

OFFICIAL PROCEEDINGS
ST. JOHN THE BAPTIST PARISH COUNCIL
TUESDAY, August 24th, 2010
CHAIR RONNIE SMITH
VICE CHAIR CHERYL MILLET

The Council of the Parish of St. John the Baptist, State of Louisiana, met in Regular Session in the Joel McTopy Chambers, LaPlace, Louisiana on Tuesday, August 24th, 2010, at 6:30 PM.

CALL TO ORDER:

PRESENT AT ROLL CALL: Haston Lewis, Councilman District I, Darnel Usry, Councilwoman District V, Charles Julien, Councilman District III, Cheryl Millet, Councilwoman District VII, Steve Lee, Councilman-at-Large, Div. B, Ronnie Smith, Councilman District VI, Danny Millet, Councilman District II, Dale Wolfe, Councilman-at-Large, Div. A, Jaclyn Hotard, Councilwoman District IV

ABSENT: None

Councilwoman Usry led the Prayer. Councilman Julien led the Pledge.

Legal Counsels Kerry Brown and Jeff Perilloux were present.

Candidate for re-election – Judge Jude G. Gravois

Judge Jude G. Gravois was present at the meeting and gave a brief synopsis of his short time as Judge of the 5th Circuit Court of Appeal. He commented that he is seeking re-election and would appreciate the support of the parish.

Consent Agenda

Items: Approval of Minutes August 10th, 2010, Regular Meeting; Permit Approval – Bicycle Race – Old Hwy. 51 to Frenier Rd. Sunday, 8-29-10 from 8:00 AM until 11:00 AM; Added Permit Approval – Block Party – September 5th, from 3:00 PM – 7:00 PM – St. Andrews between Concordia Drive and Cambridge Drive

MOTION: Councilman Lee moved and Councilman Julien seconded the motion to approve the amended consent agenda items consisting of Approval of Minutes August 10th, 2010, Regular Meeting; Permit Approval – Bicycle Race – Old Hwy. 51 to Frenier Rd. Sunday, 8-29-10 from 8:00 AM until 11:00 AM; Added Permit Approval – Block Party – September 5th, from 3:00 PM – 7:00 PM – St. Andrews between Concordia Drive and Cambridge Drive. The motion passed unanimously.

PUBLIC HEARING ON ORDINANCES:

10-20 (Tabled 7-27-10) An ordinance designating and establishing the compensation to be paid to dealers who collect sales and use taxes levied by the Parish of St. John the Baptist, State of Louisiana. (R. Smith)

MOTION: Councilwoman Millet moved and Councilman Millet seconded the motion to remove ordinance 10-20 from the table. The motion passed unanimously.

MOTION: Councilman Lee moved and Councilwoman Millet seconded the motion to remove ordinance 10-20 from the agenda. The motion passed unanimously.

10-26 (Public Hearing Held) An ordinance ordering and calling a special election to be held in St. John the Baptist Parish Sales Tax District, to authorize the rededication of a sales and use tax therein; making application to the State Bond Commission in connection therewith; and providing for other matters in connection therewith (P. McTopy)

Councilman Lewis asked, "I would like to know how the money is going to be divided?"

Hugh Martin, Bond Attorney, stated, "We currently have the sales tax in effect which is authorized by the voters to be used for two purposes. One is for the sewer system and the other is what we commonly refer to as Roads & Bridges. In that proposition there is no particular portion or percentage or anything dedicated to one purpose or the other. The way the money is spent and the decisions are made are that each year the council adopts a budget, a capital budget and an operating budget and in that budget it provides for the expenditure of these funds. You could theoretically spend it all for one purpose or half for one and half for the other. If we add this election which request a third purpose be authorized and that purpose would be of course to pay the expenses of the utility system. Now we all know the utility system now its finances are very tight and there are some improvements which are needed that is currently financed primarily by the user charges. The monthly bills you pay for your water works is going to finance that now and the only way to actually get more money for repairs or improvements to the system is from that charge and if it is not enough then the charge has to be raised. This proposition, if it is passed, would authorize some sales tax fund to be used for that purpose. Again the proposition does not designate any certain percentage or portion to be used for that purpose. In fact you would not even have to spend it for any of the purposes if you didn't want to but of course you have needs in all of these areas so I am sure some amount but again that would be budgeted annually by a vote of this council. I hope I didn't make this too complicated."

