COOPERATIVE ENDEAVOR AGREEMENT BETWEEN THE PONTCHARTRAIN LEVEE DISTRICT AND ST. JOHN THE BAPTIST PARISH COUNCIL FOR THE CHRISTMAS BONFIRE PROGRAM

BE IT MADE EFFECTIVE on this 24th day of October, 2017 this Cooperative Endeavor Agreement ("CEA") is entered into by and between:

THE PONTCHARTRAIN LEVEE DISTRICT, represented herein by its duly authorized and empowered President, Ricky Bosco (hereinafter referred to as "President"), and

ST. JOHN THE BAPTIST PARISH COUNCIL, represented herein by its duly authorized and empowered Parish President, Natalie Robottom (hereinafter referred to as "Parish")

Who hereby agree as follows:

WHEREAS, Article VII, Section 14(c) of the Constitution of the State of Louisiana provides that "for a public purpose, the state and its political subdivisions may engage in cooperative endeavors with each other, with the United States or its agencies, or with any public or private association, corporation, or individual"; and

WHEREAS, the lighting of the bonfires fulfills a valid public purpose through its supports of a long-held, local tradition of the Parish that continuously attracts out-of-state tourists and stimulates surrounding business activity and the local economy; and

WHEREAS, St. John the Baptist Parish Council, desires to implement a permit program for the construction of Christmas bonfires on the Mississippi River levee within the jurisdiction of the Pontchartrain Levee District; and

WHEREAS, the Board of Commissioners of the Pontchartrain Levee District is the public body which has been given the authority to regulate activities on the levee system as they relate to the maintenance and integrity of the levee structure itself.; and

WHEREAS, the President is acting pursuant to a motion passed by the Board of Levee Commissioners of the Pontchartrain Levee District at its meeting on September 25, 2017; and

WHEREAS, the Parish is acting pursuant to a resolution passed by St. John the Baptist Parish Council at its meeting on October 24, 2017.

NOW, THEREFORE, it is agreed as follows:

1. In implementing a Christmas Bonfire Program, St. John the Baptist Parish Council shall abide by and enforce such guidelines as are promulgated by the Pontchartrain Levee District for the protection of the structural integrity of the levee itself. A copy of the guidelines are attached.

2. St. John the Baptist Parish Council agrees that its Christmas bonfire permit program will be implemented at its own risk, and that although its permit granting authority may have been delegated for insurance purposes to Festival of Bonfires, Inc. or some other entity, the St. John the Baptist Parish Council shall remain primarily responsible and liable for the bonfire program conducted within its borders, and/or boundaries, and further agrees that the Pontchartrain Levee District, its officers, commissioners, agents, employees, and contractors shall not be liable for any special, incidental, consequential, punitive, compensatory or damages of any other kind, or any expense of any kind for injury to any person, persons, or property, directly or indirectly arising from the erection of Christmas bonfires on the Mississippi River levee, within the jurisdiction of St. John the Baptist Parish Council, and the implementation of a bonfire permit program by St. John the Baptist Parish Council.

St. John the Baptist Parish Council agrees to indemnify and hold the Pontchartrain Levee District, its officers, commissioners, agents, employees, and contractors harmless against any loss, cost, expense, damage, claim, action or liability claimed, paid, suffered or incurred as a result of the erection of any Christmas bonfire on the Mississippi River levee or within the levee servitude, within the jurisdiction of St. John the Baptist Parish Council by reason of any act, thing, or omission, or by reason of any alleged damage suffered by persons or property by reason of the erection such bonfires and/or the implementation of a bonfire permit program by St. John the Baptist Parish Council.

The Pontchartrain Levee District agrees to indemnify and hold St. John the Baptist Parish, its officers, commissioners, agents, employees, and contractors harmless against any loss, cost, expense, damage, claim, action or liability claimed, paid, suffered or incurred as a result from any defect in the levee.

