

NOVEMBER 8, 2005  
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, NOVEMBER 8, 2005, AT 6:00 P.M., AT THE LAFOURCHE PARISH COUNCIL BARRIOS CENTER, 1612 HIGHWAY 182, SUITE 100, RACELAND, LOUISIANA.

The Lafourche Parish Council was duly convened as the governing authority of said Parish by Mr. Michael Matherne, Chairman, who then stated that the Lafourche Parish Council was ready for the transaction of business at 6:05 p.m.

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

<b>PRESENT:</b>	Mr. Michael Delatte	Mr. Michael Matherne, Chairman
	Dr. Tommy Lasseigne	Mr. Mark Atzenhoffer, Vice-Chair
	Mr. Lindel Toups	Mr. Phillip Gouaux
	Mr. Brent Callais	Mr. Daniel Lorraine
	Mr. Tyrone Williams ( <i>arrived at 7:05 p.m.</i> )	
	Mrs. Charlotte Randolph, Parish President	

**ABSENT:** None

**APPROVAL OF COUNCIL MINUTES**

The first item (1) on the agenda was a motion to accept the minutes of the October 25, 2005 Regular Session meeting. A **motion** was offered by Dr. Tommy Lasseigne and seconded by Mr. Mark Atzenhoffer to accept the October 25, 2005 minutes. The minutes were **approved** by a vote of eight (8) yeas, zero (0) nays, and one (1) absent, that being of Mr. Tyrone Williams.

**PUBLIC WISHING TO ADDRESS THE COUNCIL**

The next item on the agenda was the Public to address the Council. Mr. Milton Arabie addressed the Council regarding a cooperative endeavor agreement for the Lafourche On The Move Program. He began by stating that he was a graduate of the Lafourche On The Move Program and that he was also the Chairman of the Board of the Raceland Senior Citizen Center, along with being the Executive Director of Recreation District No. 2. Mr. Arabie explained that he was present to speak in favor of the Lafourche On The Move Program. He informed the Council that a scrapbook regarding the program had been kept and proceeded to pass it to the Council for their review. Mr. Arabie said that there had been an orientation program at the Raceland Senior Citizen Center with approximately 30 people present. He said that the program was then started and that the program had done nothing but grow. Mr. Arabie reported that attendance had grown to 50 to 75 people, ranging in age from 40 to 90 plus. Mr. Arabie said that he would like the Council to seriously consider the cooperative endeavor because a survey had been done with the participants in which they were asked why they liked the program and if they wanted the program to continue. He advised the Council that the survey showed that 100% of the participants wanted the program

to continue. Mr. Arabie reported that several responses had been received from the survey, one of which was with regards to the socialization aspect. He went on to explain that for some of the participants the program was their only opportunity to socialize with other people, including but not limited to senior citizens. Mr. Arabie then reported that there had been a nutrition program, saying that there were doctors and nurses that had been present, and that there had been blood pressure screenings. He said that some participants had reported that since going through the nutritional program that was offered, that they had lost weight, felt more fit, and could do more than they could do before entering the program. Mr. Arabie reiterated that the program had been nothing but successful and that the program should continue. He said that the Raceland Senior Citizens and the Raceland area would unanimously ask that the program be continued. Mr. Toups thanked Mr. Arabie for leading the participants through the program.

Ms. Nancy Breaux then addressed the Council by stating that she lived at the “dead end” of the Lydia Park Subdivision. She went on to explain that she had been told that the front of her home, along with the front of her neighbor’s home on Lydia Street, would not be blacktopped. Ms. Breaux stated that the Parish had been maintaining the street for over 25 years, explaining that the Parish had put shells and limestones on the street and further that the Parish had graded the street. She then stated that it was now being said that the street did not belong to the Parish. Ms. Breaux reported that she was aware that a petition had been signed in 1978, but unfortunately she could not find where it had been recorded. She went on to say that she had been told that legal documentation was needed regarding the matter, but reported that she had been unable to obtain any. Ms. Breaux then explained that approximately 12 years ago that she had been advised by the Parish that a wooden fence on her property needed to be moved because the fence was Parish property. She then asked if the street being spoke of was part of the Parish streets and then asked why was it not going to be blacktopped. Dr. Lasseigne reported that he had previously spoken with Ms. Breaux and further that she had been trying to obtain documentation from the Clerk of Court, but had been unsuccessful in obtaining same. He said that the Parish had been maintaining the street, that the Field Office in Bayou Blue had put shells on the street and had been maintaining the street for over 20 years. Ms. Breaux reported that she had lived at her residence on Lydia Street for the last 25 years and that the Parish had been maintaining the street prior to her moving there. Dr. Lasseigne said that he thought that the area being spoken of was approximately 100 feet. Ms. Breaux corrected Dr. Lasseigne stating that her property had 220 feet frontage and that she thought her neighbors’ frontage to be approximately 100 feet. Dr. Lasseigne reported that he had visited the area being spoken of on Saturday, November 5, 2005 and said that the street in front Ms. Breaux’s house had been graded, but that oil and preparation work needed for blacktopping had not been done. He said that possibly Mr. Cullen Curole, Parish Administrator, could look into the matter. Dr. Lasseigne asked whether there was something that would show that once a street had been maintained for a number of years by the Parish, that the street would become a public street. Mr. Curole stated that the area being spoken of fell into the same circumstances as West 123<sup>rd</sup> Street, adding that Mr. Camille Morvant, District Attorney, had been hesitant to say that the street was public because of “routine maintenance”. Mr. Curole reported that he had thought that Dr. Lasseigne had sent him an e-mail regarding this matter, in which he had confirmed that the street was private and not public. He went on to say that the District Attorney could be spoken to again, but that he would not be confident that a different answer would be given. Ms. Breaux then said that she had incurred expenses in the moving of her fence and that at that time, she had been told it was located on Parish property. Mr. Curole said that what was being found was that various Councilman and citizens were bringing in documentation that was not contained in the Parish’s files, and added that if Ms. Breaux could find documentation that it would help. Ms. Breaux said that nothing was found at the Clerk of Court and that she had contacted Mr. John Daigle’s ( the author of the 1978 petition), attorney. She added that she had also been told by someone in the legal system that once a road was maintained over three years by the Parish, that the street belonged to the Parish. She then asked why the area in front of her house would not be blacktopped. President Randolph asked if Ms. Breaux had a copy of the

