

OFFICIAL PROCEEDINGS  
CITY OF MORGAN CITY  
APRIL 25, 2023

The Mayor and City Council of Morgan City, Louisiana, met at 6:00 pm (local time) in regular session, this date, in the City Court Building, Highway 182 East, Morgan City, Louisiana.

There were present: Council Members Ron Bias, Steve Domangue, Tim Hymel, Mark Stephens and Louis J. Tamporello, Jr.

Absent: Mayor Lee Dragna.

Also present were Mr. Charlie Solar, Jr., Chief Administrative Officer and Mr. Paul Landry, City Attorney.

The invocation was given by Reverend Mark Gowan, Sr.

The first Positive Image recipient for the month of April was Molly Jo Doiron. Councilman Hymel stated that Ms. Doiron had recently placed first in two of four events and was 1<sup>st</sup> in the State of Louisiana in the LHSAA gymnast meet.

Mr. Tamporello stated the second Positive Image award of the night was being presented to the board members of the Basin Brew Fest. He stated that Kerry McCloy, Jordan Price, Jeremy Price, Bonnie Knobloch, Jason Pye, Will Montgomery, Bobby Dufrene, Beth Chiasson and Sadie Rankin all worked to make the event very successful. The Brew Fest members also presented a check in the amount to \$24,430 to the City for the Block 27 project to benefit Lawrence Park.

The final Positive Image recipients of the night were the eleven graduates of the recent EMT class for the Fire Department. These included Jody Acosta, Hallie Autin, Stanley Crochet, Dale Crouch, Davin Felton, Jeff MacDougall, Joe Marino, Jason Morgan, Austin Ratcliff, Reed Stephens and Christina Landry. Chief Cockerham stated that it had been a stringent course and he thanks Assistant Chief MacDougall for all his help organizing the class.

Captain Betty Augman addressed the Council on behalf of the Fraternal Order of Police Lodge #62. They requested permission to hold a boot drive on May 19, 2023, at the junction of Highway 90 and LA 70. A motion to allow the boot drive was made by Mr. Domangue, seconded by Pastor Bias, and voted unanimously in favor.

Mrs. Joyce Simmons addressed the Council regarding speeders on Allison Street. She stated that during the recent roadwork, children had been coming out to play, and they normally could not do that because of the speeders in the area. She stated they were going thirty to forty miles an hour in a residential zone. She had called the police in the past, but nothing seemed to help. She stated it occurred mostly in the mornings and evenings when people were speeding to and from work. The music was also loud and booming. Mr. Tamporello suggested that patrols could be increased, and Mr. Domangue stated that by issuing a few speeding tickets, it may also get the word out.

Mr. Rusty Wright addressed the Council regarding the upcoming Divers Monument unveiling. He wanted to thank the City for all of their support and stated that the unveiling would be at 10 AM on Saturday, April 29, 2023.

Ms. Patrina Coulon addressed the Council regarding several issues. The first issue was the abandoned cars located on Eleventh Street near her home. She stated that this had been going on for years and wanted to know if something could be done. She said she had spoken to the owner in the past and he said he would get it cleaned up, but that never happened. Her second issue was that in order to move her trailer onto her property, she had to have a petition signed by neighbors. Her neighbor recently replaced his trailer, but never got her signature. Mr. Governale stated that if a trailer replaced another trailer within six months, no petition was needed. For her third issue, Ms. Coulon asked Mr. Governale about abandoned houses. He stated that they deal with those situations as they arose. He stated that if she had a list, she would like his Department to look into, they definitely would. Pastor Bias stated that the junkyard on Eleventh Street was not cars waiting to be repaired. He said it was unsanitary and unsafe. Ms. Coulon stated that Ray's Repair was still a mess on Railroad Avenue. Mr. Governale stated that the City had filed suit on Ray's Repair. City Attorney Paul Landry

stated that there was a consent judgement, and they could take the issue back to City Court. He thought that the permanent injunction was still in place, and if they were in violation of the injunction, they would be in contempt. Ms. Coulon also asked about the property at the corner of Headland Street and Railroad Avenue. Mr. Governale stated that he was under the impression that there would be an office in the building with storage, so it was within the restrictions of the area. He stated that there was an automotive garage directly across the street, so he did not think the building would be an issue. Mr. Tamporello asked that Mr. Governale stay in touch with Ms. Coulon on the issues she had.

