

FEBRUARY 14, 2006
RACELAND, LOUISIANA

STATE OF LOUISIANA
PARISH LAFOURCHE

A REGULAR MEETING OF THE LAFOURCHE PARISH COUNCIL, PARISH OF LAFOURCHE, STATE OF LOUISIANA, WAS SCHEDULED FOR TUESDAY, FEBRUARY 14, 2006 AT 6:00 P.M., AT THE LAFOURCHE PARISH COUNCIL BARRIOS CENTER, 1612 HIGHWAY 182, SUITE 100, RACELAND, LOUISIANA.

The Lafourche Parish Council was duly convened as the governing authority of said Parish by Mr. Brent Callais, Chairman, who then stated that the Lafourche Parish Council was ready for the transaction of business at 6:01 p.m.

Chairman Callais announced that the invocation would be led by Mr. Mark Atzenhoffer. The Council then recited the Pledge of Allegiance led by Mr. Lindel Toups. Proceedings of the meeting were called to order with the following:

PRESENT:	Mr. Michael Delatte	Mr. Michael Matherne
	Mr. Lindel Toups	Mr. Phillip Gouaux
	Mr. Brent Callais, Chairman	Mr. Daniel Lorraine
	Dr. Tommy Lasseigne	Mr. Tyrone Williams
	Mr. Mark Atzenhoffer, Vice-Chair	

ABSENT: Mrs. Charlotte Randolph, Parish President

APPROVAL OF COUNCIL MINUTES

The next item (1) on the agenda was a motion to accept the minutes of the January 24, 2006 Regular Session meeting. A **motion** was offered by Mr. Lindel Toups and seconded by Mr. Michael Delatte to accept the January 24, 2006 minutes. Mr. Lorraine stated that he would like the January 24, 2006 corrected to reflect the statement made by Mr. Ray Cheramie at the January 24, 2006 meeting wherein he stated that a letter from the Coast Guard regarding bridge curfews had been sent to the Council Clerk. Mr. Lorraine produced a copy of said letter and stated that the letter had been sent to the Department of Public Works in Raceland and further that the Council Clerk had received a courtesy copy. The minutes were **approved** by a vote of eight (8) yeas and one (0) nay, that being of Mr. Michael Matherne.

The next item (2) on the agenda was a motion to accept the minutes of the February 6, 2006 Solid Waste Subcommittee. A **motion** was offered by Mr. Lindel Toups and seconded by Mr. Michael Delatte to accept the February 6, 2006 minutes. The minutes were **approved** by a vote of eight (8) yeas, zero (0) nays and one (1) abstention, that being of Mr. Daniel Lorraine.

Next a **motion** to appoint Mr. Lindel Toups as a new member to the Solid Waste Subcommittee to replace Mr. Brent Callais since the Chairman serves as an honorary member was offered by Mr. Phillip Gouaux, seconded by Mr. Lindel Toups and **carried** by a vote of nine (9) yeas and zero (0) nays.

PUBLIC WISHING TO ADDRESS THE COUNCIL

The next item (3) on the agenda was the Public to address the Council. Mr. Robert Hale addressed the Council regarding the Tina Guidry development and the Planning Commission's process

for accepting subdivision developments. He explained that everything that had been requested for the subdivision had been done, and then elaborated on same. Mr. Hale stated that there was some confusion as to whether the street was a parish street or not, and then produced a copy of a resolution which he stated was passed by the Parish Council in 1993 which showed the street was a parish street. He pointed out that the Parish had been maintaining the road and added that the State said that it was not their road. Mr. Hale stated that he would ask that the Council accept the subdivision. He said that it was only being asked that the Council accept the maintenance of the ditches that they had asked be dug on the back of the lots. Mr. Hale then spoke of the Council's legal authority with regards to the matter. He then handed Chairman Callais the resolution he had spoken of earlier. Dr. Lasseigne clarified that Mr. Hale had conformed with everything that the Planning Commission had requested, to which Mr. Hale responded yes. Dr. Lasseigne then asked what was the problem being had? Mr. Hale then explained various problems, such as the street being named as an unsafe street and flooding of the streets. Dr. Lasseigne then asked if the Planning Commission had recommended acceptance, to which Mr. Hale responded yes. Dr. Lasseigne stated that matter could be put on the agenda for adoption.

Ms. Barbara Danos next addressed the Council regarding Item (35) pertaining to bridge curfews. She began by thanking Mr. Daniel Lorraine, saying that she was not from his district, but that he was the only one that had helped her with obtaining curfews on the bridges. Ms. Danos stated that she was a school bus driver and appreciated the bridge curfews very much. She then voiced that what Mr. Lorraine did as his job had nothing to do with being a councilman or his district and further that she hoped Mr. Ray Cheramie would refrain from talking about other companies at the meetings.

Mr. Daniel Lorraine made a **motion** to deviate from the regular agenda and go to Item (35) on the February 14, 2006 agenda, seconded by Mr. Lindel Toups and **carried** by a vote of eight (8) yeas and one (1) nay, that being of Mr. Mark Atzenhoffer.

Item (35) on the agenda was a resolution amending Resolution No. 04-061 in order to change the time of the morning bridge curfew in Lafourche Parish and resubmit the request to the United States Coast Guard on the Larose Draw Bridge. A **motion** was made by Mr. Daniel Lorraine and seconded by Mr. Phillip Gouaux. Mr. Lorraine explained that when Resolution No. 04-061 was submitted it named seven (7) bridges but for some unknown reason only six (6) were addressed. He then spoke of a previous attempt approximately seventeen (17) year prior to the present time to put a curfew on the Larose High Rise Bridge, giving the vote of same. Mr. Lorraine then stated that for some reason the Larose High Rise Bridge had not been included in the resolution sent to the Coast Guard. He then said that all of the letters that had been sent to the Department of Public Works and the Department of Transportation and Development stated six (6) bridges, pointing out that the Coast Guard had made a mistake with the time. Mr. Lorraine said that the time was correct when given to them, stating same, and saying that there was a half hour difference. He said that now he was trying to get the time put back to 8:30 a.m. where it should be. Mr. Lorraine said that he would also like to send a copy of Resolution No. 04-061 along with an amended one showing that the Larose High Rise Bridge was the most important one for the buses. The resolution **carried** by a vote of nine (9) yeas and zero (0) nays.

RES. NO. 06-035 AMEND RES. NO. 04-061, CHANGE TIME OF BRIDGE CURFEW

A **motion** was made by Mr. Lindel Toups to return to the regular agenda, seconded by Mr. Daniel Lorraine and **carried** by a vote of nine (9) yeas and zero (0) nays.

Ms. Charlene Rodriguez with the Lafourche Parish Council on Aging next explained the handout which had been previously given to the Council, explaining that Climb Aboard! was for people who needed help with prescription assistance who were eighteen (18) years of age or older, and stated the time and date that the bus would be available at the Barrios Center Building for the program.

Mr. Neal Swanner next addressed the Council with regards to recreation tax millage. Mr. Swanner expressed his concerns regarding the tax millage, adding that he did not think that the suggested amount was enough to allow for growth. He said that also he was concerned, along with some of the other recreation districts, with the breaking down of the tax millages and what the future held for the monies of the recreation districts. Mr. Atzenhoffer then asked Mr. Swanner what he thought the millage should be, to which he stated at least 2.65, adding that he would like to know who the extra percent would effect and where it would come from. Mr. Atzenhoffer then asked Mr. Swanner what his recreation district would do with the extra money, to which Mr. Swanner named several things, including lights, walking trails and bathroom facilities. Mr. Atzenhoffer then inquired as to whether Mr. Swanner had submitted a list of those request and Mr. Swanner responded that they had done so and further that he had received a call from Mr. Matherne stating that there were funds available for that.

Mr. Danny Mayet, Chairman of Recreation District No. 2, addressed the Council by handing out a small packet and then began discussions regarding the recreation millage renewals. He said that the present renewal rate would not allow for any growth for the next ten (10) years. Mr. Mayet said that the handout was a time line and then stated that he had been to a lot of meetings asking for a committee to research recreation for the Parish. He then explained the contents of the handout he referred to as a time line which included correspondence from President Randolph, from Recreation District No. 2 and also correspondence from Mr. Brennan Matherne, Director of Parks, Recreation and Public Facilities. Mr. Mayet stated that there had not been a committee as was stated. He then explained that they had requested a list on February 13, 2006 with regards to all of the recreation districts and was told that he would have to submit a letter for public information to Mrs. Shannon Chiasson in order to get recreation records. Mr. Mayet said that he wanted to make sure that the Council was aware that they had submitted a list of needs and further that he felt all recreation districts had needs. He reiterated that there would be no room for growth with a same rate renewal and possibly that it may not be possible to maintain the districts at the same rate. Mr. Mayet requested that the item be pulled from the election, saying that the millage did not expire until 2008. He then stated that it seemed to him that all of the millages coming up for renewal at a special elections were all lumped into one, and not individual items on the ballot. Mr. Mayet inquired as to whether anyone knew about the issue. Mr. Curole stated that it was his understanding that in the past they had always been put into one (1) ordinance. Dr. Lasseigne stated his intention to divide the propositions and have the Council vote on each one (1) separately. Mrs. Shannon Chiasson explained that the propositions would be presented separately on the ballot. She then stated that the millage Mr. Mayet was speaking of expired in 2006. Mr. Curole then explained that it was his understanding from a recent workshop that if the propositions were separated into individual ordinances it would not be cost effective as it would be multiplying the advertising costs and elaborated on same. Mr. Mayet clarified that each proposition would be listed on the ballot separately, to which Mr. Curole stated that they would be listed separately. Mr. Lorraine then explained to Mr. Mayet the various rates of the millages in 2003 and 2004, adding that the millage could go up to 1.83. Mr. Mayet stated that in his opinion he thought that 3 mils should be gone to with regards to recreation, which he said would help the recreation districts grow over the next (10) years.

