

OFFICIAL PROCEEDINGS
CITY OF MORGAN CITY
MAY 23, 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: Honorable Lee Dragna, Mayor; and Council Members Ron Bias, Steve Domangue, Tim Hymel, Mark Stephens and Louis J. Tamporello, Jr.

Absent: None

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

The invocation was given by Reverend Ronnie Foret.

The first Positive Image recipient for the month of May was the Delta Sigma Theta Sorority. Pastor Bias presented them with a certificate and a key to the City. Mrs. Alexis Rack also asked that the Mayor sign a proclamation naming May 23, 2023, Red and White Day. Pastor Bias also recognized Sarai Richardson, who was student of the year at Morgan City High. Councilman Hymel stated that Ms. Richardson was also elected District Student of the year for St. Mary Parish. Mr. Wesley Williams was the next Positive Image recipient. Pastor Bias stated that Mr. Williams was an ordinary guy who took ordinary to the highest level. He stated that Mr. Williams had a wonderful talent for singing as well. Pastor Bias stated the fourth Positive Image recipient of the night was Mr. Demondrick Blackburn. Mr. Blackburn had the third highest rushing yards in Division 1 high school. The final Positive Image recipient was Mr. Timmy Hymel. Pastor Bias thanked him for his service to St. Mary Parish Schools and congratulated him on his retirement.

Mayor Dragna stated that Mrs. Beverly Domengeaux with the Council on Aging had requested that a proclamation be signed proclaiming May as Older Americans Month (copy on file). She was not present at the meeting but the proclamation would be mailed to her.

Ms. Hailee Thomas, director of the Louisiana Shrimp & Petroleum Festival requested permission to hold the 88th annual festival (copy on file). A motion to allow the Festival was made by Mr. Tamporello, seconded by Mr. Domangue, and voted unanimously in favor. Councilman Tamporello also acknowledged Festival Board Members present at the meeting, Mr. Nelson Cortez, Mrs. Nathalie Weber and Katie Case.

Mrs. Jennifer Edwards and Mrs. Jennifer Dragna submitted a request to the Council regarding a Children's Concrete Canvas Project (copy on file). They stated that they had been approached by parents who wanted their children to get involved. They felt that this would be a great project for area children. They had spoken with the St. Mary Levee District about using the retaining wall adjacent to the Tourist Center. The murals would be seen by those traveling on Highway 90 and would bring some art and color into the town. They presented the first sketch that would be put on the retaining wall for the children to paint (copy on file). Mr. Tamporello stated that although they had not always seen the artwork for the bridge pillars like they had requested, he would like the artwork to be passed before the Councilmen for their approval. A motion to approve the request was made by Mr. Hymel, seconded by Mr. Stephens, and voted unanimously in favor.

Main Street Director Sadie Rankin submitted a request to hold two events for July 4 (copy on file). The first event would be the 4th of July Lake Jam. This event would take place on Saturday, July 1, 2023 from 11 AM to 5 PM at Lake End Parkway. There would be music, food and drinks. The second event would be a boat parade at 2 PM and fireworks on Lake Palourde at 9 PM on Tuesday, July 4, 2023. A motion to approve the two events was made by Mr. Domangue, seconded by Reverend Bias, and voted unanimously in favor.

Mr. Courtney Long, Mrs. Danika Foley Long and Ms. Patrina Coulon with the Juneteenth Community Bike Ride Committee requested permission to hold the Juneteenth Bike Ride again this year. It would be held on June 17, 2023, and begin at 8 AM at the corner of 1st and Barrow Streets. It would end at the Jimmy Johnson Memorial Basketball Court. A motion to approve the request was made by Pastor Bias, seconded by Mr. Domangue, and voted unanimously in favor.

Judge Greg Aucoin addressed the Mayor and Council to announce his candidacy for St. Mary Parish Clerk of Court. He asked for the support of the Mayor, Council and public.

Mr. Pat Haller with the Morgan City Firefighters Association thanked the Mayor and Council for all of their hard work in getting the ½% sales tax passed. He said without their efforts the election may not have been as successful. He invited them to attend a luncheon at Central Fire Station on June 7, 2023, at 11 AM.

Jaden Graham, Kyrie Graham and Uzziah Harris asked for Council permission to host a lemonade stand at Lawrence Park, but they were not sure of the exact date yet. Mayor Dragna advised them to call City Hall with a date when they had it.

