

**OFFICIAL MINUTES OF THE CITY COUNCIL  
CITY OF THIBODAUX  
CITY HALL  
THIBODAUX, LOUISIANA  
MAY 4, 2021**

The City Council of the City of Thibodaux assembled in regular session at its regular meeting place, City Hall, 310 West 2<sup>nd</sup> Street, Thibodaux, Louisiana, on Tuesday, May 4, 2021 at 5:00 P.M.

There were present: Councilmen Tabor, Richard, Naquin, Mire and Councilwoman Johnson.

There were also present: Mayor Tommy Eschete and Beau Brooks.

Absent: None

The minutes of the April 20, 2021 City Council Meeting were approved as written.

Last year, the City completed phase I of replacing all City street lights with LED lighting fixtures. The Grants Director has informed me that the City received a proposal from Premier Energy Concepts, LLC for the purchase and installation of 79 LED Lighting fixtures for phase II of this project for a total cost of \$24,529.50. Entergy of Louisiana will pay a \$7,660.00 incentive to Premier Energy Concepts upon completion of the project, which makes the City responsible for \$16,869.50.

On motion of Councilman Tabor, seconded by Councilman Naquin, the Council voted on a resolution to accept the proposal of Premier Energy Concepts, LLC for the City of Thibodaux LED Lighting Project. Upon roll call the vote was as follows:

**YEAS:** Tabor, Richard, Johnson, Naquin, Mire  
**NAYS:** None  
**ABSTAINED:** None

***RESOLUTION NO. 2323***

***A RESOLUTION ACCEPTING THE PROPOSAL FROM PREMIER ENERGY CONCEPTS, LLC FOR THE CITY OF THIBODAUX LED LIGHTING PROJECT***

***BE IT RESOLVED*** by the City Council of the City of Thibodaux in regular session assembled, that;

***WHEREAS***, the City has received a proposal from Premier Energy Concepts, LLC for the purchase and installation of 79 LED light fixtures throughout the City of Thibodaux for a total cost of \$24,529.50; and

***WHEREAS***, Entergy of Louisiana will pay a \$7,660.00 incentive to Premier Energy Concepts, LLC upon completion of the project thereby making the City responsible for the remaining balance of \$16,869.50; and

***WHEREAS***, it is necessary to consider the acceptance of the proposal and execute a contract with the said contractor for the services mentioned hereinbefore.

***NOW, THEREFORE BE IT RESOLVED*** that the City does hereby accept the proposal submitted by Premier Energy Concepts, LLC at the cost mentioned herein.

***BE IT FURTHER RESOLVED*** by the City Council that the Mayor be and is hereby authorized to execute a contract with Premier Energy Concepts, LLC for the project stated herein.

**BE IT FURTHER RESOLVED** that a copy of the said contract is attached hereto as "Exhibit A" and thereby made a part hereof.

The above resolution having been submitted to a vote, the vote thereon was as follows:

**YEAS:** Tabor, Richard, Johnson, Naquin, Mire

**NAYS:** None

**ABSTAINED:** None

And the above resolution was declared adopted this 4<sup>th</sup> day of May 2021.

/s/ Jennifer Morvant  
Jennifer Morvant, Council Adm.

/s/ Chad J. Mire  
Chad J. Mire, President

The City of Thibodaux is designated as an "Entitlement City", receiving Community Development Block Grant (CDBG) funds through the U.S. Department of Housing and Urban Development.

The City's Housing and Community Development Director has informed me that the City has received notice of its 2021 CDBG Entitlement allocation from HUD, and now we must submit the application for Federal Assistance and the annual action plan for fiscal year 2021. The City's estimated entitlement for FY 2021 is \$152,407.00. In order for HUD to recognize this plan as the City's Official plan, it must be approved and adopted by the City Council in the form of a resolution.

On motion of Councilwoman Johnson, seconded by Councilman Richard, the Council voted on a resolution to authorize the Mayor to sign and submit the 2021 CDBG Grant Application for Funds, Annual Plan, SF424, Certifications and other related documents. Upon roll call the vote was as follows:

**YEAS:** Tabor, Richard, Johnson, Naquin, Mire

**NAYS:** None

**ABSTAINED:** None

***RESOLUTION NO. 2324***

**BE IT RESOLVED** by the City Council of the City of Thibodaux in regular session assembled, that:

**WHEREAS**, the City of Thibodaux, Louisiana has received notice of its 2021 Community Development Block Grant Entitlement allocation from the Department of Housing and Urban Development; and

**WHEREAS**, the City of Thibodaux, Louisiana, in order to receive said funds must submit to the Department of Housing and Urban Development its application for Federal Assistance and Annual Action Plan; and

**WHEREAS**, the City of Thibodaux, Louisiana has met all the requirements specified by 24 CFR Part 570, Subpart D - Entitlement Grants 570-301 and 570-302; and

**WHEREAS**, no comments were received at two public hearings held regarding the activities proposed by the City.

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Thibodaux does hereby authorize Tommy Eschete, Mayor, to proceed with the submission of the Application for Federal Assistance for \$152,407.00 of Community Development Block Grant Funds and to sign a grant agreement and any other related documents with the Department of Housing and Urban Development for said grant.

