

JULY 26, 2005
PORT FOURCHON, LOUISIANA

STATE OF LOUISIANA
PARISH LAFOURCHE

A REGULAR MEETING OF THE LAFOURCHE PARISH COUNCIL, PARISH OF LAFOURCHE, STATE OF LOUISIANA, WAS SCHEDULED FOR TUESDAY, JULY 26, 2005, AT 6:00 P.M., IN THE OPERATIONS CENTER MEETING ROOM OF THE GREATER LAFOURCHE PORT COMMISSION, 108 A.O. RAPPELET ROAD, PORT FOURCHON, LOUISIANA.

The Lafourche Parish Council was duly convened as the governing authority of said Parish by Mr. Michael Matherne, Chairman, who then stated that the Lafourche Parish Council was ready for the transaction of business at 6:03 p.m.

Chairman Matherne announced that the invocation would be led by Mr. Michael Delatte. The Council then recited the Pledge of Allegiance led by Mr. Daniel Lorraine. Proceedings of the meeting were called to order with the following:

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|-----------------|---------------------------------|---------------------|
| PRESENT: | Mr. Tyrone Williams | Mr. Lindel Toups |
| | Mr. Michael Delatte | Mr. Phillip Gouaux |
| | Mr. Michael Matherne - Chairman | Mr. Brent Callais |
| | Dr. Tommy Lasseigne | Mr. Daniel Lorraine |

ABSENT: Mr. Mark Atzenhoffer - Vice Chairman (*arrived at 6:04 p.m.*)

APPROVAL OF COUNCIL MINUTES

The first item (1) on the agenda was a motion to accept the minutes of the July 12, 2005, Regular Session meeting. A **motion** was offered by Mr. Lindel Toups, and seconded by Mr. Phillip Gouaux to accept the July 12, 2005 minutes. Mr. Brent Callais offered an amendment to correct the minutes to reflect that the motion in the July 12, 2005 minutes to enter into the Two-Thirds agenda was recorded as failed in error, as the two-thirds vote was calculated by nine (9) Council members and should have been calculated by those who were present. He went on to offer that with two (2) absent at the time of the vote, five (5) yeas was two-thirds of the seven (7) members present which has been confirmed by the District Attorney's office. Said amendment **carried** by a vote of nine (9) yeas and zero (0) nays.

Chairman Matherne ordered that the record reflect that Mr. Atzenhoffer entered the meeting before the previous motion and that President Charlotte A. Randolph was running late due to traffic. Chairman Matherne then welcomed Mr. Camille "Cam" A. Morvant, II, District Attorney, and then went on to recognize Golden Meadow City Councilmen Lawrence Mounic and Jody Cheramie as being present.

Dr. Tommy Lasseigne suggested that the name of the Parish President be included in the Roll Call, since she is a member of the Lafourche Parish Council, to which Chairman Matherne agreed. Dr. Lasseigne then offered an **amendment** to correct page 4, last paragraph, line 5, of the July 12, 2005 minutes to change ~~\$7 million~~ to \$77 million, seconded by Mr. Phillip Gouaux, and **carried** by a vote of nine (9) yeas and zero (0) nays. The minutes as amended were **approved** by a vote of nine (9) yeas and zero (0) nays.

PROCLAMATIONS

The next item (2) on the agenda was a proclamation designating July 28, 2005 as Fete de la Grand Derangement in Lafourche Parish. Mr. Callais read from the proclamation and then presented the same to Mr. Alces Adams.

PUBLIC WISHING TO ADDRESS THE COUNCIL

Due to the lack of Public Wishing to Address the Council forms, Chairman Matherne asked three times if anyone from the public wanted to address the Council. Hearing none, Chairman Matherne moved onto the next agenda item.

ADMINISTRATIVE REPORT(S)

The next item on the agenda was a presentation of any reports on the Parish. Mr. Cullen Curole, Parish Administrator, advised that there were no reports.

ENGINEERING 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. Chairman Matherne explained that packets from Mr. Larry J. Picciola of Larry J. Picciola, Inc. (Exhibit 1) and from Ms. Heather Klingman of Duplantis Design Group (Exhibit 2) had been received prior to the meeting.

Mr. Atzenhoffer stated that at the July 12, 2005 meeting he had requested that someone from South Central Planning attend the July 26, 2005 meeting. He went on to say that since he was unable to get that to the Council Clerk on time, he would ask that it be deferred to the next meeting of August 9, 2005.

