

Minutes
Regular Meeting
115 N. Thomson, Iowa, LA 70647
City Hall Meeting Room
April 12, 2021, 2021
6:30p.m.

Mayor Paul Hesse and Town Council met in regular session this date in compliance with all requirements as to notice.

Present: Mayor Paul Hesse; Council Members: Gerald Guidry, Daniel Hennigan, Julie Fontenot, and Vernessa Guillory; Town Clerk Cynthia Mallett; Town Attorney Eugene Bouquet; Chief of Police Keith Vincent; Fire Chief Lewis and about 6 citizens. Absent: Council Member Joe Becnel

Invocation by Mayor Hesse, followed by Pledge.

Mayor Hesse announced a quorum was met.

It was **moved by** Daniel Hennigan, **seconded by** Vernessa Guillory to adopt agenda. The motion passed unanimously.

It was **moved by** Daniel Hennigan, **seconded by** Julie Fontenot to amend the minutes of Special Meeting, March 15, 2021; to delete typographical error on page 3, Paragraph 2, second line, "Officer 02 Railroad". Motion passed unanimously.

It was **moved by** Daniel Hennigan, **seconded by** Julie Fontenot to approve minutes of Special Meeting, March 15, 2021 as amended. Motion passed unanimously.

OLD BUSINESS:

Mayor Hesse read item #1. Mr. and Mrs. Fontenot of Fontenot Rentals, LLC, Ethan Fontenot, and Luke Fontenot came forward- Mayor Hesse explained the conditions, passed at the meeting in May 13, 2019, of the mobile home park permit and that these conditions have not been met. Mr. Fontenot of Fontenot Rentals disagreed with what was said at the meeting. He said that the condition of fencing in the park was not approved and he didn't have to do it. Mr. Bouquet explained what he perceived to have occurred at that meeting. Mr. Bouquet said he recalls, and the minutes reflect that an installed fence is a condition of the approved mobile home park. Council Member Daniel Hennigan also agreed with Mr. Bouquet on the fence being a condition of the permit being approved. Mr. Kenneth Landry came forward and expressed his opinion. He was in favor of the requirement of the mobile home park to install the fence. There was discussion about the lack of footage to place a fence on 3 sides. Mayor Hesse asked the council if they wanted to amend the conditions of the permit and remove or change the 3 sides to 2 sides for fencing.

It was **moved by** Julie Fontenot, **seconded by** Vernessa Guillory to amend the conditions of the mobile home park permit from 3 sides of fencing to 2 sides of fencing; South side and East side with a six (6) foot minimum height. The motion passed unanimously. Mr. Bouquet advised the Council that there was an error on the town's fault that the footages were not calculated correctly and the fence would have to be placed on town right-of-way. Mr. Bouquet suggested that if the fence has to be removed to exercise the right-of-way, the town will pay to replace it. It was **moved by** Julie Fontenot, **seconded by** Vernessa Guillory to approve that if the town would have to remove the fence to exercise the right-of-way the town will pay to replace it. The motion passed unanimously. Council Member Gerald Guidry requested that the minutes be given to Mr. and Mrs. Fontenot.

Mayor Hesse read the title of proposed Ordinance 2020-03, An ordinance to amend section 47-9 subpart (B) to add another intersection stop sign, yield signs. Town Clerk, Cynthia Mallett, presented an email to the council with a request of amendment to the proposed ordinance. The email stated that if adopted it would be too many stops on 1st Street and would cause more traffic on 2nd street. It was agreed to defer the introduction of this ordinance until further evaluation.

Mayor Hesse read the next item on the agenda and asked if Mr. Toups was present. Mr. Larry Toups was not present. Mr. Walt Jessen, engineer came forward. Mr. Jessen explained that Mr. Toups had followed the procedure for the application of sub-dividing the lots on Eli Street with the name as being Corbin Place Subdivision. It was **moved by** Julie Fontenot, **seconded by** Gerald Guidry to approve Corbin Place Subdivision on Eli Street as presented. The motion passed unanimously.

Mr. Walt Jessen, engineer, gave reports on the finishing up of Sewer line Rehabilitation project and that the roadway project will be starting soon. Upon the recommendation of Mr. Jessen, it was **moved by** Julie Fontenot, **seconded by** Daniel Hennigan to approve Resolution 2021-05 to accept project #I-2020-177 as substantially complete and advertise for clear lien certificate. The motion passed unanimously.

RESOLUTION NO. 2021-05

A RESOLUTION accepting the substantial completion of Project No. I-2020-177, Sewer Line Rehabilitation of Helen Street and Barkley Street Area, Town of Iowa, LA, and authorizing the advertising of the lien period.