The above resolution having been submitted to a vote, the vote thereon was as follows:

**YEAS:** Tabor, Richard, Johnson, Naquin, Mire  
**NAYS:** None  
**ABSTAINED:** None

And the above resolution was declared adopted this 4<sup>th</sup> day of May 2021.

/s/ Jennifer Morvant  
Jennifer Morvant, Council Adm.

/s/ Chad J. Mire  
Chad J. Mire, President

The City has received a proposal for the City's Boiler and Machinery Insurance coverage for the period June 1, 2021 through June 1, 2022.

The proposal presented by USI Insurance Services includes \$42,295,163.00 of coverage through Hartford Steam Boiler Inspection & Insurance Company. The annual premium for the proposed coverage is \$16,990.00. This renewal premium is a 3.9% increase from the current premium. The Administration is recommending that we renew our coverage with USI Insurance Services.

On motion of Councilman Naquin, seconded by Councilman Richard, the Council voted on a resolution to authorize the Mayor to sign a contract presented by USI Insurance Services with Hartford Steam Boiler Inspection & Insurance Company for the 2021-2022 policy year for Boiler & Machinery – Equipment Breakdown Insurance. Upon roll call the vote was as follows:

**YEAS:** Tabor, Richard, Johnson, Naquin, Mire  
**NAYS:** None  
**ABSTAINED:** None

***RESOLUTION NO. 2325***

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A  
CONTRACT PRESENTED BY USI INSURANCE SERVICES  
WITH HARTFORD STEAM BOILER INSPECTION &  
INSURANCE COMPANY FOR THE 2021-2022 POLICY YEAR  
FOR BOILER & MACHINERY – EQUIPMENT BREAKDOWN  
INSURANCE**

***BE IT RESOLVED*** by the City Council of the City of Thibodaux in regular session assembled, that:

***WHEREAS***, the City's Boiler and Machinery – Equipment Breakdown Insurance coverage is set to expire on June 1, 2021; and

***WHEREAS***, the City has received a proposal from USI Insurance Services, for the City's 2021-2022 Boiler and Machinery Insurance coverage; and

***WHEREAS***, the Mayor is recommending that the City accept the proposal presented by USI Insurance Services with Hartford Steam Boiler Inspection & Insurance Company for the aforesaid insurance coverage with an annual premium of \$16,990.00 for \$42,295,163.00 in coverage based on the City's statement of values.

***NOW, THEREFORE BE IT RESOLVED***, by the City Council of the City of Thibodaux that the Mayor be and is hereby authorized to sign a contract for the coverage presented by USI Insurance Services for the City's 2021-2022 Boiler and Machinery Insurance coverage as stated herein.

The above resolution having been submitted to a vote, the vote thereon was as follows:

**YEAS:** Tabor, Richard, Johnson, Naquin, Mire  
**NAYS:** None  
**ABSTAINED:** None

And the above resolution was declared adopted this 4<sup>th</sup> day of May 2021.

/s/ Jennifer Morvant  
Jennifer Morvant, Council Adm.

/s/ Chad J. Mire  
Chad J. Mire, President

The City has received a proposal for the City's Fire and Property Insurance coverage for the period June 1, 2021 through June 1, 2022.

The proposal presented by Jones Insurance Services includes \$42,221,168.00 of coverage through Underwriters at Lloyd's. This amount of coverage covers the full statement of values for the City and the proposed premium is a 17.7% increase from the 2020-2021 premiums. The annual cost for the proposed coverage is \$219,661.00. The Administration is recommending that we renew our coverage with Jones Insurance Services.

On motion of Councilman Tabor, seconded by Councilman Naquin, the Council voted on a resolution to authorize the Mayor to sign a contract presented by Jones Insurance Services with Underwriters at Lloyd's for 2021-2022 Fire and Property Insurance. Upon roll call the vote was as follows:

**YEAS:** Tabor, Richard, Johnson, Naquin, Mire  
**NAYS:** None  
**ABSTAINED:** None

***RESOLUTION NO. 2326***

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A  
CONTRACT PRESENTED BY JONES INSURANCE SERVICES  
WITH UNDERWRITERS AT LLOYD'S FOR 2021-2022 FIRE AND  
PROPERTY INSURANCE**

***BE IT RESOLVED*** by the City Council of the City of Thibodaux in regular session assembled, that:

***WHEREAS***, the City's Fire and Property Insurance coverage is set to expire on June 1, 2021; and

***WHEREAS***, the City has received a renewal proposal from our local agent, Jones Insurance Services, for the City's 2021-2022 Fire and Property Insurance coverage; and

***WHEREAS***, the Mayor is recommending that the City accept the proposal presented by Jones Insurance Services with Underwriters at Lloyd's for the aforesaid insurance coverage with an annual premium of \$219,661.00 for \$42,221,168.00 in coverage based on the City's statement of values.

