

**OFFICIAL PROCEEDINGS**  
**ST. JOHN THE BAPTIST PARISH COUNCIL**  
**TUESDAY, NOVEMBER 23<sup>rd</sup>, 2021**  
**CHAIRMAN KURT BECNEL**  
**VICE-CHAIR MICHAEL WRIGHT**

The Council of the Parish of St. John the Baptist Parish, State of Louisiana, met in Regular Session in the St. John the Baptist Parish Government Complex Chambers, LaPlace, Louisiana on Tuesday, November 23<sup>rd</sup>, 2021, at 6:30 PM.

**CALL TO ORDER:**

**PRESENT AT ROLL CALL:** Kurt Becnel, Councilman District I, Warren Torres, Jr., Councilman District II, Tammy Houston, Robert Arcuri, Councilman District V, Tonia Schnyder, Councilwoman District VI, Thomas Malik, Councilman District VII,

**ABSENT:** Tyra Duhe-Griffin, Lennix Madere, Michael Wright

Councilman Malik led the Prayer. Councilman Arcuri led the Pledge.

Legal Counsel Keith Green, Jr., Christopher Cortez and Kennilyn Schmill were present.

**PUBLIC COMMENT - AGENDA ITEMS ONLY (3 minutes per citizen)**

There were no public comments.

**MOTION:** Councilwoman Houston moved and Councilwoman Schnyder seconded the motion to suspend the rules to amend the agenda to add an item to authorizing the parish employees to be off on tomorrow. The motion passed with Councilwoman Duhe-Griffin, Councilman Madere and Wright absent.

**MOTION:** Councilwoman Houston moved and Councilwoman Schnyder seconded the motion to grant a day off tomorrow Wednesday, November 24<sup>th</sup>, 2021, for the parish employees. The motion FAILED with 3 Yeas (Becnel, Houston, Schnyder), 3 Nays (Arcuri, Malik, Torres) and 3 Absent (Duhe-Griffin, Madere, Wright).

**Kurt Becnel - Presentation - St. John the Baptist Parish Adjudicated Properties Comprehensive Report**

Attorney Keith Green, Jr., Chief, Civil Division, was present at the meeting to give a power point presentation on the 2021 Adjudicated Properties Comprehensive Report, to bring everyone up to speed on how the program got initiated, where it's been, where they currently are, and where they're heading. He explained, an *adjudicated property* is a piece of real property for which an owner has failed to pay the property taxes, and the Sheriff is unable to sell the tax sale interest in the property during the annual tax sale LA R.S. 47:2196. To date, the Parish has more than 1,000 adjudicated properties within its boundaries. Of that number, the District Attorney only lists for sale those properties that have been adjudicated for a period of, at least, five (5) years. A complete listing of the available St. John the Baptist Parish adjudicated properties can be found online at: [www.CivicSource.com](http://www.CivicSource.com). (A copy of the 2021 Adjudicated Property Program Comprehensive Report is attached)

**Jaclyn Hotard - Proclamation - November 27<sup>th</sup> as Small Business Saturday**

Jaclyn Hotard, Parish President read the Proclamation - November 27<sup>th</sup> as Small Business Saturday.

**CONSENT AGENDA:**

**ITEMS:** Approval of Minutes - November 9<sup>th</sup>, 2021, Council Meeting

**MOTION:** Councilman Malik moved and Councilwoman Houston seconded the motion to approve consent agenda item - Approval of Minutes - November 9<sup>th</sup>, 2021, Council Meeting. The motion passed with Councilwoman Duhe-Griffin, Councilman Madere and Wright absent.

**REPORTS:**

**President's Report**

**Jaclyn Hotard - Monthly Financial Report (October 2021)**

Jaclyn Hotard stated, "Thank you Chairman Becnel. The monthly financial report has been submitted to the Council."

**Tom Malik - Finance Committee Report**

Councilman Malik stated, "Mr. Chairman, the Finance Committee meeting took place prior to this meeting attended by the members seated beside left and right, all items passed, R21-156, R21-157, R21-158, R21-159, R21-160, R21-161, R21-162, R21-163, R21-164, R21-165 and R21-166."

