

FINANCE COMMITTEE MEETING
JULY 11TH, 2017
Chairman Lennix Madere
Vice-Chairman Michael Wright

Members: Larry Sorapuru, Jr., Kurt Becnel, Julia Remondet, Lennix Madere, Marvin Perrilloux, Larry Snyder, Michael Wright, Thomas Malik, Jaclyn Hotard

PRESENT: Kurt Becnel, Julia Remondet, Lennix Madere, Larry Snyder, Thomas Malik, Marvin Perrilloux, Larry Sorapuru, Jaclyn Hotard, Michael Wright

ABSENT: None

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

There was no public comment at this time.

BID OPENING REPORT/AWARDS:

Jean Stewart - Bid Opening - Farm/Agricultural lease

Jean Stewart stated, "Today we opened bids at 3:00 PM for the Farm/Agricultural lease in Edgard, LA. There was one bidder M. Hymel Sons Inc. from Vacherie, LA. We ask that you take this one bid under advisement."

MOTION: Councilman Snyder moved and Councilman Sorapuru seconded the motion to take the bids for the Farm/Agricultural lease under advisement. The motion passed unanimously.

Alexandra Carter - (Tabled 06-27-17) Authorization to amend the Cooperative Endeavor Agreement (CEA) between St. John the Baptist Parish and South Central Planning and Development Commission (SCPDC)

The administration requests that this item remain tabled.

Jean Stewart - Authorization to execute an extension with Baton Rouge Winwater Works and HD Supply Waterworks for the 2017 Water Meters and Register

Jean Stewart stated, "Administration recommends a six (6) month contract extension with Baton Rouge Winwater Works for eleven (11) items. A six (6) month contract extension is also recommended with HD Supply Waterworks for one (1) item. All items are attached or included in the extension document and are at no increase in pricing. This is a temporary measure as Administration seeks other alternatives to repair/replace Parish water meters and registers. Administration recommends approval."

MOTION: Councilman Snyder moved and Councilman Becnel seconded the motion to grant administration authorization to execute an extension with Baton Rouge Winwater Works and HD Supply Waterworks for the 2017 Water Meters and Register. The motion passed unanimously.

Jean Stewart/Ross Gonzales - Authorization to enter into a new agreement with Shadowtrack Technologies, Inc. of Covington, LA

Jean Stewart stated, "As recommended by Parish Judges and Probation Officers,

this agreement allows for a tracking system that monitors the whereabouts of juveniles who commit lesser offenses. When the circumstances permit, this system is a more cost-effective alternative to housing juveniles. The annual cost of the agreement is a not to exceed amount of \$10,000 which will be funded through the Juvenile Detention Fund. The contract was sent to Legal Counsel for review and Administration recommends approval."

MOTION: Councilwoman Remondet moved and Councilman Wright seconded the motion to grant administration authorization to enter into a new agreement with Shadowtrack Technologies, Inc. of Covington, LA. The motion passed unanimously.

Natalie Robottom/Blake Fogleman - Authorization to enter into a Professional Services Agreement with Principal Engineering for the St. John the Baptist Parish - Wastewater Treatment Plant Tank Rehab Project

Natalie Robottom stated, "The contract amount of \$126,686 is for design, project management and inspection services. It is partially funded through an EPA grant of \$68,745 with the remaining \$57,941 funded through the 2010 Bond Issue. The contract is being awarded in accordance with EPA/SCPD guidelines, with the full understanding that Principal Engineering Inc. and C&S Consultants, Inc. will be partnering on this project through an outside agreement. Administration recommends approval."

MOTION: Councilman Becnel moved and Councilman Perrilloux seconded the motion for discussion. The motion passed unanimously.

Councilman Becnel stated, "I have no problem. My intentions were to approve this and I am not saying that I won't but legal has presented me with a situation or a question that I need some clarification on. So I would like to ask legal to please come up and tell me their concerns because I got an email today but other than that I was ready to go."