WHEREAS, E.B. Feucht & Sons, LLC has substantially completed its contract with the Town of Iowa, Louisiana, for Project No. I-2020-177, Sewer Line Rehabilitation of Helen Street and Barkley Street Area, Town of Iowa, LA,

WHEREAS, D. W. Jessen & Associates, LLC has informed the Town Council of the Town of Iowa, Louisiana, that E.B. Feucht & Sons, LLC has substantially completed its contract and that the Town of Iowa, Louisiana, should accept the said improvements as substantially complete from the said contractor and assume the maintenance of the same;

BE IT RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF IOWA, LOUISIANA, in regular session convened, that:

SECTION 1: All of the above and foregoing provisions are hereby made a part of this resolatory provision; and the Town Council of the Town of Iowa, Louisiana, the governing authority of the said Town, does hereby accept from the said E.B. Feucht & Sons, LLC as substantially completed, the heretofore described substantial completion of Project No. I-2020-177, Sewer Line Rehabilitation of Helen Street and Barkley Street Area, Town of Iowa, LA and the Town Council of the Town of Iowa, Louisiana, does hereby accept said improvements for maintenance.

SECTION 2: The Town Council of the Town of Iowa, Louisiana, does hereby authorize the running of a legal advertisement notifying lien holders affected, that the final payment will be made at the end of the lien period of forty-five (45) days.

PASSED AND ADOPTED at Iowa, Louisiana, on this the 12th day of March, 2021.

PAUL HESSE, MAYOR
TOWN OF IOWA, LOUISIANA

ATTEST:

CYNTHIA MALLETT, MMC
TOWN CLERK

ADVERTISEMENT

This is to advise that the contract between E.B. Feucht & Sons, LLC and the Town of Iowa, dated July 31, 2020, for the Sewer Line Rehabilitation of Helen Street and Barkley Street Area, designated as Project No. I-2020-177, is substantially complete and was accepted by the Town Council on March 12, 2021.

Any person or persons holding a claim against said Project No. I-2020-177 should file said claim with the Clerk of Court of Calcasieu Parish before _____, 2021.

TOWN OF IOWA, LOUISIANA

PAUL HESSE, MAYOR

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Upon the recommendation of Mr. Jessen, it was **moved by** Daniel Hennigan, **seconded by** Julie Fontenot to approve partial pay estimate No. 5 for Project #I-2020-177 to E.B. Feucht & Sons, LLC in the amount of \$7,357.50. The motion passed unanimously.

Upon the recommendation of Mr. Jessen, it was **moved by** Daniel Hennigan, **seconded by** Julie Fontenot to approve Engineer's invoice No. 5 for Project #I-2020-177 to D.W. Jessen in the amount of \$1,380.22. The motion passed unanimously.

Mr. Kudla, Architect, was next on the agenda to give updates and reports on repairs to town infrastructure. Mr. Kudla was not present. There was discussion on the repairs planned for the baseball fields. Julie Fontenot announced that it looked like there would not be baseball for this year. It was requested to ask Mr. Kudla to appear at the special meeting on Monday, April 19, 2021.

Mayor Hesse read the next item on the agenda, a request from Grant Deshotel for a dog park in the Town of Iowa. There was discussion about this idea and how the project could be done. Possibilities of fencing a property in and the benefits of having a dog park in Iowa. Mr. Mark Talbot, a citizen, gave a positive opinion and said that it would have to be thought out.

Mayor Hesse read the next item and stated that he read the contract between the Town of Iowa and Waste Management and Waste Management was not meeting the terms of the contract. He requested that a Notice of Non-compliance ending the contract be sent to Waste Management. He told the members of council that two proposals were received for collection and disposal of residential solid waste contract. Ms. Beverly Gilchrist, representative of Waste Management came forward. She explained some of the issues they have been having. Mayor Hesse told her that there are some things under the original contract that are not being done. Mrs. Beverly addressed that statement. She said that the landfills had a moratorium on what was allowed since the hurricanes but it has been lifted and they are able to dump as before the storms. She said that she has received the complaints and has addressed these items with her district manager and will correct these issues. Mayor Hesse said they will discuss the proposals at next regular meeting. He thanked her for coming.

Mayor Hesse read item #5 on the agenda and asked Pat Thibodeaux, quality control manager, to come forward. Mr. Thibodeaux reported that the present PSN was not fitting our need for the town and a committee was formed to find a company that would best help us to get emergency and some non-emergency messages out to the citizens. He said that On-Solve, CodeRED is the emergency and critical communications company that was chosen. It was **moved by** Daniel Hennigan, **seconded by** Julie Fontenot to approve a one year agreement with On-Solve, CodeRED. The motion passed unanimously.

Mayor Hesse announced that the state has made available funds for HVAC improvements in certain facilities to prevent the spread of COVID-19. He said that an LCDBG-CV application will require a Request for Proposal for the administration for this grant. It was **moved by** Daniel Hennigan, **seconded by** Julie Fontenot to advertise for Request for Proposal of a consultant and administrator of the LCDBG-CV Application. The motion passed unanimously.