**UNFINISHED BUSINESS:**

**21-42** - (Tabled 11-09-21) An ordinance introducing the annual operating budgets for the St. John the Baptist Parish General Fund, Special Revenue Funds, Enterprise Funds, Capital Projects Funds, and Debit Service Funds for the fiscal year beginning January 1, 2022 and ending December 31, 2022 (J. Hotard)

Jaclyn Hotard stated, "Administration request this item remain TABLED until all budget workshops are completed."

**PUBLIC HEARING AND ADOPTION ON ORDINANCE(S)/NEW BUSINESS:**

Councilman Becnel stated, "I would like to suspend the rules to amend Item 9, which is this item, to be immediately addressed following Executive Session. Can I get a motion on that?"

**MOTION:** Councilwoman Houston moved and Councilman Arcuri seconded the motion to suspend the rules to amend Item 9 - Resolution - R21-155 to follow Executive Session. The motion passed with Councilwoman Duhe-Griffin, Councilman Madere and Wright absent.

**Jaclyn Hotard - Resolution - R21-167 - A Resolution giving preliminary approval to the issuance of not to exceed Seventy Million Dollars (\$70,000,000) of Hurricane Recovery Revenue Notes of the Parish of St. John the Baptist, State of**

**Louisiana; and providing for other matters in connection therewith**

**MOTION:** Councilwoman Houston moved and Councilman Malik seconded the motion to approve Resolution - R21-167. A RESOLUTION GIVING PRELIMINARY APPROVAL TO THE ISSUANCE OF NOT TO EXCEED SEVENTY MILLION DOLLARS (\$70,000,000) OF HURRICANE RECOVERY REVENUE NOTES OF THE PARISH OF ST. JOHN THE BAPTIST, STATE OF LOUISIANA; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. WHEREAS, the St. John the Baptist Parish Council (the "Governing Authority"), acting as the governing authority for the Parish of St. John the Baptist, State of Louisiana (the "Issuer"), desires to incur debt and issue not to exceed Seventy Million Dollars (\$70,000,000) of Hurricane Recovery Revenue Notes (the "Notes"), in the manner authorized and provided by Section 1430 of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority (the "Act"), for the purpose of (i) paying any costs associated with debris removal or the demolition, rehabilitation, repair, reconstruction, renovation, restoration and improvement of the properties and facilities within the Issuer resulting from or related to Hurricane Ida, including purchasing any furnishings, fixtures and equipment incidental or necessary in connection therewith; (ii) funding a reserve, if required; and (iii) paying the costs of issuance of the Notes; and WHEREAS, the Notes shall be secured by and payable from a pledge of all funds or revenues received or to be received by the Issuer to the extent legally available for the payment of debt service on the Notes, provided that no such funds or revenues shall be so included which have been or are in the future legally dedicated and required for purposes inconsistent therewith by the electorate, by the terms of specific grants, by the terms of particular obligations issued or to be issued or by operation of law (such amount being the "Available Funds of the Issuer"); and WHEREAS, it is expressly provided that the full faith and credit of the Issuer shall not be pledged, and there shall be no obligation on the Issuer to levy or increase taxes or other sources of revenue in order to pay debt service on the Notes or to transfer any funds for the payment of debt service that may result in a violation of any law, ruling, regulation, contract or agreement applicable to the Issuer; and WHEREAS, the Issuer has no outstanding notes or other obligations of any kind or nature payable from or enjoying a lien on the Available Funds of the Issuer herein pledged. NOW, THEREFORE, BE IT RESOLVED: SECTION 1. **Preliminary Approval of Revenue Notes.** Preliminary approval is given to the issuance of not exceeding Seventy Million Dollars (\$70,000,000) of Hurricane Recovery Revenue Notes of the Issuer, pursuant to the Act, for the purpose of (i) paying any costs associated with debris removal or the demolition, rehabilitation, repair, reconstruction, renovation, restoration and improvement of the properties and facilities within the Issuer resulting from or related to Hurricane Ida, including purchasing any furnishings, fixtures and equipment incidental or necessary in connection therewith; (ii) funding a reserve, if required; and (iii) paying the costs of issuance of the Notes, said Notes to be secured by and payable from the Available Funds of the Issuer. The Notes will be issued in one or more series, each of which may be taxable or tax-exempt, shall bear interest at an interest rate not exceeding 5% per annum, and shall mature over a period not exceeding ten (10) years from the date of issuance. The Notes shall have such additional terms and provisions as may be determined in a subsequent resolution of the Issuer. SECTION 2. **State Bond Commission.** Application is hereby made to the State Bond Commission, Baton Rouge, Louisiana, for approval of the issuance and sale of the Notes and for consent and authority to proceed with the issuance and sale of the Notes as provided above, and Bond Counsel is directed to make application to the State Bond Commission in accordance with the foregoing on behalf of the Issuer. By virtue of applicant/issuer's application for, acceptance and utilization of the benefits of

