

**IBERVILLE PARISH COUNCIL MINUTES
PUBLIC HEARING, TUESDAY, JANUARY 17, 2023
PROPOSED ORDINANCES**

The Parish Council of Iberville Parish, State of Louisiana, held a Public Hearing in the Council Meeting Room, 58050 Meriam Street, Plaquemine, Louisiana, on the 17th day of January, 2023 at 6:00 P.M. pursuant to a Notice of Public Hearing published on the 29th day of December, 2022 in the Plaquemine Post South and posted on the Iberville Parish website.

The Council Chairman, Matthew H. Jewell, called the hearing to order followed by the roll call with the following Council Members in attendance: Shalanda L. Allen, District 1; Chasity B. Easley; District 2; Thomas E. Dominique, Sr., District 3; Leonard Jackson, Sr., District 4; Steve C. Smith District 5; Raheem T. Pierce, District 6; Ty J. Arnold, District 7; Hunter S. Markins, District 8; Louis R. Kelley, Jr., District 10; Timothy J. Vallet, District 11; Matthew H. Jewell, District 12; Bart B. Morgan, District 13.

Absent: Bradford.

Councilman Bradford arrived after roll call.

Chief Administrative Officer- Edward Songy, and Legal Counsel- Scott Stassi were also in attendance.

Mr. Songy read the following ordinances in entirety.

ORDINANCE 1 Ordinance to fully substitute and replace ordinance number 008-21 and ordinance number 013-22 related to article 7, division d, of the unified development code pertaining to solar farms. An ordinance to enact article 7, division d, of the unified development code of the parish of Iberville pertaining to solar farms within the unincorporated areas of Iberville Parish.

The floor was opened to comments and questions. There was no opposition to this ordinance from the public.

There being no further business to be conducted, the hearing was adjourned at 6:18 p.m.

/s/ MACY WILLIAMSON
COUNCIL CLERK

/s/ MATTHEW H. JEWELL
COUNCIL CHAIRMAN

**IBERVILLE PARISH COUNCIL MINUTES
REGULAR MEETING, TUESDAY, JANUARY 17, 2023**

The Parish Council of Iberville Parish, State of Louisiana, met in Regular Session, in the Council Meeting Room, 2nd Floor, Courthouse Building, 58050 Meriam Street, Plaquemine, Louisiana, on the 17th day of January, 2023.

The Council Chairman, Matthew H. Jewell, called the meeting to order at 6:30 p.m. followed by the roll call with the following Council Members in attendance: Shalanda L. Allen, District 1; Chasity B. Easley; District 2; Thomas E. Dominique, Sr., District 3; Leonard Jackson, Sr., District 4; Steve C. Smith District 5; Raheem T. Pierce, District 6; Ty J. Arnold, District 7; Hunter S. Markins, District 8; Terry J. Bradford, District 9; Louis R. Kelley, Jr., District 10; Timothy J. Vallet, District 11; Matthew H. Jewell, District 12; Bart B. Morgan, District 13.

Absent: None.

Chief Administrative Officer- Edward Songy, and Legal Counsel- Scott Stassi was also in attendance.

A quorum was present and due notice had been posted and published in the Plaquemine Post South newspaper on the 12th day of January, 2023. The Pledge of Allegiance followed.

Council Chairman Jewell asked everyone remain standing for a moment of silence for Randall Dunn and his family for the loss of his daughter Maggie, and for the loss of Councilman Thomas Dominique's sister.

Council Chairman Jewell called for anyone wanting to make public comments to register with the Clerk. No one registered to speak.

ELECTION OF COUNCIL CHAIRMAN

Legal Counsel, Scott Stassi opened the floor for nominations for Chairman of the Iberville Parish Council.

Upon a motion by Councilman Vallet, and seconded by Councilman Kelley, it was moved to nominate Councilman Matthew Jewell for Council Chairman.

Councilman Jackson moved to close the nominations, for Council Chairman, seconded by Councilman Smith. The nominations were closed by acclimation.

Councilman Matthew Jewell is declared Council Chairman. Chairman Jewell thanked the Council for this honor and their support.

ELECTION OF COUNCIL VICE CHAIRMAN

Council Chairman Jewell opened the nominations for Council Vice Chairman.

Upon a motion by Councilman Kelley, and seconded by Councilman Markins, it was moved to nominate Councilman Leonard Jackson, Sr. for Council Vice Chairman.

Councilman Arnold moved to close the nominations, for Council Vice Chairman, seconded by Councilman Kelley. The nominations were closed by acclimation.

Councilman Leonard Jackson, Sr. is declared Council Vice Chairman. Vice Chairman Jackson thanked the Council for this honor, and promised to carry out all of his duties as Vice Chairman.

ADDENDUM

- A) Resolution authorizing cooperative endeavor agreement with White Castle Police Department for use of a surplus vehicle
- B) Kyle Grace announcing his candidacy for Mayor of the city of St. Gabriel.

Upon a motion by Councilman Smith, seconded by Councilman Pierce, it was moved that the resolution would be moved on to the agenda as agenda items 13 A and Kyle Grace would be added to 7 A presentations and appearances. The motion having been duly submitted to a vote was duly adopted by the following yea and nay votes on roll call:

YEAS: Allen, Easley, Dominique, Jackson, Smith, Pierce, Arnold, Markins, Bradford, Kelley, Vallet, Morgan.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

PRESENTATIONS AND APPEARANCES

A) Kyle Grace announcing his candidacy for Mayor of the city of St. Gabriel.

- Mr. Kyle Grace came before the council to announce his candidacy for the Mayor of St. Gabriel. He lives in St. Gabriel. He asked the council for their prayers during his campaign. He has a passion for service and hopes to see change in future for the city of St. Gabriel. He thanked the council for their time.