Mayor Hesse announced that the person with the firm that wrote our previous larger grants will be retiring soon. He said an interview was done with a representative of a recommended firm, Frye Magee, LLC., and he requested the following resolution be approved. It was **moved by** Daniel Hennigan, **seconded by** Julie Fontenot to approve Resolution No. 2021-06. The motion passed unanimously.

RESOLUTION NO. 2021-06

RESOLUTION ENTERING INTO AGREEMENTS ASSOCIATED WITH ADMINISTRATION AND ENGINEERING SERVICES FOR THE FY 2022/2023 LCDBG APPLICATION

WHEREAS, the Town of Iowa (“Town”) desires to submit a fiscal year 2022/2023 Louisiana Community Development Block Grant (“LCDBG”) Public Facilities application (the “Application”); and,

WHEREAS, the Town intends to use local funds to pay for administrative costs up to and including pre-agreement costs, administrative consultant fees, and any other administrative costs incurred by the Town associated with the Application; and,

WHEREAS, the Town intends to use local funds to pay for engineering costs up to and including pre-agreement costs, basic engineering design, topographic surveying, project representation, construction phase services and any other engineering costs incurred by the Town associated with the Application; and,

WHEREAS, the Town desires to enter into an agreement with Frye Magee, LLC, to perform all administrative consulting services associated with the Application, which includes assistance with developing the Application, and thereafter performing all administrative consulting duties following a grant award; and,

WHEREAS, the Town desires to enter into an agreement with D. W. Jessen & Associates, LLC, to perform all engineering consulting services associated with the Application, which includes assistance with developing the Application, and thereafter performing all engineering consulting services, including but not limited to basic engineering design, topographic surveying, project representation, construction phase services and any other engineering costs incurred by the Town, following a grant award.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF IOWA, LOUISIANA:

1. The Town enters into an agreement with Frye Magee, LLC to develop and submit the Application, and thereafter to perform all administrative consulting duties following a grant award.
2. The Town enters into an agreement with D. W. Jessen & Associates, LLC to assist with the development of the Application, and thereafter to perform all engineering consulting services, including basic engineering design, topographic surveying, project representation, construction phase services and any other engineering costs incurred by the Town, following a grant award.
3. The Mayor is authorized to execute respective agreements with Frye Magee, LLC and D. W. Jessen & Associates, LLC, and to execute and submit the Application, as well as all related documents, to be on such other terms and conditions as he shall deem advisable, and to do any and all things necessary and proper to carry out this Resolution and to fulfill its objectives and purposes.
4. This Resolution shall become effective upon final adoption and signature of the Mayor.

Passed, approved and adopted by the Town of Iowa, Louisiana, on April 12, 2021.

Paul Hesse, Mayor

Cynthia Mallett, Clerk

CERTIFICATE

I, Cynthia Mallett, Clerk of the Town of Iowa, do hereby certify that the above and foregoing constitutes a true and correct copy of a Resolution passed, approved, and adopted by the Town of Iowa on April 12, 2021.

Cynthia Mallett, Clerk

Mayor Hesse also explained the need to adopt Resolution 2021-07, LCDBG Procurement Policy. He said it is a requirement to apply for an LCDBG. It was **moved by** Daniel Hennigan, **seconded by** Julie Fontenot to approve Resolution 2021-07. The motion passed unanimously.

RESOLUTION 21-07

LCDBG PROCUREMENT POLICY

WHEREAS, the Town of Iowa has been afforded the opportunity to apply and participate in the State of Louisiana 2022/2023 Community Development Block Grant Program and Community Development Block Grant Coronavirus HVAC Program administered by the Division of Administration; and,

WHEREAS the STATE requires the establishment of uniform procedures in compliance with OMB Circular A-102;

NOW THEREFORE BE IT RESOLVED, by the Town of Iowa, that the attached policy entitled "LCDBG Procurement Policy" is hereby adopted.

Passed, approved and adopted by the Town of Iowa, Louisiana, on April 12, 2021.

Paul Hesse, Mayor

Cynthia Mallett, Clerk

CERTIFICATE

I, Cynthia Mallett, Clerk of the Town of Iowa, do hereby certify that the above and foregoing constitutes a true and correct copy of a Resolution passed, approved, and adopted by the Town of Iowa on April 12, 2021.

Cynthia Mallett, Clerk

LCDBG PROCUREMENT POLICY

These procedures are intended to serve as guidelines for the procurement of supplies, equipment, construction services and professional services for the FY 2022/2023 Louisiana Community Development Block Grant (LCDBG) Program and LCDBG Coronavirus HVAC Program. These guidelines meet the standards established in 2 CFR 200.317-326 and state requirements.