letter which she had received advising her that her fence needed to be moved, to which Ms. Breaux responded that she had not received a letter, but that she had been told that her fence was on Parish property and that the fence had to be moved. She explained that they had also been told that the fence should be moved behind a telephone pole located on her property so that she would definitely be off of Parish property. Mr. Lorraine said that Ms. Breaux had mentioned that the Parish had graded the streets in the past, and went on to ask if she had obtained copies of the maintenance sheets regarding the same. He went on to explain that when employees left the Field Office to grade a street, it would be recorded on maintenance sheets. Ms. Breaux said that “no”, that she did not have copies of maintenance sheets, but that she could try to obtain them. Mr. Lorraine said that everything that was done by the Field Office was documented, in writing. He went on to say that if Ms. Breaux could get such documentation, it would be helpful. Ms. Breaux said that every time the Field Office had been called to fill in ruts in the road, that they would put shells and grade the area past her house to the gate. She then said that she had spoken to Ms. Lydia Daigle and that Ms. Daigle had informed her that the area being spoken of had been donated to the Parish and that was how far the Parish would put shells and grade the street. Mr. Lorraine asked Ms. Breaux if she had gone to the Clerk of Court and inquired as to whether there was documentation there regarding the matter, to which Ms. Breaux responded “yes”, that she had inquired as to whether documentation existed at the Clerk of Court and further explained that an employee there was trying to find documentation, but had been unable to do so to date. Mr. Toups said that he had known the Breauxs for approximately 30 years and further that he had always thought that the area being spoken of was a Parish street. He then suggested that the Administration or employees from the Field Office be asked if they recalled anyone stating that Ms. Breaux’s fence had to be moved because it was on Parish property, and stated that if so, they could sign an affidavit to that effect. Mr. Toups stated that process had been previously done in the 10<sup>th</sup> Ward. Chairman Matherne asked President Randolph if her staff would cooperate with Ms. Breaux in order to bring some resolution to this matter. President Randolph responded that they had been inquiring into the matter and then asked Ms. Breaux if she could find documentation on the matter. She went on to explain that the Parish was not attempting to not do the work being requested, but that documentation was needed in order to do it. Ms. Breaux then inquired that if she did obtain documentation from the Field Office stating that the Parish had placed shells in front of her home and had graded same, if the area in front of her home would be blacktopped. President Randolph responded that it would not be automatic that the street could be blacktopped. She went on to say that the District Attorney was of the opinion that maintenance of a street was not necessarily acceptance of the street into the Parish system. President Randolph explained that there was criteria to be met in order for the street to be accepted into the Parish system. She said that the Parish was abiding by the District Attorney’s decision regarding the matter because it was difficult to distinguish between private and public streets, with the exception of documentation that stated whether it was private or public. President Randolph asked that if Ms. Breaux recalled a name of an individual who had advised her that her fence was on Parish property to let the Administration know.

Mr. Charlie Callais then addressed the Council regarding coastal erosion. He began by showing and explaining various newspaper clippings regarding coastal erosion problems and suggested solutions to same. Mr. Callais said that the suggested solutions contained in the newspaper clipping were not worth the time, effort, nor money because there was no way to stop coastal erosion, with the exception of his proposed solution. He then showed the front and back of the Latelco telephone book cover which he stated showed land lost due to coastal erosion from 1984 to 2004. Mr. Callais said that he was again addressing the Council regarding this matter in order to see if he could get someone with the Parish to help him get his solution to coastal erosion proposed to the correct person or persons. He said that he had the idea on how to stop coastal erosion. Mr. Callais said that he was asking the Council if they could help him get his solution to the correct person. He then said that the State was spending over \$50 million a year to find a solution to coastal erosion. Mr. Callais said he had the solution.