***NOW, THEREFORE BE IT RESOLVED***, by the City Council of the City of Thibodaux that the Mayor be and is hereby authorized to sign a contract for the coverage presented by Jones Insurance Services for the City's 2021-2022 Fire and Property Insurance coverage as stated herein.

The above resolution having been submitted to a vote, the vote thereon was as follows:

**YEAS:** Tabor, Richard, Johnson, Naquin, Mire  
**NAYS:** None  
**ABSTAINED:** None

And the above resolution was declared adopted this 4<sup>th</sup> day of May 2021.

/s/ Jennifer Morvant  
Jennifer Morvant, Council Adm.

/s/ Chad J. Mire  
Chad J. Mire, President

The City wishes to contract with Artisan Pyrotechnics in order for them to provide the fireworks show for the 2021 Let Freedom Ring Festival. The City has obtained funding through the Lorio Foundation to cover the cost of this service in the amount of \$10,000.00. In order to secure their service, it is necessary for the Mayor to execute a contract with the company.

On motion of Councilman Richard, seconded by Councilwoman Johnson, the Council voted on a resolution to authorize the Mayor to sign a Professional Services Contract with Artisan Pyrotechnics, Inc. for the 2021 Let Freedom Ring Festival. Upon roll call the vote was as follows:

**YEAS:** Tabor, Richard, Johnson, Naquin, Mire  
**NAYS:** None  
**ABSTAINED:** None

***RESOLUTION NO. 2327***

***A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A PROFESSIONAL SERVICES CONTRACT WITH ARTISAN PYROTECHNICS, INC. FOR THE 2021 LET FREEDOM RING FESTIVAL***

***BE IT RESOLVED*** by the City Council of the City of Thibodaux in regular session assembled, that:

***WHEREAS***, the City has secured funding in the amount of \$10,000.00 from the Lorio Foundation to provide the fireworks show at Nicholls State University for the Let Freedom Ring Festival to be held on July 4, 2021; and

***WHEREAS***, the City wishes to utilize the services of Artisan Pyrotechnics, Inc. to provide the fireworks show at the festival again this year; and

***WHEREAS***, it is necessary to execute a professional services contract with Artisan Pyrotechnics, Inc. in order to outline the terms and conditions for the services to be rendered in conjunction with the fireworks show to be provided on July 4, 2021.

***NOW, THEREFORE BE IT RESOLVED*** by the City Council that the Mayor be and is hereby authorized to execute a professional services contract with Artisan Pyrotechnics, Inc. for the services outlined hereinabove.

***BE IT FURTHER RESOLVED*** that a copy of the said agreement is attached hereto as "Exhibit A" and thereby made a part hereof.

The above resolution having been submitted to a vote, the vote thereon was as follows:

**YEAS:** Tabor, Richard, Johnson, Naquin, Mire  
**NAYS:** None  
**ABSTAINED:** None

And the above resolution was declared adopted this 4<sup>th</sup> day of May 2021.

/s/ Jennifer Morvant  
Jennifer Morvant, Council Adm.

/s/ Chad J. Mire  
Chad J. Mire, President

Councilman Tabor introduced an ordinance to amend and re-enact Section 20-31 of the Thibodaux City Code of Ordinances-Parking and Storage of Certain Vehicles.

Councilwoman Johnson introduced an ordinance to amend and re-enact Chapter 7, Article V of the Thibodaux City Code of Ordinances so as to create Section 7-46 False Imprisonment.

Councilman Naquin introduced an ordinance to amend and re-enact Section 7-56 of the Thibodaux City Code of Ordinances (Simple Criminal Damage to Property).

Councilman Richard introduced an ordinance to amend and re-enact Section 7-68 of the Thibodaux City Code of Ordinances (Unauthorized Use of a Movable).

Councilwoman Johnson introduced an ordinance to amend and re-enact Section 7-69 of the Thibodaux City Code of Ordinances (Illegal Possession of Stolen Things).

Councilman Naquin introduced an ordinance to amend and re-enact Chapter 7, Article VII of the Thibodaux City Code of Ordinances so as to create Section 7-80.1 Misdemeanor Carnal Knowledge of a Juvenile.

Councilwoman Johnson introduced an ordinance to amend and re-enact Chapter 7, Article IX, Division 2, Section 7-2000 of the Thibodaux City Code of Ordinances (Curfew for Minors-Definition).

Councilman Tabor introduced an ordinance to amend and re-enact Chapter 7 of the Thibodaux City Code of Ordinances so as to rescind Sections 7-67.3, 7-67.6, 7-67.7, 7-67.10, 7-67.14, 7-67.17, 7-67.20, 7-67.21 and 7-67-30.

Councilman Richard introduced an ordinance to authorize the Mayor to execute a Partial Revocation of Dedicated Street revoking a portion of an existing servitude on the west side of Lagarde Street north of East 2<sup>nd</sup> Street.