3. St. John the Baptist Parish Council agrees to provide at its own cost and expense, and to maintain to full force and effect from November 5, 2017 until January 5, 2018 , a policy of public liability and property damage insurance, with the Pontchartrain Levee district as named insured, protecting the Levee District, its officers, commissioners, agents, employees, and contractors, with respect to any liability that may be imposed by law to third persons for bodily injury or death or for damage to property of third persons arising out of or in connection with construction of Christmas bonfires on the Mississippi River levee and the implementation of the St. John the Baptist Parish Council Christmas bonfire permit program.

The minimum amount of such liability insurance shall be TWO MILLION AND NO/100 ($2,000,000.00) DOLLARS.

IN WITNESS WHEREOF, the parties hereto have executed this contract as of the date shown below.

BY: _____
RICKY BOSCO, PRESIDENT
PONTCHARTRAIN LEVEE DISTRICT
DATE: 11-8-17

BY: Natalie Robottom
NATALIE ROBOTTOM
PARISH PRESIDENT
ST. JOHN THE BAPTIST PARISH
DATE: 10/24/17

FN: CBPA.2017

Permit # _____ Location _____

FESTIVAL OF THE BONFIRES, INC.

ST. JOHN THE BAPTIST PARISH-2017 Bonfire Permit

Permit issued to: _____ Date: _____

Street Address: _____

Mailing Address (if different) _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Driver's License: _____

Cell Phone: _____ E Mail Address: _____

PERMITTED BONFIRE CONSTRUCTION MAY **NOT**
BEGIN UNTIL SATURDAY, NOVEMBER 18, 2017

Failure to comply with the following regulations can result in the permit holder being fined and/or the BONFIRE SITE REVOKED

In order to protect the safety and integrity of the main line Mississippi River levees during the Bonfire Season, the following guidelines shall be established, strictly enforced, and adhered to by **ALL types of bonfires (BONFIRES ARE TO BE LOCATED ON THE LEVEE AGGREGATE CROWN ONLY):**

1. Bonfire permits are not to be issued until after the Annual Levee Inspection on or about **November 15, 2017** and the St. John the Baptist Parish Council meeting on **October 24, 2017**. Permission **must be** obtained from all landowners on whose property bonfires are to be constructed. **All permits are issued by St. John the Baptist Parish, Dept. of Public Safety for the Festival of the Bonfires, Inc.**

2. In order to further provide for the integrity of the levee, no excavation in the levee will be tolerated, other than one (1) hole per bonfire, not to exceed eighteen inches (18") for the center pole.

3. Bonfire size limitations for levee protection and public safety are as follows:
   Note: These size limitations apply to ALL bonfires and ALL permit holders. AGAIN, BONFIRES ARE TO BE PLACED ON THE LEVEE AGGREGATE CROWN ONLY

   a) **Maximum Height**: 15 feet, from base of center pole to top of center pole

   b) **"Traditional" Maximum Width and Length**: 12 feet by 12 feet

   c) **"Governmental/Tourist Entity" Maximum Width and Length:** 12 feet width by 24 feet length

   All side poles must be securely tied to the center pole using #16 wire or larger.

4. All bonfires are to be constructed on the location approved by the local governing authority, and each bonfire must have a visible numbered sign, with number(s) no smaller than 6" in height, so as to be identified in the event of a violation. This sign shall not be removed until the bonfire has been burned. All bonfires must be constructed a minimum of 120 feet apart, 150 feet from any structure, building, etc., (bonfire height and width may be limited at this distance) and 400 feet from any facility with flammable materials. BONFIRES ARE TO BE LOCATED ON THE LEVEE AGGREGATE CROWN ONLY.

5. No huts, buildings, sofas, chairs, or structures of any kind, other than the bonfire itself, will be allowed at any bonfire site. **This includes, but is not limited to, pallets, spools, and any items with nails, screws, or other sharp metals that may hinder regular levee maintenance. Periodic inspections by Dept. of Public Safety personnel of the bonfire sites for violations from the beginning of the construction phase to the end of burning the bonfire will result in permit cancellation and/or said permit holder(s) being prohibited from participating in the bonfire season for a minimum of one (1) year.**

6. Tires, creosote timbers, plastics, or any type of hazardous materials, including, but not limited to, homemade or purchased explosives, such as fireworks, roman candles, bottle rockets, sparklers, or any flammable type of explosive of any nature or kind, are prohibited in, on, or around the bonfire area. **Firecrackers may be placed on the bonfire structure.** ***Firecrackers are defined as those items that merely pop and do NOT launch/shoot/propel***. Permit holder assumes all liability for use, placement, lighting, and explosion of firecrackers.

