

MINUTES OF A REGULAR MEETING OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF ST. MARTINVILLE, LOUISIANA
HELD ON THE 21st DAY OF APRIL, 2025.

The Mayor and City Council of the City of St. Martinville, Louisiana met in Regular Session on the 21st day of April 2025 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 Councilwoman Anthony duly seconded by Councilwoman Chatman and unanimously carried that the minutes of the regular meeting held April 7, 2025 hereby be approved for publication in the Teche News, the Official Journal of the City of St. Martinville.

Following request of Ms Cynthia Smithies to adjust her elderly mother, Amelie Smithies's (6776 B Cemetery Hwy) water bill, it was moved by Councilman Fuselier duly seconded by Councilwoman Frederick and unanimously carried that 25% of the bill be waived due to her call to the Public Works Department and having been given reasonable information to believe the Water Department would turn off the water at her property prior to the extra ordinary freeze event and Ms Smithies not being able to return home following the freeze due to road conditions.

Upon request of Ms Zelma Savoy of SM Downtown Revitalization Committee, it was moved by Councilman Fuselier and unanimously seconded that the City assist with the installation of Juneteenth and 4th of July Flags on City utility poles on Main and Port Street and that the City provide electricity for Christmas decorations. The committee will provide the flags and Christmas decorations.

Following review of pictures provided by Planning & Zoning Coordinator Otis Chatman of the Daspit nuisance property located at 950 Seiber Rd, it was moved by Councilman Fontenette duly seconded by Councilman Fuselier and unanimously carried to revisit this matter in two weeks with Mr David Daspit presenting final decision regarding installation of fence with plans to improve the condition of said property.

Upon request of Mayor Willis, it was moved by Councilman Fuselier duly seconded by Councilman Fontenette and unanimously carried that a request for a variance by Christine Narcisse be added to the agenda of this meeting.

Upon request of Mayor Willis, it was moved by Councilman Fuselier duly seconded by Councilwoman Anthony and unanimously carried that the request from St. Martin deTours for permission to hold May Day Procession be added to the agenda of this meeting.

Upon recommendation of Mayor Willis, it was moved by Councilwoman Frederick duly seconded by Councilwoman Anthony and unanimously carried that Melvin Mire be hired as Wastewater Operator with a paygrade of 118 (\$24.00) plus \$1.00 on call.

Upon recommendation of Chief Ricky Martin, it was move by Councilwoman Anthony duly seconded by Councilwoman Chatman, with Councilman Fontenette abstained, that the employment status of LeTroy Johnson be changed from Sergeant(\$21.79/hr) to Police Officer (\$19.13/hr), effective April 21, 2025.

Upon recommendation of Chief Ricky Martin, it was move by Councilwoman Anthony duly seconded by Councilwoman Chatman, with Councilman Fontenette abstained, that the employment status of Quincy Castille be changed from Police Officer (\$18.22/hr) to Sergeant(\$20.75/hr), effective April 21, 2025.

ORDINANCE NO. 25-06

AN ORDINANCE TO PROVIDE FOR SALE OF ADJUDICATED PROPERTIES; AND, FURTHER PROVIDING WITH RESPECT THERETO.

WHEREAS, the City of St. Martinville has an interest in the health, safety and welfare of its citizens; and

WHEREAS, numerous properties have been adjudicated to the City for nonpayment of taxes; and

WHEREAS, Act 819 was enacted by the 2008 Legislative Session, revising La. R.S. 47:2121, *et seq.* to establish procedures for the sale of adjudicated properties, and the City of St. Martinville desires to establish and adopt such procedures in order to place such adjudicated properties back into the economic stream of commerce for the benefit of its communities; and

WHEREAS, R.S.47:2201, authorizes a political subdivision to adopt general ordinances governing the public sales and donations of adjudicated property.

NOW THEREFORE:

I. ADMINISTRATION

St. Martinville City Council hereby establishes the St. Martinville City Adjudicated Property Program, which shall be administered by the St. Martinville Council (hereinafter "SMCC" or "City" or "City Council"). The City shall either handle the process internally or shall contract with a third party administrator or management company (hereinafter "Management Company") to administer the sale or donation of adjudicated properties in the City.