LEGAL ADVISOR REPORT

The next item on the agenda was to relinquish time to the Lafourche Parish Legal Advisor. Mr. Camille Morvant, District Attorney, stated that his office had mailed to the Council a status on lawsuits presently pending against the Parish. He suggested that if the Council, after reviewing the status, had any questions, they could go into Executive Session at the next meeting of August 9, 2005, to discuss them. Mr. Toups said that he had questions, but that he would read the documentation sent first. Mr. Morvant asked the Council that if they had any questions, to send them to him in advance of the Executive Session in order that he would have time to research the question.

Next, a **motion** was offered by Mr. Lindel Toups, seconded by Mr. Brent Callais 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 (3) on the agenda was an ordinance amending Section 25:23(B) of Sub-Chapter "A" of Chapter 25 of the Code of Ordinances as it pertains to sizes of culverts to be used in the parish. Chairman Matherne asked three times if anyone from the public wanted to speak on the proposed ordinance. Hearing none, Chairman Matherne moved for a motion. A **motion** was offered by Mr. Phillip Gouaux and seconded by Dr. Tommy Lasseigne. Dr. Lasseigne offered an **amendment** that the Parish should provide a Certificate of Compliance for all completed jobs and maintain a perpetual list of compliance addresses, seconded by Mr. Phillip Gouaux. Chairman Matherne questioned who would maintain the list. Mr. Gouaux suggested each regional barn maintain a list.

Mr. Toups asked if those culverts that had been installed eight (8") to ten (10") inches deeper than the culvert under the cross street were going to be redone when the streets were being redone. Mr. Curole responded that it was possible due to the newer culverts addressing a new standard but would need to confirm that with the Department of Public Works.

Chairman Matherne questioned Mr. Curole if he had any comments regarding the list suggested by Dr. Lasseigne. Mr. Curole stated that he liked the idea. The amendment *carried* by a vote of nine (9) yeas and zero (0) nays. The motion as amended *carried* by a vote of nine (9) yeas and zero (0) nays.

ORD. NO. 3650

AMEND CODE OF ORDINANCES, SIZES OF CULVERTS

The next item (4) on the agenda was an ordinance adding Section 12:6 to Sub-Chapter “A” of Chapter 12 of the Code of Ordinances as it pertains to payment of maintenance costs and other expenses of the Lafourche Parish Library system. The ordinance *died* for a lack of motion.

ORDINANCE DIED FOR LACK OF A MOTION

The next item (5) on the agenda was an ordinance amending and re-enacting Section 17:23 of Sub-Chapter “A” of Chapter 17 of the Code of Ordinances as it pertains to traffic regulations in regards to traffic calming devices. Chairman Matherne asked three times if anyone from the public wanted to speak on the proposed ordinance. Hearing none, Chairman Matherne moved for a motion. A **motion** was offered by Mr. Daniel Lorraine to *defer* the matter indefinitely because a new ordinance was going to be compiled, seconded by Mr. Lindel Toups. Mr. Gouaux then suggested that if the ordinance would come back totally different, the current ordinance should die from lack of a motion. Mr. Toups withdrew his second and Mr. Lorraine withdrew his motion. Chairman Matherne asked if anyone else would like to make a motion. Hearing none, the ordinance *died* for lack of a motion.

ORDINANCE DIED FOR LACK OF A MOTION

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

PROPOSED ORDINANCES

The next item (6) on the agenda was a proposed ordinance providing for a Supplemental Appropriation for the Lafourche Parish 2005 Operation and Maintenance Budget as provided for by Article VI of the Lafourche Parish Home Rule Charter as it pertains to the Veteran’s Memorial District and adjustments as a result of the annual audit. A **motion** was offered by Mr. Daniel Lorraine to introduce the above stated proposed ordinance.

