Parish Code of Ordinances. All lots in the subdivision or development shall be connected to said sewerage collection system.
- (7) It shall be unlawful to develop property in phases as a means of avoiding the installation of a community-type sewerage treatment system as provided for in Sec. 32-442.(6). For purposes of this article, all phases of a proposed subdivision or development will be counted to determine the number of lots in any such subdivision or development. No individual, directly or through the interposition of any legal entity, whether an individual, corporation, partnership, limited liability company, association, trust, or other entity, shall be permitted to develop property by phases or any other means in an effort to avoid compliance with the requirement to install a community-type system in accordance with Sec. 32-442.(6) of this article. No property adjacent to a development in

which individual sewerage treatment systems are installed as permitted herein shall be developed by the same person directly or through the interposition of a legal entity, whether an individual, corporation, partnership, limited liability company, association, trust, or other entity.

Sec. 32-443. Sewer System Construction Procedure.

- (1) Developers or subdividers must provide sewer service for a proposed new development by the Private Construction method outlined in Sec. 32-443.(2) .
- (2) The developer or subdivider must construct the sewer system in conformance with the requirements as follows:
 - (a) Submission of Plans and Plats: The developer or subdivider, or their duly authorized representative, shall submit to the District four copies of the following items:
 - (i) A subdivision plat as it has been filed or received preliminary approval by the governing authority.
 - (ii) When applicable, a plat showing adjacent lands owned or under option by the developer or subdivider.
 - (iii) Plan and profile drawings showing the proposed sewer construction, including all lift stations, manholes, etc. Plans shall state the type and size of all components specified.
 - (b) Review of Plans: The District shall review the proposed plans and shall recommend changes, if necessary, to make the plans consistent with the objectives of the District and the latest revision of the "Standard Specifications for Construction of Wastewater Collection and Treatment Facilities, Sewerage District No. 1 of Iberia District, Louisiana".
 - (c) Approval of Plans: After all changes have been made to the satisfaction of the District, the District will approve the plans with the understanding that all construction is to be performed in accordance with the said plans and with the latest revision of the "Standard Specifications for Construction of Wastewater Collection and Treatment Facilities, Sewerage District No. 1, Iberia District, Louisiana".
 - (d) Construction: After approval of the plans has been made in writing by the District or its authorized representative, the developer or subdivider may then engage the services of a contractor and proceed with

- the plans and specifications as approved by the District. The construction of the sewer system, including all work and material, shall be guaranteed for a period of one (1) year from the date of final acceptance by the District for maintenance and operation.
- (e) Inspection: The Developer shall be solely responsible for providing a certified, third-party Resident Project Representative (RPR) at his expense for the duration of construction. The RPR shall be engaged by the Developer on a full-time basis during all sewer installation work. Upon completion of the project, the RPR shall submit (through the project's Professional of Record (Engineer) to the District a copy of all witnessed inspections, startups, laboratory test results, installation pictures, and otherwise as necessary to illustrate conformance with the "Standard Specifications for Construction of Wastewater Collection and Treatment Facilities, Sewerage District No. 1 of Iberia District, Louisiana".
 - (f) Completion of Construction: After completion of the sewer system, gravity lines shall be subject to alignment and leakage tests as required by the District or its representatives. All tests shall be in accordance with the latest revision of the "Standard Specifications for Construction of Wastewater Collection and Treatment Facilities, Sewerage District No. 1, Iberia District, Louisiana". All tests shall be performed by the developer or subdivider contractor and observed by the District's inspector. All equipment for the test shall be furnished by the contractor; however, the District may supply certain items at their discretion.
 - (g) Acceptance: When the construction and testing have been completed to the satisfaction of the District, the following items will be submitted by the developer or subdivider to the District:
 - (i) A forty-five (45) day clear lien certificate or a notarized affidavit of completion of construction showing proof of payment of all labor and materials.
 - (ii) A construction bond in the form of a certified check or surety in the amount of ten (10%) percent of the total construction cost for a period of one (1) year from the date of final acceptance by the District to insure workmanship and material for a period of one (1) year. Upon completion of the one full year from the date of

final acceptance, the District shall refund the certified check or surety to the developer or subdivider.

(iii) An agreement transferring the title of the completed sewer system to the District.

(iv) All construction plans modified to reflect as-built conditions, applicable warranty documents, and test results.

(h) After all provisions of this section have been complied with, the District shall assume full responsibility for the maintenance and operation of the said sewer system for the life of the said system.

Sec. 32-444. Building Sewers and Connections.

- (1) No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Iberia Parish Permit Office.
- (2) The District has the authority to establish classes of building sewer permits. In each case, the owners or their agent shall make an application for service on a special form furnished by the Iberia Parish Permit Office. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Executive Director. The Board of Supervisors of the District is authorized to periodically review and establish the permit classes. The permit fees shall be paid to the District at the time the application for service is filed.
- (3) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (4) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the front building may be extended to the rear building, and the whole considered as one building sewer, but the District does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
- (5) Old building sewer may be used in connection with new buildings only when they are found, in

examination and test by the Parish Permit Office, to meet all requirements of this article.

- (6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all be subject to the approval of the Executive Director.
- (7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewerage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (8) No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer, unless such connection is approved by the Executive Director for purposes of disposal of polluted surface drainage.
- (9) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code and the applicable rules and regulations of the District. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Parish Permit Office before installation.
- (10) The applicant for the building sewer permit shall notify the Parish Permit Office when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Parish Permit Office or their representative.

Sec. 32-445. Use of the Public Sewers.

- (1) The section sets forth uniform requirements for Users of the POTW for the District and enables the District to comply with all State and Federal laws, including the Clean Water Act (33 United States Code (U.S.C.) Section 1251 et seq.) and the General Pretreatment Regulations (Title 40 Code of Federal Regulations (CFR) Part 403. The objectives of the section are:
 - (a) To prevent the introduction of pollutants into the Publicly Owned Treatment Works (POTW) that will interfere with its operation;

- (b) To prevent the introduction of pollutants into the PTOW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
 - (c) To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
 - (d) To promote reuse and recycling of industrial wastewater and sludge from the POTW;
 - (e) To enable the District and the City to comply with its Louisiana Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.
- (2) This section shall apply to all Users of the POTW. This section authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
 - (3) Except as otherwise provided herein or provided in the pretreatment program procedures, enforcement response plan, and enforcement response guide, the Executive Director, or designee, shall administer, implement, and enforce the provisions of this section. Any powers granted to or duties imposed upon the Executive Director may be delegated by the Executive Director to a duly authorized District employee.
 - (4) Users must comply with sections 204(b), 307, and 308 of the Clean Water Act, including any requirements established under Louisiana Administrative Code (LAC) Title 33:IX. Subpart 2. Chapter 61.
 - (5) The following abbreviations, when used in this section, shall have the following designated meanings:
 - BOD - Biochemical oxygen demand.
 - BMPs - Best management practice.
 - CFR - Code of Federal Regulations.
 - CIU - Categorical industrial user.
 - COD - Chemical oxygen demand.
 - EPA - U.S. Environmental Protection Agency.
 - gpd - gallons per day.
 - IU - Industrial user.
 - LAC - Louisiana Administrative Code
 - LPDES - Louisiana Pollutant Discharge Elimination System
 - mg/l - milligrams per liter.
 - POTW - Publicly owned treatment works.

RCRA - Resource Conservation and Recovery Act.

SIU - Significant industrial user.

SNC - Significant noncompliance.

TSS - Total suspended solids.

U.S.C. - United States Code.

(6) Prohibited Discharge Standards.

(a) General Prohibitions: These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes:

- (i) Pass Through,
- (ii) Interference,
- (iii) damage to the POTW,
- (iv) a hazard to property, public health, or safety,
- (v) a violation of a permit issued under this section, or
- (vi) a flow rate or quantity that exceeds that carrying capacity of the Sanitary Sewer.

(b) Specific Prohibitions: No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater.

- (i) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
- (ii) Wastewater having a pH less than 5.5 or more than 10.5, or otherwise causing corrosive structural damage to the POTW or equipment;
- (iii) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the POTW such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders;

- (iv) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
- (v) Wastewater having a temperature greater than 150 degrees F (65 degrees C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
- (vi) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through or in concentrations above 100 mg/L;
- (vii) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (viii) Trucked or hauled pollutants, except at discharge points designated by the Executive Director in accordance with Sec. 32-445.(19);
- (ix) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Executive Director as necessary, after treatment of the composite sewage, to meet the requirements of the Department of Health of the State of Louisiana, the Louisiana Department of Environmental Quality, and/or the EPA;
- (x) Any radioactive wastes or isotopes;
- (xi) Wastewater, which imparts Color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent;
- (xii) Wastewater causing, alone or in conjunction with other sources, the POTW's effluent to fail toxicity testing.

26313

- (7) Users must comply with the Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (8) Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement:
 - (a) If either the owner or the tenant is a User, either or both may be held responsible for compliance with the provisions of this section, and
 - (b) If the tenant is a Significant Industrial User, the tenant must provide documentation to the District prior to the issuance of an individual wastewater discharge permit that the owner has been notified of the permit requirement.
- (9) The Executive Director is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).
 - (a) Any Local Limits established will be available to the public and kept on file by the Executive Director.
 - (b) Local Limits apply at the point where the wastewater is discharged to the POTW.
 - (c) The Executive Director may develop Best Management Practices (BMPs). BMPs established by ordinance or in individual wastewater discharge permits to implement Local Limits and the requirements of Sec. 32-445.(6).
- (10) The District reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this section.
- (11) No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Executive Director may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.
- (12) The Executive Director shall have the authority to deny and/or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by industrial users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its LPDES permit.

- (13) Users shall provide wastewater treatment as necessary to comply with this section and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in 32-445.(6) within the time limitations specified by EPA, the State, or the Executive Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Executive Director for review and shall be acceptable to the Executive Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under the provisions of this section.
- (14) Whenever deemed necessary, the Executive Director may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this section.
- (15) The Executive Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
- (16) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Executive Director, they are necessary for the proper treatment of liquid wastes containing floatable oil in amounts that may cause interference with the POTW or violate the General or Specific Prohibitions in Sec. 32-445.(6), except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located so as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of disposal, which are subject to review by the Executive Director. Any removal and hauling of the collected materials not performed by owner(s)' personnel must be performed by currently licensed waste disposal firms.
- (17) The Executive Director may require any User to develop, submit for approval, and implement an

accidental and/or slug discharge control plan or take such other action that may be necessary to control Slug Discharges. An accidental and/or slug discharge control plan shall address, at a minimum, the following:

- (a) Description of discharge practices, including nonroutine batch discharges;
 - (b) Description of stored chemicals;
 - (c) Procedures for immediately notifying the Executive Director of any accidental or Slug Discharge, as required by Sec. 445.(31); and
 - (d) Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
- (18) When requested by the Executive Director, all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The Executive Director is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be considered a violation of this article.
- (19) The Executive Director may require waste haulers to obtain an individual wastewater discharge permit and may deny or condition the disposal of hauled waste to the District's or City's POTW. Waste haulers may discharge loads only at locations designated by the Executive Director. No load may be discharged without prior consent of the Executive Director. The Executive Director may collect samples of each hauled load to ensure compliance with applicable Standards. The Executive Director may require the waste hauler to provide a waste analysis prior to the discharge of any load. Waste haulers must provide a waste tracking form for every load.
- (20) No Significant Industrial User (SIU) shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the Executive Director, except that a Significant Industrial User that has filed a timely application pursuant to this subsection may continue to discharge for the time period specified therein.
- (a) SIUs which were discharging wastewater

prior to the effective date of this article shall have one hundred eighty (180) days from the effective date of the article to obtain an individual wastewater discharge permit.