The SMCC hereby authorizes, pursuant to La. R.S.47:2196, the public sale of all properties adjudicated to the City since January 1, 1975, and for a period of at least three (3) years. The sale of said properties shall be governed by the laws of the State of Louisiana and this Ordinance.

II. PUBLIC INFORMATION AND DISCLOSURE

Forms and instructions shall be accessible to the public from the web site or printed publication produced and provided by St. Martinville City for such purposes, to include the following:

- A. Listing of all properties adjudicated to the City with links to the Parish Assessor's online database, if possible.
- B. Notice to Buyers, which shall contain instructions, disclosure of rights, and contact information.
- C. Persons questioning the status of their property taxes shall be instructed to contact the City Tax Collector's office.
- D. Copy of City Ordinance regulating policies and procedures for sale of adjudicated

- properties.
- E. Definitions and citation to Louisiana Revised Statutes.
- F. Offer to Purchase Form with instructions for completion and assistance.

III. PRE-BIDDING PROCESS

A. Initiation of Sale

The Parish Assessor shall make best efforts to annually compile a list of names and addresses of adjudicated properties from the tax roll records and make such list available to the public. The Parish Assessor shall also forward such list to the Management Company.

Pursuant to La. R.S 2203, the sale of such adjudicated property may be prompted by individual interest (whether it be a natural person or juridical person) or at the request of the City or City Council, at any time.

An individual submitting a request for the sale of specific property shall submit an application with a certified check or money order in the amount of \$1,000.00 for each piece of property, payable to *E&P Consulting Services, LLC*. This fee is an administrative fee for the work performed by the Management Company to prepare and sell the identified adjudicated property. It shall be fully refundable to the interested purchaser until a Written Offer to Bid has been signed.

Upon receipt of application and fee, the Management Company shall conduct a preliminary investigation to confirm that the property has been adjudicated, has not been redeemed and has not been determined as needed for a public purpose. The Management Company shall communicate as necessary with the office of the tax collector and tax assessor for the purpose of calculating the Minimum Bid (set forth in (3) below) and shall prepare and provide the interested purchaser with a written Offer to Bid containing the minimum bid figure. In the event that the interested Purchaser rejects the minimum bid offer, he/she shall receive a full refund of the administrative fee.

If the written minimum bid offer is accepted, the Management Company shall:

1. Conduct Title Research - Title research shall include copies of all documents from the public record. If necessary, surrounding properties may be researched to ascertain the physical location and boundaries of subject properties. Management Company shall utilize abstracting services of insured abstractors at its discretion. Said title search shall include tax certificates obtained from the St. Martin Parish Tax Collector, mortgage certificates obtained from St. Martin Parish Clerk of Court, and any records obtained from Parish Assessor's office. Copies of surveys and maps of record may also be provided.
2. Effect Public Notice - The public sale by auction shall be advertised at least twice in the official journal for the City of St. Martinville, once at least thirty days prior to the date of the public sale, and once no more than seven days prior to the date of the public sale. The notice shall provide for the minimum bid, the latest date written bids will be accepted, the time and date of in-person bidding, if any, and any other terms of sale.
3. Other Administration and Determination of Minimum Bid Amount – The Management Company shall prepare reports, send statutory notices to all interested parties, and confirm the minimum bid price, based upon total amount of liens and taxes due, and acquisition costs. Pursuant La. R.S. 47:2202, St. Martinville City hereby establishes that there is no minimum bid at the public sale of an adjudicated property; however, unless circumstances demand otherwise, recommended bidding to ensure equivalent value shall not be less than the lesser of:
 - a) The total amount for which the property was adjudicated, including all interest, costs, penalties, and the amount of any state, parish, city, levee district charges and all subsequent taxes and other local improvement or code enforcement charges or
 - b) Two-thirds of the assessed value.

IV. BIDDING AND PUBLIC SALE

Except as otherwise provided in this ordinance, or by La. R.S. 47:2121 *et seq.*, the auction shall be governed by R.S. 9:3151 *et seq.* Following notice of sale being published in the official journal of the City of St. Martinville, the following shall occur:

A. Public Auction

Public auction of adjudicated property shall be held at the St. Martinville City Council office located at 120 New Market Street, St. Martinville, LA 70582 and shall be handled by the office of City Secretary/Treasurer. All bid amounts are subject to final approval by the City. The City is hereby authorized to accept and/or reject any or all bids, and to execute any and all documents necessary to finalize the sale of properties sold pursuant to these procedures. If in any event a property is not sold at such public auction, the property shall remain adjudicated to the Parish.