Ms. Cecilia with Don Jose’s Grill addressed the Council requesting permission to hold an outdoor Cinco de Mayo event in their parking lot from 5 PM to 9 PM on May 5, 2023. She stated they would be serving food and drinks, and South 70 would be playing music. A motion to approve the request was made by Pastor Bias, seconded by Mr. Hymel, and voted unanimously in favor.

The minutes of the March 28, 2023 meeting were submitted. There being no corrections, additions, or deletions, a motion to approve the minutes was made by Pastor Bias, seconded by Mr. Stephens, and voted unanimously in favor.

Mrs. Deborah Garber, Finance Director, submitted the following financial statement for the period ending March 31, 2023.

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**MONTHLY FINANCIAL STATEMENTS**

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**DATE:** April 25, 2023  
**TO:** Mayor and Council  
**FROM:** Deborah Garber  
**RE:** Comments related to summary of revenues and expenses compared to budget for the period ended March 31, 2023.

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Attached is a summary that compares our actual revenues and expenses to our operational budget for our major funds subject to budgetary control for the period ending March 31, 2023. The following comments are related thereto:

**General and Ancillary Funds:** The actual total revenues are over budget by \$287,057. Sales taxes in General Fund were over budget by \$225,000, dividend from workmen’s compensation was over budget by \$100,000, and Lake End Park is over budget in revenues by \$80,000. Operating expenses are below budget by \$247,734. The net loss of \$811,890 is a favorable variance of \$534,791 compared to the budget.

**Utility Fund:** Actual revenues remain under budget by \$547,360. The operational expenses are under budget by \$1,322,125. The net income of \$1,936,981 creates a favorable variance of \$774,765.

**Sanitation and Sewer Fund:** The operating revenues are \$23,788 under budget, with total operating expenses under budget by \$101,191. The net loss of \$54,157 leaves another favorable variance of \$77,403.

Respectfully submitted,  
/s/ Deborah Garber  
Deborah Garber  
Finance Director

**CITY OF MORGAN CITY  
CONSOLIDATED STATEMENT**

Actual Revenues and Expenses Compared to Budget  
Period Ended March 31, 2023

	MARCH 2023	MARCH 2023	
<b>GENERAL AND ANCILLARY FUNDS</b>	<b>ACTUAL</b>	<b>BUDGET</b>	<b>VARIANCE</b>
<b>REVENUES</b>			
General Fund	1,953,748	1,763,021	190,727
Recreation Fund	30,008	13,018	16,990
Library Fund	3,268	3,511	(243)

Auditorium Fund	26,442	13,359	13,083
Lake End Park Fund	268,646	202,146	66,500
State Prisoner Fund	42,567	51,795	(9,228)
Total Revenues	2,282,112	1,995,055	287,057
<b>EXPENSES-OPERATIONAL</b>			
General Fund	2,521,377	2,651,083	(129,706)
Recreation Fund	90,345	126,251	(35,906)
Library Fund	16,949	26,694	(9,745)
Auditorium Fund	111,887	119,956	(8,069)
Lake End Park Fund	178,740	251,551	(72,811)
State Prisoner Fund	174,704	166,201	8,503
Total Expenses	3,094,002	3,341,736	(247,734)
<b>TRANSFERS</b>			
Transfers from Funds	850,000	850,000	0
Transfers to Funds	0	0	0
Net Transfers	850,000	850,000	0
<b>EXCESS NET OF TRANSFERS</b>	<b>38,110</b>	<b>(496,681)</b>	<b>534,791</b>
<b>UTILITY FUND</b>			
Total			
Revenues	5,796,493	6,343,853	(547,360)
Total Expenditures	3,859,512	5,181,637	(1,322,125)
Net			
Excess	1,936,981	1,162,216	774,765
Net Transfers and non-oper.	(763,405)	(830,602)	67,197
Excess net of transfers	1,173,576	331,614	841,962
<b>SANITATION AND SEWER FUND</b>			
Total			
Revenues	775,485	799,273	(23,788)
Total			
Expenses	829,642	930,833	(101,191)
Net			
Excess	(54,157)	(131,560)	77,403
Net Transfers/non-operating expenses	294,632	294,375	257
Excess net of transfers and non-operating	240,475	162,815	77,660

A motion to accept the financial statement was made by Mr. Hymel, seconded by Mr. Domangue, and voted unanimously in favor.