- (b) SIUs who propose to begin or recommence wastewater discharging into the POTW must obtain an individual wastewater discharge permit prior to beginning or recommencing such discharge. An application to obtain an individual wastewater discharge permit, in accordance with Sec. 445.(22), must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.
- (21) Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this section and subjects the wastewater discharge permittee to the any and all enforcement remedies and penalties set out in this section. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.
- (22) All Users required to obtain an individual wastewater discharge permit must submit a wastewater discharge permit application. The Executive Director is authorized to prepare a form for this purpose. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision. The permit application shall include the following information:
 - (a) The name and address of the facility, including the name of the operator and owner;
 - (b) Contact information, description of activities, facilities, and plant production processes on the premises;
 - (c) A list of any environmental control permits held by or for the facility;
 - (d) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes;
 - (e) Types of wastes generated, and a list of raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally, be

- discharged to the POTW;
 - (f) Number and type of employees and proposed or actual hours of operation;
 - (g) Types and amounts of raw materials processed, both average and maximum per day
 - (h) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
 - (i) Time and duration of discharges;
 - (j) The location for monitoring all wastes covered by the permit;
 - (k) Information showing the measured, or estimated, average daily and maximum daily flow, in gallons per day, to the POTW; and
 - (l) Any other information as may be deemed necessary by the Executive Director to evaluate the permit application.
- (23) The Executive Director will evaluate the data furnished by the User and may require additional information. Within ninety (90) days of receipt of a complete permit application, the Executive Director will determine whether to issue an individual wastewater discharge permit. The Executive Director may deny any application for an individual wastewater discharge permit.
- (24) All wastewater surveys, wastewater discharge permit applications, User reports, and certification statements must be signed by an Authorized or Duly Authorized Representative of the User.
- (25) An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Executive Director.
- (26) Individual Wastewater Discharge Permit Contents.
- (a) Individual wastewater discharge permits shall contain:
 - (i) A statement that indicates the wastewater discharge permit issuance date, expiration date, and effective date;
 - (ii) A statement that the wastewater discharge permit is nontransferable without prior notification to the District in accordance with Sec. 32-445.(26)(d), and provisions for furnishing the new owner or operator with a copy of the

existing wastewater discharge permit;

- (iii) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
 - (iv) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practices) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
 - (v) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such a schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
 - (vi) Requirements to control Slug Discharge, if determined by the Executive Director to be necessary.
- (b) Individual wastewater permits may contain:
- (i) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - (ii) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 - (iii) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
 - (iv) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
 - (v) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

- (vi) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit; and
 - (vii) Other conditions as deemed appropriate by the Executive Director to ensure compliance with this article and State and Federal laws, rules, and regulations.
- (c) The Executive Director may modify an individual wastewater discharge permit for good cause, including but not limited to the following reasons:
 - (i) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
 - (ii) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
 - (iii) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - (iv) Information indicating that the permitted discharge poses a threat to The District's or the City's POTW, District or City personnel, or the receiving waters;
 - (v) Violation of any terms or conditions of the individual wastewater discharge permit;
 - (vi) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
 - (vii) To correct typographical or other errors in the individual wastewater discharge permit; or
 - (viii) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Sec. 32-445.(26)(d) of this article.
- (d) Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at

least thirty (30) days advance notice to the Executive Director and the Executive Director approves the individual wastewater discharge permit transfer. Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer. The notice to the Executive Director must include a written certification by the new owner or operator, which:

- (i) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (ii) Identifies the specific date on which the transfer is to occur; and
- (iii) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

(e) The Executive Director may revoke an individual wastewater discharge permit for good cause, including, but not limited to:

- (i) Failure to notify the Executive Director of significant changes to the wastewater prior to the changed discharge;
- (ii) Failure to provide prior notification to the Executive Director of changed conditions pursuant to Sec. 32-445.(29);
- (iii) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (iv) Falsifying self-monitoring reports and certification statements;
- (v) Tampering with monitoring equipment;
- (vi) Refusing to allow the Executive Director timely access to the facility premises and records;
- (vii) Failure to meet effluent limitations;
- (viii) Failure to pay fines;
- (ix) Failure to pay sewer charges;
- (x) Failure to meet compliance schedules;
- (xi) Failure to complete a wastewater survey or the wastewater discharge permit application;

- (xii) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
 - (xiii) Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this article.
- (f) Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.
- (g) A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Sec. 32-445.(22), a minimum of ninety (90) days prior to the expiration of the User's existing individual wastewater discharge permit.
- (27) All SIUs must submit, at a frequency determined by the Executive Director, but no less than twice per year in June and December, periodic compliance reports indicating the nature, concentration of pollutants in the discharge, which are limited by Pretreatment Standards, and the measured or estimated average daily and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the User must submit documentation required by the Executive Director necessary to determine the compliance status of the User.
 - (a) All periodic compliance reports must be signed and certified in accordance with Sec. 32-445.(37).
 - (b) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
 - (c) If a User subject to the reporting requirement in this subsection monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Executive Director, using the procedures prescribed in Sec. 32-445.(36), the results of this monitoring shall be included in the report.
- (28) Electronic reports may be submitted to meet reporting due dates. The date of the electronic submission will be considered the date the report was submitted. A hard copy of the report that includes the required certification statement signed with a wet signature must be submitted to the District within seven (7)

days of the report due date. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

- (29) Each User must notify the Executive Director of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days prior to a planned change or within two (2) days of becoming aware of a significant change, which is defined herein as an increase of 20 percent in flow rate or pollutant concentration.
- (30) SIUs are required to notify the District at least five (5) business days prior to any facility shutdown which might alter the character, nature, quality, or volume of its wastewater. Failure to submit this notification prior to the facility shutdown period would constitute a violation.
- (31) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Executive Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge as described in this subsection above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- (32) All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the Executive Director as the Executive Director may require.
- (33) If sampling performed by a User indicates a violation of its individual wastewater discharge permit, the User must notify the Executive Director within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Executive Director within thirty (30) days after becoming aware of the violation.
- (34) Notification of the Discharge of Hazardous Waste.
 - (a) Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and

the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph needs to be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Sec. 32-445.(29). The notification requirement in this section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sec. 32-445(27).

- (b) Dischargers are exempt from the requirements of (34)(a) of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
- (c) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Executive Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (d) In the case of any notification made under Sec. 32-445(34), the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this article, a

permit issued thereunder, or any applicable Federal or State law.

- (35) All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Executive Director or other parties approved by EPA.
- (36) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.
- (a) The User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Executive Director. Where time-proportional composite sampling or grab sampling is authorized by the District, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the District, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- (b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (37) The following certification statement is required to be signed by an Authorized or Duly Authorized Representative and submitted by Users submitting wastewater surveys, permit applications, and periodic compliance reports in accordance with this article: "I certify under penalty of law that this document and all attachments were prepared under my direction or

supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

(38) Users subject to the reporting requirements of this section shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by this section, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Sec. 32-445.(9)(c). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or District and/or City, or where the User has been specifically notified of a longer retention period by the Executive Director.

(39) Bypass and Bypass Notifications.

- (a) Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.
- (b) A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this subsection.
- (c) A User shall submit oral notice to the Executive Director of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Executive Director may waive the written report

on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

- (d) Bypass is prohibited if it causes a violation of any Pretreatment Standard or Requirement, and the Executive Director may take enforcement action against a User for a bypass, unless
 - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, which does not include economic loss caused by delays in production;
 - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (iii) The User submitted notices as required under paragraph (c) of this subsection.

(40) Administrative Enforcement Remedies.

- (a) When the Executive Director finds that a User has violated, or continues to violate, any provision of this section, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Executive Director may serve upon that User a written Notice of Violation. Within fifteen (15) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Executive Director. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this subsection shall limit the authority of the Executive Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
- (b) When the Executive Director finds that a User has violated, or continues to violate, any provision of Sec. 32-445, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Executive Director may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not

come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

- (c) The Executive Director may order a User which has violated, or continues to violate, any provision of this Sec. 32-445, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Executive Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail at least ten (10) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Sec. 32-440(2) and required by Sec. 32-445(23). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.
- (d) When the Executive Director finds that a User has violated, or continues to violate, any provision of Sec. 32-445, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Executive Director may issue an order to the User directing it to cease and desist all such violations and directing the User to:
 - (i) Immediately comply with all requirements, and
 - (ii) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease-and-desist order shall not be a bar against, or a

prerequisite for, taking any other action against the User.

(41) Administrative Fines.

When the Executive Director finds that a User has violated, or continues to violate, any provision of Sec. 32-445, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Executive Director may fine such User in accordance with policies established by the District. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

(42) Emergency Suspensions.

(a) The Executive Director may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Executive Director may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(i) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Executive Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Executive Director may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Executive Director that the period of endangerment has passed unless the termination proceedings in Sec. 32-445(43) are initiated against the User.

(ii) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Executive Director prior to the date of any show cause or termination hearing

under Sec. 32-445.(40)(c) or Sec. 32-445.(43).

(iii) Nothing in this section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this section.

(43) In addition to the provisions in Sec. 32-445.(26)(e), any User who violates the following conditions is subject to discharge termination:

- (a) Violation of individual wastewater discharge permit conditions;
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (d) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- (e) Violation of the Pretreatment Standards in Sec. 32-445(6).
- (f) Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Sec. 32-445.(40)(c) why the proposed action should not be taken. Exercise of this option shall not be a bar to, or a prerequisite for, taking any other action against the User.

(44) Judicial Enforcement Remedies.

- (a) Injunctive Relief. When the Executive Director finds that a User has violated, or continues to violate, any provision of Sec. 32-445, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Executive Director may petition the appropriate court through the 16th Judicial District of Louisiana District Attorney's Office or other authorized attorney for the District for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this Sec. 32-445 on activities of the User. The Executive Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

(b) Civil Penalties.

- (i) A User who has violated, or continues to violate, any provision

of Sec. 32-445, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the District for a civil penalty of \$1,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

- (ii) The Executive Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District.

(c) Criminal Prosecution.

- (i) A User who willfully or negligently violates any provision of Sec. 32-445, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of \$500 per violation, per day, or imprisonment of not more than thirty (30) days, or both.
- (ii) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to Sec. 32-445, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this section shall, upon conviction, be punished by a fine of \$500 per violation, per day, or imprisonment for not more than thirty (30) days, or both.
- (iii) No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the POTW. Any person(s) violating this provision shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of \$500 per violation, per day, or imprisonment of not more than thirty (30) days, or both.

Sec. 32-446. Powers and Authority of Inspectors.

- (1) The Executive Director and other duly authorized employees of the District bearing proper credentials and identifications shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this article.
- (2) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Executive Director shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- (3) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Executive Director and shall not be replaced. The costs of clearing such access shall be borne by the User.
- (4) Unreasonable delays in allowing the Executive Director access to the User's premises shall be a violation of this article.
- (5) The Executive Director or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the Executive Director's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the 16th Judicial District of Louisiana District Attorney's Office or other authorized attorney for the District, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to

governmental agencies for uses related to the LPDES program or pretreatment program and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302, shall not be recognized as confidential information and shall be available to the public without restriction.

- (6) The Executive Director and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds a duly negotiated easement, for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the POTW lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- (7) If the Executive Director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this article or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of District designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, the Executive Director may seek issuance of a search warrant from the appropriate Court.

Sec. 32-447. Penalties.

- (1) Any person found to be violating any provision of Ch. 32, Article VII, except Sec. 32-445, subsections (1) through (44) or Sec. 32-448, shall be served by the District with written notice stating the nature of the violation and providing a time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (2) Any person who shall continue any violation beyond the time limit provided for in this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$500.00 or imprisoned for not more than thirty (30) days, or both.
- (3) Any person violating any of the provisions of this article shall become liable to the District for any expense, loss, or damage occasioned to the District by reason of such violation.
- (4) The remedies provided for in this article are not exclusive. The Executive Director may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will

generally be in accordance with the District's enforcement response plan. However, the Executive Director may take other action against any User when the circumstances warrant. Further, the Executive Director is empowered to take more than one enforcement action against any noncompliant User.

Sec. 32-448. Operation and Maintenance Charges.

- (1) The District shall charge each user or recipient of wastewater treatment services a proportionate share of the costs of operation and maintenance.
- (2) The District shall have the authority to review actual expenses on an annual basis and adjust the basic costs of operation and maintenance.
- (3) All operation and maintenance charges shall be due and payable on or before the due date listed on the bill sent to the user or recipient of waste treatment services. The failure to pay the operation and maintenance charge on or before the due date listed on the bill shall result in a late charge being added to the bill equal to ten (10%) percent of the amount of the bill. If the operation and maintenance charges remain unpaid after the elapse of thirty (30) days from the due date, then the District shall have available the following remedies:
 - (a) Turn the matter over to an attorney for collection. If it is necessary to turn the matter over to an attorney for collection, the recipient of wastewater treatment shall be liable for reasonable attorney's fees, court costs, and expenses necessary to effect collection.
 - (b) The District shall have the authority to discontinue wastewater treatment services to a recipient.
 - (c) The District shall have the authority to disconnect or order the disconnection of the water supply to a customer. All fees and expenses incurred by the District to disconnect or reconnect to water supply to a customer shall be paid by the customer.
- (4) The District may adopt fees for reimbursement of costs of setting up and operating the pretreatment program as described in Sec. 32-445 of this article.

