

**PROCEEDINGS OF THE ST. MARTIN PARISH COUNCIL**

**SPECIAL MEETING - SEPTEMBER 20, 2022**

The St. Martin Parish Council met in Special Session pursuant to the following Notice of Special Meeting:

**NOTICE OF SPECIAL MEETING**

Chairman Chris Tauzin has called a **Special Meeting** of the St. Martin Parish Council for 5:00 P.M., Tuesday, September 20, 2022, Carroll J. Fuselier Meeting Room Annex Building, 301 West Port Street, St. Martinville, Louisiana, in accordance with the Provisions of the St. Martin Parish Home Rule Charter, Section 2.07, Council Meetings and Rules, Paragraph C, to consider the following items:

- 1) CALL TO ORDER
- 2) INVOCATION
- 3) PLEDGE OF ALLEGIANCE
- 4) ROLL CALL
- 5) SPECIAL BUSINESS:  
None.
- 6) ORDINANCE INTRODUCED FOR PUBLIC HEARING:  
None.
- 7) RESOLUTIONS:

**SUMMARY NO. 066-RS (Introduced by Chris Tauzin)**

A resolution for the **authorizing or rejecting** of the proposition that the Parish of St. Martin (herein referred to as this "Parish") join with the State of Louisiana, the Louisiana Attorney General, and other local governmental units as a participant in A MEMORANDUM OF UNDERSTANDING (the "MOU") and any subsequent Formal Agreements necessary to implement the MOU, including but not limited to, a collateral letter agreement regarding the application of indemnity provisions set forth in the MOU, all related to litigation against Freeport Sulphur Company, Freeport-McMoRan Oil & Gas, LLC, McMoRan Oil & Gas, LLC, Freeport-McMoRan Energy, LLC, McMoRan Exploration, LLC, and Mosaic Global Holdings, Inc. (the "Freeport/Mosaic Parties").

SUMMARY NO. 067-RS (Introduced at Request of Parish President)

A resolution providing for the extension of the consolidation period for the Consolidated Waterworks District No. 4 of the Parish of St. Martin, State of Louisiana described in Ordinance Number 21-12-1341, and extending the cessation date of the current Waterworks District No. 4 of the Parish of St. Martin, all in accordance with Section 5 of the said Ordinance Number 21-12-1341-OR.

8) ORDINANCES INTRODUCED FOR PUBLICATION:

None.

9) ADJOURNMENT

*NOTE: According to the Home Rule Charter, Section 2.07, Paragraph C, "the power of the Council to act at a special or emergency meeting shall be limited, under penalty of nullity, to the objects specifically enumerated in the call."*

The meeting was called to order by Chairman Chris Tauzin.

The Invocation was read by Brooke Thibodeaux, and the Pledge of Allegiance was led by Vincent Alexander.

The following members were present: Byron Fuselier, Carla JeanBatiste, Tangie Narcisse, David Poirier, Chris Tauzin, Vincent Alexander and Dean LeBlanc. Members absent: Brook Champagne (excused) and Daniel Richard, Jr. (excused). Also present: Parish President Chester Cedars, Director of Administration Calder Hebert, Director of Public Works Kasey Courville, Deputy Clerk of the Council Chantelle Dever and Parish Attorney Allan Durand.

Chairman Chris Tauzin requested Parish President Chester Cedars explain Resolution Summary No. 066-RS. Parish President Chester Cedars declared that full details can be found in his President's Report (*on-file*). At the outset, President Cedars noted that consideration of this matter was deferred at the Regular Meeting of September 6, 2022. St. Martin Parish is not a plaintiff in this litigation. St. Martin Parish's allocation is 0.4% since there is only one Parish site which exhibits any coastal damage which can be attributed to oil and gas operations. Parish President Chester Cedars explained that he and other Council Members have attended at least two (2) meetings where the parameters of the proposed settlement were discussed. One meeting was on August 22, 2022, and the second meeting was on September 8, 2022. St. Martin Parish Council Members must decide whether they wish to approve or reject participation in the settlement. President Cedars recommended rejecting to participate.

Constituent Billy Broussard requested to speak on this item but was denied due to comments not being related to the resolution. Mr. Broussard handed a packet (*on-file*) to Chairman Tauzin.