Ms. Patrina Coulon asked for an update of the properties on Eleventh Street and Ditch Avenue that she had brought to them at the April meeting. She also presented pictures of the properties to the Council. Mr. Governale stated that they had been out to the addresses and were trying to remedy the situations.

In the Mayor's update, Mayor Dragna stated that he had received a letter from Franklin Mayor Eugene Foulcard and Fire Chief Chuck Bourgeois thanking the Morgan City Fire Department and Captain Heath Landry, Captain Andrew Ratcliff, III, Operator Noah Belle, Operator Jason Morgan and Operator Dale Crouch for their efforts in fighting the recent five alarm fire at Joe's Lounge. He said the Department was instrumental in getting the fire under control and saving adjacent structures. He also advised the Council that he was working on plans to create a special purpose district to support economic development through tourism. He stated a hotel/motel tax could then be passed that would affect only hotels and no residents of the City.

The minutes of the April 25, 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. Hymel, and voted unanimously in favor.

Mrs. Deborah Garber, Finance Director, submitted the following financial statement for the period ending April 30, 2023.

MONTHLY FINANCIAL STATEMENTS

DATE: May 23, 2023
TO: Mayor and Council
FROM: Deborah Garber
RE: Comments related to summary of revenues and expenses compared to budget for the period ended April 30, 2023.

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 April 30, 2023. The following comments are related thereto:

General and Ancillary Funds: The actual total revenues are over budget by \$355,255. Sales taxes in General Fund were over budget by \$268,000 and Lake End Park is over budget in revenues by \$87,000. Operating expenses are below budget by \$474,258. The net loss of \$1,201,916 is a favorable variance of \$829,513 compared to the budget.

Utility Fund: Actual revenues remain under budget by \$676,311. The operational expenses are under budget by \$1,503,881. The net income of \$2,304,173 creates a favorable variance of \$827,570.

Sanitation and Sewer Fund: The operating revenues are \$42,003 under budget, with total operating expenses under budget by \$140,592. The net loss of \$64,922 leaves another favorable variance of \$98,589.

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

CITY OF MORGAN CITY
CONSOLIDATED STATEMENT
Actual Revenues and Expenses Compared to Budget
Period Ended April 30, 2023

	APRIL 2023	APRIL 2023	
GENERAL AND ANCILLARY FUNDS	ACTUAL	BUDGET	VARIANCE
REVENUES			
General Fund	2,520,542	2,287,462	233,080
Recreation Fund	39,678	17,751	21,927
Library Fund	4,274	4,677	(403)
Auditorium Fund	33,822	20,566	13,256
Lake End Park Fund	368,877	281,482	87,395
State Prisoner Fund	60,763	66,230	(5,467)
Total Revenues	2,967,193	2,611,938	355,255
EXPENSES-OPERATIONAL			
General Fund	3,399,969	3,685,434	(285,465)
Recreation Fund	127,443	187,774	(60,331)
Library Fund	22,209	35,487	(13,278)
Auditorium Fund	147,683	159,602	(11,919)
Lake End Park Fund	239,815	338,801	(98,986)
State Prisoner Fund	231,990	236,269	(4,279)
Total Expenses	4,169,109	4,643,367	(474,258)
TRANSFERS			
Transfers from Funds	1,133,333	1,133,333	0
Transfers to Funds	0	0	0
Net Transfers	1,133,333	1,133,333	0
EXCESS NET OF TRANSFERS	(68,583)	(898,096)	829,513
UTILITY FUND			
Total			
Revenues	7,522,977	8,199,288	(676,311)
Total Expenditures	5,218,804	6,722,685	(1,503,881)
Net			
Excess	2,304,173	1,476,603	827,570
Net Transfers and non-oper.	(996,458)	(1,113,855)	117,397
Excess net of transfers	1,307,715	362,748	944,967
SANITATION AND SEWER FUND			
Total			
Revenues	1,035,298	1,077,301	(42,003)
Total			
Expenses	1,100,220	1,240,812	(140,592)
Net			
Excess	(64,922)	(163,511)	98,589
Net Transfers/non-operating expenses	392,834	392,500	334
Excess net of transfers and non-operating	327,912	228,989	98,923

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

The next matter on the agenda was the Change Order Number 2 for the Municipal Steam Plant Demolition; whereupon,

Mr. Domangue offered the following Resolution, who moved for its adoption.