CODE OF CONDUCT

No employee, officer, or agent of the Town of Iowa shall participate in the selection or in the award or administration of a contract supported by LCDBG funds if a conflict of interest, real or apparent, would be involved. Such a conflict could arise if the employee, officer or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any of the above, has a financial or other interest in the firm selected for award.

No officer, employee or agent of the Town of Iowa shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

Any alleged violations of these standards of conduct shall be referred to the Town Attorney. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer; where violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.

PROCUREMENT PROCEDURES

The director or supervisor of each department or agency of the Town of Iowa responsible for procurement of services, supplies, equipment, or construction obtained with LCDBG funds shall review all proposed procurement actions to avoid the purchase of unnecessary or duplicative items. Such reviews shall consider consolidation or breaking out to obtain a more economical purchase. When determined appropriate by the Director or Supervisor, an analysis to determine which approach would be the most economical shall be undertaken.

The Town shall take affirmative steps to assure that small and minority firms, women's business enterprises, and labor surplus firms are solicited whenever they are potential qualified sources. The Town shall also consider the feasibility of dividing total requirements into smaller tasks or quantities so as to permit maximum participation by small and minority firms, women's business enterprises, and labor surplus firms. Where permitted by regulations, delivery schedules will be developed which will include participation by such businesses.

The Town shall assist the prime contractor whenever possible by providing copies of lists which identify qualified small and minority firms, women's business enterprises, and labor surplus area firms.

SELECTION PROCEDURES

ALL procurement carried out with LCDBG funds, where Town of Iowa is a direct party, shall be carried out in a manner that provides maximum free and open competition. Procurement procedures will not restrict or eliminate competition. Town of Iowa shall not place unreasonable requirements on firms in order for them to qualify to do business. Nor will the Town encourage or participate in noncompetitive practices among firms. The Town is alert to organizational conflicts which would jeopardize the negotiation process and limit competition. Town of Iowa will not require unnecessary experience or bonding requirements. Pursuant to state law, all solicitations of offers shall incorporate a clear accurate description of the technical requirements for the material, service, or product to be procured. In competitive procurements, these

descriptions shall not contain features which unduly limit competition. The description may include a statement of the qualitative nature of the material, product, or service and the minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications shall be avoided whenever possible. A "brand name or equal" description may be used to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offerers shall be clearly stated.

All solicitations of offers shall clearly set forth all requirements which offerers must fulfill and all other factors to be used in evaluating bids, proposals, or statements of qualifications. Contracts shall be awarded only to responsible contractors/firms that possess the potential ability to perform successfully under the terms and conditions of the proposed procurement. Consideration shall be given to such factors as the contractor's/firm's capacity, integrity, compliance with public policy, record of past performance, and financial and technical resources.

METHODS OF PROCUREMENT

Direct procurement by the Town of Iowa shall be made by using one of the following methods depending on the type of service to be procured.

Procurement by Micro-Purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold. To the extent practicable, the non-Federal entity must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.

Small Purchase Procedures. Relatively simple, informal procurement procedures will be used where the purchase of materials, supplies, equipment, and/or other property will not cost in the aggregate more than \$30,000, and for construction with a cost of less than \$150,000, except where further limited by state law or LCDBG policy. The small purchase procedure can also be utilized to procure administrative consulting and other professional services costing less than \$150,000. The only exception to professional services is for architectural/engineering services that must be procured through competitive negotiation. The procurement officer must obtain a minimum of three oral or written price or rate quotations from qualified sources. Documentation on all quotations received (whether oral or written) shall be made a part of the file.

Competitive Sealed Bids/Formal Advertising. Under this procedure bids are publicly advertised in accordance with the state's Public Bid Law. A firm fixed price contract (either lump sum or unit price) shall be awarded to the responsible bidder whose bid is lowest in price and that conforms to all the material terms and conditions of the advertisement for bids. Competitive sealed bids can be used ONLY when the following criteria are met: (1) there are complete, adequate, and realistic specifications or purchase descriptions; (2) there are two or more responsible bidders who are willing and able to compete effectively; (3) the procurement can be made on a firm fixed-price contract and selection of the successful bidder can appropriately be made principally on the basis of price.

When formal advertising is used the following conditions shall be met.

- i. The advertisement for bids shall be publicly advertised in accordance with state law.
- ii. The advertisement for bids, including the specifications and pertinent attachments, shall clearly define the items or services needed in order for the bidders to properly respond to the advertisement.
- iii. All bids shall be opened publicly at the time and place specified in the advertisement for bids.
- iv. A firm fixed-price contract award shall be made by written notice to the lowest responsible bidder whose bid conforms to the advertisement for bids. Where specified in the bid documents, factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest. Payment

discounts shall only be used to determine low bid when prior experience indicates that such discounts are generally taken.

