



## CITY OF LAKE CHARLES

NIC HUNTER  
MAYOR

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January 3, 2018

LEGAL DEPARTMENT  
DAVID L. MORGAN  
CITY ATTORNEY

Louisiana State Bond Commission  
P. O. Box 44154  
Baton Rouge, Louisiana 70804-0154

Certified Mail #  
70170530000065200853  
Return Receipt Requested

Re: *The City of Lake Charles vs. All tax payers, property owners, citizens of the MorganField Economic Development District and nonresidents owning property or subject to taxation therein, and all other persons interested in or affected in any way by the establishment of the MorganField Economic Development District and related matters*

### To Whom It May Concern:

Notification of the initiation of cooperative endeavor agreement validation proceedings must be made upon the State Bond Commission by registered or certified mail, with return receipt requested. The City of Lake Charles (“**City**”), MorganField Economic Development District (“**MorganField EDD**”), MorganField Development, L.L.C., a Louisiana limited liability company (“**MD**”), Arrozal Investment Part A, L.L.C., a Louisiana limited liability company (“**AIP-A**”), Arrozal Investment Part B, L.L.C., a Louisiana limited liability company (“**AIP-B**”), Arrozal Investment Part C, L.L.C., a Louisiana limited liability company (“**AIP-C**”), Stansel Properties, L.L.C., a Louisiana limited liability company (“**SP**”), and The Lacassane Company, Inc., a Louisiana corporation (“**TLC**” and, together with MD, AIP-A, AIP-B, AIP-C, and SP, the “**Owners**”), entered into that certain Cooperative Endeavor Agreement dated and effective July 20, 2017 (“**MorganField CEA**”).

Pursuant to the provisions of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950, as amended (“**Validation Act**”), the City of Lake Charles has filed a Motion for Judgment, a copy of which is attached hereto, in the 14<sup>th</sup> Judicial District Court (where all referenced exhibits have been filed of record) for the validation of the MorganField Cooperative Endeavor Agreement which includes, without limitation, the validation of:

a. as to the City:

(1) the City’s establishment of the MorganField EDD under La. R.S. 33:9038.31-9038.42 (“**EDD Act**”);

- (2) the geographical limits of the MorganField EDD as established by the City Council for the City of Lake Charles;
- (3) the City's approval and execution of the MorganField CEA; and
- (4) all other actions of the City, through the City Council, in connection with the creation of the MorganField EDD and the approval of the MorganField CEA, including without limitation, all notices, hearings, approvals or reporting requirements in connection with or for the legal and binding validity and enforceability of the MorganField CEA and

b. as to the MorganField EDD:

- (1) the MorganField EDD's approval and execution of the MorganField CEA;
- (2) the authorization, levy and collection by the MorganField EDD, pursuant to the EDD Act, of:
  - (a) a one (1%) percent of sales and use tax upon the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption of tangible personal property and on sales of services in the MorganField EDD and a one (1%) percent of hotel occupancy tax within the MorganField EDD commencing January 1, 2018 ("**New Tax**"); and
  - (b) the pledge and the disbursement of the New Tax for the benefit of the Owners and the project to assist in the project development as defined in the MorganField CEA; and
- (3) all other actions of the MorganField EDD, through the Board of the MorganField EDD in connection with the creation of the MorganField EDD and the approval of the MorganField CEA, including without limitation, all notices, hearings, approvals or reporting requirements in connection with or for the legal and binding validity and enforceability of the MorganField CEA.

Enclosed please find a certified copy of a Motion for Judgment filed on December 27, 2017 by the City of Lake Charles and an Order executed by the District Judge for the 14<sup>th</sup> Judicial District on the same date.

This is an informational filing required by law.

Please do not hesitate to contact me if you have any questions.

Sincerely,



David L. Morgan

LAW OFFICES OF  
**STOCKWELL, SIEVERT, VICCELLIO, CLEMENTS & SHADDOCK**  
L.L.P.

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LAKE CHARLES, LOUISIANA

December 27, 2017

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(1) BOARD CERTIFIED\*  
ESTATE PLANNING AND  
ADMINISTRATION SPECIALIST  
\*BY THE LOUISIANA BOARD  
OF LEGAL SPECIALIZATION

(2) LL.M. IN TAXATION

(3) ALSO ADMITTED IN TEXAS

(4) ALSO ADMITTED IN  
DISTRICT OF COLUMBIA

Hon. Lynn Jones  
Clerk of Court  
14<sup>th</sup> Judicial District Court  
P.O. Box 1030  
Lake Charles, LA 70602

Re: The City of Lake Charles  
Vs.  
All Tax Payers, Property Owners, Citizens  
of the Morganfield Economic Development District,  
and Non-Residents Owning Property or Subject to  
Taxation therein, and all other Persons Interested  
in or affected in any way by the Establishment of  
the Morganfield Economic Development District  
and Related Matters

Dear Sir:

Enclosed are an original and five (5) copies of a Motion for Judgment, Order and List of Exhibits, submitted on behalf of the City of Lake Charles in the above captioned matter. Please file the original and conform and return to me the five attached copies. As a political subdivision, the City of Lake Charles is exempt from the payment of costs.

