

AGENDA

FOR A SPECIAL JOINT MEETING OF THE LIVINGSTON PARISH PLANNING AND ZONING COMMISSION AND THE LIVINGSTON PARISH COUNCIL ON FRIDAY, JULY 26, 2024 AT SIX O’CLOCK (6:00) P.M. AT THE GOVERNMENTAL BUILDING LOCATED AT 20355 GOVERNMENT BOULEVARD, LIVINGSTON, LOUISIANA 70754 TO BE HELD IN THE LIVINGSTON PARISH COUNCIL CHAMBERS

Posted on: Monday, July 15, 2024 Time: _____
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The Livingston Parish Planning and Zoning Commission and the Livingston Parish Council will consider the following items on the agenda for a special joint meeting on Friday, July 26, 2024:

1. Special Counsel’s Report and/or District Attorney’s Report; and
 - a. Discussion, including possible Executive Session, to discuss *Ascension Properties, Inc. v. Livingston Parish Government*, Case 3:24-cv-00171-SDD-SDJ, United States District Court, Middle District of Louisiana, including but not limited to all issues concerning settlement issues and authority to resolve the disputed claims in the case, which is presently set for trial on Monday, July 29, 2024 in Baton Rouge, LA before the Honorable Shelly D. Dick, United States District Judge, Middle District of Louisiana.
 - b. Discussion, including possible Executive Session, to discuss *Ascension Properties, Inc. v. Livingston Parish Government*, Case 3:24-cv-00171-SDD-SDJ, United States District Court, Middle District of Louisiana, and negotiations that occurred during the mandatory court settlement conference with the Honorable Scott D. Johnson, United States Magistrate Judge, Middle District of Louisiana on July 10, 2024.
2. Receiving a report from counsel-of-record, Marty Maley, Sr. and Steve Irving, the results of court ordered mediation and/or settlement conference of the *Ascension Properties v. Livingston Parish* litigation.
3. Receiving the settlement recommendation of the negotiating committee following the court ordered mediation, and the settlement recommendations of Marty Maley, Sr. and Steve Irving.
4. Receiving a report and settlement recommendations from the Parish President following the mediation of *Ascension Properties v. Livingston Parish* litigation on July 10, 2024.

- 5. Discussion, including possible Executive Session, and a hearing pursuant to La. R.S. 33:4780.28, on an application for a Development Agreement between (i) Livingston Parish Planning and Zoning Commission and the Livingston Parish Council, and (ii) Ascension Properties, Inc. pursuant to La. R.S. 33:4780.21, *et seq.*, which is noticed herein according to the specific provisions of La. R.S. 33:4780.28. Notice of said intention to consider adoption of the proposed Development Agreement being hereby published ten days in advance of the hearing on July 26, 2024.**
- 6. Consideration of adopting a proposed ordinance, by a duly authorized vote of the planning agency and the governing authority of the Parish, to accept and implement a Development Agreement between (i) Livingston Parish Planning and Zoning Commission and the Livingston Parish Council, and (ii) Ascension Properties, Inc. pursuant to La. R.S. 33:4780.21, *et seq.*, for the Deer Run Development, and consideration of said Development Agreement as part of a proposed settlement to resolve the Ascension Properties v. Livingston Parish litigation, including possible adoption of an ordinance and/or emergency ordinance for such purposes in accordance with La. R.S. 33:4780.28.**
- 7. Discussion of and voting on all actions by the Planning Commission and/or Parish Council necessary to implement a settlement of the Ascension Properties v. Livingston Parish litigation, including voting on all actions surrounding adoption of an ordinance and/or emergency ordinance for implementation of a Development Agreement as described hereinabove, as well as voting to authorize a proper representative or proper representatives in accordance with La. R.S. 13:5109 to settle the litigation referred to hereinabove, i.e. *Ascension Properties, Inc. v. Livingston Parish Government*, United States District Court for the Middle District of Louisiana, Case 3:24-cv-00171-SDD-SDJ, with notice provided herein that the settlement will involve a payment in excess of \$10,000.**
- 8. An executive session to discuss the Ascension Properties v. Livingston Parish pending litigation, including any and all proposed settlements and any and all responses to any proposed settlement, mentioned above.**
- 9. The introduction of any and all other emergency ordinances and/or emergency resolutions necessary to implement a settlement of the Ascension Properties v. Livingston Parish litigation.**
- 10. This meeting is being noticed as either a JOINT MEETING OF THE PLANNING COMMISSION AND THE COUNCIL OR AS SEPARATE MEETINGS ONE TO THE FOLLOW THE OTHER. The applicable law concerning notice of this meeting**

is as follows: La. R.S. 33:4780.28. *Public hearing; notice of intention to consider adoption of a public hearing on an application for a development agreement shall be held by the planning agency, if any, and by the governing authority of the municipality or parish. Notice of intention to consider adoption of a development agreement shall be published at least three times in the official journal of the municipality or parish and at least ten days shall elapse between the first publication and the date of the hearing.*

11. After final consideration of all matters recited hereinabove, and all matters concerning the case or litigation described herein, the Council will and/or shall vote pursuant to La. R.S. 13:5109 to authorize or not authorize Mr. Delatte, or any other proper person or person, to settle on behalf of the Parish the claims in the case, i.e. *Ascension Properties, Inc. v. Livingston Parish Government*, United States District Court for the Middle District of Louisiana, Case 3:24-cv-00171-SDD-SDJ, to avoid further expense to the Parish and the inherent uncertainty of a trial on the merits, and to further authorize or not authorize Mr. Delatte, or any other proper person or person to formally execute the proposed Development Agreement.
12. Notice is hereby given that a settlement of this legal matter, i.e. *Ascension Properties, Inc. v. Livingston Parish Government*, United States District Court for the Middle District of Louisiana, Case 3:24-cv-00171-SDD-SDJ, will include a payment in excess of \$10,000.

1/2 Sandy C. Teal

Sandy C. Teal, Council clerk
Livingston Parish Council

In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the Livingston Parish Council office at (225) 686-3027 describing the assistance that is necessary.