Geoffrey Michel, Legal Counsel, stated, "Mr. Green wrote an email so he may address those concerns that you have with regard to the email but as far as Roberts Rules of Order, Rule 37 votes cannot be rescinded when it is in the nature of a contract and the other party is informed of the fact. So C&S has previously been awarded this contract by the council and since they were informed of that fact and since there is no good faith reason to award the contract again and rescind this vote Roberts Rules of Order would apply and C&S would have to be awarded the contract. You wouldn't be able to rescind this vote."

Natalie Robottom stated, "Actually the reason for the denial is because the contract is being paid for by the entity that didn't approve C&S. The contract was awarded to C&S with no funding source which is why it hasn't been signed to date and there isn't an identified funding source for that contract. Again there was an email sent to Mr. Green asking was there a proper way, procedurally with the same understanding that we met about Monday that it appears the firms had worked it out with the fact that this contract had been awarded was there specific language or specific rules that we needed to follow in order to make this happen. Again there was a meeting with several of you where it is my understanding everybody was in agreement. Procedurally there was no recommendation from legal counsel obviously until today. Did y'all get something because I don't recall getting anything? So again with no response the reason that we are not entering into is that there is no funding for it

and the contract is an EPA funded contract and the EPA has approved, in writing, Principal Engineering as the firm."

Keith Green, Jr., Legal Counsel, stated, "The DA's office was not made aware of any meeting that was taking place with respect to the award of this contract or the rescission of the award of this contract. In addition to that our office is waiting on the original letter that was sent on behalf of Principal acknowledging to the EPA that they in fact were the ones who would be considered to be the primary or the top scorer for award of this contract. Again our office is doing nothing more than just offering you all caution with respect to this. The other rescission in order to rescind, Roberts Rules, which this council is bound by, does not allow a rescission of a vote that has already been taken under these circumstances. As Mr. Michele has already explained, that in order for you guys to do that you would be violating your own policy in rescinding the original vote which awarded this contract to C&S."

Councilman Becnel asked, "Let me ask you Mr. Green does it matter that they would be partnering this project through an outside agreement. Is that still illegal?"

Keith Green, Jr. stated, "No in fact that actually shouldn't have even been something that would have even been in consideration for this council. Now we could, had we been involved in that meeting, I am sure we would have come up with some other legal strategy that you all could have implemented in securing this contract in the manner in which the council wanted it to proceed but according to the RFP process that was approved, the RFP process that was implemented and of course by the vote of this council the award of the contract was for C&S and that is the lasting vote that this council made with respect to that."

Councilwoman Hotard stated, "I am hearing all of this for the first time. I wasn't involved in a meeting but if it is the wishes of the council and I am not sure but can C&S withdraw their proposal and then the council enter into the contract with the first rank firm and that would pass the legal?"

Keith Green, Jr. stated, "Off the cuff, I don't necessarily see a problem with that legally if they want to take their names out of the running for the particular contract. I mean there would be nothing that would preclude them from rejecting the contract award, if you will and then of course the matter would come back before this council solely based on the rejection of the contract award to C&S, solely based on that rejection then the matter would come back before this council for approval of another entity."

Councilwoman Hotard stated, "Right if that is the wishes of the council to have it carried out that way, I am assuming that is what it is because it is on the agenda and maybe it is not but then that would be the way to handle it is to have C&S send us a letter..."

Keith Green, Jr. stated, "Formally withdrawing."

Councilwoman Hotard stated, "Yes and then have us enter into the contract with Principal Engineering."

Keith Green, Jr. stated, "That could work, C&S can send something in writing to the council formally withdrawing their desire to enter into the contract

with the parish whereupon the matter would come back before the parish for re-award if you will."

Natalie Robottom asked, "My question is at the time the contract was awarded, it was awarded without funding. So is that a valid contract? It was my understanding that a public entity could not enter into an agreement without having the funding in place."

Councilwoman Hotard stated, "The public entity is also not supposed to put out an invitation to submit a proposal without a funding source in place."

