

OFFICIAL PROCEEDINGS
ST. JOHN THE BAPTIST PARISH COUNCIL
TUESDAY, DECEMBER 8TH, 2009
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, December 8th, 2009, at 6:30 PM.

CALL TO ORDER:

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

ABSENT: Dale Wolfe

Councilman Millet led the Prayer. Councilman Julien led the Pledge.

Legal Counsels Kerry Brown and Jeff Perilloux were present.

Consent Agenda

Items: Approval of Minutes November 24th, 2009, Regular Meeting

MOTION: Councilwoman Millet moved and Councilwoman Usry seconded the motion to approve the consent agenda items consisting of Approval of Minutes November 24th, 2009, Regular Meeting. The motion passed with Councilman Wolfe absent.

PUBLIC HEARING ON ORDINANCES:

09-36 (Tabled 11-24-09) (Public Hearing Held) An ordinance introducing the Annual Operating Budgets for the St. John the Baptist Parish General Fund, Special Revenue Funds, Enterprise Funds and Parishwide Sewerage Construction Fund for the fiscal year beginning January 1, 2010 and ending December 31, 2010. (P. McTopy)

MOTION: Councilman Lee moved and Councilwoman Millet seconded the motion to remove Ordinance 09-36 from the table. The motion passed with Councilman Wolfe.

Councilman Smith asked, "*Mr. McTopy do you need to discuss anything other?*"

Pat McTopy, Acting Parish President, stated, "*Not unless there are specific questions from the council.*"

Councilman Lee stated, "*I would like to make a motion that we approve the 2010 budget.*"

MOTION: Councilman Lee moved and Councilwoman Hotard seconded the motion to accept Ordinance 09-36. The motion passed with Councilman Wolfe absent.

INTRODUCTION OF ORDINANCES:

There were no ordinances to be introduced at this time.

COMMITTEE REPORTS:

Councilman Lee stated, "At 6:00 PM this evening the finance committee met. We had a very lengthy agenda and quite a few bid openings and proposals to be taken under advisement. I would ask that we get a motion by my fellow council members to endorse such actions taken."

MOTION: Councilwoman Millet moved and Councilwoman Usry seconded the motion to accept the recommendation of the finance committee. The committee approved to take all the bid openings under advisement that being for Chlorine; Culverts, corrugated metal pipe; fuel; Road Improvements - Asphalt, approved to take the two proposals for grass cutting and janitorial services under advisement, approved to take the three proposals in connection to the weatherization projects under advisement, approved to incorporate also the federal lobbying duties along with his local and state lobbying responsibilities that are handled by Guidry Associates at this time, approved to grant administration authorization to enter into an agreement with Shread Kurykendal for engineering services in connection with the St. Peter's School area drainage basin in Reserve as part of the 2009 Bond Issue, approved to grant administration authorization to enter into an agreement with Shread Kurykendal for engineering services in connection with the Old Riverlands area drainage basin in LaPlace as part of the 2009 Bond Issue, approved to grant administration authorization to enter into an agreement with Professional Engineering Consultants for engineering services in connection with the Balsam Street drainage solution in LaPlace as part of the 2009 Bond Issue, and approved to grant administration authorization to accept final acceptance for the Woodland Bridge Replacement Project. The motion passed with Councilman Wolfe absent.

DEPARTMENT/ENGINEER REPORTS:

Dale Wolfe - Personnel Matters

Councilman Wolfe was absent. This will be carried over to the next meeting.

Charles Julien - Discussion regarding investigation into text messaging in the parish

Councilman Smith stated, "Mr. Julien, I was advised by our attorneys that this item should be handled in executive session. It is on you sir."

Councilman Julien stated, "After speaking to some fellow council members and being advised by our attorneys we will deal with it in executive session."

Charles Julien - Discussion in reference to minority set asides (Letter from Tom Daley)

Councilman Julien stated, "I would just ask Mr. Brown who is handling the situation for us to come up and explain where we are at so that our

constituents will know what is going on."

Kerry Brown, Legal Counsel, stated, "Again Mr. Julien I just wanted to give you a follow up from our previous conversations that this is a process that is going to take a little time. As I have spoken with you before I have consulted with legal who represents the state, senate and also other attorneys in different parishes to try to figure out how it is that they have assisted with not just preparing some sort of legislation but also assisting us with making certain that we don't violate any constitutional issues or fall into any traps that the previous ordinance got us into. Therefore we are working on having some sort of legislation drawn up that we will have brought before the council. The moment that it is done I will notify each one of you. Myself, Jeff and Mr. Daley will have that prepared for you."