RESOLUTION NO. R: 23-18

BE IT RESOLVED, by the City Council, the governing authority of the City of Morgan City, that the Mayor be and he is hereby authorized, empowered, and directed in the name of and on behalf of said municipal corporation, to execute Change Order Number 2 under Contract Number R:21-19, between the City of Morgan City and Bean Excavating and Dirt Work, for the Municipal Steam Plant Demolition project.

Mr. Stephens seconded the motion.

The vote thereon was as follows:

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

The resolution was therefore declared approved and adopted this 23rd day of May, 2023.

/s/ Lee Dragna
Lee Dragna
Mayor

ATTEST:

/s/ Debbie Harrington
Debbie Harrington
Clerk

Mayor Dragna said the project also needed to be put into Substantial Completion to begin the 45-day process; whereupon;

Mr. Domangue offered the following Resolution, who moved for its adoption.

RESOLUTION NO. R: 23-19

WHEREAS, the firm of Bean Excavating & Dirtwork has substantially completed the work done under contract No. R:21-19 for the Municipal Stream Plant Demolition project, dated June 21, 2021; and

WHEREAS, the contractor has requested that this work be put in the lien period, and

WHEREAS, the contractor has recommended acceptance of said project as substantially complete, to begin the forty-five (45) day lien period with no items remaining to be done, and

WHEREAS, before final payment is made, the City will so certify that the project is fully complete.

NOW THEREFORE BE IT RESOLVED, by the City Council, the governing authority of the City of Morgan City, Louisiana that the Mayor be and he is hereby authorized, empowered, and directed to execute the "Certificate of Substantial Completion" and that a copy of this

resolution, along with said "Certificate" be filed with the Clerk of Courts of the Parish of St. Mary to initiate the forty-five (45) day lien period for the work done under the above mentioned contract.

Mr. Stephens seconded the motion.

The vote thereon was as follows:

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

The resolution was therefore declared approved and adopted this 23rd day of May, 2023.

/s/ Lee Dragna
Lee Dragna
Mayor

ATTEST:

/s/ Debbie Harrington
Debbie Harrington
Clerk

Mr. Michael Loupe, Public Works Director, stated that the City had received bids on corrugated Metal Pipe, Risers, Rings and Grates so that each job did not have to bid out separately. The low bidder was Coastal Culvert and these prices would be good for one year; whereupon,

Mr. Tamporello offered the following Resolution, who moved for its adoption.

RESOLUTION NO. R: 23-20

BE IT RESOLVED, by the City Council, the governing authority of the City of Morgan City, that the proposal of Coastal Culvert & Supply of Eunice, Louisiana, for furnishing all materials, equipment, etc., for the Galvanized Corrugated Metal Pipe, Risers, Rings, Grate and Bands project, being the least and most responsible proposal received, be and the same is hereby accepted and awarded to Coastal Culvert & Supply.

BE IT FURTHER RESOLVED, etc., that the Mayor, be and he is hereby authorized, empowered, and directed to execute a contract with said Coastal Culvert & Supply for and on behalf of and in the name of said Municipal Corporation, for furnishing all materials, and equipment for the Galvanized Corrugated Metal Pipe, Risers, Rings, Grate and Bands project, Morgan City, Louisiana.

BE IT FURTHER RESOLVED, etc., that the contract shall be filed with the Clerk of Court and Ex-Officio Recorder of Mortgages for the Parish of St. Mary, State of Louisiana, for recordation in the mortgage records of said parish, hereby ratifying and confirming his act or acts in the premises.

Mr. Stephens seconded the motion.

The vote thereon was as follows:

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

The resolution was therefore declared approved and adopted this 23rd day of May, 2023.

/s/ Lee Dragna
Lee Dragna
Mayor

ATTEST:

/s/ Debbie Harrington
Debbie Harrington
Clerk

The next matter on the agenda was to canvass the proceedings for the 1/2% sales tax; whereupon,

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

RESOLUTION NO R: 23-21

A resolution providing for canvassing the returns and declaring the results of the special election held in the City of Morgan City, State of Louisiana, on Saturday, April 29, 2023, to authorize the levy of a sales and use tax therein.