Natalie Robottom stated, "And we did. It was EPA funded. It was an EPA project. It went out and all the bids and the specs and that money is available for the approved firm through their process which I am not sure I know I sent a lot of documents to Mr. Green but I know I sent the documents that he requested which was the scoring, the actual approval was done by email, the list of requirements was sent by email from South Central Planning all the attached documents that needed to go to EPA were attached. He asked for the letter of the award which again was an email that was sent several weeks ago and again understanding that this is not typical protocol the request was made last week if this is the wishes and again there has been discussion with several people including both vendors who felt comfortable with an agreement that they made to move forward. My question was is there a certain procedure and I think I asked Mr. Larry at the agenda meeting but because he didn't know I sent it to legal is there a special procedure that was necessary in order to move this forward with the understanding that these firms had agreed to do something outside of the contract and allow it to move forward based on the approval by EPA and South Central and there was no response."

Councilwoman Hotard asked, "Legal, can the council approve the award contingent on C&S sending their letter withdrawing their proposal so that we can at least get it done tonight if the council members choose to do that? Or would it be a requirement to have the letter before?"

Keith Green, Jr. stated, "We would advise that you wait until you got a formal rejection so that way you actually have a bonafide issue before you until such time as you receive a rejection you don't necessarily have an issue before you."

Natalie Robottom stated, "What about funding?"

Keith Green, Jr. stated, "No I am not into funding. I deal with legal matters."

Councilman Snyder asked, "Has the EPA responded to our request and what did they say with the letter that we sent them?"

Keith Green, Jr. stated, "I am unfamiliar with that."

Councilman Snyder stated, "The letter we sent to the EPA that was sent to South Central Planning actually, this is for the administration. We made a motion to send them a letter."

Natalie Robottom stated, "And we did and there was a response and actually representatives of South Central and their attorney who wrote the response is

here."

Councilman Snyder stated, "I read the response. I want to see the letter from the EPA and what they are saying. We got a letter from the attorney."

Natalie Robottom stated, "From South Central because they are the grant entity that is working with us and the recommendation at the time of legal counsel was that we deal with South Central since that is the person we had the agreement with which is why the letter was sent to them."

Councilman Snyder asked, "So you are telling that the EPA is telling us to deal with South Central?"

Natalie Robottom stated, "Us directly because we don't have an agreement with the EPA, we are working.."

Councilman Snyder stated, "Our direction was to send the letter to the District Attorney and let them look at it, send it back to you and you send it to South Central Planning and have South Central Planning send the letter off."

Natalie Robottom stated, "We did."

Councilman Snyder stated, "All we have gotten is a letter from South Central Planning's lawyers. Our letter was supposed to go to the EPA and have the EPA respond or has that letter even been sent to the EPA from South Central Planning?"

Natalie Robottom stated, "The question was again. I wasn't at the meeting but I read the minutes and the minutes were very specific as to who the letter went to in a conversation with EPA and South Central they were like don't send that to us we deal with South Central, you go through South Central they will deal with us and you will get a response because we are sub-recipients to a grant that South Central is managing. So our request or questions went to the person that we have the agreement with."

Councilman Snyder stated, "I think all of us around this table understand that part."

Natalie Robottom stated, "Okay and the response you got was from the entity that we are.."

Councilman Snyder stated, "An attorney, not from the EPA through South Central."

Natalie Robottom stated, "But I think it was after communications with them because they are the grant entity."

Councilman Snyder stated, "I'm sure if we sent them a letter they would have sent us a letter back and not do it through a telephone conversation."

Natalie Robottom stated, "And again because I am just hearing this we got their original response when the council made the motion and awarded the contract we forwarded that information to EPA and South Central and EPA did respond."

Councilman Snyder asked, "Who forwarded that information, the administration?"

Natalie Robottom stated, "South Central."

Councilman Snyder asked, "South Central did that?"

Natalie Robottom stated, "So once we had a concern, the contract was awarded to a firm that was not approved by EPA. So we sent that information to South Central and we actually had a phone call with them and the EPA and the EPA provided a written response."