PART II.

BE IT FURTHER ORDAINED THAT all ordinances or parts of ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance, which can be given effect without such invalid part or parts.

BE IT FURTHER ORDAINED THAT if any section, paragraph, sentence, clause, and/or phrase of this Ordinance or the application thereof is declared unconstitutional, unenforceable, or invalid by the valid and enforceable judgment of any court of competent jurisdiction, such declaration or findings shall not affect any of the remaining Ordinance, which can be given effect without the

unconstitutional, unenforceable, or invalid provisions of this Ordinance, and to that end, the provisions of this Ordinance are hereby declared severable.

BE IT FURTHER ORDAINED THAT this ordinance 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 Ordinance having been submitted to a vote; the vote thereon was as follows:

YEAS: Francis "Tommy" Pollard, Sr., Michael R. Landry, Marcus "Bruce" Broussard, Lloyd Brown, Warren P. Gachassin, Jr., Natalie Broussard, Dustin Suire, James P. Trahan, Scott Ransonet, Brock Pellerin, Lady Fontenette Brown, and Caymen Crappell.

NAYS: None.

ABSENT: Brian P. Napier and Chad Maturin.

And the Ordinance was declared adopted this 13th day of November, 2024.

26335

The following Ordinance, having been introduced on October 23, 2024, and a public hearing held on November 13, 2024, was offered for final adoption and Mr. Scott Ransonet motioned to approve the Ordinance, seconded by Ms. Lady Fontenette Brown.

ORDINANCE NO. 2024-11-5315

AN ORDINANCE AUTHORIZING THE ISSUANCE OF SALES TAX REVENUE BONDS OF SALES TAX DISTRICT NO. 1 OF THE PARISH OF IBERIA, STATE OF LOUISIANA, AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, at an election held in Sales Tax District No. 1 of the Parish of Iberia, State of Louisiana (the "**District**") on April 27, 2024 (the "**Election**"), the District was authorized to levy and collect a three-fourths percent (3/4%) sales and use tax (the "**Tax**") in accordance with the following proposition:

**PROPOSITION
(Sales Tax)**

Shall Sales Tax District No. 1 of the Parish of Iberia, State of Louisiana (the "District"), consisting of the currently unincorporated areas of the Parish of Iberia, be authorized to levy and collect a sales and use tax of 3/4% (the "Tax") (an estimated \$4,800,000 reasonably expected to be collected from the levy of the Tax for an entire year), for a period of 10 years, commencing July 1, 2024, in accordance with Louisiana law, with the proceeds of the Tax (after paying reasonable and necessary costs and expenses of collecting and administering the Tax) to be dedicated and used for the purpose of constructing, improving and maintaining roads and streets within the District?

WHEREAS, pursuant to the authority of the Election, the governing authority of the District adopted a resolution on May 22, 2024 (the "**Sales Tax Ordinance**"), providing for the levy and collection of the Tax, under the provisions of Article VI, Section 29 of the Constitution of the State of Louisiana of 1974, and other constitutional and statutory authority the Tax is now being collected; and

WHEREAS, pursuant to Section 1430 of Title 39 of the Louisiana Revised Statutes of 1950, as amended, as hereinafter provided and other constitutional and statutory authority (the "**Act**"), it is now the desire of this Iberia Parish Council, acting as the governing authority of the District (the "**Governing Authority**") to adopt this ordinance to provide for the issuance of Seventeen Million Dollars (\$17,000,000) of its Sales Tax Revenue Bonds, Series 2024 (the "**Bonds**"), for the purpose of constructing and improving roads and streets within the District (the "**Project**") and paying the costs of issuance of the Bonds; and

WHEREAS, it is the intention of the District that the Bonds authorized herein be secured by and payable by an irrevocable pledge and dedication of the revenues to be derived by the District from the proceeds of the Tax, subject only to the payment of the reasonable and necessary costs and expenses of collecting and administering the Tax (the "**Net Revenues of the Tax**"); and

WHEREAS, after the delivery of the Bonds, the District will have no outstanding bonds or other obligations of any kind or nature payable from or enjoying a lien on the Net Revenues of the Tax other than the Bonds; and

WHEREAS, it is the further desire of this Governing Authority to provide for the sale of the Bonds to the Lender (as defined herein).

NOW, THEREFORE, BE IT ORDAINED by the Governing Authority, acting as the governing authority of the District, that:

ARTICLE I DEFINITIONS AND INTERPRETATION

SECTION 1.1. **Definitions.** The following terms shall have the following meanings unless the context otherwise requires:

"Act" shall mean Section 1430 of Title 39 of the Louisiana Revised Statutes of 1950, as amended, as hereinafter provided and other constitutional and statutory authority.

"Additional Parity Bonds" shall mean any *pari passu* additional bonds which may hereafter be issued pursuant to Section 8.1 hereof on a parity with the Bonds.

"Bond" or "Bonds" shall mean the \$17,000,000 of Sales Tax Revenue Bonds, Series 2024, of the District, issued pursuant to this Bond Ordinance, whether initially delivered or issued in exchange for, upon transfer of, or *in lieu* of any previously issued Bonds, in the form attached hereto as **Exhibit B**.

"Bond Counsel" shall mean Foley & Judell, L.L.P., or any other attorney or firm of attorneys whose experience in matters relating to the issuance of obligations by states and their political subdivisions is nationally recognized.

"Bond Obligation" shall mean, as of the date of computation, the principal amount of the Bonds then Outstanding.

"Bond Ordinance" shall mean this ordinance, as further amended and supplemented as herein provided.

"Bond Year" shall mean the one-year period ending on October 1 of each year, the principal payment date for the Bonds.

"Business Day" shall mean a day of the year other than a day on which banks located in Louisiana are located are required or authorized to remain closed.

"Costs of Issuance" shall mean all items of expense, directly or indirectly payable or reimbursable and related to the authorization, sale and issuance of the Bonds, including but not limited to printing costs, costs of preparation and reproduction of documents, filing and recording fees, initial fees and charges of any fiduciary, legal fees and charges, if paid by the District, fees and disbursements of consultants, financial advisors and professionals, costs of credit ratings, fees and charges for preparation, execution, transportation and safekeeping of the Bonds, costs and expenses of refunding, and any other cost, charge or fee paid or payable by the District in connection with the original issuance of Bonds.

"Date of Delivery" shall mean the date on which the District receives payment for the Bonds, which is anticipated to be December 4, 2024.

"Determination of Taxability" means any final, unappealable determination, decision, decree or advisement by the Commissioner of Internal Revenue, or any District Director of Internal Revenue or any court of competent jurisdiction to the effect that, as the result of any action or inaction of the District, interest paid or to be paid on the Bonds is or will be includable for federal income tax purposes in the gross income of the Lender or any other Owner thereof.

"District" shall mean Sales Tax District No. 1 of the Parish of Iberia, State of Louisiana.

"Election" shall mean the election held within the corporate boundaries of the District on April 27, 2024.

"Executive Officers" shall mean individually or collectively the Iberia Parish President and the Chairman and Clerk of Governing Authority.

"Fiscal Year" shall mean the one-year period commencing on January 1 of each year, or such other one-year period as may be designated by the Governing Authority as the fiscal year of the District.

"Governing Authority" shall mean the Iberia Parish Council, or its successor in function.

"Interest Payment Date" shall mean April 1 and October 1 of each year, commencing April 1, 2025.

"Lender" shall mean Regions Capital Advantage, Inc., in Birmingham, Alabama, the original purchaser of the Bonds.

"Maximum Rate" shall mean five percent (5%) per annum.

"Net Revenues of the Tax" shall mean the avails or proceeds of the Tax, after there have first been paid therefrom the reasonable and necessary costs and expenses of collecting and administering the Tax, which may not have been previously withheld by the sales tax collector for the District.

"Outstanding" when used with respect to Bonds means, as of the date of determination, all Bonds or portions thereof theretofore issued and delivered under the Ordinance, except:

1. Bonds theretofore canceled by the Paying Agent or delivered to the Paying Agent for cancellation;
2. Bonds or portions thereof for which payment sufficient funds have been theretofore paid to or deposited in trust for the owners of such Bonds;
3. Bonds in exchange for or in lieu of which other Bonds have been registered and delivered pursuant to the Ordinance; and
4. Bonds alleged to have been mutilated, destroyed, lost or stolen which have been paid as provided in the Bond Ordinance or by law.

"**Owner**" shall mean the Person reflected as registered owner of any of the Bonds on the registration books maintained by the Paying Agent.

"**Paying Agent**" shall mean Regions Bank, in New Orleans, Louisiana, as paying agent and registrar hereunder, unless and until a successor Paying Agent shall have become such pursuant to the applicable provisions of the Bond Ordinance, and thereafter "Paying Agent" shall mean such successor Paying Agent.

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

"**Project**" means constructing and improving roads and streets within the District.

"**Record Date**" shall mean, with respect to an Interest Payment Date, the fifteenth day of the calendar month next preceding such Interest Payment Date, whether or not such day is a Business Day.

"**Sales Tax Ordinance**" shall mean the resolution adopted by the Governing Authority of the District on May 22, 2024, providing for the levy and collection of the Tax.

"**State**" shall mean the State of Louisiana.

"**Tax**" shall mean the three-fourths percent (3/4%) sales and use tax authorized at the Election.

SECTION 1.2. **Interpretation.** In this Bond Ordinance, unless the context otherwise requires, (a) words importing the singular include the plural and vice versa, (b) words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders and (c) the title of the offices used in this Bond Ordinance shall be deemed to include any other title by which such office shall be known under any subsequently adopted charter.

ARTICLE II AUTHORIZATION AND ISSUANCE OF BONDS

SECTION 2.1. **Authorization of Bonds.** This Bond Ordinance creates a series of bonds of the District to be designated "Sales Tax Revenue Bonds, Series 2024, of Sales Tax District No. 1 of the Parish of Iberia, State of Louisiana" and provides for the payment of the principal of and interest on the Bonds.

SECTION 2.2. **Bond Ordinance to Constitute Contract.** In consideration of the purchase and acceptance of the Bonds by those who shall own the same from time to time, the provisions of this Bond Ordinance shall be a part of the contract of the District with the Owners and shall be deemed to be and shall constitute a contract between the District and the Owners from time to time of the Bonds. The provisions, covenants and agreements herein set forth to be performed by or on behalf of the District shall be for the equal benefit, protection and security of the Owners, each of which Bonds, regardless of the time or times of its issue or maturity, shall be of equal rank without preference, priority or distinction over any other thereof except as expressly provided in this Bond Ordinance.

SECTION 2.3. **Obligation of Bonds; Pledge of Tax Revenues.** The Bonds and any Additional Parity Bonds issued hereafter shall be secured by and payable in principal and interest solely from an irrevocable pledge and dedication of the Net Revenues of the Tax. The Net Revenues of the Tax are hereby irrevocably and irrepealably pledged and dedicated in an amount sufficient for the payment of the Bonds in principal and interest as they shall respectively become due and payable, and for the other purposes hereinafter set forth in this Bond Ordinance. All of the Net Revenues of the Tax shall be set aside in a separate fund, as hereinafter provided, and shall be and remain pledged for the security and payment of the Bonds and any Additional Parity Bonds in principal of and interest and for all other payments provided for in this Bond Ordinance until such bonds shall have been fully paid and discharged.

SECTION 2.4. **Authorization and Designation.** Pursuant to the provisions of the Act, there is hereby authorized the issuance of Seventeen Million Dollars (\$17,000,000) principal amount of the Bonds for the purpose of the Project and paying the Costs of Issuance of the Bonds. The Bonds shall be in substantially the form set forth as **Exhibit B** hereto, with such necessary or appropriate variations, omissions and insertions as are required or permitted by the Act and this Bond Ordinance.