Councilman Lewis asked, "Doesn't the state have some sort of legal system for disadvantaged individuals?"

Kerry Brown stated, "There currently is an ordinance that the state does have."

Councilman Lewis asked, "We couldn't use that to do the same thing over here?"

Kerry Brown stated, "Absolutely. That was the recommendation that Mr. Daley and I had spoken about."

Councilman Lewis stated, "I know of someone who said that that keeps it fair for disadvantaged people or small businesses."

Kerry Brown stated, "The ordinance would focus on minority and disadvantaged businesses. We look at economically disadvantaged businesses also. Our focus would be to say do you want to simply give up your rights to make that decision as a council or do you want to adopt the states ordinance. You have the right to simply adopt the states ordinance. That would then pretty much take you out of the loop. You would use the states ordinance to say this is how we are going to govern this issue in our parish. You have that right to do so."

Councilman Lewis stated, "I figure that would be good because I am almost sure it has been tested already."

Kerry Brown stated, "It has been tested. It certainly has. I would like to just incorporate it into something that still gives you some authority as a council."

Councilman Julien stated, "Some of my fellow council members tonight spoke about having local people do work. We just want to make sure that, you know we gave out five million dollars worth of contracts tonight. We just want to make sure that the people of St. John Parish are working. We don't want to have to deal with gender or race but the bottom line is we need to make sure that these people are getting these contracts. That they are hiring local people and they are working local people."

Kerry Brown stated, "Again as your counsel we would strongly discourage you from creating any sort of class of people residence or non-residence. As you do so you fall into a constitutional trap which means that somebody can challenge it. We just want to make sure that we put some sort of legislation

in place so that when you do award any contract that you do award that class, residency and disadvantaged businesses are all considered to where all are given the same access."

Councilman Julien stated, "My position is when people come and I support different contractors or engineering companies it is with the understanding that they will hire our people. So I am not trying to support people that won't hire our people. That is just where I stand and I thank you for your input tonight."

Councilwoman Hotard asked, "I just have a question. I am very familiar with the disadvantaged business program that the state has. So if we adopt their ordinance will the certification process is still the same however the contractors get certified to be a dbe according to the state it is the same, they will still have to go through that same process?"

Kerry Brown stated, "Yes. That is the exact same thing that we have talked about. If you adopt their ordinance some would argue that you also adopt their procedures which would mean that you would get somewhat out of the loop in it as far as to how we qualify them. They use the states guidelines to do so. I would encourage you to use it but also there should be something included I think that helps you as a council to still have some sort of involvement with that process and saying okay if you know the states guidelines under some conditions it actually works very well, under others if you have companies that have met their guidelines they may automatically be disqualified under the states dbe status. Do you want to use it as your basis for awarding all of your contracts? It is clearly one consideration that we are looking at but like I said it is going to take a little more time to try to work it out and figure out how do we merge it with something locally to where you can still gain access and fairly award contracts to all people."

Councilwoman Hotard asked, "As far as when we go out for bids on a project, as far as the dbe ties into it, I know with the state they normally don't say it has to be a dbe but a certain percentage of these contracts. How does that work if we have these drainage, sewerage and roadway projects? Do we say only dbe's can bid on it or how would that work here locally?"

Kerry Brown stated, "Again, this is the very thing that we are talking about. The truth is that you don't want to just limit it to any type. You want all work that comes through the area if I am you as a council person I would be concerned that all people have access to all work that comes through this area but at the same time you want to make certain that you have qualified professionals performing all services that you are going to have performed in the parish. You don't want to just hire someone because they would qualify as an economically disadvantaged business if they are going to provide shady work that is going to create more problems for you as a council and us as a residency to deal with. So clearly that is one of the things we are weighing right now."

Councilwoman Hotard stated, "With what Charles is saying too, there is no way to really as a dbe you can still go and bid on work anywhere it doesn't have to be in that parish. So you couldn't really say okay we are going to only accept people from here. I guess it is going to get gray before it gets clear."

