

MINUTES OF A REGULAR MEETING OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF ST. MARTINVILLE, LOUISIANA
HELD ON THE 4th DAY OF DECEMBER 2023.

The Mayor and City Council of the City of St. Martinville, Louisiana met in Regular Session on the 4th day of December 2023 at City Hall, their regular meeting place, pursuant to the call of the Mayor.

THERE were present: Jason Willis, Mayor

Mike Fuselier, Councilman

Carol Frederick, Councilman

Jonas Fontenette, Councilman

Janise Anthony, Councilman

Flo Chatman, Councilman

Allan L. Durand, City Attorney

THERE were absent: None

Mayor Jason Willis presiding called the meeting to order.

It was moved by Janise Anthony duly seconded by Mike Fuselier and unanimously carried that the minutes of the regular meeting held November 6, 2023 and special meeting November 27, 2023, hereby be approved for publication in the Teche News, the Official Journal of the City of St. Martinville.

Councilman Flo Chatman entered the meeting.

Upon motion of Jonas Fontenette duly seconded by Mike Fuselier and unanimously carried that the bills to be paid by the City Finance Committee hereby be approved for payment.

Following presentation of FYE June 30, 2023 audit by Burton Kolder of Kolder, Slaven & Company LLC, it was moved by Carol Frederick duly seconded by Janise Anthony and unanimously carried to accept the audit report.

Mayor Willis presented SM Parish President Chester Cedars a framed proclamation in recognition of his dedication and commitment to our community.

ST. MARTINVILLE CITY COUNCIL

The following resolution was offered by Mike Fuselier and seconded by Flo Chatman:

RESOLUTION

A resolution authorizing the transfer of the City's water system to Consolidated Waterworks District No. 4 of the Parish of St. Martin, State of Louisiana; approving the form and execution of an Intergovernmental and Asset Transfer Agreement; and providing for others matters in connection therewith.

WHEREAS, this City Council (the "City Council"), in its capacity as governing authority of the City of St. Martinville, State of Louisiana (the "City"), adopted a resolution on December 6, 2021, requesting that the St. Martin Parish Council (the "Parish Council"), create a consolidated waterworks district within St. Martin Parish (the "Parish") to consist of the current territory of the City, the territory of Waterworks District No. 4 of the Parish of St. Martin, State of Louisiana, and certain other incorporated and unincorporated areas of the Parish not currently included within the territory of any waterworks district or consolidated waterworks district; and

WHEREAS, the Parish Council created Consolidated Waterworks District No. 4 of the Parish of St. Martin, State of Louisiana (the "District") pursuant to Ordinance No. 21-12-1341-OR adopted on December 7, 2021, as amended; and

WHEREAS, the District was allocated grant funding for repairs and improvements to its water system by the State of Louisiana Water Sector Program, conditioned upon the consolidation of its existing water system with the water system of the City (the "Municipal System") and the St. Martin Industrial Park Water System; and

WHEREAS, the City Council desires to authorize the transfer of the Municipal System to the District in order to fulfill the aforementioned grant requirements; and

WHEREAS, the City Council further desires to approve the form and execution of the Intergovernmental and Asset Transfer Agreement (the "Agreement") to be entered into among the City, the District, and the Parish;

NOW, THEREFORE, BE IT RESOLVED by this City Council, acting as the governing authority of the authority of the City, that:

SECTION 1. There is hereby authorized the transfer and conveyance of the Municipal System by the City to the District, which said transfer shall also include all assets, obligations, and liabilities pertaining to the Municipal System.

SECTION 2. The form, terms, and provisions of the Agreement are hereby approved in substantially the form attached hereto as **Exhibit A**. The Mayor of the City of St. Martinville (the "Mayor") is hereby authorized, empowered, and directed to execute the Agreement for, on behalf of, and in the name of the City, subject to such additions, omissions, and changes as may be approved by the City's legal counsel, his execution of said Agreement being evidence of his approval of such revisions.

SECTION 3. The Mayor is hereby further authorized to enter into all such agreements and execute all such documents, instruments, and certificates for and on behalf of the City as may be necessary to effectuate and implement the foregoing. The signature of the Mayor upon such documents, or as may be otherwise required for or necessary, convenient, or appropriate to the purposes described in this resolution is deemed to be conclusive evidence of his due exercise of the authority vested hereunder.

