

FINANCE COMMITTEE MINUTES
February 22nd, 2011
Chairman Steve Lee
Vice-Chairman Charles Julien

Members: Haston Lewis, Danny Millet, Charles Julien, Jaclyn Hotard, Darnel Usry, Cheryl Millet, Raydell Morris

PRESENT: Haston Lewis, Ronnie Smith, Steve Lee, Raydell Morris, Danny Millet, Charles Julien

ABSENT: Cheryl Millet, Darnel C. Usry & Jaclyn Hotard

BID OPENING REPORT/AWARDS:

Brenda Labat – Bid Awards – (Tabled 1-11-11) – 2011 Removal & Replacement of concrete, sidewalks, driveways & streets – Authorization to award the low bid to DMC of Metairie

MOTION: Councilman Smith moved and Councilman Julien seconded the motion to remove this item from the table. The motion passed with Councilwomen Hotard, Usry & Cheryl Millet.

Brenda Labat, Director of Purchasing, stated, *“Administration recommends awarding this contract to DMC of Metairie.”*

MOTION: Councilman Smith moved and Councilman Millet seconded the motion to award the low bid for the 2011 Removal & Replacement of concrete, sidewalks, driveways & street to DMC of Metairie. The motion passed with Councilwomen Hotard, Usry & Cheryl Millet.

Brenda Labat – Bid Awards – (Tabled 1-11-11) – Drainage Excavations of Parish ditches – 2011 Annual Contract – Authorization to award the low bid to Compass Ventures of LaPlace

MOTION: Councilman Julien moved and Councilman Morris seconded the motion to remove this item from the table. The motion passed with Councilwomen Hotard, Usry & Cheryl Millet.

Brenda Labat stated, *“Administration recommends awarding this contract to Compass Ventures of LaPlace. This is in accordance with the court judgment.”*

Tom Daley, District Attorney, stated, *“Just for clarification council, administration’s recommendation is to award this to Compass who is the lowest responsible bidder. There was litigation in this matter and the district court determined that DMC, who was the lowest bidder, was non-responsive. In a judgment issued by district court that action was taken the recommendation by my office to administration is to award it to the lowest responsive bidder which is Compass. They are the second lowest bidder. The district court issued a judgment disqualifying DMC because they didn’t have the appropriate license as identified in the bid contract.”*

MOTION: Councilman Julien moved and Councilman Smith seconded the motion to award the drainage excavations of Parish ditches – 2011 Annual Contract – to the lowest responsive bidder Compass Ventures of

LaPlace. The motion passed with Councilwomen Hotard, Usry & Cheryl Millet.

Marie Brown-Mercadel – (Tabled 2-08-11) Authorization to execute a contract with South Central Planning & Development to conduct the Re-apportionment process for \$30,000.00

Councilwoman Darnel C. Usry arrived at 6:08 PM.

MOTION: Councilwoman Usry moved and Councilman Millet seconded the motion to remove this item from the agenda. The motion passed with Councilwomen Hotard & Cheryl Millet absent.

Marie Brown-Mercadel, CAO, stated, *"Based on the recommendation of the Source Selection Committee during the RFQ process, administration requests authorization to execute an agreement with South Central Planning and Development of Gray, LA for an amount not to exceed \$30,000.00. South Central Planning will coordinate the development and implementation of the Parish's 2011 Re-apportionment Plan as outlined in Exhibit A. This contract is to begin on February 23, 2011 and will terminate no later than December 31, 2011."*

MOTION: Councilwoman Usry moved and Councilman Millet seconded the motion to accept administration's recommendation and grant them Authorization to execute a contract with South Central Planning & Development to conduct the Re-apportionment process for \$30,000.00.

Councilwoman Hotard arrived at 6:12 PM.

Councilman Lee stated, *"Council you have heard administration's recommendation, recognize this was a tabled item. I will say that at the last meeting this chair allowed public input which is unusual for our finance meetings with that in mind, I feel obligated to leave that open. So I will ask if there is any one from the public who cares to make comment on the requests from administration. I will say one thing I want to get clear and again this council has the right to override me but we did have a public hearing and those that spoke at the last public hearing, if this chair is allowed to rule properly, than it will only be new people that I will allow to express their position unless this council chooses to override me."*