Mr. Charlie Callais was next to address the Council, but requested time at the next Council meeting as President Randolph was not present. Chairman Callais then advised Mr. Callais that he would be put on the next meeting agenda.

ADMINISTRATIVE REPORT(S)

The next item on the agenda was administrative reports.

Mr. Cheramie offered a visual presentation which showed various projects done by the Department of Public Works to accommodate some of the drainage issues being had in the following areas:

Waverly Road-District 1, Road side ditch
Talbot Road-District 1, (State) Drainage East Winder to Degravelle
Boudreaux Street-District 2, Road side ditch
Sanchez Bridge-District 2
Choctaw Highway-District 2, Beginning
St. Bernard – Ethel St-District 3, St. Bernard and corner of Ethel St. facing South
St Bernard – Edley St-District 3, St Bernard and corner of Edley St facing North and South
St Bernard – Leonard St-District 3, St. Bernard and corner of Leonard St facing North and South
David Drive-District 4, Putting culverts
Drainage District 3 or 12-District 5, State Hwy 652, headed towards Lake Fields
Twin Oaks Outfall-District 6
Elvira Drive-District 6, Road side ditch
Valentine (old)-District 6, Valentine (old)
Point Aux Chene (lower)-District 7, Raising Levee
East 15th Street-District 7, Road side cleaning
Clovelly Farm Road-District 8, East 36th or East 37th. New bridge construction.
West 6th Street-District 8, Road side cleaning.
West 14th St-District 8, Gloria Bouvier 112 West 14th Street
West 163rd Outfall-District 9, Outfall off of Hwy 3235. Drains W163rd, W162nd, W161st and Rosavilla.
West 200th-District 9, Culvert cleaning
Serigny Levee-District 9, Cleaning debris off of levee

Mr. Matherne reminded Mr. Cheramie that there had been preliminary discussions in the previous year pertaining to the addition of another pump at the Leighton Pump station that he said would help three (3) councilmatic districts, and then he asked for a plan or time line on that issue. Mr. Cheramie stated that was priority number 1 on the projects he had recommended . He went on to say that the project was included in the budget but had been removed and gave his reasoning for same. Mr. Cheramie stated that he would still think it to be a number one (1) priority project because the pump and the engine were already had, and that the costs in building it would be minimal. Mr. Matherne inquired as to the price of the project, to which Mr. Cheramie stated that \$300,000 had been allowed and added that he thought that it could done for that amount. Mr. Toups then advised Mr. Cheramie about calls he had received regarding the Clovelly Road and the need for grading of the road. He asked if a grader from another part of the Parish could be obtained and used to grade the Clovelly Road? Mr. Cheramie then spoke of old road machines still had by the Parish, saying that two (2) were broken and that for one (1) of them they were awaiting hard-to-get parts from Canada. Mr. Cheramie stated that a smaller piece of equipment had been rented and the road had been graded the week of February 13, 2006. He then explained the difficulties being had with having to use the smaller machine.

Mr. Brennan Matherne, Director of Parks, Recreation and Public Facilities next gave a briefing on the ongoing projects in the department, of which he had previously handed out a copy to the Council. Chairman Callais inquired about the cutting down of pine trees on the left side of the Lafourche Parish Library Headquarters, pointing out that a parking lot had been taken away to build a park but that now within three hundred (300') feet of that area, trees were going to be cut down to build a parking lot. Mr. Matherne explained that there was currently a concern for parking in Thibodaux, he then gave reasons for saying that a green space was better had where the construction was presently ongoing. He said that the removal of the trees would alleviate a big problem until the District Attorney's office moved into the Whitney Bank Building for the parking of Parish employee vehicles. Dr. Lasseigne inquired as to how the moving of the District Attorney's office would help with the parking situation, to which Mr. Matherne said that it was felt that when

the District Attorney's Office would move that there would be more parking space at the Whitney Building which would clear up a lot of parking on the street, saying that he did not necessarily believe that would alleviate the problem. He continued to voice reasons for the need of the parking lot, adding that if the Council had an objection to it to let him know. Dr. Lasseigne pointed out that not very many vehicles would be able to park in the area and suggested that the vehicles be parked at the Field Office and picked up in the morning. Discussions on the matter continued. Mr. Matherne explained that the concern was not the parking of the vehicles at night but during the day, saying that work time was lost when someone had to walk three (3) to four (4) blocks to get to the office. He continued to explain reasons for the need of the parking lot. Mr. Michael Matherne stated that he agreed with Dr. Lasseigne in that he did not want the pine trees cut down. He said that it was downtown Thibodaux, and that someone can not just park in front of the business that they wanted to go into. He continued to voice reasons on why the trees should not be cut down and stated that he would ask whomever made the decision to cut down anything or covering up grass, to reconsider. Mr. Brennan Matherne stated that due to the sentiment to keep the trees that they would reconsider and try to find another solution.

Mr. Ray Cheramie stated that he also had a presentation with regards to the work done in the other four (4) Council Districts, but that he was asked to delay that presentation to the next meeting because it was Valentine's Day.

ENGINEERING AND ARCHITECT REPORT(S)

The next item on the agenda was a presentation of planned, presently on going, recently completed or other projects by appropriate engineering firms engaged by the Parish.

Mr. Joseph C. Picciola, II, Picciola & Associates, Inc. gave an engineering report on ongoing projects, (attached hereto as Exhibit 1). Chairman Callais reminded Mr. Picciola that he and Mr. Lorraine had requested some change orders and inquired whether that was being worked on? Mr. Picciola stated that they were working on estimates to give to the Administration. Chairman Callais asked if Mr. Picciola knew how long that would take, to which Mr. Picciola stated hopefully the week of February 13, 2006 and he then asked Mr. Curole if he had received an estimate? Mr. Curole stated that it was possible that it was on his e-mail but that he had not seen it. Mr. Picciola said that he would check on it. Mr. Toups then inquired about Fantastic Acres, asking how many more days were being looked at before completion? Mr. Picciola said that he would hope that it would be finished with 45 to 60 days. Mr. Lorraine advised Mr. Picciola that the projects that Chairman Callais was speaking about were in the original contract but that at the time of meeting, Mr. Picciola did not have enough time to engineer them. He then elaborated on same. Mr. Atzenhoffer pointed out that Project 6C was not on the list, to which Mr. Picciola stated that he did not report on that project and that Mr. Larry Picciola did. Mr. Picciola then asked if Mr. Atzenhoffer had any specific questions and Mr. Atzenhoffer stated that he wanted clarification on the receiving of bids in March 2006 on the project. Mr. Picciola said that the plans were 90% done but that there were items they were talking about adding to the project, saying that he was not sure if they had obtained approval or not. A brief discussion on the matter ensued. Mr. Cheramie clarified to Mr. Toups that with regards to Fantastic Pump Station that he was hoping it would 30 to 45 days, as the pumps and engines had been overhauled and that the delay was not on the part of the contractor, but on the obtaining of right-of-ways.

Mr. Jay Caillouet next addressed the Council and gave an update on ongoing projects. He first reported on the Health Unit Project saying that it was moving well and that the completion of the project was expected for the beginning of May. Mr. Caillouet said that the new addition was approximately 80% complete, saying that within a couple of weeks that breaking into the existing structure should occur. He then reported on the ongoing library projects, saying that there were two (2) change orders on the February 14, 2006 agenda with regards to the Raceland and Bayou Blue

libraries. He said that the Galliano facility was moving well, with the roof being completed and the hanging of sheet rock being done. Mr. Caillouet said that all of the demolition work had been completed and reconstruction was now being done. He then reported on the Choctaw/6 Ward and Bayou Blue library. Mr. Atzenhoffer inquired as to the change order for Item (30) on the February 14, 2006 agenda. Mr. Caillouet explained that there were two (2) change orders, explaining that the change order for the Bayou Blue facility specifically dealt with an extension of time due to Hurricane Katrina. He then said that for the Raceland project additional days had been asked for but also an increase, which he said was due to a situation with the electrical service to the facility. Mr. Caillouet went on to explain that when they were finalizing the bid documents, Entergy had been contacted with regards to having the connection behind the building to which Entergy was to secure the right-of-way from the Recreation District. He then said that when the hook-up was ready to be done, it was said that a rear hook-up was not really wanted but that the connection should be taken from the Recreation Center along the road way to the site for which a right-of-way would be granted. Mr. Caillouet said that in doing the connection that way, it would allow the Recreation District to put street lights along the street as well as light their new parking area. He said that the problem that had been ran into was that the service was no longer at the end of the building but around the building for which the contractor was requesting \$4,386.68 to make the hook-up. Mr. Atzenhoffer clarified that if the Recreation District had granted a right-of-way at the rear of the property, an additional \$4,400 would not have to be paid, to which Mr. Caillouet said no, that that had all be taken into consideration in the initial bid price. Mr. Caillouet then explained various correspondence received regarding the matter. Dr. Lasseigne asked why was the Parish paying to do something that the Recreation District wanted done? Mr. Caillouet stated that was a good question and then pointed out that a dollar had been paid to use their property for 99 years. Dr. Lasseigne pointed out that what was being spoken about was all Parish funds.