**PROPOSED ORDINANCE SUPPLEMENTAL APPROPRIATION; VETERAN’S
MEMORIAL DISTRICT**

The next item (7) on the agenda was a proposed ordinance establishing a policy regarding permanent parish servitudes dedicated to Lafourche Parish; and providing for penalties for violations thereof. A **motion** was offered by Mr. Phillip Gouaux to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE POLICY; PERMANENT PARISH SERVITUDES

The next item (8) on the agenda was a proposed ordinance accepting into the parish system the subdivision known as the “Rodney Daigle Subdivision”, Ward 9, District 6. A **motion** was offered by Mr. Lindel Toups to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE ACCEPTING RODNEY DAIGLE SUBDIVISION

The next item (9) on the agenda was a proposed ordinance approving a servitude agreement between Lorraine M. Larousse and Lafourche Parish for drainage work in the Kraemer area; and authorizing the Parish President to sign, execute and administer said agreement. A **motion** was offered by Mr. Michael Delatte to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE SERVITUDE AGREEMENT; LORRAINE M. LAROUSSE

The next item (10) on the agenda was a proposed ordinance approving servitude agreements between Allied Shipyard, Inc. and Lafourche Parish for drainage work in the Larose area, Ward 4, District 7; 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; ALLIED SHIPYARD, INC.

The next item (11) on the agenda was a proposed ordinance approving a servitude agreement between Rebecca Robichaux and Lafourche Parish for drainage work in the Raceland area, Ward 3, District 6; 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; REBECCA ROBICHAUX

The next item (12) on the agenda was a proposed ordinance defining terms for use in the Capital Outlay Projects for the annual Lafourche Parish Operations and Maintenance and the Capital Outlay Budgets. A **motion** was offered by Mr. Mark Atzenhoffer to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE DEFINING TERMS; CAPITAL OUTLAY PROJECTS FOR LAFOURCHE PARISH OPERATIONS, MAINTENANCE AND CAPITAL OUTLAY BUDGETS

The next item (13) on the agenda was a proposed ordinance setting a threshold for settlement of liability and workers' compensation settlements. A **motion** was offered by Mr. Lindel Toups to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE SETTING THRESHOLD; SETTLEMENT OF LIABILITY AND WORKERS' COMPENSATION SETTLEMENTS

The next item (14) on the agenda was a proposed ordinance amending Ordinance No. 1599 to reduce the speed limit from twenty-five (25) miles per hour to fifteen (15) miles per hour on East 23rd Street, Ward (10), District (7). A **motion** was offered by Mr. Phillip Gouaux to introduce the above stated proposed ordinance.

PROPOSED ORDINANCE AMENDING ORDINANCE; REDUCE SPEED LIMIT, EAST 23RD STREET

RESOLUTIONS

The next item (15) on the agenda was a resolution requesting the Attorney General to authorize Lafourche Parish to hire an attorney and/or their law firm when necessary to perform any and all legal defense services for parish government at a rate of \$125.00 per hour. A **motion** was made Mr. Phillip Gouaux, seconded by Mr. Brent Callais, and *carried* by a vote of nine (9) yeas and zero (0) nays.

RES NO. 05-188 HIRE ATTORNEY TO PERFORM DEFENSE SERVICES FOR PARISH GOVERNMENT AT A RATE OF \$125.00 PER HOUR

The next item (16) on the agenda was a resolution approving a contract with Picciola and Associates, Inc. for engineering services for the Cut Off Elementary area - Hydraulic Study; and authorizing the Parish President to sign, execute and administer said contract. A **motion** was made Mr. Brent Callais, seconded by Mr. Phillip Gouaux, and *carried* by a vote of nine (9) yeas and zero (0) nays.

RES NO. 05-189 APPROVING CONTRACT, PICCIOLA AND ASSOCIATES, INC.; CUT OFF ELEMENTARY AREA

The next item (17) on the agenda was a resolution rescinding Resolution No. 05-166 from the June 14, 2005 Council meeting to accept the bid of \$152,000.00 with a trade-in of \$12,500.00 for a total bid of \$139,500.00 to purchase a John Deere dozer from Nortrax Equipment. A **motion** was made Mr. Brent Callais, and seconded by Mr. Mark Atzenhoffer. Prior to a vote, Dr. Lasseigne stated that since the Council had not gone with the first low bidder, was the public bid law being followed. Mr. Curole said that the

Chairman Matherne recognized that President Charlotte A. Randolph entered the meeting at 6:20 p.m.

The next item (19) on the agenda was a resolution to fill two (2) vacancies on the Lafourche Parish Fire Protection District No. 3 Board created by the expired terms of Mr. Randy Richeaux and Mr. Kim Breaux. A **motion** was made Mr. Brent Callais to re-appoint Mr. Randy Richeaux and Mr. Kim Breaux, seconded by Mr. Phillip Gouaux. Mr. Atzenhoffer asked whether this was their first or second re-appointments, to which Mr. Callais advised that this would be their second term of two (2) years. The resolution **carried** by a vote of eight(8) yeas and one(1) nay, that being of Mr. Tyrone Williams.