A motion was made by Dean LeBlanc and seconded by David Poirier that the following resolution be adopted:

### **RESOLUTION NO. 22-066-RS**

A RESOLUTION REJECTING THE PROPOSAL THAT THE PARISH OF ST. MARTIN (HEREIN REFERRED TO AS THIS "PARISH") TO JOIN WITH THE STATE OF LOUISIANA, THE LOUISIANA ATTORNEY GENERAL, AND OTHER LOCAL GOVERNMENTAL UNITS AS A PARTICIPANT IN A MEMORANDUM OF UNDERSTANDING (THE "MOU") AND ANY SUBSEQUENT FORMAL AGREEMENTS NECESSARY TO IMPLEMENT THE MOU, INCLUDING BUT NOT LIMITED TO, A COLLATERAL LETTER AGREEMENT REGARDING THE APPLICATION OF INDEMNITY PROVISIONS SET FORTH IN THE MOU, ALL RELATED TO LITIGATION AGAINST FREEPORT SULPHUR COMPANY, FREEPORT-MCMORAN OIL & GAS, LLC, MCMORAN OIL & GAS, LLC, FREEPORT-MCMORAN ENERGY, LLC, MCMORAN EXPLORATION, LLC, AND MOSAIC GLOBAL HOLDINGS, INC. (THE "FREEPORT/MOSAIC PARTIES").

WHEREAS, litigation (the "Litigation") has been instituted by several Parishes in the State of Louisiana seeking recompense for damages to several sites within the Louisiana Coastal Zone, the Litigation being specifically referenced in a Memorandum of Understanding (the "MOU") which is hereinafter described; and

WHEREAS, the Parish of St. Martin is not, and does not intend or desire to be, a party to the Litigation; and

WHEREAS, the Parish of St. Martin has not instituted or been named as a party as regards any litigation whatsoever involving alleged coastal damages; and

WHEREAS, under the provisions of La. R.S. 49:214.36, the Parish of St. Martin had no legal standing to even institute such litigation because it has never adopted an approved coastal management program as envisioned by the Louisiana Coastal Resources Management Act of 1978, La. R.S. 49:214.21, *et seq*; and

WHEREAS, pursuant to the dictates of La. R.S. 49:214.36(D), the District Attorney for St. Martin Parish, M. Bofill Duhé, has standing to institute such litigation; and

WHEREAS, M. Bofill Duhé has acknowledged that he has no intention on instituting such litigation or participating in any settlement of any claim(s) associated with the Litigation without the express approval of the parishes within the Sixteenth Judicial District of the State of Louisiana; and

WHEREAS, the plaintiffs in the Litigation are the Parishes of Plaquemines, Cameron, Jefferson, St. John the Baptist, Vermilion, and St. Bernard; and

WHEREAS, in the course of the Litigation, only one area of violation within the coastal jurisdiction of St. Martin Parish has been identified; and

WHEREAS, the area of violation(s) in St. Martin Parish totals only 0.4% of all of the areas of violations within the Louisiana Coastal Zone as defined in La. R.S. 49:214.24; and

WHEREAS, Freeport Sulphur Company, Freeport-McMoRan Oil & Gas, LLC, McMoRan Oil & Gas, LLC, Freeport-McMoRan Energy, LLC, McMoRan Exploration, LLC, and Mosaic Global Holdings, Inc. (the "Freeport/Mosaic Parties") are defendants in the Litigation; and

WHEREAS, the Freeport/Mosaic Parties have agreed to settle the Litigation which would relieve them from any further liability; and

WHEREAS, the terms of the settlement require the deposit of One Hundred Million Dollars in a special fund to be administered by the Louisiana Coastal Protection and Restoration Authority pursuant to, and provided that, legislation which must be enacted within three (3) years of the confection of the settlement; and

WHEREAS, the allocation of the settlement funds due St. Martin Parish would be 0.4% of the total settlement funds payable over twenty (20) years; and

WHEREAS, the proposed settlement provides that the payment of the One Hundred Million Dollars shall fully resolve all potential liability for all claims asserted or that could be asserted by any plaintiff, St. Martin Parish, and/or the State of Louisiana arising directly or indirectly from the Freeport/Mosaic Parties' oil and gas exploration, production, and transportation operations and their sulphur exploration, production, and transportation operations conducted prior to the confection of the settlement and conducted within the jurisdiction of the parishes within the defined Louisiana Coastal Zone; and