LEGAL ADVISOR REPORT

The next item (4) on the agenda was a discussion concerning the recent Attorney General opinion regarding the ad valorem tax proposition approved on November 2, 2004. Mr. Camille A. Morvant, II stated that the conclusion of the Attorney General's opinion was on the last page of the opinion and reminded everyone that this matter dealt with the special election that was had for the ad valorem tax for public health activities and senior citizen related activities. He went on to say that the question was whether some of those proceeds could be used for public buildings or other purposes, to which he quoted from the opinion, saying that it was their opinion that none of the tax proceeds could be used for purposes other than those related to public health or senior citizens. Mr. Morvant said that neither the accumulated funds, surplus or any other monies collected pursuant to the ad valorem tax could be used for anything other than public health or senior citizens. Mr. Lorraine asked what would happen if some of the money being spoken of had been spent, inquiring whether it would have to be put back? Mr. Morvant said that the money would have to be returned, but informed Mr. Lorraine that if he had information on that, he could look at it to see why it was spent, where it had come from and for what purpose it was used. He told Mr. Lorraine that he would be a better position to answer his question if he could give him more information on it. Mr. Morvant said that the bottom line was that the Attorney General said that the money could only be spent for the purpose of public health and senior citizens. Mr. Curole stated that he wanted to point out that Mr. Lorraine was correct, and that the 2006 Budget contained monies from the fund balance used for buildings and that that had been a part of the original intent. He continued to speak on the matter. Mr. Curole said that what was been said now was that none of the monies could be used for buildings. He said that the purchase of the Whitney Building had been done and that the idea was that the fund balance would be used for the purchase to re-pay the loan that had allowed the obtaining of it. Mr. Curole said that no longer could the lump sum be used for the purchase, nor the

25% to pay the note. He said that he thought it to be important to look at the opinion and respectfully acknowledge that it was opinion, but that the Attorney General needed to be visited with in order to see if he might review it and come up with another opinion on the issue. Mr. Curole then stated that Ms. Meredith Hathorn of Foley and Judell, L.L.P. could give some options on the matter, adding that he thought bigger problems were had than was thought earlier when it was questioned whether the fund balance could be used 100% or 25%. Ms. Hathorn stated that they respectfully disagreed with the Attorney General's opinion that was rendered particularly with respect to use of the proceeds for public buildings. She went on to say that there were options, naming them as being not taking any action at all, ordering a new election that made it clear that public buildings was one of the purposes, obtaining a declaratory judgment or what the option they were recommending, that being the authorizing of Foley & Judell to meet with the Attorney General's office. Ms. Hathorn said that they had contacted the First Assistant Attorney General and reported that he was prepared to set up a meeting with them the week of February 20, 2006. She said that given the fact that they were not afforded an opportunity to come before him before the opinion was rendered, that they were willing to sit down and listen to their arguments along with any additional information that may be had. Ms. Hathorn said that after obtaining the information, that the Attorney General's office would then make their decision as to whether they would maintain the opinion as it was written, modify it or rescind it. Mr. Lorraine stated that he really thought that the ending fund balance was voted on by the people and that with the rededication the way it was written, that those monies could be used but not the ending fund balance because it had been voted on strictly for health units. He went on to say that when it was rededicated though, he would feel that the 25% should be able to be used. Mr. Gouaux asked if a motion or permission was needed from the Council in order to have Foley & Judell go before the Attorney General, to which Ms. Hathorn stated that she would not want to go before the Attorney General without the Council being prepared. Mr. Morvant stated that he would recommend that the Council present the matter as a vote because the opinion was requested by the Council and issued to the Council, saying that before another attorney could get involved to discuss the opinion with the Attorney General, that he would recommend that the Council discuss the matter and vote on giving authority to go before the Attorney General in order to discuss the matter. Mr. Atzenhoffer ask for a point of clarity as to whether this should be brought up as a Two-Thirds item or from a motion from the floor, to which Mr. Morvant stated that a motion could be brought from the floor. Mr. Phillip Gouaux made a **motion** to authorize Foley & Judell to meet with the Attorney General's office in order to discuss the opinion and present new or additional information and seconded by Mr. Michael Delatte. Mr. Curole further explained the most problematic problem, that being the wording of public buildings, which he said the Assistant Attorney General thought Public Health Unit buildings were being thought of. He went on to say that they made the presumption that when public buildings were being spoken of that health unites were being spoken of. Mr. Curole said that health units were specifically referred to in another part of the call. He said that it should be explained that the term public buildings does not mean health units, which was how it was interpreted. Dr. Lasseigne said that the Attorney General's office was not saying that the opinion was what they interpreted it to mean, but what the voters had interpreted it to mean. Mr. Curole said that there had been conversations regarding the matter in the Council room which the minutes could be referred to, along with conversations on the radio by President Randolph and press releases would be looked for to aid in demonstrating that public buildings had been talked about and not health units. The motion *carried* by a vote of nine (9) yeas and zero (0) nays.

Next, a **motion** was offered by Mr. Mark Atzenhoffer, seconded by Mr. Michael Delatte to *open* the Public Hearing & Ordinances for Ratification, and *carried* by a vote of nine (9) yeas and zero (0) nays

PUBLIC HEARING AND ORDINANCES FOR RATIFICATION

The next item (5) on the agenda was an ordinance prohibiting “Loitering” at the four-way stop intersection of Ridgefield Road and Hyland Drive located in Thibodaux, Ward (1), District (1); requiring the installation of necessary signs; and providing for penalties for violations thereof. Chairman Callais asked three times if anyone from the public wanted to speak on the proposed ordinance. Hearing none, Chairman Callais moved for a motion. A **motion** was offered by Mr. Tyrone Williams, seconded by Mr. Lindel Toups and **carried** by a vote of nine (9) yeas and zero (0) nays.

ORD. NO. 3742 PROHIBIT LOITERING; RIDGEFIELD RD. & HIGHLAND DR.

The next item (6) on the agenda was an ordinance providing for a Supplemental Appropriation for the Lafourche Parish 2006 Operation and Maintenance Budget and Capital Budget as provided for by Article VI of the Lafourche Parish Home Rule Charter. Chairman Callais asked three times if anyone from the public wanted to speak on the proposed ordinance. Hearing none, Chairman Callais moved for a motion. A **motion** was offered by Mr. Michael Matherne and seconded by Mr. Mark Atzenhoffer. Dr. Lasseigne asked why this was surfacing now and also inquired as to whether this was part of the budget process? Mr. Curole explained that this was some of the items that had been identified post-Katrina that would have made life a lot better if they would have been had during the storm. He stated that the budget was submitted after Hurricane Katrina but was basically rushed to the Council and that the time that was wanted was not taken to prepare the budget. Mr. Curole went into detail explaining the items suggested, naming those as being radios, fuel tanks and generators. He said not only were there problems with communications, but that problems had been incurred with the obtaining of fuel during the storm because of shortage of fuel and the not wanting to travel to put only 100 gallons of fuel, explaining that if the size of the fuel tanks were up-sized a better price could be gotten year around and more likely would lure the brining of fuel when there was a bind. Mr. Curole then spoke of the generators wanted and the placement of same, adding that the amount shown was only part of what was needed for the number of generators needed. He said that FEMA and other mitigation monies were be looked for to obtain additional generators. Dr. Lasseigne stated that Mr. Cheramie had just said that the Leighton Pump Station was a number one (1) priority, but that it must have moved down to number two (2) because the price of what was being asked for would pay for the Leighton Pump. Dr. Lasseigne commented on what would have happened if the hurricane would have hit Lafourche. Mr. Curole said that there was some monies in the 2006 Budget for the Leighton Pump Station and then spoke of a general obligation ordinance on the February 14, 2006 agenda for introduction which he said would finish paying for the pump station. Mr. Cheramie stated that right after the recent hurricanes, major problems had been incurred with the obtaining of fuel at all locations, including the pump stations. He said that they even used a flat bed truck with a tank to haul fuel from the bulk plants to keep the pumps running. Mr. Cheramie said that even at the present time, not even in hurricane season, problems were being had with the distributors having enough fuel distributed to the field offices. He continued to discuss the matter, giving specifics on the locations and size of the fuel tanks and the reasons for same, along with the possibility of purchasing an old distributor truck. He concluded by saying that the Council could have all of the pump stations they wanted, but that without fuel they would be out of business, adding that was almost incurred last year with just the vehicles which went to the field offices to fuel up. He pointed out that it was not just the Department of Public Works that took fuel from the field offices, but others also. The ordinance **carried** by a vote of eight (8) yeas and one (1) nay, that being of Dr. Tommy Lasseigne.