PONTCHARTRAIN LEVEE DISTRICT WILL NOT AND DOES NOT AUTHORIZE ANY PERMIT HOLDERS(S) TO HAVE A "FIREWORKS SHOW/DISPLAY" OF ANY KIND ON THE FLOOD SIDE (BACKSIDE) OF THE BATTURE.

Violation of this directive will result in said permit holder(s) being prohibited from participating in the bonfire season for a minimum of one (1) year.

7. Diesel fuel shall be the only authorized agent used in the assistance of igniting the bonfire and WILL ONLY BE ALLOWED TO BE APPLIED/SOAKED ONTO THE BONFIRE STRUCTURE DURING THE MORNING OF DECEMBER 24, 2017, AND NOT BEFORE THAT DATE.

8. No more than four (4) vehicle permits will be allowed at each bonfire site, and the permit must be visibly displayed on the vehicle's dash during construction of the bonfire. No other vehicles will be allowed at each bonfire site. The use of dirt bikes, three and/or four wheelers, golf carts, and/or any and all other unauthorized motor vehicles are strictly PROHIBITED. THERE ARE TO BE NO OTHER VEHICLES AT THE BONFIRE SITE, EXCEPT THOSE VEHICLES WITH A PERMIT FOR THAT SITE – this means that, if you have a vehicle permit for Bonfire No. 1, the vehicle MUST be parked behind Bonfire No. 1 and not down the levee/road at another bonfire site.

   The vehicle permits are for construction purposes and are for a specific bonfire number in a specific area. The permit ONLY allows the vehicle to be at that particular bonfire site on the levee. The permits are not intended to allow for traveling up and down River Road, via the levee system. The permits are issued to reduce the amount of traffic and to contain the area of travel on the levee system.

   Once construction is complete, those vehicle permits shall be void. Unauthorized vehicles are prohibited, violators will be **TICKETED**, and the vehicle permit will be revoked. ALL vehicle permits shall expire on DECEMBER 24, 2017, AT NOON; this regulation will be **strictly enforced**. At 12 NOON on December 24, 2017, ALL unauthorized vehicles are to be off of the levee and removed from the bonfire site.

9. ***NO PARKING OR RIDING ON THE FRONT, GRASSY LEVEE SLOPE*** by any vehicles. **The use of dirt bikes, three and/or four wheelers, golf carts, and/or any and all other unauthorized motor vehicles are strictly PROHIBITED.** Only vehicles with permits are to use dedicated ramps (SEE ATTACHED) for entrance to the site and to utilize the backside concrete slope for access to the top of the levee. **This regulation will be strictly enforced. THERE IS TO BE NO PARKING ON THE CONCRETE SLOPE, AND VEHICLES MUST PARK ON THE BACKSIDE TOE (BOTTOM) OF THE LEVEE, DIRECTLY BEHIND THE BONFIRE SITE FOR WHICH THE PERMIT IS ISSUED. (See No. 8 above).**

   Permit holders are to drive up to the bonfire site, unload materials, and drive down the backside of the levee, and park at the bottom toe of the levee, within the 40' right-of-way. DO NOT PARK AND/OR UNLOAD ON THE CONCRETE SLOPE PAVEMENT AT ANY TIME.

10. The deadline for the completion of construction of the bonfires will be December 24, 2017, at 12 noon.

11. Local Law Enforcement Agencies and/or the Pontchartrain Levee District and/or the Festival of the Bonfires, Inc., shall have the authority to enforce permit regulations and/or to prosecute violations. Video cameras may be utilized to record these violations.