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. 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 Morgan City, State of Louisiana, on SATURDAY, APRIL 29, 2023(the "Election"), to authorize the levy of a sales and use tax therein pursuant to the following proposition (the "Proposition"):

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?

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 **1,083** votes cast **IN FAVOR OF** Proposition and a total of **165** votes cast **AGAINST** Proposition, resulting in a majority of **918** 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 Act 205 of the Regular Session of the Legislature of Louisiana for the year 2019.

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. Mary, 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: Bias, Domangue, Hymel, Stephens, Tamporello

NAYS: None

ABSENT: None

And the resolution was declared adopted on this, the 23rd day of May, 2023.

/s/ Debbie Harrington
Clerk

/s/ Lee Dragna
Mayor

PROCÈS VERBAL OF THE CANVASS OF THE VOTES CAST AT THE SPECIAL ELECTION HELD IN THE CITY OF MORGAN CITY, STATE OF LOUISIANA, ON SATURDAY, APRIL 29, 2023.

BE IT KNOWN AND REMEMBERED that on Tuesday, May 23, 2023, at 6:00 p.m., at its regular meeting place, the City Court Building, 7261 Hwy. 182 East, Morgan City, Louisiana, the Morgan City Council (the "Governing Authority"), acting as the governing authority of the City of Morgan City, State of Louisiana (the "City"), and being the authority ordering the special election held therein on Saturday, April 29, 2023, with the following members present:

Pastor Bias, Mr. Domangue, Mr. Hymel, Mr. Stephens, Mr. Tamporello;

There being absent: None;

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:

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?

There was found by said count and canvass that there was a total of **1,083** votes cast **IN FAVOR OF** Proposition and a total of **165** votes cast **AGAINST** Proposition, as hereinabove set forth, and it was further found and determined that there was a majority of **918** 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, April 29, 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 Morgan City, Louisiana, on this, the 23rd day of May, 2023.

ATTEST:

/s/ Lee Dragna
Mayor

/s/ Debbie Harrington
Clerk

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 January 24, 2023, NOTICE IS HEREBY GIVEN that a special election will be held within the City on **SATURDAY, APRIL 29, 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:

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?

The said special election shall be held at the polling places for the following precincts, which polls will open at six o'clock (6:00) 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

35
36
37
38
39
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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 \$20,000.

The said special election will be held in accordance with the applicable provisions of Chapter 5, Chapter 6-A and Chapter 6-B 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, MAY 23, 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.

THUS DONE AND SIGNED at Morgan City, Louisiana, on this, the 24th day of January, 2023.

ATTEST:

/s/ Lee Dragna
Mayor

/s/ Debbie Harrington
Clerk

PROCLAMATION

I, the undersigned Mayor of the City of Morgan City, 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, April 29, 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 Morgan City, Louisiana, on this, the 23rd day of May, 2023.

/s/ Lee Dragna
Mayor

The next matter on the agenda was the Substantial Completion for the City Court addition; whereupon,

Mr. Tamporello offered the following Resolution, who moved for its adoption.

RESOLUTION NO. R: 23-22

WHEREAS, the firm of Del-Con, LLC has substantially completed the work done under contract No. R:22-38 for the Small Office Addition to MC City Court Building project, dated August 24, 2022; and

WHEREAS, the contractor has requested that this work be put in the lien period, and

WHEREAS, the engineer for the project has recommended acceptance of said project as substantially complete, to begin the forty-five (45) day lien period with no items remaining to be done, and

WHEREAS, before final payment is made, the engineer will so certify to the City that the project is fully complete and approve the payment of the retainage,

NOW THEREFORE BE IT RESOLVED, by the City Council, the governing authority of the City of Morgan City, Louisiana that the Mayor be and he is hereby authorized, empowered, and directed to execute the "Certificate of Substantial Completion" and that a copy of this resolution, along with said "Certificate" be filed with the Clerk of Courts of the Parish of St. Mary

to initiate the forty-five (45) day lien period for the work done under the above mentioned contract.

Mr. Hymel seconded the motion.

The vote thereon was as follows:

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

The resolution was therefore declared approved and adopted this 23rd day of May, 2023.