ORD. NO. 3743 SUPPLEMENTAL APPROPRIATION; 2006 OPERATION AND MAINTENANCE BUDGET AND CAPITAL BUDGET

The next item (7) on the agenda was an ordinance amending Section 4:20 through 4:25 of

Sub-Chapter “A” of Chapter 4 of the Code of Ordinances relative to the governance of the Lafourche Parish Animal Shelter. Chairman Callais asked three times if anyone from the public wanted to speak on the proposed ordinance. Hearing none, Chairman Callais moved for a motion. A **motion** was offered by Mr. Mark Atzenhoffer and seconded by Mr. Michael Matherne. An amendment to change ~~Office for Community Action’s~~ to Lafourche Parish Animal Shelter in Section 4:23(C)(5) was offered by Mr. Mark Atzenhoffer, seconded by Mr. Michael Matherne and **carried** by a vote of nine (9) yeas and zero (0) nays. Mr. Gouaux began discussions by saying that when the current Council took office it had been decided that there were too many boards and that they would reduce the number of boards. He said that the number of boards had been reduced but that it seemed that the boards were being increased again. Mr. Gouaux pointed out that for this matter, nine (9) additional board members would have to be found and that he hoped the shelter could be operated without the creation of a board. Mr. Gouaux stated that he was not aware that it would be that difficult to operate a facility of this kind, saying that he thought that the Sheriff’s Office would assist with some of the prisoners and that someone from the Parish would oversee it. Mr. Michael Matherne stated that the body of the ordinance, under letter C, read that one of the roles of the board would be to participate in the selection of future directors, adding that if read further it stated that the initial director would be the Manager of Health Activities for Lafourche Parish. He asked if that person was presently in place and whether the job had been advertised for? Mr. Matherne then pointed out that several places in the ordinance mentioned an “Attachment B” which he said he could not find. Dr. Lasseigne questioned whether nine (9) people were needed to run such a small facility and whether a director could just be hired? He then continued to voice reasons for not needing a board of nine (9) people. Mr. Curole said that he would be more than happy to not have the advisory board but that he would have thought it would have been something that the Council would have wanted. He said that with regards to the Director, he did not believe that the position had been advertised for. Mr. Curole said that someone on staff was pointed to, that being the Manager of Health Activities, adding that a lot of the funding was coming from Health Activities and that the load of her current position was being lightened as the Ambulance District had taken over the oversight of medics. He went on to explain that he thought the person selected would do a good job in the dual position of Manager of Health Activities and Animal Shelter Director, and then spoke of the many things she had already done for and with the Animal Shelter. Mr. Curole said that he thought her to be a person who could and had been, operating the Animal Shelter. Mr. Gouaux said that procedures could be set and that possibly a temporary advisory group could be had with suggestions on how to operate the facility. He said that he did not see where a continual meeting of a board was justified. Mr. Curole stated that the advisory board could help Ms. Shelly Touns with wording and future directors. He said that he had no qualms about not having the advisory board or only having, as Mr. Gouaux had suggested, a temporary board. Mr. Mark Atzenhoffer made a **motion** to *defer* this item for two (2) weeks, seconded by Mr. Daniel Lorraine and **carried** by a vote of nine (9) yeas and zero (0) nays.

ORDINANCE DEFERRED FOR TWO (2) WEEKS

The next item (8) on the agenda was an ordinance de-dedicating Fifth Street off of St. Phillip Street in Richoux-Arcement Subdivision, Raceland, Ward 3, District 5; and authorizing the Parish President to sign any necessary documents. Chairman Callais asked three times if anyone from the public wanted to speak on the proposed ordinance. Hearing none, Chairman Callais moved for a motion. A **motion** was offered by Mr. Mark Atzenhoffer and seconded by Mr. Michael Delatte. Chairman Callais asked if this matter had gone before the Planning Commission, to which Mr. Atzenhoffer stated that to the best of his knowledge, that was where it had come from because of the trying to sell the property. He said that the street was also called “Emerald Street” but on the actual plat recorded, it was called Fifth Street. Mr. Atzenhoffer said that 911 had no problems with the

matter. Mr. Gouaux asked if the Administration had any problems with the matter, to which Mr. Curole stated he did not know anything about it and Mr. Cheramie responded. The ordinance *carried* by a vote of eight (8) yeas, zero (0) nays and one (1) absent, that being of Dr. Tommy Lasseigne. .

ORD. NO. 3744 DE-DEDICATING FIFTH STREET

Next, a **motion** was offered by Mr. Mark Atzenhoffer seconded by Mr. Michael Matherne, to *close* the Public Hearing and Ordinances for Ratification, and *carried* by a vote of eight (8) yeas, zero (0) nays and one (1) absent, that being of Dr. Tommy Lasseigne.

PROPOSED ORDINANCES

The next item (9) on the agenda was a proposed ordinance approving a servitude agreement between Tillman J. Terrebonne and Kathern W. Terrebonne and the Lafourche Parish Council to operate and maintain a fifteen foot, plus the width of the ditch, maintenance servitude of a drainage ditch in the Galliano area of Ward 10; and authorizing the Parish President to sign, execute and administer said agreement. A **motion** was offered by Mr. Daniel Lorraine to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE SERVITUDE AGREEMENT; TILLMAN J. TERREBONNE & KATHERN W. TERREBONNE

The next item (10) on the agenda was a proposed ordinance approving a servitude agreement between Johnny Eymard, Jr. and Maude G. Eymard and the Lafourche Parish Council to operate and maintain a twenty-five foot, plus the width of the ditch, maintenance servitude in the Larose area of Ward 4; and authorizing the Parish President to sign, execute and administer said agreement. A **motion** was offered by Mr. Phillip Gouaux to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE SERVITUDE AGREEMENT, JOHNNY EYMARD, JR. & MAUDE G. EYMARD

The next item (11) on the agenda was a proposed ordinance approving a servitude agreement between Clotilda Plantation Inc. represented by John W. Barker and the Lafourche Parish Council to operate and maintain a one hundred twenty-five foot maintenance servitude of a drainage canal and levee system in the Lockport area of Ward 8; and authorizing the Parish President to sign, execute and administer said agreement. A **motion** was offered by Mr. Lindel Toups to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE SERVITUDE AGREEMENT; CLOTILDA PLANTATION, INC.

The next item (12) on the agenda was a proposed ordinance approving a temporary servitude agreement between Gregory P. Morris and the Lafourche Parish Council to access a drainage ditch to remove a plug which is obstructing drainage in a parish servitude in the Raceland area of Ward 3; and authorizing the Parish President to sign, execute and administer said agreement. A **motion** was offered by Mr. Lindel Toups to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE SERVITUDE AGREEMENT; GREGORY P. MORRIS

The next item (13) on the agenda was a proposed ordinance providing a variance from the Lafourche Parish Subdivision Regulations on Abby Lakes Subdivision, Ward 5, District 2, as recommended by the Lafourche Parish Planning Commission at their January 26, 2006 meeting. A **motion** was offered by Mr. Michael Delatte to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE VARIANCE; ABBY LAKES SUBDIVISION

The next item (14) on the agenda was a proposed ordinance authorizing Change Order No. 1 of the existing contract between Lafourche Parish and SWDI, LLC, to adjust the number of producer units from 28,250 to 29,650; and authorizing the Parish President to sign said Change Order. Mr. Lorraine stated that he wanted it noted that he would abstain from this item. Chairman

Callais inquired as to what would be the additional charge, to which Mr. Jerome Danos stated that it would be approximately \$25,000 a month extra. Mr. Atzenhoffer asked where the number in the proposed ordinance had been derived from. Mr. Danos stated that data from a recent project completed by South Central Planning for 911 had been utilized and then expanded on same, including the filtering out of vacant structures and other items that did not apply to the residential house count. He stated that he felt that the number given was pretty accurate. A **motion** was offered by Mr. Phillip Gouaux to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE CHANGE ORDER NO. 1, SWDI, LLC

The next item (15) on the agenda was a proposed ordinance accepting into the parish system the subdivision known as the “Blocks 5, 6, 7 & 8, Re-division of Tina Guidry Property (Lake Long Road),” Ward 11, District 5. A **motion** was offered by Mr. Mark Atzenhoffer to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE ACCEPT BLOCKS 5, 6, 7 & 8, TINA GUIDRY PROPERTY

The next item (16) on the agenda was a proposed ordinance approving an Emergency Pay Policy and adding said policy to the Lafourche Parish Government Employee Manual. A **motion** was offered by Mr. Mark Atzenhoffer to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE APPROVE EMERGENCY PAY POLICY

The next item (17) on the agenda was a proposed ordinance ordering and calling a special election to be held in the Parish of Lafourche; State of Louisiana, on April 29, 2006, to authorize the renewal and levy of special taxes therein for Public Health Units, Recreation, Public Buildings, and Drainage; making application to the State Bond Commission in connection therewith; and providing for other matters in connection therewith. A **motion** was offered by Mr. Mark Atzenhoffer to introduce the above stated proposed ordinance. Mr. Gouaux stated that he wanted to make sure that everyone was aware that April 29, 2006 was a special election and would cost the Parish approximately \$70,000. He said that he would highly recommend that the matter wait until September when there was a State-wide election, where the State would subsidize the election, in addition to a better voter population attendance at a State-wide election. Mr. Curole acknowledged that Mr. Gouaux was correct, but said that when the date was first set that it was to be a State-wide election. He then continued to voice reasons on having the special election. Mr. Toups said that it was his understanding that approximately six (6) years prior that an ordinance had been passed to stop having special elections and that he thought it should be followed. Mr. Gouaux said that he hoped that with all of these millages and taxes that the Chambers would come forth and give some advise to the Council and the public as to pros and cons of each one. Mr. Curole then said that the State law now states that if a millage fails, that six (6) months had to be waited before bringing it up again.