Councilman Naquin introduced an ordinance to adopt the Ad Valorem Tax Millages for the Year 2021.

The Public Hearings on these ordinances will be held at the Council meeting on May 18, 2021.

The City has been awarded funding through the Airport Coronavirus Relief Grant Program (ACRGP) from the Federal Aviation Administration in the amount of \$9,000.00. The funds must be used within four years, and must be used at the Thibodaux Municipal Airport.

On motion of Councilwoman Johnson, seconded by Councilman Naquin, the Council voted on an ordinance to authorize the Mayor to sign a grant agreement with the Federal Aviation Administration for the Airport Coronavirus Relief Grant Program. Upon roll call the vote was as follows:

**YEAS:** Tabor, Richard, Johnson, Naquin, Mire  
**NAYS:** None  
**ABSTAINED:** None

**ORDINANCE NO. 3139**

**AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN  
A GRANT AGREEMENT WITH THE FEDERAL AVIATION  
ADMINISTRATION FOR THE AIRPORT CORONAVIRUS RELIEF  
GRANT PROGRAM**

**BE IT ORDAINED** by the City Council of the City of Thibodaux in regular session assembled, that:

**WHEREAS**, the City has submitted an Airports Coronavirus Response Grant Program (ACRGP) Application to the Federal Aviation Administration (FAA) for federal funds associated with the Thibodaux Municipal Airport; and

**WHEREAS**, the FAA has awarded ACRGP funds to the City in the amount of \$9,000.00; and

**WHEREAS**, it is necessary to execute an agreement with the FAA for the ACRGP grant funds mentioned hereinbefore.

**NOW, THEREFORE BE IT ORDAINED** by the City Council that the Mayor be and is hereby authorized to execute a grant agreement with the Federal Aviation Administration for ACRGP Grant Number 3-22-0072-007-2021.

**BE IT FURTHER ORDAINED** that a copy of the said agreement is attached hereto as "Exhibit A" and thereby made a part hereof.

The above ordinance having been submitted to a vote, the vote thereon was as follows:

**YEAS:** Tabor, Richard, Johnson, Naquin, Mire

**NAYS:** None

**ABSTAINED:** None

And the above ordinance was declared adopted this 4<sup>th</sup> day of May 2021.

/s/ Jennifer Morvant  
Jennifer Morvant, Council Adm.

/s/ Chad J. Mire  
Chad J. Mire, President

The Planning and Zoning Commission has recommended that the City Council consider an ordinance to approve the final plat for the division of property located on the north side of Locust Street approximately 100 feet east from the intersection of Hickory Street and Locust Street. The re-division is of Lot 15 of Emanuel Borne Subdivision into Lots 15-A & 15-B.

On motion of Councilman Richard, seconded by Councilman Naquin, the Council voted on an ordinance to approve the final plat for the re-division of Lot 15 of Emmanuel Borne Subdivision into lots 15-A and 15-B located on Locust Street. Upon roll call the vote was as follows:

**YEAS:** Tabor, Richard, Johnson, Naquin, Mire

**NAYS:** None

**ABSTAINED:** None

**ORDINANCE NO. 3140**

**AN ORDINANCE APPROVING THE FINAL PLAT FOR THE RE-  
DIVISION OF LOT 15 OF EMANUAL BORNE SUBDIVISION INTO  
LOTS 15-A & 15-B LOCATED ON LOCUST STREET**

**BE IT ORDAINED** by the City Council of the City of Thibodaux in regular session assembled, that:

**WHEREAS**, the Planning and Zoning Commission of the City of Thibodaux has reviewed a request by David Waitz Engineering and Surveying, Inc on behalf of Peter Anderson, Jr. for the approval of the final plat for the re-division of property located on the north side of Locust Street approximately 100 feet east from the intersection of Hickory Street and Locust Street; and

**WHEREAS**, the proposed request involves the division of Lot 15 of Emanuel Borne Subdivision into Lots 15-A & 15-B; and

**WHEREAS**, the said commission has approved the aforesaid request at their April 7, 2021 meeting, and is recommending that the City Council concur with their recommendation; and

**WHEREAS**, in accordance with the provisions of Section 18-53 of the Thibodaux Subdivision Regulations, the final plat of this re-division should be accepted by the adoption of an appropriate ordinance.

**NOW, THEREFORE BE IT ORDAINED** by the City Council of the City of Thibodaux in regular session assembled, that the final plat for the re-division of property located on the north side of Locust Street approximately 100 feet from the intersection of Hickory Street and Locust Street is hereby accepted and approved as requested.

**BE IT FURTHER ORDAINED** that a copy of the final plat illustrating the said re-division is attached hereto and thereby made a part hereof.

The above ordinance having been submitted to a vote the vote thereon was as follows:

**YEAS:** Tabor, Richard, Johnson, Naquin, Mire

**NAYS:** None

**ABSTAINED:** None

And the above ordinance was declared adopted this 4<sup>th</sup> day of May 2021.