Thank you for your assistance and should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



DAVID L. MORGAN

DLM/klc  
Enclosure

FILED  
DEC 27 2017  
Deputy Clerk of Court  
Louisiana

CLERK OF COURT  
LAKE CHARLES, LOUISIANA  
2017 DEC 27 11:19 AM  
COURT CLERK'S OFFICE

THE CITY OF LAKE CHARLES

14<sup>TH</sup> JUDICIAL DISTRICT COURT

vs. 2017-5326 B

PARISH OF CALCASIEU

ALL TAX PAYERS, PROPERTY OWNERS, CITIZENS OF THE MORGANFIELD ECONOMIC DEVELOPMENT DISTRICT AND NONRESIDENTS OWNING PROPERTY OR SUBJECT TO TAXATION THEREIN, AND ALL OTHER PERSONS INTERESTED IN OR AFFECTED IN ANY WAY BY THE ESTABLISHMENT OF THE MORGANFIELD ECONOMIC DEVELOPMENT DISTRICT AND RELATED MATTERS

STATE OF LOUISIANA

FILED: DEC 27 2017

*Sarah Hollier*

DEPUTY CLERK

**MOTION FOR JUDGMENT**

NOW INTO COURT, through undersigned counsel, comes the CITY OF LAKE CHARLES (“City”), as Plaintiff in this action, which respectfully says that:

**ARTICLE 1**

**PETITION FOR VALIDATION OF CEA, EDD AND NEW TAX**

1.1. **Validation Act.** The City, a political subdivision of the State of Louisiana (“State”), is duly authorized under La.R.S. 33:9031.1 to bring a proceeding under La.R.S. 13:5121-5130 (“Validation Act”) to validate the legality and full enforceability of each and every term and condition (“Validation”) of a cooperative endeavor agreement.

1.2. **MorganField CEA.** The City, the MorganField Economic Development District (“MorganField EDD”), MorganField Development, L.L.C., a Louisiana limited liability company (“MD”), Arrozal Investment Part A, L.L.C., a Louisiana limited liability company (“AIP-A”), Arrozal Investment Part B, L.L.C., a Louisiana limited liability company (“AIP-B”), Arrozal Investment Part C, L.L.C., a Louisiana limited liability company (“AIP-C”), Stansel Properties, L.L.C., a Louisiana limited liability company (“SP”), and The Lacassane Company, Inc., a Louisiana corporation (“TLC” and, together with MD, AIP-A, AIP-B, AIP-C, and SP, the “Owners”), entered into that certain Cooperative Endeavor Agreement dated and effective July 20, 2017 (“MorganField CEA”), which is attached hereto as Exhibit “A”.

1.3. **Validation as to the City’s Actions.** The City requests this Court’s Validation of the MorganField CEA, which includes, without limitation, the Validation of:

- a. the City’s establishment of the MorganField EDD under La. R.S. 33:9038.31-9038.42 (“EDD Act”);

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b. the geographical limits of the MorganField EDD as established by the City Council for the City of Lake Charles ("City Council");

c. the City's approval and execution of the MorganField CEA; and

d. all other actions of the City, through the City Council, in connection with the creation of the MorganField EDD and the approval of the MorganField CEA, including without limitation, all notices, hearings, approvals or reporting requirements in connection with or for the legal and binding validity and enforceability of the MorganField CEA.

1.4. **Validation as to the MorganField EDD's Actions.** Furthermore, the City requests this Court's Validation of the MorganField CEA, which includes, without limitation, the Validation of:

a. the MorganField EDD's approval and execution of the MorganField CEA;

b. the authorization, levy and collection by the MorganField EDD, pursuant to the EDD Act, of:

(1) a one (1%) percent of sales and use tax upon the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption of tangible personal property and on sales of services in the MorganField EDD and a one (1%) percent of hotel occupancy tax within the MorganField EDD commencing January 1, 2018 ("New Tax"); and

(2) the pledge and the disbursement of the New Tax for the benefit of the Owners and the project to assist in the project development as defined in the MorganField CEA; and

c. all other actions of the MorganField EDD, through the Board of the MorganField EDD ("EDD Board") in connection with the creation of the MorganField EDD and the approval of the MorganField CEA, including without limitation, all notices, hearings, approvals or reporting requirements in connection with or for the legal and binding validity and enforceability of the MorganField CEA.