## PRESENTATIONS

The next item (2) on the agenda was presentations. Ms. Jeanne Autin, Executive Director, with Bayou Area Habitat for Humanity, gave an overview of current projects and future plans. Ms. Autin began by stating that she hoped to educate the Council on Habitat for Humanity and its mission. She went on to say that she also wanted it to be known of what the organization was doing for the community and opportunities for the Council to assist the community. Ms. Autin said that they were excited about increasing building capacity and expanding into South and Central Lafourche areas. She said that President Randolph and other members of Parish Government had already shown support in assisting in future Habitat projects in South and Central Lafourche. Ms. Autin then stated that any suggestions or recommendations on how the Parish Government and Habitat for Humanity could work together to support low income individuals in the community would be welcomed. She asked that the Council please keep in mind that Habitat for Humanity was a unique program doing wonderful things in the community. She then went on to explain that the reason Habitat for Humanity was needed was because 30 million people suffered severe housing problems, 2.6 million people lived without housing or were in need of housing that should be replaced. Ms. Autin went on to report that only 4 million of the 30 million people faced with housing problems were assisted. She said that America was experiencing an affordable housing crisis. She then read the Habitat's Affiliate Mission statement. She then explained that Habitat for Humanity was a non-profit housing ministry working in partnership with low income families to improve the conditions in which they lived. Ms. Autin said that Habitat for Humanity was seeking to eliminate poverty housing and homelessness from the world. She said that Habitat for Humanity built houses, approximately 45 houses a day and that since it's founding in 1976, more than 200,000 houses had been built, housing over 500,000 people. Ms. Autin said that Habitat for Humanity was at work in every state of the United States and in 97 other countries around the world. She then said that she wanted to clarify that volunteers and future homeowners built Habitat for Humanity houses, adding that involving the homeowner in the construction process had been the key to Habitat for Humanity's success. Ms. Autin said that those with resources of time, money, skills and products to share were joined through Habitat for Humanity with families that were desperately in need of decent and affordable housing. She said that future homeowners received a helping hand up, adding that Habitat for Humanity was not a hand-out program. Ms. Autin said that volunteers received the satisfaction of helping someone who needed the help and making their community a better place for future generations. She then explained that partner families were required to put in a minimum of 350 "sweat-equity" hours to help build their home and help with other Habitat for Humanity projects. She stated that once a family reached the required 350 "sweat-equity" hours, the partner family would buy their home. Ms. Autin explained that because of volunteer labor, and the Habitat for Humanity's No Interest/No Profit mortgages, the homes were affordable to those who would not normally qualify for conventional financing. She then said that the homeowner's monthly house payments were recycled back into the funds of the Habitat for Humanity and used to build additional homes. Ms. Autin said that partner families helped themselves, as well as others in their community. She then went on to say that the selection process of partner families was based on three criteria: (1) willingness to partner, (2) the ability to repay, and (3) their level of need. She said that there were Site Committee members who assessed the current living conditions of the partner families. She said that in 1995 a group of Thibodaux residents began the application process to become a Habitat for Humanity affiliate and official affiliation was obtained in January 1996 and that the Habitat's first house was completed in September of 1996. She stated that the affiliate three (3) year plan included expanding into the South and Central Lafourche areas as of January 2006, but stated that because of the recent hurricanes and the increased need for housing, the Board of Directors had decided to push-up their efforts and begin building there in the near future. Ms. Autin said that the Habitat's present need was to partner with the government so that families in need could be found, building sites could be located, and assistance could be given to them with their planning efforts. She stated that Habitat had developed a