/s/ Jennifer Morvant  
Jennifer Morvant, Council Adm.

/s/ Chad J. Mire  
Chad J. Mire, President

The Planning and Zoning Commission has recommended that the City Council consider an ordinance approving the acceptance of the preliminary plat of Rienzi Place Subdivision Addendum 2 – Phase 4. This development is located on the east side of LA Hwy 20. The approval of the preliminary plat of this subdivision is required in order to comply with the provisions of Section 18-53 of the Thibodaux City Code of Ordinances.

On motion of Councilman Tabor, seconded by Councilwoman Johnson, the Council voted on an ordinance to approve the preliminary plat of Rienzi Place Subdivision Addendum 2 Phase 4. Upon roll call the vote was as follows:

**YEAS:** Tabor, Richard, Johnson, Naquin, Mire

**NAYS:** None

**ABSTAINED:** None

**ORDINANCE NO. 3141**

**AN ORDINANCE APPROVING THE PRELIMINARY PLAT OF  
RIENZI PLACE SUBDIVISION ADDENDUM 2 PHASE 4**

**BE IT ORDAINED** by the City Council of the City of Thibodaux in regular session assembled, that:

**WHEREAS**, the Planning and Zoning Commission of the City of Thibodaux



has reviewed a request by Duplantis Design Group on behalf of J.B. Levert land Company for the approval of the preliminary plat of Rienzi Place Subdivision, Addendum 2, Phase 4 located on the east side of LA Hwy 20; and

*WHEREAS*, the said commission has approved the aforesaid request and is recommending that the City Council concur with their recommendation; and

*WHEREAS*, in accordance with the provisions of Section 18-53 of the Thibodaux Subdivision Regulations, the preliminary plat of this subdivision should be accepted by the adoption of an appropriate ordinance.

*NOW, THEREFORE BE IT ORDAINED* by the City Council of the City of Thibodaux in regular session assembled, that the preliminary plat of the Rienzi Place Subdivision, Addendum 2, Phase 4 as recommended by the Planning and Zoning Commission is hereby accepted and approved as requested.

The above ordinance having been submitted to a vote the vote thereon was as follows:

**YEAS:** Tabor, Richard, Johnson, Naquin, Mire

**NAYS:** None

**ABSTAINED:** None

And the above ordinance was declared adopted this 4<sup>th</sup> day of May 2021.

/s/ Jennifer Morvant  
Jennifer Morvant, Council Adm.

/s/ Chad J. Mire  
Chad J. Mire, President

The City Attorney informed the Council Administrator that the Assistant City Prosecutor has requested to make 3 changes to Chapter 7 of the Thibodaux City Code of Ordinances which established a local criminal code to be prosecuted in City Court.

The first amendment is being proposed to create Section 7-34.9 defining the crime of battery of a dating partner. This section is not currently in our criminal code, so in order to prosecute this offense in City Court, it is necessary to adopt an ordinance to include this Section in Chapter 7.

On motion of Councilwoman Johnson, seconded by Councilman Naquin, the Council voted on an ordinance to amend and re-enact Chapter 7, Article V of the Thibodaux City Code of Ordinances so as to create Section 7-34.9 –Battery of a Dating Partner. Upon roll call the vote was as follows:

**YEAS:** Tabor, Richard, Johnson, Naquin, Mire

**NAYS:** None

**ABSTAINED:** None

***ORDINANCE NO. 3142***

***AN ORDINANCE TO AMEND AND RE-ENACT CHAPTER 7,  
ARTICLE V OF THE THIBODAUX CITY CODE OF ORDINANCES  
SO AS TO CREATE SECTION 7-34.9 BATTERY OF A DATING  
PARTNER***

*BE IT ORDAINED* by the City Council of the City of Thibodaux in regular session assembled, that Chapter 7 of the Thibodaux City Code of Ordinances is hereby amended and re-enacted so as to create Section 7-34.9 Battery of a Dating Partner to read as follows:

**Chapter 7 – Offenses and Miscellaneous Provisions**

**Article V. Assault and Battery and Related Offenses**

**Sec. 7-34.9 Battery of a Dating Partner**

**A. Battery of a dating partner is the intentional use of force or violence committed by one dating partner upon the person of another dating partner.**

**B. For purposes of this Section:**

- (1) “Burning” means an injury to flesh or skin caused by heat, electricity, friction, radiation, or any other chemical or thermal reaction.**
- (2) “Court-monitored domestic abuse intervention program” means a program, comprised of a minimum of twenty-six in-person sessions occurring over a minimum of twenty-six weeks, that follows a model designed specifically for perpetrators of domestic abuse. The offender's progress in the program shall be monitored by the court. The provider of the program shall have all of the following:**
  - (a) Experience in working directly with perpetrators and victims of domestic abuse.**
  - (b) Experience in facilitating batterer intervention groups.**
  - (c) Training in the causes and dynamics of domestic violence, characteristics of batterers, victim safety, and sensitivity to victims.**
- (3) “Dating partner” means any person who is involved or has been involved in a sexual or intimate relationship with the offender characterized by the expectation of affectionate involvement independent of financial considerations, regardless of whether the person presently lives or formerly lived in the same residence with the offender. “Dating partner” shall not include a casual relationship or ordinary association between persons in a business or social context.**
- (4) Repealed**
- (5) “Strangulation” means intentionally impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of the victim.**