## **ARTICLE 2 DEFENDANTS**

2.1. Made defendants herein, pursuant to the Validation Act, are all taxpayers, property owners, citizens of the State and nonresidents owning property or subject to taxation therein, and all other persons having or claiming any right, title or interest in any property or funds to be affected in any way by the establishment of the MorganField EDD or the execution of the MorganField CEA (or the fulfillment of the obligations of the parties thereto), or having or claiming to have any rights or interest in the subject matter of this Motion for Judgment.

**ARTICLE 3  
JURISDICTION AND VENUE**

3.1. Jurisdiction and venue are proper in this Court pursuant to La. R.S. 13:5123, as the City is domiciled in the Parish of Calcasieu.

**ARTICLE 4  
CITY COUNCIL ACTION**

4.1. **Council Agenda Meeting – May 9, 2017**

a. **Council EDD Creation Ordinance.** The City Council met on May 9, 2017 (“Council Agenda Meeting”), at which time the City Council approved placing a proposed ordinance on the agenda for the City Council’s following meeting, which was held on May 17, 2017 (“Council Introduction Meeting”), which proposed ordinance (“Council EDD Creation Ordinance”) would:

- (1) create the MorganField EDD within the City;
- (2) define the boundaries thereof from which area the New Tax would be levied and collected by the MorganField EDD and used to fund a portion of the costs of an economic development project as described in the MorganField CEA, all in accordance with and as authorized by Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950, as amended;
- (3) designate the governing authority of the MorganField EDD;
- (4) require the baseline sales tax collection rate in the MorganField EDD to be certified; and
- (5) provide for other matters in connection with the foregoing.

b. **Council CEA Approval Ordinance.** Additionally, during the Council Agenda Meeting, the City Council approved placing a proposed ordinance on the agenda for the Council Introduction Meeting (“Council CEA Approval Ordinance”), which would authorize the City’s execution and delivery of the MorganField CEA and otherwise providing for other matters in connection with the foregoing.

c. **Council Agenda Meeting Notices.**

- (1) The notice of the Council Agenda Meeting (“Notice of Council Agenda Meeting”) regarding the placement of the proposed Council EDD Creation Ordinance and the proposed Council CEA Approval Ordinance (individually and collectively, “Proposed City Council Ordinances”) on the agenda of the Council Introduction Meeting was published in the May 24, 2017 edition of the *American Press*, the official journal of the City, a copy of which is attached hereto as Exhibit “B”.

(2) The proper and required posting of the Notice of Council Agenda Meeting, which notice contained the agenda for the Council Agenda Meeting, is evidenced by an affidavit of the City Council Clerk, a copy of which is attached hereto as Exhibit "C".

d. **Council Agenda Meeting Actions.** All proper actions were taken by the City Council at the Council Agenda Meeting related to the placement of the Proposed City Council Ordinances on the City Council's agenda for introduction during the Council Introduction Meeting, as evidenced by the final Council Agenda Meeting agenda, a certified copy of which is attached hereto as Exhibit "D".

#### 4.2. **Council Introduction Meeting – May 17, 2017**

a. **Introduction of Proposed City Council Ordinances.** The City Council at its Council Introduction Meeting approved the introduction of the Proposed City Council Ordinances for action and adoption at the City Council's meeting to be held on June 7, 2017 ("Council Ordinance Adoption Meeting").

b. **Council Introduction Meeting Notices.**

(1) The notice of the Council Introduction Meeting ("Notice of Council Introduction Meeting") regarding the introduction of the Proposed City Council Ordinances for action and adoption at the Council Ordinance Adoption Meeting was published in the May 24, 2017 edition of the *American Press*, the official journal of the City, a copy of which is attached hereto as Exhibit "B".

(2) The proper and required posting of the Notice of Council Introduction Meeting, which notice contained the agenda for the Council Introduction Meeting, is evidenced by an affidavit of the City Council Clerk, a copy of which is attached hereto as Exhibit "C".

c. **Council Introduction Meeting Actions.** All proper actions were taken by the City Council at the Council Introduction Meeting related to the introduction of the Proposed City Council Ordinances, as evidenced by the following:

(1) the final Council Introduction Meeting agenda, attached hereto as Exhibit "D";

(2) all submittals into the record of the Council Introduction Meeting related of the Proposed Council EDD Creation Ordinance, a certified copy of which is attached hereto as Exhibit "E";

(3) all submittals into the record of the Council Introduction Meeting related of the Proposed Council CEA Approval Ordinance, a certified copy of which is attached hereto as Exhibit “F”; and

(4) the Council Introduction Meeting minutes related to the introduction of the Proposed City Council Ordinances, a certified copy of which is attached hereto as Exhibit “G”.