the Louisiana State Bond Commission's approval(s) resolved and set forth herein, it resolves that it understands and agrees that such approval(s) are expressly conditioned upon, and it further resolves that it understands, agrees and binds itself, its successors and assigns to, full and continuing compliance with the "State Bond Commission Policy on Approval of Proposed Use of Swaps, or other forms of Derivative Products Hedges, Etc.," adopted by the Commission on July 20, 2006, as to the borrowing(s) and other matter(s) subject to the approval(s), including subsequent application and approval under said Policy of the implementation or use of any swap(s) or other product(s) or enhancement(s) covered thereby. SECTION 3. **Employment of Bond Counsel.** The Issuer finds and determines that a real necessity exists for the employment of special counsel in connection with the issuance of the Notes, and accordingly, Foley & Judell, L.L.P., of New Orleans, Louisiana, as Bond Counsel, is hereby employed to do and perform work of a traditional legal nature as bond counsel with respect to the issuance and sale of said Notes. Said Bond Counsel shall prepare and submit to the Issuer for adoption all of the proceeding's incidental to the authorization, issuance, sale and delivery of such Notes, shall counsel and advise the Issuer as to the issuance and sale thereof and shall furnish its opinions covering the legality of the issuance of the Notes. The fee of Bond Counsel for each series of notes shall be fixed at a sum not exceeding the fee allowed by the Attorney General's fee guidelines for such bond counsel work in connection with the issuance of such series of revenue notes and based on the amount of said Notes actually issued, sold, delivered and paid for, plus "out-of-pocket" expenses, said fees to be contingent upon the issuance, sale and delivery of said notes. The Parish President is hereby authorized and directed to execute, and the Issuer hereby agrees to and accepts the terms of, the engagement letter appended hereto. A certified copy of this resolution shall be submitted to the Attorney General of the State of Louisiana for his written approval of said employment and of the fees herein designated, and the Council Secretary is hereby empowered and directed to provide for payment of the work herein specified upon completion thereof and under the conditions herein enumerated. SECTION 4. **Appointment of Municipal Advisor.** The Issuer hereby retains Government Consultants, Inc., of Baton Rouge, Louisiana, to act as its Municipal Advisor ("AMA") pursuant to the provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act and the rules promulgated thereunder by the Securities and Exchange Commission. The Issuer hereby acknowledges that it is represented by the MA and will rely upon the advice of the MA with respect to the Bonds. The fee to be paid the MA shall be payable solely from the proceeds of the Bonds when and if issued, and the amount thereof shall be subject to the approval of the State Bond Commission. The Parish President is hereby authorized and directed, in her discretion, to execute any contract the MA may require with respect to the engagement. SECTION 5. **Appointment of Underwriter/Placement Agent.** Stifel, Nicolaus and Company Incorporated, of Baton Rouge, Louisiana is hereby appointed as placement agent/underwriter in connection with the Bonds, any compensation to be subsequently approved by the Issuer and to be paid from the proceeds of the Bonds and contingent upon the issuance of the Bonds; provided that no compensation shall be due to said placement agent/underwriter unless the Bonds are actually sold and delivered. SECTION 6. **Reimbursement.** Prior to the issuance of the Notes, the Issuer anticipates that it may pay a portion of the costs authorized to be paid from the proceeds of the Notes from its available funds. Upon issuance of the Notes, the Issuer reasonably expects to reimburse said expenditures from the proceeds of the Notes. Any such allocation of the proceeds of the Notes for reimbursement will be with respect to capital expenditures [as defined in Treasury Regulation 1.150-1(b)] and will be made upon the delivery of the Notes

