

OFFICIAL PROCEEDINGS
ST. JOHN THE BAPTIST PARISH COUNCIL
TUESDAY, DECEMBER 11TH, 2018
CHAIRMAN LENNIX MADERE
VICE-CHAIR LARRY SNYDER

The Council of the Parish of St. John the Baptist Parish, State of Louisiana, met in Regular Session in the Joel McTopy Chambers, LaPlace, Louisiana on Tuesday, December 11th, 2018, at 6:30 PM.

CALL TO ORDER:

PRESENT AT ROLL CALL: Kurt Becnel, Councilman District I, Julia Remonet, Councilwoman District II, Lennix Madere, Councilman District III, Marvin Perrilloux, Councilman District IV, Michael Wright, Councilman District V, Larry Snyder, Councilman District VI, Thomas Malik, Councilman District VII, Jaclyn Hotard, Councilwoman-at-Large, Div. B

ABSENT: Larry Sorapuru

Councilman Snyder led the Prayer. Councilman Perrilloux led the Pledge.

Legal Counsel present was Keith Green, Jr., and Law Clerk Kennilyn Schmill.

PUBLIC COMMENT - AGENDA ITEMS ONLY (2 minutes per citizen)

Good After, well good evening now. Since I only have 2 minutes I'm going to try and talk real quick. But I do have questions, but if yawl don't mind answering the questions at the end, so I get all my 2 minutes. My name is Angela Sellers Wells, and I'm here to address my concerns regarding the 11/27/18 Council meeting where a vote was cast 4 yes, 3 no's and 2 abstaining. Could you please if the votes were valid? If so please explain...

Councilman Madere interrupting stated, "Excuse, excuse me, that's not on the agenda."

Angela Sellers Wells stated, "I'm addressing the Robert's Rule..."

Councilman Madere interrupting stated, "It's not, the Robert's Rule, okay alright."

Angela Sellers Wells asked, "So can you please clarify if the votes were valid? If so, please explain how the Council are willing to pay a much higher price in a selected company that ranked 5th overall and had the highest price. I'm also here on behalf of All the Time Janitorial, LLC. I would like to use my time to address the concerns about our company..."

Councilman Madere interrupting stated, "Hold, you can't talk about the company, you can only talk about Robert's Rules of Order."

Angela Sellers Wells stated, "Correct."

Councilman Madere stated, "Okay, but you can't mention anything about your company Janitorial things. Only about Robert's Rules of Order. That's it!"

Angela Sellers Wells asked, "So doesn't that all combine together?"

Councilman Madere stated, "No, no, no, no, that's not on the agenda. You can't talk about that Janitorial portion of that. Only if you have questions concerning Robert's Rule of Order..."

Angela Sellers Wells interrupting stated, "But that's concerning the vote... [CROSSTALK]"

Councilman Madere interrupting stated, "No, you can talk about the vote, but you can't talk about the particular item. Okay you can't talk about, you can talk about ask the question about how the votes go down, how you determine you know 2/3 majority, you can talk about that but not to any particular item."

Angela Sellers Wells asked, "Okay, will you mind answering the question that I asked?"

Councilman Madere stated, "What? I can't answer that question cuz it's concerning that item. Now the Robert's Rule of Order, when it comes up on the agenda, you can come back and ask that question."

Angela Sellers Wells asked, "So I can't ask questions about the vote as pertaining to Robert's Rule?"

Councilman Madere stated, "To the rules, yes, but not to the subject matter okay that the vote was on."

Angela Sellers Wells asked, "So the 4 yes, 3 no's, 2 abstaining, I can't ask to clarify if the votes were valid?"

Councilman Madere stated, "You can ask about that, concerning..."

Angela Sellers Wells asked, "Okay that's what I was asking. Were the votes valid?"

Councilman Madere stated, "You ask that when you come up, when it come up in the meeting. Not now."

Councilwoman Hotard stated, "What he's trying to say is that, you can make your comments when we actually get to the item on the agenda, is when it'll fully be discussed by the Council. The Public Comment is for you to make the comment and ask a question, and then when we actually get to the agenda item, it'll be discussed in detail and..."

Councilman Madere interrupting stated, "In other words, make us aware of what your concern is, okay? You were concerned about how they determined if the vote was legal..."

Angela Sellers Wells interrupting stated, "If the vote was valid."

Councilman Madere stated, "Right, right, that's what you want to know."

Angela Sellers Wells stated, "Yes."

Councilman Madere stated, "Okay right. And that's what they'll tell you at that time, when we get to the meeting, we'll discuss it and tell you how they determined. Sometimes you need a majority, sometimes you need a unanimous decision. Okay they explain that to you. But as far as if it and when they explain that to you, then you automatically going know that the vote was valid or

not valid. Okay?"

Angela Sellers Wells stated, "Okay, thank you!"

INTRODUCTION OF BUSINESSES:

Jaclyn Hotard - Presentation - River Parishes Tourist Update, Buddy Boe, Executive Director

Councilwoman Hotard stated, "Thank you Chairman. From time to time we do have presentations from the River Parish Tourist Commission as we have had with previous Executive Directors, so I thought it would be fitting for the current Executive Director to come and give us an update."

Buddy Boe stated, "Thank you Ms. Hotard, Members of the Council, Buddy Boe - Executive Director of the River Parishes Tourist Commission. We've got a brief presentation that'll cover an annual update of the Commission/Discussion about Visitor Enterprise funds, then a recap of where we stand as we move forward into 2019. To view the Presentation - River Parishes Tourist Update, please visit the parish website at www.sjbparish.com.

CONSENT AGENDA:

ITEMS: Approval of Minutes - November 27th, 2018, Regular Meeting; Permit Approval - Martin Luther King, Jr. Day March/Rally - January 21st, 2018 beginning at 8:00 AM; Permit Approval - Krewe of DuMonde Mardi Gras Parade - Sunday, March 3rd, 2019 beginning at 11:00 AM

Councilwoman Hotard asked, "Is the motion to approve the Consent Agenda?"

Councilman Madere stated, "Yes."

Councilwoman Hotard stated, "Ok."

MOTION: Councilman Becnel moved and Councilman Perrilloux seconded the motion to approve the consent agenda items consisting of Approval of Minutes - November 27th, 2018, Regular Meeting; Permit Approval - Martin Luther King, Jr. Day March/Rally - January 21st, 2018 beginning at 8AM; Permit Approval - Krewe of DuMonde Mardi Gras Parade - Sunday, March 3rd, 2019 beginning at 11:00 AM. The motion passed with Councilman Sorapuru absent.

PUBLIC HEARING ON ORDINANCES:

18-36 (Carry Over 11-13-18) An ordinance naming the Baseball Complex located in the Juan Anthony Park in Edgard - the "DeVante Smith Baseball Complex" (K. Becnel)

The above item will remain a carry over.

18-37 (Carry Over 11-13-18) An ordinance naming the Airnasium located in the Juan Anthony Park in Edgard - the "Raeaneka Small Airnasium" (K. Becnel)

The above item will remain a carry over.

18-43 (Tabled 11-13-18) An ordinance introducing the annual operating budgets for the St. John the Baptist Parish General Fund, Special Revenue Funds, Enterprise Funds and Capital Projects Funds for the fiscal year Beginning January 1, 2019

and ending December 31, 2019 (N. Robottom)

The above item will remain Tabled.

18-46 (Public Hearing Held) An ordinance approving the re-subdivision of Lots 14 and 15 of the Sidney Leboeuf Tract into Lots 14A and 15A of the Sidney Leboeuf Tract, located in the area generally bounded by Duhe Dr., Hwy. 44, East 11th St., and East 10th St., Reserve, LA, as shown in a survey prepared by Stephen P. Flynn, P.L.S. on July 26, 2018 last revised on October 25, 2018 (PZS-18-1199) (N. Robottom)

Rene Pastorek stated, *"This re-subdivision request was recommended for approval unanimously by the Planning Commission at its November 19th meeting. Based on consistency with the Comprehensive Plan and intent of the Land Development Code, Administration recommends approval."*

MOTION: Councilman Perilloux moved and Councilman Malik seconded the motion to approve Ordinance 18-46. The motion passed with Councilman Sorapuru absent.