Councilman Lewis asked, "Hugh what you are saying is that we are going to have to do a budget on this money every year to make sure that every department knows exactly what they are going to spend because some of this money is already paying bonds off anyways right?"

Hugh Martin stated, "Right. Now once the bonds are issued for any of these purposes that becomes the first charge on the taxes. The first money that comes in monthly you put in the sinking account to pay those bonds and that you can't change. You have to pay your debt. So what this does is it takes the rest of the money that is not needed for bond indebtedness and you are only using about a quarter of the money now for that purpose. The other three quarters are available for budgeting. So you would be adding a third purpose which would be the operation and improvements to the water system. Each year now you go through your

budget process and you have hearings and you adopt a budget. That would continue it is just that you would have this other purpose in your sales tax to include in your budget."

Councilman Lewis asked, "In other words you could use the money for operation and maintenance of the sewerage system and the water system right?"

Hugh Martin stated, "The sewer system, the water system and roads and bridges. You decide how much you want to spend on each one or how much you need to spend on each one."

Councilman Wolfe asked, "Why should we make that part of the proposition?"

Hugh Martin stated, "It is spelled out to the extent that you can use it for all of the purposes. You don't know in the future how much you might have to spend on one or the other. In other words you might have a big problem in sewerage one year and you need most of the money for that or it could happen in the water works or roads and bridges. So the way it is now it gives you the most flexibility. You all can use it the way you see best."

Councilman Wolfe stated, "That is what I am afraid of, the flexibility."

Hugh Martin stated, "Yes it has the flexibility. I think the way it is Mr. Wolfe would probably be the best bet."

Councilman Wolfe stated, "I totally disagree but I am always disagreeing. The way we conduct business here in St. John we really should spell it out and if we need to make some adjustments then we make some adjustments. The way you explained it Hugh and I hate to differ but we need to spell out where the money is going and how much is going. We need to readjust our utility system and readjust public works. I don't see anything being done now. So it can become a slush fund and that is what I am afraid of."

Councilman Julien asked, "Mr. Hugh I am trying to find out am I understanding, it won't cost the tax payers anything right?"

Hugh Martin stated, "That is correct. In other words you are levying a 1% tax now that is not going to change it is still going to be 1%. The only difference is going to be that you can spend part of it for the utilities/water works if you need to."

Councilman Smith asked, "Please explain to the public where you are getting your money now to pay for what you are trying to move into this fund. Did you get that question? You are trying to add right now, we have sewerage and roads and bridges and you are trying to add in water. Where are you getting your money from now for the water? There is a second part to this question that is why I asked it like that."

Pat McTopy, CFO, stated, "The money used to fund the parish water work system comes from the monthly user fees, the monthly utility bills that our customers pay."

Councilman Smith stated, "Okay at this time today, if you needed \$500,000.00, I am just using that number randomly, could I not just transfer that money from somewhere else to pay for the water?"

Pat McTopy asked, "From another account to pay into the utility system?"

Councilman Smith stated, "Right."

Pat McTopy stated, "The only fund that might available that I am aware of might be Economic Development if there is an economic development purpose."

Councilman Smith asked, "Okay, so where would you get money from right now Mr. Pat if we had an emergency and you needed a million dollars to fix something in the water system?"

Pat McTopy stated, "If we had to have the funding immediately the only source I am aware of that it could legally be budgeted from would be economic development."

Councilman Smith asked, "You are saying that is if it is an economic development matter?"

Pat McTopy stated, "If it can be justified as an economic development purpose."

Councilman Smith stated, "The reason I am asking that question is we have been surviving all this time without having the water usage put in this fund. I am just curious on why we need to do it now."

Pat McTopy stated, "Well with the start up of the NANO system over on Woodland Drive we have had tremendous increases in chemical cost and electrical cost and the maintenance of the system and salaries. It is just a matter of time before we have to change those filters out and as you recall the council recently made an award for a partial filter change out and half of one skid is \$40,000.00 so we are looking at close to \$400,000.00 on those filters that are required to be changed. Now as Mr. Martin said and I want to reiterate this will be no additional taxes to the tax payers. It would give this council the flexibility to put the funds where needed with no additional taxes subject to the budgetary process, public hearings and ordinances. The strong point in this is again no taxes and flexibility. It is not any different then what we did back in 2002 when we asked to add the public works function because it started out as a sewer sales tax back in 1985 and it has worked very well in public works. It has allowed us to do a number of things in public works that we would not have had the funding to do otherwise."

