

**SPECIAL MEETING**  
**OFFICIAL PROCEEDINGS**  
**ST. JOHN THE BAPTIST PARISH COUNCIL**  
**FRIDAY, JUNE 28<sup>TH</sup>, 2013**  
**CHAIR JACLYN HOTARD**  
**VICE CHAIR LENNIX MADERE**

The Council of the Parish of St. John the Baptist, State of Louisiana, met in a Special Meeting in the Joel McTopy Chambers, LaPlace, Louisiana on Friday, June 28<sup>th</sup>, 2013, at 6:00 PM.

**CALL TO ORDER:**

**PRESENT AT ROLL CALL:** Art Smith, Lennix Madere, Jaclyn Hotard, Larry Snyder, Lucien Gauff

**ABSENT:** Ranney Wilson, Marvin Perrilloux, Michael Wright, Cheryl Millet

Councilman Snyder led the Prayer. Councilman Gauff led the Pledge.

Legal Counsel Jeff Perilloux and Tom Daley were present.

**Open Meetings**

Councilwoman Hotard stated, "I would like Tom Daley and maybe Mr. Perilloux just to share some information. I have had some concerns about making sure that we are in compliance with the open meetings law and there was some concerns about some meetings that have been called and I just want to make sure that everything is done properly. One of the concerns that I mentioned with Judge Daley was that sometimes when these meetings are called you don't know that another meeting is scheduled an hour later right back to back which amounts to a rolling quorum which is prohibited. So I would like to ask legal counsel to just give us some advice on that so that we are doing the right things."

Tom Daley, District Attorney, stated, "On June 11<sup>th</sup> in response to Madame Chairman's question with regards to some of the open meeting technicalities. I sent a letter to the Parish President and to all of the council members and attached to that a recent Attorney Generals' opinion and actually a paper that I received at a recent conference concerning the open meetings law. Recently there have been some issues raised statewide with regards to the open meetings law particularly in light of electronic communications emails, mass emails and like there was a problem in Jefferson Parish with the school board and the question was raised in the city of Mandeville so attached to the correspondence that I sent out there was an Attorney General opinion in response to the mayor of Mandeville who was actually sitting temporarily to try and get some clarification on the rules. So I call your attention to my letter and my opinion but specifically what I think the mayor was seeking clarification on was discussions outside of public meetings to attempt to reach consensus and what the Attorney General opinion said very clearly is that the council should not attempt through a meeting of a majority of the council members or separate sub majority meetings to attempt to reach a consensus on any

opinions with regards to a matter that is going to be presented and voted on by the council. The attorney general opinion makes it clear that you are allowed to exchange information and your opinion but you are not supposed to engage in discussion. In other words my opinion is that I am against this that is fine that is not a violation but if my opinion is against it and you say well tell me about it will you consider an alternative position that is a discussion as opposed to information. So my recommendation to all of the elected officials but it particularly applies to the boards where you decide things by majority rule is that you not meet, for this board you can't meet more than five people for the purposes of discussing and attempting to reach a decision about any public matter. Secondly you can't do it by meeting in less than groups of five like alright we don't have a majority but we are going to have a meeting of these four over here and a meeting of these four over here to discuss the same thing and see if we are all on the same page. You are allowed to exchange information but not to engage in the kind of dialogue that it takes to build a consensus. Now I acknowledge that there is a fine line between exchanging information and having the discussion and that is why it is my recommendation that more than four council members not collectively discuss a matter of public business, four or less can engage in discussions and attempt in reaching resolutions that is not a violation it is when you go to the five that it becomes problematic either directly in one meeting or in multiple meetings. So I caution you to be aware of that and to avoid those circumstances. Again the problem is you could have a private meeting at which the parish president or I present you information purely informational, no violation however I don't know about you and I will speak for myself it is hard for me to sit on my hands and not ask a question or engage in some dialogue and it is that discussion and dialogue that is prohibited, not the sharing of information. So I again call every body's attention to my correspondence of June 11<sup>th</sup> and if you have any questions after reviewing the attorney general's opinion feel free to call on me but the general rule is once you get over four there is a gray area in which you are in jeopardy of violating the open meetings law."