WHEREAS, District Attorney M. Bofill Duhé has stated that he will not execute the settlement documents without the express consent, approval, and/or affirmation of St. Martin Parish; and

WHEREAS, all of the named plaintiffs in the litigation and the Freeport/Mosaic Parties have agreed to a settlement under the terms expressed in a Memorandum of Understanding (the “MOU”) setting forth the terms and conditions of the settlement; and

WHEREAS, the Memorandum of Understanding was signed by the Freeport/Mosaic Parties on March 11, 2020, and March 12, 2020; and

WHEREAS, the State of Louisiana, Department of Natural Resources, executed the Memorandum of Understanding on February 19, 2021; and

WHEREAS, the Attorney General of the State of Louisiana has also approved of the terms and conditions of the Memorandum of Understanding as evidenced by his signature on the MOU on March 4, 2021; and

WHEREAS, it has been represented that should St. Martin Parish and/or District Attorney Duhé refuse to sign the Memorandum of Understanding, then Parish’s 0.4% allocation of the settlement funds would inure to the benefit of the State of Louisiana; and

WHEREAS, with or without the execution of the Memorandum of Understanding by St. Martin Parish, the Freeport/Mosaic Parties will be obligated to fund the total settlement of One Hundred Million Dollars; and

WHEREAS, the settlement fund may only be used for environmental restoration, coastal protection, remediation, increased resiliency, and economic development within the Parishes which execute the Memorandum of Understanding; and

WHEREAS, District Attorney M. Bofill Duhé has expressed concerns about various indemnity provisions of the Memorandum of Understanding; and

WHEREAS, the concerns of District Attorney M. Bofill Duhé have been assuaged by the terms of a “Letter Agreement” to which the Freeport/Mosaic Parties have agreed; and

WHEREAS, the St. Martin Parish Council has evaluated the proposition that St. Martin Parish participate in the settlement, it has nonetheless determined that it is not in the Parish’s overall best interests to be a party to the settlement for essentially the same reasons that it has never engaged in any coastal litigation:

NOW, THEREFORE, BE IT RESOLVED that:

SECTION 1. The entirety of the MOU inclusive of all exhibits appended, duly signed by the Freeport/Mosaic Parties on March 11, 2020 and March 12, 2020, the State of Louisiana, Department of Natural Resources, on February 19, 2021, and Attorney General Jeffrey M. Landry on March 4, 2021, and the entirety of the "Letter Agreement" relative to the indemnity provisions of the settlement accord be made a part of this Resolution by reference.

SECTION 2. The St. Martin Parish Council hereby finds that participation in the MOU and Letter Agreement would NOT be in the overall best interests of the Parish and its citizens.

SECTION 3. The St. Martin Parish Council hereby declares that St. Martin Parish Government shall not be a participant in the settlement set forth in the MOU or any other compromise proposal associated with the litigation.

SECTION 4. The St. Martin Parish Council further declares that it does not authorize the Secretary of the Louisiana Department of Natural Resources, the Attorney General of the State of Louisiana, the District Attorney for the Sixteenth Judicial District or any other state or local person, firm, agency, or governmental unit to appear on its behalf in the execution of the MOU or to represent it in any form or fashion in the Litigation. Moreover, the St. Martin Parish Council declares that without its express authorization no state or local official or agency has the constitutional authority to assert on its behalf any claim(s) which may arise under La. R.S. 49:214.36.

SECTION 5. Chester R. Cedars, President of St. Martin Parish, be and is hereby authorized and directed to execute any documents, statements, agreements or instrument in order to effectuate the terms and conditions of this Resolution.

SECTION 6. The Clerk of the Council be and is hereby directed to furnish a certified copy of this Resolution to:

M. Bofill Duhé  
District Attorney  
300 Iberia Street, #200  
New Iberia, LA 70560

Thomas F. Harris  
Secretary of the Department of Natural Resources  
Post Office Box 94396  
Baton Rouge, LA 70804

Jeffrey M. Landry  
Louisiana Attorney General  
Post Office Box 94005  
Baton Rouge, LA 70804

SECTION 7. This Resolution shall take effect immediately upon its adoption.

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

YEAS: Byron Fuselier, Carla JeanBatiste, Tangie Narcisse, David Poirier,  
Chris Tauzin, Vincent Alexander and Dean LeBlanc.  
NAYS: None.  
ABSTAIN: None.  
ABSENT: Brook Champagne (excused) and Daniel Richard, Jr. (excused).