#### 4.3. **Required Notices re EDD Boundaries.**

a. La. R.S. 33:9038.32(C)(1) of the EDD Act provides in pertinent part that “[p]rior to the adoption of the ordinance [creating the economic development district], a notice describing the boundaries of the proposed district or containing a map showing the boundaries of the district shall be published two times in the official journal of the local governmental subdivision.”

b. Notice describing the boundaries of the MorganField EDD and providing notice of the City Council’s consideration of the Council EDD Creation Ordinance was published in the May 25, 2017 and the June 1, 2017 editions of the *American Press*, the official journal of the City, as evidenced by an affidavit of publication, a copy of which is attached hereto as Exhibit “H”.

#### 4.4. **Council Ordinance Adoption Meeting – June 7, 2017**

a. **Council Adoption of the Proposed City Council Ordinances.** The City Council at its Council Ordinance Adoption Meeting approved the Council EDD Creation Ordinance and the Council CEA Adoption Ordinance.

##### b. **Council Ordinance Adoption Meeting Notices.**

(1) The notice of the Council Ordinance Adoption Meeting (“Notice of Council Ordinance Adoption Meeting”) regarding the adoption of the Proposed City Council Ordinances was published in the June 3, 2017 edition of the *American Press*, the official journal of the City, a copy of which is attached hereto as Exhibit “I”.

(2) The proper and required posting of the Notice of Council Ordinance Adoption Meeting, which notice contained the agenda for the Council Ordinance Adoption Meeting, is evidenced by an affidavit of the City Council Clerk, a copy of which is attached hereto as Exhibit “J”.

c. **Council Ordinance Adoption Meeting Actions.** All proper actions were taken by the City Council at the Council Ordinance Adoption Meeting related to the adoption of the Proposed City Council Ordinances, as evidenced by the following:

(1) the final Council Ordinance Adoption Meeting agenda, a certified copy of which is attached hereto as Exhibit “K”;

(2) all submittals into the record of the Council Ordinance Adoption Meeting related of the proposed Council EDD Creation Ordinance, a certified copy of which is attached hereto as Exhibit “E”;

(3) all submittals into the record of the Council Ordinance Adoption Meeting related of the proposed Council CEA Approval Ordinance, a certified copy of which is attached hereto as Exhibit “F”;

(4) the Council EDD Creation Ordinance (Ordinance No. 17866), a certified copy of which is attached hereto as Exhibit “L”;

(5) the Council CEA Adoption Ordinance (Ordinance No. 17867), a certified copy of which is attached hereto as Exhibit “M”; and

(6) the Council Ordinance Adoption Meeting minutes related to the adoption of the Council EDD Creation Ordinance and the Council CEA Approval Ordinance, a certified copy of which is attached hereto as Exhibit “N”.

4.5. **Execution of the CEA by the Mayor.** City Mayor Randy Roach executed the MorganField CEA on June 13, 2017.

**ARTICLE 5  
MORGANFIELD EDD ACTION**

5.1. **First EDD Meeting – June 13, 2017**

a. **First EDD Meeting.** The EDD Board met on June 13, 2017 (“First EDD Meeting”) at which time the EDD Board approved the following:

(1) the nomination and election of certain MorganField EDD officers (“EDD Officers”);

(2) the consideration and adoption of bylaws for the MorganField EDD (“EDD Bylaws”);

(3) the introduction of a proposed resolution of the EDD Board authorizing the execution and delivery of the MorganField CEA and otherwise providing for other matters in connection with the foregoing (“EDD CEA Approval Resolution”);

(4) the introduction of a proposed resolution of the EDD Board to levy and collect the New Tax commencing January 1, 2018 and otherwise providing with respect thereto (“EDD New Tax Resolution”);

(5) the adoption of a resolution of the EDD Board providing notice to the public of its intention to levy and collect the New Tax commencing January 1, 2018 (“New Tax Notices Resolution”) and otherwise providing with respect thereto and to provide any and all of the notices

required by LSA-R.S. 42:19.1 and LSA-R.S. 33:9038.39 in connection with the EDD New Tax Resolution (individually and collectively "New Tax Notices"); and

(6) the call and schedule of the next meeting of the EDD Board on July 19, 2017, at 5:30 p.m., immediately preceding the opening of the City Council meeting ("Second EDD Meeting"), at which meeting and hearing the EDD Board would hear any objections to the proposed levy of the New Tax.

b. **First EDD Meeting Notices.**

(1) The notice of the First EDD Meeting ("Notice of First EDD Meeting") regarding the placement of the proposed EDD CEA Approval Resolution and the proposed EDD New Tax Resolution (individually and collectively, "Proposed EDD Resolutions") on the agenda of the Second EDD Meeting was published in the June 10, 2017 edition of the *American Press*, the official journal of the City, a copy of which is attached hereto as Exhibit "O".