and not later than 18 months after the later of (i) the date such expenditure was paid or (ii) the date the improvements are placed in service or abandoned, but in no event more than 3 years after such expenditure was paid. This resolution is intended to be a declaration of intent to reimburse in accordance with the provisions of Treasury Regulation 1.150-2. The motion passed with Councilwoman Duhe-Griffin, Councilman Madere and Wright absent.

**INTRODUCTION OF ORDINANCES:**

**21-43** An ordinance approving the rezoning of Lot 20, Square A, LaPlace Heights Subdivision, from the Residential District One (R-1) to the Residential District Two (R-2) zoning district located in the area generally bounded by Paula Drive, McReine Road, and Marcia Street, LaPlace, as shown in Exhibit 1 attached (PZR-21-1249) (J. Hotard)

**21-44** An ordinance approving the rezoning of Lot YY-1, Carrollwood Section No. 3, from the Commercial District Two (c-2) to the Residential District Three (R-3) zoning district located in the area generally bounded by Fairway Drive, Carrollwood Drive, and Shadow Lane, LaPlace, as shown in Exhibit 1 attached (PZR-21-1250) (J. Hotard)

**21-45** An ordinance authorizing the issuance and sale of not exceeding Seventy Million Dollars (\$70,000,000) of Hurricane Recovery Revenue Notes of the Parish of St. John the Baptist, State of Louisiana; and providing for other matters in connection therewith (J. Hotard)

**MOTION:** Councilwoman Houston moved and Councilman Arcuri seconded the motion to go into Executive Session to discuss *Stephen Hughes and Jennifer Hughes, et al vs. St. John the Baptist Parish*, Docket No. 73600; *In Re: National Prescription Opiate Litigation*, Case No. 1:17-cv-2804; UKG v. St. John the Baptist Parish Council, formal demand for payment. The motion passed with Councilwoman Duhe-Griffin, Councilman Madere and Wright absent.

**EXECUTIVE SESSION:**

*Stephen Hughes and Jennifer Hughes, et al vs. St. John the Baptist Parish*, Docket No. 73600

*In Re: National Prescription Opiate Litigation*, Case No. 1:17-cv-2804

UKG v. St. John the Baptist Parish Council, formal demand for payment

**MOTION:** Councilwoman Houston moved and Councilman Malik seconded the motion to go back into regular session. The motion passed with Councilwoman Duhe-Griffin, Councilman Madere and Wright absent.

Councilman Becnel stated, "Coming out of executive session, no action was taken. So, based on the discussion that went on in executive session, I would need a motion to carry on."

**MOTION:** Councilman Malik moved and Councilwoman Houston seconded the motion to

approve the settlement in accordance with legal representation in the case of Stephen Hughes and Jennifer Hughes, et al vs. St. John the Baptist Parish, Docket No. 73600. The motion passed with Councilwoman Duhe-Griffin, Councilman Madere and Wright absent.

**MOTION:** Councilman Malik moved and Councilman Arcuri seconded the motion to approve the settlement in accordance with legal counsel in the UKG v. St. John the Baptist Parish Council, formal demand for payment. The motion passed with Councilwoman Duhe-Griffin, Councilman Madere and Wright absent.