The next matter on the agenda was the redistricting update. Mr. Josh Manning with South Central Planning and Development gave a brief update of the redistricting process (copy on file).

Ms. Hannah Roy gave an update on the status of the grants received by the City. She stated that on April 6, 2023, in Donaldsonville, the City was awarded a \$6.9 Million grant to replace outdated gas lines from the Pipeline & Hazardous Material Safety Administration. She said that the City was also awarded a Firehouse Subs Public Safety Foundation grant in the amount of \$24,690 to purchase a variety of firefighting hoses, valves and tips. She stated the Keep America Beautiful Grant has been being used to update various signs throughout the City as well as refreshing landscape around the signs. In the ARPA façade grants, 20 of 24 store fronts had been renovated with the remaining 4 to be complete by the end of summer. In the homeowner's Weatherization Grant, 15 of 34 homes had been completed. The contractor was working as fast as he could on them. The Explore Morgan City App had gone live. This app was made possible by a grant from the Atchafalaya National Heritage Area. More research was being gathered and the app had 400 downloads to date. She stated that there were seven or eight grant applications that they were waiting to hear from and she was in the process of submitting another four or five.

The next matter on the agenda was the resolution to call a Special Election to Vote on the amendment to the City Charter. Mr. Tamporello stated there were two items in the current resolution, one to change to single member districts and the other to impose term limits on the council. Mr. Domangue stated that he felt that every four years a council member could be voted out and he did not see a need for term limits. Mr. Hymel, Mr. Tamporello and Pastor Bias agreed with Mr. Domangue that term limits were not needed. Mr. Stephens stated that he would like to see the vote go to the people. A motion to adopt a resolution to offer up to the people to have an election to change from at-large to single member districts was made by Mr. Hymel, seconded by Pastor Bias. This would be to correct what is not correct in the current Charter; whereupon,

The following resolution was offered by Mr. Hymel and seconded by Pastor Bias:

#### **RESOLUTION NO. R:23-17**

A resolution ordering and calling a special election to be held in the City of Morgan City, State of Louisiana, to vote upon the adoption of an amendment to the Home Rule Charter of the City of Morgan City; making application to the State Bond Commission and providing for other matters in connection therewith.

BE IT RESOLVED by the Morgan City Council (the "Governing Authority"), acting as the governing authority of the City of Morgan City, State of Louisiana (the "City"), 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, Sections 5, and 22 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 City on **SATURDAY, OCTOBER 14, 2023**, 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 (CHARTER AMENDMENT)**

Shall Section 2-01(a) of the Home Rule Charter for the City of Morgan City be amended to read as follows:

(a) The legislative power of the city government shall be vested in a council consisting of five (5) members elected from single-member districts for four-year terms.

SECTION 2. Publication of Notice of Election. A Notice of Special Election shall be published in the official journal of the City 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 Mayor 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 City Court Building, 7261 Hwy. 182 East, Morgan City, Louisiana, on **TUESDAY, NOVEMBER 28, 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.

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 City will be entitled to vote at the special election, and voting machines shall be used.

SECTION 6. Authorization of Officers. The Clerk of the City 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 Mayor and/or Clerk of the City 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 St. Mary Parish and the Registrar of Voters of St. Mary 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 amend the Home Rule Charter of the City of Morgan City. 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.

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

YEAS: Hymel, Bias, Domangue, Stephens, Tamporello  
NAYS: None  
ABSENT: None

And the resolution was declared adopted on this, the 25<sup>th</sup> day of April, 2023.