18-47 (Public Hearing Held) An ordinance approving the rezoning of Lot 15 and a portion of Lot 14 (proposed Lot 15A) of the Sidney Leboeuf Tract, located in the area generally bounded by Duhe Dr., Hwy. 44, East 11th St., and East 10th St., Reserve, LA, from the Residential District One (R-1) to the Residential District Three (R-3) zoning district, as shown in Exhibit 1 attached (PZR-18-1119) (N. Robottom)

Rene Pastorek stated, *"This rezoning request was recommended for approval unanimously by the Planning Commission at its November 19th meeting. Based on compatibility with the surrounding area and consistency with the intent of the Comprehensive Plan, Administration recommends approval."*

MOTION: Councilwoman Remondet moved and Councilman Malik seconded the motion to approve Ordinance 18-47. The motion passed with Councilman Sorapuru absent.

COMMITTEE REPORTS:

Councilman Malik stated, *"I'd like to make a motion to adopt the minutes from the Financial Meeting."*

MOTION: Councilman Malik moved and Councilman Perrilloux seconded the motion to approve the minutes from the Financial Meeting. The motion passed with Councilman Sorapuru absent.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Hugh Martin/Jason Akers - Resolution - R18-30 - A Resolution providing for canvassing the returns and declaring the result of the special election held in Mosquito Abatement District of the Parish of St. John the Baptist, State of Louisiana, on Tuesday, November 6, 2018, to authorize the renewal of a special tax therein

Natalie Robottom stated, *"I think a Jackie you had the Resolution."*

Jackie Landeche, Council Secretary stated, "I do have it yes ma'am."

Natalie Robottom stated, "Yes, this is a requirement following an election, approval of this Resolution is required for acceptance of the results of the recent election, not the one this past weekend, it was the one where the Mosquito Abatement Millage was extended for 10 more years. Obviously the one that just passed this past weekend has to be canvassed and brought before you, but this is specific to Mosquito Control Millage that was renewed."

Robert Figuero stated, "The November 6th election."

Councilman Madere stated, "Right okay."

Natalie Robottom stated, "Yes."

MOTOIN: Councilwoman Remondet moved and Councilman Malik seconded the motion to approve Resolution R18-30. The motion passed with Councilman Sorapuru absent.

Lennix Madere - December 25th, 2018 Council meeting date change

Councilman Madere stated, "I think we want to move to..."

Jackie Landeche interrupting stated, "Our meeting falls on Christmas Day."

Councilman Madere stated, "Right, so no one'll be here on that day for the meeting. [LAUGHTER] So we're going to move that meeting, the suggestion was to Wednesday the 26th. Or we just have to select a time frame you know."

Councilman Snyder stated, "I suggest noon."

Jackie Landeche interrupting asked, "Could yawl do it during the day?"

Councilman Malik stated, "Sure."

Councilman Madere stated, "Oh yeah noon during the day."

Jackie Landeche asked, "Can our video man do noon on Wednesday?"

Councilman Madere stated, "Well, he going to have to."

Councilman Snyder asked, "Can you put that in a form of a motion."

Councilman Madere stated, "Right! And he going to have to do it he work for us."

Jackie Landeche asked, "So Wednesday the 26th at 12 noon."

Councilman Malik stated, "I make a motion to have the subsequent meeting on Wednesday the 26th of December at 12 Noon in the Percy Hebert Building."

MOTION: Councilman Malik moved and Councilman Becnel seconded the motion to change the date of the next Council Meeting from Tuesday, 12/25/18 to Wednesday, 12/26/18 at Noon. The motion passed with Councilman Sorapuru absent.

DEPARTMENT/ENGINEER REPORTS:

Lennix Madere/Larry Snyder - (Carry Over 11-27-18) Update on Utilities,

operational and safety issues at all Waste Water plants - path moving forward

Blake Fogleman stated, "The Utilities Department is continuing to address ongoing issues in the facilities. Contractors are currently making necessary structural repairs at each facility. Updated chlorine masks and equipment were ordered, and training and emergency procedures are continuing to be developed with the Fire Chief."

Councilman Madere stated, "Okay I just have one concern. I see some repairs are being made. One that I'm most concerned about is the rails..."

Blake Fogleman interrupting stated, "Yes sir. All but one have been repaired..."

Councilman Madere interrupting stated, "All but one have been repaired."

Blake Fogleman stated, "The one that hasn't been is properly marked off and they're waiting for structural material to come in and they're going to address that as soon as that comes in."

Councilman Madere stated, "Okay."

Blake Fogleman stated, "We are and there's a couple of things that are ongoing but we're keeping up with it."

Councilman Madere stated, "Moving in a positive direction."

Councilman Madere stated, "Yes sir."

Councilman Madere stated, "Okay, thank you."

Julia Remondet - (Carry Over 11-27-18) Sewer concerns/backflow District II

Blake Fogleman stated, "Thank you Chairman. During the November 1st rain event in the Garyville area, four lift stations malfunctioned due to power outages/electrical issues. The outages along with 2.61 inches of rain caused the system to surcharge. Crews worked throughout the day to correct the issues and return the system to normal operations. Utilities is also investigating upgrading Daisy Street Lift station, a main lift station in this area for additional pumping capacity. Also in the Reserve area during that same event and many other rain events historically, the system surcharges and causes issues, primarily along Central Ave area, this portion of District II is included in the collection system that will be better served through the construction of the Reserve Oxidation Pond Facility. This project is expected to be complete in the Spring of 2019."

Councilwoman Remondet asked, "So we'll/you'll believe it'll be ready by the Spring of next year?"

Blake Fogleman stated, "Yes, with our, I think with the last Change Order it pushes it to March was what it was, March of 19. They fully expect to be complete prior to that, that's just their contractual date."

Councilwoman Remondet asked, "Okay so that ought to help Reserve only or Garyville as well?"

Blake Fogleman stated, "It's Reserve. That Reserve section that's to..."

Councilwoman Remondet interrupting stated, "Okay! Hotard Drive, Central..."

Blake Fogleman interrupting stated, "Mr. Madere is also aware that Central Avenue area that's one of the areas that's going to be that's all going to be directed toward that pond. The Garyville area we are trying to do some upgrades, but primarily what happened in that Garyville area especially during that November event was you know surges, electrical it was heavy lightning storm."

Councilwoman Remondet stated, "I mean it's horrible. You can go two (2) weeks later and you still have the smells, everything's stained, it's."

Blake Fogleman stated, "Right. It's an unfortunate event, it's not something that we could you know, we are out there as soon as that call comes in, it's not something that you know when a power failure happens like that happens, as soon as the call comes we have people on the roads heading in that direction. So we can re-ease those breakers trip its things like that and by the time..."

Councilwoman Remondet interrupting stated, "Nothing to prevent it from the future, no!"

Blake Fogleman stated, "Not necessarily, what we're trying to do is evaluate, maybe increase capacity in some of those areas, but as far as stopping a surge like that and a power outage I don't know how we can handle that."

Councilwoman Remondet stated, "Okay."

Councilman Madere stated, "I have a question concerning that. Do they also have the same concern that we had down here in this District with infiltration?"

Blake Fogleman stated, "Yes."

Councilman Madere asked, "They had that problem to?"

Blake Fogleman stated, "I know, so we did a significant project in Reserve area some time ago right before I think I got here, PEC did some infrastructure work. What we're going to also look at again in that area with the pond coming online, is some of the increases in capacity and some of those lift stations to maybe handle some of that, as well you know more infrastructural work. It is, it's not necessarily its inflow is what it is. It's not infiltration, it's not cracks and pipes it's manholes it's through yard drains it's through those types of things where we..."

Councilman Madere interrupting asked, "So you don't think there's any infiltrations of water through cracked pipes?"

Blake Fogleman stated, "No I think there is, I think what we have seen our primary issue is you know a manhole being inundated through you know and we need to raise it. You know and that manhole is taking on more than that lil crack that's in that pipe on the ground, when it rains that manhole takes on all that water by the top being knocked off by a lawn mower or tractor, something like that, we've had, that's happens a lot too. So again, we're going to really canvas that area now that we're going to have somewhere to put all that water and put it in a hurry, so."

Councilman Madere stated, "Alright thank you."

Councilman Becnel stated, "Just a statement Blake. Listen, you caught my attention when you said something about when the power goes out yawl react very fast? Well I had an incident over the weekend, and thanks to Ms. LaVerne reaching out to those folks, no! Nobody don't reach out that fast, because nobody called they had a GPS, they couldn't prove it! But thanks to Ms. LaVerne calling this family last night, so when the power goes out these people waited 48 hours. So, need to do a better job than that. Sewer all in their yard, odor across the street, so don't say you react fast because I trapped Reed and everybody. So, no, I'm very disappointed in you."