SECTION 2.5. **Denominations, Dates, Maturities and Interest.** The Bonds shall be issued in the form of a single, fully registered term bond, numbered R-1, in the principal amount of \$17,000,000, shall be dated the Date of Delivery and mature in installments as set forth in Section 5.2 of this Bond Ordinance. The Bonds shall bear interest from the date thereof or from the most recent Interest Payment Date to which interest has been paid or duly provided for, payable on each Interest Payment Date, commencing April 1, 2025, at the interest rate of 3.92% per annum and shall mature on October 1, 2029. The Bonds shall mature in installments as set forth in Section 5.2 hereof.

The principal of and interest on the Bonds shall be payable by wire transfer or check of the District, mailed directly to the Owner, or by the Paying Agent mailed by the Paying Agent to the Owner (determined as of the close of business on the Record Date) at the address shown on the Bond Register, provided, however, that principal of the Bonds at final maturity shall be payable at the designated office of the Paying Agent upon presentation and surrender thereof. Each Bond delivered under this Bond Ordinance upon transfer of, in exchange for or in lieu of any other Bonds shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bonds, and each such Bond shall bear interest (as herein set forth) so neither gain nor loss in interest shall result from such transfer, exchange or substitution.

The person in whose name any Bond is registered at the close of business on the Record Date with respect to an Interest Payment Date shall in all cases be entitled to receive the interest payable on such Interest Payment Date notwithstanding the cancellation of such Bond upon any registration of transfer or exchange thereof subsequent to such Record Date and prior to such Interest Payment Date.

ARTICLE III
GENERAL TERMS AND PROVISIONS OF THE BONDS

SECTION 3.1. Exchange of Bond; Persons Treated as Owners. The District shall cause books for the registration and for the registration of transfer of the Bonds as provided in this Bond Ordinance to be kept by the Paying Agent at its designated office, and the Paying Agent is hereby constituted and appointed the registrar for the Bonds. At reasonable times and under reasonable regulations established by the Paying Agent said list may be inspected and copied by the District or by the Owners (or a designated representative thereof) of 15% of the Bond Obligation.

Any Bonds presented for registration of transfer or exchange shall be accompanied by a written instrument or instruments of transfer in form and with a guaranty of signature satisfactory to the Paying Agent, duly executed by the Owner or his attorney duly authorized in writing.

The Bonds may be transferred, registered and assigned only on the Bond Register, and such registration shall be at the expense of the District. A Bond may be assigned by the execution of an assignment form on the Bonds or by other instruments of transfer and assignment acceptable to the Paying Agent. A new Bond or Bonds will be delivered by the Paying Agent to the last assignee (the new Owner) in exchange for such transferred and assigned Bonds after receipt of the Bonds to be transferred in proper form. Such new Bond or Bonds shall be in an authorized denomination. Neither the District nor the Paying Agent shall be required to issue, register, transfer or exchange any Bonds during a period beginning at the opening of business on a Record Date and ending at the close of business on the Interest Payment Date.

No service charge to the Owners shall be made by the Paying Agent for any exchange or registration of transfer of Bonds. The Paying Agent may require payment by the person requesting an exchange or registration of transfer of Bonds of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto.

The District and the Paying Agent shall not be required to issue, register the transfer of or exchange any Bond during a period beginning at the opening of business on a Record Date or any date of selection of Bonds to be redeemed and ending at the close of business on the Interest Payment Date.

All Bonds delivered upon any registration of transfer or exchange of Bonds shall be valid obligations of the District, evidencing the same debt and entitled to the same benefits under this Bond Ordinance as the Bonds surrendered.

Prior to due presentment for registration of transfer of any Bonds, the District and the Paying Agent, and any agent of the District or the Paying Agent may deem and treat the person in whose name any Bond is registered as the absolute owner thereof for all purposes, whether or not such Bonds shall be overdue, and shall not be bound by any notice to the contrary.

SECTION 3.2. Bonds Mutilated, Destroyed, Stolen or Lost. In case any Bond shall become mutilated or be improperly cancelled, or be destroyed, stolen or lost, the District may in its discretion adopt an ordinance and thereby authorize the issuance and delivery

26341

of a new Bond or Bonds in exchange for and substitution for such mutilated or improperly cancelled Bond, or *in lieu* of and in substitution for the Bond destroyed, stolen or lost, upon the Owner (i) furnishing the District and the Paying Agent proof of his ownership thereof and proof of such mutilation, improper cancellation, destruction, theft or loss satisfactory to the District and the Paying Agent, (ii) giving to the District and the Paying Agent an indemnity bond in favor of the District and the Paying Agent in such amount as the District may require, (iii) compliance with such other reasonable regulations and conditions as the District may prescribe and (iv) paying such expenses as the District and the Paying Agent may incur. Any Bond so surrendered shall be delivered to the Paying Agent for cancellation pursuant to Section 3.3 hereof. If any Bond shall have matured or be about to mature, instead of issuing a substitute Bond, the District may pay the same, upon being indemnified as aforesaid, and if such Bond be lost, stolen or destroyed, without surrender thereof. Any such duplicate Bond issued pursuant to this Section shall constitute an original, additional, contractual obligation on the part of the District, whether or not the lost, stolen or destroyed Bond be at any time found by anyone. Such duplicate Bond shall be in all respects identical with those replaced except that it shall bear on its face the following additional clause:

"This bond is issued to replace a lost, cancelled or destroyed bond under the authority of R.S. 39:971 through 39:974."

Such duplicate Bond may be signed by the facsimile signatures of the same officers who signed the original Bond, provided, however, that in the event the officers who executed the original Bond are no longer in office, then the new Bond may be signed by the officers then in office. Such duplicate Bond shall be entitled to equal and proportionate benefits and rights as to lien and source and security for payment as provided herein with respect to all other Bonds hereunder, the obligations of the District upon the duplicate Bond being identical to its obligations upon the original Bond and the rights of the Owner of the duplicate Bond being the same as those conferred by the original Bond.

SECTION 3.3. **Cancellation of Bonds.** All Bonds paid or redeemed either at or before maturity, together with all Bonds purchased by the District, shall thereupon be promptly cancelled by the Paying Agent. The Paying Agent shall thereupon promptly furnish to the Clerk of the Governing Authority an appropriate certificate of cancellation.

SECTION 3.4. **Execution.** The Bonds shall be executed in the name and on behalf of the District by the manual or facsimile signatures of the Executive Officers, and the corporate seal of the District (or a facsimile thereof) shall be thereunto affixed, imprinted, engraved or otherwise reproduced thereon. In case any one or more of the officers who shall have signed or sealed the Bond shall cease to be such officer before the Bonds so signed and sealed shall have been actually delivered, the Bonds may, nevertheless, be delivered as herein provided, and may be issued as if the person who signed or sealed the Bonds had not ceased to hold such office. Said officers shall, by the execution of the Bonds, adopt as and for their own proper signatures their respective facsimile signatures appearing on the Bonds, and the District may adopt and use for that purpose the facsimile signature of any person or persons who shall have been such officer at any time on or after the date of such Bonds, notwithstanding that at the date of such Bond such person may

not have held such office or that at the time when such Bonds shall be delivered such person may have ceased to hold such office.

SECTION 3.5. Registration by Paying Agent. No Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Bond Ordinance unless and until a certificate of registration on such Bonds substantially in the form set forth in **Exhibit B** hereto shall have been duly manually executed on behalf of the Paying Agent by a duly authorized signatory, and such executed certificate of the Paying Agent upon any such Bond shall be conclusive evidence that such Bond has been executed, registered and delivered under this Bond Ordinance.

SECTION 3.6. Regularity of Proceedings. The District, having investigated the regularity of the proceedings had in connection with the issuance of the Bonds, and having determined the same to be regular, the Bonds shall contain the following recital, to-wit:

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

ARTICLE IV PAYMENT; DISPOSITION OF FUNDS

SECTION 4.1. Funds and Accounts. All of the avails or proceeds of the Net Revenues of the Tax shall be deposited daily as the same may be collected in a separate and special bank account established and maintained with the regularly designated fiscal agent of the District and designated as the "2024 Sales Tax Fund" (the "**Sales Tax Fund**"). The Sales Tax Fund shall constitute a dedicated fund of the District from which appropriations and expenditures by the District shall be made solely for the purposes designated in the proposition authorizing the levy of the Tax, including the payment of the Bonds.

Out of the funds on deposit in the Sales Tax Fund, the District shall first pay (if not previously withheld by the Parish Sales Tax Collector) its portion of the reasonable and necessary expenses of collection and administration of the Tax. After payment of such expenses, the remaining balance of the Net Revenues of the Tax shall constitute a dedicated fund of the District, from which appropriations and expenditures by the District shall be made solely for the purposes designated in the proposition authorizing the levy of the Tax, including the payment of the Bonds which fund shall be administered and used in the following order of priority and for the following express purposes:

The District shall maintain a Sales Tax Bond Sinking Fund (the "**Sinking Fund**"), hereby established, sufficient in amount to pay promptly and fully the principal of and interest on the Bonds, including any Additional Parity Bonds issued hereafter in the manner provided by this Bond Ordinance, as they severally become due and payable, by transferring from the Sales Tax Fund to the regularly designated fiscal agent bank of the District, on or before the 20th day of each month while any of the Bonds are Outstanding, a sum equal to one-sixth (1/6th) of the interest due on the next Interest Payment Date and a sum equal to one-twelfth (1/12th) of the principal falling due on the next principal payment date on all bonds payable from the Sinking Fund, together with such additional proportionate sum as may be required to pay said principal and interest as the same respectively become due. Said fiscal agent shall transfer from the Sinking Fund to the paying agent bank or

banks for all bonds payable from the Sinking Fund, at least one (1) day in advance of the date on which payment of principal or interest falls due, funds fully sufficient to pay promptly the principal and interest so falling due on such date.

All monies remaining in the Sales Tax Fund on the 20th day of each month in excess of all reasonable and necessary expenses of collection and administration of the Tax and after making the required payments into the Sinking Fund for the current month and for prior months during which the required payments may not have been made, shall be considered as surplus. Such surplus may be used by the District for any of the purposes for which the Tax is authorized.

SECTION 4.2. Investment of Funds. All or any part of the monies in the Sales Tax Fund or the Sinking Fund shall at the written request of the Governing Authority be invested in the manner provided by Louisiana law in obligations maturing in five (5) years or less, in which event all income derived from such investments shall be added to the Sales Tax Fund, and such investments shall, to the extent at any time necessary, be liquidated and the proceeds thereof applied to the purposes for which the Sales Tax Fund has been created.

ARTICLE V
REDEMPTION; INSTALLMENTS

SECTION 5.1. Optional Redemption of Bond. The unpaid principal of the Bonds is subject to prepayment at the option of the District in full or in part at any time on or after October 1, 2027, at the principal amount being prepaid, plus accrued interest on such amount to the date of redemption.

Official notice of such call for prepayment shall be given by means of first class mail, postage prepaid by notice deposited in the United States Mail or via accepted means of electronic communication not less than twenty (20) days prior to the prepayment date addressed to the Owner of each Bond to be prepaid at his address as shown on the registration records of the Paying Agent. In the event a portion of the Bonds is to be prepaid, such Bonds shall be surrendered to the Paying Agent, who shall note the date and amount of such prepayment in the space provided therefor on the Bonds. Any such prepayment shall be applied in inverse order of maturity.

SECTION 5.2. Installment Payments. The Bonds shall mature in installments without necessity of notice on October 1 in the years and in the principal amounts set forth below:

<u>Year</u> <u>(October 1)</u>	<u>Principal</u> <u>Amount</u>
2025	\$3,140,000
2026	3,265,000
2027	3,395,000
2028	3,530,000
2029*	3,370,000

* Final Maturity

Upon a Determination of Taxability, the applicable rate of interest on the Bonds shall be adjusted as set forth in the Term Sheet, not to exceed the Maximum Rate. If the rate adjustment upon a Determination of Taxability would otherwise exceed the Maximum

Rate, then (i) interest at the Maximum Rate shall be due and payable with respect to such interest period and (ii) a fee in an amount rate equal to the difference between (A) the rate of interest calculated in accordance with the terms hereof and (B) the Maximum Rate (the "**Excess Fee**") shall be deferred until such date as the rate of interest calculated in accordance with the terms hereof ceases to exceed the Maximum Rate, at which time the District shall pay to the Lender (but solely from Net Revenues of the Tax), with respect to amounts then payable to the Lender that are required to accrue interest hereunder, such portion of the deferred Excess Fee as will cause the rate of interest then paid to the Lender to equal the Maximum Rate, which payments of deferred Excess Fee shall continue to apply to such unpaid amounts hereunder until all deferred Excess Fee is fully paid to the Lender, together with interest thereon at the Maximum Rate. The Excess Fee shall not be deemed to be an increase in the interest rate on the Bonds.

