

TUESDAY, OCTOBER 12, 2004  
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, OCTOBER 12, 2004, AT 5:30 P.M., IN THE COUNCIL MEETING ROOM AT THE LAFOURCHE PARISH COUNCIL BARRIOS CENTER, 1612 HWY. 182, SUITE 100, RACELAND, LOUISIANA.

The Lafourche Parish Council was duly convened as the governing authority of said Parish by Mr. Lindel Toups, Chairman, who then stated that the Lafourche Parish Council was ready for the transaction of business at 5:30 p.m.

Chairman Toups announced that the opening prayer would be led by Council Member Michael Matherne. The Council then recited the Pledge of Allegiance led by Council Member Daniel Lorraine.

Proceedings of the meeting were called to order with the following:

**PRESENT:** Mr. Tyrone Williams  
Mr. Michael Delatte  
Mr. Michael Matherne  
Dr. Tommy Lasseigne (*arrived late at 5:40 p.m.*)  
Mr. Mark Atzenhoffer  
Mr. Lindel Toups - Chairman  
Mr. L. Phillip Gouaux, II  
Mr. Brent Callais - Co-Chairman  
Mr. Daniel Lorraine

**ABSENT:** None

**APPROVAL OF MINUTES**

The first item (1) on the agenda was the approval of the minutes of the September 28, 2004, Lafourche Parish Council Regular Meeting. A **motion** was offered by Mr. Mark Atzenhoffer and seconded by Mr. Daniel Lorraine to accept the September 28, 2004 Regular Meeting minutes. Mr. Daniel Lorraine asked that a comment that was made (page 23, item # 63) about the Edgar Pump Station taking 21 days to pump out be added into the minutes. The minutes were **approved** by a vote of eight (8) yeas, zero (0) nays, and one (1) absent, that being of Dr. Tommy Lasseigne.

**COMMITTEE ITEMS**

The next item (2) on the agenda was a motion to appoint a new Chairman for the Public Works and Solid Waste Committee (due to the resignation of Mr. Mark Atzenhoffer). Mr. Daniel Lorraine offered a **motion** to appoint Council Member Michael Delatte to finish out the term as Chairman of the Public Works and Solid Waste Committee and seconded by Mr. Phillip Gouaux.

The motion *carried* by a vote of eight (8) yeas, zero (0) nays, and one (1) absent, that being of Dr. Tommy Lasseigne. Chairman Toups thanked Mr. Mark Atzenhoffer for serving as Chairman of the Public Works and Solid Waste Committee for nine months, congratulated him on doing a great job, and said it was appreciated.

The next item (3) on the agenda was motions by the Board of Appointment and Permits Committee on three items:

a.) Motion to ratify the appointment of the members to the Subdivision Regulation Subcommittee and set the first meeting date. A **motion** was offered by Mr. Mark Atzenhoffer and seconded by Mr. Phillip Gouaux. Mr. Atzenhoffer stated that the first meeting would be on October 21<sup>st</sup> at 6:30 p.m. at the Barrios Building. Mr. Gouaux suggested that the Council Clerk notify the members. The motion *carried* by a vote of eight (8) yeas, zero (0) nays, and one (1) absent, that being of Dr. Tommy Lasseigne.

b.) Motion to ratify the appointment of the members to the Detention Center Improvement Subcommittee. Chairman Toups stated that this would have an effective date of October 21, 2004. Mr. Brent Callais stated that he would serve his District (No. 8). Mr. Lindel Toups then said he would do the same (District No.6). Mr. Michael Matherne gave his appointment to be Ms. Jessica Cassard and requested that the Council Clerk notify her of the appointment. Chairman Toups requested that the rest of the Council turn in their appointments to the Council Clerk by the end of the week.

c.) Motion to fill one of three vacancies as a Community Representative on the Head Start Policy Council Board/advertised. A **motion** was offered by Mr. Brent Callais, seconded by Mr. Michael Delatte, to appoint Mr. Norman Loeske Jr. to the board, and *carried* by a vote of eight (8) yeas, zero (0) nays, and one (1) absent, that being of Dr. Tommy Lasseigne. Mr. Phillip Gouaux offered a **motion** to re-advertise for the remaining two vacancies on the board, seconded by Mr. Daniel Lorraine, and *carried* by a vote of eight (8) yeas, zero (0) nays, and one (1) absent, that being of Dr. Tommy Lasseigne.

Dr. Tommy Lasseigne entered the meeting room at 5:40 p.m.

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

### **PUBLIC HEARING**

The next item (4) on the agenda was a Public Hearing to inform the public of the following:

a.) Adopt the adjusted millage rate(s) for the tax year 2004; and

b.) Adopt the adjusted millage rate(s) after reassessment and roll forward the millage to a rate(s) not to exceed the prior year's maximum millage for the tax year 2004 for all taxing districts and subdistricts governed by the Lafourche Parish Council.

**\*\*NOTE—Adoption of the Resolutions are item numbers 28 and 29 on the agenda.**

With no one from the public wanting to speak, a **motion** was offered by Mr. Brent Callais, seconded by Mr. Mark Atzenhoffer, to *close* the **Public Hearing**, and *carried* by a vote of nine (9) yeas and zero (0) nays.

### **PRESENTATIONS**

The next item (5) on the agenda was a presentation by McGlinches Stafford PLLC to give a presentation regarding bond issues. Mr. Michael Matherne stated that two representatives from McGlinches were in attendance to give a presentation. Ms. Lisa Maurer stated that she was a partner

from the McGlinches Stafford's New Orleans office and also present with her was Ms. Carmen Lavergne from the Baton Rouge office. Ms. Maurer briefed the Council on the law firm and their capabilities in the public finance arena. She stated that the firm was created in 1974, currently has 170 lawyers, and have offices in five states: Louisiana, Mississippi, Texas, Ohio, and New York. Then, she said that while Ms. Lavergne and herself specializes in public finance, the firm handles virtually every aspect of any type transaction of law. She went on to say that the firm is licenced in 22 different states. Over the last 16 years, she has been involved in all aspects of public finance; including bond council work, underwriters council work, and special tax council work. She then said that Ms. Lavergne's experience in the last five years has been in public finance concentrating on local governmental work and the higher education student housing. Ms. Maurer said that it was just last year that the firm had completed a D04 with Nicholls. She said that the firm was familiar with the Parish and they would love the opportunity to work with Lafourche. Ms. Maurer stated that the firm wants to be part of the "team". Chairman Toups asked if the firm was doing any business with any surrounding parishes. Ms. Maurer responded as yes, some underwriting council work was done and they also did some work with New Orleans. Mr. Michael Delatte asked if the firm had any legal challenges (lawsuits) against any of the parishes. Ms. Maurer responded that she would be happy to run a "conflicts check" and report back to the Council, but none to her knowledge. Mr. Phillip Gouaux asked about the rates and would it be less than what the Attorney General allows. Ms. Maurer responded that the rates would be less because the Attorney General establishes a fee schedule (which is a maximum fee schedule) and the firm works at a percentage of that schedule. Mr. Gouaux asked if the firm would volunteer their services if the parish needed assistance through some of the issues. Ms. Maurer responded that they absolutely would. She thanked the Council and said she was looking forward to working with the Parish.

Next, a **motion** was offered by Mr. Brent Callais, seconded by Mr. Phillip Gouaux, to *enter* into the **Executive Session**, and *carried* by a vote of nine (9) yeas and zero (0) nays. The Executive Session began at 5:50 p.m.

### EXECUTIVE SESSION

The next item (6) on the agenda was an Executive Session to discuss the following:

a.) Lafourche Real Estate and Associates, et al v. 83939 Lafourche Parish Council.

Mr. Ray Cheramie, Director of Public Works, Ms. Lisa Orgeron with the District Attorney's Office, and some members of the North Lafourche Levee District: Mr. Ray Collins, Attorney, Mr. Chris Bollinger, President, Mr. Leonard Chauvin, Engineer, and Mr. Ronald Adams, a Member - all attended the Executive Session by invitation.