(2) The proper and required posting of the Notice of First EDD Meeting, which notice contained the agenda for the First EDD Meeting, is evidenced by an affidavit of the City Council Clerk, a copy of which is attached hereto as Exhibit "P".

c. **First EDD Meeting Actions.** All proper actions were taken by the EDD Board at the First EDD Meeting, as evidenced by the following:

(1) the final First EDD Meeting agenda, a certified copy of which is attached hereto as Exhibit "Q";

(2) Resolution No. 17-1 providing for the election of the EDD Officers, a certified copy of which is attached hereto as Exhibit "R";

(3) Resolution No. 17-2 providing for the adoption of the EDD Bylaws, a certified copy of which is attached hereto as Exhibit "S";

(4) the signed action of the EDD Board relating to the introduction of a proposed EDD CEA Approval Resolution, a certified copy of which is attached as Exhibit "S";

(5) the signed action of the EDD Board relating to the introduction of a proposed EDD New Tax Resolution, a certified copy of which is attached as Exhibit "S";

(6) the New Tax Notices Resolution (Resolution No. 17-3), a certified copy of which is attached hereto as Exhibit "T"; and

(7) the First EDD Meeting minutes related to introduction of the Proposed EDD Resolutions, the election of EDD Officers, and the adoption of the EDD Bylaws, a certified copy of which is attached hereto as Exhibit "U";

5.2. **Required New Tax Notices.**

a. La. R.S. 42:19.1(A)

(1) La. R.S. 42:19.1(A)(1)(a) provides in pertinent part that:

Except as provided for in Subparagraph (b) of this Paragraph, in addition to any other requirements provided for in R.S. 42:19 or other provisions of law, *public notice of the date, time, and place of any meeting at which a political subdivision as defined in Article VI, Section 44(2) of the Constitution of Louisiana intends to levy a new ad valorem property tax or sales and use tax, or increase or renew any existing ad valorem property tax or sales and use tax, or authorize the calling of an election for submittal of such question to the voters of the political subdivision shall be published in the official journal of the political subdivision no more than sixty days nor less than thirty days before such public meeting; shall be announced to the public during the course of a public meeting of such political subdivision no more than sixty days nor less than thirty days before such public meeting; and notice of such meeting shall be written and hand delivered or transmitted by email to each voting member of any governing authority of a political subdivision that is required to approve such a measure previously adopted by another governing authority and to each state senator and representative in whose district all or a portion of the political subdivision is located, no more than sixty days nor less than thirty days before such public meeting. Email delivery shall be made to the official email address of such voting members or legislators and to any other address provided in writing to the political subdivision by such a voting member or legislator. The inadvertent failure to notify a state senator or representative as required by this Subsection shall not constitute a violation of this Section; however, the knowing failure to notify a state senator or representative as required by this Subsection or the willful disregard of the requirement to notify a state senator or representative as required by this Subsection shall constitute a violation of this Chapter.*

(emphasis added).

(2) As required by La. R.S. 42:19.1, notice of the meeting at which the MorganField EDD intended to levy and collect the EDD Tax was published in the June 14, 2017 edition of the *American Press*, the official journal of the City, a copy of which is attached hereto as Exhibit "V". This publication was made thirty-five (35) days before the Second EDD Meeting, which was no more than sixty (60) days and no less than thirty (30) days prior to the Second EDD Meeting held on July 19, 2017.

(3) As required by La. R.S. 42:19.1, notice of the meeting at which the EDD intended to levy and collect the EDD Tax was delivered by e-mail on June 14, 2017 and delivered by express mail on June 15, 2017 to (i) each voting member of any governing authority of a political subdivision that is required to approve such a measure previously adopted by another governing authority, and (ii) each state senator and representative in whose district all or a portion of the political subdivision is located. Evidence of the delivery of such notices is attached hereto as Exhibit "W".

b. La. R.S. 33:9038.39

(1) La. R.S. 33:9038.39 provides in pertinent part that:

Any such increase in taxes shall be levied only after the governing authority of the district has adopted an appropriate resolution giving notice of its intention to levy such taxes, which resolution shall include a general description of the taxes to be levied, and *notice of this intention shall be published once a week for two weeks in the official journal of the district, the first publication to appear at least fourteen days before the public meeting of the governing authority of the district at which the governing authority will meet in open and public session to hear any objections to the proposed levy of increased taxes.* The notice of intent so published shall state the date, time, and place of the public hearing.

(emphasis added).

(2) As required by La. R.S. 33:9038.39, notice of the meeting at which the MorganField EDD intended to levy and collect the New Tax was published in the July 3, 2017 and the July 10, 2017 editions of the *American Press*, the official journal of the City. The proper publication of such notices is evidenced by an affidavit of publication, a copy of which is attached hereto as Exhibit "X".

### 5.3. **Second EDD Meeting – July 19, 2017**

a. **Second EDD Meeting.** The EDD Board at its Second EDD Meeting approved the following:

- (1) the adoption of the EDD CEA Approval Resolution; and
- (2) the adoption of the EDD New Tax Resolution.

b. **Second EDD Meeting Notices.**

(1) The notice of the Second EDD Meeting ("Notice of Second EDD Meeting") regarding the adoption of the Proposed EDD Resolutions was published in the July 15, 2017 edition of the *American Press*, the official journal of the City, a copy of which is attached hereto as Exhibit "Y".