/s/ Debbie Harrington  
Clerk

/s/ Lee Dragna  
Mayor

**EXHIBIT "A"**

#### NOTICE OF SPECIAL ELECTION

Pursuant to the provisions of a resolution adopted by the Morgan City Council (the "Governing Authority"), acting as the governing authority of the City of Morgan City, State of Louisiana (the "City"), on April 25, 2023, NOTICE IS HEREBY GIVEN that a special election will be held within the City on **SATURDAY, OCTOBER 14, 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 (CHARTER AMENDMENT)

Shall Section 2-01(a) of the Home Rule Charter for the City of Morgan City be amended to read as follows:

(a) The legislative power of the city government shall be vested in a council consisting of five (5) members elected from single-member districts for four-year terms.

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**

36  
37  
38  
39  
40  
41  
42(PART)  
43(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 \$\_\_\_\_\_.

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 Court Building, 7261 Hwy. 182 East, Morgan City, Louisiana, on **TUESDAY, NOVEMBER 28, 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.

The next matter on the agenda was an ordinance to levy the ½% Sales Tax that was scheduled to be voted on at the next election. This was a first reading. No definitive action was necessary.

The public hearing for the 2023 Millage Ordinance was opened. No one appeared for or against said ordinance; whereupon,

This Ordinance introduced with first reading on March 28, 2023. Published by title on April 5, 2023.

Pastor Bias offered the following Ordinance, who moved for its adoption.

ORDINANCE NO. 23-03

AN ORDINANCE FIXING THE RATES OF TAX TO BE ASSESSED BY THE MUNICIPAL CORPORATION OF MORGAN CITY, LOUISIANA, FOR THE CALENDAR YEAR 2023.

BE IT ORDAINED, by the City Council, the governing authority of the City of Morgan City, Louisiana, in regular session convened:

SECTION 1

That the tax roll of the City of Morgan City as prepared by the St. Mary Parish Assessor, showing the assessed value of all property subject to taxation within the said City, on said roll, to amount to the sum of ONE HUNDRED THIRTY-FOUR MILLION, SIX HUNDRED SIXTY THOUSAND, NINE HUNDRED EIGHTY-EIGHT and no/100 DOLLARS (\$134,660,988) to be and the same is hereby ratified and approved by this body.

SECTION 2

That for the purpose of meeting the ordinary, municipal expenses of said City for the year 2023 there is hereby levied upon all property within said City, subject to taxation, an ad valorem tax of SIXTEEN AND SEVEN ONE HUNDREDTHS (16.07) mills on the dollar, upon the assessed value of ONE HUNDRED THIRTY-FOUR MILLION, SIX HUNDRED SIXTY THOUSAND, NINE HUNDRED EIGHTY-EIGHT and no/100 DOLLARS (\$134,660,988)

SECTION 3

That for the purpose of paying the maintenance and other such expenses of the Municipal Auditorium for the year 2023, there is hereby levied a tax of TWO (2.0) mills on the dollar upon the

assessed value of ONE HUNDRED THIRTY-FOUR MILLION, SIX HUNDRED SIXTY THOUSAND, NINE HUNDRED EIGHTY-EIGHT and no/100 DOLLARS (\$134,660,988)

SECTION 4

That the City Tax Collector of the City of Morgan City, Louisiana, be and he is hereby authorized, empowered, and directed to make the collection of the taxes imposed for and on behalf of said City, according to law; that the taxes herein levied shall be a permanent lien and privilege on all of the property subject to taxation as herein set forth; and the collection hereof shall be enforceable in the manner provided by law.

SECTION 5

That all ordinances or parts of ordinances in conflict hereby be and the same are hereby repealed and this ordinance shall take effect upon its adoption, the public welfare so demanding.

Mr. Domangue seconded the motion.

The vote thereon was as follows:

AYES: Bias, Domangue, Hymel, Stephens, Tamporello

NAYS: None

ABSTAINED: None

ABSENT: None

Certified approved and adopted this 25<sup>th</sup> day of April, 2023.

Delivered to Mayor at 10:30 AM, this 27<sup>th</sup> day of April, 2023.