Blake Fogleman stated, "Okay, I'll look into that matter I didn't understand, I mean I wasn't aware that it was a 48 hour issue. I'll certainly look into that."

Council Malik asked, "Do you have a generators at lift station?"

Blake Fogleman stated, "We do have, but not at all lift stations."

Council Malik asked, "Which ones do you not?"

Blake Fogleman stated, "About 150 of the 170. It's a lot."

Council Malik asked, "That you don't?"

Blake Fogleman stated, "That don't no sir yeah. Whether it's land, whether it's requirements, whether it's size requirements that don't have permanent generators. We do have a fleet of about four 14-15, that we do use in major power outages that we daisy chain them. So during, I know one of those prime events was during the tornado event that came through LaPlace, we were able to take 13 generators on trailers and daisy chain, so I would pump down one station, I'd hood it up to the next station and we would do that."

Council Malik interrupting stated, "Hook it up to the next one, okay!"

Blake Fogleman stated, "On the day of that event out there we were out, all of us were out there you know all of our wastewater crews were out there working in that area trying to handle those resets, one of the pumps got burnt, you know it was more than just the power went out, so I'm flipping a switch on a generator."

Council Malik stated, "Right, right, right. And if I remember correctly, that was this particular event we had a lot of lightening."

Blake Fogleman stated, "Yes. It was a heavy storm event it wasn't just rain inundation that coupled with the rain is what really drove that to an extreme level on my opinion on that that case. We are trying to put three (3) new generators, one of them being at the Ned Duhe, which is in Garyville, we are putting some permanent generators where we can, there's a couple in LaPlace and one out in Garyville that is going to be coming shortly."

Council Malik asked, "What's the, what upgrade are you investigating for the Daisy Street lift?"

Blake Fogleman stated, "Just looking at the additional capacity pump, pump capacity."

Council Malik stated, "Okay."

Blake Fogleman stated, "And the dynamics of that pump and what's there currently and that investment on putting a bigger pump or you know maybe a force main to a different location that allows for additional flow."

Council Malik stated, "Okay thank you!"

Blake Fogleman stated, "Yes sir."

Councilwoman Remondet stated, "Excuse me I just was going to say, this has been a habitual location, it's not a onetime event. So you feel that that capacity will help this area, I think it's Historic West?"

Blake Fogleman stated, "Right correct. I think they all funnel through that Daisy Lift Station if I'm not mistaken. And certainly we're going to continue to investigate if this is something. I know there is one or two stations that I've heard in that area that have had just different pump issues, now know, understand that now we're able to, we've slightly upgraded our pumps and we're putting those pumps in the ground now, we're expecting those to continue to affect and have better results as we go along."

Councilwoman Remondet stated, "Alright thank you."

Councilman Madere stated, "Alright thank you Blake."

Blake Fogleman stated, "Yes sir."

Marvin Perrilloux - Discussion regarding Ordinance 17-16

Councilman Perrilloux stated, "Yes I put this on the agenda because I know in 2017 the, after the slab/concrete slab with the new building. Council requested an Ordinance so we had representation to protect the taxpayers of St. John Parish so we don't get into faults like that the firehouse on Hemlock. So my question is, It was adopted into law by the Council signed by the Parish President, so why is the contract, this Ordinance is not being enforced or we're not using it? That's my question."

Robert Figuero stated, "Thank you Councilman. Ordinance 17-16 when we ran the numbers looked like it was going to add about 1%, well the contract itself required 1% legal fee add to all construction contracts. Since 2010, the Parish completed approximately \$70 million in construction contracts, related projects, with no need for legal services. Over this time frame this fee would have added over \$700,000 to the taxpayers. There's roughly about \$42 million in future contracts slated to be completed over the next few years, which would add an additional \$400,000 cost to the taxpayers. And again going back to over the last 10 years, we've never needed legal services. Again we understand that the slab issue with the new building but that was handled by the Architect and the Engineers as is was supposed to, they handled the situation which didn't cost not an additional dollar to the taxpayers. The Hemlock I know Cain will address that as a later issue on the next couple of items as far as the scenario there. But again, just adding an additional dollars which we feel for no productive reason, we just don't think it's a good..."

Councilman Perrilloux interrupting stated, "Well it did handle a taxpayers of dollars because as of the meeting they had with all the Attorney's and it didn't

cost us anything. But this is a law now, so what do we do with this Ordinance? It's a law. What we do with the Ordinance? It's just that we're going to let it stay limbo? What we do with the Ordinance? It's law!"

Natalie Robottom stated, "I think it's, yes!"

Councilman Madere stated, "Yes Ms. Robottom."

Natalie Robottom stated, "Two (2) things, I can go back to Hemlock. The issue with the Hemlock was property acquisition, it wasn't related to construction. So we wouldn't have needed, we wouldn't of had any problems with the construction. So this contract or this Ordinance, would not have had anything with the land acquisition because this is specific to construction. With regard to the funding, I think the Ordinance was very specific in requiring there would be funding to support this contract, which there wasn't. Many of our projects are grant funded, many of our projects there's just enough money to do the project. And so, there wasn't any 1% extra money to fund a contract and the Ordinance was specific to having funding available to support a 1% contract. We did look at it was an Ordinance there wasn't a contract, we did receive a draft contract that there was lengthy discussion relative to the Scope of Work, which in essence put all the work on the Parish to send documents to an Attorney to review, but actually with no, which was almost a duplication of the Engineer and Architects role which is to manage the project. Basically it was the parish employees sending text messages, emails, construction drawings and specifications to an outside Attorney to review for 1%. And again in the past we haven't necessarily needed that and two we thought it would be best if we needed an Attorney, through the Council's actions of hiring special Counsel, you would authorize that. But just history has shown that we haven't needed to spend that additional 1% because we've not had problems with the construction contracts that have been issued over the last several years. So a couple of things: 1) There was money in the budget, and there's not money for an additional 1% and 2) The Scope as written, actually provided more work for Parish, but compensated an Attorney."

Councilman Perrilloux stated, "Well from my understanding and when I read it, I thought the money is only being used if we have any kind of problems that we have to hire an Attorney. That's what the 1% is budgeted for on the side."

Natalie Robottom stated, "Yes, that's what we were told too. However, when you send documents to an Attorney and they're reviewing them, they're going to charge you. So, because there was a requirement for us to send communication document that we had on the project to someone to review, then they're obviously going to bill us for those reviews. So ultimately if there's some type of lawsuit, they would be engaged more, but throughout the process they're getting documents to review so that I guess they're familiar with the project in the event there is litigation so they are actually going to be paid for reviewing these documents throughout the project."

Councilman Perrilloux stated, "Well, somebody had to think that this contract was needed. And it was signed..."

Natalie Robottom interrupting asked, "Do you know who that was?"

Councilman Perrilloux stated, "By you..."

Natalie Robottom interrupting stated, "That was my question."

Councilman Perrilloux stated, "And it could have been vetoed saying we don't need it, but now 2018 almost a year later, passed a year, the Ordinance still hasn't been enforced. So my question is with this Ordinance: this Ordinance just stay in limbo it doesn't do anything, just stay there? We got to do something with it!"

Councilwoman Hotard stated, "Thank you Chairman and Butch, you asked a question and I don't even think it's been answered yet. And you know with all due respect to both of you, as Administrators, if an Ordinance is, especially an Ordinance-it's a law. It's dually adopted by the Council, it's not up to you to decide we didn't think we needed it. That's not that's just not up for you to decide, it's been a dually adopted Ordinance. If at the time the Ordinance is adopted, the funds are not there or there's a problem, then come back at that time and say; Okay, is this 1% for all of the contracts? Is this only when we get into litigation? But not to just make that decision for yourself, and have this Ordinance on the book that right that's adopted in 2017 and we just say well, we didn't feel like we really needed that so we didn't follow it."

Natalie Robottom stated, "I'll address that and you're correct. We didn't just stop there at the time it was adopted without any communication, we indicated there were no funds available for it. So because the Ordinance was very specific, to say that it goes in to affect with the funds available there were never funds available. So we didn't just decide we didn't need it, there weren't funds budgeted in many of the projects that were already underway and I think we had some discussion on that, like a lot of these projects were underway before this Ordinance was passed. And so do we go back and try and put money in them or do we move them forward? At the time when we looked at a - that was the discussion that came up in one of the meetings and when we looked back the only projects that hadn't that weren't in place before this Ordinance was passed was the asphalt..."

