

PARISH RESOLUTION NO. PR-007-2022

A RESOLUTION OF THE LAFAYETTE PARISH COUNCIL GIVING PRELIMINARY APPROVAL TO ONE OR MORE PUBLIC-PRIVATE AGREEMENTS OF THE PARISH OF LAFAYETTE, STATE OF LOUISIANA; MAKING APPLICATION TO THE STATE BOND COMMISSION FOR APPROVAL OF SAID AGREEMENTS; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

BE IT RESOLVED by the Lafayette Parish Council, that:

WHEREAS, Article VII, Section 14 of the Louisiana Constitution of 1974, as amended, provides that, for a public purpose, Lafayette Parish (the "Parish") may engage in cooperative endeavors with any other public or private entity; and

WHEREAS, in Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950, as amended (the "Act"), the Louisiana Legislature specifically found that "it is in the best interest of the state of Louisiana and of [the Parish] to encourage, create, and support public-private partnerships;" and

WHEREAS, the Act authorizes the Parish to enter into partnership or other contractual arrangements with private entities for the purpose of making, operating and maintaining capital improvements in the Parish; and

WHEREAS, the Parish therefore desires to enter into one or more Agreements, which may include but shall not be limited to lease agreements, lease/leaseback agreements, and cooperative endeavor agreements (collectively, the "Agreements"), with public and/or private entities for the purpose of designing, building, maintaining and operating public facilities in the Parish; and

WHEREAS, any payments owed by the Parish pursuant to the Agreements will be subject to appropriation and, to the extent appropriated, will be paid from the Parish's Available Revenues, consisting of all funds or revenues received or to be received by the Parish to the extent legally available for such payments, 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; and

WHEREAS, the Parish desires to make formal application to the State Bond Commission for approval of the Agreements and further to employ professionals in connection therewith.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Lafayette Parish Council, that:

SECTION 1: All of the aforescribed "Whereas" clauses are adopted as part of this resolution.

SECTION 2: In accordance with the Act and other constitutional and statutory authority, preliminary approval is hereby given to the Agreements for the purpose of designing, building, maintaining and operating public facilities in the Parish. Each of the Agreements shall have a maximum term of 40 years from the effective date thereof. The aggregate net amount to be paid by the Parish in any fiscal year pursuant to the Agreements shall not exceed \$10,500,000 (adjusted for inflation over the term of the Agreement); provided, however, that any payments owed by the Parish pursuant to the Agreements will be subject to appropriation and, to the extent appropriated, will be paid from its Available Revenues, consisting of all funds or revenues received or to be received by the Parish to the extent legally available for such payments, 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.

SECTION 3: Application is hereby made to the State Bond Commission, Baton Rouge, Louisiana, for approval of the Agreements. The Lafayette Mayor-President and the Chief Financial Officer of the Parish are authorized to take any and all actions as may be necessary to complete and submit such application and obtain such approval.

By virtue of applicant'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 any 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 4: The Lafayette Mayor-President and other appropriate officials of the Parish are authorized and directed to prepare a request for qualifications or similar procurement and take any and all actions as may be necessary to solicit private entities to contract with the Parish in the Agreements, subject to the subsequent approval of the form and terms of the Agreements by this Governing Authority.

SECTION 5: This Governing Authority finds and determines that a real necessity exists for the employment of special counsel in connection with the Agreements, and accordingly, Foley & Judell, L.L.P., of New Orleans, Louisiana, as Special Counsel, is hereby employed to do and perform work of a traditional legal nature as Special Counsel with respect to the Agreements. Special Counsel shall be supervised in this representation by the Lafayette City-Parish Attorney and shall in consultation with the Lafayette City-Parish Attorney assist in negotiating and drafting the terms of the Agreements, prepare and submit to this Governing Authority for adoption all of the proceedings incidental to the Agreements, and render such opinions as may be desired or required. The fee of Special Counsel for each Agreement shall be determined by the Lafayette Mayor-President and fixed at a sum not exceeding the fee allowed by the Attorney General's fee guidelines plus "out-of-pocket" expenses. The Lafayette Mayor-President is hereby authorized and directed to execute, and this Governing Authority hereby accepts the terms of, the engagement letter of Special Counsel as may be approved by the Lafayette City-Parish Attorney. 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 therefore, and the Chief Financial Officer is hereby empowered and directed to provide for payment of the work herein specified upon completion thereof and under the conditions herein enumerated without further approval of this Governing Authority.