Councilman Smith asked, "Okay then my only other comment with this is that all we are doing here is allowing it to go to a special election correct?"

Pat McTopy stated, "That is correct."

Councilman Smith asked, "So ultimately it is going to be the decision of the tax payers in the parish?"

Pat McTopy stated, "Yes."

Councilman Smith stated, "Okay I just wanted to make sure that we got all of that information out. I will support this because I am going to let the tax payers make the decision on where they want their money at."

MOTION: Councilman Lee moved and Councilman Millet seconded the motion to approve Ordinance 10-26. The motion passed with 8 yeas and 1 against (Wolfe).

INTRODUCTION OF ORDINANCES:

There were no ordinances to be introduced.

COMMITTEE REPORTS:

Councilman Lee stated, "At 6:00 PM this evening the finance committee met. At this time I would ask for a motion from one of my fellow council members to ratify the actions taken by the finance committee."

MOTION: Councilwoman Millet moved and Councilwoman Usry seconded the motion to accept the recommendation of the finance committee. The committee approved to take the one bid from Curtis Environmental Services under advisement, approved to award the bid for the Balsam St. drainage improvements to Sampey General Contractors at a cost of \$60,058.00, approved change order #1 – Ruddock Well Site No. 2 increased amount of \$18,250.00, approved to grant a certificate of substantial completion for the Edgard Water raw water submersible pump station, approved to authorize administration to issue a task order to Murray Architects for inspection services in the amount of \$18,720.00 at the Reserve Boat Launch, and approved change order #1 – Water tank rehabilitation – Priority 2 increase in the amount of \$17,100.00. The motion passed unanimously.

DEPARTMENT/ENGINEER REPORTS:

Dale Wolfe - Personnel Matters

There were no personnel matters at this time.

Dale Wolfe – (Carry over 8-10-10) SWDI Contract

Councilman Wolfe stated, "I'm quiet tonight leave it on the agenda."

Elois Joseph, Director of Human Services, stated, "Administration approached the council in May of this year to ask them to revise the budget to put the \$26,000.00 in the budget to help with the transportation for the summer feeding program. I want to announce tonight that our summer feeding program was successful. We served about 76,599 meals in the months of June and July. Our department had received funding in the amount of \$235,635.26. So we were able to take care of the bus drivers ourselves. I just wanted to announce that to the council and also thank you all for supporting our department. Next we have a program where we are going to install light bulbs for senior citizens 62 years and older. You have a copy in your packages. It is

being announced on channel 15. We also sent letters to the churches to ask for their support to help us install this. We are planning after the first meeting in September to change light bulbs in senior homes about 95. We have support from the churches. We are getting support from the schools to help with this. If any council members want to assist us in doing this we would appreciate it. Also I submitted a package tonight it is another program that we are working on. I have to get with administration and finish the major work with that and we will come back to you all on the 14th of September. Thank you."

Councilman Smith stated, "Ms. Elois the East St. John High School basketball team is looking for items to do to go out and help in the parish. I can almost tell you right now that this is one of the items that we will be able to help you with. That should be about 40 kids."

OLD BUSINESS:

Stacey Cador – (Tabled 7-13-10) Re-appointment of Sarah Tregre to the Civil Service Board

Stacey Cador, Director of Health & Human Services, stated, "The council should have received a copy of a letter submitted by the LSU system requesting that Sarah Tregre be re-appointed to her position on the civil service board for another term."

MOTION: Councilwoman Usry moved and Councilman Julien seconded the motion to remove the item from the table. The motion passed unanimously.

MOTION: Councilwoman Usry moved and Councilwoman Hotard seconded the motion to re-appoint Sarah Tregre to the Civil Service Board. The motion passed unanimously.

NEW BUSINESS:

Charles Julien – Usage of the St. John Community/Civic Center

Councilman Julien stated, "I was wondering if administration would consider checking on how we could use the facility or the tax payers could use the facility because at this point I don't know that they feel that they are able to go in successfully acquire the building for different functions."