12. In the event of high water and/or emergency conditions during the permitted bonfire activities, the Levee District, Board of Commissioners, will take appropriate action to delay, postpone, or cancel all or part of the bonfire activities and may require removal of all bonfire materials within 48 hours of the official notice.

13. No permits will be issued to any persons under the age of 18. The permit holder must be an adult and assumes full responsibility to comply with these regulations. **"ASSUMING FULL RESPONSIBILITY" on behalf of the permit holder causes permit holder to be responsible for the actions of ALL i.e. take upon himself/herself the obligation to be held accountable for act(s) done by others.** No permits will be issued after December 9, 2017.

14. **BONFIRES WILL BE LIT UPON DETERMINATION OF FAVORABLE WEATHER CONDITIONS, IN COOPERATION WITH THE LOCAL FIRE CHIEF AND EOC DIRECTOR OF THAT PARISH. THE FIRE CHIEF WILL ISSUE BURN PERMITS AT THE BONFIRE SITE BEFORE THE BONFIRES ARE LIT.** NOTE: Under no condition will permission be granted to ignite the bonfires if the winds are blowing from a direction that would create a fire hazard to any buildings or homes, among other things.

15. Should the Christmas Eve lighting of bonfires be canceled for any reason, permit holders will be provided with instructions concerning the date and time for the rescheduling of the lighting within 48 hours. **In no case will the lighting of the bonfires be extended beyond New Year's Eve.**

16. **No bonfires will be lit before 7:00 p.m. on Christmas Eve**.

17. The transferal of a bonfire permit from the original permit holder is strictly prohibited.

18. No loud music or other noise will be allowed on or near the bonfire sites during the construction period.

19. No racial, inflammatory, political or derogatory symbols, emblems, or statements will be allowed on any permitted structure or in the protected area of the Mississippi River Levee. **All complaints will be promptly**

investigated and appropriate actions taken immediately, including loss of Permit and removal of the bonfire structure. Any question as to the interpretation of this statement will be determined by the Dept. of Public Safety.

20. No working on the bonfires after dark and everyone shall be off of the levee at 8:00 p.m., **except on December 15th through December 23rd when everyone must be off of the levee by 9:00 p.m.**

21. By virtue of paying the permit fee to Festival of the Bonfires, Inc., permit holders and all participants listed on said permit automatically become members (non-voting) of the Festival of the Bonfires, Inc. All members of the association will be insured for liability, subject to the policy conditions.

22. Any River Road side property owner or owner of the batture who has not obtained a permit, but who has given permission to another to construct a bonfire on his property, shall be made a member of the Festival of the Bonfires, Inc., as well.

23. It is the responsibility of the permit holder to clean his bonfire area by **the opening of business on Tuesday, January 2, 2017.** Cleanup shall consist of cutting and disposing of unburned bonfire logs greater than (4') in length, as well as, picking up and disposing of any trash (cans, paper, firework materials, homemade 'bridges,' etc.) from around his/her permitted bonfire area.

PERIODICE INSPECTIONS OF THE BONFIRE SITES IN THE PARISHES WILL BE CONDUCTED BY THE PONTCHARTRAIN LEVEE DISTRICT POLICE CAPTIAN, LOCAL LAW ENFORCEMENT AND DEPT. OF PUBLIC SAFETY PERSONNEL TO SURVEY CLEAN UP FOR COMPLIANCE. THOSE SITED FOUND IN VIOLATION MAY BE SUBJECT TO A CITATION ISSUED TO SAID PERMIT HOLDER.

24. Should the St. John Sheriff's Office or the St. John the Baptist Parish Dept. of Public Safety receive any substantiated complaints against a bonfire location, the St. John the Baptist Parish Dept. of Public Safety reserves the right to refuse to grant any future permits to any and all members of that bonfire location.

25. If any attorney fees or costs are incurred in the enforcement of these guidelines, the Pontchartrain Levee District shall be reimbursed by the violator for the incurred costs.