SECTION 4. The Mayor and Clerk of the City Council are hereby authorized to do any and all things necessary and incidental to carry out the provisions of this resolution.

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

YEAS: M.Fuselier, C.Frederick, J.Fontenette, J.Anthony and F. Chatman

NAYS: None

ABSENT: None

ABSTAINING: None

This resolution having been adopted by a favorable vote of a majority of the membership of the City Council, on this, the 4th day of December, 2023, shall become effective and be in full force immediately.

Jason Willis, Mayor

ATTEST:

Lorrie M. Poirier, Clerk

STATE OF LOUISIANA

PARISH OF ST. MARTIN

I, the undersigned Clerk of City Council of the City of St. Martinville, State of Louisiana, do hereby certify that the foregoing pages constitute a true and correct copy of a resolution adopted by said City Council on December 4, 2023, authorizing the transfer of the City's water system to Consolidated Waterworks District No. 4 of the Parish of St. Martin, State of Louisiana; approving the form and execution of an Intergovernmental and Asset Transfer Agreement; and providing for others matters in connection therewith.

IN FAITH WHEREOF, witness my official signature on this the 4th day of December, 2023.

Lorrie M. Poirier, Clerk

EXHIBIT A

INTERGOVERNMENTAL AND ASSET TRANSFER AGREEMENT

(See Attached

The following resolution was offered by Mike Fuselier and seconded by Carol Frederick:

RESOLUTION

A resolution providing for canvassing the returns and declaring the results of the special election held in the City of St. Martinville, State of Louisiana, on Saturday, November 18, 2023, to authorize the levy of a sales and use tax therein.

BE IT RESOLVED by the Mayor and City Council of the City of St. Martinville, State of Louisiana (the "Governing Authority"), acting as the governing authority of the City of St. Martinville, State of Louisiana (the "City"), that:

SECTION 1. Canvass. This Governing Authority does now proceed in open and public session to examine the official tabulations of votes cast at the special election held in the City of St. Martinville, State of Louisiana, on SATURDAY, NOVEMBER 18, 2023 (the "Election"), to authorize the levy of a sales and use tax therein pursuant to the following proposition (the "Proposition"):

PROPOSITION (SALES TAX)

Shall the City of St. Martinville, State of Louisiana (the "City"), be authorized to levy and collect a sales and use tax of 1/2% (the "Tax") (an estimated \$505,839 reasonably expected at this time to be collected from the levy of the Tax for an entire year), in perpetuity, beginning April 1, 2024, in accordance with Louisiana law, with the proceeds of the Tax (after paying the reasonable and necessary costs and expenses of collecting and administering the Tax) to be used for any lawful corporate purpose of the City, including, but not limited to, establishing, acquiring, constructing, improving, maintaining and/or operating the City's waterworks plant and system, solid waste disposal facilities, sewers and sewerage disposal works, drains and drainage facilities, streets, bridges and sidewalks, electric transmission and distribution system, public buildings and recreational facilities within the City, including the necessary land, equipment and furnishings therefor, and shall the City be further authorized to fund the proceeds of the Tax into bonds from time to time for any one or more capital purposes, to the extent and in the manner permitted by the laws of Louisiana?

This Governing Authority does further proceed to examine and canvass the returns of the Election thereof.

SECTION 2. Election Results. According to the official certified tabulation of votes cast at said Election, there was a total of **718** votes cast **IN FAVOR OF** Proposition and a total of **307** votes cast **AGAINST** Proposition, resulting in a majority of **411** votes cast **IN FAVOR OF** Proposition. The Proposition was therefore duly **CARRIED** by a majority of the votes cast by the qualified electors voting at the Election.

SECTION 3. Promulgation of Election Result. The results of said election shall be promulgated by publication in the manner provided by law, after receipt from the Secretary of State's office of the actual costs of the election, as required by §18:1292 of the Louisiana Revised Statutes of 1950, as amended.

SECTION 4. Declaration. The foregoing results of the Election are hereby declared by this Governing Authority and shall be published as required by law.