(2) The proper and required posting of the Notice of Second EDD Meeting, which notice contained the agenda for the Second EDD Meeting, is evidenced by an affidavit of the City Council Clerk, a copy of which is attached hereto as Exhibit "Z".

c. **Second EDD Meeting Actions.** All proper actions were taken by the EDD Board at the Second EDD Meeting related to adoption of the Proposed EDD Resolutions as evidenced by the following:

(1) the final Second EDD Meeting agenda, a certified copy of which is attached hereto as Exhibit "AA";

(2) all submittals into the record of the Second EDD Meeting related to the Proposed EDD Resolutions, a certified copy of which is attached hereto as Exhibit "BB";

(3) the EDD CEA Approval Resolution (Resolution No. 17-4), a certified copy of which is attached hereto as Exhibit “CC”;

(4) the EDD New Tax Resolution (Resolution No. 17-5), a certified copy of which is attached hereto as Exhibit “DD”; and

(5) the Second EDD Meeting minutes related to the adoption of the Proposed EDD Resolutions, a certified copy of which is attached hereto as Exhibit “EE”;

5.4. **Execution of the MorganField CEA by the EDD Board Chairperson.** Rodney Geyen, Chairperson of the EDD Board, executed the MorganField CEA on July 19, 2017.

#### **ARTICLE 6 NO QUALIFIED ELECTORS**

6.1. As set forth by La. R.S. 33:9038.39, because there were no qualified electors within the MorganField EDD at the time of the MorganField EDD’s approval of the New Tax, no special election for the approval of the New Tax was required.

6.2. The registrar of voters has executed a certificate attesting to the lack of qualified electors of the MorganField EDD, a copy of which is attached hereto as Exhibit “FF”.

#### **PRAYER FOR RELIEF**

**WHEREFORE, the City prays:**

1. **Publication of Notice.** That this Court exercise jurisdiction of this cause and issue an order (“Order”) directing the publication of this Motion for Judgment two (2) times within a period of fifteen (15) consecutive calendar days from the date of issuance of the Order in the *American Press*, a daily newspaper published in Lake Charles, Louisiana, being the official journal of the City (first publication of which is to be not later than eight (8) days from and after the date of issuance of the Order), and at the same time fix a time and place for hearing this cause, which time and place will be published with this Motion for Judgment (date fixed for the hearing to be at least ten (10) days, but not more than thirteen (13) days, after the second publication of this Motion for Judgment);

2. **Validation.** That, at the time and place designated in said Order, this Court proceed to hear and determine all questions of law and fact in this cause, including, without limitation, this Court’s Validation of the MorganField CEA, which includes, without limitation, the Validation of:

- (a) the City’s establishment of the MorganField EDD under the EDD Act;
- (b) the geographical limits of the MorganField EDD as established by the City

Council;

(c) the City approval and execution of the MorganField CEA, and

(d) all other actions of the City, through the City Council in connection with the creation of the MorganField EDD and the approval of the MorganField CEA, including without limitation, all notices, hearings, approvals or reporting requirements in connection with or for the legal and binding validity and enforceability of the MorganField CEA;

(e) the MorganField EDD's approval and execution of the MorganField CEA;

(f) the authorization, levy and collection by the MorganField EDD, pursuant to the Act, of the New Tax commencing January 1, 2018;

(g) the pledge and the disbursement of the New Tax for the benefit of the Owners and the project to assist in the project development as defined in the MorganField CEA;

and

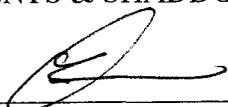
(h) all other actions of the MorganField EDD, through the EDD Board, in connection with the creation of the MorganField EDD and the approval of the MorganField CEA, including without limitation, all notices, hearings, approvals or reporting requirements in connection with or for the legal and binding validity and enforceability of the MorganField CEA;

3. **Issuance of Permanent Injunction.** That this Honorable Court issue a permanent injunction against the institution by any person of any action or proceeding contesting the legal validity and enforceability of the MorganField EDD, the MorganField CEA, the levy and collection of the New Tax or any other matter adjudicated, or which might have been called in question in such proceedings; and

4. **Equitable Relief.** For all equitable relief.

Respectfully submitted,

STOCKWELL, SIEVERT, VICCELLIO,  
CLEMENTS & SHADDOCK L.L.P.