Kerry Brown stated, "The statute actually addresses all of those things. It talks about contractors that have had consistency in the parish and have

worked for the parish for many years. You can disqualify them if you choose to under a program. It also allows for those companies that are economically disadvantaged. Those whose income doesn't meet a certain criteria can also be given favorable consideration by this council to get equal access to the work here. We just have to find a way to balance it all to make certain that you have involvement with it and you don't want some legislative body in Baton Rouge deciding if you did the appropriate thing in awarding a certain contract. We want to use their standard as a guideline but at the same time you want to hold the accountability that the residents give to you. You want to make sure that when you do make an award to whomever that you know that you have the ability to do so and that it won't be challenged elsewhere. We are just trying to make sure that we can balance it so that you have the authority and ability to properly award contracts to those qualified contractors in this area."

Councilwoman Hotard stated, "Right, I am glad you said that last part because that is another thing that we don't want to find ourselves in is contracts being awarded and challenged because we did things inappropriately."

Councilman Julien stated, "If it is going to get some work we need some challenged, if they don't want to work and do the right thing."

Councilwoman Hotard stated, "That is not what I meant."

Kerry Brown stated, "We want to make sure that whatever we put in place that you know and if it is challenged you need to have us available to be able to fight it and prevail."

Councilman Julien asked, "Mr. Brown as you are one of the best attorneys that St. John has to offer. Could you please tell us how long it would take for you to draw up this ordinance?"

Kerry Brown stated, "If you want today to utilize the states ordinance I can go to my office tonight and adopt it."

Councilman Julien stated, "I want you to do something magnificent for St. John."

Kerry Brown stated, "I think we just need more time. At least a couple of more weeks to look into it and before we go into the new year hopefully I will have something available with enough research to find out what has happened, who challenged it, if they have prevailed on it and how they prevailed. Then put something in place for you so that you can say you know what this is something that we feel comfortable with as your legal counsel and Mr. Daley would sign off on it as our chief counsel of course and you would know that hey look we have done our part and we can now legislate according to this new ordinance."

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Pat McTopy/Hugh Martin - Resolution R09-33 - Authorizing the advertising for bids for the purchase of Fifteen Million Dollars (\$15,000,000) of Public

Improvement Bonds, Series ST-2010, of the St. John the Baptist Parish Sales Tax District, authorized at elections held in the issuer on November 16, 1985 and January 19, 2002; making application to the State Bond Commission for consent and authority to issue and sell said bonds; and providing for other matters in connection therewith

Pat McTopy stated, "This is a resolution that would authorize issuance of up to fifteen million dollars in bonds to be financed through the sales tax district account that the parish has. That account is used presently to finance sewer work and road work. The present bonds that are being paid out of the proceeds of that fund expire 2014. So in the year 2014 there will be no more bonds left to be paid. We have an opportunity today to issue these bonds at a very low interest rate. We have clearly the means to finance them and it would be for two very important projects and I know the council knows about this. I am speaking for the benefit of the public and the news media. Two very important projects, one would be the expansion of the River Road sewer treatment plant from 4.5 million gallons a day to 6.5 million gallons. A two million gallon per day expansion that is going to allow the parish to treat sewerage for many years to come and when the time comes to expand that treatment plant further it will probably be time to go with the regional sewer plant but this will carry us 10 to 15 years towards the future. Secondly this will allow the parish, with the council's cooperation and support, to begin the important task of correcting our sewer infiltration and inflow problems that we have. As you know every time we get a tremendous rain or even to some extent in some areas a light rain, the sewer system becomes over burdened, the lift stations can't handle all of the sewerage and the sewerage backs up in peoples lines and they can't flush the toilets. The reason for that is there is a series of leaks in the manholes. There are a series of leaks in the clean outs and collection lines. The Reserve system is a perfect example. The Reserve system was the first area in the parish to have sewerage back in the late 50's and early 60's at that time the technology was terra cotta clay pipes. Those pipes were good at the time but they don't have real good sealants at the joints, they are prone to cracking, they allow for infiltration and as a result we have a serious problem. For many years we have been studying this problem. Now with the council's support we can correct some of the problem. This isn't going to solve all the problems but it is a giant step forward and if we combine that with the funds that we are getting from LRA for sewer I&I, a loan application at low interest, almost no interest loan application that we are looking at and with other grants we are going to be able to make significant strides in solving those problems. So we ask for your support tonight."