SECTION 5. Procès Verbal. A *Procès Verbal* of the canvass of the returns of the Election shall be made and a certified copy thereof shall be forwarded to the Secretary of State, Baton Rouge, Louisiana, who shall record the same in his office; another certified copy thereof shall be forwarded to the Clerk of Court and *Ex-Officio* Recorder of Mortgages in and for the Parish of St. Martin, who shall record the same in the Mortgage Records of said Parish; and another copy thereof shall be retained in the archives of this Governing Authority.

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

YEAS: M.Fuselier, C.Frederick, J.Fontenette, J.Anthony and F.Chatman

NAYS: None

ABSENT: None

And the resolution was declared adopted on this, the 4th day of December, 2023.

/s/ Lorrie M. Poirier
Clerk

/s/ Jason Willis
Mayor

PROCÈS VERBAL OF THE CANVASS OF THE VOTES CAST AT THE SPECIAL ELECTION
HELD IN CITY OF ST. MARTINVILLE, STATE OF LOUISIANA, ON SATURDAY, NOVEMBER
18, 2023.

BE IT KNOWN AND REMEMBERED that on Monday, December 4, 2023, at 6:00 p.m., at its regular meeting place, the City Hall Council Chambers, 120 S. New Market Street, St. Martinville, Louisiana, the Mayor and City Council of the City of St. Martinville, State of Louisiana (the "Governing Authority"), acting as the governing authority of the City of St. Martinville, State of Louisiana (the "City"), and being the authority ordering the special election held therein on Saturday, November 18, 2023, with a quorum of the Governing Authority present and did, in open and public session, examine the official certified tabulations of votes cast at the said election, and did examine and canvass the returns of the said election, there having been submitted at said election the following proposition, to wit:

PROPOSITION
(SALES TAX)

Shall the City of St. Martinville, State of Louisiana (the "City"), be authorized to levy and collect a sales and use tax of 1/2% (the "Tax") (an estimated \$505,839 reasonably expected at this time to be collected from the levy of the Tax for an entire year), in perpetuity, beginning April 1, 2024, in accordance with Louisiana law, with the proceeds of the Tax (after paying the reasonable and necessary costs and expenses of collecting and administering the Tax) to be used for any lawful corporate purpose of the City, including, but not limited to, establishing, acquiring, constructing, improving, maintaining and/or operating the City's waterworks plant and system, solid waste disposal facilities, sewers and sewerage disposal works, drains and drainage facilities, streets, bridges and sidewalks, electric transmission and distribution system, public buildings and recreational facilities within the City, including the necessary land, equipment and furnishings therefor, and shall the City be further authorized to fund the proceeds of the Tax into bonds from time to time for any one or more capital purposes, to the extent and in the manner permitted by the laws of Louisiana?

There was found by said count and canvass that there was a total of **718** votes cast **IN FAVOR** OF Proposition and a total of **307** votes cast **AGAINST** Proposition, as hereinabove set forth, and it was further found and determined that there was a majority of **411** votes cast **IN FAVOR OF** Proposition as hereinabove set forth.

Therefore, the Governing Authority did declare and proclaim and does hereby declare and proclaim in open and public session that the Proposition as hereinabove set forth was duly **CARRIED** by a majority of the votes cast by the qualified electors voting at the said special election held in the City on Saturday, November 18, 2023.

Results by precinct are available from the Clerk of this Governing Authority during regular business hours or via the Louisiana Secretary of State's website (voterportal.sos.la.gov).

Exhibit "A" attached hereto and made a part of this *Procès Verbal* is a copy of the Notice of Special Election and proof of publication thereof.

THUS DONE AND SIGNED at St. Martinville, Louisiana, on this, the 4th day of December, 2023.

ATTEST:

/s/ Jason Willis

Mayor

/s/ Lorrie M. Poirier

Clerk

NOTICE OF SPECIAL ELECTION

Pursuant to the provisions of a resolution adopted by the City Council of the City of St. Martinville, State of Louisiana (the "Governing Authority"), acting as the governing authority of the City of St. Martinville, State of Louisiana (the "City"), on September 5, 2023, NOTICE IS HEREBY GIVEN that a special election will be held within the City on **SATURDAY, NOVEMBER 18, 2023**, and that at the said election there will be submitted to all registered voters in the City 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
(SALES TAX)**