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

The next item (7) on the agenda was for any action necessary from Executive Session. Mr. Mark Atzenhoffer offered a **motion** to authorize the District Attorney to continue negotiations pertaining to the lawsuit of the Lafourche Real Estate and Associates, et al v. 83939 Lafourche Parish Council, seconded by Mr. Daniel Lorraine, and *carried* by a vote of eight (8) yeas, zero (0) nays, and one (1) abstained, that being of Mr. Michael Matherne.

### PRESIDENT'S REPORT (PART I OF II)

The next item (8) on the agenda was a presentation of monthly report on parish finances as required by the Lafourche Parish Home Rule Charter. Parish President, Charlotte A. Randolph,

began her presentation by showing pictures of the flooding situations caused by Tropical Storm Matthew which came ashore with winds of 35 to 40 mph and with heavy rainfalls. She gave flooding statistics of the Parish and surrounding areas. President Randolph stated that the storm showed the many areas of the Parish that need to be assessed due to drainage issues. She asked for everyone to be patient because it would take time and money to catch up on what she thought was being neglected in the past Administration. President Randolph also stated that the 2005 Budget has many projects for the next year and drainage is considered to be the number one priority. Mr. Brent Callais thanked President Randolph, Mr. Ray Cheramie, and the entire Department of Public Works, for doing such a great job with the situations that came with the storm. Mr. Daniel Lorraine also thanked everyone that assisted with the storm and requested that the public take into consideration on how bad the flooding can get. Mr. Daniel Lorraine asked if some changes could be made to the budget before it would be finalized. President Randolph stated that no changes could be made now, but in January it could be moved. Mr. Cullen Curole, Parish Administrator, said that the Administration could get a better clarification from the District Attorney's office because the Charter does not state it clearly. Mr. Phillip Gouaux asked how detailed the Budget was and how the projects are signified. President Randolph clarified that there is a budget, a detail, and a supplement. She said that the budget is adopted; and the detail and the supplement is not part of the budget. Mr. Michael Delatte then thanked the Parish workers and the Administration because they did a great job with the rain event. He wanted the Parish to know that some of the projects that had been done worked very well. Mr. Delatte stated that it was the first time in fifteen years that the Bayou Beouf School and the surrounding area did not flood because of the additional pumping that was installed for the Kraemer project. He then mentioned that the flood gate project that was just completed also worked because there was no flooding in the Sugar Ridge area where three times previously this year they have flooded for lighter rains. Mr. Delatte stated that as simple as gate valves being installed at the St. James Subdivision prevented flooding. He stated that most of the projects were done in-house by the workers in the barn and a large portion of the problem areas were done by simple steps. He then again thanked Mr. Cheramie for doing such a good job. Mr. Mark Atzenhoffer also thanked Mr. Cheramie and the Department of Public Works for all the work that was done in-house which really helped. He then said the communication and the cooperation between everyone assisted in making the storm event bearable. Mr. Atzenhoffer then read from Article 5, Section A-1 of the Home Rule Charter to clarify a response to Mr. Lorraine's previous question and that the budget could not be amended. Mr. Phillip Gouaux thanked Mr. Cheramie and his staff, the Parish workers, and the Administration. He also thanked the Lafourche Parish Sheriff's Office and Mr. Willie Johnson for assisting with bringing trustees out to the Larose down to Lockport areas. President Randolph also included the Louisiana Department of Transportation and Development in being appreciated for their involvement.

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

#### **PUBLIC HEARING & ORDINANCES FOR RATIFICATION**

The next item (9) on the agenda was an ordinance amending and re-enacting Section 2:200 (A) of Sub-Chapter "C" of Chapter 2 of the Code of Ordinances as it pertains to going to two (2) Council meetings per month, eliminating all Standing Committees. A **motion** was offered by Mr. Brent Callais and seconded by Mr. Mark Atzenhoffer. An *amendment* was offered by Mr. Phillip

Gouaux and seconded by Mr. Brent Callais to have an effective date to reflect “*January 1, 2005*”. Chairman Toups stated his opinion on the meetings and would like to have only one meeting a month. Mr. Phillip Gouaux suggested that the items that are put on the agenda be looked at to which meeting to put it on. Mr. Brent Callais gave some reasoning on why he thought this ordinance should pass. Mr. Mark Atzenhoffer said he would support it because two meetings are already being held a month. Mr. Michael Matherne asked about limiting topics. Mr. Brent Callais explained how he thought the agenda could be revised for this ordinance to be beneficial. Chairman Toups again stated his opinion where the Committee meetings are necessary. The amendment *carried* by a vote of seven (7) yeas and two (2) nays, that being of Mr. Lindel Toups and Dr. Tommy Lasseigne. The ordinance *carried* by a vote of seven (7) yeas and two (2) nays, that being of Mr. Lindel Toups and Dr. Tommy Lasseigne.

**ORD. NO. 3496      TWO COUNCIL MEETINGS PER MONTH,  
ELIMINATING ALL STANDING COMMITTEES**

The next item (10) on the agenda was an ordinance authorizing a lease renewal contract with the Town of Lockport for the Lockport Library; and to authorize the Parish President to sign the lease renewal and any and all accompanying documentation. A **motion** was offered by Mr. Phillip Gouaux and seconded by Mr. Mark Atzenhoffer. Mr. Phillip Gouaux offered an *amendment* to state “*at a cost of \$1,086.60 a month at a one year lease*”, seconded by Mr. Daniel Lorraine, and *carried* by a vote of nine (9) yeas and zero (0) nays. The ordinance *carried* by a vote of nine (9) yeas and zero (0) nays.

**ORD. NO. 3497      LEASE RENEWAL CONTRACT, LOCKPORT LIBRARY**

The next item (11) on the agenda was an ordinance forming a Subcommittee to rewrite the Code of Ordinances for the Lafourche Parish Council; and further providing for the date of final recommendation. A **motion** was offered by Mr. Phillip Gouaux and seconded by Mr. Brent Callais. Mr. Phillip Gouaux explained that this ordinance would give the Subcommittee a year and would be able to complete the Code of Ordinance. Mr. Michael Matherne asked if someone could be paid to do this work. Mr. Phillip Gouaux stated that South Central Planning may be a possibility. Mr. Mark Atzenhoffer then asked if this item could go out to bid. Mr. Phillip Gouaux said that it needs to be done and he was looking for a way to do this. Mr. Phillip Gouaux and Mr. Brent Callais retracted their original motion. A **motion** was offered by Mr. Phillip Gouaux, seconded by Mr. Mark Atzenhoffer, to *defer* this item to next month’s meeting to ask that the Administration check with South Central Planning and/or to bid, and *carried* by a vote of nine (9) yeas and zero (0) nays.

**DEFERRED TO NEXT MEETING      SUBCOMMITTEE, CODE OF ORDINANCES**

The next item (12) on the agenda was an ordinance authorizing the Parish President to execute, administer, and sign an agreement with the Lafourche Parish School Board and a Cooperative Agreement with the Lafourche Parish Sheriff’s Office for the use of the Raceland Landfill Property. A **motion** was offered by Mr. Mark Atzenhoffer and seconded by Mr. Brent Callais. Mr. Jerome Danos, Solid Waste Manager, stated that the documents are not finalized and is pending a legal review. He said that he has been working closely with the Sheriff’s Office to finalize a document to share the use of the property. Discussions ensued about the property and the area of use. Mr. Danos then said that the Parish uses the area for two other purposes: permitted as a waste tire collection facility (funded through DEQ) and as a burn sight (designated area to burn waste from disasters such as tornadoes and hurricanes). Mr. Mark Atzenhoffer asked how can the Council vote on something, if we do not have the documents to approve or ratify. Mr. Mark Atzenhoffer and Mr. Brent Callais retracted their original motion. A **motion** was offered by Mr.