ARTICLE VI PARTICULAR COVENANTS

SECTION 6.1. **Application of Proceeds.** The Executive Officers are hereby empowered, authorized and directed to do any and all things necessary and incidental to carry out all of the provisions of this Bond Ordinance, to cause the necessary Bonds to be printed, to issue, execute and seal the Bonds, and to effect delivery thereof as hereinafter provided. The proceeds derived from the sale of the Bonds shall be deposited by the District with the Paying Agent in a special fund entitled "*Sales Tax District No. 1 of the Parish of Iberia Sales Tax Revenue Bonds, Series 2024- Construction Fund*" to be used only for the purpose for which the Bonds are issued, including paying any and all Costs of Issuance incurred in connection with the issuance of the Bonds.

SECTION 6.2. **Tax Covenants.** The District covenants and agrees that, to the extent permitted by the laws of the State, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the "**Code**") to in order to establish, maintain and preserve the exclusion from "gross income" of interest on the Bonds under the Code. The District shall not take any action or fail to take any action, nor shall it permit at any time or times any of the proceeds of the Bonds or any other funds of the District to be used directly or indirectly in any manner, to acquire any securities or obligations the acquisition of which would cause any Bond to be an "arbitrage bond" as defined in the Code or would result in the inclusion of the interest on any Bond in "gross income" under the Code, including, without limitation, (i) the failure to comply with the limitation on investment of the proceeds of the Bonds, (ii) the failure to pay any required rebate of arbitrage earnings to the United States of America, or (iii) the use of the proceeds of the Bonds in a manner which would cause the Bonds to be "private activity bonds" under the Code.

The Executive Officers are hereby empowered, authorized and directed to take any and all action and to execute and deliver any instrument, document or certificate necessary to effectuate the purposes of this Section.

SECTION 6.3. **Disclosure Under SEC Rule 15c2-12.** The District will not be required to comply with the continuing disclosure requirements described in Rule 15c2-12 of the Securities and Exchange Commission [17 CFR 240.15c2-12].

SECTION 6.4. **Obligation to Collect Tax.** The District does hereby obligate itself and is bound under the terms and provisions of law to cause to be levied, imposed, enforced and collected the Tax and to provide for all reasonable and necessary rules, regulations, procedures and penalties in connection therewith, including the proper application of the Net Revenues of the Tax, until all of the Bonds have been retired as to both principal and interest. Nothing herein contained shall be construed to prevent the District from altering, amending or repealing from time to time as may be necessary the Sales Tax Ordinance or any subsequent resolution/ordinance providing with respect to the Tax, said alterations, amendments or repeals to be conditioned upon the continued preservation of the rights of the Owners with respect to the Net Revenues of the Tax. The Sales Tax Ordinance and the obligation to continue to levy, collect and allocate the Tax and to apply the Net Revenues of the Tax in accordance with the provisions of this Bond Ordinance, shall be irrevocable until the Bonds have been paid in full as to both principal and interest, and shall not be subject to amendment, alteration or repeal in any manner which would impair the rights of the Owners from time to time of the Bonds or which would in any way jeopardize the prompt payment of principal thereof and interest thereon. More specifically, neither the Legislature of Louisiana nor the District may discontinue or decrease the Tax or permit to be discontinued or decreased the Tax in anticipation of the collection of which the Bonds have been issued, or in any way make any change which would diminish the amount of the Net Revenues of the Tax pledged to the payment of the Bonds received by the District, until all of such Bonds shall have been retired as to both principal and interest.

SECTION 6.5. **Indemnity Bonds.** So long as the Bonds are outstanding and unpaid, the District shall require all of its officers and employees who may be in a position of authority or in possession of money derived from the collection of the Tax, to obtain or be covered by a blanket fidelity or faithful performance bond, or independent fidelity bonds written by a responsible indemnity company in amounts adequate to protect the District from loss.

SECTION 6.6. **District to Maintain Books and Records.** So long as the Bonds are outstanding and unpaid in principal or interest, the District shall maintain and keep proper books of records and accounts separate and apart from all other records and accounts in which shall be made full and correct entries of all transactions relating to the collection and expenditure of the Net Revenues of the Tax, including specifically but without limitation, all reasonable and necessary costs and expenses of collection. Not later than six (6) months after the close of each Fiscal Year, the District shall cause an audit of such books and accounts to be made by the Legislative Auditor of the State of Louisiana (or his successor) or by a recognized independent firm of certified public accountants showing the receipts of and disbursements made for the account of the aforesaid Sales Tax Fund. Such audit shall be available for inspection upon request by the Owners of the Bonds. The District further agrees that the Paying Agent and the Owners of the Bonds shall have at all reasonable times the right to inspect the records, accounts and data of the District relating to the Tax.

ARTICLE VII
SUPPLEMENTAL BOND ORDINANCES

SECTION 7.1. Supplemental Bond Ordinances Effective With Consent of Owners. Any modification or amendment of this Bond Ordinance or of the rights and obligations of the District and of the Owners hereunder, in any particular, may be made by a supplemental ordinance, with the written consent of the Owners of a majority of the Bond Obligation at the time such consent is given. No such modification or amendment shall permit a change in the terms of redemption or maturity of the principal of any outstanding Bond or of any installment of interest thereon or a reduction in the principal amount thereof or in the rate of interest thereon without the consent of the Owner thereof, or shall reduce the percentages of Bond Obligation the consent of the Owner of which is required to effect any such modification or amendment, or change the obligation of the District to levy and collect the Tax for the payment of the Bond as provided herein, without the consent of the Owners of 100% of the Bond Obligation, or shall change or modify any of the rights or obligations of the Paying Agent without its written assent thereto.

ARTICLE VIII
ADDITIONAL PARITY BONDS

SECTION 8.1. Issuance of Additional Parity Bonds. The Bonds shall enjoy complete parity of lien on the Net Revenues of the Tax despite the fact that any of the Bonds may be delivered at an earlier date than any other of the Bonds. The District shall issue no other bonds or obligations of any kind or nature payable from or enjoying a lien on the Net Revenues of the Tax having priority over or parity with the Bonds, except that Additional Parity Bonds may hereafter be issued on a parity with the Bonds under the following conditions:

(a) The Bonds, or any part thereof, including interest thereon, may be refunded and the refunding bonds so issued shall enjoy complete equality of lien with the portion of the Bonds which is not refunded, if there be any, and the refunding bonds shall continue to enjoy whatever priority of lien over subsequent issues which may have been enjoyed by the Bonds refunded; provided, however, that if only a portion of the Bonds outstanding is so refunded and the refunding bonds require total principal and interest payments during any Bond Year in excess of the principal and interest which would have been required in such Bond Year to pay the Bonds refunded thereby, then such Bonds may not be refunded without consent of the Owners of the unrefunded portion of the Bonds and any Additional Parity Bonds issued hereunder (provided such consent shall not be required if such refunding bonds meet the requirements set forth in (b) below).

(b) Additional Parity Bonds may also be issued if all of the following conditions are met:

(1) The average annual Net Revenues of the Tax when computed for the two (2) completed calendar years immediately preceding the issuance of the additional bonds must have been not less than 1.35 times the highest combined principal and interest requirements for any succeeding period on all bonds then outstanding, and payable from the Sinking Fund, including any Additional

Parity Bonds theretofore issued and then outstanding and any other bonds or other obligations whatsoever then outstanding which are payable from the Net Revenues of the Tax (but not including bonds which have been refunded or provision otherwise made for their full and complete payment and redemption) and the bonds so proposed to be issued. If the Tax has not been collected for the full two (2) completed calendar years immediately preceding the issuance of the additional bonds, the calculation required in this paragraph may be based on a sales and use tax collected in a similar jurisdiction as the Tax for the missing period.

(2) The payments to be made into the various funds provided for in Section 4.1 hereof must be current.

(3) The existence of the facts required by paragraphs (1) and (2) above must be determined and certified by an Executive Officer.

ARTICLE IX REMEDIES ON DEFAULT

SECTION 9.1. **Events of Default.** If one or more of the following events (in this Bond Ordinance called "***Events of Default***") shall happen, that is to say:

(a) if default shall be made in the due and punctual payment of the principal of any Bond when and as the same shall become due and payable, whether at maturity or otherwise; or

(b) if default shall be made in the due and punctual payment of any installment of interest on any Bond when and as such interest installment shall become due and payable; or

(c) if default shall be made by the District in the performance or observance of any other of the covenants, agreements or conditions on its part in this Bond Ordinance, any supplemental ordinance or in the Bond, and such default shall continue for a period of forty-five (45) days after written notice thereof to the District by the Owners of not less than 25% of the Bond Obligation; or

(d) if the District shall file a petition or otherwise seek relief under any Federal or State bankruptcy law or similar law;

then, upon the happening and continuance of any Event of Default the Owners of the Bond shall be entitled to exercise all rights and powers for which provision is made under Louisiana law. Under no circumstances may the principal or interest of the Bonds or any portion thereof be accelerated. All remedies shall be cumulative with respect to the Paying Agent and the Owners; if any remedial action is discontinued or abandoned, the Paying Agent and the Owners shall be restored to the former positions.

ARTICLE X CONCERNING FIDUCIARIES

SECTION 10.1. **Paying Agent; Appointment and Acceptance of Duties.** The District will at all times maintain a Paying Agent meeting the qualifications hereinafter described for the performance

of the duties hereunder for the Bonds. The designation of the initial Paying Agent is hereby confirmed and approved. The District reserves the right to appoint a successor Paying Agent by (a) filing with the Person then performing such function a certified copy of a resolution or ordinance giving notice of the termination of the Agreement and appointing a successor and (b) causing notice to be given to each Owner. If required, the Executive Officers are hereby authorized and directed to execute an appropriate Agreement with the Paying Agent for and on behalf of the District in such form as may be satisfactory to said officers, the signatures of said officers on such Agreement to be conclusive evidence of the due exercise of the authority granted hereunder.

SECTION 10.2. **Successor Paying Agent.** Any successor Paying Agent shall (i) be a trust company or bank in good standing, located in or incorporated under the laws of the State, duly authorized to exercise trust powers and subject to examination by federal or state authority and (ii) have a reported capital and surplus of not less than \$50,000,000; provided, however, that the Clerk of the Council of the Governing Authority may serve in such capacity without meeting such requirements.

ARTICLE XI SALE OF THE BONDS

SECTION 11.1. **Award of Bonds.** The District hereby accepts the offer of Regions Capital Advantage, Inc., in Birmingham, Alabama, for the Bonds, which offer is attached as **Exhibit A** hereto, and an Executive Officer is hereby authorized to execute said offer on behalf of the District. As a condition to the delivery of the Bonds to the Lender, the Lender will execute a standard letter, acceptable to it and the District, indicating it has conducted its own analysis with respect to the Bonds and is extending credit in the form of the Bonds as a vehicle for making a commercial loan to the District.

ARTICLE XII MISCELLANEOUS

SECTION 12.1. **Defeasance.** If the District shall pay or cause to be paid to the Owners, the principal and interest to become due thereon, at the times and in the manner stipulated therein and in this Bond Ordinance, then the covenants, agreements and other obligations of the District to the Owners shall be discharged and satisfied. In such event, the Paying Agent shall, upon the request of the District, execute and deliver to the District all such instruments as may be desirable to evidence such discharge and satisfaction and the Paying Agent shall pay over or deliver to the District all moneys, securities and funds held by them pursuant to this Bond Ordinance which are not required for the payment of Bonds not theretofore surrendered for such payment.