SECTION 6: All resolutions, or parts thereof, in conflict herewith are hereby repealed.

This resolution having been submitted to a vote, the vote on behalf of the Lafayette Parish Council thereon was as follows:

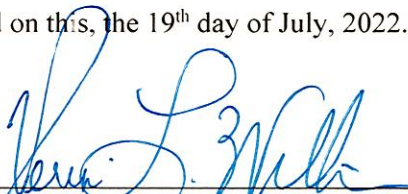
YEAS: Tabor, Naquin, Carlson, Guilbeau

NAYS: Rubin

ABSENT: None

ABSTAIN: None

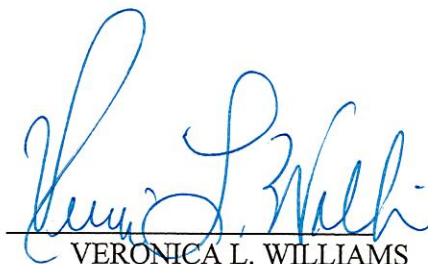
AND the resolution was declared adopted on this, the 19th day of July, 2022.


VERONICA L. WILLIAMS
LAFAYETTE CLERK OF THE COUNCIL

STATE OF LOUISIANA
PARISH OF LAFAYETTE

I, the undersigned Lafayette Clerk of the Council, do hereby certify that the foregoing pages constitute a true and correct copy of a resolution adopted by the Lafayette Parish Council on July 19, 2022, giving preliminary approval to one or more Public-Private Agreements of the Parish of Lafayette, State of Louisiana; making application to the State Bond Commission for approval of said Agreements; and providing for other matters in connection therewith.

IN FAITH WHEREOF, witness my official signature on this, the 19th day of July, 2022.



VERONICA L. WILLIAMS
LAFAYETTE CLERK OF THE COUNCIL



RECEIVED

JUL 08 2022

Lafayette Consolidated Government
Chief Administrative Officer

Internal Memorandum

Legal Department (1400)

TO: Cydra Wingerter **DATE:** July 8, 2022

FROM: Gregory J. Logan

SUBJECT: A Resolution of the Lafayette Parish Council giving Preliminary Approval to one or more Public-Private Agreements of the Parish of Lafayette, State of Louisiana; making application to the State Bond Commission for approval of said agreements; and providing for other matters in connection therewith.

I attach the following, and request placement of same on the agenda at the July 19, 2022 Council Meeting:

- (a) A Resolution of the Lafayette Parish Council giving Preliminary Approval to one or more Public-Private Agreements of the Parish of Lafayette, State of Louisiana; making application to the State Bond Commission for approval of said agreements; and providing for other matters in connection therewith;
- (b) Agenda Item Submittal Form.

If you concur, please place this item on the next Parish Council agenda.

Should you have any questions, please contact our office.

Gregory J. Logan
City-Parish Attorney

Attachments

t: 337.406.9685 / glogan@lafayettela.gov

LAFAYETTE PARISH COUNCIL MEETING

AGENDA ITEM SUBMITTAL FORM

1) **JUSTIFICATION FOR REQUEST:** A Resolution giving preliminary approval to one or more public-private agreements of the Parish of Lafayette, State of Louisiana; making application to the State Bond Commission for approval of said agreements; and providing for other matters in connection therewith.

2) **ACTION REQUESTED:** Adoption of Resolution

3) **COUNCIL DISTRICT(S) (CIP PROGRAM/PROJECTS ONLY):** _____

4) **REQUESTED ACTION OF COUNCIL:**

A) **INTRODUCTION:** _____

B) **FINAL ADOPTION:** July 19, 2022

5) **DOCUMENTATION INCLUDED WITH THIS REQUEST:**

A) Cover Memo (1 page)

B) Submittal Form (1 page)

C) Resolution (4 pages)

6) **FISCAL IMPACT:**

_____ Fiscal Impact (Explain)

x No Fiscal Impact

RECOMMENDED BY:


GREGORY J. LOGAN
CITY-PARISH ATTORNEY

APPROVED FOR AGENDA:


CYDRA WINGERTER
CHIEF ADMINISTRATIVE OFFICER