Daniel Lorraine, seconded by Mr. Mark Atzenhoffer, to *defer* this item until the Administration receives the contracts, and *carried* by a vote of nine (9) yeas and zero (0) nays.

**DEFERRED TILL CONTRACTS ARE RECEIVED RACELAND LANDFILL**

The next item (13) on the agenda was an ordinance authorizing Change Orders on the existing contract (Ordinance No. 2625) between Lafourche Parish and SWDI, LLC, extending the existing contract to December 31, 2004; and authorizing the Parish President to sign said Change Orders. A **motion** was offered by Mr. Phillip Gouaux, seconded by Mr. Brent Callais, and *carried* by a vote of eight (8) yeas, (0) nays, and one (1) recused, that being of Mr. Daniel Lorraine.

**ORD. NO. 3498 CHANGE ORDERS, SWDI, LLC**

The next item (14) on the agenda was an ordinance amending Ordinance No. 3468 as it pertains to consolidating certain precincts in order to change the wording from “consolidating” to “merging” of certain precincts; designating polling locations therefore; and to further specify the effective dates of same. A **motion** was offered by Mr. Mark Atzenhoffer, seconded by Mr. Phillip Gouaux, and *carried* by a vote of nine (9) yeas and zero (0) nays.

**ORD. NO. 3499 CONSOLIDATING CERTAIN PRECINCTS**

The next item (15) on the agenda was an ordinance approving the issuance, sale and delivery of not exceeding \$7,335,000.00 of Water Revenue Refunding Bonds, Series 2004, of Water District No. 1 of the Parish of Lafourche, State of Louisiana, and other matters relating thereto. A **motion** was offered by Mr. Brent Callais, seconded by Mr. Mark Atzenhoffer, and *carried* by a vote of nine (9) yeas and zero (0) nays.

**ORD. NO. 3500 WATER REVENUE REFUNDING BONDS**

The next item (16) on the agenda was an ordinance to amend and re-enact Sub-Chapters “A” & “B” of Chapter 12 of the Code of Ordinances to reorganize the Lafourche Parish Library system. Mr. Mark Atzenhoffer stated that by the advise of the District Attorney, he *pulled* this item.

**PULLED TO REORGANIZE THE LAFOURCHE PARISH LIBRARY SYSTEM**

The next item (17) on the agenda was an ordinance accepting the subdivision into the system known as Williams Subdivision, Ward (10) of District (9). A **motion** was offered by Mr. Daniel Lorraine, seconded by Mr. Brent Callais, and *carried* by a vote of nine (9) yeas and zero (0) nays.

**ORD. NO. 3501 WILLIAMS SUBDIVISION**

The next item (18) on the agenda was an ordinance accepting the subdivision into the system known as The Place Subdivision, Ward (10) of District (8). A **motion** was offered by Mr. Brent Callais, seconded by Mr. Daniel Lorraine, and *carried* by a vote of nine (9) yeas and zero (0) nays.

**ORD. NO. 3502 THE PLACE SUBDIVISION**

The next item (19) on the agenda was an ordinance declaring property belonging to the Lafourche Parish Council as surplus property. A **motion** was offered by Mr. Mark Atzenhoffer and seconded by Mr. Michael Delatte. An *amendment* was offered by Mr. Mark Atzenhoffer, seconded by Mr. Daniel Lorraine, *to add a copier from the Galliano Health Unit to the list*. The amendment *carried* by a vote of nine (9) yeas and zero (0) nays. The original ordinance *carried* by a vote of nine (9) yeas and zero (0) nays.

**ORD. NO. 3503 DECLARING PROPERTY, AS SURPLUS PROPERTY**

The next item (20) on the agenda was an ordinance prohibiting “dumping” on Ridgeway Street, Hyland Street, Carol Street, Plymouth Street, Park Avenue, Line Street, and Waverly Road, District 1 of Lafourche Parish; requiring the placement of signs; and providing penalties for violations. A **motion** was offered by Mr. Tyrone Williams, seconded by Mr. Phillip Gouaux, and *carried* by a vote of nine (9) yeas and zero (0) nays.

**ORD. NO. 3504 PROHIBITING “DUMPING”**

The next item (21) on the agenda was an ordinance prohibiting “loitering” on Paula Drive, Karla Drive, Frederich Drive and Amanda Drive, Ward (2), District (1); requiring the placement of signs; and providing penalties for violations. A **motion** was offered by Mr. Tyrone Williams, seconded by Mr. Phillip Gouaux, and *carried* by a vote of nine (9) yeas and zero (0) nays.

**ORD. NO. 3505 PROHIBITING “LOITERING”**

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

**PROPOSED ORDINANCES**

The next item (22) on the agenda was a proposed ordinance accepting into the parish system the subdivision known as the “H. O. Land Company” Ward 4, District 7 of Lafourche Parish. A **motion** was offered by Mr. Phillip Gouaux to introduce the above stated proposed ordinance.

**PROPOSED ORDINANCE H. O. LAND COMPANY**

The next item (23) on the agenda was a proposed ordinance accepting into the parish system the subdivision known as the “Tracts A, B, and C, redivision of property belonging to the Lillian Usie Guidry Estate”, Ward 11, District 5 of Lafourche Parish. A **motion** was offered by Mr. Mark Atzenhoffer to introduce the above stated proposed ordinance.

**PROPOSED ORDINANCE LILLIAN USIE GUIDRY ESTATE**

The next item (24) on the agenda was a proposed ordinance accepting into the parish system the subdivision known as the “Crape Myrtle Place” Ward 1, District 2 of Lafourche Parish. A **motion** was offered by Mr. Michael Delatte to introduce the above stated proposed ordinance.

**PROPOSED ORDINANCE CRAPE MYRTLE PLACE**

The next item (25) on the agenda was a proposed ordinance amending Ordinance No. 3426 as it pertains to the Subdivision Regulation Committee in order to extend the final recommendation date to no later than November 2005. A **motion** was offered by Mr. Mark Atzenhoffer to introduce the above stated proposed ordinance.

**PROPOSED ORDINANCE SUBDIVISION REGULATION COMMITTEE**

The next item (26) on the agenda was a proposed ordinance establishing a 15 miles per hour speed limit on all motor vehicles traveling on the parish portion of Eagle Island Road; authorizing the installation of signs; and providing for penalties thereof. A **motion** was offered by Mr. Mark Atzenhoffer to introduce the above stated proposed ordinance.

**PROPOSED ORDINANCE EAGLE ISLAND ROAD, 15 MPH**

**RESOLUTIONS**

The next item (27) on the agenda was a resolution designating the lower Pointe-aux-Chene Community as an official American Indian Community. A **motion** was offered by Mr. Daniel Lorraine and unanimously seconded. President Randolph read the resolution out loud to the Public. Ms. Bernice Billiot, whom resides on Oak Pointe Road, thanked Mr. Daniel Lorraine and the rest of the Council in behalf of herself and the tribal community for taking their resolution into consideration. The motion *carried* to adopt said resolution by a vote of nine (9) yeas and zero (0) nays.