APPROVAL OF MINUTES

Upon a motion by Councilman Arnold, and seconded by Councilman Bradford, it was moved to wave the reading of the minutes of December 20, 2022 and approve as written. The motion having been duly submitted to a vote was duly adopted by the following yea and nay votes on roll call:

YEAS: Allen, Easley, Dominique, Jackson, Smith, Pierce, Arnold, Markins, Bradford, Kelley, Vallet, Morgan.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

The motion was declared adopted by the Chairman.

PRESIDENT'S REPORT

CAO, Edward Songy, Jr. reported on the following in the absence of President Ourso:

- He stated that the drainage project in White Castle has been approved in the sum of over \$2 million dollars. The project will increase the storage of the channel and cleaning the channel.
- The boat landing under I-10 will be made a public boat landing in the next 30-60 days through the parish working with the state and DOTD.
- Clint Moore, Director of Emergency Preparedness, came before the council to explain the street light projects. There is no current comprehensive list of all the street lights and their location in the parish. He met with Pointe Coupee Electric and Entergy to come up with a system to identify each light in the parish. They are going to make an active map for all the street lights in the parish and each company will be color coded to determine which company it belongs to.
- Clint Moore stated that the pipeline drainage canal in St. Gabriel and the parish has cleaned their section and the water can't drain properly because the company's portion is not cleaned. Four of the companies are going to work together to get their sections cleaned and Exxon also agreed to clean their section as well but there is no set timeline on when that will be completed.

FINANCIAL REPORT

Finance Director, Randall Dunn was not in attendance.

ORDINANCE IPC # 001-2023

ORDINANCE TO FULLY SUBSTITUTE AND REPLACE ORDINANCE NUMBER 008-21 AND ORDINANCE NUMBER 013-22 RELATED TO ARTICLE 7, DIVISION D, OF THE UNIFIED DEVELOPMENT CODE PERTAINING TO SOLAR FARMS. AN ORDINANCE TO ENACT ARTICLE 7, DIVISION D, OF THE UNIFIED DEVELOPMENT CODE OF THE PARISH OF IBERVILLE PERTAINING TO SOLAR FARMS WITHIN THE UNINCORPORATED AREAS OF IBERVILLE PARISH

WHEREAS, the Iberville Parish Council adopted Ordinance Number 008-21 on June 15, 2021, by unanimous approval related to permitting of Solar Farm development within the unincorporated areas of Iberville Parish.

WHEREAS, the Iberville Parish Council adopted Ordinance Number 013-22 to amend the provisions of Iberville Parish Ordinance Number 008-21 on November 15, 2022, to provide for the addition of Section 7.D-10 entitled “Contractual Disputes”.

WHEREAS, Iberville Parish residents have expressed concerns regarding their health, safety, welfare, and property related to Solar Farms in close proximity to residential areas.

WHEREAS, the Iberville Parish Council desires to fully substitute and replace Ordinance Number 008-21 and Ordinance Number 013-22 as follows:

BE IT ORDAINED by the Iberville Parish Council in regular session convened that Article 7 Division D, of the Unified Development Code of the Parish of Iberville is hereby enacted to read as follows:

ARTICLE 7, SPECIFIC USES

DIVISION 7.D. – SOLAR FARM REGULATION

7. D-1 Administration

7. D-1.1. Purpose.

The Iberville Parish Council (“Council”), in order to protect the health, safety, and welfare of the public and to provide for the orderly, planned, efficient, and healthy development of utility scale solar farm project facilities in the unincorporated areas of Iberville Parish, hereby adopts this ordinance to be entitled The Iberville Parish Utility Scale Solar Farm Facility (“USSFF” or “Facility”).

The following provisions of Article 7.D comprise the Iberville Parish Utility Scale Solar Farm Facility standards ordinance. This ordinance grants the Iberville Parish Council sole authority over all matters concerning a USSFF in Iberville Parish (the “Parish”).

The purpose of this ordinance is to set minimum standards and requirements for the permitting and operation of USSFFs in the unincorporated areas of Iberville Parish.

7.D-1.2. General.

- a. The Council hereby delegates the authority to review, approve and/or deny a Utility Scale Solar Farm Facility Permit ("USSFF Permit") to the Office of the Iberville Parish President, who will be assisted by the Iberville Parish Permit Office (the "Permit Office"), and the Iberville Parish Director of General Services.
- b. The Applicant for the USSFF Permit shall conduct at least one community meeting to provide adjacent landowners and the public an opportunity to ask questions and discuss the projects. The community meeting shall be conducted prior to permit approval. Notice of the public meeting shall be published at least twice in the official journal and the meeting shall be held at a location in the parish which is suitable for public meetings.
- c. The documents, plans and studies required by this Ordinance are to be delivered to the Office of the Iberville Parish President, which is under the direction of the Iberville Parish President (the “Parish President”). The Parish President or his designee shall determine if all documents, plans and studies required by this Ordinance have been delivered to said office. If any required documents, plans and studies have not been delivered and said Application is incomplete, the Parish President shall notify the Applicant of the deficiencies in writing sent by certified mail. The Applicant shall have 30 days from the receipt of notice to address any deficiencies. Failure to correct the deficiencies within the 30-day time period will result in denial of the USSFF Permit Application.
- d. Once all documents, plans, and studies required by this Ordinance are delivered to the Parish President, he or his designee shall begin the review. The review process shall include the assistance of the Parish Engineer and any additional third-party consultants required by the Parish President. The Parish President may employ same to assist his Office with its review of the Permit Application in conformance with applicable state and/or Iberville