Shall the City of St. Martinville, State of Louisiana (the "City"), be authorized to levy and collect a sales and use tax of 1/2% (the "Tax") (an estimated \$505,839 reasonably expected at this time to be collected from the levy of the Tax for an entire year), in perpetuity, beginning April 1, 2024, in accordance with Louisiana law, with the proceeds of the Tax (after paying the reasonable and necessary costs and expenses of collecting and administering the Tax) to be used for any lawful corporate purpose of the City, including, but not limited to, establishing, acquiring, constructing, improving, maintaining and/or operating the City's waterworks plant and system, solid waste disposal facilities, sewers and sewerage disposal works, drains and drainage facilities, streets, bridges and sidewalks, electric transmission and distribution system, public buildings and recreational facilities within the City, including the necessary land, equipment and furnishings therefor, and shall the City be further authorized to fund the proceeds of the Tax into bonds from time to time for any one or more capital purposes, to the extent and in the manner permitted by the laws of Louisiana?

The said special election shall be held at the polling places for the following precincts, 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
03(PART)
10(PART)
11(PART)
12(PART)
14(PART)
15(PART)
23(PART)**

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 \$5,300.

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 City Hall Council Chambers, 120 S. New Market Street, St. Martinville, Louisiana, on **MONDAY, DECEMBER 4, 2023**, at **SIX O'CLOCK (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 City are entitled to vote at said special election and voting machines will be used.

PROCLAMATION

I, the undersigned Mayor of the City of St. Martinville, State of Louisiana (the "City"), do hereby declare, proclaim and announce that the proposition submitted at the special election held in the City on Saturday, November 18, 2023, was CARRIED by a majority of the votes cast at the said special election, all as described and set out in the above *Procès Verbal*.

THUS DONE AND SIGNED at St. Martinville, Louisiana, on this, the 4th day of December, 2023.

/s/ Jason Willis
Mayor

STATE OF LOUISIANA

PARISH OF ST. MARTIN

I, the undersigned Clerk of the City of St. Martinville, State of Louisiana (the "City"), do hereby certify that the foregoing pages constitute a true and correct copy of the proceedings and *Procès Verbal* made by the Mayor and City Council on December 4, 2023, providing for canvassing the returns and declaring the results of the special election held in the City on Saturday, November 18, 2023, to authorize the levy of a sales and use tax therein.

IN FAITH WHEREOF, witness my official signature at St. Martinville, Louisiana, on this, the 4th day of December, 2023.

Clerk

It was moved by Jonas Fontenette duly seconded by Mike Fuselier and unanimously carried that the following ordinance be introduced for final adoption at the December 18, 2023 council meeting.

The following ordinance having been introduced at a meeting held on December 4, 2023, notice of its introduction having been published in the official journal and a public hearing having been held in connection therewith on this date, was offered for final adoption by _____ and seconded by _____:

ORDINANCE

An ordinance providing for the levy within the City of St. Martinville, State of Louisiana, effective April 1, 2024, of a one-half of one percent (1/2%) sales and use tax (the "Tax") upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption, of tangible personal property and upon the sale of services in said City and for the assessment, collection, payment thereof and the dedication of the proceeds of said Tax and the purpose for which the proceeds of the Tax may be expended, said Tax having been authorized at a special election held in the City on November 18, 2023.

WHEREAS, under the provisions of Article VI, Section 29 of the Constitution of the State of Louisiana of 1974, and other constitutional and statutory authority and an election held on November 18, 2023, the City of St. Martinville, State of Louisiana (the "City"), acting through the Mayor and City Council of the City of St. Martinville, State of Louisiana, as its governing authority (the "Governing Authority"), is authorized to levy and collect within the City, a one-half of one percent (1/2%) sales and use tax (the "Tax"), upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption, of tangible personal property and upon the sale of services defined in applicable statutory authority, pursuant to the following proposition which was approved at said election held on November 18, 2023:

PROPOSITION (SALES TAX)