B. Terms for Sale of Adjudicated Property

All Acts of Sale of adjudicated property shall contain provisions, acceptable in form and substance to the City, which provide that all such sales shall be for cash and shall be without warranty of title and without any warranty of merchantability or fitness; shall be "as is, where is"; that it shall be the obligation of the purchaser to obtain title insurance, if it is desired; that all such sales shall be subject to such encumbrances, liens, mortgages, real charges or other burdens reflected in the public records; and that the Act of Sale for such adjudicated property shall contain a condition which shall require the purchaser of such property to improve/renovate/make use of the tract, to the satisfaction of the administration, within 365 days of the passage of the Act of Sale and that, if the purchaser fails to timely comply with this provision, the City Council shall have the right to rescind, dissolve or cancel the sale.

C. Notice to Tax Debtor and Tax Parties

(a) The Management Company, on behalf of the City for the benefit of the potential purchaser, shall give notice to any tax sale party whose interest that a prudent purchaser would intend to terminate, as determined by the Management Company, in its discretion, that he has until the later of the following to redeem the property or otherwise challenge in a court of competent jurisdiction the potential sale: (i) depending on the date of adjudication, either six months or the sixty days from the date of the notice provided in this Subsection; or (ii) the filing of the act of sale transferring the property.

(b) The Management Company, on behalf of the City for the benefit of the potential purchaser, shall cause to be published in the official journal of City of St. Martinville a notice that any tax sale party whose interest that a prudent purchaser would intend to terminate has until the later of the following to redeem the property or otherwise challenge in a court of competent jurisdiction, the potential sale of the property: (i) Sixty (60) days or six (6) months from the first publication of the notice provided for in this Subsection; or (ii) The filing of the sale or donation transferring the property.

(c) The Management Company shall make available during business hours to any potential bidder, upon reasonable request, the notices, the publication and the results of such notification and publication.

(d) The Management Company, on behalf of the City for the benefit of the potential purchaser or the successful bidder may file with the recorder of mortgages of St. Martin Parish a copy of one of the notices that was sent to the tax debtor or the current owner. A transfer, mortgage, lien, privilege, or other encumbrance filed after the filing of the notice shall not affect the property. Pursuant to the provisions of La. R.S. 47:2206(C), the recorder of mortgages or recorder of conveyances shall cancel, erase, terminate, or release the acts upon the request of the Management Company or the successful bidder.

D. Closing Transaction

Within 10 business days of the six (6) month or the sixty (60) day period set forth in the notices provided above, closing of the transactions should occur. Such date may be extended by mutual agreement of the Management Company, acting on behalf of the City, and the potential purchaser or based on the Management Company determination that the closing should occur at a later date in the best interest of the City Council. On the day of closing, and immediately prior to closing, Management Company will confirm that the property to be purchased has not been redeemed.

Closings shall be conducted or overseen or arranged by the Management Company to be held at the offices of Management Company or at the St. Martinville City Council office. However, purchaser may execute the documents at a more agreeable location, at purchaser's expense.

At closing, the purchaser shall pay the net purchase price for the property as well as all fees to be charged by the Clerk of Court.

All sales are made without warranties whatsoever, except for warranty against eviction based on prior alienation by the political subdivision. Purchaser has the right to obtain title insurance, if available, at its sole cost and expense. All minerals and mineral rights shall be reserved by the City if allowed by law. Cash Sales may contain additional reservations, requirements, restrictions, rights of way, and servitudes imposed by the City.

Upon recordation of the sale, disbursement of funds shall occur by Management Company to the City/Parish Tax Collector with instructions from the City/Parish Tax Collector. All proceeds after the deduction of costs shall be paid pro rata to holders of statutory impositions and governmental liens, unless otherwise agreed. Any excess amount shall be paid to the City or shall be dispersed as determined appropriate by the mutual agreement of the governmental entities.