Kevin Belanger, CEO SCPDC, stated, *"There were several issues that were brought up during the last meeting that I want to try to bring some answers to. It was eluded that SCP was my company. First off I do not own SCP, it is a public subdivision of what I do not own and I answer to a board which is made up of all the parish president's and mayor's of our region. We actually serve the three river parishes and the three bayou parishes. It was also alluded to that our commission is very weak in experience with reapportionment. I would like to just tell you that I have been a part of three reapportionments personally. Two of the other individuals with our firm also were a part of three reapportionments before. Our commission has handled over twenty-five reapportionments over the last three decades. It was also said that the plan that was approved in 2003, that we provided to the parish council was illegal and that is the furthest from the truth. One of the things that we do is we act as facilitators. Whoever is going to draw your plan, whomever you may choose cannot dictate to this council. You have*

ultimate authority. What we do is provide you food for thought, guidance and information for you to make a decision. That was done in 2002, of which we did provide this council with three alternative plans all of which had good deviations with the black minority districts. The very first things that we try to do is accomplish the one man one vote rule. The second is minority representation, maintaining their ability to be elected. Third is trying not to split communities and fourth trying not to pit councilmen or existing councilmen against each other. It was also noted that it was thought that we shouldn't be a participant in this process because since we did so poorly on the past 2002 plan that we shouldn't be a part of this. I did call the justice department today and spoke to the lady in charge of Louisiana and she knows of no law that would preclude us from being in that participation. I want to go back and re-emphasize the fact that we were facilitating. We provided this council with a plan. We provided three. This council chose plan three. Plan three had an overall deviation of around 16 to 17% which was high but it was consistent with the other previous plans in previous years. We had to do so to be able to accomplish the black minority/majority. In also doing that we also provided the districts, particularly District 6, with a high concentration of minority representation. It wasn't until we approached the council in which they tried to avoid splitting a very popular subdivision and in doing so they lessened and retro-grassed the actual black minority district. Now I will say that we advised the council at that time not to be particularly concerned with splitting the subdivision but pay close attention to lessening the black majority district. We recommended it. It went further. It was passed unanimously. The plaintiff lodged a complaint in court. They were successful. The individuals had every right to do so. Every individual in this parish has every right to do a court challenge. I will say to you that we are a facilitator no matter who it is that you will choose we will again do that process. We did in the past and we will work for you in the future. My last comment was regarding the cost. In 2000 we had bid \$18,000.00. SCP being a public subdivision we try not to lose money of course but in year 2000 that overall cost costed our commission \$35,000.00. We took a hit of about \$15,000.00, now that was including all the work that transpired even including the actual court submission and dealing with the attorneys, etc. but after which that concluded the previous years came in 2004, 2005 all the way to 2008 that we worked very diligent with your Registrar of Voters, Clerk of Court, the House of Representatives, the Senate and also the Department of Justice in pre-clearing all of your consolidations of your voting precincts none of which was for a fee. We did it for gratis. We have done that and maintained that support for the last 30 years. We have never charged this parish for any of that type of work and we still maintain that position today. Ultimately we provide throughout the decade maps associated with the council at any one of your request, with administration at any of their request and we never charge for that and that is an ongoing policy that we just have. My last comment any of the proceeds that we get and we are bidding \$30,000.00 because we believe that we can do it under somewhat and if there are any revenue gains, if we witness any revenue gains, I want you to understand where that money goes. Those monies flow to our general fund which ultimately comes back to this parish in other activities that we do for no fee. Those fees are a lot of advocacy, non-point source pollution, work with the DA and Sheriff with the laboratory and we provide those services at no extra fees. It was also noted that SCP

shouldn't be considered for that project because the plan we created didn't meet the objectives of reapportionment. It did. It met every emphasis of the process. The complainant had every right to come to all of the public hearings that we held, the open meetings and those were not done. It was only after the fact that the challenges were levied and we would ask that if that persist again this time, we want those comments, we want to be open, we want this process to be transparent and we guarantee to you that it will be."

Councilman Smith stated, "I received a letter today from one of our attorneys. As a matter of fact I would like to get Mr. Kerry Brown to give a summary, just for the public's sake, on the investigation that he did on this item."

Kerry Brown, Legal Counsel, stated, "With the concerns that were brought from the last meeting, I did get calls; I said well I will look at it if you want me to look at it. As I wrote to you I also cc'd all parties involved along with Mr. Daley letting him know that I just looked at everything that you all had. Clearly there was a committee that was established. In all fairness, no one knows what information was discussed when they met. So in my opinion it isn't a fair issue to deal with to say whether or not any one company may have been favored over another or any issue like that. My response to you is simply stating that it appears as though with the two companies that were in there Redistricting, LLC as well as SCP; these two companies had opportunities to work for the residents of St. John the Baptist Parish. One for the council and the other for the school board and I said based upon the information that I looked I saw that when the two plans were presented by both of these companies for some reason or another they were both challenged and also the plaintiff's that did the challenging prevailed and by their prevailing it appears as though the parish council paid an additional \$50,000.00 to the plaintiff's legal counsel to cover the cost and legal fees. Now I saw that with the school board matter, the other one with Redistricting, LLC, it appears as though the plaintiff's in that matter prevailed as well costing the school board some \$74,000.00 for the plaintiff's attorney. In looking at that I said look you have that information. You also have the scoring cards that were already given. As far as to how you handle it you deal with it but I just gave you the information saying this is what I saw and this is what you have, now you can make your decision."