- v. Notwithstanding the above, any or all bids may be rejected when there are sound documented business reasons in the best interest of the LCDBG Program. Competitive Negotiation: Requests for Proposals/Qualification Statements. This method may be used when formal advertising is not appropriate. Architectural and engineering services must be procured via requests for qualification statements; administrative consulting services must be procured via requests for proposals. Other professional services may also be procured by requests for proposals.

The following procedures will be used for competitive negotiation:

- i. Requests for proposals or qualification statements must be advertised in a newspaper in the nearest metropolitan area in accordance with the rules of the state's LCDBG Program. All submittals will be honored and entered into the competition.
- ii. The package for proposals or qualification statements shall identify all significant evaluation factors or selection criteria, including the corresponding point system that will be used to rate the proposals/qualification statements.
- iii. The selecting official (or committee, if one is designated) shall review all proposals and statements received and make a technical evaluation of each. This shall also include a written statement that identifies the basis upon which the selection was made.
- iv. Contract award will be made to the responsible offerer whose submission is deemed most appropriate to the Town of Iowa with consideration for price, qualifications, and other factors set by the local government. Unsuccessful offerers shall be notified in writing within ten working days of contract award. Documentation of notification shall be maintained in the contract selection file for the individual project.
- v. Following the review of the qualification statements received, the most qualified competitor will be selected to enter into contract negotiation. This shall always include negotiation of price to insure cost reasonableness. At the conclusion of successful negotiation, the competitor shall be invited to enter into a contract.

Noncompetitive Negotiation/Sole Source. Noncompetitive negotiation shall be used when small purchase, formal advertising, or competitive negotiation procedures are not feasible.

Noncompetitive negotiation will involve solicitations of a proposal from only one source. This can also occur if solicitations under the competitive negotiation procedures result in only one proposal or qualification statement. Noncompetitive negotiation shall only be used when written authorization has been obtained from the state's Office of Community Development, with the one exception noted. In order to qualify for this type of procurement, one of the following circumstances must apply:

- i. The item or service is available only from a single source;
- ii. It is determined that a public urgency or emergency exists and the urgency will not permit the delay beyond the time needed to employ one of the other three methods of procurement.
- iii. The state expressly authorizes noncompetitive proposes in response to a written request from the Town of Iowa.
- iv. After solicitation of a number of sources, competition is determined to be inadequate.

CONTRACT PRICING

Cost plus percentage of cost and percentage of construction cost methods of contracting MUST NOT be used. Town of Iowa shall perform cost or pricing analysis in connection with EVERY procurement action including contract modifications. Costs or prices based on estimated costs for LCDBG projects shall be allowed only to the extent that the costs incurred or the cost estimates included in negotiated prices are consistent with federal cost principals. Cost reimbursement, fixed price, per diem contracts, or a combination thereof may be utilized as appropriate.

A cost reimbursement type contract is most appropriate when the scope and extent of the work to be performed are not clearly defined. A cost reimbursement contract MUST clearly establish a cost ceiling which may not be exceeded without formally amending the contract, and must identify a fixed dollar profit that may not be increased unless there is a contract amendment that increases the scope of the work.

A fixed price contract is appropriate when the scope of work is very well defined and product oriented. A fixed price contract MUST establish a guaranteed price that may not increase unless there is a contract amendment that increases the scope of the work.

A per diem contract expected to exceed \$10,000 will not be considered unless Town of Iowa has determined that a cost reimbursable or fixed price contract is not appropriate. Cost and profit included in the per diem rate MUST be specifically negotiated and shown separately in the proposal. The contract must clearly establish a ceiling price that may not be exceeded without formally amending the contract.

The Town may use a multiplier type of compensation under either the cost reimbursement or fixed price contract. The multiplier and the portions of the multiplier applicable to overhead and profit must be specifically negotiated and separately identified in the contract.

PROCUREMENT RECORDS

The Town of Iowa shall maintain records sufficient to detail the history of the procurement. The records shall include the following contract provisions and conditions, as applicable for construction contracts.

- (A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
- (B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.
- (C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964- 1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."
- (D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

- The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.
- (E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
- (F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.
- (G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- (H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
- (I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

- (J) See §200.322 Procurement of recovered materials.
- (K) Pursuant to LRS 38:2227, public entities are required to obtain an attestation regarding past criminal convictions, if any, from the lowest bidder responding to advertisements and letting for bids for public works contracts. The Past Criminal Convictions of Bidders form must be included in all contracts for public works.
- (L) Pursuant to LRS 38:2212.10, all bidders and contractors performing physical services with public entities must be registered and participate in a status verification system to verify that all employees in the state are legal citizens of the United States, or are legal aliens. The bidder/contractor must sign an attestation that they are complying with this law, and that all subcontractors will comply with this law.
- (M) Pursuant to LRS 23:1726 bidders and contractors must certify that they are not being assessed penalties regarding unpaid worker's compensation insurance.