Marie Brown-Mercadel, CAO, stated, "Councilman Julien you and I were able to speak about this earlier today and we are willing to sit down and have that discussion with you because we know that is important to the parish and the citizens for them to be able to use the civic center and have access. So I would like to request that we schedule a meeting off line to discuss some of the possibilities going forward to try to make the facility more accessible."

Councilman Julien stated, "Okay I would like to keep this on the agenda and carry it over to the next meeting so that we will be able to give the public an update."

Councilwoman Hotard stated, "I was going to ask Mr. Julien if you don't mind if I can participate in that meeting. I have some concerns as well"

with just the contracts. I know that is a hindrance for some people to rent the building out. I know especially for weddings we have something in the contract that says they can cancel you thirty days prior if a movie comes. I know that is not possible if you are booking a wedding to just get up and move in thirty days. So there are some issues that I would like to discuss with administration as well as it relates to the community center and the public being able to use it."

Marie Brown-Mercadel stated, "I will work to get that scheduled tomorrow as soon as possible."

Councilman Lewis asked, "I am not sure but isn't that building under some type of contract with somebody in the movie business?"

Councilman Smith stated, "Right now it is."

Councilman Julien asked, "When will that contract be up?"

Marie Brown-Mercadel stated, "Well the original agreement for the movie theatre production was August 15th. They have requested to be able to store their equipment in the civic center between now and the end of January while they are waiting to see if the series is picked up."

Councilman Smith asked, "I am sorry Mr. Julien I have to interrupt. So that means if we extend this contract the civic center can't be rented out through January because it is holding equipment?"

Marie Brown-Mercadel stated, "Yes they were asking to extend the agreement at a rate of \$15,000.00 per month to store the production equipment there because they would not know until January if the series was going to be picked up by TNT."

Pat McTopy – Presentation of the Annual Audit Report by Rebowe & Associates

Pat McTopy stated, "We have with us tonight Phillip Rebowe with Rebowe & Associates. They are the firm that performed the audit for the fiscal year 2009. He is here to give you a report."

Phillip Rebowe, Rebowe & Associates, stated, "Thank you. We have completed the 2009 financial audit of the parish and we filed the financial report with the legislative auditor in June. I just wanted to give you a brief presentation of the results of the audit and the financial position of the parish. We have prepared a brief presentation if you want to follow along with us. On page one of our presentation we list the various auditor reports that we issued. We issued three auditor reports. One of the financial statements and then two reports regarding the grants the parish received from state and local. We found all to be unqualified clean opinions so the parish was in compliance with the accounting and compliance standards with the grants. We did have some findings that are listed. These are minor findings. On the bottom of page one and onto page two but again these are minor findings. We have discussed it with management and are taking corrective action on these findings. Page three of our presentation shows the net assets of the parish at the end of 2009 as you can see there was no asset to the parish. Which means that the total assets minus the total liabilities are now exceeding two hundred million

dollars most of that is in infrastructure, roads & bridges, sewerage and water department but you are now over two million dollars in net assets. On page five of our presentation we do show some deficiencies that certain funds had in 2009 and also what the budget looks like for 2010. Basically the recreation fund, the communication district, the ambulance fund, convention center fund and roads and bridges ran deficits in 2009. They have fund balance available to absorb those deficits. So we just again are monitoring the trends there and making sure those funds are funded by the parish. On the next page it just shows the sales tax trends of the parish going back about six years. As you know sales taxes are about 60% of the budget of the parish so these trends are important. In 2009 we actually had an increase in sales taxes by about 2% or \$645,000.00. So sales taxes end up at about \$31 million at the end of 2009. As you can see the trend there going back we have benefitted from the construction at the plant recently but now in 2010 the budget is back down to about \$18.6 million as you are aware of. On the next couple of pages it just shows again the historical sales tax receipts and also the 2010 budget. On page eight we just show the general fund of the parish at the end of 2009, as you can see the general fund balance was about a million five at the end of 2009 and that is one of the highest balances in that fund in a long time so the equity in that fund if you look at page nine at the percentage of expenditures. We are up to 21% which is a real good reserve fund percentage to have. As you can see it went from 18% to 21% so there was an increase in our fund balance from 2008 to 2009 and again we are up to 21% in expenditures and that is a very positive range of where you should be. The special revenue funds on the next page there are like 21 special revenue funds and again we have seen some growth in those funds mainly because of the sales tax increases over the last couple of years. On page eleven we just chart the revenues and expenses of the parish and as you can see the revenues end up at about 44 million for 2009 compared to about 30 million expenses. So again there was about a 13 million dollar difference between revenues and expenses which produced the surpluses that we are talking about. The enterprise funds which are basically the utility fund, sewerage fund, solid waste fund and mosquito abatement fund again there was a slight growth in those funds, those net assets for the three year period. The last thing that I want to point out is the debt obligations and the debt per capita of the parish. The end of 2009 you had somewhere around \$78 to \$85 million in total debt and that makes the debt per capita about \$1,773.00 per person in St. John Parish which again is within the norm. The national average is somewhere around \$2,000.00 so you are actually slightly below the national average in your debt per capita. Again page fourteen just shows the break down and the debt. There were some new additions to the debt about 31 million in 2009 and as you are aware the 15 million issued in 2010. The last page shows the capital project expenditures for the last three years. As you can see the last two years you have been running at about 4 to 4.5 million in capital project expenditures. So again in summary we had no substantial findings in our audit. The parish is on solid financial ground. As you can see in the graphs most of the trends are going up in the parish. So that is an overview if you have any questions about anything specifically I would be happy to answer those."