Councilwoman Hotard interrupting stated, "Umm, that's exactly what I was thinking just now."

Natalie Robottom stated, "And concrete contracts. So we kind of look back and again it was just a recommendation of one of the Council members who interpreted it as this doesn't affect contracts or projects that were already underway, this should be moving forward. So when we looked at what was left, it was the/or the ones moving forward it was asphalt and concrete."

Councilwoman Hotard asked, "Did we add it to those contracts in 2018? The asphalt and concrete contracts?"

Natalie Robottom stated, "Um for you mean 2019?"

Councilwoman Hotard stated, "No, because if the Ordinance was adopted in 2017, we would of, entered in to the asphalt and concrete contracts after this Ordinance was adopted."

Natalie Robottom stated, "Right! And the amount budgeted for asphalt and concrete was in the budget."

Councilwoman Hotard stated, "But we would've included in the specs that there would be 1%, like there would've been a way to, I get what you're saying, if a contract was already in place you had to put the money aside. But for asphalt and concrete, because those were contracts that weren't already executed, we could have either included that language in the bid documents to know that there will be 1%, you know."

Natalie Robottom stated, "Right, and I'm not sure but I know several..."

Councilwoman Hotard interrupting stated, "And we didn't do that!"

Natalie Robottom stated, "Right! And Savoie does the specs for us on that. Now, we have it coming up. Do you'll want to include it? I think we/we're opening bids now that would be a matter of taking out 1% since it wasn't in the specs."

Councilwoman Hotard interrupting stated, "I think..."

Natalie Robottom interrupting asked, "I mean is that, is that what you're asking or should it be - like do we set aside 1%?"

Councilwoman Hotard stated, "I think my questions are more about procedurally. Because even if this weren't an Ordinance about the legal fees for a construction contract, no matter what the Ordinance was, it should be followed or you know that's really it. Now whether or not this needs to be you know probed a little further, discussed a little further, do we want to - are we only going to pay only if we get into litigation, I think that is a good conversation that needs to be had, but I do think that you know just having an Ordinance on the books that were just choosing..."

Natalie Robottom interrupting stated, "We didn't just choose, we brought up the fact there wasn't money for it and there was no attempt to [CROSSTALK]."

Councilwoman Hotard stated, "But right, on the contracts, new contracts..."

Natalie Robottom interrupting stated, "There is like whether through amendment, right! Or something to the budget, that 1% is not included in our budget. And I say that when I think at some point for litigation purposes we created a line item in all the departments for potential cases so we did that but it wasn't like 1% of every contract so were able to put those amounts. But you know we have some very large projects, and many of them are grant funded and they're not going to allow us to take 1% of their funds to pay an Attorney in case we need them for construction. So you know there's a lot of our major projects that aren't necessarily driven by us, that there aren't any excess funds to be able to you know put aside 1% in case you need it. And I think part of the contract that we receive, and again all done without you know our input, was that the scope of work was all work for us. And we didn't quite understand you know again, why is it necessary to pay another Construction Manager, a Project Manager, when that's what the fee for the Engineer and Architect is for, and they were doing a lot of what was in the Scope of Work by proving reports on a weekly or monthly basis, by detailing and reviewing the invoices, that is part of what we pay them that 9% of the construction cost for, is for them to manage the things that was listed in the scope. So maybe it is another conversation, it wasn't just like ignored but the funding is not there, it's still is not there, and for many of the projects it's not possible to take money and put it aside for that out of the funding that's available to us."

Councilwoman Hotard stated, "I did go back and look at the minutes, I wasn't at that meeting so I just tried to follow some of the dialogue. Jackie-I don't know if you have in front you like the motion and the second, but I do think you know we either need to follow it, you know address it and follow it or resend it, but not have a live actual Ordinance on the books that we are not following you know."

Natalie Robottom stated, "And there was a question that I think Mr. Perrilloux that you asked about somebody thought we needed it? Did we find out who that was?"

Councilman Perrilloux stated, "I don't know cuz I was out at the time with a medical problem, but I don't know."

Natalie Robottom stated, "Okay thank you."

Councilman Perrilloux stated, "And but I'm with Ms. Hotard, we either got to follow it or we got to revisit it, resend it, or we got to go back. We're not going to settle it here tonight, but we're going to have to look at this and see if we want to have this Ordinance on the book, cuz we can't put stuff on the book and not follow it."

Councilman Snyder stated, "Yeah thank you sir. It was my understanding when we passed this Ordinance that it would be on all new construction projects, okay? None of the ones we had on the books already cuz those were settled, those were specs already had been issued, so it's to my understanding that this would be all on all new projects and that was me who told you that and I don't have a problem with that. But I don't think we need to set a presidency, I think that we if we got a law we got to follow we got to follow the law. If we get caught not following it then we in trouble you know. If I'm not supposed to speed I don't speed, speed limit say 55 I get caught doing 65 I got caught doing 65 I got to pay a ticket. Regardless, I got to pay a ticket. You know so I think if we got these laws on the book, we can't pick and choose which one we're going take care of, you know that we going use so we got to use them all. Now to say that, is that when we have a project, I don't see where this can be a large problem at when we got a project we got to get funding for it, that should be included somewhere in our specs. I don't see where that should be an issue at, I really don't. I mean if we know we got to build it in there, we just got to build it in somehow, into our specs. Regardless whether it is Government or sponsored project or it was one that the voters want us to pass. We need to build it into our specs and I think that'll take care of that problem. I really don't know why we are discussing it's already on the books, let's just go head on and do it. That's the way I feel about it."

Councilman Madere stated, "Ms. Dinvaut asked to speak."

Bridget Dinvaut, District Attorney stated, "Thank you. Yes! There's a questions about who wanted this. This Ordinance was drafted after a meeting that occurred at the District Attorney's office regarding the new complex. When we sat up in the room, I think Mr. Snyder you were the Chair at the time?"

Councilman Snyder stated, "Yeah I was, I signed it."

Bridget Dinvaut stated, "Yes. When we met with the Architect and the Engineer, the construction company as well as the person who had done the soil surveying. When they came to the meeting they all came with their Attorneys, and we sat in that meeting and each entity had their private Attorneys sitting there, and as we sat there, it's me and Mr. Green, Mr. Snyder and I think Mr. Madere, you were there. It was a very revealing situation because the issue at hand was that there had been a recommendation that was made and they wanted the District Attorney's office to approve a change order in the amount of about \$500,000 for the defect in the slab. We were told verbally that it was someone else's fault, well we thought that it would be rectified. But when we had the meeting, everybody came

with their own Attorney including our Architect, his Attorney was not present but his Attorney actually called and had been representing him the whole week, and we all looked at each other and we said; who's representing St. John? But for the District Attorney's office being there, solely for the purpose of trying to pursued us to approve the presentation of a change order to this Council for the cost which I did not agree to, because if it's somebody else's fault than the taxpayers aren't going to pay for it. And that was my argument, and then we all know how it resolved itself. And the taxpayers were not burdened with a change order and did not have to pay. But what was very revealing, was that St. John didn't have an Attorney other than the District Attorney's office. When we have construction projects and I say it always, that it's easier to stay out of trouble than to get somebody out of trouble. The Ordinance came about as a conversation, the District Attorney's office drafted that Ordinance, gave it to the Chairperson the Chairperson presented it to this Council, so that's how it originated as a result of that meeting. And because you have a legal report before you, we've had a number of issues and even though we have a property issue with the firehouses, if you have an Attorney, they're going to be looking at that. They're going to be looking to see that you have done all the things that you need to do to make sure that you're not exposed to liability. Somebody who has, just like you have Tax Attorneys and you have people who specialize in bankruptcy, family law, there's also a concentration in construction law. And I think as legal advisor I don't have the expertise in it, and I could only recommend to you that you have someone who has expertise. Now as far as the budgeting, Attorneys only make money for work that they perform and yes there is some initial work because if you're going to have someone sitting at the table then they need to make sure that that Architect that that Engineer that that Surveying Company or the actual contractor, that paperwork is correct. You want to stay out of trouble you want to protect your investment, that's why you hire an Attorney to protect your investment. Your investment of the millions of dollars that are being spent, whether it be through a grant or through taxpayer funds is extremely important, and you want to make sure you get a quality product for the money that's being spent. So that is the answer to the question, that is how this Ordinance originated and it was presented and passed. Thank you."