- Parish procurement laws and regulations. The Applicant shall reimburse the Parish for the engineering review services and all third-party consultants engaged by the Parish of Iberville to assist in reviewing the Applicant's documents, plans, and studies.
- e. If the Parish President approves the Application, he, or his designee, shall present the Application, documents, plans, and studies to the Parish Council to approve or deny the USSFF Permit.
 - f. If the Application is denied at any step of the review process, the official issuing such denial shall provide a written statement as to the reasons for the denial to the Applicant and the applicant shall be afforded 30-days to submit additional information or an amended plan to remediate the defects that were the basis for the denial. If the Application is finally denied, the Applicant shall have the option to appeal the denial to the Council, and the Council may, by majority vote, direct the Parish President to grant the Permit or to deny said Permit. Construction of the USSFF shall not commence prior to issuance of a USSFF Permit.
 - g. The issuance of a Permit under this Chapter shall serve as the agreement and acknowledgment by the Permittee, and its successors and assigns, as well as the property owners, that Iberville Parish Government shall have standing to enforce any and all provisions and obligations of the Permit.
 - h. A Permit shall expire one (1) year from the date of issuance, unless construction has commenced on the solar farm. After the expiration of a Permit, the Applicant may reapply. Prior to expiration a Permittee may apply for an extension of up to six (6) months to commence construction, which Application may be granted by the Parish President or his designee.
 - i. In the event the solar farm project does not proceed to construction or if the project is abandoned, the Permit fee shall be forfeited to Iberville Parish.
 - j. The issuance of an USSFF Permit does not require the approval of the Iberville Parish Planning Commission.

7.D-1.3. Applicability.

This ordinance applies to all USSFFs constructed and/or operated in the unincorporated areas of the Parish. This ordinance allows both Photovoltaic (PV) systems and Photovoltaic-thermal (PV/T) USSFF systems, as defined herein, to be constructed and operated in the Parish.

7.D-1.4. Validity and Severability.

Should any provision of this ordinance be held unconstitutional, invalid, or unenforceable by a court, such holding shall not invalidate or render unenforceable any other provision hereof.

7.D-2. Definitions.

Solar farm: The use of land where a series of solar collectors and related equipment and accessories are placed in an area on a parcel of land for the purpose of generating photovoltaic power which has a generation capacity of at least fifty (50) kilowatts (kW) direct current (dc) or more when operating at maximum efficiency. Solar farm shall not be interpreted to mean one or more solar collectors intended to provide electrical power generation for a single residential dwelling or commercial property.

Photovoltaic (PV) System: A complete set of components for converting sunlight into electricity by the photovoltaic process, including the array and balance of system components.

Photovoltaic-thermal (PV/T) System: A photovoltaic system that, in addition to converting sunlight into electricity, collects the residual heat energy and delivers both heat and electricity in usable form. Also called a total energy system or solar thermal system.

Utility Scale Solar Project Facility: Sometimes referred to herein as "USSFF" or a "Facility", this is a solar electric power generating facility constructed on immovable property for the purpose of producing photovoltaic electricity, photovoltaic electricity and heated fluids and solar thermal electricity. The power generated is sold to power purchasers for distribution throughout the power grid.

Utility Scale Solar Project Facility Permit: A permit issued by the Iberville Parish Permit Office authorizing the construction and operation of an USSFF in Iberville Parish.

7.D-3. Utility Scale Solar Project Facility Development and Design Standards.

- a. **Minimum Lot Size:** A Facility shall not be constructed on aggregate parcels of immovable property that are less than twenty (20) contiguous acres in size.

- b. **Height Restrictions:** All photovoltaic panels located in a Facility with rotating panels shall be restricted to a maximum height of the torque tube to sixteen (16) feet measured from the ground to the top of the torque tube.
Facilities that have non-rotating (fixed) photovoltaic panels shall be limited to a maximum photo voltaic panel height of eighteen (18) feet measured from the ground to the top of the photovoltaic panel.
- c. **Setbacks:** All photovoltaic solar panels and support structures associated with a Facility (excluding perimeter security fencing) shall be setback a minimum of one hundred (100) feet from public roads and neighboring immovable property boundaries, unless the adjoining immovable property boundary is wooded with no residence on the immovable property, in which case the setback shall be no less than fifty (50) feet. Inverters, transformers and mechanical equipment shall be set back a minimum of one hundred (100) feet from adjacent immovable property boundaries even if the adjacent boundary is wooded. If an adjoining section of immovable property has an existing occupied residence or formal place of worship (e.g., Church, Synagogue, Mosque, etc.) all photovoltaic solar panels and support structures, including inverters, transformers and mechanical equipment, associated with a Facility shall be setback a minimum of five hundred (500) feet from the occupied residence or formal place of worship. These requirements are not applicable to adjoining participating landowners.
- d. **Fire Protection:** Areas of the Facility susceptible to fire, including but not limited to transformers and other equipment that pose a risk of fire, shall be equipped with a fire monitoring system. The system shall automatically notify off-site emergency personnel listed in the Facility's Emergency Response Plan including the Iberville Parish Office of Emergency Preparedness and its Director ("OEP") that the fire monitoring system has been activated. The Facility's Emergency Response Plan will be coordinated with the Chief of the servicing Fire Department and the Office of the Parish President in accordance with the National Electrical Safety Code ("NESC") guidelines. The Facility shall comply with all applicable codes and regulatory standards for fire protection and shall be designed and constructed utilizing engineering controls to limit the spread of fire from any area susceptible to fire.
- e. **Safety/Access:** A minimum eight (8) foot security fence (height and material to be established through the USSFF Permit process) shall be placed around the entire perimeter of the Facility to deter individuals from entering the premises and all electrical control equipment shall be equipped with a lock to prevent access. Lock boxes and keys to each shall be stored at locked entrances for emergency personnel access.
- f. **Signage:** One or more signs shall be affixed to the fence at the main entrance identifying the owner (and operator if there is a separate operator) of the Facility and emergency contact information. Warning signage, including the identification of the owner or operator and emergency contact information, shall be placed every three hundred (300) feet around the security perimeter fence of the Facility.
- g. **Emergency Services:** For purposes of emergency services, the owner or operator of the USSFF shall provide a copy of the electrical schematic and site plan to the Chief of the servicing Fire Department and the Office of the Parish President. The owner or operator shall develop an Emergency Response Plan and provide it to the Fire Department Chief, the Office of the Parish President, and the OEP. All means of shutting down the system shall be clearly marked on the plan. The system shall be equipped with a solar electric quick disconnect/rapid shutdown mechanism. The owner or operator shall identify a responsible person to the Parish President and the Chief of the servicing Fire Department for public inquiries throughout the life of the Facility.
- h. **Noise:** The USSFF shall not exceed fifty (50) A-weighted decibels ("dBA") or five (5) dBA over existing ambient levels, whichever is greater, as measured at the Facility's immovable property boundary(s) while the Facility is in operation.
- i. **Magnetic Fields:** Magnetic fields shall not be above 4mG at the Facility's immovable property boundary(s) while the Facility is in operation; measurements will not be taken at locations where pre-existing power lines cross the property boundary.
- j. **Maintenance:** The owner or operator of the USSFF shall maintain the Facility in good condition. Maintenance shall include, without limitation, painting, structural repairs, vegetation control and integrity of security equipment. The owner or operator shall also be responsible for the cost of maintaining the non-public access road(s) associated with the Facility.
- k. **Landscaping:** A USSFF shall install perimeter landscaping that creates an opaque vegetative/foliage "hedge" along each Facility property boundary that is adjacent to public