PROPOSED ORDINANCE SPECIAL ELECTION, RENEWAL AND LEVY OF SPECIAL TAXES

The next item (18) on the agenda was a proposed ordinance ordering and calling a special election to be held in the Parish of Lafourche, State of Louisiana, on April 29, 2006, to authorize the incurring of debt and issuance of \$15,880,000.00 of 20 year General Obligation Bonds for: a) acquiring, constructing and improving levees, drainage works, and related levee and drainage facilities, b) acquiring, constructing and improving facilities, works and equipment to mitigate coastal erosion, and c) constructing and improving streets, roads and bridges, including street overlay, and to be payable from ad valorem taxes; making application to the State Bond Commission in connection therewith; and providing for other matters in connection therewith. A **motion** was offered by Mr. Mark Atzenhoffer to introduce the above stated proposed ordinance. Mr. Toups pointed out his reasons for not supporting this matter, saying that he could not support this matter and tie up something for twenty (20) years when there was already road sales taxes. Mr. Gouaux

stated that he was not opposed to the bonding of the money if it was for drainage and that the Department of Public Works had identified projects that were in excess of \$16 million. He said that he could not support using some of the suggested money towards roads when there were road sale tax districts in place. Mr. Gouaux informed the Council that he would bring forth an amendment to do away with item (c) of the proposed ordinance. Mr. Lorraine then asked if the suggested money was based on whether the drainage tax passed? He said that it would be looked at to see if the money could be bonded, but that revenues were needed to support it. Mr. Lorraine then stated that levees were included the proposed ordinance, adding that there were already levee districts had, and then rhetorically stated that the Council wanted to get involved with levees. He stated that there were already road sales tax districts and that everything was being duplicated in the proposed ordinance, as it was just a general plan putting things together to try and pass it.

PROPOSED ORDINANCE SPECIAL ELECTION, ISSUANCE OF OBLIGATION BONDS

The next item (19) on the agenda was a proposed ordinance establishing a 4-Way Stop at the intersection of Lee Drive and Jobet Street and at the intersection of Carol Drive and Lee Drive; authorizing the installation of signs; and providing for penalties for violations thereof. A **motion** was offered by Mr. Matherne to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE 4-WAY STOPS, LEE DR./JOBET ST. & CAROL DR./LEE DR.

The next item (20) on the agenda was a proposed ordinance establishing a “No Parking” zone at the corner of Julia Street and Parish Road on the East side, 50 feet to the corner, authorizing the installation of signs; and providing for penalties for violations thereof. This proposed ordinance was withdrawn.

PROPOSED ORDINANCE WITHDRAWN

The next item (21) on the agenda was a proposed ordinance amending the Code of Ordinances to add Section 2:304 in Sub-Chapter “C” of Chapter 2 as it pertains to the By-Laws and Operating Procedures of the Lafourche Parish Council in order to form a Solid Waste Committee. A **motion** was offered by Mr. Phillip Gouaux to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE FORM A SOLID WASTE COMMITTEE

The next item (22) on the agenda was a proposed ordinance approving the holding of an election in Drainage District No. 1 of the Parish of Lafourche on Saturday, April 29, 2006, to authorize the levy of a special tax therein (10 year .91 mill tax renewal). A **motion** was offered by Mr. Mark Atzenhoffer to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE ELECTION, DRAINAGE DISTRICT NO. 1

The next item (23) on the agenda was a proposed ordinance approving the holding of an election in Special Education District No. 1 of the Parish of Lafourche on Saturday, April 29, 2006, to authorize the levy of a special tax therein (10 year 4.98 mills property tax renewal). A **motion** was offered by Mr. Matherne to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE ELECTION, SPECIAL EDUCATION DISTRICT NO. 1

RESOLUTIONS

The next item (24) on the agenda was a resolution filling one vacancy on the Lafourche Parish Recreation District No. 8 Board (Gheens). A **motion** was made by Mr. Lindel Toups to appoint Mr. George E. Sapia, seconded by Mr. Phillip Gouaux and *carried* by a vote of nine (9) yeas and zero (0) nays.

RES. NO. 06-036 FILL VACANCY, LRD NO. 8 BOARD, (GHEENS)

The next item (25) on the agenda was a resolution appointing Andre’ Pitre to the Lafourche Parish Youth Council as the Councilmatic District 8 representative. A **motion** was made by Mr. Brent Callais, seconded by Mr. Daniel Lorraine and *carried* by a vote of nine (9) yeas and zero (0)

nays.

RES. NO. 06-037 APPOINT ANDRE' PITRE, PARISH YOUTH COUNCIL

The next item (26) on the agenda was a resolution approving a Cooperative Endeavor Agreement between the Lafourche Parish Council, the Lafourche Parish Sheriff's Office, the City of Thibodaux, the Town of Lockport, and the Town of Golden Meadow to provide services at the Lafourche Parish Animal Shelter; and authorizing the Parish President to sign, execute and administer said agreement(s). A **motion** was made by Mr. Mark Atzenhoffer and seconded by Mr. Michael Matherne. Dr. Lasseigne asked how the Parish was charged for the services, asking whether a bill was sent? Mr. Curole clarified that the Parish was currently paying the Sheriff's Office to collect animals in the Parish and also to pick up animals from the towns of Golden Meadow and Lockport, which he said were then brought to the vet. He said that this process would basically not change and had been budgeted for. Mr. Curole said that the towns of Golden Meadow and Lockport and the City of Thibodaux would continue to collect the animals within their jurisdictions which he said would come out of their individual budgets. Dr. Lasseigne asked if the Sheriff's Office was paid to collect the animals, to which Mr. Curole responded yes, but that he did not collect animals in the city limits of Thibodaux, Golden Meadow or Lockport. Dr. Lasseigne again asked what was paid to the Sheriff's Office and whether a bill was sent? Mr. Curole said that a bill was sent but that the amount paid was a portion of two (2) salaries, which may include vehicle costs. Mr. Gouaux said that a deputy collected the animals and further that he tanked up his vehicle at the Parish field office, saying that the Parish was paying for fuel and part of his salary. Chairman Callais said that the ordinance stated that the Parish paid all of the transportation costs incurred in fulfillment of the agreement, saying that it was a Sheriff's Office employee but that basically the Parish paid everything. Chairman Callais asked why the person being spoken of was not a Parish employee, as the Parish paid his salary and his fuel? Mr. Toups stated his concerns with the upkeep of fuel taken by the deputy. Mr. Cheramie said that everyone that took fuel at the field offices had to turn in vehicle numbers and that amount of fuel taken, along with mileage. Discussions ensued on whether the fuel taken by various agencies were charged back to the agencies. Mr. Curole stated that he would check into the fuel matter. Mr. Atzenhoffer suggested that if the Council had challenges against the resolution that they vote against it, and then submit changes, but said that this was the contract and that the Council could not amend it. He said that this matter could only be voted up or down. Dr. Lasseigne stated that the problem that he had was that it did not contain any specific terms, saying that he did not recall anything in the proposed budget pertaining to collection, even though he knew the Sheriff's Office was paid. He then commented on the budget proposed and the possibility of going into a negative operation situation. Dr. Lasseigne said that he supported the Animal Shelter but that how much something cost was not known. Mr. Curole stated that he could find out how the Sheriff's Office was paid. Mr. Lindel Toups made a **motion** to *defer*, seconded by Dr. Tommy Lasseigne and **carried** by a vote of nine (9) yeas and zero (0) nays.

RESOLUTION DEFERRED

The next item (27) on the agenda was a resolution establishing the designation of the National Incident Management System (NIMS) as the Basis for all incident management in the Parish of Lafourche. A **motion** was made by Mr. Mark Atzenhoffer, seconded by Mr. Phillip Gouaux and **carried** by a vote of nine (9) yeas and zero (0) nays.

RES. NO. 06-038 DESIGNATE NIMS BASIS FOR ALL INCIDENT MANAGEMENT

The next item (28) on the agenda was a resolution approving the purchase of two vans for the Department of Community Services, one van for the Lafourche Parish Head Start Program, and one van for the Office of Community Action at a cost of \$16,989.00 per van, plus applicable fees not to exceed \$100.00. A **motion** was made by Mr. Tyrone Williams, seconded by Mr. Lindel Toups and **carried** by a vote of nine (9) yeas and zero (0) nays.

RES. NO. 06-039 APPROVE PURCHASE OF TWO (2) VANS

The next item (29) on the agenda was a resolution urging the Governor of Louisiana and the Louisiana State Legislature to take the appropriate action to transition the select committee on Coastal Restoration and Flood Control to a Standing Committee. A **motion** was made by Mr. Brent Callais and seconded by Mr. Daniel Lorraine. Mr. Atzenhoffer asked if this would be for the current session, to which Chairman Callais responded that the committee was close to running out and that it was trying to make a permanent committee. Mr. Curole explained that a select committee was basically a temporary committee, and that what was being said was that the issue involved rose to the point of making the committee permanent. Mr. Atzenhoffer asked what the committee had done for the Parish? Mr. Curole stated that they were overseeing the coastal issues and elaborated on same. The resolution *carried* by a vote of nine (9) yeas and zero (0) nays.