partnership with the Lafourche Parish Housing Authority for potential building sites in Larose, Raceland and Marydale in Thibodaux, Louisiana. Ms. Autin said that at the end of November, 2005, a request to the Planning and Development Committee would be presented, and added that the support of the Council regarding the request would be appreciated. She then showed a brief slide presentation of homes that had been built by Habitat for Humanity, expressing that the pride of the homeowner's could be seen in the homes. She then showed a slide of the first two (2) Habitat for Humanity houses built in Thibodaux, Louisiana. She stated that in 1998 a home on Lagarde Street had been completed, adding that this was one of the projects they were most proud of. Ms. Autin said that in 2000 a fifth (5<sup>th</sup>) house had been completed. Chairman Matherne asked what the Council could do to help, to which Ms. Autin responded that there were variances that would be going to the Planning Department regarding lot sizes, which the support of the Council was being requested along with assistance in providing simple decent housing for the community. Mr. Atzenhoffer said that he had a proposed ordinance that would basically pre-approve variances of the Planning Commission, so that the process could be expedited. He went on to explain that the time frame of the Habitat for Humanity was tight, especially with the international group offering assistance. Mr. Atzenhoffer said that himself, Mr. Gouaux and Mr. Williams had a previous discussion with the Habitat for Humanity. He said that he thought their plan to be very good and further that one of the houses would be in his district. Mr. Atzenhoffer said that he supported the program. He explained that one of the problems that was being had, was that the Planning Commission was meeting but that a quorum could not be obtained and he said that should not hold off a project of this type, especially if it is known that the variances could be given. Mr. Atzenhoffer asked why hold up the project for a month in order for the Council to approve the variances, if the Planning Commission, Board of Health and Permits said yes to the variances. Mr. Toups asked Ms. Autin if Habitat for Humanity was attempting to get the lot size decreased below 12,000 square foot. Ms. Autin responded yes. Mr. Toups asked if the Board of Health would allow them to that, to which Ms. Autin responded yes, if Habitat for Humanity put in a community sewer treatment plant. She went on to say that since property was being donated to the Habitat for Humanity, the community sewer treatment plant would costs approximately \$3,500 per lot, which she said would still keep the lots affordable for the Habitat for Humanity. Mr. Toups explained instances where a trailer could not be put in because the lot was not large enough and had not met the required square footage. He then asked why the Board of Health could grant variances for the Habitat for Humanity but not for the public. Ms. Autin stated that the Board of Health was not doing anything special for the Habitat for Humanity, as they would be putting in a community sewer treatment plant to support the number of houses that would be built on the property. Mr. Toups said that he was not against granting the variances, but that he had been told by the Board of Health that a trailer could not put somewhere because there was not 12,000 square feet. Ms. Autin stated that requirement was for individual sewer treatment plants. She then explained that the Habitat for Humanity would be installing a community sewer treatment plant which would be sufficient for the Board of Health. Mr. Gouaux informed Ms. Autin that he had done a large amount of research since their meeting and further that he had spoken to the Fire Chief's Association, as well as the Fire Chief in his district, which he stated that they had highly recommended that the Parish not go below 60' foot on the front footage of the lots for safety reasons. He went on to explain that if a 37 ½ foot home built on a 50 foot lot caught fire and a wind was present, it would put all of the surrounding houses in jeopardy. Mr. Gouaux reiterated that it was highly recommended that a variance of 50 foot not being given. Ms. Autin stated the Habitat for Humanity was currently in the process of a plan unit development with Terrebonne Parish where it was a development with 86 lots, said lots measuring between 42 foot and 44 foot frontage by a little less then 100 foot. Mr. Gouaux said that he was not against the program but that one of the fire departments he had spoken to had recalled an incident where five children had perished when a trailer had caught fire and the fire had rolled from one home to the next. He went on to say that was his concern with building a 37 ½foot home on a 50 foot lot. Ms. Autin stated that would be the largest house they would build on that size lot. Mr. Gouaux

then calculated the footage that would be had on both sides of the house on a 50 foot lot and stated that if a fence was put up, one would not even be able to access their back yard. Ms. Autin advised Mr. Gouaux that side variances for homes on property was five feet at present, adding that the Habitat for Humanity would still be staying within the requirement. Mr. Gouaux said that the safety factor was still present and that fire departments had objected to the variances. He then said it was not because of the fact that there was not property available in some areas. Mr. Lorraine stated that he also had spoken to the Fire Chief of Fire District No. 3 and had not been told the same thing as Mr. Gouaux. Mr. Lorraine then recalled that there had been areas where numerous trailers had been installed five feet apart. He added that he had not voted for the matter because it was only five feet apart, but that a variance was given and the Council had approved it. Mr. Lorraine said that Fire Chief had said that if one was to go down the streets in his area it would be noticed that a lot of the houses were close, closer than what was being suggested, and that their main goal was stop the fire that burning but that what they really wanted to do would be to save the surrounding homes and structures.

### **ADMINISTRATIVE REPORT(S)**

The next item on the agenda was an administrative report from President Randolph. President Randolph stated that Mr. Ray Cheramie of the Department of Public Works would give his presentation first.

Mr. Lorraine asked if it would be possible if Mr. Cheramie could advise the Council, when showing slides of various project in various areas, where such projects were located and also in which Councilman's district it was located.

Mr. Ray Cheramie of the Department of Public Works next presented a visual presentation and report on some the accomplishments of his department:

*Morvant Levee*- Mr. Cheramie stated that this levee was totally grown-up with trees and shrubs. He went on to recall that when he began his present employment with the Parish that he had said that he would like to eventually be able to travel all of the levees so that he could inspect them for leakage. Mr. Cheramie said that this levee system was located in the North Lafourche area and that it was being cleared so that it could be properly maintained and routinely inspected. He informed the Council that this project was in the areas of Mr. Delatte, Mr. Williams and Dr. Lasseigne.

*Larousse Pump Station*-Mr. Cheramie stated that as was shown in the slide, the top section was totally clutter with water hyacinths. He said that the Lafourche Basin Levee District had provided assistance with the clearing of the area. Mr. Cheramie advised that this pump was located in the Ward 6, Bayou Boeuf area, Mr. Delatte's district.