Councilman Smith stated, "Thank you Mr. Brown I appreciate that summary. Again I spoke with Mr. Belanger earlier today and again I appreciate you giving me a call to clarify a couple of issues that were of concern. In that conversation I did find out that your years of experience is about 30 years, the same as Mr. Floyd had. My only concern now is to look at if your experience is the same amount as Mr. Floyd's is and your price is \$5 to \$7,000.00 more. My only concern is I don't see a justifiable reason why the parish should spend that additional money for the same work with both companies having the same amount of experience. So I just want to make sure that my council members before we voted on this knew and understood exactly the information that was presented to me. I wanted to make sure that you had it."

Councilman Julien stated, "To echo what Mr. Smith said, I did see that the amount that we would be saving would be about 16%. So if we are

able to save 16% I would much rather go with Data Center. They were the lowest and would cost us the least amount of money and as far as experience goes they seem to have more. I may be wrong in the information that was submitted and I don't mean to disrespect any of the other council members and the work that they put in on the committee."

Councilwoman Usry asked, "Marie would that be all inclusive with the two different parties of everything that we would need for the redistricting?"

Marie Brown-Mercadel stated, "Yes and as Mr. Belanger stated earlier the contract amount is not to exceed amount, which means that it will not exceed that. It doesn't mean that the actual cost will be \$30,000.00."

Councilwoman Usry asked, "Suppose we need to do things after the plan is submitted? Is that inclusive of anything that they will have to do? I am talking about for both of the companies."

Marie Brown-Mercadel stated, "Yes, those are the things that we clarify and negotiate prior to the execution of the contract that that amount should include all of the things that encompass what the redistricting cost us."

Councilwoman Usry asked, "Can at that time someone say well I need to include \$5,000.00 more because that wasn't covered under the original contract?"

Marie Brown-Mercadel stated, "As I am sure this council is aware of we often have times when our contractors or the agreements that we have come back to us for amendments or change orders because the original cost might not have been calculated to include any unforeseen circumstances. I think what SCP has committed to is that the entire process would be \$30,000.00 and would not exceed that amount."

Councilwoman Usry asked, "And Mr. Floyd's is his all inclusive too?"

Marie Brown-Mercadel stated, "I believe that is what is indicated in the RFQ."

Councilman Morris stated, "I was part of the committee and after the last meeting I got with Mr. Brown because I wasn't sure about the information and I asked him to do some research on it. I guess that is how we got this information. I was one on the committee and I think the committee did everything right but we didn't have this information here. If you look at the amount that the parish spent on the last one was roughly \$98,000.00 plus the fees for that service. I am willing to offer a substitute motion. I am just not willing to take that chance on being sued and spend another roughly \$100,000.00. I supported it at that time on the committee. I scored Data Central first. So at this time I would like to offer a substitute motion that we award the contract to Data Central."

SUBSTITUTE MOTION: Councilman Morris moved and Councilman Julien seconded the motion to award the contract for the parish reapportionment to Data Central. The motion failed with 4 yeas (Julien,

Morris, Smith, Lewis), 4 neas (Hotard, Lee, Usry, Danny Millet) and 1 absent (Cheryl Millet).

MOTION: Councilwoman Usry moved and Councilman Millet seconded the motion to accept administration's recommendation and grant them Authorization to execute a contract with South Central Planning & Development to conduct the Re-apportionment process for \$30,000.00. The motion passed with 5 yeas (Hotard, Lee, Usry, Danny Millet, Julien), 3 neas (Smith, Lewis, Morris) and 1 absent (Cheryl Millet).