Councilwoman Hotard asked, "Let me ask this question in relation to the email that you sent, the meetings most of the time well all of the time they are not called by us so if administration contacts a council member directly or through the secretary and says that we are scheduling this meeting with three or four of you and Natalie wants to meet how do you know that there is a meeting scheduled the hour after your meeting and that once you meet and then they meet with four or three more after you now you have potentially violated the open meeting law. Do we have to ask each time we are called to a meeting are you going to call another group behind me or has another group been called before me and now I am going to violate an open meeting law because five people will have gone behind the scenes in a rolling quorum and discussed an issue that should have been discussed in front of a public body?"

Tom Daley stated, "The only way the open meeting is violated is if you engage in discussion, not if you receive information. So you can go to as many meetings as you want and receive information. Get the information go home digest it, evaluate it but don't have collective discussions about it."

Councilwoman Hotard stated, "No what I am saying is that the meetings are called let's say if Natalie is calling the meeting and people are there once someone says anything than that is engaging in discussion. You don't know that another meeting has been scheduled after yours with three more council members and something is going to be presented and then there is discussion. So how do you avoid that?"

Tom Daley stated, "Don't go to the meeting or make sure that you don't engage in any discussion. The violation is with the council. The council is the deliberative board that can't poll to try and reach decisions outside of the meetings. You can have discussions. Anyone of you can send an email to the rest of you saying I am against this I have a constituent who has some concerns about this. That is not a problem. The problem is I'm against this let me know how you feel about it and how you are going to vote. If nobody is asking you how you are going to vote than they are allowed to share information with you. The violation comes when okay let's all get together and see if we can work this out. The working out is supposed to happen in the public forum."

Councilwoman Hotard asked, "Okay so when you said with discussion let's say that a meeting was called by the parish president one group at 3:00, one group at 4:00 and she hands over some information about anything say building a building. The minutes the discussion starts about why we would need this building.."

Tom Daley stated, "Leave the meeting."

Councilwoman Hotard asked, "So you can grab the information and leave. Once the discussion starts you need to leave?"

Tom Daley stated, "And no violation has occurred."

#### **Revised Agreement with DOTD regarding Reserve/Edgard Ferry**

Natalie Robottom stated, "First of all thank you all for coming. Things have changed very quickly since our last conversation but it appears that they are all for the good. As a result of our conversation with OCD which is a funding mechanism we made contact with DOTD and the Governor's office who committed to working with us initially for two weeks that has been extended to four weeks however the agreement that was approved by this council in the road transfer was for two months and \$400,000.00. At this point the memorandum of understanding with DOTD is only for a month and \$200,000.00 however with the understanding that we had already started and had at least one meeting with a private contractor to consider operating the ferry. I think we forwarded those documents to you. Also initially there was some concerns about staffing and they were going to reduce the hours of the ferry and had through this week but based on information we received today and a list of the staffing at the Reserve/Edgard Ferry Monday they will be returning to their regular hours. I think today they were 6 to 6 and Monday they will go back to their regular hours. At this point we have been as we are members of the River Parishes Transit Authority, I think there is a special meeting this Monday where they are going to discuss working with us in terms of a partnership to work with a third party operator that will take place on Monday and we will continue our talks. What we have done so far is provided data regarding the cost and the number of riders and some of the associated insurance cost for running the ferry."

Veolia is the company that works with the RTA and they have taken the information and they are looking at it to discuss feasibility. So just to clarify although this council approved a two month agreement at this point it is one. I caution us not to change it because two days ago it was two weeks and now it is a month. So I would rather leave it at what we thought it was at the hopes that we will resolve this sooner but if not we already have an agreement in place that will allow us to go longer."

Councilwoman Hotard asked, "Are you asking us to vote on anything at this time?"

Natalie Robottom stated, "No."

Councilman Snyder asked, "You say we had an introductory meeting with Veolia. We haven't had any follow up meetings?"