RES. NO. 06-040 TRANSITION COMMITTEE TO STANDING COMMITTEE

The next item (30) on the agenda was a resolution approving Change Order No. 1 to Gen-Con Inc. as an increase in contract price by \$4,386.68, and as an increase in contract time by 45 days for the New Branch Library for Lafourche Parish, Raceland, Louisiana; and authorizing the Parish President to sign said Change Order. A **motion** was made by Mr. Lindel Toups and seconded by Mr. Phillip Gouaux. Mr. Atzenhoffer stated that he did not have a problem with the additional time. He said that his problem was that one part of the Parish refused a right-of-ways which would now costs the Parish \$4,386.68, adding that if he understood correctly, by refusing the right-of-way that they would be able to get new poles for their parking lot. Mr. Atzenhoffer said that if Recreation District No. 1 did not want this, then they could pay for it. Mr. Toups offered his time to Mr. Danny Mayet. Mr. Danny Mayet informed Mr. Atzenhoffer that he had signed the agreement with regards to the matter as Chairman and that it was not their request to move it. He said that the request was from Entergy because the major power line came in from the south side of the property and passed in front of the building going toward the library and then crossed the street near the center and that two (2) poles would also be added to the library. Mr. Mayet said that the Recreations District had said fine, and that if poles were going to be put there, that they, would pay to put lights on them to light up their parking lot. He reiterated that it was not their request that it be done that way. Mr. Mayet said that Entergy had drew up the plans on how the electricity would be brought to the site. Mr. Atzenhoffer stated that he was still not understanding the issue? Mr. Caillouet explained that in the planning stages prior to the receiving of bids, the engineering portion had been met with Entergy and that it was the intent at the time of the meeting with Entergy, that they were going to acquire the right-of-way from the Recreation District. He said that those were the lines that were proceeded with and the project was bid out with the assumption of tying into the back of the building. Mr. Caillouet said that they took the bid, signed a contract for the amount, but that since that time Entergy was re-approached to perform the hook-up and that they were informed by the Recreation District, to Mr. Caillouet's understanding, that the electricity be ran along the street, which he said may have been at Entergy's request. Mr. Caillouet stated that it was never the intent to say that the Recreation District was going to use this as opportunity to light up their parking lot. He said that was not the purpose and that what Mr. Mayet had said was correct. Dr. Lasseigne asked when the project was started, to which Mr. Caillouet responded approximately a month or so before Hurricane Katrina. Dr. Lasseigne then pointed out that a letter had been received in October of 2005 from Mr. Ronald Boudreaux the consulting and design engineer, which stated that Mr. Joe Rivera of Entergy had met with the Recreation District to obtain an right-of-way service at the back of the property and further that at that time the Recreation District would not grant a right-of-way at the back of the property. Dr. Lasseigne pointed out that the Parish's own Recreation District would not grant a right-of-way but would ask for an increase in millages, he said something was wrong with that. The resolution *carried* by a vote of seven (7) yeas and two (2) nays, that being of Mr. Mark Atzenhoffer and Dr. Tommy Lasseigne.

RES. NO. 06-041 CHANGE ORDER NO. 1, RACELAND LIBRARY

The next item (31) on the agenda was a resolution approving Change Order No. 1 to Gen-Con Inc. as an increase in contract time by 65 days for New Branch Library for Lafourche Parish, Bayou Blue, Louisiana; and authorizing the Parish President to sign said Change Order. A **motion** was made by Mr. Mark Atzenhoffer, seconded by Mr. Michael Matherne and *carried* by a vote of nine (9) yeas and zero (0) nays.

RES. NO. 06-042 CHANGE ORDER NO. 1, BAYOU BLUE LIBRARY

The next item (32) on the agenda was a resolution approving Change Order No. 2 to Barriere Construction Co., L. L. C. as an increase in contract length by 9 days and decrease contract price by \$70,757.98 for roadway and drainage improvements in Road Sales Tax District No. 2, Phase IV; and authorizing the Parish President to sign said Change Order. A **motion** was made by Mr. Brent Callais, seconded by Mr. Mark Atzenhoffer and *carried* by a vote of nine (9) yeas and zero (0) nays.

RES. NO. 06-043 CHANGE ORDER NO. 2, RSTD NO. 2, PHASE IV

The next item (33) on the agenda was a resolution approving a contract with SWDI, LLC to collect storm debris when FEMA Contractors cannot or will not; and authorizing the Parish President to sign, execute and administer said agreement. A **motion** was made by Mr. Phillip Gouaux and seconded by Mr. Brent Callais. Mr. Lorraine abstained. Mr. Toups inquired as to how much this would cost the Parish, to which a response of \$16.50 per cubic yard was given. Mr. Toups stated that he thought a contract was already had for the service already. Mr. Toups inquired as to whether there was a limit on the contract as to how much would be picked up with the grapple truck? Mr. Danos explained that the primary intent would be to pick up storm related debris, saying that would be volumes beyond the scope allowed for by the residential contract. He went on to say that a price tag could not be put on it because the volume being dealt with was not known. Mr. Danos pointed out that there was still a lot of activity, especially south of the Intracoastal and in the Des Allemands and Pointe-Au-Chene areas. He said that there was still a lot of demolition taking place, along with tree cutting and roofing contractor activities. Mr. Danos said that it was fully expected that until June 1, 2006 that any cubic yardage that was picked through the contract would be applied for reimbursement from FEMA. Mr. Toups asked if SWDI, LLC would be getting another grapple truck, as the current load on it was overwhelming? Mr. Danos said that he had spoken to SWDI, LLC about that and that the two (2) grapple trucks under contract with the Parish would not be used, and that SWDI, LLC was expected to bring in additional equipment. Mr. Toups then asked if the Solid Waste Committee would have an opportunity to review the contract, to which Mr. Danos stated that there was a copy of the contract in the Councilmen's packet for the February 14, 2006 meeting for which they were asking approval. Dr. Lasseigne asked why storm debris was not included in the regular contract? He then commented and spoke about the paying of \$16.50 for trash that should have been picked up already. Dr. Lasseigne said that he understood what Mr. Danos had said about roofs and the like, but asked why that was out of the scope of SWDI, LLC's contract. Mr. Danos stated that it was volumes of debris that was created due to an act of God, which created extra volume that they did not bid on when the original contract was bid on. Mr. Curole then spoke about the current realization by some residents that their houses had to be torn down. He continued to elaborate on the matter. Mr. Gouaux stated that he felt that some of the roofers in the Parish were taking advantage of the matter, saying that the contractor's were giving a set price to remove the roof and that then they were putting the roofing material to side of the road, expecting the Parish to pick it up. He said that he felt that was stretching what the Parish was obligated to do. Mr. Gouaux said that if a commercial contractor was hired, that it should be made sure that the contractor included in the price the hauling off of trees. He said that with disposal of roofing, he was not aware of how to patrol it. Mr. Gouaux went to speak about the density of the roofs and the expense of disposing of it. He said that the Parish should take a stance and tell the contractors that roofing material should not be picked up the Parish. Dr. Lasseigne recalled that an ordinance had been passed regarding having the tree cutters dispose of the trees. He suggested that maybe the compliance officer should

patrol this issue, pointing out that the possibility of receiving a ticket may help with proper disposal. Mr. Toups commented on the effect this would have on the Solid Waste fund. Mr. Danos said that even though he could not put a price on it, he saw this to be a fairly limited activity and that he would estimate approximately 1000 cubic yards to 3000 cubic yards were being spoken of, for approximately a \$15,000 to \$30,000 one time expense until June 1, 2006. He said that they would expect to file for reimbursement. Mr. Toups asked if the money spent could be reimbursed from FEMA to which Mr. Danos said that he was hopeful that it could be and further that he had been working with FEMA in order to establish the fact that it would be an eligible expense. Mr. Toups then spoke of the dumping of roofing material on Farm to Market Road. Mr. Danos said that a lot of illegal dumping was having to be dealt with, for which the Parish had been asking SWDI, LLC to accommodate with getting it cleaned up in areas that they would not normally service. Mr. Toups stated that he would vote for the contract but that he would ask the money try and be re-cooped. Mr. Atzenhoffer then commented on the prices per yard after the Hurricane, pointing out that now the price was \$16.50 per yard, which he said he thought to be high. He said that if they were willing to take \$12.00 after the storm, that they should take \$12.00 at the present time. Mr. Atzenhoffer then commented on the illegal dumping and the enforcement of same, saying that help from the public was needed. He gave an example of someone illegally dumping on a road, saying that if someone saw such a thing, that they should call the police. Mr. Atzenhoffer said that he would be voting against this matter because it could have been done for \$12.00 or \$12.50 a yard four (4) months prior. Chairman Callais relinquished some of his time to Mr. Preston Roddie. Mr. Roddie stated that he may have some help with regards to this matter and possibly be able to save some tax money. He then explained that he had his roof repaired for which the estimate did not include disposal of the roof. Mr. Roddie said that after speaking to his contractor, that the contractor repairing his roof charged him for the disposal of his roof, for which he then contacted his insurance company to make an amendment to his claim. He said that even though his insurance company was reluctant, that they reimbursed him. The resolution *carried* by a vote of seven (7) yeas, one (1) nay, that being of Mr. Mark Atzenhoffer and one (1) abstention, that being of Mr. Daniel Lorraine.