*Thoroughbred/Supercharge*-Mr. Cheramie pointed out in the slide the additional pump that was added, saying that this was the new pump station that had been built in-house. He elaborated on the project by saying that it was a twenty-four (24") inch pump, and further that the thirty (30") pump had been relocated. Mr. Cheramie said that he did not think that there was any other area in the Parish that would have a better pumping capacity then this pump station. Chairman Matherne inquired as to whether the new pump was a natural gas pump, to which Mr. Cheramie responded yes. Mr. Cheramie then went on to explain that the middle section of the pump station would be stationary and that the two (2) add-ons on each side could be lifted individually so that the pump or the engine could be removed without having to dismantle the entire pump station. He said that there would be pad-eyes and that they were fitted in sockets where the pump station would not have to be torn down but simply have a cherry picker pull off a section of the roof, keeping it intact.

*Raceland Drainage Area*-Mr. Cheramie stated that this area was where the new long reach excavator was presently working cleaning out reservoirs. He said that this area was in Mr. Atzenhoffer's area. Mr. Cheramie pointed out that in the slide it could be seen that the long reach excavator had cleared the right side of the drainage area, and at present was clearing out the opposite side of the bank.

*Twin Oaks/Butch Hill Recapping*-Mr. Cheramie stated that the levee in this area was being recapped and enlarged. He said that with the last hurricane it was noted that the levee had incurred seepage and topping. Mr. Cheramie said that the excavator from the North Lafourche Levee District was being utilized in the area. He reported that this project was located in Mr. Toups' and Mr. Atzenhoffer's areas.

*Bayou Folse Levee*-Mr. Cheramie stated that seepage had also occurred with this levee and that the North Lafourche Levee District's excavator was keying the levee and adding fill on the berm. Mr. Cheramie said that this project was located in Mr. Atzenhoffer's area.

*Raceland Sugars*-Mr. Cheramie reported that Raceland Sugars has donated as much dirt as the Parish needed and that they only asked that the number of yards taken by the Parish be maintained in order that they would be able to receive a tax write-off on their donation. He said that this dirt was being furnished to the Parish at no cost and that some of the fill was being used to re-cap and heighten some hurricane protection levees.

*Bayou Du Mar Levee*-Mr. Cheramie stated that seepage was had because of Hurricane Rita. He said that this project was located in Mr. Atzenhoffer's area.

*Charlie Wallace Levee*-Mr. Cheramie reported that the levee was being widened and would in the future, be heightened as it was being widened. He said that this would replace the sand-bagging effects of tidal and flood storms from year to year. Mr. Cheramie said that sand-bagging was done in 2005 but that he hoped that in 2006 it would not have to be done. He said that currently the dirt donated by Raceland Sugars was being used in this area. Mr. Cheramie said that the widening of the levee was almost complete and that once it was complete the heightening of the levee would begin. He said that this levee was part of the hurricane protection levee from Lockport to Larose. Mr. Cheramie said that this project was located in Mr. Gouaux's area.

*North American Levee*-Mr. Cheramie stated the before the storm approximately one-quarter of a mile of levee had been built, which he stated extended on the T'Bois/FEMA levee that had been built a few years prior. He said that the levee had been connected back toward the Intracoastal Canal. Mr. Cheramie said that a lot of money had been spent hauling sand by eighteen wheelers every year in order to secure the levee. He said that thanks to Mr. Gary Schouest, who had donated dirt to build the levee, that the levee had been extended one-quarter (1/4) of a mile toward the shipyard he owned. Mr. Cheramie said that this project was completed the week of October 31, 2005. He said that it was possible that the Parish could save a lot of money on sand, adding that sand was cheap, but that the trucking of the sand was very expensive. Mr. Cheramie said that this project was located in Mr. Gouaux's and Mr. Toups' areas.

*Central Pointe Aux Chenes*-Mr. Cheramie reported that in 2004 areas of this levee had been heightened because of flooding. He said that flooding was again incurred in 2005. Mr. Cheramie said that dirt was being hauled to the area to heighten the levee going toward the Timberland Pump Station. He said that the labor being done was being done by the Parish, but that the dirt had been donated by Main Iron Works. Mr. Cheramie said this project was located in Mr. Gouaux's area.

*Tarpon Heights*-Mr. Cheramie pointed out that shown in the slide was an outfall ditch called the Blanchard Outfall which leads from Tarpon Heights going to a cross canal headed toward the Donald Smith Outfall. He said that a catch basin had also been installed with a cross ditch going toward the Donald Smith Outfall Canal, eventually leading to the 20 Arpent Canal. Mr. Cheramie reported that this area had incurred severe flooding problems. He said that the cross ditch would be deepened, hopefully ending the flooding problems in the area. Mr. Cheramie said that this project was in Mr. Lorraine's area. Mr. Callais corrected Mr. Cheramie saying that the area being shown was in his district and not in the district of Mr. Lorraine.