**RES NO. 04-150 AMERICAN INDIAN COMMUNITY**

The next item (28) on the agenda was a resolution stating that the following adjusted millage rate(s) be and they are hereby levied upon the dollar of the assessed valuation of all property subject to ad valorem taxation within said parish for the year 2004, for the purpose of raising revenue. Dr. Tommy Lasseigne asked if this item should be an ordinance because the District Attorney gave an opinion stating that the Lafourche Parish Home Rule Charter, Article IV, Section A-5, as providing for raising revenue must be enacted by ordinance. Mr. Daniel Lorraine said that the Recreation District 3 had to do it by ordinance and that the Council should do it the same way every time. Ms. Shannon Chiasson, Finance Director, said that the Administration was following the guidelines of the Legislative Auditor's format to do it as a resolution. She then said that the District Attorney's Office suggested that the Administration follow the Legislative Auditor's guidelines by resolution and to also do it by ordinance. Discussions ensued about the procedures. Ms. Chiasson said that it needs to be done by resolution; the ordinance can be introduced and the resolution can be ratified. She said that there is not enough time to do it by ordinance; there is a time line that needs to be met by the Assessor's office. More discussions ensued about doing this the right way. Ms. Chiasson again said that the District Attorney's Office instructed the Administration to do it by resolution because of verbatim from the Legislative Auditor and following their process would be sufficient. Further discussions ensued. President Randolph said she felt comfortable in following the Legislative Auditor's guidelines because that was the way it has been designed. Mr. Phillip Gouaux said that it would not cause any harm in passing the resolution and then do it by ordinance for the District Attorney, if necessary. Mr. Daniel Lorraine stated that they were all done by resolution at one time and that the District Attorney said that they could not be done as resolutions. Chairman Toups said that he would recommend that it be done by resolution and then check with the District Attorney to see if it needs to be straightened up. Mr. Mark Atzenhoffer said that the Home Rule Charter stated in Article IV, Section A, Number 2, of acts requiring an ordinance was levies taxes or assessments. He said that he also looked into the Emergency Ordinance, to see if that could be in order and it would. But, under Section D of the Emergency Ordinances, the exception is that no such ordinance may be used to levee a tax or grant, extend or modify a franchise. Unfortunately, the Emergency Ordinance does not apply to this either. Ms. Chiasson stated that the time frame is really tight because it has to have a Public Hearing by November 9<sup>th</sup>. Mr. Lindel Toups suggested that the resolution be adopted as presented, pending the legal opinion of the District Attorney, if it was done incorrect and that it could be straightened up. *Ms. Chiasson gave her presentation at this time:* She first stated that the report did not include the recent storm, Matthew. She explained that funds would need to be transferred from Drainage to cover shortages. Ms. Chiasson said that in 2003, \$12,535,000 was collected in millages (item 29 condenses the information). The recommended millages after reappraisal was \$166,000 less. She stated that the maximum levee would be an increase of \$1,133,661.06. The recommended adjustments from the Administration after analyzing the millages and the tax call for each millage were: General Alimony and Criminal Tax (from the general fund), Drainage was kept at the maximum levee, others were rolled back to accept the Assessors recommendation, and Recreation was rolled forward just 50%. This Alternative Option would bring in an increase of \$711,065.62. A discussion ensued about increases, decreases, roll backs, levees, and adjusted rates. Dr. Tommy Lasseigne asked what will be the rate that the millages will be charged. Ms. Chiasson responded as the 2004 levee. Mr. Lindel Toups asked what was the adjusted rate.

The meeting recessed for five minutes at 7:36 p.m. A **motion** was offered by Mr. Daniel Lorraine, seconded by Mr. Michael Delatte, to re-enter the meeting, and **carried** by a vote of nine (9) yeas and zero (0) nays.

Discussions continued on the resolution of item 28. Mr. Cullen Curole stated that he would try to explain the millage because the terminology and semantics are really complicated. He showed a slide to help explain the millage. Mr. Curole said that the column on the right showed what was voted on by the public years back and every four years a reassessment is done. He then said that the Assessor automatically rolls back the rate and in this case it was 3.17 to 3.12. Mr. Curole continued his explanation. Mr. Daniel Lorraine asked Mr. Danny Mayet to tell the Council about the special tax coming up for Recreation and if it was lowered. He thanked Mr. Mayet for giving the tax payers a break and asked for specific numbers. Mr. Mayet said the total reduction was 2.33 mills (the Bonds that were voted at 6.25 was reduced to 4.0 and the Maintenance and Operations at 3.08, was reduced to 3.0), which gave a net decrease. Mr. Lorraine then asked if it would have been a lot more if it was left where it was. Mr. Mayet said he thought the number was close to \$13 thousand dollars more if it would have been left as it was. Another brief discussion ensued. President Randolph stated that the exercise was to gain as much drainage money as possible while trying to give the people a break. She then mentioned the 1.1 million that could have been collected compared to the \$711 million that was chosen and will be collected. Dr. Tommy Lasseigne stated his opinions. Mr. Mark Atzenhoffer spoke of some of the instances, Drainage District #12 has six items: Subdistricts #1, 2, & 3, and Subdistricts 1, 2, & 3 for acreages. He then stated that the Raceland Prairie millage will soon expire (not to be renewed), either in 2005 or 2006 and this money would be reabsorbed in the Parish and used to dig out reservoirs and some funding for pump upgrades. Mr. Atzenhoffer mentioned some of the other entities that would receive money: the Recreation District and all of the Fire Districts (which budgets have not been seen to know how the money would be spent). He then said that the Council needs to look at the issues to be sure that the entities responsible to us are spending the Parish dollars wisely. President Randolph stated that in 2005 that a major focus would be on millages. A **motion** was offered by Mr. Phillip Gouaux and seconded by Mr. Brent Callais. Dr. Tommy Lasseigne said that he knows the Parish needs money, but the Administration made an impassioned plea to cut millages and even put a moratorium on millages. He then said that this will affect the low income people the most, which their homes just got reevaluated and doubling their taxes. The resolution **failed** by a vote of four (4) yeas and five (5) nays, that being of Mr. Tyrone Williams, Dr. Tommy Lasseigne, Mr. Lindel Toups, Mr. Phillip Gouaux, and Mr. Daniel Lorraine.

The next item (29) on the agenda was a resolution stating that the taxing authority voted to increase the millage rate(s), but not in excess of the prior year's maximum rate(s), on all taxable revenues from said taxes shall be used only for the specific purposes for which said taxes have been levied. A **motion** was offered by Dr. Tommy Lasseigne and seconded by Mr. Brent Callais. Ms. Chiasson stated that the adjusted millage and a tax base needs to be excepted first (which was item 28). Mr. Curole tried to clarify that the presentation that Ms. Chiasson gave and the discussions were basically for item 29. He said that item 28 was to accept the lower adjusted rates and that item 29 was to accept the proposal. Discussions ensued and explanations were given.

Mr. Michael Matherne made a **motion** to reconsider the vote on item 28, seconded by Mr. Phillip Gouaux, and **carried** by a vote of eight (8) yeas, zero (0) nays, and one (1) abstained, that being of Mr. Mark Atzenhoffer. A **motion** was offered by Mr. Phillip Gouaux, seconded by Dr. Tommy Lasseigne, to adopt the resolution on item 28 as presented, and **carried** by a vote of eight (8) yeas, zero (0) nays, and one (1) abstained, that being of Mr. Mark Atzenhoffer.

#### **RES NO. 04-151      ADJUSTED MILLAGE RATE(S)**

A **motion** was offered by Dr. Tommy Lasseigne and seconded by Mr. Phillip Gouaux to adopt the resolution on item 29 as presented. Chairman Toups offered clarification on how to vote,

yea was to increase and nay was to stay the same as last year. Another discussion ensued. The motion **carried** by a vote of five (5) yeas and four (4) nays, that being of Mr. Michael Delatte, Dr. Tommy Lasseigne, Mr. Lindel Toups, and Mr. Daniel Lorraine.

**RES NO. 04-152 INCREASE THE MILLAGE RATE(S)**

The next item (30) on the agenda was a resolution approving a contract to accept the lowest bid of Coastal Amphibious Services, Inc. in the amount of \$9,499 to shred trees in the Twin Oaks Pumping Station vicinity; and authorizing the Parish President to sign, execute and administer said contract. A **motion** was offered by Mr. Mark Atzenhoffer, seconded by Mr. Michael Delatte, to adopt said resolution, and **carried** by a vote of nine (9) yeas and zero (0) nays.