BY:   
DAVID L. MORGAN (BAR #27015)  
One Lakeside Plaza, Chase Bldg.,  
4<sup>TH</sup> Floor  
Post Office Box 2900  
Lake Charles, LA 70602  
Phone: (337) 436-9491  
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[dlmorgan@ssvcs.com](mailto:dlmorgan@ssvcs.com)  
City Attorney, City of Lake Charles

SALES TAX DISTRICT NO. THREE  
OF CALCASIEU PARISH,  
LOUISIANA AND THE CITY OF  
LAKE CHARLES

14<sup>TH</sup> JUDICIAL DISTRICT COURT

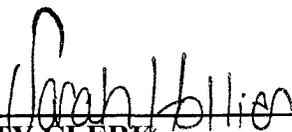
vs. 17-5324

PARISH OF CALCASIEU

ALL TAX PAYERS, PROPERTY  
OWNERS, CITIZENS OF THE  
MORGANFIELD ECONOMIC  
DEVELOPMENT DISTRICT  
AND NONRESIDENTS OWNING  
PROPERTY OR SUBJECT TO  
TAXATION THEREIN, AND ALL  
OTHER PERSONS INTERESTED  
IN OR AFFECTED IN ANY WAY  
BY THE ESTABLISHMENT OF  
THE MORGANFIELD ECONOMIC  
DEVELOPMENT DISTRICT AND  
RELATED MATTERS

STATE OF LOUISIANA

FILED: DEC 27 2017

  
DEPUTY CLERK

**ORDER**

**TO: All Tax Payers, Property Owners, Citizens of The Morganfield Economic Development District and Nonresidents Owning Property or Subject to Taxation Therein, and All Other Persons Interested In or Affected In Any Way by the Establishment Of The Morganfield Economic Development District and Related Matters**

CONSIDERING THE FOREGOING MOTION FOR JUDGMENT filed herein in by the CITY OF LAKE CHARLES (“City”), in which the authority is vested by La.R.S. 33:9031.1 to bring a proceeding under La.R.S. 13:5121-5130 (the “Validation Act”) to validate the legality and full enforceability of:

- (i) the City’s establishment of the MorganField Economic Development District (“MorganField EDD”) under the authority vested by La.R.S. 33:9308.31-9038.42;
- (ii) the geographical limits of the MorganField EDD as established by the City, through its City Council;
- (iii) the approval and execution of the MorganField Cooperative Endeavor Agreement (“MorganField CEA”) dated July 20, 2017, by the City, through its City Council;
- (iv) all other actions of the City, through its City Council, in connection with the creation of the MorganField EDD and the approval of the MorganField CEA, including, without limitation, all notices, hearings, approvals or reporting

requirements in connection with or for the legal and binding validity of the MorganField CEA;

- (v) the MorganField EDD's approval and execution of the MorganField CEA;
- (vi) the authorization, levy and collection of a tax by the MorganField EDD for the benefit of the owners, MorganField Development, L.L.C., a Louisiana limited liability company, Arrozal Investment Part A, L.L.C., a Louisiana limited liability company, Arrozal Investment Part B, L.L.C., a Louisiana limited liability company, Arrozal Investment Part C, L.L.C., a Louisiana limited liability company, Stansel Properties, L.L.C., a Louisiana limited liability company, and The Lacassane Company, Inc., a Louisiana corporation, and the project to assist in the project development as defined in the MorganField CEA; and
- (vii) all other actions of the City, through the City Council, and the MorganField EDD, through the MorganField EDD Board of Directors, in connection with the creation of the MorganField EDD and approval of the MorganField CEA, including, without limitation, all notices, hearings, approvals or reporting requirements in connection with or for the legal and binding validity and enforceability of the MorganField CEA.

IT IS HEREBY ORDERED that the CITY OF LAKE CHARLES is hereby directed to publish the Motion for Judgment filed in these proceedings, together with a copy of this Order, on the 2ND day of January, 2018, and on the 10TH day of January, 2018, in the *American Press*, the official journal of the City of Lake Charles.

IT IS FURTHER ORDERED that the Defendants herein be and they are hereby required to show cause, if any of them can, on the 23rd day of January, 2018, at 9 o'clock a.m., at the Fourteenth Judicial District Court, Division \_\_\_\_\_, Parish of Calcasieu, Louisiana, why the Court should not confirm the legal validity and enforceability of the MorganField EDD, the MorganField CEA, the levy and collection of a tax or any other matter adjudicated or which might have been called in question in such proceeding.

IT IS FURTHER ORDERED that the Defendants herein be and they are hereby required to show cause, if any of them can, why a permanent injunction should not be issued against the institution by any person of any action or proceeding contesting the legal validity and

enforceability of the MorganField EDD, the MorganField CEA, the levy and collection of a tax or any other matter adjudicated, or which might have been called in question in such proceedings.

THIS DONE, SIGNED AND ORDERED, in the Parish of Calcasieu at Lake Charles, Louisiana, on this 27th day of December 2017.