Councilman Madere asked, "Any further questions?"

Councilman Snyder stated, "I got one other question. Madam DA, wasn't there (if you could remember) wasn't there an entity there or a company there that was partially liable but because of the amount of the insurance, it wasn't very much money they would have to pay? You remember that?"

Bridget Dinvaut stated, "I remember it in detail."

Councilman Snyder stated, "And we had someone looking after our benefit when we first started with the project. Could they may have caught that? I don't know just so you know. You know what I'm talking about?"

Bridget Dinvaut stated, "Yes I do know what exactly what you're talking about yes! Because the entity of responsible for making sure that St. John the Baptist Parish was protected, was the entity that made the proposal that a Change Order was the appropriate way to get the foundation on the Governmental Complex completed. Even though, he verbally stated that it was someone else's fault. When I asked for the paperwork the day of that meeting and I think I presented that paperwork to you, the paperwork indicated that this particular entity was not going to take responsibility for it. So there was a conflict, and the one thing that we said at that meeting was that St. John the Baptist taxpayers were not

going to pay for it. It wasn't our fault and so I would not approve the Change Order."

Councilman Snyder stated, "Okay, that's what I'm talking about."

Robert Figuero stated, "Obviously I wasn't here at the time with the slab incident, from what the DA is saying I commend them on doing a good job for not costing the taxpayers any additional money. With that said, looking at the contract itself that was presented to us I believe by the DA's office, and I had this question by several of the council members that we had to answer, that several of the council members were a tad bit confused as far as what the contract would do, and then my opinion, you know when we do finance from a financial perspective it's about risk analysis. And reading the contract I can assure you this Attorney will make 1% of every construction contract. And because of all the requirements they're requiring the parish to do as well as the services they're going to perform. So again, just my financial opinion it's going to cost us 1% of every single contract that we perform from here on out. With that said again, it's about risk analysis. And in the past 10 years we have not had to spend a dollar on hiring an Attorney to represent us on construction contracts. So from a fiscal responsibility, I look at the past 10 years and we haven't had an issue. So is it worth, my opinion another \$400,000 over the next year or two to the taxpayers, can we justify doing that just in case when again our track record has been very good. Again, at additional cost to the taxpayers is my concern and in the past 10 years we haven't needed it."

Councilman Madere stated, "Okay I want to make a comment about this. First of all and there's two things that should have occurred. Okay when this Ordinance was first presented, if Administration or the Accounting Department had a problem with the money, everything you're saying now should have been said at that meeting or within (I'm speaking right now) or at that meeting. Okay and at that time for an Ordinance, okay the President do have veto powers okay and that was never vetoed, never came to the Council again and at that time we would have had a discussion about it again. Okay so it was signed, it passed, it was signed by the Parish President so that mean it became law. And once an ordinance becomes law then it's the duty of Administration to carry it out. Okay and tonight we're here and it haven't been carried out. And a decision was made based on some of the comments you just made. But that's not how it operate, it operate, it was passed it should have been enforced. Okay and it should've been enforced, there was problems it should've been brought up before or could've came back and maybe revisited you know or talked about it, but none of that happened it just wasn't enforced. It haven't been enforced yet, not on any project old or new. Okay and that's the problem, okay when something become law by this Council, which is the governing authority, then those laws should be carried out by administration and administration should have the option to do something about it. Now also you said they haven't had any problems the last 10 years, could you imagine if everyone in St. John didn't pay house insurance or insurance cuz nothing ever happened? And then something happened and then you lose everything? It's insurance, that's what it's all about. Okay, every single that don't have insurance run the risk of a problem happening. So that was the purpose of that Ordinance, to protect the Parish of what could happen. And we dodged the bullet with that building, because if the District Attorney didn't look out for our behalf, we probably would have been stuck with a big bill. Okay so that's what the purpose of it that's what inspired it. Now the only thing I can say, it's an Ordinance and it should be carried out. Okay, Ms. Remondet."

Councilwoman Remondet stated, "Just one thing and we complain about it time and time again, but we really don't engage our Engineering Firm like we should. We

should be having Mr. Savoie review this. I mean in discussions I had with him after the fact, of course hind sight is 20/20, he I believe he might have caught that. He knew what was on the site before, if he would've reviewed these plans he might have caught it before (excuse me) the slab went down and it would have saved everybody a lot of money. It seems to be a step we tend to be skipping in the whole process. It's just my thought that could be something he could do for us before we go into legal action. Just a thought."

Councilman Madere stated, "Okay so I think we have the understanding it's a law until it's changed it should be carried out."

Marvin Perrilloux - Question regarding signing of Site Certificate for Water Meters approved at last Council meeting

Councilman Perrilloux stated, "Thank you Mr. Madere. I put this on there, I'm not looking for any changes or motions cuz the Council had spoken last week, but I put this on here because when this first Site Certificate went out from Parish Robottom's office to the DA, it said that it has to be signed by a Parish Attorney. Now fast forward I think Mr. Fogleman and Rob Delaune prepared, met with the DA and changed some literature in it so everybody would be aware of what the changes will be in the Site Certificate, and that she would sign it and that Ms. Robottom would sign it. They changed the literature in it so the Council can know what the project is, the residents can know what the project is administration can know what the project is as far as the six (6) million dollars. And I'm just questioned because I was questioned why that Ms. Robottom didn't sign it, and I got told some people emailed her, called her and asked her why. But I know the Council motioned for Mr. Butler to sign this contract, but Mr. Butler is not on contract with the Parish. He has no contract with the Parish to sign this for us he's on assignment for the DA in a suit, but he's not on contract to sign this Site Certificate document. Now he did, and notarized it himself, now if DH accept it well that's on him. But here in this Parish we got to understand that DA, Parish President Robottom and the Council, got to find common ground and learn to get to work together. Cuz if not, as Richard put in L'Observateur, the DA fighting the Council the Council fighting the Administration the Administration fighting the DA, and that a so. We got to follow the letter of the law, that's the law is always on your side. So that's who we got to get away from and start communicating and getting better communication and transparency of what's going on let the residents know what's going on. And this would have never took place with this Site Certificate and Mr. Snyder made the motion cuz he say he was tired of this back and forth and I think say childish stuff, and I agree with him! But he got tired of listening to it, I got tired of listening to it, I went back reviewed the meeting something that I don't do I went back and reviewed the meeting, this has to STOP! This has to go on because like I said, that's, Charter says the DA's the legal counsel/general counsel of the Parish. That's what we got to follow! I don't care if you don't like each other, respect the positions. And we could have a better Parish and we can move forward and do things in an honored and orderly manner. So that's all I have to say on that item."

Councilman Snyder stated, "Thank you Mr. Perrilloux."

Councilman Madere stated, "Well I think I made some comments about that at the meeting concerning that paper and that signature. And I think like I said, we're the Governing Authority, the DA is the Legal Advisor to this Council okay, and I think and I said it before, the Council should take the recommendation of the Legal Advisor. Okay, how would you hire a lawyer to help you and then did

opposite of what the person told you, and then when you get in trouble you go back and ask them to help you. Okay, they'll throw you out there faster than you walk in there. Okay cuz you should have been listening on the first, that's what they call Legal Advisor, okay we're not lawyers okay? That's her job, her department that's what they do. Okay if they say don't sign that contract something not right, then listen don't do it. But I think I made that clear before, I don't think we should even be discussing anything that the District Attorney tells us it's not legal or should be discussed or should be voted on. Okay when they gave us a legal explanation or legal representation of something, okay then we should be able to vote on it when they then checked everything, all the I's are dotted all the T's are crossed, then we should be voting on all those items. We should stop being stop voting and then saying after they look at it, okay, you're putting the cart before the horse. Okay, make sure everything is legal before you vote on it. Okay and that's been going on for years and why it's been a common practice before, okay but we need to stop that okay and pay attention to the Legal Advisor for this Council and for this Parish. That's the only comment I have."

Marvin Perrilloux - Update on Hemlock Fire station land ownership dispute

Cain Dufrene stated, "Jules A. Carville III, approved outside Legal Counsel, has been working on land agreements with three of the Volunteer Fire Departments and progress has been made with three of the four. Reserve has passed the required resolutions; West bank is in agreement and needs to be finalized and Garyville members have agreed and are waiting for the board to meet. However, there has been no response from the leadership of the LaPlace Volunteer Fire Department Board regarding the Hemlock Station and other remedies are being developed."

Councilman Perrilloux stated, "Thank you Mr. Dufrene..."