And the Resolution was declared adopted on this 20th day of September, 2022.

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A motion was made by Byron Fuselier and seconded by David Poirier that the following resolution be adopted:

**RESOLUTION NO. 22-067-RS**

A RESOLUTION PROVIDING FOR THE EXTENSION OF THE CONSOLIDATION PERIOD FOR THE CONSOLIDATED WATERWORKS DISTRICT NO. 4 OF THE PARISH OF ST. MARTIN, STATE OF LOUISIANA DESCRIBED IN ORDINANCE NUMBER 21-12-1341-OR, AND EXTENDING THE CESSATION DATE OF THE CURRENT WATERWORKS DISTRICT NO. 4 OF THE PARISH OF ST. MARTIN, ALL IN ACCORDANCE WITH SECTION 5 OF THE SAID ORDINANCE NUMBER 21-12-1341-OR.

WHEREAS, the Home Rule Charter of the Parish of St. Martin, State of Louisiana, as well as the provisions of Chapter 22, Title 33 of the Louisiana Revised Statutes of 1950, as amended, (La. R.S. 33:7702 *et seq.*), and other constitutional and statutory authority supplemental thereto (the "Act"), permit the St. Martin Parish Council (the "Parish Council"), acting as the governing authority of the Parish of St. Martin, State of Louisiana (the "Parish"), to create one or more consolidated waterworks districts in the Parish; and

WHEREAS, pursuant to and in compliance with the provisions of the Act, the Parish Council, adopted a resolution on November 2, 2021, declaring its intent to create Consolidated Waterworks District No. 4 of the Parish of St. Martin, State of Louisiana (the "District"), describing the territory to compose the District and the proposed boundaries thereof, ordering and directing the

publication of a notice of intention to create the District, and providing for the hearing of any and all objections to the creation thereof; and

WHEREAS, notice of the intent of the Parish Council to create the District was published one time pursuant to the Act in the *Teche News*, the official journal of the Parish, with said publication occurring on November 10, 2021; and

WHEREAS, the Parish Council, acting as the governing authority of the Parish, has determined that the creation of the District is in the best interests of the Parish and the inhabitants of the area affected; and

WHEREAS, the St. Martin Parish Council adopted on December 7, 2021, Ordinance Number 21-12-1341-OR which created the District; and

WHEREAS, the creation of the consolidated district described in the said Ordinance Number 21-12-1341-OR requires the abolition of the current Waterworks District No. 4 of the Parish of St. Martin, effective ninety (90) days after the adoption of the said Ordinance on December 7, 2021; and

WHEREAS, by Resolution Number 22-026-RS, adopted on March 2, 2022, the St. Martin Parish Council extended the abolition date of Waterworks District No. 4 of the Parish of St. Martin for an additional 210 days from its original cessation date fixed by Ordinance Number 21-12-1341-OR; and

WHEREAS, the steps necessary to complete the consolidation/creation of the District in question will still require several more months, thus, mandating that the current Waterworks District No. 4 of the Parish of St. Martin continue to exist and operate:

BE IT THEREFORE RESOLVED that in accordance with Section 5 of Ordinance Number 21-12-1341-OR adopted on December 7, 2021, Waterworks District No. 4 of the Parish of St. Martin shall continue in existence for an additional 240 days from the abolition/cessation date established in Resolution Number 22-026-RS, after which it shall cease to exist, unless the St. Martin Parish further extends its existence.



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

YEAS: Byron Fuselier, Carla JeanBatiste, Tangie Narcisse, David Poirier,  
Chris Tauzin, Vincent Alexander and Dean LeBlanc.  
NAYS: None.  
ABSTAIN: None.  
ABSENT: Brook Champagne (excused) and Daniel Richard, Jr. (excused).

And the Resolution was declared adopted on this 20th day of September, 2022.

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A motion was made by Dean LeBlanc and seconded by Carla JeanBatiste that the St. Martin Parish Council does hereby adjourn. Motion was unanimously approved.

I HEREBY CERTIFY THE FOREGOING TO BE EXACT AND TRUE:

  
\_\_\_\_\_  
BROOKE THIBODEAUX  
CLERK OF THE COUNCIL