**RES NO. 04-153 COASTAL AMPHIBIOUS SERVICES, INC.**

The next item (31) on the agenda was a resolution requesting the Administration to begin work on the Fantastic Acres Pump Station and the Gheens Pump Station. A **motion** was offered by Mr. Mark Atzenhoffer and seconded by Mr. Phillip Gouaux. Chairman Toups stated that the Fantastic Pump Station had gone out for bids (which came back too high) and that the Gheens Pump Station had no funding (Mr. Cheramie would explain that it could be done in-house). Mr. Daniel Lorraine asked why is there no money, because it was in the budget. President Randolph said that the cost was more than the amount of money that was in the budget. Discussions ensued. Chairman Toups stated that he wanted the projects done because they were given a pump, the Fantastic Acres Pump Station is in bad shape, the area has been flooding for 20 years, and wants reassurance that the work will be done. Mr. Ray Cheramie said that he does not see any reason why the work can not be done in-house for all three of the pump projects. He said that the Fantastic Pump Station came in double the amount that was in the budget and that he felt that if it was partially contracted and in-house that it can be done for the amount of money that is in the budget. Mr. Cheramie then said that he does not feel that the project can be done in-house and money was put in the 2005 Budget for the project. Chairman Toups asked Mr. Cheramie if he could give a time frame for the work. Mr. Cheramie said that the work has already been started: engineering work was done, went out for bid (which was too high), started to refurbish the pumps and the engines, the platform (for Fantastic) is completed, and work is continuing. He then said that the Fantastic project would be completed somewhere early winter to late spring of 2005. Chairman Toups stated that the Gheens pump was donated by Raceland Sugar two years ago and they are asking when it will be installed. Mr. Cheramie explained that the problem is getting the right-of-ways and that is why the Gheens pump is not yet installed. The motion to adopt the said resolution **carried** by a vote of nine (9) yeas and zero (0) nays.

**RES NO. 04-154 FANTASTIC ACRES AND GHEENS PUMP STATION**

The next item (32) on the agenda was a resolution approving the acceptance of the lowest bid of \$405,870.66 for an addition to the Edgar Guidry Pump Station and approving contract(s) for said construction; and authorizing the Parish President to sign, execute and administer said contracts and all relevant documents. A **motion** was offered by Mr. Phillip Gouaux and seconded by Mr. Michael Delatte. Mr. Cheramie stated to please be patient with him because he had put a report together because the radio station and the public was making accusations, generally looking down on the Department as what was done and questions that were not answered. He read, *“At the last Council meeting, there were questions asked and not fully answered. There were also accusations of possible prioritizing of projects by the Administration that I need to address. The Administration did not prioritize any projects. As I discuss how certain projects came about, I will also explain how the proposed pump station projects came through the bidding process. Before I do that, I would like*

*to tell the public something about myself and how I envisioned running the Department of Public Works. When I accepted Mrs. Randolph's offer to become the Director of Public Works, I did so with the commitment to myself and the public that I would work for the betterment of the entire Parish and that whatever was done by Public Works would not be directed by politics. My first goal was to move the Department of Public Works out of the Thibodaux Office which included Permits and Planning. As soon as the Department of Public Works was relocated to the Raceland Office, the Parish Area Superintendents were scheduled a meeting to discuss any and all work in their areas, past, present, and future. Request for personnel, equipment and projects are discussed at these meetings. These meetings are where some of the information on certain projects are gathered. These meetings will continue to be held every month to better serve the residents of Lafourche Parish. During this period of time I received requests from some of you Councilmen for work to be done in your area and recommendations for needed projects. On Tuesday, May 11, 2004 I handed each of you a memo with meeting locations and dates to be held at the Field Office that represented your area. These meetings were held for you to discuss problems and concerns in your area. Only one councilman attended. Mr Williams attended the Thibodaux Field Office meeting, with Mr. Gouaux out of town on business and Mr. Delatte on vacation with his family. Since then I have met with you as you requested, and the Department of Public Works has tried to address your wants and needs. Mr. Cheramie then went on about projects that were done in various areas. He stated that Mr. Daniel Lorraine had requested the Mobley/Serigny Levee be cleaned, recapped, and that the Serigny Pump be relocated. Mr. Cheramie reported that the Mobley Levee has been cleared completely, the Mobley/Serigny Levee was about 65% completed, working to get the right-of-ways (have a verbal) for the relocation of the Serigny Pump and will be converted from a diesel driven pump to an electric diesel or an electric/natural gas, and that the sidewalks are in process of being repaired from West 134<sup>th</sup> to West 135<sup>th</sup>. Mr. Cheramie spoke of the Bayou Vista Subdivision in Dr. Tommy Lasseigne's area and that the Department is working with the landowners to build a pump station at the rear of the subdivision. The Department is waiting on survey reports of the area of elevations of property and the number of acres for sizing of the pump that will be needed. Mr. Ray Cheramie said that he also spoke to Dr. Lasseigne about an addition of an electric pump with a float at the Thoroughbred Pump Station. Then, he said that Mr. Phillip Gouaux asked for the Edgar Guidry Pump Station; all the right-of-ways have been signed and the bid is below the Council's approved funding. He said the Department is waiting for the approval of the Council for the low bid. Then, he said that Mr. Gouaux asked that the Bayou Blue levee be recapped and that is proposed for 2005. Mr. Cheramie stated that Mr. Michael Delatte received the flap gates that he requested for 80 Arpent on Bayou Onion. He said that a meeting was held with the Corp of Engineers about the Chackbay 101 project and that T. Baker Smith was working with the Corp to lift the cease and desist orders. Mr. Cheramie gave report on the different pumps from Mr. Delatte's area that were installed and also moved some surplus pumps. He said that there was a conversion of an existing 12" electric pump and installed an extra (surplus) 12" pump at the Bayou Bouef School (converted electric/natural gas). He made a comment that there were a number of other pump projects that were being addressed in Mr. Delatte's area. Also, looking to install an additional 48" pump at Leighton Pump Station (engineer is drawing up a rough draft) for Mr. Michael Delatte, Mr. Michael Matherne, and Mr. Tyrone Williams. Mr. Cheramie said that the Department has completed some clearing of trees along the Parish Line Canal and the St. Bernard Canal and that the clearing of the trees along Leighton Pump Station is in progress that Mr. Tyrone Williams had requested. He then said that he was working on adding two 36" pumps for Mr. Lindel Toups at Fantastic Pump Station: engineering work was complete, bids came in double, possible to do project partially in-house and contract, and*