/s/ Debbie Harrington  
Debbie Harrington, Clerk

Approved this 27<sup>th</sup> day of April, 2023.

/s/ Lee Dragna  
Lee Dragna

Received from Mayor at 11:00 AM on April 27, 2023.

/s/ Debbie Harrington  
Debbie Harrington, Clerk

Published: May 3, 2023

The public hearing for the Declaration of Surplus and Sale of a portion of Michigan Street was opened. No one appeared for or against said ordinance; whereupon,

This ordinance was introduced with a first reading on March 28, 2023. Published by title on April 5, 2023.

Mr. Hymel offered the following ordinance, who moved for its adoption.

ORDINANCE NO. 23-04

BE IT ORDAINED, by the City Council, the governing body of the City of Morgan City, Louisiana, in regular session convened this 25<sup>th</sup> day of April, 2023 that:

SECTION 1:

Whereas, that portion of Michigan Street from Sixth Street to Fifth Street in Morgan City, Louisiana has never been in fact used for public purposes, has been abandoned by the City and is no longer needed for public purposes,

SECTION 2:

Whereas, sufficient authority vests in this City Council, in its discretion to revoke and set aside the dedication of a portion of said street, under the provisions of LSA-R.S. 48:701;

SECTION 3:

The sale shall be for a price not less than that established by appraisal by a certified appraiser, payable in cash at the closing of this act of sale.

SECTION 4:

The property is described as follows:

That certain parcel of land lying and being situated in the City of Morgan City, St. Mary Parish, Louisiana, and being a 1,500 Sq. Ft. parcel of vacant land located within Ditch Annex, Block

40, Section 6, Township 16S, Range 12E, Morgan City, Louisiana, being more particularly described as follows: 15.00' (Fifteen feet) between parcels 3194361541.00, 3194361542.00, 100.00' (One hundred feet) along parcels 3194361542.00 and 3194361544.00, 15.0' (Fifteen Feet) between parcels 3194361543.00 and 3194361544.00, and 100.00' (One hundred feet) along parcels 3194361541.00 and 3194361543.00. Attached plat map titled, *Michigan Street Surplus Sale, Lot M-2*.

**SECTION 5:**

Now therefore, the Mayor and City Council of the City of Morgan City, Louisiana having determined the above portion of Michigan Street to be abandoned and no longer needed for public purposes, It is thereby ordained by the Mayor and City Council, and they do hereby revoke and set aside the dedication to public use of the aforesaid portion of said street. And further, that the Mayor of the City of Morgan City, Louisiana be and he is hereby authorized, empowered and directed to execute a formal Act of Revocation before a Notary Public, in and for the Parish of St. Mary, Louisiana, on such terms and conditions as he may see fit, and the actions of the Mayor pursuant to this resolution be and the same are hereby ratified and confirmed.

**SECTION 6:**

All laws or parts of laws in conflict with this ordinance are hereby repealed.

**SECTION 7**

Should any section, paragraph, sentence, clause, or phrase be declared unconstitutional or repealed for any reason, the remainder of the ordinance shall not be affected hereby. That all laws or parts of law in conflict with this ordinance be and the same are repealed. This ordinance shall take effect immediately after passage within the time prescribed by law.

Mr. Stephens seconded the motion.

The vote thereon was as follows:

AYES: Hymel, Stephens, Bias, Domangue, Tamporello  
NAYS: None  
ABSENT: None

Certified approved and adopted this 25<sup>th</sup> day of April, 2023.

Delivered to Mayor at 10:30 AM, this 27<sup>th</sup> day of April, 2023.

/s/ Debbie Harrington  
Debbie Harrington, Clerk

Approved this 27<sup>th</sup> day of April, 2023.

/s/ Lee Dragna  
Lee Dragna

Received from Mayor at 11:00 AM on April 27, 2023.

/s/ Debbie Harrington  
Debbie Harrington, Clerk

Published: May 3, 2023

The public hearing for the Revenue Anticipation Note was opened. No one appeared for or against said ordinance; whereupon,

The following ordinance having been introduced at a meeting held on April 25, 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 Mr. Domangue and seconded by Mr. Stephens.