*West 130<sup>th</sup> Street*-Mr. Cheramie stated that the slide showed the type of work that could be done when a right-of-way that was wide enough was had. He said that the right-of-way was wide enough to have a street, edge of a ditch and still have it be able to have the ditch swept out. Mr. Cheramie said that in a lot of other areas enough room was not had, explaining that the ditches were so close to the road that they would

cave in. He said that what was being shown was what the Parish tried to do and liked to do. Mr. Cheramie reported that this project was in Mr. Lorraine's area.

Mr. Lorraine advised Mr. Cheramie that he had submitted several outfall canals and added that he had yet to see any right-of-ways come before the Council pertaining to the them. He added that the property owners were willing to sign right-of-ways. Mr. Lorraine said that he would obtain his copies of the submission of the outfall canals and bring them to the council meeting in order to see if anything would get done. He went on to say that a resident of Catfish Lake had said that he would sign as many right-of-ways as was needed. Mr. Lorraine said that canals were needed in the area and that there would be three (3) or four (4) canals that could be done at the same time. He said that it had been some time that he had submitted the list of outfall canals that needed to be done and that nothing had been done to present. Mr. Lorraine said that he would give Mr. Cheramie some additional time to review the matter and that he would bring the matter up at the next Council meeting of November 22, 2005. Mr. Cheramie advised Mr. Lorraine that canals in his area had been done and that he had pointed them out on different occasions during his earlier reports at the Lafourche Parish Council meetings. Mr. Cheramie emphatically stated that outfalls had been done in Mr. Lorraine's area. Mr. Lorraine stated that he was not saying that Mr. Cheramie had not done any outfall canals in his area but that he had some that he submitted that nothing had been done with. Mr. Cheramie explained that there was only so many machines and so many workers available. He then said that the recent hurricanes had prevented the Department of Public Works from performing work that the department would normally be doing. Mr. Cheramie said that they have been attempting to build levees for hurricane protection, adding that the department was not out of hurricane mode. He said that he felt that building levees was the top priority at this time for his department. Mr. Toups stated that he had received phone calls and had also spoken to one of the field offices regarding the installation of culverts. He said that he believed that they would be installed once a week, to which Mr. Cheramie agreed. Mr. Toups stated that he had been receiving a lot of telephone calls regarding culvert installation and further that he had been advising the citizens calling him that the Parish was performing the most important work first, but that he did not think that the public understood the reasons for the hold-up and suggested that maybe a write-up should be put in the newspaper regarding the matter. Mr. Toups then spoke of a citizen who wished to put culverts in back of his house. Mr. Toups offered that maybe President Randolph or the Administration could put a write-up regarding the matter in the newspaper. He said that he understood the reasons for the hold-ups and that Mr. Cheramie's presentation had shown that a lot of work that was being done was pertaining to hurricanes. Mr. Toups reiterated that the public needed to know what was being done. Mr. Cheramie said that he liked to prioritize projects and explained that what has been done was that a large amount of man hours and money had spent for sandbagging and that he felt that could be eliminated for the next storm by hauling free dirt to the areas. He said that at one point he had gathered all the trucks available in order to truck dirt to the areas that needed it in order to eliminate sandbagging. Mr. Cheramie said that he had told the Field Offices that culverts and catch basins should be put aside and that the Parish needed to consider heightening levees more important than landscaping yards. He said that the department would get to such work but that at this point preventing flooding was more important than landscaping. Mr. Atzenhoffer said that the Finance Director had in the past spoken of capitalizing these type of projects and inventorying levees and then asked how that information would be obtained by the Council when a levee was complete. He then said that the Allied Shipyard levee was an additional one-quarter (1/4) of a mile and then asked at what point would that go into the asset column for the Parish. He then again asked how that information would be brought back to the Council so that they may know that it was done. Mrs. Shannon Chiasson, Lafourche Parish Finance Director, said that as soon as the information was received it would be at the end of the year. Mr. Atzenhoffer asked if the Council would receive a report regarding how many levees were had and any increase in same. He then asked if that information would show up in the budget or as a line item in the audit, to which Mrs. Chiasson responded that it would show up in the audit. Chairman Matherne then

thanked Mr. Cheramie for meeting with him regarding the Abby Canal area and asked if there was an associated time line for that project. Mr. Cheramie informed Chairman Matherne that a machine was presently in that area and that farmer's had given the Department of Public Works permission to stock pile trees. He said that they were asked to wait on burning the stock pile of trees due to the dry conditions being had recently, adding that the fire could possibly get into the sugar cane fields.

President Randolph said that she would like to add to what Mr. Cheramie had mentioned earlier in that when the North Lafourche excavator was shown in Mr. Cheramie's visual presentation, it was with a parish employee and that it was a partnership in that the Parish would provide an employee and that the other party would provide the equipment. She stated that the Parish had good partnerships, including that the Lafourche Basin Levee District had done excellent work.

Chairman Matherne asked President Randolph if it would be possible to come back to Mrs. Chiasson presentation later in the agenda, to which President Randolph "yes".