**Kurt Becnel - Resolution - R21-155 - A Resolution authorizing St. John the Baptist Parish (herein referred to as this "Governmental Unit") to join with the State of Louisiana and other local government units as a participant in the LOUISIANA STATE-LOCAL GOVERNMENT OPIOID LITIGATION MEMORANDUM OF UNDERSTANDING (the "MOU") and any subsequent Formal Agreements necessary to implement the MOU, including but not limited to, the Subdivision Settlement Participation Form(s) in Exhibit K of the Distributor Settlement Agreement and the Janssen Settlement Agreement**

**MOTION:** Councilman Arcuri moved and Councilwoman Houston seconded the motion to approve Resolution - R21-155. A Resolution authorizing St. John the Baptist Parish (herein referred to as this "Governmental Unit") to join with the State of Louisiana and other local government units as a participant in the *LOUISIANA STATE-LOCAL GOVERNMENT OPIOID LITIGATION MEMORANDUM OF UNDERSTANDING* (the "MOU") and any subsequent Formal Agreements necessary to implement the MOU, including but not limited to, the Subdivision Settlement Participation Form(s) in Exhibit K of the *Distributor Settlement Agreement* and the *Janssen Settlement Agreement*<sup>1</sup>. WHEREAS, the St. John the Baptist Parish has suffered harm from the opioid epidemic; and WHEREAS, the St. John the Baptist Parish recognizes that the entire State of Louisiana has suffered harm as a result from the opioid epidemic; and WHEREAS, the State of Louisiana has a pending action in state court, and a number of Louisiana Cities and Parishes have also filed an action *In re: National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio) (the "Opioid Litigation") and St. John the Baptist Parish is a litigating participant in that action; and WHEREAS, the State of Louisiana and lawyers representing certain various local governments involved in the Opioid Litigation have proposed a unified plan for the allocation and use of prospective settlement dollars from opioid related litigation; and WHEREAS, the Louisiana Memorandum of Understanding (the "MOU") sets forth a framework of a unified plan for the proposed allocation and use of opioid settlement proceeds and it is anticipated that formal agreements implementing the MOU will be entered into at a future date; and WHEREAS, participation in the MOU by a large majority of Louisiana cities and parishes will materially increase the amount of funds to Louisiana and should improve Louisiana's relative bargaining position during additional settlement negotiations; and WHEREAS, failure to participate in the MOU will reduce funds available to the State, St. John the Baptist Parish and every other Louisiana city and Parish. NOW, THEREFORE, BE IT RESOLVED BY THIS GOVERNMENTAL UNIT: SECTION 1. That this Governmental Unit finds that participation in the MOU would be in the best interest of the Governmental Unit and its citizens in that such a plan ensures that almost all of the settlement funds go to abate and resolve the opioid epidemic and each and every city and Parish receives funds for the harm that it has suffered. SECTION 2. That this Governmental Unit hereby expresses its support of a unified plan for the allocation and use of opioid settlement proceeds as generally described in the MOU, attached here as Exhibit "A". SECTION

3. That J. Burton LeBlanc, Baron & Budd, P.C., is hereby expressly authorized to execute the MOU in substantially the form contained in Exhibit "A". SECTION 4. That Bridget A. Dinvaut, District Attorney is hereby authorized to execute any formal agreements implementing a unified plan for the allocation and use of opioid settlement proceeds that is not substantially inconsistent with the MOU and this Resolution including but not limited to the Subdivision Settlement Participation Form(s) in the *Distributor Settlement Agreement* and the *Janssen Settlement Agreement*<sup>2</sup>. SECTION 5. That the Clerk be and hereby is instructed to record this Resolution in the appropriate record book upon its adoption. SECTION 6. The clerk of this Governmental Unit is hereby directed to furnish a certified copy of this Ordinance/Resolution to the Louisiana Attorney General. Attorney General Jeff Landry, c/o Bill Stiles, Post Office Box 94005. Baton Rouge, LA 70804. The motion passed with Councilwoman Duhe-Griffin, Councilman Madere and Wright absent.

**CORRESPONDENCE/COUNCIL BRIEFS:**

**ADJOURNMENT:**

At 8:34 PM, Councilwoman Houston moved and Councilman Malik seconded the motion to adjourn. The motion passed with Councilwoman Duhe-Griffin, Councilman Madere and Wright absent.

/s/Kurt P. Becnel  
COUNCIL CHAIRMAN

/s/Jackie Landeche  
Council Secretary