RES. NO. 06-044 APPROVE CONTRACT, SWDI, LLC, COLLECT STORM DEBRIS

The next item (34) on the agenda was a resolution authorizing the hiring of a Minute Clerk II to assist the Council Clerk's Office as needed; and authorizing the advertising of said position. A **motion** was made by Mr. Brent Callais and seconded by Mr. Mark Atzenhoffer. Mr. Toups stated that he had spoken to the Council Clerk and that he understood that they were behind on work, and then asked if the Minute Clerk would be a full time position? Chairman Callais stated that it was a part-time position and further that it had been budgeted for. The resolution *carried* by a vote of nine (9) yeas and zero (0) nays.

RES. NO. 06-045 HIRING OF MINUTE CLERK II

The next item (35) on the agenda was a resolution amending Resolution No. 04-061 in order to change the time of the morning bridge curfew in Lafourche Parish and resubmit the request to the United States Coast Guard on the Larose Draw Bridge. This matter had been previously discussed by a deviation from the regular agenda.

The next item (36) on the agenda was a resolution to state that any two of the following people are authorized to sign all checks issued by the Lafourche Parish Clerk of Court Office from the Juror and Witness Fee Account located at Capital One Bank (formally Hibernia National Bank): Mr. Vernon J. Rodrigue, Ms. Vernell J. Autin, Ms. Angela H. Clement, Ms. Darleen A. Oubre, or Ms. Tara A. Cheramie. A **motion** was made by Dr. Tommy Lasseigne and seconded by Mr. Phillip Gouaux. Dr. Lasseigne explained that the Clerk of Court had a set up where one (1) person signed on their checks. He stated that he believed that what was being asked for was required in public politics. Mr. Curole said that this was also being brought up because of a death of Registrar of Voter employee who was replaced by a Clerk of Court employee who was on the previous list. The

resolution *carried* by a vote of nine (9) yeas and zero (0) nays.

RES. NO. 06-046 PEOPLE AUTHORIZED TO SIGN JUROR/WITNESS FEE CHECKS

The next item (37) on the agenda was a resolution approving a contract with Picciola and Associates, Inc. for an engineering study for flood protection along Industrial Park Road, with an estimated cost of \$5,375.00; and authorizing the Parish President to sign, execute and administer said contract. A **motion** was made by Mr. Phillip Gouaux and seconded by Mr. Lindel Toups. Dr. Lasseigne inquired as to whether Industrial Park was a public road? Mr. Gouaux stated that what was happening was that with every storm event the Parish was having to haul in thousands of yards of material to make make-shift levees. He said that this was a very costly procedure and further that there were in excess of 400 homes threatened and that he thought that this would alleviate the problem. Chairman Callais asked if the bulkhead would be on a Parish right-of-way? Mr. Gouaux said that was why Picciola and Associates, Inc. was being hired. Mr. Lorraine asked Mr. Gouaux if he could get the section by the pump station in Hamilton checked? Mr. Gouaux stated that matter had already been addressed and that as soon as crawfish season was over, that the piece would be fixed. The resolution *carried* by a vote of nine (9) yeas and zero (0) nays.

RES. NO. 06-047 CONTRACT, ENGINEERING STUDY, INDUSTRIAL PARK ROAD

The next item (38) on the agenda was a resolution requesting an Intergovernmental Agreement(s) with the Lafourche Basin Levee District and the Lafourche Parish Council to rebuild the levee from Highway 654 known as the Gheens Road, south on Clotilda Plantation to Company Canal and west towards Highway 308; and authorizing the Parish President to sign, execute and administer said agreement. A **motion** was made by Mr. Lindel Toups, seconded by Mr. Phillip Gouaux and *carried* by a vote of nine (9) yeas and zero (0) nays.

RES. NO. 06-048 AGREEMENT, LAFOURCHE BASIN LEVEE DISTRICT, HWY. 654

The next item (39) on the agenda was a resolution authorizing the firm of Joseph B. Caillouet Architects, JBC/AIA, a Notice to Proceed with the construction, design, and bidding phases of the Larose Library Building, and that the construction of the permanent building not exceed \$850,000.00; and authorizing the Parish President to sign all pertinent documents. A **motion** was made by Mr. Phillip Gouaux and seconded by Mr. Brent Callais. Dr. Lasseigne stated that the building must not be similar to the other libraries, asking if this building was different in design? Chairman Callais stated yes, and that he believed that this building was smaller than the buildings in Raceland, Bayou Blue and 6th Ward libraries. Dr. Lasseigne then asked why was it costing more, to which Chairman Callais stated that the price included everything, such as furniture, technology, books, etc. The resolution *carried* by a vote of nine (9) yeas and zero (0) nays.

RES. NO. 06-049 NOTICE TO PROCEED; LAROSE LIBRARY BUILDING

Mr. Atzenhoffer stated that before Item (40) was proceeded with, that the District Attorney was present and that the discussions to be had would be dealing with the termination of a person's employment. He said that he would like the District Attorney to advise of what should and should not be discussed in public and whether or not this matter should be dealt with in an Executive Session. Mr. Lorraine stated that he thought Mr. Atzenhoffer to be out of line and that the resolution should be read. Chairman Callais then read the resolution.

The next item (40) on the agenda was a resolution to terminate the employment of Ray Cheramie as the Lafourche Parish Department of Public Works Director effective this date. A **motion** was made by Mr. Daniel Lorraine to *defer* this matter to a later date, seconded by Mr. Lindel Toups and *carried* by a vote of seven (7) yeas and two (2) nays, that being of Mr. Brent Callais and Mr. Mark Atzenhoffer.

RESOLUTION DEFERRED TO A LATER DATE

DISCUSSIONS

The next item (41) on the agenda was a discussion concerning the Marydale water lines. Mr. Curole stated that Mr. Williams had spoken to Ms. Heather Klingman regarding this matter on February 13, 2005 and that it was his understanding that everything was ready to go to bid. He said that it was also his understanding that there was an advertisement waiting for signature. Mr. Curole said that he thought that by late March bids would be ready to be opened. He said that he thought that bids would be open March 29, 2006 and that it would probably be ready to be approved at the first meeting of April 2006. Mr. Curole said that part of the problem being had was that the plant that made the plastic pipes needed was located in Mississippi and had been partially damaged by Hurricane Katrina.

The next item (42) on the agenda was a discussion concerning street lights. Chairman Callais stated that everyone had been getting a lot of calls regarding a huge back log of street lights since the recent storms. He said that he called someone with Entergy and that it did not seem that Entergy was moving on any of them. Chairman Callais asked that the Administration put pressure on Entergy to try and get street lights installed in addition to fixing the ones that were damaged from the recent storms. Mr. Curole stated that ironically, they had heard that Entergy had done a lot of them within the previous week or two (2). He said that Chairman Callais should check with the people complaining about that matter. Mr. Gouaux stated that Ms. Tracy Martinez had informed him that the local Entergy group was assisting in Orleans and Plaquemines Parish on a rotating schedule and that they were operating in Lafourche Parish on a skeleton crew. He said that she had apologized for the delay being incurred. Mr. Gouaux stated that Ms. Martinez had asked that the Council have patience and understanding as they were trying to hook-up FEMA trailers and provide power to individuals who were currently without power. Dr. Lasseigne said that if they do not start hook-up of the street lights that he would put a resolution on the agenda to suspend payment to Entergy until it was done. He said that approximately 400 street lights were being waited on, for which he said he was sure were being billed for. Dr. Lasseigne stated that he understood that they were working in other places but that people were still in Lafourche. Mr. Toups stated that he had counted sixteen (16) out in the Gheens area, commenting that was \$10.50 a month. Mr. Lorraine said that there was also a problem with a lot of poles that had been knocked down that had a street light that had been re-erected by out of state contractors without the street lights. He said that the Parish should not be charged for another light as the poles had lights to begin with. Mr. Lorraine said that needed to be tracked and that he was sure that the Parish was being charged for that also. Mr. Curole stated that they were in the process of doing inventory and that they were told by Entergy that there was approximately 1000 more lights that the Parish was not paying for. Mr. Matherne asked what was the process when the Raceland office was contacted regarding street lights? Mr. Curole stated that a specific employee at the Raceland Office handed the request to one (1) of the inspectors so that they may visit the site in order to determine whether the requested street light met the criteria. He said that once that was done that the inspector would come back and report whether it was appropriate or not to have a street light at the requested location. Mr. Curole went on to explain that if it was a resident who previously had a street light that was trying to get a street light onto the account of the Parish, that the account of the person needed to be tracked down. He then stated that there was a standard letter that the employee would bring to him for signature which would then be sent to Entergy. Mr. Curole stated that the employee had informed him the morning of February 14, 2006 that Entergy had changed the form and that there would be another form that would need to be filled out. He said that it was not a complicated process and then stated that prior to the current Administration the Parish was only turning on a set number of street lights per month. Mr. Cheramie stated that he had spoken to the employee the evening of February 14, 2006 and that she had informed him that previously she was turning in 40 or so street light requests at a time, but that she had reported that at the present time, each individual street light requested needed its own individual application.

The next item (43) on the agenda was a discussion concerning the drainage of lot extensions behind Freeman Subdivision and the overall area. Mr. Gouaux stated this matter continued to be a severe problem with homes in the area that were threatened or that would get water in them with rain events. He stated that he was again asking the Administration to come up with a suggestion or solution to the problem. Mr. Gouaux said that the Parish had granted the lot extensions, and that they had been developed, which he said was now creating a drainage problem, adding that he thought that the problem being incurred was now the Parish's problem to resolve.