**C. On a first conviction, notwithstanding any other provision of law to the contrary, the offender shall be fined not less than three hundred dollars nor more than one thousand dollars and shall be imprisoned for not less than thirty days nor more than six months. At least forty-eight hours of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence. Imposition or execution of the remainder of the sentence shall not be suspended unless either of the following occurs:**

- (1) The offender is placed on probation with a minimum condition that he serve four days in jail and complete a court-monitored domestic abuse intervention program, and the offender shall not possess a firearm throughout the entirety of the sentence.**
- (2) The offender is placed on probation with a minimum condition that he perform eight eight-hour days of court-approved community service activities and complete a court-monitored domestic abuse intervention program, and the offender shall not possess a firearm throughout the entirety of the sentence.**

**D. On a conviction of a second offense, notwithstanding any other provision of law to the contrary and regardless of whether the second offense occurred before or after the first conviction, the offender shall be fined not less than seven hundred fifty dollars nor more than one thousand dollars and shall be imprisoned with or without hard labor for not less than sixty days nor more than one year. At least fourteen days of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence, and the offender shall be required to complete a court-monitored domestic abuse intervention program. Imposition or execution of the remainder of the sentence shall not be suspended unless either of the following occurs:**

- (1) The offender is placed on probation with a minimum condition that he serve thirty days in jail and complete a court-monitored domestic abuse**

intervention program, and the offender shall not possess a firearm throughout the entirety of the sentence.

- (2) The offender is placed on probation with a minimum condition that he perform thirty eight-hour days of court-approved community service activities and complete a court-monitored domestic abuse intervention program, and the offender shall not possess a firearm throughout the entirety of the sentence.
- E. On a conviction of a third offense, notwithstanding any other provision of law to the contrary and regardless of whether the offense occurred before or after an earlier conviction, the offender shall be imprisoned with or without hard labor for not less than one year nor more than five years and shall be fined two thousand dollars. The first year of the sentence of imprisonment shall be imposed without benefit of probation, parole, or suspension of sentence.
- F. (1) Except as otherwise provided in Paragraph (2) of this Subsection, on a conviction of a fourth or subsequent offense, notwithstanding any other provision of law to the contrary and regardless of whether the fourth offense occurred before or after an earlier conviction, the offender shall be imprisoned with hard labor for not less than ten years nor more than thirty years and shall be fined five thousand dollars. The first three years of the sentence of imprisonment shall be imposed without benefit of probation, parole, or suspension of sentence.
- (2) If the offender has previously received the benefit of suspension of sentence, probation, or parole as a fourth or subsequent offender, no part of the sentence may be imposed with benefit of suspension of sentence, probation, or parole, and no portion of the sentence shall be imposed concurrently with the remaining balance of any sentence to be served for a prior conviction for any offense.
- G. (1) For purposes of determining whether an offender has a prior conviction for violation of this Section, a conviction under this Section, or a conviction under the laws of any state or an ordinance of a municipality, town, or similar political subdivision of another state which prohibits the intentional use of force or violence committed by one household member, family member, or dating partner upon another household member, family member, or dating partner shall constitute a prior conviction.
- (2) For purposes of this Section, a prior conviction shall not include a conviction for an offense under this Section if the date of completion of sentence, probation, parole, or suspension of sentence is more than ten years prior to the commission of the crime with which the offender is charged, and such conviction shall not be considered in the assessment of penalties hereunder. However, periods of time during which the offender was incarcerated in a penal institution in this or any other state shall be excluded in computing the ten-year period.
- H. An offender ordered to complete a court-monitored domestic abuse intervention program required by the provisions of this Section shall pay the cost incurred by participation in the program. Failure to make such payment shall subject the offender to revocation of probation, unless the court determines that the offender is unable to pay.
- I. This Subsection shall be cited as the “Dating Partner Abuse Child Endangerment Law”. Notwithstanding any provision of law to the contrary, when the state proves, in addition to the elements of the crime as set forth in Subsection A of this Section, that a minor child thirteen years of age or younger was present at the residence or any other scene at the time of the commission of the offense, the offender, in addition to any other penalties imposed pursuant to this Section, shall be imprisoned at hard labor for not more than three years.
- J. Any felony crime of violence, as defined by [R.S. 14:2\(B\)](#), against a person committed by one dating partner against another dating partner, shall be designated as an act of domestic abuse for consideration in any civil or criminal proceeding.