MOTION: Councilman Lewis moved and Councilwoman Usry seconded the motion to approve Resolution R09-33. A resolution authorizing the advertising for bids for the purchase of Fifteen Million Dollars (\$15,000,000) of Public Improvement Bonds, Series ST-2010, of the St. John the Baptist Parish Sales Tax District, authorized at elections held in the Issuer on November 16, 1985 and January 19, 2002; making application to the State Bond Commission for consent and authority to issue and sell said bonds; and providing for other matters in connection therewith. BE IT RESOLVED by the Parish Council of the Parish of St. John the Baptist, State of Louisiana, acting as the governing authority of the St. John the Baptist Parish Sales Tax District that: SECTION 1) Advertisement for Sale. The Chairman of the Parish Council of the Parish of St. John the Baptist, State of Louisiana (the AGoverning Authority@) is hereby empowered, authorized and directed to advertise in accordance with the provisions of law for sealed paper or electronic bids via PARITY7 for the purchase of Fifteen Million Dollars (\$15,000,000) of Public Improvement

Bonds, Series ST-2010 (the ABonds@) of the St. John the Baptist Parish Sales Tax District (the AIssuer@). The Bonds will be issued for the purpose of constructing, acquiring, extending and improving sewers and sewage disposal facilities in the Issuer and acquiring equipment therefore, pursuant to Sub-Part F, Part III, Chapter 4, Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority. The Bonds shall be payable solely from and secured by, equally in all respects with the Issuer=s outstanding Public Improvement Refunding Bonds, Series ST-1999 (the AOutstanding Parity Bonds@), by an irrevocable pledge and dedication of the avails or proceeds of the special one percent (1%) sales and use tax being levied and collected by the Issuer, pursuant to elections held in the Issuer on November 16, 1985 and January 19, 2002 (collectively, the ATax@), subject only to the prior payment of the reasonable and necessary costs and expenses of collecting and administering the Tax, and after making payments required by certain outstanding (i) Public Improvement Bonds, Series ST-1996, dated October 1, 1996 and (ii) Public Improvement Refunding Bonds, Series ST-1996, dated December 1, 1996, of the Issuer (collectively, the AOutstanding Prior Lien Bonds@). The Bonds will be initially issued in the name of Cede & Co., as nominee for The Depository Trust Company (ADTC@), as registered owner of the Bonds, and held in the custody of DTC. The Issuer and the Paying Agent acknowledge that they have executed and delivered a Letter of Representation with DTC and that the terms and provisions of said Letter of Representation shall govern in the event of any inconsistency between the provisions of this resolution and said Letter of Representation. A single certificate will be issued and delivered to DTC for each maturity of the Bonds. The Beneficial Owners will not receive physical delivery of Bond certificates except as provided herein. Beneficial Owners are expected to receive a written confirmation of their purchase providing details for the Bonds acquired. For so long as DTC shall continue to serve as securities depository for the Bonds as provided herein, all transfers of beneficial ownership interest will be made by book-entry only, and no investor or other party purchasing, selling or otherwise transferring beneficial ownership of Bonds is to receive, hold or deliver any Bond certificate. For every transfer and exchange of the Bonds, the Beneficial Owner may be charged a sum sufficient to cover such Beneficial Owner=s allocable share of any tax, fee or other governmental charge that may be imposed in relation thereto. Bond certificates are required to be delivered to and registered in the name of the Beneficial Owner under the following circumstances:

- a. DTC determines to discontinue providing its service with respect to the Bonds. Such a determination may be made at any time by giving 30 days= notice to the Issuer and the Paying Agent and discharging its responsibilities with respect thereto under applicable law.
- b. The Issuer determines that continuation of the system of book-entry transfer through DTC (or a successor securities depository) is not in the best interests of the Beneficial Owners. The Issuer and the Paying Agent will recognize DTC or its nominee as the Bondholder for all purposes, including notices and voting. Neither the Issuer, nor the Paying Agent are responsible for the performance by DTC of any of its obligations, including, without limitation, the payment of moneys received by DTC, the forwarding of notices received by DTC or the giving of any consent or proxy in lieu of consent. Whenever during the term of the Bonds the beneficial ownership thereof is determined by a book entry at DTC, the requirements of this resolution of holding, delivering or transferring the Bonds shall be deemed modified to require the appropriate person to meet the requirements of DTC as to registering or transferring the book entry to produce the same effect. If at any time DTC ceases to hold the Bonds, all references herein to DTC shall be of no further force or effect.