S/ Sharon Darville Wilson  
HON. SHARON WILSON  
14<sup>TH</sup> Judicial District Court

**A TRUE COPY**  
Lake Charles, Louisiana

Shelli Lynne Hardy  
Deputy Clerk of Court  
Calcasieu Parish, Louisiana 12/27/17

SALES TAX DISTRICT NO. THREE  
OF CALCASIEU PARISH,  
LOUISIANA AND THE CITY OF  
LAKE CHARLES

VS. 17-5326

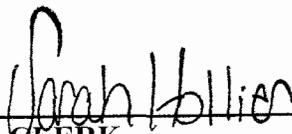
ALL TAX PAYERS, PROPERTY  
OWNERS, CITIZENS OF THE  
MORGANFIELD ECONOMIC  
DEVELOPMENT DISTRICT  
AND NONRESIDENTS OWNING  
PROPERTY OR SUBJECT TO  
TAXATION THEREIN, AND ALL  
OTHER PERSONS INTERESTED  
IN OR AFFECTED IN ANY WAY  
BY THE ESTABLISHMENT OF  
THE MORGANFIELD ECONOMIC  
DEVELOPMENT DISTRICT AND  
RELATED MATTERS

FILED: 12/27/17

14<sup>TH</sup> JUDICIAL DISTRICT COURT

PARISH OF CALCASIEU

STATE OF LOUISIANA

  
DEPUTY CLERK

**INDEX OF EXHIBITS**

1. Exhibit A – July 20, 2017 Cooperative Endeavor Agreement
2. Exhibit B – Affidavit of Publication, May 24, 2017 edition of *American Press*
3. Exhibit C – Certification of City Council Clerk, Notice of Council Agenda Meeting
4. Exhibit D – Certification of City Council Clerk, final Council Agenda Meeting agenda
5. Exhibit E – Certification of City Council Clerk, Agenda Fact Sheet, creation of MorganField Economic Development District
6. Exhibit F – Certification of City Council Clerk, Agenda Fact Sheet, on Cooperative Endeavor Agreement with MorganField Economic Development District
7. Exhibit G – Certification of City Council Clerk, Minutes of May 17, 2017 Council meeting
8. Exhibit H – Affidavit of Publication, May 25, 2017 and June 1, 2017 editions of the *American Press*
9. Exhibit I – Certification of City Council Clerk, Notice of Public Meeting
10. Exhibit J – Certification of City Council Clerk, Notice of Council Ordinance Adoption Meeting
11. Exhibit K – Certification of City Council Clerk, Council Ordinance Adoption Meeting agenda
12. Exhibit L – Certification of City Council Clerk, Certified copy of Ordinance No. 17866
13. Exhibit M – Certification of City Council Clerk, Certified copy of Ordinance No. 17867
14. Exhibit N – Certification of City Council Clerk, Minutes of June 7, 2017 Council meeting
15. Exhibit O – Affidavit of Publication, June 10, 2017 edition of *American Press*
16. Exhibit P – Certification of City Council Clerk, Notice of Public Meeting
17. Exhibit Q – Certification of City Council Clerk, Agenda for MorganField Economic Development District Board of Directors meeting held on June 13, 2017

18. Exhibit R – Certification of Secretary/Treasurer, MorganField Economic Development District Board, Certified copy of Resolution No. 17-1
19. Exhibit S – Certification of Secretary/Treasurer, MorganField Economic Development District Board, Certified copy of Resolution No. 17-2
20. Exhibit T – Certification of Secretary/Treasurer, MorganField Economic Development District Board, Certified copy of Resolution No. 17-3
21. Exhibit U – Certification of Secretary/Treasurer, MorganField Economic Development District Board, Minutes of June 13, 2017 Board meeting
22. Exhibit V - Affidavit of Publication, June 14, 2017 edition of *American Press*
23. Exhibit W – Certification of City Council Clerk, Notice as required by La. R.S. 42:19.1
24. Exhibit X – Affidavit of Publication, July 3, 2017 and July 10, 2017 editions of the *American Press*
25. Exhibit Y – Affidavit of Publication, July 15, 2017 edition of the *American Press*
26. Exhibit Z – Certification of City Council Clerk, Notice of Public Meeting
27. Exhibit AA – Certification of City Council Clerk, Agenda for MorganField Economic Development District Board of Directors meeting held on July 14, 2017
28. Exhibit BB – Submittals into the record of the Second MorganField Economic Development District Board of Directors meeting
29. Exhibit CC – Certification of Secretary/Treasurer, MorganField Economic Development District Board, Certified copy of Resolution No. 17-4
30. Exhibit DD – Certification of Secretary/Treasurer, MorganField Economic Development District Board, Certified copy of Resolution No. 17-5
31. Exhibit EE – Certification of Secretary/Treasurer, MorganField Economic Development District Board, Minutes of July 19, 2017 Board meeting
32. Exhibit FF – Certificate of Registrar of Voters