Bonds or principal or interest installments for the payment of which money shall have been set aside and shall be held in trust (through deposit by the District of funds for such payment or otherwise) at the maturity date thereof shall be deemed to have been paid within the meaning and with the effect expressed above in this Section. Bonds shall be deemed to have been paid, prior to their maturity, within the meaning and with the effect expressed above in this Section if they have been defeased pursuant to Chapter 14 of Title 39 of the Louisiana Revised Statutes of 1950, as amended, or any successor provisions thereto.

SECTION 12.2. **Moneys Held for the Bonds.** The amounts held by the Paying Agent for the payment due on any date with respect to the Bond shall, on and after such date and pending such payment, be set aside on its books and held in trust by it, without liability for interest, for the Owners entitled thereto.

SECTION 12.3. **Parties Interested Herein.** Nothing in this Bond Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or corporation, other than the District, the Paying Agent and the Owners any right, remedy or claim under or by reason of this Bond Ordinance or any covenant, condition or stipulation thereof; and all the covenants, stipulations, promises and agreements in this Bond Ordinance contained by and on behalf of the District shall be for the sole and exclusive benefit of the District, the Paying Agent and the Owners.

SECTION 12.4. **No Recourse on the Bonds.** No recourse shall be had for the payment of the principal installments of or interest on the Bonds or for any claim based thereon or on this Bond Ordinance against the Executive Officers or any member of the Governing Authority or officer of the District or any person executing the Bonds.

SECTION 12.5. **Successors and Assigns.** Whenever in this Bond Ordinance the District is named or referred to, it shall be deemed to include its successors and assigns and all the covenants and agreements in this Bond Ordinance contained by or on behalf of the District shall bind and ensure to the benefit of its successors and assigns whether so expressed or not.

SECTION 12.6. **Subrogation.** In the event the Bonds herein authorized to be issued, or any of them, should ever be held invalid by any court of competent jurisdiction, the Owner or Owners thereof shall be subrogated to all the rights and remedies against the District had and possessed by the owner or owners of the Bonds.

SECTION 12.7. **Severability.** In case any one or more of the provisions of this Bond Ordinance or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Bond Ordinance or of the Bonds, but this Bond Ordinance and the Bonds shall be construed and enforced as if such illegal or invalid provisions had not been contained therein. Any constitutional or statutory provision enacted after the date of this Bond Ordinance which validates or makes legal any provision of this Bond Ordinance or the Bonds which would not otherwise be valid or legal shall be deemed to apply to this Bond Ordinance and to the Bonds.

SECTION 12.8. **Post-Issuance Compliance.** The Executive Officers and/or their designees are directed to establish, continue, and/or amend, as applicable, written procedures to assist the District in complying with various State and Federal statutes, rules and regulations applicable to the Bonds and are further authorized to take any and all actions as may be required by said written procedures to ensure continued compliance with such statutes, rules and regulations throughout the term of the Bonds.

SECTION 12.9. **Publication of Bond Ordinance.** This Bond Ordinance shall be published one time in the official journal of the District; however, it shall not be necessary to publish any exhibits hereto if the same are available for public inspection and such fact is stated in the publication.

SECTION 12.10. **Execution of Documents.** In connection with the issuance and sale of the Bonds, the Executive Officers and the Finance Director are each authorized, empowered and directed to execute on behalf of the District such documents, certificates and instruments as they may deem necessary, upon the advice of Bond Counsel, to effect the transactions contemplated by this Bond Ordinance, the signatures of the Executive Officers and Finance Director on such documents, certificates and instruments to be conclusive evidence of the due exercise of the authority granted hereunder.

SECTION 12.11. **Effective Date.** This Bond Ordinance shall become effective immediately.

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

YEAS: Francis "Tommy" Pollard, Sr., Michael R. Landry, Marcus "Bruce" Broussard, Lloyd Brown, Warren P. Gachassin, Jr., Natalie Broussard, Dustin Suire, James P. Trahan, Scott Ransonet, Brock Pellerin, Lady Fontenette Brown, and Caymen Crappell.

NAYS: None.

ABSTAIN: None.

ABSENT: Brian P. Napier and Chad Maturin.

And the Bond Ordinance was declared adopted on this, the 13th day of November, 2024.

/s/ Carrie D. Terry
Clerk

/s/ Warren P. Gachassin, Jr.
Chairman

A motion was made by Mr. Brock Pellerin, seconded by Mr. Marcus "Bruce" Broussard, that the following be adopted:

RESOLUTION NO. 2024-180

A RESOLUTION APPOINTING ONE MEMBER TO THE IBERIA PARISH VETERANS MEMORIAL BUILDING ADVISORY BOARD FOR A FIVE YEAR TERM TO FILL A VACANCY CREATED BY THE EXPIRATION OF TERM FOR MS. ALICE ROBICHEAUX, WHOSE TERM EXPIRED OCTOBER 1,2024. (APPLICATIONS ON FILE FROM: (A) MS. ALICE ROBICHEAUX)

Note: This item was deferred at the October 23, 2024 Iberia Parish Council Meeting to allow Ms. Alice Robicheaux an opportunity to address the Iberia Parish Council via telephone.

WHEREAS, the Iberia Parish Council is interested in appointing Ms. Alice Robicheaux to the New Iberia Veterans Memorial Building Board for a five year term to fill a vacancy created by the expiration of term for Ms. Alice Robicheaux, whose term expires October 1, 2024; and

WHEREAS, an application of interest has been received from Ms. Alice Robicheaux to be appointed to fill this vacancy; and

WHEREAS, Section 2-42 (e) of the Iberia Parish Compiled Ordinances, which establishes a policy requiring two applications to be considered for appointments to Parish Boards/Commissions, is hereby waived for this appointment.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby appoint Ms. Alice Robicheaux as a member of New Iberia Veterans Memorial Building Board for a five year term to fill a vacancy created by the expiration of term for Ms. Alice Robicheaux, whose term expires October 1, 2024.

BE IT FURTHER RESOLVED, that said term shall commence on October 2, 2024 and shall terminate on October 1, 2028.

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: Francis "Tommy" Pollard, Sr., Michael R. Landry, Marcus "Bruce" Broussard, Lloyd Brown, Warren P. Gachassin, Jr., Natalie Broussard, Dustin Suire, James P. Trahan, Scott Ransonet, Brock Pellerin, Lady Fontenette Brown, and Caymen Crappell.

NAYS: None.

ABSENT: Brian P. Napier and Chad Maturin.

And the Resolution was declared adopted this 13th day of November, 2024.

A motion was made by Mr. Lloyd Brown, seconded by Mr. Michael R. Landry, that the following be adopted:

RESOLUTION NO. 2024-212

A RESOLUTION ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD IN THE PARISH OF IBERIA, STATE OF LOUISIANA, TO AUTHORIZE THE CONTINUATION OF A SPECIAL TAX THEREIN FOR LIBRARY MILLAGE, MAKING APPLICATION TO THE STATE BOND COMMISSION AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

BE IT RESOLVED by the Iberia Parish Council, State of Louisiana (the "Governing Authority"), acting as the governing authority of the Parish of Iberia, State of Louisiana (the "Parish"), that:

SECTION 1. Election Call. Subject to the approval of the State Bond Commission, and under the authority conferred by the Constitution of the State of Louisiana of 1974, including Article VI, Section 26 thereof, the applicable provisions of the Louisiana Election Code, and other constitutional and statutory authority, a special election is hereby called and ordered to be held in the Parish on **SATURDAY, MARCH 29, 2025**, between the hours of seven o'clock (7:00) a.m. and eight o'clock (8:00) p.m., in accordance with the provisions of La. R.S. 18:541, and at the said election there shall be submitted to all registered voters qualified and entitled to vote at the said election under the Constitution and laws of this State and the Constitution of the United States, the following proposition, to-wit:

PROPOSITION
(LIBRARY MILLAGE CONTINUATION)

Shall the Parish of Iberia, State of Louisiana (the "Parish"), continue to levy a special tax of 4.50 mills on all the property subject to taxation in the Parish (an estimated \$2,654,000 reasonably expected at this time to be collected from the levy of the tax for an entire year), for a period of 10 years, beginning with the year 2025 and ending with the year 2034, for the purpose of operating and maintaining public libraries in the Parish?

SECTION 2. Publication of Notice of Election. A Notice of Special Election shall be published in the official journal of the Parish once a week for four consecutive weeks, with the first publication to be made not less than forty-five (45) days nor more than ninety (90) days prior to the date of the election, which Notice shall be substantially in the form attached hereto as "Exhibit A" and incorporated herein by reference the same as if it were set forth herein in full.

Notwithstanding the foregoing, prior to the publication of the Notice of Election, the Chairman is authorized and directed to make any amendments to the foregoing proposition that may be required to comply with any state or federal regulatory agencies.

SECTION 3. Canvass. This Governing Authority shall meet at its regular meeting place, the Council Chambers, 4th Floor Main Courthouse Building, 300 Iberia Street, New Iberia, Louisiana, on **WEDNESDAY, APRIL 23, 2025, at 6:00 P.M.**, and shall then and there

in open and public session proceed to examine and canvass the returns and declare the result of the said special election.

SECTION 4. Polling Places. The polling places for the precincts in the Parish are hereby designated as the polling places at which to hold the said election, and the Commissioners-in-Charge and Commissioners, respectively, will be the same persons as those designated in accordance with law.

SECTION 5. Election Commissioners; Voting Machines. The officers designated to serve as Commissioners-in-Charge and Commissioners pursuant to Section 4 hereof, or such substitutes therefor as may be selected and designated in accordance with La. R.S. 18:1287, shall hold the said special election as herein provided, and shall make due returns of said election for the meeting of the Governing Authority to be held as provided in Section 3 hereof. All registered voters in the Parish will be entitled to vote at the special election, and voting machines shall be used.

SECTION 6. Authorization of Officers. The Clerk of the Governing Authority is hereby empowered, authorized and directed to arrange for and to furnish to said election officers in ample time for the holding of said election, the necessary equipment, forms and other paraphernalia essential to the proper holding of said election and the Chairman and/or Clerk of the Governing Authority are further authorized, empowered and directed to take any and all further action required by State and/or Federal law to arrange for the election.

SECTION 7. Furnishing Election Call to Election Officials. Certified copies of this resolution shall be forwarded to the Secretary of State, the Clerk of Court and *Ex-Officio* Parish Custodian of Voting Machines of Iberia Parish and the Registrar of Voters of Iberia Parish, as notification of the special election, in order that each may prepare for said election and perform their respective functions as required by law.

SECTION 8. Application to State Bond Commission. Application is made to the State Bond Commission for consent and authority to hold the special election as herein provided, and in the event said election carries for further consent and authority to continue to levy the special tax provided for therein. A certified copy of this resolution shall be forwarded to the State Bond Commission on behalf of this Governing Authority, together with a letter requesting the prompt consideration and approval of this application.

SECTION 9. Employment of Counsel. This Governing Authority finds and determines that a real necessity exists for the employment of special counsel on matters related to the special election, and accordingly, Foley & Judell, L.L.P., is hereby employed as special counsel for said purpose for a term not exceeding one (1) year from the date of this resolution. The fee to be paid said special counsel shall be an amount computed at hourly rate based on the Attorney General's then current Maximum Hourly Fee Schedule, not to exceed \$1,000 in the aggregate, together with reimbursement of out-of-pocket expenses, and the Clerk is authorized to pay such invoices as and when presented. The scope of this legal representation does not involve federal claims.

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

YEAS: Francis "Tommy" Pollard, Sr., Michael R. Landry,
Marcus "Bruce" Broussard, Lloyd Brown, Warren P.
Gachassin, Jr., Natalie Broussard, Dustin Suire,
James P. Trahan, Scott Ransonet, Brock Pellerin, Lady
Fontenette Brown, and Caymen Crappell.

NAYS: None.

ABSENT: Brian P. Napier and Chad Maturin.

And the Resolution was declared adopted on this, the 13th day
of November, 2024.