Shall the City of St. Martinville, State of Louisiana (the "City"), be authorized to levy and collect a sales and use tax of 1/2% (the "Tax") (an estimated \$505,839 reasonably expected at this time to be collected from the levy of the Tax for an entire year), in perpetuity, beginning April 1, 2024, in accordance with Louisiana law, with the proceeds of the Tax (after paying the reasonable and necessary costs and expenses of collecting and administering the Tax) to be used for any lawful corporate purpose of the City, including, but not limited to, establishing, acquiring, constructing, improving, maintaining and/or operating the City's waterworks plant and system, solid waste disposal facilities, sewers and sewerage disposal works, drains and drainage facilities, streets, bridges and sidewalks, electric transmission and distribution system, public buildings and recreational facilities within the City, including the necessary land, equipment and furnishings therefor, and shall the City be further authorized to fund the proceeds of the Tax into bonds from time to time for any one or more capital purposes, to the extent and in the manner permitted by the laws of Louisiana?

WHEREAS, in compliance with the aforesaid constitutional and statutory authority and said special election of November 18, 2023, it is the desire of this Governing Authority to provide for the levy and collection of the Tax and to provide for distribution of the proceeds thereof and other matters in

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connection therewith as hereinafter provided in this ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of St. Martinville, State of Louisiana, acting as the governing authority of the City of St. Martinville, State of Louisiana, thereof, that:

SECTION 1. Imposition. Pursuant to the authority of a special election held in the City on November 18, 2023, the Tax is hereby levied upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption, of tangible personal property, and upon the lease or rental of tangible personal property and on the sales of services in the City of St. Martinville, State of Louisiana, as defined by law. The Uniform Local Sales Tax Code, as enacted by Act 73 of the 2003 Regular Session of the Louisiana Legislature and as it may be amended, shall apply in the assessment, collection, administration and enforcement of the Tax, the provisions of which are hereby incorporated by reference.

SECTION 2. Rate of Tax. The Tax is levied at the rate of one-half of one percent (1/2%) of the sales price of each item or article of tangible personal property when sold at retail in the City, the Tax to be computed on gross sales for the purpose of remitting the amount of tax due to the City, and to include each and every retail sale. The Tax is levied at the rate of one-half of one percent (1/2%) of the cost price of each item or article of tangible personal property when the same is not sold but is used, consumed,

distributed, or stored for use or consumption in the City, provided there shall be no duplication of the Tax. The Tax is levied at the rate of one-half of one percent (1/2%) of the gross proceeds derived from the lease or rental of tangible personal property, as defined by law, where the lease or rental of such property is an established business, or part of an established business, or the same is incidental or germane to the said business, or of the monthly lease or rental price paid by lessee or rentee, or contracted or agreed to be paid by lessee or rentee to the owner of the tangible personal property. The Tax is levied at the rate of one-half of one percent (1/2%) of the amount paid or charged for taxable services, as defined by law, performed in the City.

SECTION 3. Effective Date. The Tax shall be effective on April 1, 2024.

SECTION 4. Term. The Tax shall remain in effect without limit as to term or duration.

SECTION 5. Purposes. The proceeds of the Tax shall be used for the purposes set forth in the proposition approved by the voters in the special election held in the City on November 18, 2023, authorizing the Tax, which proposition is set forth in the preamble hereto.

SECTION 6. Vendor's Compensation. For the purpose of compensating the dealer in accounting for and remitting the Tax levied by this ordinance, each dealer shall be allowed one and one-tenths percent (1.1%) of the amount of Tax due and accounted for and remitted to the City's collector in the form of a deduction in submitting its report and paying the amount due by the dealer, provided the amount due was not delinquent at the time of payment, and provided the amount of any credit claimed for taxes already paid to a wholesaler shall not be deducted in computing the commission allowed the dealer hereunder.

SECTION 7. Exclusions and Exemptions. The Governing Authority adopts none of the optional exclusions or exemptions allowed by State sales and use tax law, nor does this Governing Authority adopt any exclusions or exemptions authorized by legislation enacted under Article VI, Section 29 (D)(1) of the Constitution of the State of Louisiana of 1974, that are not allowed as an exclusion or exemption from State sales and use tax. Included within the base of the Tax is every transaction, whether sales, use, lease or rental, consumption, storage or service, with no exclusions or exemptions except for those mandated upon political subdivisions by the Constitution or statutes of the State of Louisiana, including the Act.

SECTION 8. Interest on Unpaid Amount of Tax Due. The interest on unpaid amounts of the Tax which are due shall be at the maximum rate of interest provided for in La. R.S. 47:337.69 and any subsequent amendments that may be made thereto.