RES NO. 05-192 TWO (2)VACANCIES; LAFOURCHE FIRE PROTECTION DISTRICT NO. 3 BOARD

The next item (20) on the agenda was a resolution providing a format to be used when presenting a board appointment to the Council for approval. A **motion** was made by Mr. Phillip Gouaux, and seconded by Mr. Mark Atzenhoffer. Mr. Gouaux said that the format would resolve the problem that arose at the July 12, 2005 meeting with appointments. He said he had hoped that everyone had looked at the draft and that he would be open to any changes. Chairman Matherne clarified that a blank appointment would be included and that nominations would be made from the floor. Dr. Lasseigne inquired about the process to be used when there are two (2) vacancies and three (3) or four (4) applicants. Chairman Matherne said that in Terrebonne Parish, all council members are called upon to solicit a name and that the two (2) candidates with the most votes would be appointed. The resolution **carried** by a vote of eight (8) yeas and one (1) nay, that being of Mr. Tyrone Williams.

RES NO. 05-193 FORMAT FOR BOARD APPOINTMENT FOR COUNCIL APPROVAL

The next item (21) on the agenda was a resolution asking the Congressional Energy Conference Committee to maintain the level of appropriation for coastal restoration proposed in Louisiana. A **motion** was made Mr. Daniel Lorraine, and **carried** by a unanimous second.

RES NO. 05-194 CONGRESSIONAL ENERGY CONFERENCE COMMITTEE; MAINTAIN LEVEL OF APPROPRIATION FOR COASTAL RESTORATION

The next item (22) on the agenda was a resolution requesting the Administration to take the necessary action to transfer to the parish the billing of all lights on public right-of-ways in Port Fourchon. A **motion** was made Mr. Brent Callais, and seconded by Dr. Tommy Lasseigne. Mr. Callais advised the Council that enclosed in their packets was a list of street lights on public right-of-ways that had been taken over by the Port Fourchon Port Commission in the 1980's, when the Parish stopped paying for them. He said that since there was a surplus in this line item in the budget, he was asking that the Parish start paying for the high-lighted street lights. Mr. Toups asked Mr. Callais whether the Port Commission had asked him to bring this matter up before the Council or if he had brought it up on his own. Mr. Callais stated that it was in discussions with some members of the Port Commission and that there was no one individual from the Port Commission that talked to him about it. He went on to say that approximately two (2) years ago the Parish paid the Tipping Fees for all of the public boat launches and public docks in Port Fourchon but that was stopped, which resulted in \$60,000 that the Port Commission had to take over. He said that in an effort to work with the Port Commission, this was discussed as being something that the Parish could do. Mr. Toups stated that if the Parish keeps dipping into the light fund, there will be no surplus. He said that he was concerned there would be a repeat of ten (10) to twelve (12) years ago when the Parish had to turn street lights off. Mr. Toups reiterated that he could not vote for this matter unless the Port Commission could tell him that paying for the street lights would run them broke. Mr. Callais stated that 68% of the street light fund was collected from Port Fourchon and that it was a dedicated tax for street lights on public right-of-