Pat McTopy – Resolution – R10-32 – A Resolution in support of amendment related to Mineral Production Royalties for Louisiana

Pat McTopy stated, "This is a resolution that our Police Jury Association has requested we adopt. It has been adopted by every other parish in the state and essentially it addresses the allocation or distribution of the mineral royalty fund. We are asking that the parish be given the amount as per the Louisiana Constitution and we have not in the past."

MOTION: Councilwoman Usry moved and Councilman Lee seconded the motion to approve Resolution – R10-32. A resolution in support of amendment related to Mineral Production Royalties for Louisiana. **WHEREAS**, Louisiana Constitution Art. VI § 4 provides that 20% of the total State severance tax on minerals is to be distributed to the parish where the mineral production occurred; and **WHEREAS**, however, the Louisiana Constitution currently places a cap on that distribution in the amount of \$850,000 annually, which cap is to increase at the rate of inflation each year; and **WHEREAS**, the imposition of that cap has resulted in the distribution to the parishes of barely 3% of severance tax revenues, far below the 20% originally envisioned by the Louisiana Constitution; and **WHEREAS**, the Louisiana Legislature, in the 2009 Regular Session, adopted HB 765 which proposes to amend the Louisiana Constitution to increase the cap to \$1,850,000 in the first year of implementation and then \$2,850,000 to increase the cap by the rate of inflation each year thereafter; should the last official forecast for a fiscal year exceeds that of the actual collection of severance taxes in the year 2008-09; and **WHEREAS**, this increase will bring tens of millions of dollars to parish governments to be used for infrastructure and other purposes; and **WHEREAS**, the proposal is set as Amendment #2 on the November 2, 2010 statewide election ballot. **NOW, THEREFORE BE IT RESOLVED**, that the St. John the Baptist Parish Council does hereby endorse and support the passage of Amendment #2 on the November 2, 2010 statewide election ballot. The motion passed unanimously.

Pat McTopy – Request for time extension of agreement with Buchart Horn for Airline Highway Improvements

Pat McTopy stated, "As you recall the council entered into a contract with Buchart Horn to do design work on Airline at Belle Terre, Hemlock and US 51. They have been coordinating their activities with the DOTD. There have been some delays in the design work. They are requesting an extension through February of 2011."

MOTION: Councilwoman Usry moved and Councilwoman Millet seconded the motion to grant a time extension of the agreement with Buchart Horn for Airline Highway Improvements. The motion passed unanimously.

Pat McTopy – Extension of the Cooperative Endeavor Agreement between UNO and the Parish for completion of the St. John Regional Wastewater Treatment Plant design

Pat McTopy stated, "This is a grant that comes from the EPA through the University of New Orleans. The University of New Orleans has subcontracted that grant to St. John Parish. It is for design services for the old regional sewer treatment facility that has not been built. As the council recalls we sold bonds recently to expand the River Road treatment plant and because of the change and scope of the work we are asking for an extension for that work."