roads, highways and existing occupied residences within five hundred (500) feet of the Facility's property boundary. The vegetative perimeter shall consist of trees, foliage, bamboo, etc. such that the Facility equipment is concealed from view from the Facility boundaries. Landscaping shall be maintained and in good condition for the life of the Facility. To maintain vegetation in good condition, all unhealthy (sixty [60] percent dead or greater) and dead material shall be replaced by the Facility's owner or operator within one (1) year, or the next appropriate planting period, whichever occurs first. Any preexisting natural barrier that creates such conditions shall be deemed sufficient. Roads internal to the USSFF shall not be subject to vegetative requirements.

- l. **Lighting:** All lighting must be shielded from nonparticipating landowners' adjoining immovable property and light poles are restricted to a maximum height of eighteen (18) feet.
- m. **Transportation:** Access drives, driveways and parking lots must be covered by sufficient limestone, gravel or similar aggregate to prevent pitting.
- n. **Local, State and Federal Permits and Standards:** An USSFF shall be required to obtain all applicable permits from the U.S. Government, State of Louisiana, and Iberville Parish. An USSFF shall comply with all applicable standards, requirements and/or guidelines set by the United States Government, including, but not limited to, the Environmental Protection Agency and U.S. Army Corp of Engineers. An USSFF shall comply with all applicable standards, requirements and/or guidelines set by the State of Louisiana, including the Louisiana Department of Environmental Quality and the Louisiana Department of Natural Resources. At the time of installation, solar panels must meet the then current ASCE (American Society of Civil Engineers) standards and/or guidelines, including, but not limited to, applicable wind loads based on suggested area to be installed.
- o. **Electrical Interconnections:** Electrical interconnection or distribution lines shall comply with all applicable codes, standards, and requirements for commercial and industrial large-scale utilities. Above ground transmission lines within the site shall not exceed a height of more than eight (8) feet above the ground; provided, however that this height limitation shall not apply to tie-in lines at the point of interconnection to the electric grid, or rail, pipeline, road, or similar crossings for which underground crossing is prohibited or impractical.
- p. **USSFF Permit Application:** The following information shall be provided to the Parish President in an USSFF Permit Application for each proposed Facility. The USSFF Permit Application must sufficiently set forth all information required to demonstrate that the Facility will comply with requirements of Article 7.D-3 and 7.D-3(p)(1-24).
 1. **Facility description and rationale:** Identify the type, size, rated power output, performance, safety, and noise characteristics of the proposed system. Identify build out time frame, project life, development phases, likely markets for the generated energy and possible future expansions. Identify the name of the Facility, name(s) and addresses of the Facility owner and/or operator, name(s) of the property owner(s) and the engineers, surveyors and contractors to be engaged in the design and construction of the Facility. Prior to beginning construction, the Facility owner shall submit the make and model number of the equipment being installed along with the name and address of the manufacturer.
 2. **Permits:** The Facility owner or operator shall provide a copy of all applicable state and federal permits that have been issued at the time of the USSFF Permit Application submission and shall supplement this information as applicable state and federal permits are issued after the USSFF Permit Application is submitted. The USSFF shall not begin delivering power in commercial quantities to the electrical grid until all required permits are provided to the Parish President for its review.

During construction, limited operational testing is allowed prior to receipt of all required permits.
 3. **Lease:** If the immovable property site of the Facility is leased, the Facility owner or operator shall submit a copy of the recorded Notice of Lease, which shall contain the following: (a) a declaration that the property is leased and the names and addresses of the lessor and lessee; (b) an immovable property description of the leased property and size of leased property; (c) the date of the lease, its term and the provisions of any extensions and renewals of the term provided for in the lease; (d) a reference to the existence of an option, right of first refusal, or other agreement of the lessor to transfer all or any part of the leased premises; € if a sublease, the notice shall contain reference to the recordation information of the primary lease or

notice of lease that is subleased; and (f) the Notice of Lease must be signed by the lessor and lessee of the lease or sublease. The Facility owner or operator shall file the Notice of Lease in the Iberville Parish conveyance records and shall provide a copy of the recorded Notice of Lease to the Office of the Parish President.