SECTION 9. Delinquency Penalty. The delinquency penalty shall be at the maximum rate provided for in La. R.S. 47:337.70 and any subsequent amendments that may be made thereto.

SECTION 10. Penalty for False, Fraudulent or Grossly Incorrect Return. The penalty as authorized by La. R.S. 47:337.72 shall be fifty percent (50%) of the amount of the Tax found to be due.

SECTION 11. Negligence Penalty. The penalty as authorized by La. R.S. 47:337.73 shall be five percent (5%) of the unpaid amount of the Tax found to be due, or ten dollars (\$10.00), whichever is greater.

SECTION 12. Penalty for Insufficient Funds Check. The penalty as authorized by La. R.S. 47:337.74 shall be an amount equal to the greater of one percent (1%) of the check or twenty dollars (\$20.00).

SECTION 13. Attorney Fees. The collector is authorized to employ private counsel to assist in the collection of any taxes, penalties or interest due under this ordinance, or to represent him in any proceeding under this ordinance. If any taxes, penalties or interest due under this ordinance are referred to

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an attorney at law for collection, an additional charge of attorney fees, in the amount of ten per centum (10%) of the taxes, penalties and interest due, shall be paid by the tax debtor.

SECTION 14. Penalty for Costs Incurred. As provided by R.S. 47:337.75, and under the circumstances set forth therein, a penalty shall be added to the amount of Tax due in an amount as itemized by the Collector to compensate for all costs incurred in making an examination of books, records or documents, or an audit thereof, or in the holding of hearings or the subpoenaing and compensating of witnesses.

SECTION 15. Distrainment Penalty. The penalty as provided by R.S. 47:337.76 in cases where the distraint procedure is used in the collection of the Tax shall be ten dollars (\$10.00).

SECTION 16. Limits on Interest, Penalty and Attorney Fees. Should the interest, penalties or attorney fees herein, or the combined interest, penalties and attorney fees be declared to be in excess of limits provided by other law, including relevant jurisprudence, then the maximum interest, penalties and attorney fees allowed by such other law shall apply.

SECTION 17. Collector. The Tax levied by this ordinance is authorized to be collected by a "Collector" which term shall mean the St. Martin Parish School Board Office, Sales Tax Department.

SECTION 18. Powers of Collector. The Collector is hereby authorized, empowered and directed to carry into effect the provisions of this ordinance, to appoint deputies, assistants or agents to assist it in the performance of its duties, and in pursuance thereof to make and enforce such rules as it may deem necessary.

SECTION 19. Agreement to Collect Tax on Vehicles. With regard to the collection of the Tax on any motor vehicle, automobile, truck, truck-trailer, trailer, semi-trailer, motor bus, home trailer, or any other vehicle subject to the vehicle registration license tax, the City, acting through its Mayor, is authorized to enter into an agreement or agreements on behalf of the City with the Vehicle Commissioner, Department of Public Safety and Corrections, for the collection of the Tax on such vehicles, as provided by R.S.47:303(B).

SECTION 20. Revenues of Tax. All taxes, revenues, funds, assessments, moneys, penalties, fees or other income which may be collected or come into the possession of the Collector under any provision or provisions of this ordinance relating to the Tax shall be promptly deposited by the Collector for the account of the City in the special fund to be established and maintained for the deposit of such proceeds, which fund shall be a separate bank account established and maintained with the regularly designated fiscal agent of the City; provided, however, any amount which is paid under protest or which is subject to litigation may be transferred to a separate account established by the Collector with said fiscal agent pending the final determination of the protest or litigation.

In compliance with the said special election of November 18, 2023, authorizing the Tax, after all reasonable and necessary costs and expenses of collecting and administration of the Tax have been paid as provided for above, the remaining balance in said special fund shall be available for appropriation and expenditures by the Governing Authority solely for the purposes designated in the proposition authorizing the levy of the Tax.

SECTION 21. Severability. If any or more of the provisions of this ordinance shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this ordinance, but this ordinance shall be construed and enforced as if such illegal or invalid provisions had not been contained herein. Any constitutional or statutory provision enacted after the date of this ordinance which validates or makes legal any provision of this ordinance which would not otherwise be valid or legal, shall be deemed to apply to this ordinance.

