

# **Bond Case Briefs**

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## **ZONING & PLANNING - LOUISIANA**

### **Minvielle v. Iberia Parish Government**

**Court of Appeal of Louisiana, Third Circuit - November 20, 2019 - So.3d - 2019 WL 6168008 - 2019-269 (La.App. 3 Cir. 11/20/19)**

Landowners brought action against parish challenging whether it validly adopted changes made to the Federal Emergency Management Agency's (FEMA) flood designations affecting their properties.

The District Court granted parish's exceptions of no cause of action and dismissed action. Landowners appealed.

The Court of Appeal held that:

- Parish legislatively adopted changes to flood designations;
- Parish complied with notice and appeal requirements, federal law, and its charter in adopting changes; and
- Landowners failed to demonstrate that parish was not entitled to discretionary immunity.

Parish legislatively adopted changes to Federal Emergency Management Agency's (FEMA) flood designations affecting landowners' properties, where it previously adopted ordinance which adopted by reference all future flood map revisions.

Parish complied with notice and appeal requirements, federal law, and its charter in adopting changes to Federal Emergency Management Agency's (FEMA) flood designations affecting landowners' properties, even though it did not adopt changes by legislative act but by previous adoption of ordinance which adopted by reference all future flood map revisions, where parish was not required to use a specific manner of adoption, and parish published notice of flood map revisions and submitted appeal to FEMA based on landowners' request.

Landowners failed to demonstrate that parish was not entitled to discretionary immunity as to their cause of action for taking/inverse condemnation based on its adoption of changes made to the Federal Emergency Management Agency's (FEMA) flood designations affecting landowners' properties; all alleged acts and omissions were related to legitimate government objectives for which policymaking and discretionary power existed and were within the course and scope of parish's lawful powers and duties.