E. Purchaser's Affidavit

1) Contemporaneously with or subsequent to the filing of the sale or donation of adjudicated property, the acquiring person, his successors, or assigns, at his own additional expense may file with the recorder of mortgages of St. Martin Parish indicating how the tax sale parties whose interest the acquiring person, his successors, or assigns, intends to be terminated were identified, how the address of each tax sale party was obtained, how the written notice was sent, the results of sending the written notice, and the dates of publication. The affidavit may also contain a statement of the interest to which the purchaser or done takes subject. The recorder of mortgages shall index the affidavit only under the names of the owner filing the affidavit and the tax debtor, as mortgagors. The affidavit shall conform to La. R.S. 47:2208(A).

2) With respect to a sale, the filing of the affidavit provided in Subsection (1) of this Section shall operate as a cancellation, termination, release, or erasure of record of all statutory impositions of all political subdivisions then due and owing, of all governmental liens, and of all interests, liens, mortgages, privileges, and other encumbrances recorded against the property sold and listed in the affidavit.

3) Upon filing of the affidavit, the recorder of mortgages or the recorder of conveyances shall treat as canceled, terminated, released, or erased, all those liens, privileges, mortgages or other encumbrances canceled, terminated, released or erased under Subsection (2) of this Section, only insofar as they affect the property.

4) Purchaser shall be responsible for recording and paying any other recording fees, including, without limitation, fees for recording any affidavits.

5)

V. LOT NEXT DOOR PROGRAM

St. Martinville City Council hereby further authorizes the City to sell any eligible ad-

judicated property to any adjoining landowner for any price set by the City without public bidding. In the event that there is more than one adjoining landowner interested in purchasing the property, preference will be given to the landowner that establishes that he or she has maintained the adjudicated property for a period of one year prior to the sale. In the event that more than one adjoining land owner has maintained the property for a period of more than one year, the landowner whose adjoining property has homestead exemption status shall be given the first opportunity to acquire the eligible adjudicated property. Such a sale shall be deemed a public sale, pursuant to La R.S. 47:2202(B). Additionally, in situations involving a property with percentages of the tax bill being taxed to different individual(s)/entity(ies) because of a past tax sale can be considered a Lot Next Door Owner if the adjudication sale will result in a larger percentage of the property being taxed to one owner for the future.

VII. DONATION OF PROPERTY

The St. Martinville City Council hereby further authorizes the City, to the extent allowed by the Louisiana Constitution, to donate any eligible adjudicated property to be used only for purposes allowed by the Louisiana Constitution.

VIII. SEVERABILITY

If any provision contained in this ordinance is held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end, the provisions established herein are declared severable.

This ordinance becomes effective in accordance with dates set forth herein and five (5) days after publication in the Official Journal.

The foregoing Ordinance was offered by Councilman Fuselier, duly seconded by Councilwoman Anthony, 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 21st day of April, 2025.

JASON WILLIS, Mayor

Chief Ricky Martin reported that cameras in school zone are currently shut down until all repairs can be made. Chief will inform the council and the community on FB when the cameras are back up and working properly.

The need to obtain a person to handle animal control was discussed. Residents can call the Public Works Department or City Hall if a cage is needed.

Upon request of Christine Narcisse and recommendation of Planning & Zoning Commission as stated by P&Z Coordinator Otis Chatman, it was moved by Councilman Fuselier duly seconded by Councilwoman Anthony and unanimously carried that a variance for her to place a mobile home on her property located at 530 Church Street with less than required side yard be granted.

It was moved by Councilwoman Chatman duly seconded by Councilwoman Anthony and unanimously carried that permission be granted for St. Martin de Tours Catholic Church to hold May Day Procession on Wednesday, May 1st at 7:00pm beginning at the church and going down Evangeline Blvd to New Market Street and ending at the Festival Grounds. Permission was also approved for the use of the stage to hold a children's community play.

Mayor Willis did not provide a Mayor's Report.

There being no further business to come before the Mayor and City Council, Mayor Willis adjourned the meeting upon motion of Councilman Fuselier and duly seconded by Councilman Chatman.

JASON WILLIS, MAYOR

ATTEST:

LORRIE M POIRIER, CITY CLERK