4. **Economic Impact:** The Facility owner or operator shall submit a report detailing the estimated financial economic impact to the Parish over the entire life of the USSFF. The report shall be prepared by a qualified third party. The draft report shall be provided to the Parish President for review prior to finalization of the USSFF Permit and the Parish President may request additional information that it deems necessary for its review.
The Parish President, in consultation with the Parish Finance Director, may retain a consultant to review the report.
5. **Boundaries:** Identify all immovable property boundaries and actual dimensions upon which the USSFF will be located, including total acreage, with bearings and distances. Identify the names and addresses of adjoining immovable property owners.
6. **Site Plan:** Present a site plan showing streets, circulations, driveways, service buildings, easements, arrangements and locations of solar panels and all systems and equipment on the immovable property. Include the location of all Facility signage, including warning signage.
7. **Analysis of Onsite Traffic:** Provide an estimate of the number of temporary construction jobs and the number of permanent jobs, including job titles, associated with the Facility.
8. **Visual Impacts:** Demonstrate the visual impact of the proposed USSFF using photos or renditions of the Facility with consideration given to vegetative plantings and setback requirements. Include the Facility's landscaping plan demonstrating how the requirements of 7.D-3(k) will be met.
9. **Wildlife:** Submit a report summarizing the potential effects of the Facility on wildlife and endangered species in the area. The report must be prepared by a qualified third party with expertise in biology, ecology, wildlife management and/or environmental studies.
10. **Environmental and Health Safety Standards:** All applicable environmental, health and safety regulations and standards shall be complied with during construction and operation of the Facility in order to protect the public health and the environment. For any materials brought on site, a Safety Data Sheet ("SDS") shall be provided to the Office of the Parish President. The SDS must include the following information: the properties of the material, the physical, health and environmental hazards of the material; protective measures; and safety precautions for handling, storing and transporting the material. No materials that are an environmental, health or safety hazard shall be used without prior written notice and approval of the Office of the Parish President.
11. **Elevation:** Provide an immovable property elevation profile that includes the immovable property contours and a topography survey showing elevation contours and drainage.
12. **Drainage:** Provide a drainage impact study that ensures that watershed, runoff and/or drainage from the Facility area flows to the appropriate ditches/canals, as identified by the Parish, so as to be disbursed appropriately. The drainage impact study shall demonstrate that no immovable property within a mile radius of the Facility will experience measurably adverse impacts from watershed, runoff and/or drainage from the Facility site. The drainage impact study shall be reviewed by the Office of the Parish President and any third-party consultants retained, and additional requirements regarding drainage may be imposed on the Facility. The Application must also indicate if a storm water permit from the Louisiana Department of Environmental Quality for construction, operation, or both is required.
13. **Solid and Hazardous Waste:** Identify solid waste or hazardous waste that will be generated by the Facility. The Application shall include a plan for spill prevention, clean-up and disposal of fuels, oils and hazardous wastes, as well as collection and storage methods for solid waste generated by the Facility.
14. **Wind:** Provide an analysis of the solar equipment's ability to withstand hurricane sustained winds that could be reasonably expected in the vicinity of the Facility.

15. **Lighting:** Provide lighting plans showing all lighting within and on the perimeter of the Facility.
 16. **Transportation Plan:** Provide an access plan for both the construction and operation phases of the Facility. The plan must show proposed Facility service road ingress and egress access onto primary and secondary routes and the layout of the Facility service road system.
 17. **Vegetative Maintenance Plan:** Submit a plan for the upkeep and maintenance of the vegetation consistent with the requirements of Section 7.D-3(k). Emphasis should be placed on maintaining the required vegetation.
 18. **Public Safety:** Submit a plan outlining routine and emergency shutdown procedures. Include a plan of how the Facility will comply with applicable fire protection regulatory requirements, including the International Fire Code and NFPA. Submit a copy of the Emergency Response Plan to the Fire Department Chief, the Parish Department of Public Works, and the OEP. Identify potential hazards to adjacent immovable properties, public roadways and to the community in general related to operation and/or shutdown of the Facility.
 19. **Sound Limitations:** Identify anticipated noise levels at the fence line of the Facility when construction is complete and when the Facility is in operation.
 20. **Magnetic Field Limitations:** Identify anticipated magnetic field levels at the fence line of the Facility when construction is complete and when the Facility is in operation.
 21. **Telecommunications Interference:** Identify electromagnetic fields and communications interference to be generated by the Facility when construction is complete and when the Facility is in operation.
 22. **Photovoltaic Panel Angles:** Submit a vehicular glare analysis on the layout, mounting and movement of the photovoltaic panels and demonstrate that the glare will be minimized and will not materially interfere with vehicular traffic.
 23. **Aviation Analysis:** Submit an aviation glare analysis developed by a qualified third-party contractor showing any potential Aviation Glare Hazards (AGH) that would arise from the Facility and its effect on local airports and/or flightpaths.
 24. **Life of the Facility and Final Reclamation:** Submit a Decommissioning and Final Immovable Property Reclamation Plan ("Decommissioning Plan") after anticipated useful life or abandonment or termination of the Facility, including evidence of an agreement with the immovable property owner that ensures proper final removal of power generating equipment no later than twelve (12) months after decommissioning in accordance with the requirements of Section 7.D-9. The Decommissioning Plan shall include the following: (a) the anticipated life of the Facility, (b) the estimated decommissioning cost in current dollars, (c) how said estimate was determined, including how credit for salvage value was calculated, (d) the manner in which the Facility will be decommissioned, and (e) an acceptable performance guarantee to cover the cost of decommissioning, as set forth in Section 7-D.9. The plan must be prepared by a professional engineer licensed in Louisiana.
- q. **Additional Requirements:** All USSFF shall comply with the following requirements:
1. **Construction:** The installation of equipment shall be performed in accordance with generally accepted industry standards for such installation and in accordance with the manufacturer's standards and specifications.
 2. **Licensed Contractor:** The contractor(s) hired to construct, install, service, monitor and/or maintain the Facility and any of the equipment therein, shall be duly licensed by the Louisiana State Licensing Board for Contractors in the classification of solar energy equipment as required by La. R.S. 37:2156.3 and LAC 46:XXIX, Chapters 1-7 at Section 311, as amended. Each contractor and subcontractor shall register with the Office of the Iberville Parish President prior to furnishing any labor, materials, services, or work to the USSFF project. All contractors shall register with the Iberville Parish Sales Tax Office. Iberville Parish and its third-party inspectors have the right to inspect the construction of the facility at all times during the construction.
 3. **Build Completion:** Upon substantial completion of the construction of the Facility, a certified as-built plan stamped by a professional engineer licensed in Louisiana shall be submitted to the Office of the Parish President for review, which shall clearly show the as-built Facility, including any and all as-built construction, concealed or buried conduit, utilities, etc. The Parish President must approve the as-built plan prior to his final inspection of the Facility. Once approved, the owner