still waiting on the right-of-ways for the discharge pipe. Also, for Mr. Toups was an installation of a 48" pump at Gheens at Natural Gas Pump Station, which had problems of getting the right-of-ways and then was delayed because the owner wanted to harvest the trees. For Mr. Brent Callais' area, he said that the Department cut the streets and installed culverts on both cross streets to assist with the flooding of West 11<sup>th</sup> and West 13<sup>th</sup>. Also, widened the outfall canal from HWY 3235 to South Lafourche Reservoir. He said that to improve drainage on West 54<sup>th</sup> Street, two existing outfall canals were cleaned in the process of installing culverts at the Cut Off Elementary School. The 40 Arpent Canal was in progress to be swept from Breton Canal to East 40<sup>th</sup> Street and Valerie Canal connecting to South Lafourche Reservoir. Mr. Cheramie then said that four canals were cleaned (EJ, Blair, Eroy, and Larry) and one new was dug (Dorey) to connect the 20 Arpent Canal to the 40 Arpent Canal. He then stated that the Department completed the clearing and the digging of Theriot Canal and the re-sweeping of the 40 Arpent Canal from Theriot Canal to HWY 182. Mr. Cheramie said that he could continue about the projects that were done, but he would continue with the projects in question and how they came out that way. He said that they were not prioritized and that he had asked Mr. Picciola to address having prices on estimates of what three pump stations would cost (Edgar Guidry, Fantastic, and the Gheens Natural Gas). Mr. Cheramie stated the reasons why they went out to bid at the time was because all the right-of-ways were signed ahead of time on Edgar Guidry, the Natural Gas Pump Station had problems to get an agreement with the land owners, Fantastic Acres still does not have a written right-of-way to discharge the pumps (waiting for a succession). President Randolph saluted Mr. Mark Atzenhoffer for what he did at the last meeting because he reminded her that not enough information is being supplied by the Administration. Mr. Phillip Gouaux suggested that if anyone could take a ride out to the area of where the pump is to be placed that they would see what type of flooding had happened. He then said that the project would benefit from Valentine to Larose. Mr. Gouaux stated some of his opinions and beliefs as a Councilman. Mr. Daniel Lorraine then stated his opinions, how he was upset on the way it was handled and that the pump station was not submitted in the 2004 Budget. Mr. Lorraine asked President Randolph how could she sit in front of the Council and say that this was a number one priority over everybody else in the Parish when the entire Parish had just went through a big heavy rainfall, extra pumps were needed to assist the areas that were flooding and did any of the extra pumps go in that area. Mr. Daniel Lorraine also asked if it was not in the 2004 Budget, why is it a high priority to get this done. President Randolph asked Mr. Lorraine who deemed it a high priority and if he thought that she had. Mr. Daniel Lorraine responded that she appropriates the money. President Randolph then stated that the Administration did not have to go the Council to approve a transfer of appropriations and that Mr. Phillip Gouaux had been asking for the project for five years. Further discussions ensued. President Randolph stated that not all projects can be measured by dollar amounts because a lot of it is done in-house. She then said that this project is one that had all of the rights-of-way available immediately. Then, she said that the Administration is also addressing other pump station projects simultaneously. President Randolph continued with information on the 2005 Budget with included many different projects, all projects being addressed as quickly as possible because she felt that they were neglected for the last four years, and having to spend a lot of money because the Administration is having to play catch up. She said that a lot of money is going to the ditches (filled with debris) and canals (cluttered with water lilies) that needed to be cleared. President Randolph said that she could not put a monetary value on all four of the culvert cleaners that were sent to the 10<sup>th</sup> Ward area (deemed the most needed) for the culvert cleaning project. Discussions continued. Mr. Phillip Gouaux wanted to clear the air on some issues that were previously brought up, letting everyone know that the North Lafourche Levee District was

approached, requested funding, and had no available money in the Budget to assist with the pumps. Mr. Gouaux said that there are two 36" surplus pumps that are ready to be installed and hopefully when the North Lafourche Levee District comes with the ring levee it will assist in the pumping capacity. Dr. Tommy Lasseigne said he was concerned with the way it was brought up and it not being in the Budget. He then said he was more concerned with the prioritizing of homes and not 95% of pasture land. Dr. Lasseigne said that it would help the area, but was it a wise use of the Parish resources. Mr. Lindel Toups reminded everyone that the Administration did not have to come before the Council to get this approval. Mr. Cheramie gave statistics on the time frame it takes for the area to pump out the water. Another discussion ensued. Chairman Toups called for the vote. The motion to adopt said resolution *carried* by a vote of six (6) yeas and three (3) nays, that being of Dr. Tommy Lasseigne, Mr. Mark Atzenhoffer, and Mr. Daniel Lorraine.

**RES NO. 04-155 EDGAR GUIDRY PUMP STATION ADDITION**

The next item (33) on the agenda was a resolution approving Change Order No.01 as an increase in the contract amount of \$100,945.00 for drainage improvements to Nolan Toups Subdivision. A **motion** was offered by Mr. Phillip Gouaux and seconded by Mr. Mark Atzenhoffer. Mr. Joe Picciola was present to explain why the Change Order was needed. He stated that the bids were received \$100,000 under budget, so they went back to FEMA to request more drainage or to increase the size of the project. Mr. Picciola explained that FEMA pays 75%, the Parish pays 25%, the Parish already had their portion in the 2004 Budget, so the project is back to using all of the Federal dollars for the project. The motion to adopt the said resolution *carried* by a vote of nine (9) yeas and zero (0) nays.

**RES NO. 04-156 NOLAN TOUPS SUBDIVISION, CHANGE ORDER NO.01**

The next item (34) on the agenda was a resolution accepting the lowest bid of William Scotsman in the amount of \$50,516.00 for the new branch library in Gheens, Louisiana; and authorizing the Parish President to sign, execute and administer said contract and all relevant documents. A **motion** was offered by Mr. Mark Atzenhoffer, seconded by Mr. Phillip Gouaux, and *carried* to adopt said resolution by a vote of nine (9) yeas and zero (0) nays.

**RES NO. 04-157 NEW BRANCH LIBRARY IN GHEENS**

The next item (35) on the agenda was a resolution informing the State Department of Elections of name changes of certain polling places. A **motion** was offered by Mr. Mark Atzenhoffer, seconded by Mr. Phillip Gouaux, and *carried* to adopt said resolution by a vote of nine (9) yeas and zero (0) nays.

**RES NO. 04-158 STATE DEPARTMENT OF ELECTIONS OF NAME CHANGES**

The next item (36) on the agenda was a resolution approving the acceptance of the proposal from South Louisiana Economic Council in order to provide consultation to oversee and administer the installation and transfer of computer software and related hardware; and authorizing the Parish President to sign, execute, and administer said contract(s) and all relevant documents. A **motion** was offered by Mr. Mark Atzenhoffer and seconded by Mr. Tyrone Williams. Dr. Tommy Lasseigne asked why the hardware/software vendor was not doing this project. Mr. Cullen Curole clarified that the intention of the resolution was for the consultants to help direct the Parish into getting sufficient hardware/software and then to make sure that it would be operating correctly. A brief discussion ensued. The motion to adopt the said resolution *carried* by a vote of nine (9) yeas and zero (0) nays.

**RES NO. 04-159 INSTALLATION AND TRANSFER OF COMPUTER SOFTWARE**

The next item (37) on the agenda was a resolution approving the acceptance of the low bid of Chase Electric, Inc. in the amount of \$4,980.00 for the installation of the appropriate conventional

lighting at the Lockport Boat Launch; and authorizing the Parish President to sign, execute, and administer said contracts and all relevant documents. A **motion** was offered by Mr. Phillip Gouaux and seconded by Mr. Mark Atzenhoffer. Mr. Daniel Lorraine asked if Chase Electric was from the Parish and what fund was the money coming from. President Randolph stated that the money was from the Street Light Fund. Mr. Lorraine said that he would appreciate it if the Administration would get the street lights (that were submitted) turned on before spending the surplus. The motion to adopt the said resolution *carried* by a vote of nine (9) yeas and zero (0) nays.

**RES NO. 04-160 LIGHTING AT THE LOCKPORT BOAT LAUNCH**

The next item (38) on the agenda was a resolution approving the acceptance of the low bid of Chase Electric, Inc. in the amount of \$7,850.00 for the installation of the appropriate conventional lighting at the Sixth Ward Walking Track; and authorizing the Parish President to sign, execute, and administer said contracts and all relevant documents. A **motion** was offered by Mr. Michael Delatte, seconded by Mr. Tyrone Williams, and *carried* to adopt the said resolution by a vote of nine (9) yeas and zero (0) nays.

**RES NO. 04-161 LIGHTING AT THE SIXTH WARD WALKING TRACK**

The next item (39) on the agenda was a resolution requesting the United States Government to create a new zip code covering the un-incorporated areas of the existing 70301 Thibodaux Rural Route. A **motion** was offered by Mr. Michael Matherne and seconded by Mr. Michael Delatte. Mr. Michael Delatte explained, from the stand point of the Fire Department, that a 2% insurance rebate is given to the Parish (from the insurance premiums that are paid per household) and intern given back to the Fire Departments. He then said that there is some confusion on the zip codes and that the correct Fire Districts are not getting the credit. Mr. Delatte also said that there are tax differences on big ticket items that are purchased in other areas and it affects the taxing districts. He said that changing the zip codes would correct most of the problems. Mr. Mark Atzenhoffer offered an *amendment* to include the Bayou Blue area because it has a Houma (Terrebonne Parish) zip code, seconded by Mr. Michael Delatte, and *carried* by a vote of nine (9) yeas and zero (0) nays. Mr. Michael Matherne stated that when a big ticket item is purchased that sometimes the sales tax goes to an incorporated area for Road Sales Tax, instead of the unincorporated areas, and that the new zip code would help build up the funds in the RSTD. The original motion to adopt the resolution *carried* by a vote of nine (9) yeas and zero (0) nays.