SECTION 22. Uniform Sales Tax Controlling. If any provision of this ordinance shall be in conflict with the provisions of the Uniform Local Sales Tax Code, the provisions of the Uniform Local Sales Tax Code shall be controlling.

SECTION 23. Effective Date of Ordinance. This ordinance shall be in full force and effect immediately upon its adoption, being an ordinance affecting the public peace, health and safety.

SECTION 24. Publication and Recordation. This ordinance shall be published in one issue of the official journal of this Governing Authority as soon as is reasonably possible. A certified copy of this ordinance shall be recorded in the mortgage records of the Parish of St. Martin, State of Louisiana.

The final adoption of the foregoing ordinance having been duly moved and seconded, the roll was called and the following vote was taken and recorded:

YEAS:

NAYS:

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ABSENT:

There being a favorable vote on the ordinance of at least a majority of the authorized members of the Governing Authority, the ordinance was declared adopted on this the 18th day of December, 2023.

/s/ Lorrie Poirier

Clerk

Presented to Mayor on December 18, 2023 for action as evidenced by his signature:

Approved: /s/ Jason Willis

Disapproved: _____

Returned to Clerk on December 18, 2023

STATE OF LOUISIANA

PARISH OF ST. MARTIN

I, the undersigned Clerk of the City of St. Martinville, State of Louisiana, do hereby certify that the foregoing pages constitute a true and correct copy of an ordinance adopted by the Mayor and City Council of said City on December 18, 2023, providing for the levy within the City of St. Martinville, State of Louisiana, effective April 1, 2024, of a one-half of one percent (1/2%) sales and use tax (the "Tax") upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption, of tangible personal property and upon the sale of services in said City and for the assessment, collection, payment thereof and the dedication of the proceeds of said Tax and the purpose for which the proceeds of the Tax may be expended, said Tax having been authorized at a special election held in the City on November 18, 2023.

IN FAITH WHEREOF, witness my official signature at St. Martinville, Louisiana, on this, the 18th day of December, 2023.

Clerk

CAO Avis Gutekunst was not at the meeting to present October financial reports to Mayor and Council; therefore, presentation was tabled until next meeting.

It was moved by Mike Fuselier and unanimously seconded that Captain Jay with Nola-Baton Rouge Steamship Pilots Association be granted permission for the use of Sterling Alexander Center on December 17th and 18th to host a Christmas Party for the underprivileged families of our community.

It was moved by Janise Anthony duly seconded by Mike Fuselier and unanimously carried that permission be hereby granted to close Evangeline Blvd and South New Market Street to hold the Annual Acadian Memorial Festival on Saturday, March 16, 2024. Permission was also granted for the sale of alcohol.

Upon recommendation of Chief Ricky Martin, it was moved by Carol Frederick duly seconded by Flo Chatman and unanimously carried that the employment status of Tanner Doiron be changed from Police Officer with 84hr pay scale (\$16.57/hr) to Police Officer with 80 hr pay scale (\$17.39/hr) due to transfer to Detective.

Upon recommendation of Chief Ricky Martin, it was moved by Mike Fuselier duly seconded by Jonas Fontenette and unanimously carried that the employment status of Ty Melancon be changed from Police Officer (\$16.57/hr) to Provisional Sergeant with a pay of \$18.90/hr.

Upon recommendation of Chief Ricky Martin, it was moved by Mike Fuselier duly seconded by Janise Anthony and unanimously carried that Jason Boudreaux be hired as a full-time non-post Police Officer with a pay grade of \$14.81/hr. Mr. Boudreaux will need to complete civil service refresher course.

Upon recommendation of Chief Ricky Martin, it was moved by Mike Fuselier duly seconded by Carol Frederick and unanimously carried that Lawrence Douglas be hired as part-time Post Certified Police Officer with a rate of pay of \$15.00 per hour.

Councilwoman Carol Frederick asked for an update on the Christmas Parade and Festival. Volunteer Mr. George Choplin feels confident that all plans are in place to run the parade as efficiently as possible.

It was moved by Mike Fuselier duly seconded by Carol Frederick and unanimously carried that the discussion of vendor sales on the day of a parade be added to tonight's agenda.