- K. Notwithstanding any provision of law to the contrary, if the victim of the offense is pregnant and the offender knows that the victim is pregnant at the time of the commission of the offense, the offender, in addition to any other penalties imposed pursuant to this Section, shall be imprisoned at hard labor for not more than three years.**
- L. Notwithstanding any provision of law to the contrary, if the offense involves strangulation, the offender, in addition to any other penalties imposed pursuant to this Section, shall be imprisoned at hard labor for not more than three years.**
- M. (1) Notwithstanding any provision of law to the contrary, if the offense is committed by burning, the offender, in addition to any other penalties imposed pursuant to this Section, shall be imprisoned at hard labor for not more than three years.**
  - (2) If the burning results in serious bodily injury, the offense shall be classified as a crime of violence, and the offender, in addition to any other penalties imposed pursuant to this Section, shall be imprisoned at hard labor for not less than five nor more than fifty years without benefit of probation, parole, or suspension of sentence.**
- N. Except as provided in Paragraph (M)(2) and Subsection P of this Section, if the offender intentionally inflicts serious bodily injury, the offender, in addition to any other penalties imposed pursuant to this Section, shall be imprisoned at hard labor for not more than eight years.**
- O. Except as provided in Subsection P of this Section, if the intentional use of force or violence is committed with a dangerous weapon, the offender, in addition to any other penalties imposed pursuant to this Section, shall be imprisoned at hard labor for not more than ten years.**
- P. Notwithstanding any provision of law to the contrary, if the intentional use of force or violence is committed with a dangerous weapon when the offender intentionally inflicts serious bodily injury, the offender, in addition to other penalties imposed pursuant to this Section, shall be imprisoned at hard labor for not more than fifteen years.**

**State Law reference – Similar provisions, R.S. 14:34.9**

***BE IT FURTHER ORDAINED* that the provisions of this ordinance shall become effective immediately upon its adoption and approval by the Mayor.**

**The above ordinance having been submitted to a vote, the vote thereon was as follows:**

**YEAS: Tabor, Richard, Johnson, Naquin, Mire  
 NAYS: None  
 ABSTAINED: None**

**And the above ordinance was declared adopted this 4<sup>th</sup> day of May 2021.**

**/s/ Jennifer Morvant  
 Jennifer Morvant, Council Adm.**

**/s/ Chad J. Mire  
 Chad J. Mire, President**

**The next 2 amendments to Section 7-67 (Theft Generally) and Section 7-1001 (Controlled Dangerous Substance-Sale or Possession), are being proposed in order to update those sections based on updates made to their corresponding state statutes.**

**On motion of Councilman Tabor, seconded by Councilwoman Johnson, the Council voted on an ordinance to amend and re-enact Section 7-67 of the Thibodaux City Code of Ordinances (Theft Generally). Upon roll call the vote was as follows:**

**YEAS: Tabor, Richard, Johnson, Naquin, Mire  
 NAYS: None  
 ABSTAINED: None**

**ORDINANCE NO. 3143**

**AN ORDINANCE TO AMEND AND RE-ENACT SECTION 7-67 OF  
THE THIBODAUX CITY CODE OF ORDINANCES (THEFT  
GENERALLY)**

**BE IT ORDAINED** by the City Council of the City of Thibodaux in regular session assembled, that Section 7-67 of the Thibodaux City Code of Ordinances is hereby amended and re-enacted so as to read as follows:

**Sec. 7-67 – Theft Generally**

- (a) Theft is the misappropriation or taking of anything of value which belongs to another, either without the consent of the other to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations. An intent to deprive the other permanently of whatever may be the subject of the misappropriation or taking is essential.
- (b) (1) Whoever commits the crime of theft when the misappropriation or taking amounts to a value of twenty-five thousand dollars (\$25,000.00) or more shall be imprisoned, with or without hard labor, for not less than five (5) years nor more than twenty (20) years, or may be fined not more than fifty thousand dollars (\$50,000.00), or both.
- (2) When the misappropriation or taking amounts to a value of five thousand dollars (\$5,000.00) or more, but less than a value of twenty-five thousand dollars (\$25,000.00), the offender shall be imprisoned, with or without hard labor, for not more than ten (10) years, or may be fined not more than ten thousand dollars (\$10,000.00), or both.
- (3) When the misappropriation or taking amounts to a value of seven hundred fifty dollars (\$750.00) or more, but less than a value of five thousand dollars (\$5,000.00), the offender shall be imprisoned, with or without hard labor, for not more than five (5) years, or may be fined not more than three thousand dollars (\$3,000.00), or both.
- (4) When the misappropriation or taking amounts to less than a value of seven hundred fifty dollars (\$750.00), the offender shall be imprisoned for not more than six (6) months, or may be fined not more than one thousand dollars (\$1,000.00), or both. If the offender in such cases has been convicted of theft two (2) or more times previously, upon any subsequent conviction he shall be imprisoned, with or without hard labor, for not more than two (2) years, or may be fined not more than two thousand dollars (\$2,000.00), or both.
- (c) When there has been a misappropriation or taking by a number of distinct acts of the offender, the aggregate of the amount of the misappropriations or taking shall determine the grade of the offense.
- (d) In a prosecution under this Section where the property allegedly misappropriated or taken was held for sale by a merchant, an intent to permanently deprive the merchant of the property held for sale may be inferred when the defendant:
- (1) Intentionally conceals, on his person or otherwise, goods held for sale.
  - (2) Alters or transfers any price marking reflecting the actual retail price of the goods.
  - (3) Transfers goods from one container or package to another or places goods in any container, package, or wrapping in a manner to avoid detection.
  - (4) Willfully causes the cash register or other sales recording device to reflect less than the actual retail price of the goods.
  - (5) Removes any price marking with the intent to deceive the merchant as to the actual retail price of the goods.