**RES NO. 04-162 NEW ZIP CODE**

The next item (40) on the agenda was a resolution requesting an opinion from the Lafourche Parish District Attorney to determine the accurate footage that the Parish can pave East 94<sup>th</sup> Street. A **motion** was offered by Mr. Brent Callais, seconded by Mr. Mark Atzenhoffer, and *carried* to adopt said resolution by a vote of nine (9) yeas and zero (0) nays.

**RES NO. 04-163 DA TO DETERMINE THE ACCURATE FOOTAGE, EAST 94<sup>TH</sup> ST.**

**DISCUSSIONS**

The next item (41) was a discussion concerning the Lockport Boat Launch upgrade. Chairman Toups said that he put this item for discussion because he had received a call from a boat owner (that said the launch was closed and had a ribbon) who pulled half his boat off while trying to pull his boat up at the new launch. The boat owner had said that he could not pull it up with his vehicle because it was too steep, so he tied it to a second vehicle. Chairman Toups then said that the boat owner wants the Parish or the contractor to pay for his boat. Chairman Toups stated that he

thought, by right, that the contractor should have put up a chain or barreled it because the boat owner said that there was no ribbon when he got there. Mr. Joe Picciola stated that he was familiar with the boat owner and the boat he tried to pick up because the week prior he had asked to pick up his boat to do some repairs. Mr. Picciola wanted the Council to realize that this was not just any bass boat or anything, that it was a 30 foot skiff with butterfly nets and with a 40 foot trailer. The owner was told not to do it because there was trouble with that launch and it was being worked out with the contractor. The contractor had put ribbons and barricades across there, but the boat owner removed them and did it anyway. Mr. Picciola stated that a solution would be worked out hopefully by the end of the week with the contractor about the steepness of the launch.

### **MONTHLY ENGINEERING REPORTS**

The next item (42) 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. Brent Callais asked Mr. Joe Picciola about how far along is the Road Sales Tax District No. 2. Mr. Picciola said that they are wrapping up the surveys, on the west side of the bayou, working on design details on the east side, and will hopefully have a plan in a couple of weeks. Dr. Tommy Lasseigne asked President Randolph, in respect to the road project being done, are the roads ready to go up for bid. President Randolph responded that there is no money to do so. Discussions ensued about the bonding processes. Mr. Picciola clarified that according to public bid law, a public entity can not bid a project without the funds being available for that project. Further discussions ensued. Mr. Lindel Toups asked what was the figure (to bond out) in the report that was done to do all the streets in the Parish. President Randolph stated that it was 12 without District 2. Discussions continued.

### **LEGAL ADVISOR REPORT**

The next item (43) on the agenda was a motion to relinquish time to the Lafourche Parish Legal Advisor. No one was present to speak.

### **PUBLIC WISHING TO ADDRESS THE COUNCIL**

Chairman Lindel Toups announced that the next item on the agenda was the Public wishing to address the council. Mr. Cecil Watts was present to address the Council about a newly passed Ordinance on public urination. He said he went to Thibodaux, spoke with the Lieutenant and two other people at the Sheriff's Office, to ask what can they presently charge offenders with. Mr. Watts said that they responded with a charge of damaging property. He then said that they appreciate what Mr. Phillip Gouaux did by presenting the ordinance because they can finally put a stop to this problem. Then, he asked if the Parish purchased any land for the War Memorial. Mr. Daniel Lorraine responded that everything was in the hands of the District Attorney as they spoke.

Next, a **motion** was offered by Mr. Mark Atzenhoffer, seconded by Mr. Brent Callais, and **carried** by a vote of nine (9) yeas and zero (0) nays, to **open** a Two Third Agenda to discuss item number 28 and 29, whether a resolution or an ordinance should have been used.

### **TWO THIRD AGENDA**

A **motion** was offered by Dr. Tommy Lasseigne, seconded by Mr. Phillip Gouaux, to ask for a legal opinion from the District Attorney for item 28 and 29, whether a resolution or an ordinance should have been used. The resolution **carried** by a vote of nine (9) yeas and zero (0) nays.

**RES. NO. 04-164      LEGAL OPINION FROM DA, ITEM 28 AND 29**

A **motion** was offered by Mr. Mark Atzenhoffer, seconded by Mr. Phillip Gouaux, and **carried** by a vote of nine (9) yeas and zero (0) nays, to **close** the Two Third Agenda.

### **PRESIDENT'S REPORT (PART II OF II)**

The next item (44) on the agenda was a presentation of the 2005 Maintenance and Operations Budget. President Randolph read the Budget Message for the official record to the Citizens of the Parish and the Members of the Lafourche Parish Council:

In accordance with Article V, Section A, of the Lafourche Parish Home Rule Charter, enclosed is the 2005 Operating and Maintenance Budget for the Lafourche Parish Government. The Year 2005 Budget has been prepared to maintain all individual funds with a positive fund balance as of December 31, 2005. The purpose of this Budget Message is to present fiscal recommendations and to identify objectives for the coming year as well as the underlying assumptions made in the projection of the revenues and related expenditures of the operations of the Parish Government.

The Budget is presented on a "line item" basis. Each item of revenue and expenditure is identified for your review. The summary of Year 2005 revenues, inclusive of fund balances necessary to balance operations, will be \$51,896,716 equaling anticipated expenditures of \$51,896,716.

To the extent that financial stability is maintained by the Parish Government, it is provided through General Sales Tax collections, which equals \$10,695,676 and ad valorem taxes of \$9,030,803. Combined with funding from grants, state revenue sharing, fees, licenses, permits and other sources, expected revenue for 2005 total \$38,381,495. The difference or \$12,623,588 will be pulled from fund balances in various accounts.

Lafourche is one of the fastest growing parishes in the state and continues to experience an increase in residential construction. With this growth comes a greater demand for services. The 2005 Operations and Maintenance Budget represents the collaborative effort of the Councilmen, the Administration, and Parish departments and agencies including representatives of the Lafourche Parish Sheriff's Department, the District Attorney's Office, the Judges, the Health Unit, and other underlying entities. While the 2005 revenues do not provide the fiscal basis to fund every request submitted, it does address the most urgent needs of the Parish as identified by Councilmen, the Administration and agency representatives. The requests that were submitted by the participants in this collaborative effort provide the basis for long-term financial planning.

This Administration is committed to the continuation of sound fiscal responsibility as we seek to meet the growing needs of the Parish. As a result, we will continue our current emphasis on the expanded use of technology and effective leadership to enhance productivity with our resources, with increased emphasis on economic development. To support and encourage private investment in Lafourche, the Parish is fiscally committed to invest substantial funding in improvements in parish roads, drainage and other infrastructure. Lafourche officials are also determined to find additional revenues via federal, state and private sources.

Lafourche Parish offers many opportunities to the business community, such as a qualified workforce and quality public education including a two-year technical college and a four-year accredited university. Complimenting a strategic location along the Gulf, Lafourche offers a great resource in Bayou Lafourche and a strong community with a positive work ethic. The wetlands and waters that surround Lafourche have provided bountiful seafood and other natural resources. From the cane fields to the oilfields, from the bottomland swamp to the sea, Lafourche and its residents harvest the resources that feed and fuel the nations.

The 2005 Operations and Maintenance Budget funds a variety of continuing programs and services such as solid waste collection, community services, Head Start, 911 and permitting. State and federal funding provide services to the elderly, the needy, our veterans, and youth. Specific increases in the following areas provide for additional operational costs over 2004 figures:

General Liability Insurance	23%
Employee Health Benefits	12%
Employee Merit Raises	4%
And 18 New Full-Time Positions	

### **GENERAL FUND**

The General Fund is used to account for all financial resources except those required to be accounted for in another fund. Revenues derived by the General Fund are collected in the form of ad valorem, and sales taxes. With a variety of additional revenues, the total revenues for 2005 are \$6,200,833. Transfers into the General Fund from the Royalty Fund total \$210,000. Expenditures in the General Fund total 7,325,595 for the Year 2005.