/s/ Carrie D. Terry
Clerk

/s/ Warren P. Gachassin, Jr.
Chairman

NOTICE OF SPECIAL ELECTION

Pursuant to the provisions of a resolution adopted by the Iberia Parish Council, State of Louisiana (the "Governing Authority"), acting as the governing authority of the Parish of Iberia, State of Louisiana (the "Parish"), on November 13, 2024, NOTICE IS HEREBY GIVEN that a special election will be held within the Parish on **SATURDAY, MARCH 29, 2025**, and that at the said election there will be submitted to all registered voters in the Parish qualified and entitled to vote at the said election under the Constitution and Laws of the State of Louisiana and the Constitution of the United States, the following proposition, to-wit:

PROPOSITION

(LIBRARY MILLAGE CONTINUATION)

Shall the Parish of Iberia, State of Louisiana (the "Parish"), continue to levy a special tax of 4.50 mills on all the property subject to taxation in the Parish (an estimated \$2,654,000 reasonably expected at this time to be collected from the levy of the tax for an entire year), for a period of 10 years, beginning with the year 2025 and ending with the year 2034, for the purpose of operating and maintaining public libraries in the Parish?

Said special election will be held at each and every polling place in the Parish of Iberia, which polls will open at seven o'clock (7:00) a.m. and close at eight o'clock (8:00) p.m., in accordance with the provisions of La. R.S. 18:541.

The polling places at the precincts in the Parish are hereby designated as the polling places at which to hold the said election, and the Commissioners-in-Charge and Commissioners, respectively, shall be those persons designated according to law.

Notice is further given that a portion of the monies collected from the tax described in the Proposition shall be remitted to certain state and statewide retirement systems in the manner required by law.

The estimated cost of this election as determined by the Secretary of State based upon the provisions of Chapter 8-A of Title 18 and actual costs of similar elections is \$93,400.

The said special election will be held in accordance with the applicable provisions of Chapter 5 and Chapter 6-A of Title 18 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, and the officers appointed to hold the said election, as provided in this Notice of Special Election, or such substitutes therefor as may be selected and designated in accordance with La. R.S. 18:1287, will make due returns thereof to said Governing Authority, and NOTICE IS HEREBY FURTHER GIVEN that the Governing Authority will meet at its regular meeting place, the Council Chambers, 4th Floor Main Courthouse Building, 300 Iberia Street, New Iberia, Louisiana, on **WEDNESDAY, APRIL 23, 2025, at 6:00 P.M.**, and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of the said special election. All registered voters of the Parish are entitled to vote at said special election and voting machines will be used.

A motion was made by Mr. Michael R. Landry, seconded by Mr. James P. Trahan, that the following be adopted:

RESOLUTION NO. 2024-213

A RESOLUTION ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD IN FIRE PROTECTION DISTRICT NO. 1 OF THE PARISH OF IBERIA, STATE OF LOUISIANA, TO AUTHORIZE THE LEVY OF A SPECIAL TAX THEREIN, MAKING APPLICATION TO THE STATE BOND COMMISSION, AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

BE IT RESOLVED by the Board of Commissioners of Fire Protection District No. 1 of the Parish of Iberia, State of Louisiana (the "Governing Authority"), acting as the governing authority of Fire Protection District No. 1 of the Parish of Iberia, State of Louisiana (the "District"), that:

SECTION 1. Election Call. Subject to the approval of the State Bond Commission and the Iberia Parish Council, and under the authority conferred by the Constitution of the State of Louisiana of 1974, including Article VI, Section 30 thereof, the applicable provisions of the Louisiana Election Code, and other constitutional and statutory authority, a special election is hereby called and ordered to be held in the District on **SATURDAY, MARCH 29, 2025**, between the hours of seven o'clock (7:00) a.m. and eight o'clock (8:00) p.m., in accordance with the provisions of La. R.S. 18:541, and at the said election there shall be submitted to all registered voters qualified and entitled to vote at the said election under the Constitution and laws of this State and the Constitution of the United States, the following proposition, to-wit:

PROPOSITION
(MILLAGE)

Shall Fire Protection District No. 1 of the Parish of Iberia, State of Louisiana (the "District"), levy a 3.50 mills tax on all the property subject to taxation within the District (an estimated \$1,400,000 reasonably expected at this time to be collected from the levy of the tax for an entire year), for a period of 10 years, beginning with the year 2025 and ending with the year 2034, for the purpose of acquiring, constructing, improving, maintaining and operating fire protection facilities and equipment, including the cost of obtaining water for fire protection purposes, and all purposes incidental thereto, provided that a portion of the Tax proceeds is required to be contributed to state and statewide retirement systems as provided in R.S. 11:82?

SECTION 2. Publication of Notice of Election. A Notice of Special Election shall be published in the official journal of the District once a week for four consecutive weeks, with the first publication to be made not less than forty-five (45) days nor more than ninety (90) days prior to the date of the election, which Notice shall be substantially in the form attached hereto as "Exhibit A" and incorporated herein by reference the same as if it were set forth herein in full.

Notwithstanding the foregoing, prior to the publication of the Notice of Election, the Chairman is authorized and directed to make any amendments to the foregoing proposition that may be required to

26357

comply with any state or federal regulatory agencies.

SECTION 3. Canvass. This Governing Authority shall meet at its regular meeting place, the Iberia Parish Fire Protection District Training Facility, 2417 Darnall Road, New Iberia, Louisiana, on **THURSDAY, APRIL 17, 2025, at 3:00 P.M.**, and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of the said special election.

SECTION 4. Polling Places. The polling places for the precincts set forth in the aforesaid Notice of Special Election are hereby designated as the polling places at which to hold the said election, and the Commissioners-in-Charge and Commissioners, respectively, will be the same persons as those designated in accordance with law.

SECTION 5. Election Commissioners; Voting Machines. The officers designated to serve as Commissioners-in-Charge and Commissioners pursuant to Section 4 hereof, or such substitutes therefor as may be selected and designated in accordance with La. R.S. 18:1287, shall hold the said special election as herein provided, and shall make due returns of said election for the meeting of the Governing Authority to be held as provided in Section 3 hereof. All registered voters in the District will be entitled to vote at the special election, and voting machines shall be used.

SECTION 6. Authorization of Officers. The Secretary of the Governing Authority is hereby empowered, authorized and directed to arrange for and to furnish to said election officers in ample time for the holding of said election, the necessary equipment, forms and other paraphernalia essential to the proper holding of said election and the Chairman and/or Secretary of the Governing Authority are further authorized, empowered and directed to take any and all further action required by State and/or Federal law to arrange for the election.

SECTION 7. Furnishing Election Call to Election Officials. Certified copies of this resolution shall be forwarded to the Secretary of State, the Clerk of Court and *Ex-Officio* Parish Custodian of Voting Machines of Iberia Parish and the Registrar of Voters of Iberia Parish, as notification of the special election, in order that each may prepare for said election and perform their respective functions as required by law.

SECTION 8. Application to State Bond Commission. Application is made to the State Bond Commission for consent and authority to hold the special election as herein provided, and in the event said election carries for further consent and authority to levy and collect the special tax provided for therein. A certified copy of this resolution shall be forwarded to the State Bond Commission on behalf of this Governing Authority, together with a letter requesting the prompt consideration and approval of this application.

SECTION 9. Approval of Governing Authority of the Parish. Application is hereby made to the Parish Council of the Parish of Iberia, State of Louisiana, for consent and authority to hold the special election as herein provided, and in the event the election carries, for its further consent and authority to levy and collect the special tax provided for therein. A certified copy of this resolution shall be forwarded to the Parish Council of the Parish of Iberia on behalf of the District, together with a letter requesting the prompt consideration and approval of this application.

SECTION 10. Employment of Counsel. This Governing Authority finds and determines that a real necessity exists for the employment of special counsel on matters related to the special election, and accordingly, Foley & Judell, L.L.P., is hereby employed as special counsel for said purpose for a term not exceeding one (1) year from the date of this resolution. The fee to be paid said special counsel shall be an amount computed at hourly rate based on the Attorney General's then current Maximum Hourly Fee Schedule, not to exceed \$1,000 in the aggregate, together with reimbursement of out-of-pocket expenses, and the Secretary is authorized to pay such invoices as and when presented. The scope of this legal representation does not involve federal claims.

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

YEAS: Francis "Tommy" Pollard, Sr., Michael R. Landry, Marcus "Bruce" Broussard, Lloyd Brown, Warren P. Gachassin, Jr., Natalie Broussard, Dustin Suire, James P. Trahan, Scott Ransonet, Brock Pellerin, Lady Fontenette Brown, and Caymen Crappell.

NAYS: None.

ABSENT: Brian P. Napier and Chad Maturin.

And the Resolution was declared adopted on this, the 13th day of November, 2024.

/s/ Carrie D. Terry
Clerk

/s/ Warren P. Gachassin, Jr.
Chairman

NOTICE OF SPECIAL ELECTION

Pursuant to the provisions of a resolution adopted by the Board of Commissioners of Fire Protection District No. 1 of the Parish of Iberia, State of Louisiana (the "Governing Authority"), acting as the governing authority of Fire Protection District No. 1 of the Parish of Iberia, State of Louisiana (the "District"), on October 17, 2024, NOTICE IS HEREBY GIVEN that a special election will be held within the District on **SATURDAY, MARCH 29, 2025**, and that at the said election there will be submitted to all registered voters in the District qualified and entitled to vote at the said election under the Constitution and Laws of the State of Louisiana and the Constitution of the United States, the following proposition, to-wit:

PROPOSITION
(MILLAGE)

Shall Fire Protection District No. 1 of the Parish of Iberia, State of Louisiana (the "District"), levy a 3.50 mills tax on all the property subject to taxation within the District (an estimated \$1,400,000 reasonably expected at this time to be collected from the levy of the tax for an entire year), for a period of 10 years, beginning with the year 2025 and ending with the year 2034, for the purpose of acquiring, constructing, improving, maintaining and operating fire protection facilities and equipment, including the cost of obtaining water for fire protection purposes, and all purposes incidental thereto, provided that a portion of the Tax proceeds is required to be contributed to state and statewide retirement systems as provided in R.S. 11:82?

The said special election will be held at the following polling places for the following, which polls will open at seven o'clock (7:00) a.m., and close at eight o'clock (8:00) p.m., in accordance with the provisions of La. R.S. 18:541, to-wit:

PRECINCTS

- 01-01 (PART)
- 01-03 (PART)
- 02-01 (PART)
- 02-02 (PART)
- 02-03 (PART)
- 03-02 (PART)
- 03-03
- 03-04
- 03-05
- 05-01
- 05-02 (PART)
- 05-05 (PART)
- 06-01 (PART)
- 06-02 (PART)
- 06-04 (PART)
- 06-05 (PART)
- 07-02 (PART)
- 07-05 (PART)
- 08-01 (PART)
- 08-02 (PART)
- 08-03
- 09-01
- 09-02

09-04
10-01
10-02
10-03
10-04
11-01 (PART)
11-03
11-04
11-05
11-06 (PART)
12-03 (PART)
12-04
13-01
13-02
13-03 (PART)
13-04
13-05
14-01
14-03
14-04
14-05

The polling places for the precincts set forth above are hereby designated as the polling places at which to hold the said election, and the Commissioners-in-Charge and Commissioners, respectively, shall be those persons designated according to law.

The estimated cost of this election as determined by the Secretary of State based upon the provisions of Chapter 8-A of Title 18 and actual costs of similar elections is \$73,300.

Notice is further given that a portion of the monies collected from the tax described in the Proposition shall be remitted to certain state and statewide retirement systems in the manner required by law.

The said special election will be held in accordance with the applicable provisions of Chapter 5 and Chapter 6-A of Title 18 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, and the officers appointed to hold the said election, as provided in this Notice of Special Election, or such substitutes therefor as may be selected and designated in accordance with La. R.S. 18:1287, will make due returns thereof to said Governing Authority, and NOTICE IS HEREBY FURTHER GIVEN that the Governing Authority will meet at its regular meeting place, the Iberia Parish Fire Protection District Training Facility, 2417 Darnall Road, New Iberia, Louisiana, on **THURSDAY, APRIL 17, 2025, at 3:00 P.M.**, and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of the said special election. All registered voters of the District are entitled to vote at said special election and voting machines will be used.

26361

A motion was made by Mr. Lloyd Brown, seconded by Ms. Lady Fontenette Brown, that the following be adopted:

RESOLUTION NO. 2024-214

A RESOLUTION AMENDING RESOLUTION NO. 2024-117, WHICH AMENDED THE 2024 GENERAL FUND BUDGET TO INCLUDE ELECTION EXPENSES IN THE AMOUNT OF \$10,000 FOR ESTABLISHMENT OF AN EARLY VOTING LOCATION IN JEANERETTE, LOUISIANA.