Cain Dufrene interrupting stated, "No problem sir."

Councilman Perrilloux stated, "I read this because I wanted to know, I know we you know we all coming out of office, I hate to leave stuff for the other Administration or the Council and we unsettling on our watch. So I'm looking to see and why, you put an explanation on here but do we have a timeline when Mr. Carville going to have this complete."

Cain Dufrene stated, "So um yeah and I'll take the blame for that. I haven't been pushing that as much as I should. But we met here recently and he's really a, it's a little more cuz he's going real in depth making sure that the board members that are signing are authorized, making sure that we don't have to come back with any legal issues, so it's a little in depth process that he has to go through. But now that we have agreements from all of these, it should move a lot quicker."

Councilman Perrilloux stated, "Well thank you cuz I'm going to revisit this again in about six (6) months. So get with Mr. Carville, let's expedite this and get where St. John Parish is the duly owner of this property. And we need to put that on record that saying we own it now."

Cain Dufrene stated, "Yes sir."

Councilman Perrilloux stated, "Thank you."

Larry Snyder - Proposal to clarify Robert's Rules of Order/Council voting

Councilman Snyder stated, "Thank you sir. There was a reason why I put this on there because I think to be legal I needed to put it on there for what I'd like to do. I needed to put it on there as a pre-notification that this Council, this Council needed to decide unless we're going to provide we're going to use the Robert's Rules of Order to direct us in all of our businesses. Then we need to come up with our own plan and I know next week that our meeting after the next meeting, I'll have something and it's up to you guys to put you know, put your thoughts on paper or whatever to determine how we're going determine how our voting will go, we know that a majority is a majority. But last week we had an issue with four (4) people were the majority and three (3) people were the minority. That's not a majority of nine (9) people though you know. If nine (9) people were voting then the majority would have been five (5) people, but the majority just happen to be last week was four (4) people. According to Robert's Rule of Law that's legal, unless you got something on paper in your by-laws as the Council can do, determine hey our majority going to be people who voted or the majority going to be people that was supposed to vote but didn't vote also. Now, I can read it to you exactly what it says and I'm going to do that, so we can be clear on this. Now, and the title is: Bases for Determining Voting Results, and the Majority Vote - the Basic Requirements, this is Robert's Rule of Law. This is what somebody gave us, I think I don't know who gave us this, but I know I read mine. 'As stated on page 4, the basic requirement for approval of an action or choice by a deliberative assembly, except where a rule provides otherwise', and that's my point right now. We can make rules to provide otherwise as a Council how we want to determine that. That's the way I read it. Is a majority vote; the word majority means-more than half; and when the term majority vote is used without qualifications, we got to qualify that. As in the case of the basic requirement-it means more than half of the votes cast by persons entitled to vote. Last week we had seven (7) people cast votes, excluding blanks or abstentions. So we got nine (9) people, two (2) abstained, we had seven (7) votes that were the people that voted at a regular or properly called meeting. And they gave us some example what that majority can be. It depends, but it's our prerogative to determine here as a Council, we going use this (RR's of Order Book) or we'll come up with our own rules as far as that is concerned and it could be this. Other bases for determining a voting result, as described below, are required under parliamentary law for certain procedures, or may be described by the rules of the particular body-for a decision in general or for questions of a specified nature (and they tell us to see some other things). For instance, two-third votes-the term is unqualified, again we see that word unqualified. What it means by unqualified? We did qualify what two-third votes is, whether it's the people that voted, the people that's present or the number of people that's on the Council period, we need to qualify that. And it's the same procedure-means at least two-thirds of the votes cast by persons entitled to vote, excluding blanks or abstentions. I don't need to go any further, I'm sure you get my point here of what we need to do. But in order for us to make some kind of decision or qualify how we want this thing to go, then we need to this is my notification that we got a couple of weeks to look at this, bring something back if we want to do something, discuss it, but it will be on the agenda for next January meeting. Okay, on how we want to handle that. You got that secretary? I want this on the agenda."

Councilwoman Hotard stated, "Thank you Chairman and I brought mine too. It's a, just reading it it's um its eye opening you know, cuz the Council did adopt Robert's Rule of Order. The one thing that pointed out to me and it was Jackie that had done research, just kind of rereading the Charter and really looking through the language and so she sent me some language. And everything that I've saw in Robert's Rule of Order, when it states; if a rule provides otherwise. And

in our Charter, which is our you know final law, it states that and I don't have the language right in front of me, but to basically pass something or by an affirmation of the Council, it is required a vote of the majority of the Council members present, okay? And so just in my time here all the time, present-and if there's nine (9) of us present we need five (5), because the Charter states a majority present and it actually goes further because I started to think about it even more, I said well if we need a two-third, what if only six (6) people are present, does that mean we only need four (4) votes? Well the Charter actually lays that out even more because in that next sentence after that, it says when a two-third majority is required it's of the entire Council, not present. So then that would mean six (6) is always the super majority which we've always been told. And so that's where I'm just a little bit conflicted I guess because I know we adopted Robert's Rules of Order (which we don't follow them), but we adopted Robert's Rules of Order, but however the rules that I read always state; unless your rule provides otherwise, which our Charter states that the majority is of the Council members present, which that would be nine (9) members present. So just knowing one way or another, I think would be beneficial. I also agree with what Councilman Snyder said, we got to decide on the rules, because you know we have (before I got here adopted Robert's Rules of Order), but there's so many just like motions-all motions are required to be put in written form, (you know we don't you know don't do that). Again, that's where I think I'm having the biggest conflict in my mind is because our Charter clearly states that in order for us to approve something it has to be done by a majority of Council members present. What does present mean? We call roll - Present-that means I'm here. So even if my vote is an abstention, I'm still present at the meeting. So that that's where I'm not I'm just not clear on it. And I'd like clear to be going forward so we can know, you know if we have nine (9) members present and eight (8) people abstained and one (1) person votes for something, one (1) person can enter into a contract? Or is it majority of the members present like the Charter states? If we were able to adopt a rule that would override the Charter, the Charter would be not worth the paper it's written on. And so that's just what I can't reconcile, you know and I do think we do need to get some clarity on that so we know going forward what you know what the rules really are. As far as what the Charter says, it's whether or not we even use Robert's Rules of Order, what constitutes a majority? Is it of Council members present as the, you know as the Charter states?"

Councilman Madere stated, "We can get some clarification on that. But as far as the Charter, nothing overrules that Charter because anything that changes in that Charter have to be done by a vote of the citizens. Okay so, nothing overrule that Charter. Okay Ms. Dinvaut."

Bridget Dinvaut stated, "Let me just state that Councilman Snyder is absolutely right, that a public body does have an opportunity to make some rule outside the basic Robert's Rules. To address Ms. Hotard's question, yes! Look at your Robert's Rules with regards to what as an abstention is. So a majority present you have a majority present, but when you abstain which is a form of being absent, you say; I make myself absent and I let the rest of you decide, because I don't want to participate. Even though I'm physically present, I'm here, I choose not to participate. I choose to not be in the process and I'm going to let/I'm going to defer to the others. So that's how you get a majority vote and dually passed motion where you have four (4) people voting yeah, three (3) nays, and I think two (2) abstentions. Because yes you are present, but you abstaining making a statement to abstain - to stay out of the vote, you have removed yourself from the process even though physically you are present. And you brought up a good scenario because if there were 20 people here, and 16 people abstained, and three

(3) voted yeas, then the motion would pass. So you have to understand and navigate all of it, and even when you say you have something in the Charter, it's you are physically present. So you did have a majority of people present so you have a majority you have a quorum. But when you personally, because each person is responsible individually for their particular vote or their particular action on an item. And this is just the first time that an abstention has created a conundrum. But each time if you abstain, basically what you're saying is make me absent even though I'm here, because I want to be taken out the process and I'm going to let the others decide. So in Robert's Rules, you have to really understand it and you have to know it, and you can. This Council as a body can make a rule to say that it on whatever construction contracts, on grass cutting contracts, on hiring Directors that you have to have a certain vote. So you can, Mr. Snyder is absolutely right. And so there is a whole lot to navigate through, and so that's my assessment."

Councilman Snyder stated, "Yes, and that's exactly what I was trying to get over is that, I realize our Charter it states that. But Robert's Rule like Madam DA said, it extends that to the point that we do have to be present or here but if they decide to go blank, cuz the book actually said if they blank or abstain then the rest of the people is the one that determine whether or not it's majority or not. And it's up to this Council to determine that's going be our law if we want to or we can just go by strictly by what, what the basic is what the basics say, the amount of people that explain that voted."