Councilman Snyder asked, "So do we have a copy of that letter? The one that you sent to South Central can we get a copy of that? Can you email all of us a copy?"

Natalie Robottom asked, "Again?"

Councilman Snyder stated, "Yes."

Natalie Robottom stated, "I think you have it..."

Councilman Snyder stated, "No we don't. Not the letter that you sent to South Central and not the letter that was sent to the EPA. We haven't gotten that because it was my understanding that the letter came from the administration to the EPA but I would like clarification on some of it."

Natalie Robottom stated, "I will forward again all of the documents in the order. I think Jackie you had requested a whole bunch of documents the whole history."

Jackie Landeche, Council Secretary, stated, "Yes but we never received the letter."

Natalie Robottom stated, "Okay everything was included in that packet some of it was by email rather than a printed letter. The responses from South Central and some of the information from EPA was in emails rather than letter form. So we forwarded the history of what happened and all the documents including the scoring the letters, the request for additional information, the response to the award by EPA as well as South Central based on the letter that we sent there was a response provided as well to that to this council and again in an attempt to move this project forward because our grant funding as you guys know you have discussed it too has been in place since 2004. We have had two extensions and we are in jeopardy of losing those funds. It can go to another project but the amount of time that it would take to get that project up and going is a delay that South Central is suggesting that we not get into and try to spend these dollars. I think you had a question is it appropriate for you all to rescind your own motion?"

Councilman Madere stated, "I am listening to what everyone is saying and the most important comment was the one that was made by legal as far as I am concerned that they advise us to go about this a different way than what we are trying to proceed to tonight. I think Ms. Hotard gave a solution okay a possible solution that legal doesn't have a problem with and until we get that solution solved then I don't believe that we should move forward with doing anything. Now the whole thing is to get this project started and if that is the way that we have to go to do it legally where no one is in jeopardy the

parish or the council or anyone than that is the step that we have to go. We have to follow directions from legal. When we refuse to follow directions from legal any trouble you get in you are asking for it. So that is my suggestion concerning that. Now I have one other thing. I spoke to Kevin Belanger and I have spoken to Dena Hurst and Kevin is with South Central and I spoke to him on the phone and I spoke to her more than once and they both told me the same thing the process that we went through it is an okay process where you take the highest ranking one but you have the option on your own process whatever process that you tell them that you are using that is the one that they would adopt and I explained to him what the process was the fact that we just get the top five qualified ones and pick one from them. South Central said they had no problem with that. Dena Hurst said she had no problem with that she told me that once a process has been identified then they don't want you changing the process. Once you tell them what process you are using then they are fine with it they don't necessarily dictate the process. They just want you to give them the process and once you get it don't change it. That is what was told to me. It didn't make a difference how we picked the individual. It didn't have to be by the top ranked one okay I spoke to her and Kevin about this on the phone but they said the process was chosen and that is the one that got us into all of this here."

Natalie Robottom stated, "Actually that is correct and I think Mr. Snyder explained that in our meeting. Basically the process that was adopted by this council is the one that was submitted to them and that was the one they approved which is the one that we followed. So she was correct in that whatever process you are used to following it didn't have to be that one but that is the process that has been adopted by this council and is the one that when we put out the RFQ that was the process that was put out there and that was the one sent to EPA prior to the advertising saying this was how we were going to do it which is the one that they approved. So you are right if it had not been the approved process for this project well then there could have been other ways but for this project this was the approved process."

Councilwoman Hotard stated, "I know we can talk all night about the process but at the end of the day if it is the council's wishes to enter into the contract with this firm then we know that we will have to get C&S to retract their proposal and enter into the contract with Principal Engineering that is the only solution or to continue on the road that the contract is currently on. So those are the only two real options that we have right now to continue with the contract that we have or to offer a motion to enter into the contract with Principal Engineering contingent upon C&S retracting their proposal."

Councilman Becnel asked, "My question is this, this is my district and I wanted this thing to move forward. Now I have some questions when you say get C&S to withdraw their proposal I thought this was a beautiful agreement between two people that agreed upon something. My question is you said C&S withdrawing their proposal where does that leave them? Can they enter into the agreement afterward?"