or operator shall file the as-built plan in the Iberville Parish mortgage records and the Office of the Iberville Parish President shall maintain a copy of the as-built plan on file for three (3) years after the Facility has completed the decommissioning process.

4. **Proof of Adherence to Noise Limitations:** Proof of adherence to noise limitations by the Facility shall be submitted to the Office of the Parish President within three (3) months from the commencement of operation of the Facility. This proof shall be based upon actual measurement of the noise level at the property line of each neighboring property during Facility operation.
5. **Proof of Adherence to Magnetic Field Limitations:** Proof of adherence to magnetic field limitations by the Facility shall be submitted to the Office of the Parish President within three (3) months from the commencement of operation of the Facility. This proof shall be based upon actual measurement of the magnetic field background levels at the property line of each neighboring property during Facility operation.
6. **Delayed or Incomplete Construction:** An USSFF Permit shall expire one (1) year from date of issuance if the construction of the Facility has not reached substantial completion and/or final acceptance, both of which must be determined and certified by an engineer licensed in Louisiana. Prior to expiration of an USSFF Permit, the Applicant may apply for a one-year extension to complete construction.
7. **Experts and Consultants:** Should the Parish President determine that review of any element of the Application, including but not limited to the Decommissioning Plan, requires assistance from outside experts, including but not limited to engineers, accountants, or other technical consultants, the Applicant shall reimburse the Office of the Parish President for all said costs of outside experts and or consultants.

Where provisions of this ordinance require submittal of a report or other information prepared by or work performed by a third-party contractor, engineer or other consultant, the Parish President has the authority to hire consultants to review the submitted report, information, or work performed by third party contractor, engineer or other consultant.

8. **Performance Guarantee for Decommissioning:** After an USSFF Permit is issued, as a precondition to commencing construction, the Facility owner or operator shall submit to the Office of the Parish President a performance guarantee in the form of a performance bond, irrevocable letter of credit, or cash escrow held by a federally insured financial institution in the amount of the estimated decommissioning cost of the Facility based on the report prepared in Section 7.D-3(p)(24). Credit shall be given for salvage value of the equipment and such credit may be subtracted from the estimated decommissioning cost but under no circumstances may the performance guarantee be less than \$500,000.00 even if the salvage value of the equipment exceeds estimated decommissioning cost. If providing a performance bond, it shall be issued by a solvent, legal surety that is licensed to do business in the State of Louisiana, subject to the approval of the Parish President. Any financial institution issuing an irrevocable letter of credit or holding a cash escrow shall be subject to the approval of the Parish President.

For the performance guarantee, whether utilizing a bond, letter of credit, or cash escrow, the immovable property owner(s) shall be listed as the primary beneficiary of the performance guarantee, with the Iberville Parish Government listed as the secondary beneficiary. The performance guarantee shall provide that it cannot be amended, cancelled, or revoked without the prior written consent of all beneficiaries thereto. The amount of the estimated decommissioning cost and the performance guarantee shall be reviewed at least every five (5) years by the Parish President and shall be increased as needed in accordance with the Consumer Price Index for inflation and any reduction in value of the credit given for estimated salvage value. The performance guarantee shall be released at such time that it or its assignees remove the system(s) and associated abandoned structures of the Facility and such completed removal is found to be satisfactory by the Parish President.

9. **Final Inspection/Permission to Operate:** Prior to operation of the Facility, the owner and/or operator shall submit a written request for final inspection of the Facility to the Parish President.

The Parish President shall perform both a file review and a physical inspection of the Facility in conducting the final inspection. The review shall be performed to confirm that applicable requirements of the ordinance have been met and that the approved as-built plan reflects the Facility design as constructed. The Office of the Parish President shall prepare a report of its final inspection.

If the Parish President determines that the Facility has passed the final inspection and all applicable fees have been remitted, the Office of the Iberville Parish President shall notify the owner or operator in writing that operation of the Facility may commence.

If the Parish President determines that the Facility does not pass the final inspection, the owner or operator shall be notified in writing and provided with a list of deficiencies that must be corrected. The owner or operator shall correct the deficiencies and notify the Office of the Iberville Parish President in writing of same, at which time the Parish President will conduct another final inspection.

7.D-4. Appeals.

If an USSFF Permit is denied by the Parish President, the Parish President shall provide a written statement as to the reasons for the denial to the Applicant and the Applicant shall be afforded thirty (30) days from receipt of the notice of denial to submit additional information or an amended plan to remediate the defects that were the basis for the permit denial. If the Application is again denied, the Applicant shall have the option to appeal the denial to the Council within thirty (30) days of receipt of the Parish President's notice of denial. If timely appealed, the Council shall hold a hearing and the Council may, by majority vote, affirm the decision of the Parish President or may repeal the decision of the Parish President and grant the Permit. The Council's decision is final, but it may be appealed to the 18th Judicial District Court, Parish of Iberville, State of Louisiana, within ten (10) days from the mailing of the Council's final decision to the Appellant.