CONTRACT ADMINISTRATION

The Town of Iowa shall maintain contract administration systems that ensure contractors/firms perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. The accepted performance of contractors/ firms will be a factor in subsequent contract negotiations and award. Remedial action by the Town through legal processes shall be considered in instances of identified significant nonperformance.

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Mayor Hesse said the next item was also needed to apply for the FY 2022/2023 LCDBG Application, Citizen Participation Plan. It was **moved by** Daniel Hennigan, **seconded by** Julie Fontenot to approve Resolution 21-08. The motion passed unanimously.

RESOLUTION 21-08 LCDBG CITIZEN PARTICIPATION PLAN

WHEREAS, the Town of Iowa has been afforded the opportunity to apply and participate in the FY 2022/2023 Louisiana Community Development Block Grant Program and Community Development Block Grant Coronavirus HVAC Program administered by the Division of Administration; and,

WHEREAS, the STATE requires Grantees to establish procedures to ensure adequate citizen participation with the program;

NOW THEREFORE BE IT RESOLVED, by the Town of Iowa, that the attached policy entitled "Citizen Participation Plan", dated April 12, 2021 is hereby adopted.

Passed, approved and adopted by the Town of Iowa, Louisiana, on April 12, 2021.

Paul Hesse, Mayor

Cynthia Mallett, Clerk

CERTIFICATE

I, Cynthia Mallett, Clerk of the Town of Iowa, do hereby certify that the above and foregoing constitutes a true and correct copy of a Resolution passed, approved, and adopted by the Town of Iowa on April 12, 2021.

Cynthia Mallett, Clerk

CITIZEN PARTICIPATION PLAN

The Town of Iowa has adopted the following Citizen Participation Plan to meet the citizen participation requirements of Section 508 of the Housing and Community Development Act of 1974, as amended. The Police Jury is committed through adoption of this plan to full and total involvement of all residents of the community in the composition, implementation and assessment of its Louisiana Community Development Block Grant (LCDBG) Program and the LCDBG Coronavirus HVAC Program. Attempts will be made to reach all citizens, with particular emphasis on participation by persons of low and moderate income, residents of slum and blighted areas and of areas in which funds are proposed to be used. A copy of this plan will be made available to the public upon request.

As part of the citizen participation requirements and to maximize citizen interaction, the Town of Iowa shall:

- 1.) Provide citizens with reasonable and timely access to local meetings, information and records relating to the State's proposed method of distribution, as required by the Secretary, and relating to the actual use of funds under Title I of the Housing and Community Development Act of 1974, as amended;
- 2.) Provide for public hearings to obtain views and respond to proposals and questions at all stages of the community development program. These hearings will consist of the development of needs and proposed activities and review of program performance. These hearings will be held after adequate notice, a minimum of five calendar days, at times and locations convenient to potential or actual beneficiaries with accommodations for persons with disabilities;
- 3.) Provide for and encourage citizen participation with particular emphasis on Participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used;
- 4.) Provide for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals;
- 5.) Where applicable, identify how the needs of non-English speaking residents will be met in the case of public hearings; and
- 6.) Provide for a formal written procedure which will accommodate a timely written response, within fifteen days where practicable, to written complaints and grievances. Written minutes of the hearings and an attendance roster will be maintained by the Town Clerk.

PUBLIC HEARINGS

Notices informing citizens of any public hearings will appear in the official journal of the Town of Iowa a minimum of five calendar days prior to the hearing. In addition, notices will also be posted in Iowa Town Hall and the hearing will be publicized through local community

organizations, i.e., churches, clubs, etc., and/or dissemination of leaflets in the target area. Hearings will be held at times and locations convenient to potential or actual beneficiaries with accommodations for individuals with disabilities and non-English speaking persons. Whenever possible these hearings will be held within or near the target areas, at times affording participation by the most affected residents.

I. APPLICATION:

First Notice/Public Hearing

A. The public hearing to address LCDBG application submittal will be held approximately seven calendar days prior to the deadline for submission of the application for the current funding cycle. The Citizen Participation Plan will be available at the hearing. The public notice for this hearing will state that the following will be discussed:

- 1) The amount of funds available for proposed community development;
- 2) The range of activities that may be undertaken, including the estimated amount proposed to be used for activities that will benefit persons of low and moderate income;
- 3) The plans of the Town of Iowa for minimizing displacement of persons as a result of activities assisted with such funds and the benefits to be provided by the Town of Iowa to persons actually displaced as a result of such activities; and
- 4) The Town of Iowa prior performance of LCDBG programs funded by the State of Louisiana. In addition, the notice shall state that all citizens, particularly low and moderate income residents of slum and blighted areas, are encouraged to submit their views and proposals regarding community development and housing needs. Those citizens unable to attend this hearing may submit their views and proposals to:

Paul Hesse, Mayor
Town of Iowa
P. O. Box 1707
Iowa, LA 70647-1707

The notice will also state that accommodations will be made for disabled and non-English speaking individuals provided ab five day notice is received by the Town of Iowa.