The General Fund continues to require Royalty Fund revenues from the State of Louisiana to remain in balance. Historically, the General Fund would not balance without supplemental funding from Royalty Funds. Along with the Parish's growth factor, the cost to provide legislated mandated services has continued to rise. Funding for facilities and services in the offices of the Sheriff, the District Attorney, City Court and Judicial District Judges are funded with General Fund dollars. Expenditures in areas including the Detention Center and the Juvenile Justice Center have increased tremendously as the population of the parish prison rises, forcing the Parish to house both adult and juvenile offenders in facilities outside of the parish. Funding for these services provided by the General Fund is proposed in the amount of \$1,191,600 for 2005.

**Fiscal Recommendation:** To continue to monitor the revenues derived from the state and to analyze the General Fund's dependence on the Royalty Fund.

### **ROYALTY FUNDS**

Royalty Funds are used to support the General Fund, Drainage, and Roads and Bridges. In addition, these funds are used to support bond requirements such as parity, reserves, and debt service.

In 2005 the transfers from Royalty Funds are as follows:

Transfer to General Fund	\$ 210,000
Transfer to Building & Maintenance	\$ 500,000
Transfer to Road & Bridges	\$1,000,000
Transfer to Drainage	<u>\$2,388,646</u>
For a total of	\$4,098,646

**Fiscal Recommendation:** To continue to analyze these revenues to ensure that bond covenants are met and other needs of the parish are funded.

## **DRAINAGE FUND**

The Lafourche Parish Drainage Funds are used to account for the maintenance, improvements, and repairs to the gravity drainage systems in the Parish. Financing is provided primarily by ad valorem taxes.

Supplemental Funding is provided by Royalty Funds and FEMA Grants for the following projects initiated in 2004:

Nolan Toups Subdivision  
Twin Oaks Subdivision  
West Thibodaux Subdivision  
Clovelly Subdivision

Capital Outlay projects included in the 2005 Operating and Maintenance Budget are as follows:

Edgar Guidry Pump Station  
Fantastic Acres Pump Station  
Serigny / Mobley Pump Station  
Natural Gas Pump Station  
Bayou Vista / Thoroughbred Pump Station  
Hollywood Canal Pump Station  
Lafourche Crossing Pump Station

In addition, \$250,000 has been budgeted for parish-wide levee improvements. The combined revenues and transfers in for 2005 are \$5,894,266. The Drainage Funds have a projected fund balance of \$705,982 at the end of 2005.

**Fiscal Recommendation:** The Public Works Department will continue to enter cooperative endeavor agreements with the various Drainage and Levee Districts within the parish in order to pool resources—both personnel and equipment—so the drainage needs of the citizens of Lafourche Parish can be addressed in the most efficient manner.

## **ROADS & BRIDGES FUND**

The Roads and Bridges Fund is used to account for maintenance of parish highways, streets, and bridges. Financing has been provided by the appropriation of sales taxes and entitlement from the State's Parish Transportation Fund. Revenues received from the Parish Transportation Act provide \$505,600 in 2005. This fund is stressed due to the declining revenues. A further reduction is anticipated in 2006.

**Fiscal Recommendation:** To continue to monitor the financial stability of the revenues and to implement a plan to address future funding needs.

## **ROAD SALES TAX DISTRICTS**

There are currently four (4) Road Sales Tax Districts within the Parish. These taxing districts provide for the repayment of bonds issued to construct, improve, maintain and resurface public roads in the respective districts. Revenues in excess of debt service can be used for the same purposes in

the respective districts. The projected funds available for transfer to road construction projects for the Road Sales Tax Districts are as follows:

District 2	\$1,669,736
District 3	\$ 430,498
District 6	\$ 753,804

Road Sales Tax District No. 5 has \$144,557 in projected available funds for transfer. However, the sales tax collections in this district have been short of debt service and these funds are currently being used to support the annual debt service.

**Fiscal Recommendations:** To continue to monitor the revenues generated from the Road Sales Tax Districts.

### **BUILDING & MAINTENANCE**

Funding to supplement long-awaited repairs and renovations in Parish buildings, including renovations at the Barrios Building and the construction and creation of a South Lafourche Annex next door to the proposed Galliano Library, are included in the 2005 Operations and Maintenance Budget. Additional funding for the Historic Courthouse renovations will be received from the Lorio Foundation as a part of a two-year award totaling \$224,000 to be received in 2005 and 2006. Construction on the Historic Courthouse project is expected to continue into 2006.

Capital Outlay projects included in the 2005 Operating and Maintenance Budget are as follows:

- Animal Shelter
- Historic Courthouse
- Courthouse Annex
- Barrios Building Roof / Emergency Command Center
- Detention Center Renovations
- South Lafourche Annex
- Ag Building - Raceland

The 2005 Budget provides for revenue from ad valorem taxes and transfers from state and local grant moneys unexpended from 2004 fund balances.

### **HEALTH UNIT FUND**

The Health Unit Fund is used to account for the operations of the Parish health unit. Financing is provided primarily by ad valorem taxes and state revenue sharing.

2005 revenues generated by a 3.46 mill parish-wide ad valorem tax total \$1,460,609. Provided in the 2005 Budget is funding for the operation of and construction of the animal control shelter, mosquito control, as well as health-related services. In 2005, \$1,968,384 is budgeted for the completion of the Health Unit renovation and construction projects for the facilities in Thibodaux along with finishing touches to the facility in Galliano.

**Fiscal Recommendation:** To continue to work with the Health Unit to monitor the community concerns of the citizens of Lafourche Parish.

### **RECREATION FUNDING**

Capital Outlay Projects within the parish-wide component of the recreation budget are included for 2005. Over \$400,000 is budgeted for land acquisition, road improvements and construction of new recreational facilities. These expenditures further the Lafourche on the Move program designed to improve health and access to recreation facilities.

### **DEBT SERVICE FUNDS**

All debt service funds of the Parish are being maintained in good financial condition. Adequate revenues are available to meet expenditure needs in Year 2005. The Parish's total outstanding debt as of December 31, 2004 will be \$30,195,548. The annual principal and interest debt service due in 2005 is \$5,682,212. At the end of fiscal year 2005, the outstanding debt will total \$25,859,999.

### **CONTINUING FISCAL MEASURES**

Research and planning is continuing on the following fronts:

To restructure millages to address the current and future needs of Lafourche Parish

To continue to address and fund a road construction program

To expand the Economic Development program and keep abreast of developments in the surrounding parishes

To develop a master plan

To establish multi-year budgeting based on Parish priorities

### **SUMMARY**

This Administration is committed to working with the Council and the citizens of Lafourche Parish to not only address the current needs of the parish, but to provide the fiscal responsibility that addresses future needs.

This Budget provides critical services needed by the community. The demand for the related costs of providing services continues to increase. It is essential that we continue the realization of productivity gains by the effective utilization of available resources. In short, the real challenge presented to Parish Government is that we make the critical decisions at the appropriate time which will result in realized efficiency, and in turn, provide the highest level of services available to the citizens of Lafourche Parish.

A copy of the 2005 Proposed Budget is available for public viewing on the first floor of the Lafourche Parish Government Complex Building at 402 Green Street, Thibodaux, Louisiana.

### **ADJOURNMENT**

On **motion** by Mr. Mark Atzenhoffer, seconded by Mr. Phillip Gouaux, and with no further business, the Lafourche Parish Council Meeting of October 12, 2004 **adjourned** at 9:37 p.m.

**LINDEL TOUPS, CHAIRMAN  
LAFOURCHE PARISH COUNCIL**

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