The next item (44) on the agenda was a discussion concerning the Attorney General's opinion rendered regarding the installation of culverts for private use. Mr. Gouaux stated that he, President Randolph and Mr. Curole had attended a meeting in Terrebonne Parish at which time an opinion regarding this issue was handed out. He went on to explain that he would like the District Attorney to explain what the opinion meant. Mr. Morvant explained that it was his understanding that the Attorney General's opinion was that the Parish could enter into a Cooperative Endeavor Agreement with a private landowner in order to place culverts but that they had to look at three (3) things before it could be done. He explained that the first thing that had to be done was that it had to be decided if there was a legal obligation or right to do it, which he said that the Parish had the right to control drainage in the Parish. Mr. Morvant stated that the second thing was that it had to be decided whether or not the placing of the culvert would effect the drainage of many people or just a few people. He stated that if it effected the drainage of a limited number of people it may not be able to be done. He said that a specific number had not been given. Mr. Morvant said that the last question that had to be asked before entering in the agreement, was the costs to be expended proportionate to the results that would be obtained. He then said that the landowner had to pay the actual costs of the work that would be done. Mr. Morvant said that the landowner could not be given a break, that they would have to pay. He then reiterated the three criteria and further explained them. Mr. Morvant stated that yes, a cooperative endeavor agreement could be done with a private landowner. Dr. Lasseigne pointed out that the opinion being looked at dealt with a police jury and inquired as to whether it would be the same thing for a Home Rule Chartered parish, to which Mr. Morvant stated that the terms were intermingled in the law. He then said that it also looked like if the Parish dug a big outfall canal down someone's property, that they would have to reimburse the Parish, to which Mr. Morvant said that was the way he read it. Mr. Toups asked if this would apply to people and driveways? Mr. Morvant said that the second question that would have to be asked, that being how many people it would benefit, saying that it may benefit a group of people further down the street or road. He said that if a conclusion was come to that it would benefit more than that particular landowner then it could possibly be done. Mr. Toups said that problems might be ran into with this issue and further that guidelines were needed. Mr. Morvant stated that if the Council had specific questions, that they could supply him with those questions and he would answer them legally. Mr. Lorraine then asked if someone bought 100 feet of culverts and the proper catch basins and had the Parish install them in a subdivision, if the Parish would have to charge the landowner? He said that he thought that Attorney General needed to be revisited on the opinion. Mr. Lorraine said that it should also be taken into consideration that when millages were passed that the citizens were paying taxes to get the work done. Chairman Callais asked Mr. Morvant if the contract entered into would have to be a legal contract or agreement, to which Mr. Morvant stated that it would a written agreement or Cooperative Endeavor Agreement. Chairman Callais then asked if whether everytime a culvert wanted to be installed if the Council would have to approve it? Mr. Morvant said that someone would have to make a decision and that if the Council would not be doing it, then someone would have to be assigned to that task, adding that person would have to answer the three (3) issues, and that if the issues were answered wrongly, that he thought that ultimately the Council would be responsible. Dr. Lasseigne said that if the Parish was going to start collecting fees that millages could be reduced. He then said that he thought that in most cases the second requirement

would not be met with a culvert, because an open ditch was better for drainage. He continued to elaborate on the matter. Mr. Toups stated that he thought this should be turned over to the Administration. He then stated that he would like to relinquish some of his time to Mr. Charles Beasley. Mr. Charles Beasley pointed out to Mr. Morvant that where the culverts were being installed was Parish property because the ditches belong to the Parish. He said that when a subdivision was dedicated the drainage was fixed and then the property was dedicated to the Parish. He continued to elaborate on the matter. Mr. Morvant advised him that, as he had mentioned earlier, that any specific questions that were had needed to be sent to him by the Council so that he may have time to research and answer them, as he was present at the current meeting just to give an explanation of the opinion as that was what was on the agenda. He then spoke of the difference between ownership and public use. Mr. Atzenhoffer said that he thought that this would make the Council come up with a firm policy set by ordinance and that the District Attorney should make sure that it was correct, and then have it enacted. He said that he would be willing to compile ideas and said that if other Council members had ideas they could e-mail those ideas to him. Dr. Lasseigne said that culverts would be less of a problem then the creation of a new out fall canal where the costs may be \$20,000 to \$40,000.

The next item (45) on the agenda was a discussion concerning the newly created Over Time Pay Policy. Dr. Lasseigne inquired as to whether the District Attorney had been consulted don this matter? He stated that the overtime issue was like the storm issue, it was not going away. Dr. Lasseigne said that he wanted to get it done right and have the issue go away. He stated that to him, it did not seem that the newly created Over Time Pay Policy fixed the problem, and that he would hope that it be fixed at the next meeting of the Council.

The next item (46) on the agenda was a discussion concerning a moratorium on trailer parks and RV parks/camp grounds. Mr. Gouaux stated that there seemed to still be problems being had with trailer parks and RV parks and the regulations of same. He stated that until the newly revised Subdivision, Mobile Home Park and Campground Regulations were finalized and passed, that he would like to make a motion to put a moratorium on all future trailer parks and RV parks/campgrounds. Mr. Gouaux was informed that what he was asking for had to be done by ordinance. Mr. Gouaux then asked that this matter be put on the next agenda.

The next item (47) on the agenda was a discussion concerning the Attorney General's opinion rendered regarding the ad valorem tax proposition approved on November 2, 2004. Dr. Lasseigne asked that the Administration provide the Council with some information on where the matter stood because he knew that some manipulation of funds would have to be done to address it. He said that also if Foley & Judell went to the Attorney General that it was possible that the may get the opinion resinded.

The next item (48) on the agenda was a discussion concerning allowing equal time to respond to Ms. Randolph's President Report on January 24, 2006. Mr. Lorraine stated that he wanted this matter withdrawn until such time as President Randolph was present at a Council meeting. He went on to say that he wanted equal time, saying that the length of the speech was five (5) minutes and thirty-eight (38) seconds for which he obtained a letter from the Council Clerk's office stating so. Mr. Lorraine stated that he would put this matter on the next agenda.

The next item (49) on the agenda was a discussion concerning moving the February 28, 2006 Council meeting due to the Mardi Gras Holiday. Chairman Callais stated that the next open date that the Council Chambers were available was March 1, 2006. Mr. Mark Atzenhoffer made a **motion** to move the February 28, 2006 Council meeting to March 1, 2006, seconded by Mr. Michael Delatte. Mr. Toups pointed out that it was Ash Wednesday. Chairman Callais then explained that the room was booked every night except March 1, 2006 and that if the meeting was moved up that there would be a problem with the proposed ordinances. The motion *carried* by a vote of nine (9) yeas and zero (0) nays.

A **motion** was offered by Dr. Tommy Lasseigne, seconded by Mr. Lindel Toups, to **open** a Two-Thirds Agenda, and **carried** by a vote of nine (9) yeas and zero (0) nays.

TWO-THIRDS AGENDA

The first item (1) on the Two-Thirds agenda was a resolution requesting the Louisiana Legislative Delegation and Louisiana Public Service Commission assistance in expediting Entergy in restoring electrical power to the Lake Fields area. A **motion** was made by Mr. Phillip Gouaux and seconded by Mr. Lindel Toups. Mr. Gouaux stated that this resolution had been brought to them the night of February 13, 2006 at a meeting of the Lafourche Fish and Game Commission, at which meeting Entergy was present. He said that Entergy was saying that they were having problems with the Louisiana Public Service Commission as far as telling them what they could do and when they could do it. Mr. Gouaux stated that this resolution would be going to the Louisiana Public Service Commission, as well as the Baton Rouge delegation, in order to expedite the restoring of electrical power to the Lake Fields area. He said that some of the problems being incurred was that some of the insurance money received had to be used with a twelve (12) month period. The resolution **carried** by a vote of nine (9) yeas and zero (0) nays.

RES. NO. 06-050 EXPEDITE ENTERGY IN RESTORING ELECTRICAL SERVICE

The next item (2) on the Two-Thirds agenda was a proposed ordinance approving the holding of an election in Fire Protection District No. 5 of the Parish of Terrebonne, State of Louisiana, on Saturday, April 29, 2006, to authorize the levy of a special tax therein. A **motion** was offered by Mr. Mark Atzenhoffer to introduce the above stated proposed ordinance

PROPOSED ORDINANCE FIRE PROTECTION DISTRICT NO. 5, SPECIAL ELECTION

A **motion** was offered by Mr. Mark Atzenhoffer, seconded by Mr. Matherne, and **carried** by a vote of nine (9) yeas and zero (0) nays, to **close** the Two-Thirds Agenda and **return** to the regular agenda.

ADJOURNMENT

On **motion** by Mr. Daniel Lorraine, seconded by Dr. Tommy Lasseigne, **carried** with a vote of five (5) yeas, and four (4) nays, that being of Mr. Matherne, Mr. Michael Delatte, Mr. Phillip Gouaux and Mr. Lindel Toups, and with no further business, the Lafourche Parish Council Meeting of February 14, 2006 **adjourned** at 8:28 p.m.

BRENT CALLAIS, CHAIRMAN
LAFOURCHE PARISH COUNCIL

SHEILA B. BOUDREAUX, COUNCIL CLERK
LAFOURCHE PARISH COUNCIL