7.D-5. Permit Fee.

(A) The Applicant shall include with the Permit Application the plan for the solar farm that meets the requirements provided for in this Chapter.

(B) The Permit Application shall be accompanied with a Permit fee in the amount of \$3.00/\$1000.00 up to \$100,000.00; \$2.00/\$1000.00 from \$100,000.00 up to \$500,000.00; and \$1.50/\$1000.00 above \$500,000.00. The permit fee shall be based upon a good faith effort of the proposed cost. Construction costs should include all costs of construction, including accessory buildings and equipment. If the Parish has reason to believe that the actual costs exceed the anticipated costs by 10% or more, the Parish may audit the costs of construction and as a result thereof may require a supplemental Permit fee. Any accessory buildings not included in the original construction cost shall be permitted under existing provisions of the Parish permitting process.

(C) In the event the solar farm project does not proceed to construction or if the project is abandoned, the Permit fee shall be forfeited to Iberville Parish.

7.D-6. Inspections.

Upon 24-hours prior notification, with the exception of emergency situations, as determined at the discretion of the Parish President, authorized representatives of the Parish may enter upon the premises and conduct an inspection of the Facility at any time, whether during construction, operation, or decommissioning, to verify compliance with any and all applicable requirements, standards and/or guidelines.

7.D-7. Enforcement: Penalties and/or Fines.

The Iberville Parish Government may at its discretion set, enforce, and collect any penalties for noncompliance of this ordinance and/or the terms of the USSFF Permit itself set as follows: not more than \$1,000 per day for a first violation, \$1,500 per day for a second violation, and \$2,000 per day for a third and subsequent violations. A notice of noncompliance shall be sent by certified mail, return receipt requested, to the owner or operator of the Facility setting forth the noncompliant activities and a deadline for achieving compliance. If the owner or operator does not meet the requirements for compliance within the allotted time period, a notice of penalty shall be sent by certified mail, return receipt requested, to the owner or operator. The owner or operator has thirty (30) days from receipt of the certified mail to remit payment or appeal the penalty to the Council. If the owner or operator fails to timely appeal the penalty, the penalty becomes final and non-appealable. Failure to pay the penalty timely is a violation of this ordinance and may result in the revocation of the USSFF Permit. Repeat violations of this ordinance and/or terms of the USSFF Permit may result in revocation of the USSFF Permit.

7.D-8. Deviations from Application.

The owner or operator of the Facility must immediately notify, update and/or supplement its USSFF Permit Application with the Office of the Iberville Parish President in the event of any

material changes or deviations from the information represented in its original Application. The Parish President will determine whether the changes and/or deviations result in noncompliance with this ordinance and require the Parish to reconsider the status of the Permit.

7.D-9. Decommissioning, Removal and Abandonment.

- a. Any Facility that has reached the end of its useful life, ceases to generate power as set forth in Section 7.D-3(p)(24), or has been abandoned shall be removed in accordance with the Decommissioning Plan. The removal and decommissioning activities shall commence within ninety (90) days of termination of site use, abandonment, or revocation of the USSFF Permit. The Facility owner or operator shall physically remove the installation no more than twelve (12) months after the date of discontinued operations. The owner or operator shall notify the Parish President and the Public Works Director by certified mail, return receipt requested, of the proposed date of the discontinued operations and provide detailed plans for removal.
- b. Decommissioning shall consist of:
 1. Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site including all buried cabling;
 2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
 3. Stabilize or revegetation of the Facility site as necessary to minimize erosion. The contour of the immovable property shall be returned to what it was at the inception of the project, or as similar as reasonably possible, except that this requirement shall not apply where the immovable property owner(s) consents to the altered contour of the immovable property remaining and permanent drainage structures are in place to ensure that no adjoining immovable property has adverse effects from watershed, runoff and/or drainage from the immovable property. The Parish President may allow the owner or operator to leave landscaping or designated below-grade foundations to minimize erosion and disruptions to vegetation. The immovable property owner(s) and/or the Parish President may require that roads and/or buildings be retained; and
 4. Remediation of any environmental hazards remaining on the site, as determined by the EPA, LDEQ, or the Parish President.
- c. Absent a written notice of a proposed date of decommissioning or written notice of a force majeure, the Facility shall be considered abandoned when it fails to generate electricity for more than one (1) year after the commercial operations commencement date, without having first obtained the written consent of the Parish President. Determination of abandonment shall be made by the Parish President.
- d. If the owner or operator of the Facility fails to remove the installation in accordance with the requirements of this section within twelve (12) months of abandonment or the proposed date of decommissioning, the Parish may utilize the performance guarantee and any and all legal or available means necessary to cause the abandoned, hazardous, or decommissioned Facility to be removed and to complete all of the decommissioning steps under this section.
- e. Solar Farms shall be subject to the provisions of Iberville Parish Ordinance No. 005-16 related to blighted properties and derelict buildings/structures in the event the solar facility is not in operation for a period of twelve (12) months or closed or abandoned.

7.D-10. Transfer and/or Sale of USSFF.

The Office of the Parish President shall be notified in writing sixty (60) days prior to the transfer of ownership, operation, and/or sale of the Facility. The new owners or operators of the Facility shall be held to the same standards, requirements, and permit conditions as the original Facility owner or operator. Prior to said transfer of ownership, operation and/or sale of the facility, the new owner and operator of the facility shall execute documents agreeing to comply with the terms and conditions of this Ordinance.

7.D-11. Conflict of Laws.

Whenever the requirements of this ordinance conflict with each other or with the requirements of any other applicable statute, regulation, or law, including, without limitation, any regulations that may be promulgated by the Louisiana Department of Natural Resources, the more restrictive regulation shall apply. In the event the requirements of this ordinance conflict with any ordinance previously enacted by the Council, the provisions of this ordinance shall apply.

7.D-12. Contractual Disputes.