SECTION 2) Basic Terms of Bonds. The Bonds will be dated March 1, 2010, will be in the denomination of Five Thousand Dollars (\$5,000) each, or any integral multiple thereof within a single maturity, and will bear interest from date thereof, or the most recent interest payment date to which interest has been paid or duly provided for, at a rate or rates not exceeding six and one-half per centum (6.50%) per annum on any Bond in any interest payment period, said interest to be payable on June 1, 2010 and semiannually thereafter on June 1 and December 1 of each year. The Bonds will be in fully registered form and will mature serially on December 1 of each year as follows, to-wit: SECTION 3) Redemption Provisions. The Bonds maturing December 1, 2021 and thereafter, will be callable for redemption by the Issuer in full or in part at any time on or after December 1, 2020, and if less than a full maturity, then by lot within such maturity, at the principal amount thereof and accrued interest to the date fixed for redemption, plus a premium (expressed as a percentage of the principal to be redeemed), as follows: In the event a Bond is of a denomination larger than \$5,000, a portion of such Bond (\$5,000 or any multiple thereof) may be redeemed. Bonds are not required to be redeemed in inverse order of maturity. Official notice of such call of any of the Bonds for redemption will be given by first class mail, postage prepaid, by notice deposited in the United States mails not less than thirty (30) days prior to the redemption date addressed to the registered owner of each bond to be redeemed at his address as shown on the registration books of the Paying Agent. SECTION 4) Sale of Bonds. The Bonds shall be sold in the manner required by law, and in accordance with the terms of this resolution, the official Notice of Bond Sale herein set forth, and the Official Statement referred to in Section 7 hereof. In advertising the Bonds for sale, the Issuer shall reserve the right to reject any and all bids received. SECTION 5) Notice of Bond Sale. The President of the Governing Authority is hereby further empowered, authorized and directed to issue a Notice of Bond Sale and cause the same to be published as required by law, which Notice of Bond Sale shall be in substantially the following form. The motion passes with Councilman Wolfe absent.

CORRESPONDENCE/COUNCIL BRIEFS

Councilman Julien stated, *"I would like to send condolences to Mr. Wolfe whose sister passed. I hope that the family is doing well and ask that you keep them in your prayers. The next thing is the drainage issue. Everyone is talking about it. We said that when our problems first started that work would be going on as usual. I had one lady tell me that she hadn't been flooded in thirty years and she has water in her house. We need to do something. We said that we didn't have to dig and we didn't have to clean out these canals right now we could wait but I don't think that we should wait and this shows that we shouldn't wait because everybody is flooded. I know my area in Reserve is flooded. I know LaPlace is flooded all over the place and it may seem like a small thing to some of my council members but it is a major issue for people who have all of this stuff going into their houses and it is our duty to do the right thing concerning them. The other thing is and I will close with this. I will be coming to the council with a permit for a Martin Luther King March that will be held in January. If you know of anyone who might be interested in participating you can contact Rev. Forell Bering."*

Councilwoman Hotard stated, *"I just wanted to, like Councilman Julien said offer my condolences to Mr. Wolfe and his family right now and just remember them in your prayers."*

Councilman Smith stated, "I would also like to send condolences out to Mrs. Bobbie Butler. Her sister passed also. It is a tragedy especially around the holidays when we have loved ones that pass away. So if everyone would be kind enough to keep Mr. Wolfe and Mrs. Butler in their prayers we would truly appreciate that."

PRESIDENT'S REMARKS

There were no presidential remarks.

MOTION: Councilman Millet moved and Councilman Julien seconded the motion to go into executive session. The motion passed with Councilman Wolfe absent.

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) Coverages, any/all material changes

Any and all pending legal matters

MOTION: Councilman Lee moved and Councilman Julien seconded the motion to go back into regular session. The motion passed with Councilman Wolfe absent.

There was no action taken as a result of the executive session.

ADJOURNMENT:

At 7:20 PM, Councilwoman Usry moved and Councilman Julien seconded the motion to adjourn. The motion passed with Councilman Wolfe absent.

/s/Ronnie Smith
COUNCIL CHAIR

/s/Jackie Landeche
Council Secretary