WHEREAS, there has been a request for amendment of Resolution No. 2024-117, to clarify that said Resolution is for purposes of establishment of an early voting location in Jeanerette, Louisiana;

WHEREAS, on June 26, 2024, the Iberia Parish Council adopted by Resolution No. 2024-117, the establishment of an early voting location in Jeanerette, Louisiana;

BE IT FURTHER RESOLVED, the Iberia Parish Council does hereby amend Resolution No. 2024-117, which amended the 2024 General Fund Budget to include election expenses in the amount of \$10,000 for establishing an early voting location in Jeanerette, Louisiana, all to be funded from 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: Francis "Tommy" Pollard, Sr., Michael R. Landry, Marcus "Bruce" Broussard, Lloyd Brown, Warren P. Gachassin, Jr., Natalie Broussard, James P. Trahan, Scott Ransonet, Lady Fontenette Brown, and Caymen Crappell.

NAYS: Dustin Suire and Brock Pellerin.

ABSENT: Brian P. Napier and Chad Maturin.

And the Resolution was declared adopted this 13th day of November, 2024.

A motion was made by Mr. Scott Ransonet, seconded by Mr. James P. Trahan, that the following be adopted:

RESOLUTION NO. 2024-215

A RESOLUTION AMENDING THE 2024 PUBLIC BUILDING MAINTENANCE FUND BUDGET IN THE AMOUNT OF \$49,500 TO APPROPRIATE FUNDING FOR ROOF REPAIRS OF THE COURTHOUSE ANNEX.

WHEREAS, there has been a request to amend the 2024 Public Buildings Maintenance Fund Budget in the amount of \$49,500 to appropriate funding for roof repairs of the Courthouse Annex, all to be funded from the Fund Balance - Previous Years; and

WHEREAS, it is necessary to amend the 2024 Public Buildings Maintenance Fund Budget in the amount of \$49,500 to appropriate funding for roof repairs of the Courthouse Annex, all to be funded from the Fund Balance - Previous Years; and

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby amend the 2024 Public Buildings Maintenance Fund Budget in the amount of \$49,500 to appropriate funding for roof repairs of the Courthouse Annex, all to be funded from the Fund Balance - Previous Years, as follows:

<u>ACCOUNT NO.</u>	<u>ACCOUNT TITLE</u>	<u>BUDGET</u>	<u>ADJUSTMENT</u>
499000 0000 0000 0000	Fund Bal-prev yrs	\$452,276	\$49,500
543100 1919 0004 0000	Repair/Mtce Bldgs	\$34,000	\$49,500

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: Francis "Tommy" Pollard, Sr., Michael R. Landry, Marcus "Bruce" Broussard, Lloyd Brown, Warren P. Gachassin, Jr., Natalie Broussard, Dustin Suire, James P. Trahan, Scott Ransonet, Brock Pellerin, Lady Fontenette Brown, and Caymen Crappell.

NAYS: None.

ABSENT: Brian P. Napier and Chad Maturin.

And the Resolution was declared adopted this 13th day of November, 2024.

26363

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

RESOLUTION NO. 2024-216

A RESOLUTION ACCEPTING THE ANNUAL OPERATING BUDGET OF HOSPITAL SERVICE DISTRICT NO. 1 OF THE PARISH OF IBERIA, LOUISIANA FOR FISCAL YEAR BEGINNING OCTOBER 1, 2024 AND ENDING SEPTEMBER 30, 2025, ALL AS RECOMMENDED BY THE HOSPITAL SERVICE DISTRICT NO. 1 BOARD OF COMMISSIONERS; PROVIDING FOR THE EFFECTIVE DATE THEREOF; AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, La. R.S. 46:1054 (6) provides that the director of a hospital owned or operated by a Hospital Service District shall prepare an annual budget for approval by the Commission and the Police Jury; and

WHEREAS, the Board of Commissioners of Hospital Service District No. 1 of Iberia Parish has recently adopted its Annual Operating Budget for the Fiscal Year beginning October 1, 2024 and ending September 30, 2025 and recommended its approval by the Iberia Parish Council; and

WHEREAS, Hospital Service District No. 1 of Iberia Parish has presented its Annual Operating Budget to the Iberia Parish Council and now wishes to have that Annual Operating Budget approved by the Council.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby approve the Annual Operating Budget of Hospital Service District No. 1 of Iberia Parish for the Fiscal Year beginning October 1, 2024 and ending September 30, 2025, all as recommended by the Board of Commissioners of the District.

BE IT FINALLY RESOLVED, that this Resolution shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Iberia 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: Francis "Tommy" Pollard, Sr., Michael R. Landry, Marcus "Bruce" Broussard, Lloyd Brown, Warren P. Gachassin, Jr., Natalie Broussard, Dustin Suire, James P. Trahan, Scott Ransonet, Brock Pellerin, Lady Fontenette Brown, and Caymen Crappell.

NAYS: None.

ABSENT: Brian P. Napier and Chad Maturin.

And the Resolution was declared adopted this 13th day of November, 2024.

A motion was made by Mr. Brock Pellerin, seconded by Mr. Scott Ransonet, that the following be adopted:

1. Discuss and consider a motion to expand the agenda to discuss and consider the following items:

SUMMARY NO.217(Introduced by Warren P. Gachassin, Jr., District 5)
A Resolution amending the 2024 Public Building Maintenance Fund Budget in the amount of \$24,305 for replacement of the Circuit-1 outside vertical position refrigerant condenser coil for Chiller-1 (Courthouse Annex Building), all to be funded from the Fund Balance - Previous Years Line Item.

The purpose of this expansion is emergency replacement of the Circuit-1 outside vertical position refrigerant condenser coil for Chiller-1 (Courthouse Annex Building).

A motion was made by Mr. Brock Pellerin, seconded by Mr. Scott Ransonet, that the Council recess its Regular Session and convene in a Public Hearing to hear comments from the public regarding the proposed expansion item(s) as noted above at this time.

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

YEAS: Francis "Tommy" Pollard, Sr., Michael R. Landry, Marcus "Bruce" Broussard, Lloyd Brown, Warren P. Gachassin, Jr., Natalie Broussard, Dustin Suire, James P. Trahan, Scott Ransonet, Brock Pellerin, Lady Fontenette Brown, and Caymen Crappell.

NAYS: None.

ABSENT: Brian P. Napier and Chad Maturin.

And the motion was declared adopted this 13th day of November, 2024.

There were no comments received from the general public at this time.

A motion was made by Mr. Michael R. Landry, seconded by Mr. Scott Ransonet, that the Council recess its Public Hearing and convene in Regular Session at this time.

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

YEAS: Francis "Tommy" Pollard, Sr., Michael R. Landry, Marcus "Bruce" Broussard, Lloyd Brown, Warren P. Gachassin, Jr., Natalie Broussard, Dustin Suire, James P. Trahan, Scott Ransonet, Brock Pellerin, Lady Fontenette Brown, and Caymen Crappell.

NAYS: None.

ABSENT: Brian P. Napier and Chad Maturin.

And the motion was declared adopted this 13th day of November, 2024.

26365

A motion was made by Mr. Lloyd Brown, seconded by Mr. Brock Pellerin, that the Iberia Parish Council does hereby Expand the Agenda.

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

YEAS: Francis "Tommy" Pollard, Sr., Michael R. Landry, Marcus "Bruce" Broussard, Lloyd Brown, Warren P. Gachassin, Jr., Natalie Broussard, Dustin Suire, James P. Trahan, Scott Ransonet, Brock Pellerin, Lady Fontenette Brown, and Caymen Crappell.

NAYS: None.

ABSENT: Brian P. Napier and Chad Maturin.

And the motion to expand the agenda was declared adopted this 13th day of November, 2024.

A motion was made by Mr. Lloyd Brown, seconded by Mr. James P. Trahan, that the Iberia Parish Council does hereby Suspend the Rules to discuss and consider Resolution Summary No. 217, as this item was not considered by the Joint Committee.

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

YEAS: Francis "Tommy" Pollard, Sr., Michael R. Landry, Marcus "Bruce" Broussard, Lloyd Brown, Warren P. Gachassin, Jr., Natalie Broussard, Dustin Suire, James P. Trahan, Scott Ransonet, Brock Pellerin, Lady Fontenette Brown, and Caymen Crappell.

NAYS: None.

ABSENT: Brian P. Napier and Chad Maturin.

And the motion to Suspend the Rules was declared adopted this 13th day of November, 2024.

A motion was made by Mr. Brock Pellerin, seconded by Mr. Scott Ransonet, that the following be adopted:

A RESOLUTION AMENDING THE 2024 PUBLIC BUILDING MAINTENANCE FUND BUDGET IN THE AMOUNT OF \$24,305 FOR REPLACEMENT OF CIRCUIT-1 OUTSIDE VERTICAL POSITION REFRIGERANT CONDENSER COIL FOR CHILLER-1 (COURTHOUSE ANNEX BUILDING), ALL TO BE FUNDED FROM THE FUND BALANCE - PREVIOUS YEARS LINE ITEM.

WHEREAS, there has been a request to amend the 2024 Public Building Maintenance Fund Budget in the amount of \$24,305 for replacement of Circuit-1 outside vertical position refrigerant condenser coil for Chiller-1 (Courthouse Annex Building); and

WHEREAS, it is necessary to amend the 2024 Public Building Maintenance Fund Budget in the amount of \$24,305 for replacement of Circuit-1 outside vertical position refrigerant condenser coil for Chiller-1 (Courthouse Annex Building); and

NOW, THEREFORE, IT BE RESOLVED, that the Iberia Parish Council does hereby amend the 2024 Public Building Maintenance Fund Budget in the amount of \$24,305 for replacement of Circuit-1 outside vertical position refrigerant condenser coil for Chiller-1 (Courthouse Annex Building), all to be funded from Fund Balance - Previous Years Line Item, as follows:

<u>ACCOUNT NO.</u>	<u>ACCOUNT TITLE</u>	<u>BUDGET</u>	<u>ADJUSTMENT</u>
490000 0000 0000 0000	Fund Balance - Previous Years	\$501,776	\$24,305
543100 1919 0004 0000	R/M - Building (Annex)	\$83,500	\$24,305

BE IT FINALLY RESOLVED, that said adjustments having no effect on Fund Balance.

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: Francis "Tommy" Pollard, Sr., Michael R. Landry, Marcus "Bruce" Broussard, Lloyd Brown, Warren P. Gachassin, Jr., Natalie Broussard, Dustin Suire, James P. Trahan, Scott Ransonet, Brock Pellerin, Lady Fontenette Brown, and Caymen Crappell.

NAYS: None.

ABSENT: Brian P. Napier and Chad Maturin.

And the Resolution was declared adopted this 13th day of November, 2024.

26267

ORDINANCES INTRODUCED FOR PUBLICATION:

SUMMARY NO. 5316 (Introduced by Parish President)

An Ordinance to expand the Tax Increment Financing (TIF) District for further development of the First Solar Warehouse located at 2211 N. Grand Prairie Road and 675 Site to include Progress Point and La. Highway 88 from On The Run Service Station, located at 3310 Coteau Road to Labit Road.

ANNOUNCEMENTS:

Next Council Meeting:

November 20, 2024 at 6:00 p.m.

Please visit the Iberia Parish Government website:

www.iberiaparishgovernment.com to complete the Stormwater Management Survey and view adjudicated properties through Civic Source.

A motion was made by Mr. Brock Pellerin, seconded by Mr. Lloyd Brown, that the Iberia Parish Council does hereby adjourn.

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

YEAS: Francis "Tommy" Pollard, Sr., Michael R. Landry, Marcus "Bruce" Broussard, Lloyd Brown, Warren P. Gachassin, Jr., Natalie Broussard, Dustin Suire, James P. Trahan, Scott Ransonet, Brock Pellerin, Lady Fontenette Brown, and Caymen Crappell.

NAYS: None.

ABSENT: Brian P. Napier and Chad Maturin.

And the motion was declared adopted this 13th day of November, 2024.

Chairman Warren P. Gachassin, Jr. then declared the meeting adjourned at 7:12 p.m.

I HEREBY CERTIFY THE FOREGOING TO BE EXACT AND TRUE:


Clerk of the Council