Any action related to a dispute regarding the issuance or denial of a solar farm permit or interpretation of this Ordinance shall be instituted exclusively in the Eighteenth Judicial District Court for the Parish of Iberville, State of Louisiana. The Iberville Parish Council and Solar Farm

Applicant, Owner, and Operator stipulate to the exclusive jurisdiction and venue of the Eighteenth Judicial District Court, Parish of Iberville, State of Louisiana for any dispute related to the solar farm Application or issuance or denial of any permit or interpretation of this Ordinance. Any Application or Permit form issued pursuant to this Ordinance shall contain all jurisdiction and venue provisions providing for the exclusive jurisdiction and venue in the Eighteenth Judicial District Court for the Parish of Iberville, State of Louisiana.

BE IT FURTHER ORDAINED that to the extent that any prior ordinances may be contradictory to the provisions of this ordinance, such prior ordinances are repealed.

This ordinance shall become effective on this the 17th day of January, 2023.

The foregoing ordinance which was previously introduced at the meeting of the Iberville Parish Council on December 20, 2022 and a summary thereof having been published in the official journal on December 29, 2022, the public hearing on this ordinance held on the 17th day of January, 2023, at 6:00 p.m., in the Council Meeting Room, 58050 Meriam Street, Plaquemine, Louisiana, was brought up for final passage with a motion by Councilwoman Easley, and seconded by Councilman Markins, having been duly submitted to a vote, the ordinance was duly adopted by the following ye and nay vote on roll call:

YEAS: Allen, Easley, Dominique, Jackson, Smith, Pierce, Arnold, Markins, Bradford, Kelley, Vallet, Morgan.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

The ordinance was declared adopted by the Chairman on the 17th day of January, 2023.

NEW BUSINESS

- A. Motion to reschedule the Iberville Parish Council Meeting on Tuesday, February 21, 2023 to Tuesday, February 28, 2023

Upon a motion by Councilman Kelley, and seconded by Councilman Markins, it was moved to reschedule the Iberville Parish Council Meeting on Tuesday, February 21, 2023 to Tuesday, February 28, 2023. The motion having been duly submitted to a vote was duly adopted by the following ye and nay votes on roll call:

YEAS: Allen, Easley, Dominique, Jackson, Smith, Pierce, Arnold, Markins, Bradford, Kelley, Vallet, Morgan.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

The motion was declared adopted by the Chairman on January 18, 2022.

RESOLUTION COMMITTEE REPORT

The Resolution Committee met on Tuesday, January 18, 2022 at 6:15 p.m., followed by the roll call with the following Resolution Committee Members only in attendance: Smith, Vallet, Pierce, Arnold, Kelley, Markins, Jackson, Dominique, Morgan.

Absent: None.

The following resolution was read aloud by Mr. Songy:

- A) Resolution to authorize cooperative endeavor agreement between Iberville Parish council and town of White Castle Police Department for donation of surplus vehicle for law enforcement and public safety purposes

Councilman Vallet made a recommendation to forward the resolutions to the regular meeting, seconded by Councilman Pierce. The recommendation having been duly submitted to a vote was

duly adopted by the following yea and nay votes on roll call by Resolution Committee Members only:

YEAS: Smith, Vallet, Arnold, Pierce, Kelley, Markins, Jackson, Dominique, Morgan.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

The recommendation was declared adopted by the Chairman to forward this item to the regular meeting.

During the Regular Meeting:

RESOLUTION IPC# 2023-001

RESOLUTION TO AUTHORIZE COOPERATIVE ENDEAVOR AGREEMENT BETWEEN IBERVILLE PARISH COUNCIL AND TOWN OF WHITE CASTLE POLICE DEPARTMENT FOR DONATION OF SURPLUS VEHICLE FOR LAW ENFORCEMENT AND PUBLIC SAFETY PURPOSES

The following resolution was introduced by Councilman Pierce, and seconded by Councilman Bradford.

WHEREAS, Louisiana Constitution of 1971 Article 7, Section 14(B) (14) provides that pursuant to a written agreement, the donation of the use of public equipment by a political subdivision upon request to another political subdivision for an activity or function the requesting political subdivision is authorized to exercise is permissible.

WHEREAS, Louisiana Constitution of 1974 Article 7, Section 14[E] provides the donation or exchange of movable surplus property between or among political subdivisions is permissible whose functions include public safety.

WHEREAS, the Town of White Castle Police Department has requested that the Iberville Parish Council consider donation of a surplus truck for law enforcement purposes and the Parish surplus truck is identified as follows:

One (1) 2016 Dodge Ram Truck, VIN 3C6TR5CT8GG177186, Title No. B6875580, Mileage 103,770, Color: White

NOW, THEREFORE, BE IT RESOLVED BY the Iberville Parish Council as follows:

“That J. Mitchell Ourso, Jr., Parish President, is hereby authorized to execute an act of donation of the above described surplus truck to the Town of White Castle, Police Department, to assist in providing law enforcement and public safety services to the citizens of the Town of White Castle and that the surplus truck shall be registered and titled in the name of the Town of White Castle.

The foregoing resolution having been submitted to a vote was adopted on the 17th day of January, 2023, by the following vote on roll call;

YEAS: Allen, Easley, Dominique, Jackson, Smith, Pierce, Arnold, Markins, Bradford, Kelley, Vallet, Morgan.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

The resolution was declared adopted by the Chairman on January 17, 2023.

BOARDS & COMMISSIONS REPORT

None.

DISCUSSIONS

None.

ADJOURNMENT

There being no further business, it was moved by Councilman Vallet, and seconded by Councilman Markins, to adjourn at 6:51 p.m. The motion was unanimously adopted.

/s/ MACY WILLIAMSON
COUNCIL CLERK

/s/ MATTHEW H. JEWELL
COUNCIL CHAIRMAN