ways. He went on to say that the Port Commission did not collect a fee, tax or rental agreement to provide lights on public right-of ways but that the Parish did. He said that the Parish did not black-top their roads, they black-topped their own roads. Mr. Callais said that they did not have a dedicated source of revenue for street lights. He then began to list some of the street lights high-lighted, he mentioned one being for the public boat launch where troll boats tied up for hurricanes, another as the Oilfield Dock, where international companies launched to buy fuel, ice, water, etc. Mr. Callais said that boat launches had been built around the Parish and that lights were being turned on all over the Parish. He asked that the Parish help out the Port Commission, who was paying the majority of the street lights, by turning on some of the lights. Mr. Callais then recognized Mr. Chucky Cheramie, Port Commissioner, as being present. Chairman Matherne thanked Mr. Cheramie for being present and for the use of the Port Commission building for the meeting. Mr. Toups asked the Administration whether this would hurt the Parish in any way and what were their feelings on the matter, because they were talking about \$5,365. Chairman Matherne asked if that amount was an annual number. Mr. Callais stated that it was a total of \$24,100 a year. Mr. Toups reiterated that he would like to hear from the Administration whether it would hurt the lighting fund ten (10) years later because once this was passed the Parish would be stuck with it. Mr. Curole stated that he thought the millage as passed provided for this because it was along a public road. He went on to say that the question he thought Mr. Toups was asking, was whether the Parish could afford to do this. He said the answer would be yes if it was okay to start spending down the fund balance. Mr. Curole said that an amendment to the 2005 budget would need to be made. He said that if Mr. Toups would like, he could come back with long term projections for a few years. Mr. Curole said that he did not know if there was an extra \$24,100 in the 2005 budget. Mr. Toups stated that he was looking beyond his term, and questioned what would happen in ten (10) years from the present. Dr. Lasseigne said that the street light fund, as rededicated, was a minimum of 60% for street lights and a maximum of 40% for derelict structures. He said that the fund could be used 100% for street lights and that he did not think the street light fund would be in jeopardy. Mr. Lorraine said that the streets and highways mentioned were not any different from other streets in the Parish and that if the Parish could afford to do what was being asked, then it should be done. He went on to say that the Port Commission had helped the Parish tremendously. He went to speak about money that was paid with regards to South Central Planning when the Parish could not pay it. Mr. Lorraine stated that the road was part of the Parish and that a lot of revenue was generated by them. Mr. Callais said that in an effort to help out the Administration, if they so wished, he would make an amendment to make the transfer take effect January 1, 2006. He went on to say that the Port Commission could finish out the rest of the year and then the Parish, on January 1, 2006, could start the process. Mr. Callais made an **amendment** to make the transfer effective date January 1, 2006, seconded by Mr. Michael Delatte. Chairman Matherne advised Mr. Gouaux that the amendment needed to be voted on and then they could return to general discussions. The amendment *carried* by a vote of nine (9) yeas and zero (0) nays. Mr. Gouaux again questioned where 17th Street was located, to which Mr. Callais deferred to Mr. Davie Breaux, Director of Operations, Greater Lafourche Port Commission. A brief discussion ensued regarding various streets listed and their location. Mr. Toups then went on to ask if having to pay the money for street lights was hurting the Port Commission, to which Mr. Breaux stated that it was hurting the Port Commission because it stopped them from developing and bringing in other companies. He said that they have to put funds into the lighting account instead of into development. Mr. Breaux said that the Parish had funds set aside for that purpose. He went on to say that as long as the Parish was having trouble, the Port Commission was willing to do it. He said that for safety reasons, the lights were needed. Mr. Toups said that he did not want to come back in three (3) or four (4) years and have to tell people their lights would have to be turned off. He said that if the Administration could tell him that the Parish could afford it, he could vote for it. Mr. Toups said that if this was passed, he did not want ten (10) or fifteen (15) new street lights installed every month. He said that he would vote to go to the 1st of 2006 but that he wanted the Administration to give the Council a report on how long the money would last. Mr. Callais said that only the street lights highlighted were being turned on and that no additional lights will

be turned on. He said that the Parish was only taking over the payment of the lights highlighted on the list (Exhibit 3) and that the Council was not authorizing the Administration to put 5,000 lights. President Randolph suggested that an amendment be made to add “only the current lights.” Mr. Lindel Toups made an **amendment** to restrict it to the current street lights on the list and to include that if at some point in the future street lights had to be turned off, then these street lights would be the first ones to be turned off, seconded by Mr. Brent Callais. A brief discussion was held regarding the annual amount paid on the street lights on the list and the actual street lights being transferred. The amendment *carried* by a vote of seven (7) yeas and two (2) nays, that being of Mr. Tyrone Williams and Mr. Mark Atzenhoffer. The resolution as amended *carried* by a vote of eight (8) yeas and one (1) nay, that being of Mr. Tyrone Williams.

RES NO. 05-195 TRANSFER TO THE PARISH THE BILLING OF ALL LIGHTS ON PUBLIC RIGHT-OF-WAYS IN PORT FOURCHON

The next item (23) on the agenda was a resolution approving Change Order No. 1 to Huey Stockstill, Inc. as a decrease in the contract amount by \$8,681.01 for repairs to the Park Levee Road at Oakridge Park; and authorizing the Parish President to sign said change order. A **motion** was made by Mr. Daniel Lorraine, and seconded by Dr. Tommy Lasseigne. Mr. Atzenhoffer questioned who was getting the decrease, the Parish or the Town of Golden Meadow. Mr. Curole said that the contract with the Town of Golden Meadow provided that the Parish would provide \$100,000 toward the amount, so in effect, the change order would reduce the Town’s commitment. He went on to say that it was his understanding that it was the Town’s intent to do additional work. Chairman Matherne clarified that the Parish had pledged an amount and not a percentage. The resolution *carried* by a vote of eight (8) yeas and one (1) nay, that being of Mr. Mark Atzenhoffer.