Second Notice

A. Seven calendar days, at a minimum, prior to the submittal of the application, a second notice shall appear in the official journal informing the citizens of the following:

1. Proposed submittal date of the application;
2. Proposed objectives;
3. Proposed activities;
4. Location of proposed activities;
5. Dollar amount of proposed activities; and
6. Location and hours available for application review.

In addition, the notice shall state "all citizens, particularly those affected by the proposed project, are encouraged to review the proposed application and submit any written comments on the application to:"

Paul Hesse, Mayor
Town of Iowa

P. O. Box 1707
Iowa, LA 70647-1707

Negative comments received will be forwarded immediately to the State's Office of Community Development, Division of Administration or the application will be withdrawn if necessary.

II. AMENDMENTS

Program amendments, which substantially alter the LCDBG project from that approved in the original application, shall not be submitted to the State without holding one public hearing in accordance with the procedures outlined within this Citizen Participation Plan. Minutes of the hearing will be submitted with the request for the amendment. All interested citizens, particularly the low and moderate income, elderly, handicapped, and residents of the project area, shall be made aware and have the opportunity to comment on proposed amendments and/or submit alternative measures.

III. GRANTEE PERFORMANCE

The Town of Iowa will hold one performance hearing to solicit the public's opinion of the effectiveness of the LCDBG Program. The manner of notification will be the same as previously described for all public hearings. Notification will be made in the official journal approximately seven calendar days prior to the anticipated submittal of close-out documents to the State, and will indicate the date, time, and place of the performance hearing, and invite comments and opinions on the LCDBG activities implemented under the FY 2022/23 LCDBG Program and Community Development Block Grant Corona Virus HVAC Program being closed out. The notice will also state that accommodations will be made for disabled and non-English speaking persons provided a seven day notice is received by the Town of Iowa.

This notice shall invite all interested parties, particularly those low to moderate income residents in the target area to attend. The hearing will be held no sooner than five calendar days from the publication date of said notice.

CONSIDERATION OF OBJECTION TO APPLICATION

Persons wishing to object to approval of an application by the State may make such objection known to:

Office of Community Development
Division of Administration
Post Office Box 94095
Baton Rouge, Louisiana 70804-9095

The State will consider objections made only on the following grounds:

- A. The application description of needs and objectives is plainly inconsistent with available facts and data;
- B. The activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the applicant; and
- C. The application does not comply with the requirements set forth in the Final Statement or other applicable laws.

Such objections should include both an identification of the requirements not met and, in the case of objections relative to (1) above, the complainant must supply the data upon which he/she relied upon to support his/her objection.

BILINGUAL

Whenever a significant number of persons and/or residents of blighted neighborhoods communicate with a primary language other than English attend public hearings, the Town of Iowa will provide an interpreter for dissemination of information to them providing the Town of Iowa is given sufficient notification of five days.

TECHNICAL ASSISTANCE

Technical assistance may be provided directly by the Town of Iowa to any citizen, particularly to low- and moderate-income persons, residents of blighted neighborhoods and minorities, who request assistance in the development of proposals and statement of views concerning the LCDBG Program. The local officials, administrator and engineer will conduct informational meetings with the residents of the low to moderate income areas if a written request is received by the Town of Iowa with at least a one week notification. The persons who conducts the technical assistance meetings will disseminate information on the program and answer all pertinent questions.

TIMELY ACCESS AND ADEQUATE INFORMATION

The Town of Iowa shall provide timely disclosure of records, information and documents related to the LCDBG program activities. Documents will be made available for copying upon request at the Town of Iowa, Monday thru Friday, 8:00 a.m. to 4:00 p.m. Such documents may include the following:

- A. All meetings and promotional materials.
- B. Records of hearings and meetings.
- C. All key documents, including prior applications, letters, grant agreements, citizen participation plans, and proposed applications.
- D. Copies of the regulations (Consolidated Plans or Annual Action Plans) concerning the program.
- E. Documents regarding other important requirements, such as Procurement Procedures, Fair Housing, Equal Employment Opportunity, Uniform Act, Labor Provisions and Environmental Procedures.

CITIZEN COMPLAINT PROCEDURE

SECTION 1

It is the policy of the Town of Iowa to review all complaints received by the Town of Iowa.