Councilwoman Hotard stated, "Yes well they would still have their agreement with Principal that would still be in place but in order for us to award the contract.."

Councilman Becnel stated, "That is my biggest concern."

Natalie Robottom stated, "That recommendation would be the one that would be

approved contingent on the letter from C&S which obviously they participated in that agreement and are in line with that."

Councilman Perrilloux stated, "Mr. Becnel I am not going to go with that contingency. They got the contract and if they decide they want to opt out of it and we go with legal and that is what they want to do but I am not going with no contingency that they opt out and they get the contract I am not doing that. I would say we could put it back on the table because I am not doing that because they were awarded the contract and again I will say the process we talk about the A&E pool and picking this you all know I am totally against that it is foolishness. I am ready to abolish that and stop going with that but we already passed the five people and we will pick from that because if that name had never been sent we wouldn't be in this situation. Had they not counted their chickens before they hatched we wouldn't be in this situation."

Natalie Robottom stated, "Before we could make a recommendation to you we had to get approval from the funding source. So the chicken wasn't hatched first..."

Councilman Perrilloux stated, "Yes it was. We put the name in there and we put who we wanted. I am not going to vote for this. So if you want to table it lets table it. You can talk to C&S after I am going to go with what legal has said and I am not going with this other stuff."

Councilman Sorapuru stated, "I just want to make a comment Jaclyn and I know and all the members of this council know exactly we want to do the right thing but we cannot speak for C&S. We cannot. I don't think it is our responsibility to go to C&S and ask them to do anything or any other contractor."

Councilwoman Hotard stated, "I didn't suggest you do that."

Councilman Sorapuru stated, "We need to do this the right way. The law is the law. We have people that have grass violations. We have houses that need to be torn down and we are bringing people to court, people that can't afford to go to court. So let's make sure that we follow all of the rules if we are going to follow the rules."

Councilwoman Hotard stated, "I agree with you 100%."

Councilman Sorapuru stated, "Thank you."

Councilman Madere stated, "That was my point exactly when I stated this the first time that we are going to follow exactly what legal has said. My opinion is that we table this until we can get all of this straightened out."

Councilman Becnel stated, "That is what I was going to do."

Natalie Robottom stated, "I would like to make an official request for an official opinion on the validity of a contract that is awarded without funding in place."

Keith Green, Jr. asked, "I am sorry. I missed that what was the last part a legal opinion on the validity of?"

Natalie Robottom stated, "A contract without funding in place."

Keith Green, Jr. stated, "So the award of a contract without funding in place?"

That is a request made by the administration if this council desires our office to research that issue please move and do so and we will provide an opinion to that affect."

Councilwoman Hotard stated, "I just wanted to make a quick comment Councilman Sorapuru. The only thing that I suggested was procedurally how to get things done. What is a proper motion? What is not a proper motion? How to get this project moved forward because I know it is important to the West Bank not speaking for contractors to rescind anything, not asking them to rescind anything. I actually understand Roberts Rules of Order. This won't be the first time the council has ever not followed Roberts Rules of Order so I am very aware of it and I wouldn't do anything that isn't proper so I just want you to know that what I offered was a solution, a legal valid solution to it. If we want to table it and go back to the contractor and work this thing out I supported you guys the first time, the second time and I will continue to support the wishes procedurally I just wanted to say what two options that we had and now we have a third option we can table it. So if those are the wishes I am for that as well but you have to understand procedurally the options you have available to you and that is what I was offering."

MOTION: Councilman Becnel moved and Councilman Perrilloux seconded the motion to TABLE authorization to enter into a Professional Services Agreement with Principal Engineering for the St. John the Baptist Parish - Wastewater Treatment Plant Tank Rehab Project. The motion passed unanimously.

Adjournment

MOTION: Councilman Becnel moved and Councilwoman Remondet seconded the motion to adjourn the finance meeting. The motion passed unanimously.