MOTION: Councilwoman Hotard moved and Councilwoman Usry seconded the motion to grant an extension of the Cooperative Endeavor Agreement between UNO and the Parish for completion of the St. John Regional Wastewater Treatment Plant design. The motion passed unanimously.

Marie Brown-Mercadel – Authorization to amend the Tourist Commission Agreement

The administration requested to remove this item from the agenda.

CORRESPONDANCE/COUNCIL BRIEFS

Councilman Millet stated, *"I was just wondering. They did a good job on repairing the water towers. I was just wondering when they were going to come back and put up the decals for the parish."*

Pat McTopy stated, *"That logo work is a specialized type of work and rather than have the specialist come out each time every tank is done they are going to come out at one time and knock them all out."*

Councilman Julien asked, *"We have some emergency grass cutting that we need to have done on 27th Street and N.W. 2nd Street in Reserve. I have some seniors that live in that area and there are rodents running all over the place. This is something that I am hoping that administration might be able to help me with. One of the ladies is about 85 years old, the other is in her 70's so it is hard for them to fend something off if it were to come out of the grasses on them and the grass is about 7 feet high. Thank you."*

Councilman Smith stated, *"I want to wish my wife, my mother and my mother-in-law a belated Happy Birthday because I almost got spanked by my daughter because I didn't wish it early enough. I also want to invite everybody out to the high school football jamboree on Thursday night. It starts at 6:00 PM, four of our parish teams are playing. The first game is I think Riverside against West St. John and the second game is St. Charles Catholic against East St. John. The games are at Joe Keller Stadium."*

PRESIDENT'S REMARKS

Natalie Robottom stated, *"First off I would like to congratulate all of our veterans who came out to the medal ceremony in Vacherie last Thursday. It was for St. John and St. James residents. The Governor and Secretary Carson was there to distribute the medals and of course as usual the River Parishes showed up in force. I haven't received the total number yet but they estimate there were close to 400 people that received their medals and we are in conversations now about hosting another ceremony in St. John Parish on the East Bank to one thank our veterans for all of their service in the past and of course we have veterans who are currently serving. So we want to say a special thanks to all of them on behalf of not just our Governor and Veteran's Affairs but the government of St. John the Baptist Parish. We have some good news tonight. Hurricane Danielle and Tropical Storm Earl are in the Atlantic and there is nothing for us to worry about at this time but as we approach the 5th year anniversary of Katrina it is just a reminder that we need to be prepared, everyone needs a game plan for their families. We continue to prepare. We are a lot better prepared than I*

think we were then but we continue to strive to get better. We had a visit today from Mark Cooper with the Governor's Office of Homeland Security again just touching base with us outside of an emergency and maintaining those relationships can be very important for us in the future and we are going to work hard to continue those. We have received several permits for the cleaning of several of our major canals. The work started on the Hope Canal last week. The Godchaux Canal cleaning started this week and the Lafourche levee board is cleaning the Moll Canal on the West Bank. We have received acceptance letters for seven additional permits and we anticipate receiving those permits within the next week or so. Street and drainage improvements are ongoing on N.W. 2nd Street as well as Historic East. We anticipate completion of those projects in about 60 days and we are looking for much improved drainage in those areas. Just a reminder, for my administrative staff and the council in working with District Attorney Tom Daley there is an Ethics Seminar tomorrow from 5 to 7. It will be hosted at the St. John School Board. It is just an effort to update everyone on the changes to legislation and all rules pertaining to government and governmental ethics. We will be there for that knowledge and to ask questions. It doesn't just apply to elected officials but also public servants which is why I am going to have my administrative staff there and I think the school board is requesting theirs as well. For those of you who knew him Mr. Tony Dottolo was a long time employee of the parish passed away last week and to his family we wish them condolences and they will be in our prayers and we will miss Mr. Tony."

There was no executive session.

EXECUTIVE SESSION:

Dale Wolfe - Personnel Matters

Property/Casualty Insurance Agent – 1) Claims, any/all property, casualty, and Workman comp claims 2) Claims, procedures and disposition 3) Coverage's, any/all material changes

Cable Franchise Agreement

Any and all pending legal matters

ADJOURNMENT:

At 7:20 PM, Councilman Lee moved and Councilwoman Millet seconded the motion to adjourn. The motion passed unanimously.

/s/Ronnie Smith
COUNCIL CHAIRMAN

/s/Jackie Landeche
Council Secretary