### **ENGINEERING AND ARCHITECT REPORT(S)**

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

Mr. Joseph C. Picciola, II, Picciola & Associates, Inc. presented a brief update on current engineering projects. (Attached as Exhibit 1) Mr. Callais asked Mr. Picciola what bridge was being replaced in the Clovelly Bridge Drainage Project, to which Mr. Picciola responded the first bridge before the Barns, over the 20 Arpent Canal.

### **LEGAL ADVISOR REPORT**

The next item on the agenda was to relinquish time to the Lafourche Parish Legal Advisor. The Lafourche Parish Legal Advisor was not present.

Next a **motion** was offered by Mr. Mark Atzenhoffer, seconded by Mr. Gouaux, to *open* the second budget public hearing and *carried* by a vote of nine (9) yeas, and zero (0) nays.

The next item (3) on the agenda was a public hearing for public comments on the proposed 2006 Maintenance and Operations budget for the Lafourche Parish Council. Mrs. Sharleen Hotard first addressed the Council by stating that she had the consolidated proposed budget for 2006 and stated that she would like an explanation on the Capital Outlay matter. She went on to say that in 2005 there had been \$9,021,430 and that on the 2006 budget that amount was \$2,584,515. She stated that there was a big difference of approximately \$7 million and wonder if that \$7 million was money that had already been committed to projects for 2005 and that there would only be \$2 million for Capital Outlay for 2006. Chairman Matherne stated that he thought that she was absolutely correct in that there was less money in Capital Outlay in the 2006 budget then there had been in the 2005 budget. Mrs. Hotard clarified that she had understood correctly in that the \$7 million difference would have been money that was spent and that the projects would be finished in 2005, and that there would be \$2 million remaining. Mr. Curole asked Mrs. Hotard whether she was speaking about a particular fund or in general, to which Mrs. Hotard replied that she was speaking of the General Fund Balance on the consolidated proposed 2006 budget. Mr. Curole then advised Mrs. Hotard that the 2004 and the 2005 budgets contained a large number of Capital Outlay projects and that in 2006 there was not many more projects. He stated that the Parish had been using the fund balance that was available in 2004 in order to complete Capital Outlay projects. Mr. Curole stated that in not being certain in exactly what numbers Mrs. Hotard was speaking about, that a general statement that he could make would be that the Parish would not see as many new Capital Outlay projects in the 2006 budget because the fund balance had been dwindled down in building of projects and buying equipment. Mr. Lorraine added that

if the \$15 million that had been previously bonded out had not been added into the budget that the amount would be less than what it was.

Mr. Milton Arabie next addressed the Council regarding the budget proposed for the 2006 year by stating that he was the Executive Director for Recreation District No. 2. He said that geographically the district covered all of Ward 3 and most of Ward 7. Mr. Arabie said that also present at the meeting was the Board President, Mr. Danny Mayet and the office secretary, Ms. Lorraine Gaudet. He went on to say that he wanted to discuss the allocation of the Parish Recreation Tax to the recreation districts of Lafourche Parish. Mr. Arabie explained that the district had spoken and had gone through the entire chain of command in the Administration Department repeatedly asking them to revisit and reconstruct the method used to distribute the recreation tax to the recreation districts. He said that there had been discussions but that a decision had not been reached. Mr. Arabie stated that he hoped that some action was taken because it was believed that the present method used to figure the distribution to the recreation districts was inaccurate, unfair and needed to be revisited and updated. He said that he was speaking for Recreation District No. 2 Board and also was expressing requests of the majority of the recreation directors and boards in the Parish. He said that the same request being presently made had been made in meetings with the Parish President, Parish Administrator, Recreation Secretary, and Parish Recreation Director. Mr. Arabie said that the above named individuals had listened to the pleas of the recreation district but that as of the present time, no corrective actions had been taken in order assure that distribution was updated, fair and accurate. He went on to say that the distribution of the taxes as presently distributed to the various districts needed to be revisited. Mr. Arabie said that the Board had asked Lafourche Parish Recreation Director to take action to update the method of distribution. He said that recently the Lafourche Parish Recreation Director was asked by the Board where he obtained the figures for the allotment proposed in the 2006 proposed budget. Mr. Arabie stated that the response of the Lafourche Parish Recreation Director was that because of Hurricane Katrina he did not have sufficient time to address the issue and had used the same figures as the previous year. He went on to say that the Lafourche Parish Recreation Director had also said on the radio that he would be revisiting the issue in January of 2006. Mr. Arabie said it was the same thing, wait until next year, let the recreation district suffer. He said that he was respectfully asking that the Parish Council refuse to accept the part of the Parish budget that dealt with this issue until such time as a fair and accurate recommendation was made. Mr. Arabie said that the Board was recommending that the Council make an amendment to the budget regarding the matter and then had his secretary distribute a handout regarding the budget formula for recreation along with a suggested amendment that the Council could make regarding this matter. He then explained that the first sheet of the handout gave the past history of the Recreation Advisory Board and the Recreation Tax. Mr. Arabie said that the second page of the handout showed the breakdown of the distribution by percentages and that the third page showed the suggested amendment. He then read that the suggested amendment could state that due to the method used to compute the Parish Recreation Budget it was being recommended that the portion of the budget would be accepted under the following provisions, (1) the distribution of the Parish Recreation Tax to the Parish Recreation Districts was to be calculated using the Recreation District's population and participation of the District to arrive at a justifiable percentage of the tax for each recreation district, and (2) the revised budget was to be presented to the Parish Council no later than the last Parish Council meeting of February 2006 for approval. Mr. Callais inquired as to exactly what Mr. Arabie was referring to when he said that the distribution formula was unfair and outdated. He said that he represented Lafourche Recreation District No. 3 which had approximately 31,000 citizens, constituting one-third of the Parish population of 90,000, adding that one-third of the funds was approximately what the district received when the taxes were distributed. He asked what was unfair about that process. Mr. Arabie said that it was unfair because to the Boards' knowledge when the Lafourche Parish Recreation Office was asked to provide information on how the distribution was figured, no information was given. He went on to say that the process was unfair because it was outdated and that he was not aware of