Robert Figuero stated, "Mr. Snyder, so what you're saying is that Robert's Rules of Order does supersede the Charter?"

Councilman Snyder stated, "No...I did not say that! I did not say that. I said it brings it further in that-Robert's Rule of Order, I know exactly what the Charter says..."

Robert Figuero interrupting stated, "I can read it to you if you'd like."

Councilman Snyder stated, "Okay well read it then."

Robert Figuero stated, "Paragraph 5 subparagraph F it says; Procedural or Administrative action of the Council may be valid or binding when adopted in an open public meeting by the affirmative vote of a majority of those Council members present. Except where a two-thirds vote is required in which event the affirmative of at least two-thirds of the entire Council is necessary."

Councilman Snyder stated, "Exactly."

Robert Figuero stated, "Now also in Robert's Rules of Order, Article 8 - Paragraph 47; Votes that are Null and Void even if unanimous, no motion is in order that conflicts with the laws of the nation, or state or with the assembly's constitution or by-laws. So it's telling you that it doesn't supersede the Charter..."

Councilman Snyder stated, "And I'm not saying it does I'm not saying it does. What I'm saying is that, is that if we got, does it say that if people decide abstain - that's a no vote?"

Robert Figuero stated, "In our Charter it does specify that. It just says members present."

Councilman Snyder stated, "I know, I know and that's exactly right. So what you're saying is that what we're saying is that; that's where Robert's Rule at take over and say well it's up to the group to determine on how we're going to handle that if we have that issue come up where someone abstain or someone decide leave that blank. I guess they were thinking about or when they wrote this rule up it was pertaining to someone writing in a vote, so they say either blank or abstain. You see, and then the majority would be the other one and they actually gave examples of that. I'm not saying we go against the Charter, but the majority of the people here are the majority win. I guess when the people wrote the Charter wasn't considering-hey might be sometimes somebody might be sick one day, or two (2) people might be on an airplane out of town one day. So we can't get business done..."

Robert Figuero stated, "But then they wouldn't be present."

Councilman Snyder stated, "I'm sorry."

Robert Figuero stated, "But then they wouldn't be present."

Councilman Snyder stated, "Yeah they weren't present."

Robert Figuero stated, "Therefore their vote wouldn't count."

Councilman Snyder stated, "That's exactly right. And we just heard the District Attorney say; I'm present, but I don't want to vote I'm going to let yawl handle it. So that mean we can't handle it because two (2) people abstained? And we can't get a five (5) number to as majority? No I don't think it mean that, I don't think the Charter meant that either."

Councilman Madere stated, "Excuse me hold on hold on! I just want to make a statement I've been listening to everybody. Okay, I think it's really simple I might be wrong, when I'm finish Ms. Dinvaut is going to show me where I was wrong. Okay but, what I'm saying is that we have nine (9) of us, the majority with nine (9) of us if we all vote everybody know it's five (5). Okay so it'll pass, like the other night okay and I'm just saying the other night I'm not mentioning any names or any particular items cuz it's not on the agenda we can't talk about it. But we can talk about the vote cuz this was on the agenda. And what I'm saying is, we had members present who decided to abstain, and I think what Ms. Dinvaut said, when you make that decision to abstain, you're basically saying I'm not here. I'm not going to vote on this particular item. So know it swings to the individual who decide to vote, the ones who vote in favor of it and the one who voted against it, the other two (2) who stayed out basically say-I don't want to touch it I want to stay away from it. So now it converts to the majority, if you had four (4) no's and three (3) yes, it would have been no. But it reverted the other way cuz you had four (4) yeas (four (4) yes's) and three (3) no's, okay so that's what basically happened. So Robert's Rule explained that in the book. Okay if you're not here then it's a majority of the people present. But the present was seven (7) or nine (9) and whoever decided not to vote, you made yourself absent on that particular vote. So that mean you don't count. So now it goes to the people who actually voted, and the majority either yes or no is the law. It passed or failed based upon that fact, cuz you reduced the number down. You got nine (9) of us here tonight and two (2) decide not to vote, okay and you reduced it from nine (9) to seven (7), so seven (7) people have to decide cuz you took yourself out of it. Now if I'm wrong, somebody explain it to me. That's the way I think I see it."

Bridget Dinvaut stated, "No you're not wrong, but I do want to caution you guys because sometimes abstentions are very, very necessary. Sometimes individuals on a public body will have a conflict and will have to abstain from a vote as a result of a conflict, should one occur. So I don't want anybody to feel like an abstention is something bad, because an abstentions are sometimes extremely necessary for a public body, so it was a different night and we have a clear understanding, as I've always said when we know better we do better and we're going to be great at this at some point and time, and so please don't think that an abstention is a negative thing because it is very, very useful and it is very, very necessary sometimes. Thank you."

Councilman Madere stated, "And I do think it was used several times with someone..."

Councilman Snyder interrupting with gavel. "Want to say something Mr. Madere?"

Councilman Madere stated, "Yes I want to say something. Okay I think Ms. Dinvaut cleared that up because it has been used in that text where it was vote, you know I think Mr. Perrilloux one time did the same thing because his wife work for the Parish and I think it was concerning something concerning the Parish, and he stayed out of it because of that reason. And I think maybe Mr. Snyder did it one time too, right! So if any like family members or anything that affect them, that's when the individual stays out of it. Okay so with that regard, that's what she means sometimes it's useful."

Councilwoman Hotard stated, "Thank you, and just to kind of go over to, and I hear what everybody saying and I guess just that present thing, you know whether you're presence or not, I've always thought that present was when you were here, but I'm hearing it all I'm hearing it. I know in the pass when we had nine (9) members here and when we've had abstentions, things failed with four (4) votes, so I've always just kept going under that same thing, okay the members present. But if abstaining removes yourself from that, then that's just something that I didn't know. As far the abstention, it I made comments after my abstention and I know normally abstentions are for - right of conflict, if you have a family member or any real conflict of interest, okay in the code. My comments after weren't, and I actually made comments about my abstention and I said if you're going to amend your motion and I can support it and there wasn't an amendment to the motion. And maybe not the proper vote to abstain, but it was that; yes I'm supporting using a local firm, negotiating with the firm that was presented to be offered. However just not at the price that they had been offered at. And so maybe abstention wasn't the proper vote, because I don't have a conflict of interest in it, but I think it's a, you know it's a lesson I guess going forward. I still am with the whole members present thing you know, and like I said, because we've had things failed or approved the same way and it was a different outcome. But has you've stated when you know better you know, you'll do things differently. But we have had items on either side when it was nine and some abstentions that outcome was different then what was in this meeting, and that's it."

Councilman Madere stated, "Mr. Malik I apologize."

Councilman Malik stated, "No that's fine and I was going to be very, very quick and very, very brief, which is essentially abstentions are ethically correct to take at times. And as our District Attorney pointed out, I think the whole thing that you're looking for is; defining abstention-which she stated you are voluntarily absent. Their vote is four to three is a majority, you know but any

way yeah I read the Robert's Rule a number of times and holding strictly to that, it would be a good thing, but you know we would have to meet in groups of three's to talk about this. But anyway it's moving on sir, go ahead."

Bridget Dinvaut stated, "I just like to address Ms. Hotard, she - I don't recall any scenarios that you sort of outlined, but as a body-each of you are responsible for the Parliamentary Procedure. So if someone feels like something is/should be questioned, each Council person has the right to call a point of order. You call a point of order to your Chair and say; I need clarification, the Chair is actually your person that is supposed to rule on whatever you call the point of order on. So if no one calls a point of order and the public body actually act through the action, and the action is not anything that's illegal, then nothing gets said about it. So until it is actually a point of order is called, or a clarification is asked for or a legal opinion is asked for, then the members of the body have to actually ask to the action so it may not have ever been brought up before. So you can be perfectly correct in a scenario that could've occurred where maybe in depending if a super majority was required or not, but then a simple majority situation and that happened and nobody called a point of order. Yes!"