State Law reference— Similar provisions, R.S. 14:67.

**BE IT FURTHER ORDAINED** that the provisions of this ordinance shall become effective immediately upon its adoption and approval by the Mayor.

The above ordinance having been submitted to a vote, the vote thereon was as follows:

**YEAS:** Tabor, Richard, Johnson, Naquin, Mire  
**NAYS:** None  
**ABSTAINED:** None

And the above ordinance was declared adopted this 4<sup>th</sup> day of May 2021.

/s/ Jennifer Morvant  
Jennifer Morvant, Council Adm.

/s/ Chad J. Mire  
Chad J. Mire, President

On motion of Councilman Richard, seconded by Councilwoman Johnson, the Council voted on an ordinance to amend and re-enact Section 7-1001 of the Thibodaux City Code of Ordinances (Controlled Dangerous Substance – Sale or Possession). Upon roll call the vote was as follows:

**YEAS:** Tabor, Richard, Johnson, Naquin, Mire  
**NAYS:** None  
**ABSTAINED:** None

**ORDINANCE NO. 3144**

**AN ORDINANCE TO AMEND AND RE-ENACT SECTION 7-1001 OF THE THIBODAUX CITY CODE OF ORDINANCES (CONTROLLED DANGEROUS SUBSTANCE – SALE OR POSSESSION)**

**BE IT ORDAINED** by the City Council of the City of Thibodaux in regular session assembled, that Section 7-1001 of the Thibodaux City Code of Ordinances is hereby amended and re-enacted so as to read as follows:

**Sec. 7-1001. – Controlled Dangerous Substance – Sale or Possession**

**Possession:** It is unlawful for any person knowingly or intentionally to possess a controlled dangerous substance or intentionally to possess a controlled dangerous substance classified in schedule I unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner or as provided in R.S. 40:978, while acting in the course of his professional practice, or except as otherwise authorized by sections 7-1001—7-1001.6. Any person who violates this subsection with respect to:

**Possession, marijuana:**

- (a) On a first conviction, wherein the offender possesses fourteen grams or less, the offender shall be fined not more than three hundred dollars, imprisoned in the parish jail for not more than fifteen days, or both.
- (b) On a first conviction, wherein the offender possesses more than fourteen grams, the offender shall be fined not more than five hundred dollars, imprisoned in the parish jail for not more than six months, or both.
- (c) Any person who has been sentenced under the provisions of Subparagraph (a) or (b) of this Paragraph and who has not been convicted of any other violation of a statute or ordinance prohibiting the possession of marijuana for a period of two years from the date of completion of sentence, probation, parole, or suspension of sentence shall not have the conviction used as a predicate conviction for enhancement purposes. The provisions of this Paragraph shall occur only once with respect to any person.

**(d) On a second conviction the offender shall be fined not more than one thousand dollars, imprisoned in the parish jail for not more than six months, or both.**

**State Law reference— Uniform Controlled Dangerous Substances Law, R.S. 40:961 et seq.; R.S. 40-1031—1035A.**

***BE IT FURTHER ORDAINED* that the provisions of this ordinance shall become effective immediately upon its adoption and approval by the Mayor.**

**The above ordinance having been submitted to a vote, the vote thereon was as follows:**

**YEAS: Tabor, Richard, Johnson, Naquin, Mire**

**NAYS: None**

**ABSTAINED: None**

**And the above ordinance was declared adopted this 4<sup>th</sup> day of May 2021.**

**/s/ Jennifer Morvant  
Jennifer Morvant, Council Adm.**

**/s/ Chad J. Mire  
Chad J. Mire, President**

**A condemnation hearing was held for property located at:**

- 1) 206 Sanders Street- adopted a unanimous motion to condemn property with demolition to begin on or after June 30, 2021.**
- 2) Structure at the corner of Sanders Street and School Street-adopted a unanimous motion to condemn the property and have the demolition begin on or after September 1, 2021**

**The Mayor updated the Council on projects going on throughout the City.**

**There being no further business the meeting was adjourned.**

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**Jennifer Morvant, Council Adm.**

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**Chad J. Mire, President**