Natalie Robottom stated, "We had it yesterday and they sent me an email that they took the data that we gave them which was the cost, they actually visited the ferry yesterday and sent an email today and said they are working on feasibility however our partnership is with the RTA and so Veolia works for them. They are going to meet on Monday and see where we are on this and if there is a need to amend the current contract or do something by their board to allow all of us to work together they are going to consider that on Monday."

Councilman Snyder asked, "Veolia works for RTA?"

Natalie Robottom stated, "They manage the transit system that we have. That is what they provide now for us. Veolia is the contracted provider for our transit system now the reason it is significant is that they are also the provider for RTA in New Orleans and they actually started discussions with them already about taking over the ferry in New Orleans. So they are ahead of us with regards to ferries and ferry operations in that agreement but our situations are different but at least they have actually started looking into what that might entail."

Councilman Snyder asked, "What kind of fee do you have from Veolia for them to be running our system?"

Natalie Robottom stated, "You know Mr. Vincent who actually represents me on the RTA and he actually works with Veolia so that relationship was already in place and he was familiar with them. I can tell you the two people who came were very positive. They described our situation as being a lot different from New Orleans because we have the money in place and that is a significant difference from having to collect and count on what you think you may get in however they are looking at whether or not there can be an agreement if you are going to run three ferries and one here or is it better to try to work something out where you are dealing with four instead of separate ones so it was just an introductory meeting, it was 5 or 6 when we finished yesterday so there wasn't a whole lot of time. They needed some additional data from DOTD to help them determine feasibility and the email I received today is that is what they are doing but it was a very positive meeting."

Councilman Snyder asked, "And of course we are looking for ways to cut the cost down right?"

Natalie Robottom stated, "Yes and increase our revenue."

Councilman Madere asked, "The meeting is scheduled for Monday at 3:00 PM here? They will be discussion all of that?"

Natalie Robottom stated, "Yes they will be discussing what their board the opportunity to work with us on this as a project."

Councilman Gauff stated, "I just wanted to know if there was anything else for us? Should we continue calling our senators and representatives just trying to see or should we just wait to see how these meetings go?"

Natalie Robottom stated, "You know I think right now that part of it is done. It is really going to be on us. We have a commitment from the state for some dollars and the others are St. John Parish dollars so with regards to committing those for the remainder that will involve us. It is clear that we would want our legislators involved with us moving forward so we definitely want to keep them in the loop but at this point it is a matter of bringing together four different entities and everybody has a role because it is my understanding that DOTD is going to keep the access. It is their boat, barges and docks. There are different arrangements that we can make where they can maintain that and we reimburse them. There are a lot of things to work out. So they will still be involved because it is their equipment. Then we have our funding entity and then we have the RPTA and the operator and us. So it is a matter of putting on paper and Judge Daley has reviewed some of the documents that were forwarded to us. We do have a draft of what was done in New Orleans to give us something to start on because we are basically starting from scratch and they have been working for over a month. So there is some language in place already that we at least can take a look at to see what it would mean to put together an agreement. So we are at least at that point."

Councilman Gauff stated, "I know there were some communications that had come out so is it two weeks or a month? How do we communicate to our constituents?"

Natalie Robottom stated, "This agreement says one month. When I spoke the night on the phone it was two weeks by the next morning they had changed it back to a month. So as I said I don't want to alter our agreement because I think what they are trying to do knowing it is a new company and a new process it is taking a little longer which is what we thought we can't just tie things together and say you do this and that and in two weeks we are done it requires all of our attorneys to review it. There are things that need to be drafted. There is a lot to do to put something like this in place. So they extended it overnight to a month. So right now it is a month."

Councilman Gauff stated, "I had one of the West Bank constituents I saw on this side and she said she had taken her last ferry ride and I said no you didn't, not yet. So she didn't know that there had been an extension so I just wanted to see where we were."

Natalie Robottom stated, "It changes and this morning it was 6 to 6 and we followed up and it is like you know what we are going back to our

regular schedule on Monday. So it is changing and we ask everybody to remain patient with us. We are trying to make sure that we do things right. We did speak with one of the captains and some of the employees and it is my understanding that our employees didn't leave. That was a concern from DOTD that was the concern that some of the employees had gotten other jobs but we have enough people to staff our ferry and we have the funding to run it. So we would like to run at regular hours and so that changed very quickly and Monday they will go back to their regular schedule. So again it changes often but it appears to be changing for the positive."