ORDINANCE 23-05

An Ordinance by the City Council of the City of St. Martinville establishing rules of operation with regard to sales of food and alcohol in the City of St. Martinville on parade days

WHEREAS the City of St. Martinville through observation and experience has determined that it is necessary to provide restrictions with regard to non-residents who come to the City for the sole purpose of selling food and/or alcohol on the days of parades being held in the City, and

WHEREAS the St. Martinville City Council finds that for the protection of the citizens from the sale of unsafe food and alcohol items that the following Ordinance is necessary,

THEREFORE be it ordained that Section 18-47 of the Code of Ordinances for the City of St. Martinville be and the same is hereby added to read as follows:

“18.47(a) Restrictions on sale of food and alcohol on parade days. Persons who are not residents of the City of St. Martinville are prohibited from sales of food or alcohol on City sidewalks, streets, or other public property on days on which a parade is being held in the City of St. Martinville, pursuant to a permit or other consent by the St. Martinville City Council. ‘Non resident’ shall mean any person who does not hold a current occupational license to do business in the City of St. Martinville.”

“(b) Any person violating this Ordinance shall be subject to a fine of not more than \$500.”

The foregoing Ordinance was offered by Mike Fuselier duly seconded by Flo Chatman and upon being submitted to a vote, the vote was :

Yeas: M.Fuselier, C.Frederick, J.Fontenette, J.Anthony and F.Chatman

Nays: None

Absent: None

The Ordinance was thereon declared adopted on the 4th day of December, 2023.

JASON WILLIS, Mayor

It was moved by Mike Fuselier duly seconded by Carol Frederick that approval be granted to pay for portalets (\$2,020.00) for the Christmas Parade and Festival.

A substitute motion was made by Flo Chatman duly seconded by Jonas Fontenette that approval be granted to amend the budget to transfer \$10,000.00 to Main Street Association as a reserve fund to assist with expenses for the Christmas Parade and Festival, of which \$2,020.00 would pay for portalets

Ms. Chatman's motion being submitted to a vote, the vote thereon was:

Yeas: J. Fontenette and F. Chatman

Nays: M.Fuselier, C.Formeller and J.Anthony

Absent: None

Ms. Chatman's vote failed

Mr Fuselier's motion being submitted to a vote, the vote thereon was:

Yeas: M.Fuselier, C.Formeller, J.Anthony, and J. Fontenette

Nays: F. Chatman

Absent: None

Mr Fuselier's vote passed my majority vote.

It was moved by Mike Fuselier duly seconded by Carol Frederick and unanimously carried to table the agenda item to discuss amending the City Ordinance regarding use of City Vehicles.

ORDINANCE 23-06

An Ordinance by the City Council of the City of St. Martinville

WHEREAS the City Council believes that the solicitation of contributions in the name of the City should also be able to be authorized by the Mayor, subject to veto by the City Council, as well as by the City Council by majority vote, and therefore believes Section 16.5-10 should be amended appropriately,

THEREFORE be it ordained that Section 16.5-10 of the Code of Ordinances for the City of St. Martinville be and the same is hereby amended and restated to read as follows:

“(a) City employees, members of special committees created by the City, and authorized agents or authorized representatives of the City may solicit contributions in the name of the City only after the City Council at an open meeting by majority vote has approved the purpose of the solicitation and the method by which the funds are to be solicited. Such approval may also be given by the Mayor, subject to veto by the City Council at a public meeting.”

The foregoing Ordinance was offered by Mike Fuselier, duly seconded by Jonas Fontenette, and upon being submitted to a vote, the vote was:

Yeas: M.Fuselier, C.Frederick, J.Anthony, and J.Fontenette

Nays: None

Absent: F.Chatman

The Ordinance was thereon declared adopted on the 4th day of December, 2023.

JASON WILLIS, Mayor

It was moved by Mike Fuselier duly seconded by Jonas Fontenette, with Carol Frederick opposed that the January 1st council meeting be cancelled.

There being no further business to come before the Mayor and City Council, Mayor Willis adjourned the meeting upon motion of Mike Fuselier and unanimously seconded.

JASON WILLIS, MAYOR

ATTEST:

LORRIE M POIRIER, CITY CLERK