Marie Brown-Mercadel – Change order #1 from Principal Engineering for Country Club Bridge replacement to alter the scope of the project to include the boring of a waterline under the Country Club Bridge. No additional cost will be incurred by this change order

Marie Brown-Mercadel stated, *"Administration requests approval of change order #1, as requested by Principal Engineering and the parish, to alter the original scope of the Country Club Bridge project. At the Parish's request, the scope was altered to bore the waterline under the canal rather than re-installing it along the side of the bridge there is no additional cost to the parish and the original timeline remains the same."*

Councilman Lee stated, *"It is very unusual to have a change order that requires neither additional money nor any additional reduction. I take that administration has met with the engineers, they feel that this is just a better mouse trap."*

MOTION: Councilman Smith moved and Councilwoman Usry seconded the motion to grant change order #1 from Principal Engineering for Country Club Bridge replacement to alter the scope of the project to include the boring of a waterline under the Country Club Bridge. No additional cost will be incurred by this change order. The motion passed with Councilwoman Millet absent.

Marie Brown-Mercadel – Task Order 2009-1, Meyers Eng., Ltd. for additional fees incurred during the design phase of the Mississippi River Multi-Use Trail – Phase 1 at a cost of \$14,560.00

Marie Brown-Mercadel stated, *"Administration requests approval of Task Order 2009-1 (Revised) submitted by Meyers Engineers, Ltd. for the Mississippi River Multi-Use Trail – Phase 1. This task order revision in the amount of \$14,560.00 covers fees related to right-of-way acquisition, abstracting, appraisals, negotiations, coordination with the Department of Transportation and Development, site reviews, etc. regarding property acquisition for ramp access to the trail."*

MOTION: Councilwoman Usry moved and Councilman Smith seconded the motion to grant Task Order 2009-1, Meyers Eng., Ltd. for additional fees incurred during the design phase of the Mississippi River Multi-Use Trail – Phase 1 at a cost of \$14,560.00. The motion passed with Councilwoman Cheryl Millet absent.

Marie Brown-Mercadel – Task Order 2009-9, Meyers Eng., Ltd for additional fees incurred during the design phase of the Mississippi River Multi-Use Trail – Phase II at a cost of \$18,500.00

Marie Brown-Mercadel stated, "Administration request removal of the item from the agenda."

MOTION: Councilman Smith moved and Councilwoman Usry seconded the motion to remove the above item from the agenda. The motion passed with Councilwoman Cheryl Millet & Councilman Danny Millet absent.

Marie Brown-Mercadel/C.J. Savoie – Change order #1 from Professional Engineering Consultants Corporation in the amount of \$2,506.50 for the Balsam St. drainage improvements

Marie Brown-Mercadel stated, "Administration requests approval of change order #1, submitted by PEC, in the amount of \$2,506.50. This amount includes final quantity adjustments, the addition of a sewer line offset to relocate an existing sewer line, and the addition of a drain inlet for the Balsam Street drainage improvement project."

MOTION: Councilwoman Hotard moved and Councilman Lewis seconded the motion to grant change order #1 from Professional Engineering Consultants Corporation in the amount of \$2,506.50 for the Balsam St. drainage improvements. The motion passed with Councilwoman Cheryl Millet & Councilman Danny Millet absent.

Marie Brown-Mercadel/C.J. Savoie – Certificate of Substantial Completion for Professional Engineering Consultants Corporation for the Balsam Street drainage improvements project

Marie Brown-Mercadel stated, "Administration requests authorization to execute the certificate of substantial completion with Sampey General Contractors for the Balsam Street drainage improvement project. The project was engineered by PEC and was funded through the 2009 Bond Issue at a total construction cost of \$62,564.50."

MOTION: Councilman Lewis moved and Councilwoman Hotard seconded the motion to grant a Certificate of Substantial Completion for Professional Engineering Consultants Corporation for the Balsam Street drainage improvements project. The motion passed with Councilwoman Cheryl Millet & Councilman Danny Millet absent.

Marie Brown-Mercadel/C.J. Savoie – Certificate of Substantial Completion from Central Electric of Monroe for generator installation at Ruddock Well No. 2 and Station No. 3.

Marie Brown-Mercadel stated, "Administration requests authorization to execute the Certificate of Substantial Completion from Central Electric of Monroe for the generator installation at Ruddock Well No. 2 and Ruddock Stations No. 2 and No. 3. This project was also funded through the 2009 bond issue at a total construction cost of \$359,250.00."

MOTION: Councilwoman Usry moved and Councilman Smith seconded the motion to grant a certificate of Substantial Completion from Central Electric of Monroe for generator installation at Ruddock Well No. 2 and Station No. 3. The motion passed with Councilwoman Cheryl Millet & Councilman Danny Millet absent.

Any and all other financial concerns

There were no other financial concerns at this time.

Adjournment

MOTION: Councilwoman Usry moved and Councilman Morris seconded the motion to adjourn. The motion passed with Councilwoman Cheryl Millet absent.