SECTION 2

The following procedures will be followed on all complaints received by the Town of Iowa:

- A. The complainant shall notify the Town Clerk of the complaint. The initial complaint may be expressed orally or by written correspondence.
- B. The Town Clerk will notify the Mayor of the complaint within five working days.
- C. The Mayor will investigate the complaint and will report the findings to the Town Clerk within five working days.
- D. The Town Clerk will notify the complainant of the findings of the Mayor in writing or by telephone within five working days.
- E. If the complainant is aggrieved by the decision, he must forward the complaint in writing (if previously submitted orally) to the Town Clerk who will forward the complaint and all actions taken by the Mayor to the appropriate council committee for their review. This will be accomplished within thirty working days of receipt of the written complaint.
- F. The reviewing council committee will have ten working days to review the complaint and forward their decision to the complainant in writing.
- G. If the complainant is aggrieved with the decision of the Committee, he must notify the Town Clerk in writing that he desires to be afforded a hearing by the Town of Iowa

- Council. The complainant will be placed on the next regularly scheduled council meeting agenda. The Town Clerk will notify the complainant in writing of the date of the hearing.
- H. The complainant must bring all relevant data, witnesses, etc., to the hearing. The Town of Iowa, at the hearing, will review the complaint and forward within five days a certified copy of the minutes of the meeting at which the hearing was conducted and a decision was rendered to the complainant. If a decision is not reached at the hearing, the Town of Iowa will inform complainant of an appropriate date to expect a response. Within fifteen working days of reaching a decision, the complainant will be notified in writing of the decision.

Complaints concerning the general administration of the LCDBG Program may be submitted in writing directly to the:

Division of Administration
Office of Community Development
Post Office Box 94095
Baton Rouge, Louisiana 70804-9095

SECTION 3

All citizen complaints relative to Fair Housing/Equal Opportunity violations alleging discrimination shall be forwarded for disposition to the:

Louisiana Department of Justice
Public Protection Division
Post Office Box 94095
Baton Rouge, Louisiana 70804-9095

The complainant will be notified in writing within 10 days that, due to the nature of the complaint, it has been forwarded to the Louisiana Department of Justice.

Or

Complainant may contact the Louisiana Department of Justice Division directly at the Toll Free Telephone number 1-800-273-5718 or 225-342-7900.

SECTION 4

The Town Clerk will maintain a file for the purpose of keeping reports of complaints.

SECTION 5

This policy does not invalidate nor supersede the personnel or other policies of the Town of Iowa which are currently adopted but is intended to serve as a guide for complaints.

SECTION 6

This policy may be amended by a majority vote at any of the Town of Iowa regularly scheduled meetings.

ADOPTION

This Citizen Participation Plan is hereby adopted by Town of Iowa in regular session on April 6, 2021.

Cynthia Mallett, Clerk

Paul Hesse, Mayor

Mr. James Hardy, Water and Sewer Superintendent, gave a report of events for the month of March. Mayor Hesse asked Mr. Pat Thibodeaux to come forward and present the quotes on a

natural gas generator to replace the generator at the water plant. Mr. Thibodeaux reported the quotes and specs that were received and he will continue to look it over and will take the lowest cost.

Mr. Clayton Aymond, Street Maintenance Superintendent, was not present to give his report.

Fire Chief Lewis gave his monthly report. He announced that the Health Department partnered with the fire department to give vaccines and he thanked the Mayor for the use of the town park to do this.

Chief of Police Vincent gave a report on the March activities and recommended the council to hire Ali Simien and Jeanine Dugas as part-time dispatcher.

It was **moved by** Julie Fontenot, **seconded by** Daniel Hennigan to hire Ali Simien for Part-time Dispatcher effective 4-7-2021. The motion passed unanimously.

It was **moved by** Julie Fontenot, **seconded by** Vernessa Guillory to hire Jeanine Dugas for Part-time Dispatcher effective 4-7-2021. The motion passed unanimously.

Mayor Hesse gave the financial report for the month of March. He also discussed some proposed budget items and the cost of upcoming projects.

Mayor Hesse announced that the town will be using cement culverts for the culvert program and he may have the final numbers next meeting.

He announced there will be a ceremony for all the retired US Flags that are damaged. It will be held in the park on April 17th at 10:00 a.m.

There was discussion on an update for Mr. Talbot's insurance claim. Mayor Hesse said the insurance company was not moving quickly enough.

Mayor announced that there will be a special meeting at 6:30 p.m. on April 15, 2021 to review properties for the consideration of condemnation.

No further business to discuss it was **moved by** Daniel Hennigan, **seconded by** Julie Fontenot to adjourn meeting. The motion passed unanimously. The meeting was adjourned at 8:47 p.m.

Paul Hesse, Mayor

Cynthia Mallett, MMC