/s/ Lee Dragna
Lee Dragna
Mayor

ATTEST:

/s/ Debbie Harrington
Debbie Harrington
Clerk

The first reading on the Electric Bill Delinquent Charge ordinance was the next matter on the agenda. No definitive action was necessary.

The public hearing for the Levy of the ½% Sales tax 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 Pastor Bias:

ORDINANCE 23-07

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 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 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, Bias, Hymel, Stephens, 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 23rd day of May, 2023.

/s/ Debbie Harrington
Clerk

Presented to Mayor on May 23, 2023 for action as evidenced by his signature:

Approved: /s/ Lee Dragna

Disapproved: _____

Returned to Clerk on May 23, 2023

Mayor Dragna submitted the name of Alisha Pasqua for appointment to the Main Street Committee. A motion to concur in the appointment was made by Mr. Hymel, seconded by Mr. Stephens, and voted unanimously in favor.

A request for the 2023-2024 Class A and Class B Beer License renewals for the following establishments was submitted:

2023-2024 CLASS A & CLASS B BEER LICENSE RENEWAL

AJ'S Second St Pub	1400 Second St
Atchafalaya Café LLC	7310 Hwy 182E
Bay City Bistro	608 Front St
Bourbon's	501 First St.
Café JoJo's	624 Front Street
Cajun Country Lounge	1226 Victor II Blvd
Cannata's Food World	Corner 7 th & Brashear Avenue
Circle K #4640-DC 36	7700 Highway 90
Circle K Store #2706821	6383 Highway 90
Comfort Inn & Suites	610 MLK Blvd
Cou – Yons Bar LLC	117 Railroad Ave
CVS Drug Store	6502 Highway 182
Daiquiri's & Company	7550 Highway 90
Dollar General Store #1974	818 Brashear Ave
Dollar General Store #23803	7518 Highway 182
Don Jose's Grill	605 MLK Blvd
East Gate BBQ	7516 Hwy 182E
Family Dollar #21124	900 7 th Street
Fifth Street Store	701 Everett Street
Friend's Tavern	6701 Highway 182-Ste B
G & J Land And Marine	506 Front St.
Galley LLC	7409 Hwy 182
Ganaway's #1	1409 Federal Avenue

Just 4 Him Morgan City
La Morita Meat Market LLC
Links Café
Ma Ma G's
Mel-Star, Inc.
One Stop
Paradise Valley Casino
Paradise Valley Daiquiris
Petroleum Club of Morgan City
Pool Do's Sports Bar
Quick General Mini Market
Rouse's Supermarket #10
SAAS Hotel LLC
Smoke-N-Go #415
Sports Bar
Stazione II
Sushiro Steak House
Table Five
Tampico Restaurant, Inc.
The Chocolate Factory
Victor II Deli
Walgreen #10975
WalMart #7099

1115 Nine St.
1230 Victor II Blvd
1118 Victor II Blvd
7540 Highway 90
620 ½ Mlk Blvd.
7028 Highway 182E
1116 Victor II Blvd
1114 Victor II Blvd
500 Roderick Street
615 Brashear Ave
2407 Sixth Street
6403 Highway 90
520 Roderick St.
7521 Highway 182E
7419 Highway 182
6602 Highway 90
6214 Highway 182E
702 Fifth St.
Inglewood Mall
319 Second Street
1220 Victor II Blvd
815 Brashear Ave
1002 Hwy 70

Everything being in order, a motion to approve these renewals was made by Mr. Hymel, seconded by Pastor Bias. The vote thereon was as follows: AYES: Hymel, Bias, Stephens, Tamporello; NAYS: None; ABSTAIN: Domangue.

The Class "A" Liquor and Beer application for Shirley d/b/a Friend's Tavern was the next matter on the agenda. A motion to approve the application was made by Mr. Stephens, seconded by Mr. Tamporello, and voted unanimously in favor.

Pastor Bias said that he would like to recognize that the First Lady of Franklin, Mrs. Terry Foulcard, was in the audience. He thanked her for attending the meeting.

Mr. Tamporello stated that Judge Kim Stansbury had been in a motorcycle accident over the weekend and had already had one surgery and had to go through another. He asked that everyone keep Judge Stansbury in their thoughts and prayers.

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

Debbie Harrington
Debbie Harrington
Clerk

/s/ Lee Dragna
Lee Dragna
Mayor