Councilman Snyder asked, "The peripheral thing that goes around the operating of that ferry, will the state keep those going too like taking care of the docks? The river goes up and down and a lot of work goes into keeping those docks level with the ferry."

Natalie Robottom stated, "That is the piece Mr. Snyder that was of concern for us it just isn't all worked out. I sent some specific questions to them because they would say well we could might keep the insurance and they sent back some scenarios of what could happen. So until we all decide and agree on who is going to do what it is not decided but that could be an option and of course mine would be keep your stuff that you are familiar with so that is less that we would be responsible for."

Councilman Madere stated, "I agree with Mr. Snyder that was a very important part that he just brought up about maintaining that dock when the river goes up and down because I experienced riding that river for 37 years so that is definitely a big problem and concern for whoever takes responsibility of running that ferry. So basically if everything works out we are looking at a three-way partnership or four sort of like what we have with the Sheriff Department. They are using the equipment but it still belongs to us."

Natalie Robottom stated, "Again what we are trying to do and I know DOTD sent out a press release saying that we were operating and basically what we agreed to was that they were not nobody agreed. We agreed to try and pursue a third party so that party would be the person working us through all of that and like I said it is very early that is why it takes time for us to work out the details that you are asking questions about because that needs to be very clear before we start. Whose responsibility is what, who pays for what, how is it going to be managed and that is why it is still fairly early in the game but we do have good conversations. I am optimistic about it that is why we are trying to get somebody who that is their expertise rather than relying on us to have to work out those kinds of details."

Councilman Madere stated, "We have to make sure that they understand that the materials are also part of it."

Natalie Robottom stated, "Everybody's attorneys will be at the table looking out for their client. So again those are things that we are very cautiously addressing and why we haven't jumped so quickly. They will be applying \$200,000.00 for the operations and the rest of it will go towards projects for the parish. We don't lose our dollar amount."

Councilwoman Hotard asked, "Do they cut us a check? Where does the money go? Where does the credit go?"

Natalie Robottom stated, "DOTD it goes towards our projects."

Councilwoman Hotard asked, "So we take over the road but can really only spend the money with them?"

Natalie Robottom stated, "No actually they fixed the road before we take it over. They also are paying for ferry operations. We are winning in this deal. What we have done in the past is use those dollars to fund ferry operations whereas other people may have applied them to projects they needed done in their parish. So even though our swap was for \$647,000.00 worth of credit at this point we are only using \$200,000.00 because the agreement is only for one month. Now if for some reason there is a need to extend it for two like we originally thought then we have enough credit to do that because you have already approved that so either way it still belongs to us. It goes towards our parish projects."

Councilwoman Hotard stated, "Oh no I believe that we are I just want to understand it. I just wanted to know about the left over money. What can we use that money on?"

Natalie Robottom stated, "Towards any project with DOTD that we have a participating contribution. We donated more so should they say we need to go another month you have already done what needs to be done for that and we have already applied it to ferry operations or a credit. So all of that is taken care of and we are really in good shape."

**Natalie Robottom - (Tabled 6-25-13) Appointment of Purchasing and Procurement Director**

There was no motion made the above item will remain tabled.

**INTRODUCTION OF ORDINANCES:**

There were no ordinances to be introduced at today's meeting.

**EXECUTIVE SESSION:**

There was no executive session.

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

Parish Building - Security

St. John the Baptist Parish vs. Roussel Welding and Metal Works, Inc., et al. Case No. 64187 Div. B

Any and all pending legal matters

**ADJOURNMENT:**

At 6:45 PM, Councilman Madere moved and Councilman Gauff seconded the

motion to adjourn. The motion passed with 4 absent (Wilson, Perrilloux, Wright, Millet).

/s/Jaclyn Hotard  
COUNCIL CHAIRMAN

/s/Jackie Landeche  
Council Secretary