RES NO. 05-196 CHANGE ORDER; HUEY STOCKSTILL, INC., OAKRIDGE PARK

The next item (24) on the agenda was a resolution approving Change Order No. 1 to Barriere Construction as a decrease in the contract amount by \$26,338.00 for road improvements in Road Sales Tax District No. 2, Project 4A; and authorizing the Parish President to sign said change order. A **motion** was made Mr. Phillip Gouaux, and seconded by Mr. Brent Callais and Mr. Daniel Lorraine , and *carried* by a vote of nine(9) yeas and zero (0) nays.

RES NO. 05-197 APPROVE CHANGE ORDER; BARRIERE CONSTRUCTION, DECREASE ROAD SALES TAX DISTRICT NO. 2, PROJECT 4A

The next item (25) on the agenda was a resolution authorizing the second amendment of a contract between Lafourche Parish Government and Picciola and Associates, Inc. for road work on Road Sales Tax District No. 2; and authorizing the Parish President to sign said second contract addendum and amended attachment. A **motion** was made Mr. Phillip Gouaux, and seconded by Mr. Brent Callais and Mr. Daniel Lorraine. Mr. Lorraine offered an **amendment** to correct Attachment C (Amended Attachment to Second Contract Addendum)to read: East 175th Street, Drainage Work and Sand Seal, moved to 4B; West 122nd, moved to 4B, amount shown \$12,130.61, probably will more than that; West 159th Street, moved to 4A not 4B; West 135th, Drainage should be in 4A and Road and Sand Seal in 4B; and West 177th Street, Drainage in 4A and Road and Sand Seal in 4B, seconded by Mr. Brent Callais. Mr. Callais asked Mr. Joseph Picciola whether the culverts were added in on West 54th Street, to which Mr. Picciola stated that was discussed in item (24). Mr. Picciola stated that East 53rd Street was also included on the report given to the Council Clerk and that it would be Drainage, Reconstruction and Overlay in 4A. The resolution as amended *carried* by a vote of nine (9) yeas and zero (0) nays.

RES NO. 05-198 SECOND AMENDMENT OF A CONTRACT, PICCIOLA AND ASSOCIATES, INC., ROAD SALES TAX DISTRICT NO. 2

The next item (26) on the agenda was a resolution requesting the Lafourche Basin Levee District to sweep and clean the drainage system from Larousse Pumping Station until 3098 Louisiana Highway 307 on the south side of the highway, then from 3098 Louisiana Highway 307 to the Kraemer Bayou Road on the north side of the highway. A **motion** was made Mr. Michael Delatte, seconded by Dr. Tommy Lasseigne, and *carried* by a vote of nine (9) yeas and zero (0) nays.

RES NO. 05-199 REQUEST LAFOURCHE BASIN LEVEE DISTRICT SWEEP/CLEAN DRAINAGE SYSTEM

The next item (27) on the agenda was a resolution requesting the Louisiana Department of Transportation and Development to improve drainage on Louisiana Highway 20 in the Chackbay area, starting near the Grand Bayou Bridge heading north on the south side of Louisiana Highway 20 until Elmo Lane, due to flooding in the area. A **motion** was made Mr. Michael Delatte, seconded by Mr. Michael Matherne, and *carried* by a vote of nine (9) yeas and zero (0) nays.

RES NO. 05-200 REQUESTING LA DOTD TO IMPROVE DRAINAGE ON LOUISIANA HIGHWAY 20 IN THE CHACKBAY AREA

The next item (28) on the agenda was a resolution authorizing the Parish President to remove the Nature Study Park Project from the Capital Outlay lists within the Lafourche Parish 2005 Operations and Maintenance Budget. A **motion** was made Mr. Phillip Gouaux, seconded by Mr. Brent Callais, and *carried* by a vote of nine (9) yeas and zero (0) nays.