**ORDINANCE NO. 23-05**

An ordinance providing for the levy within the City of Morgan City, State of Louisiana, effective July 1, 2023, of a 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 April 29, 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 April 29, 2023, the City of Morgan City, State of Louisiana (the "City"), acting through the Morgan City Council, as its governing authority (the "Governing Authority"), is authorized to levy and collect within the City, a 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 April 29, 2023:

#### SALES TAX PROPOSITION

Shall the City of Morgan City, State of Louisiana (the "City"), be authorized to levy a sales and use tax of 1/2% (the "Tax") in accordance with Louisiana law (an estimated \$1,300,000 reasonably expected at this time to be collected from the levy of the Tax for an entire year), in perpetuity, beginning July 1, 2023, with the net proceeds of the Tax to be dedicated and used for the purpose of supporting the Fire and Police Departments of the City by providing funds for salary increases above current base pay and paying the costs of training new personnel of the Fire and Police Departments of the City?

WHEREAS, in compliance with the aforesaid constitutional and statutory authority and said special election of April 29, 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 connection therewith as hereinafter provided in this ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Morgan City Council, acting as the governing authority of the City of Morgan City, State of Louisiana, that:

SECTION 1. Imposition. Pursuant to the authority of a special election held in the City on April 29, 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 Morgan City, 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 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 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 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 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 July 1, 2023.

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 April 29, 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 two percent (2%) 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 of 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 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. Mary Parish Sales and Use Tax Commission.

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 may be a separate bank account to be 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 April 29, 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. Mary, 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: Domangue, Stephens, Bias, Hymel, Tamporello

NAYS: None

ABSENT: None

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 23<sup>rd</sup> day of May, 2023.

/s/ Debbie Harrington  
Clerk

Presented to Mayor on April 27, 2023 for action as evidenced by his signature:

Approved: /s/ Lee Dragna  
Disapproved: \_\_\_\_\_

Returned to Clerk on April 27, 2023

The public hearing for the Changin of the Home Rule Charter was opened. City Attorney Paul Landry reminded the Council that this would be to change only the At Large to Single Member Districts in the City Charter. No one appeared for or against said ordinance; whereupon,

The following ordinance having been introduced at a duly convened meeting on March 28, 2023, was offered for final adoption by Mr. Domangue and seconded by Pastor Bias:

**ORDINANCE No. 23-06**

An ordinance proposing an amendment to Section 2-01 of the Home Rule Charter of the City of Morgan City.

WHEREAS, Section 2-01 of the Home Rule Charter of the City of Morgan City (the "Home Rule Charter") provides for the election and term of councilmembers; and

WHEREAS, the Morgan City Council proposes to place on the ballot an amendment to Section 2-01(a) of the Home Rule Charter;

NOW, THEREFORE, BE IT ORDAINED by the Morgan City Council, acting as the governing authority of the City of Morgan City, State of Louisiana, that:

SECTION 1. Section 2-01(i) of the Home Rule Charter is proposed to be amended to read as follows:

SECTION 2-01. - Composition, Qualifications, and Election Period

- (a) The legislative power of the city government shall be vested in a council consisting of five (5) members elected from single-member districts for four-year terms.

SECTION 2. This ordinance is hereby adopted in accordance with Section 2-10 and Section 7-03 of the Home Rule Charter and said Charter amendment shall become effective only upon ratification by the electors of the City of Morgan City at an election to be held on October 14, 2023.

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

YEAS: Domangue, Bias, Hymel, Stephens, Tamporello  
NAYS: None  
ABSENT: None

And the ordinance was declared adopted on this, 25<sup>th</sup> day of April, 2023.

/s/ Debbie Harrington  
Clerk of the Council

/s/ Lee Dragna  
Mayor of the Council

Mr. Tamporello urged everyone to go and vote on Saturday, April 29 for tax that would support the Fire and Police Departments.

There being no further business, a motion to adjourn was made by Mr. Hymel, seconded by Pastor Bias and voted unanimously in favor.

/s/ Debbie Harrington  
Debbie Harrington  
Clerk

/s/ Lee Dragna  
Lee Dragna  
Mayor