Councilman Wright stated, "Just to kind a, I guess piggy back, first off I thank you to the DA for getting involved in this. I do know you know in the past like Ms. Hotard said, you know an abstention is not been absent it's been an abstention from a vote. If I walk behind that door I'm absent, the vote is recorded as absent and if I abstain the vote is not recorded as it being absent the vote is recorded as an abstention. So I think that's where the confusion comes in going back to the last vote, there was no conflict of interest from myself, the vendor actually scored pretty high. I just again could not justify the price, that was my reasoning for abstaining rather than voting against the firm who rather you know was pretty qualified. I do think we still need to have some discussions moving forward, I think we maybe just need to define what present is. But maybe that's some discussions we can have further but I'm still you know having a hard time comprehending that an abstention vote is absent."

Lennix Madere - Update on drainage and road repair in District III

Verdell Kindrick stated, "Staff in Public Works will assess and prioritize the roads on the list for submittal to the Parish Engineer to complete estimates and specifications. Based on those assessments a finalized list will be presented for the 2019 Road Improvement Program."

Councilman Madere stated, "Yes well I have a little problem with the roads and everything. Mr. Verdell like I said have been very helpful with this project, this drainage project and they came out here again today and look at those sinkholes, and I think I'm a let Mr. Verdell explain what the guy said he's going to do. But I also was able to find some additional sinkholes, I pointed them out to him today while I was waiting for him to walk that area, and came across two more sinkholes, so we're also planning a walk through, through the entire project again to make sure that we don't have any problems. And I think the guy was very cooperative today, much better than he been in the past, you know so I think I owe you for the help of Mr. Verdell, I think we finally coming to end with this here. So I'd like Mr. Verdell to explain what the guy said he's going to do."

Verdell Kindrick stated, "Well we pointed out to him that we have two (2) sinkholes, the sinkholes that we visited which I did visit prior to Councilman Madere, and I brought it back to Administration and told them that we need to dig

that up. We don't want to just keep putting sand down there and don't know what's down below there that's causing these sinkholes. So he agreed to bring a crew out here and we're going to have some representatives from the Public Works department and someone from Daron's department, to be on hand whenever this occur. Hopefully, I don't know when it was scheduled, we haven't scheduled it yet but he going to get back with us so he can schedule this. I think he's going to come out here and try and get all this here resolved. But again, someone from my staff and myself probably be there to make sure it's done and done correctly this time."

Councilman Madere stated, "Okay and Mr. Verdell pointed out to the guy that that sinkhole keeps occurring, that there has to be some type of problem at that particular location."

Verdell Kindrick stated, "We're going to try and have it done before the 15th LaVerne said."

Councilman Madere stated, "Okay, alright thank you."

There was no executive session.

EXECUTIVE SESSION:

A.B. Houston vs E. J. Turley - Docket# C-72495 - to discuss litigation strategy

Roger Tassin v Matika White, et al, 40th JDC docket 72554, Div. B - to discuss litigation strategy

Kane County, Utah v. United States, Case No. 17-739C and 17-1991C

Parish Buildings - Security

Any and all pending legal matters

INTRODUCTION OF ORDINANCES:

There were no ordinances to introduce.

PRESIDENT REPORT:

Natalie Robottom stated, "Good evening, last week we joined the country in mourning the passing of former President George H.W. Bush and will continue to fly flags at all Parish buildings at half-staff as ordered by the President until sunset on December 30th. Please join us in honoring President Bush's life of service to the country. I would like to thank residents for their patience as we officially transitioned Parish departments over to the new government complex last week. Although the departments moved very quickly with very few interruptions in services, we are still working through some of the operational kinks associated with the moving into a new building. We appreciate everyone's cooperation as we try to make operations as easy and efficient as possible. Just as a reminder, the new address is 1811 West Airline Highway in LaPlace, on the front lawn of the Percy Hebert Building and the phone number remains the same at (985)652-9569. Utility Billing and Planning and Zoning are set up and seeing customers this week. We are working on the drop off box for water bill payments at the new complex and anticipate it being installed in the next several weeks. Until then, payments can be dropped off at the old site or any of the other methods of payment, can be utilized until the box is installed. As always,

utility payments can be made: online at sjbparish.com, by calling 1-877-884-4009, or in person at the Garyville Service Center, Greg's Supermarket, Capital One Bank Edgard and Club Grocery Edgard. Thank you again for your patience during this transition. Thank you to all who participated in the recent election and for your support of the re-dedication of the Health Unit tax. With no increase in taxes, this rededication will help us better allocate monies to enhance public health services. Thanks for continuing to trust us with your vote. A couple of weeks ago, Sheriff Tregre and I attended the annual Blue Mass at Our Lady of Grace in honor of our First Responders - that's firefighters, police officers and emergency personnel. The service was exceptionally well-planned, and I'd like to thank Father Amadi from Our Lady of Grace for leading the mass, Father Patrick Collum, the Co-celebrant from St. Joan of Arc and Deacon Richard Abbodante from St. Peter for their acknowledgement and support. I'd also like to thank the students from St. Peter for attending and the altar services from St. Joan of Arc for their help. As with any event of this type, it was a group effort, so thank you to Our Lady of Grace parishioners for attending the mass and those who prepared and served gumbo following mass. Our first responders are on the front lines each day protecting us and our community and we ask everyone to continue to keep them and their families in your prayers. Congratulations to our most recent class of FastTrac graduates and best of luck to them in their future business endeavors! Each Spring and Fall, we introduce a new FastTrac class to those wanting to start a small business or looking to advance their small business. We encourage all small business entrepreneurs to take advantage of this great opportunity at a very minimal cost. Information will be released when Spring session is finalized. Christmas in the Crevasse is now open featuring hayrides on 5 acres of farm land with over 70 lighted Christmas frames on display. The event takes place at the corner of Louisiana and Shadowbrook in LaPlace, three blocks off McReine Road and it is open Friday, Saturday and Sunday from 5:30PM - 9:00PM until December 30th. Admission is \$5 for adults and \$3 for children. All proceeds benefit the Greater New Orleans Therapeutic Riding Center. Just a reminder - 2018 Bonfire permits are being issued in the Emergency Operations Center through December 18th from 8:30AM to 4:00PM. As tradition holds, bonfires have already started being built for the annual lighting of the bonfires on Christmas Eve on the East and West Banks of the parish. On the West Bank, a bonfire lighting ceremony is scheduled for 7:00 p.m. near the Veterans Memorial Bridge in Wallace. The event kicks off at 5:00 p.m. and will feature food, music, train rides and more. Residents should have received their Shop Local trivia games in the mail and are asked to complete the questions and return them no later than December 28th. Entries with correct answers will be entered into a drawing for gift cards and other prizes from local retailers. Completed trivia cards can be dropped off at Shop Local Collections Boxes located at the receptionist desk at the Government Complex, the St. John Courthouse or mailed to 1811 W. Airline Hwy. in LaPlace, attention Economic Development Department. Winners will be announced the first week of January. This Thursday, December 13th, 2018 (weather permitting), Atmos Energy will be pressure testing a 4-inch natural gas line in the 244 through 361 blocks of S. Church Street in Garyville along with a 2-inch line in the 616 through 631 blocks of Roccaforte Avenue. The test involves turning off gas service along these segments of pipe for approximately 12 hours. Once the test is completed, natural gas service will be turned on and Atmos Energy Service Technicians will immediately begin restoring all affected customers. The test is being conducted as part of a natural gas system upgrade. There will be a controlled release of natural gas as part of the test, so residents in this area might smell a brief natural gas odor. Although door hangers were put out to those affected. Questions or concerns can be addressed by calling the ATMOS customer support center at 1-888-286-6700. As we enter Winter weather season, please sign up to receive emergency notifications to your home phone, cell phone, text

messaging and email devices if you have not done so already. You can sign up by visiting the homepage of the Parish website at sjbparish.com and clicking on "Stay Connected" or calling the Parish office at (985)652-9569. Signing up for these alerts is EXTREMELY important during emergencies. Although information is posted on the website, TV and social media pages, alerts will go to your home phone, cell phone, email and text messaging device without you having to go get them. It is an easy way to stay informed. As a reminder, Parish offices will be closed for Christmas, Tuesday, December 25th. Also, action earlier in the meeting moved the Parish Council meeting from December 25th to Wednesday, December, 26th at 6:00 PM in the Pat McTopy Council Chambers in LaPlace. We hope you have a Merry and safe Christmas! Thank you.

ADJOURNMENT :

At 8:45 PM, Councilman Malik moved and Councilman Wright seconded the motion to adjourn. The motion passed with Councilwoman Hotard, Councilman Sorapuru and Perrilloux absent.

/s/Lennix Madere
COUNCIL CHAIRMAN

/s/Jackie Landeche
Council Secretary