RES NO. 05-201 REMOVE NATURE STUDY PARK PROJECT FROM CAPITAL OUTLAY LISTS IN 2005 OPERATIONS AND MAINTENANCE BUDGET

The next item (29) on the agenda was a resolution requesting the Federal Delegation to represent the majority of the citizens by realizing that the meaning of the Constitution of the United States shall include the continued combination of God and Country; and that God, however defined by reasonable man, shall remain in the forefront of our Great Land and its Government. A **motion** was made Mr. Phillip Gouaux, seconded by Mr. Mark Atzenhoffer, and *carried* by a vote of nine (9) yeas and zero (0) nays.

RES NO. 05-202 REQUEST FEDERAL DELEGATION, MEANING OF CONSTITUTION INCLUDE CONTINUED COMBINATION OF GOD AND COUNTRY;

The next item (30) on the agenda was a resolution requesting the submission of nominations for the Board of Commissioners to the Veteran's Memorial District Board of Ward 10 of Lafourche Parish. A **motion** was made Mr. Daniel Lorraine, and seconded by Mr. Brent Callais. Mr. Atzenhoffer stated that as a point of order, the Home Rule Charter defined that groups of subdivisions fall under the Executive Branch of the Parish and that this resolution in itself, stepped out of the Parish's boundary. He went on to say that Senate Bill No. 79, Act No. 288 was not effective until August 15, 2005. Mr. Atzenhoffer said that he thought this was premature and further that there were two (2) conflicting resolutions. He then made an **amendment** to request the District Attorney's opinion on the conflict between Act 288 and Ordinance 3177 and which one took precedent, seconded by Mr. Phillip Gouaux. Mr. Lorraine explained that all he was asking for was to send a resolution requesting the submission of names to the different posts. Dr. Lasseigne questioned why was it being asked to have the District Attorney review it when what was being requested was only a submission of nominations. Mr. Morvant suggested that since an ordinance was passed to create the original board, to which all of the Council were members, that ordinance was in effect and that a State Statute that was directed at Lafourche Parish, did not necessarily overrule what the Council did because they are a Home Rule Charter governing body. He said that the existing ordinance would need to be rescinded. Mr. Morvant said that passing an ordinance adopting the State Statute would become effective in the same way as other boards were created. He reiterated that there was an ordinance on the books making the Council the board and that the State Legislature could not create a statute that overruled what Lafourche Parish had unless it was a state-wide statute under the police-power given to the State Legislature that would

apply to all governing bodies through out the State. He said that from a procedural stand point he agreed with what was being said, but that he suggested he did not know the answer at present and that if they were created as a Board by ordinance that the Council needed to look at repealing that ordinance and adopting another ordinance that adopted the particular State Statute in its whole context. Mr. Lorraine said that after hearing Mr. Morvant, he would defer the matter until August 15, 2005. Mr. Atzenhoffer removed his amendment and Mr. Gouaux removed his second to Mr. Atzenhoffer's amendment. Mr. Daniel Lorraine removed his motion and Mr. Brent Callais removed his second to adopt the resolution. The resolution *died* for lack of a motion.

RESOLUTION DIED FOR A LACK OF A MOTION

Before adjourning, President Randolph mentioned that the Parish stood to gain approximately \$2.2 to \$2.5 million a year for the next four (4) years to work on coastal activity as well as the State having an additional \$300 million that Lafourche would share a part of. She said that this was attributable to the hard work of the Council because it was understood that the Council would be very diligent with identifying the projects that the money would be spent on.

Mr. Brent Callais then commended the PACE Organization, of which President Randolph is the Vice President. He went on to say that Dr. Tommy Lasseigne, Mr. Phillip Gouaux and himself had traveled to Washington with the organization and that they had really done a great job. Mr. Callais said it was because of such an organization that the Parish received the resources handed down to them July 26, 2005. He said that he would like to congratulate every single person in that organization because they, including President Randolph, had done a great job getting the money.

ADJOURNMENT

On **motion** by Mr. Mark Atzenhoffer, seconded by Dr. Tommy Lasseigne, and with no further business, the Lafourche Parish Council Meeting of July 26, 2005 **adjourned** at 6:55 p.m.

**MICHAEL MATHERNE, CHAIRMAN
LAFOURCHE PARISH COUNCIL**

**SHEILA B. BOUDREAUX, COUNCIL CLERK
LAFOURCHE PARISH COUNCIL**