26. **During the 2017 Bonfire Season (November 18, 2017 through January 2, 2018) any incident, issue, injury and/or accident of any kind occurring at a permitted bonfire site is to be reported immediately to the local parish sheriff's department and Festival of Bonfires representative Jason Amato at 225-268-6902 who will work in cooperation with the Pontchartrain Levee District Police and St. John Emergency Preparedness Office at 985-652-2222 in providing the appropriate response.**

I have read, understand, and accept responsibility for compliance with the above rules and regulations.

_____ _____

(Signature) **(Witness)**

LETTER OF NO-OBJECTION BY LAND OWNER

I, _____, hereby authorize_____, whose name appears on this application to construct and burn a bonfire on property owned by me, or assigned to members of my immediate family by state law. I agree to hold harmless the Parish of St. John the Baptist, its officials or agents for any damages resulting from the use of said land as a result of ALL activities associated with the issuing of this permit.

_____ Signature of Witness

_____ Signature of Landowner

_____ Address

Contact St John the Baptist Parish, Dept. of Public Safety at (652-2222), to include additional names.

Participants:

1	**8**
2	**9**
3	**10**
4	**11**
5	**12**
6	**13**
7	**14**

ST. JOHN THE BAPTIST PARISH COUNCIL

1805 West Airline Hwy.
LaPlace, Louisiana 70068
Office 985-652-1702
Fax 985-652-1700

Division A
Larry Sorapuru, Jr.
502 Hwy. 18 River Road
Edgard, LA 70049
Cell 504-218-9049

Division B
Jaclyn S. Hotard
1805 W. Airline Hwy.
LaPlace, LA 70068
Office 985-652-1702

District I
Kurt Becnel
5605 Hwy. 18 River Rd
Town of Wallace
Vacherie, LA 70090
Cell 504-330-6338

District II
Julia Remondet
1805 W. Airline Hwy.
LaPlace, LA 70068
Cell 504-330-7739

District III
Lennix Madere, Jr.
P.O. Box 2617
Reserve, LA 70084
Cell 985-379-6188

District IV
Marvin Perrilloux
2108 Golfview
LaPlace, LA 70068
Cell 985-379-6168

District V
Michael P. Wright
1805 W. Airline Hwy.
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Cell 504-717-3936

District VI
Larry Snyder
1936 Cambridge Drive
LaPlace, LA 70068
Cell 985-379-6061

District VII
Raj Pannu
2169 Augusta Drive
LaPlace, LA 70068
Cell 504-417-3282

October 25th, 2017

Natalie Robottom, Parish President
ST. JOHN THE BAPTIST PARISH
1801 W. Airline Hwy.
LaPlace, LA 70068

Dear Mrs. Robottom:

Please be advised of the following motion, which the St. John the Baptist Parish Council adopted at a meeting held on Tuesday, October 24th, 2017.

> ***"Councilman Sorapuru moved and Councilman Becnel seconded the motion to grant administration authorization to enter into an agreement with the Pontchartrain Levee District for the 2017 Festival of the Bonfires. The motion passed with Councilwoman Hotard and Councilman Wright absent."***

CERTIFICATION

I, Jackie Landeche, Secretary of the St. John the Baptist Parish Council do hereby certify that the above is a true and correct copy of a motion adopted by said body on the 24th day of October, 2017.

October 25th, 2017,

Jackie Landeche
Council Secretary
St. John the Baptist Parish Council

MOTION

Commissioner Hebert moved, seconded by Commissioner Wilson to approve the 2017 Bonfire Guidelines and authorize Board President, Ricky Bosco, to sign the Christmas Bonfire Agreements with all governmental entities as recommended by committee. The motion carried.

CERTIFICATE

I, Mel D. Bush, Secretary to the Board of Commissioners for the Pontchartrain Levee District, do hereby certify that the above and foregoing is a true and correct copy of a motion adopted by the Board at a regular meeting held on September 25, 2017 at which a quorum was present.

LUTCHER, LOUISIANA, this 25th day of September, 2017.

Mel D. Bush

Mel D. Bush
Secretary

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