the last time the formula had been revisited to make it proportionately correct for all districts. Mr. Arabie said that Mr. Callais was probably correct in saying that his district proportionately received the amount they should, but that other districts were not in the same category. Dr. Lasseigne said that it should be easy to figure how much taxes were collected within each district and distribute it accordingly. Mr. Arabie said that was the Board's point, that the recreation tax collected be given out proportionately to the recreation districts. He added that to the best of his knowledge that there was no formula being currently used for the distribution. President Randolph stated that the same formula being used. Mr. Lorraine said that the people of the area being spoken of by Mr. Arabie had voted on an increase in a millage and that a fine facility had been built. He then said that he felt like Dr. Lasseigne in that the taxes could be distributed as they were collected in each recreation district. Mr. Toups said that he agreed with Mr. Arabie in that they had been fighting this issue for over twenty (20) years and that all he was asking for was to find out how the funds were being distributed. He said that Gheens received approximately \$3,700. Mr. Toups said that a tax had to be passed in the area being spoken of by Mr. Arabie because they were only receiving approximately \$40,000 yearly, versus the 10<sup>th</sup> Ward receiving \$100,000. Mr. Toups said that the formula needed to be redone. He then asked if the formula could be redone before a February 2006 meeting? Mr. Toups said that he would take Mr. Arabie's suggested amendment and propose it as an amendment to the budget. He said that such an amendment would help the smaller towns like Gheens, Lockport, Bayou Blue, Kraemer and Chackbay. Mr. Toups said that the money could be distributed by participation in the recreation district. Mr. Toups said that children from throughout the Parish went to Raceland and Lockport, and added that he was sure that this happened in other districts. Mr. Toups said that in the past summer there were approximately 750 children in recreation in his area. He said that he believed that Raceland was the only area that offered hardball in the Central Lafourche area. Mr. Toups said that all that was being asked for was a fair share of the funds distributed and that those funds be divided correctly. Chairman Matherne said that he wanted to advise Mr. Toups that he would oppose any formula that would discriminate against children who did not reside in area that had a big tax base. He asked that Mr. Toups keep that in mind when he made his amendment, adding that just because there was not industry surrounding the area that there should not be baseball. Mr. Gouaux said that was exactly what he had wanted to say, adding that no child should be deprived of any recreational activity because the tax revenue was not available in his area. He said that there had to be a fair and equitable way to distribute the recreation money. Mr. Gouaux said that some of the areas may not have industry, and because of the population in the area, the distribution being done may cause some areas, like Gheens, to not get enough funds to hold any type of recreational activities. Mr. Gouaux said that maybe a base amount should be looked at so that each recreational center would have the same or equivalent services. Mr. Arabie thanked Mr. Lorraine for his comment and agreed that they did have a very nice facility and added that the people in Raceland had paid for it. He said that he had been associated with recreation for along time and added that the ultimate wish and dream was to have other areas of the Parish develop like the their area because it only benefitted the people who lived in the area. Mr. Arabie said that they believed that could be done better through the leadership of the various recreation boards and allowing them to determine what needed to be done. Mr. Lorraine said that there were eight (8) districts in the Parish and that four (4) had an extra millage for recreation. Mr. Arabie then said that it should noted that when it was asked that the population and participation be used as the formula that assessment was eliminated. He said that sociologist would say that if money was spent where it had been assessed the greatest, then the most needy people were not be taken care of. Mr. Arabie said that would mean that the rich areas would get richer and the poorer areas would get poorer. He said that was what had happened to the Raceland area. Mr. Arabie said that the Raceland area had the population and the participation, but that unfortunately the area could not match the assessment. Mr. Toups repeated that there were four (4) districts that had millages for recreation, listing those as Gheens, Lockport, Bayou Blue and Chackbay. He said that those districts had to have a millage because they were not receiving enough funds from the Parish. Mr. Brennan Matherne,

Director of the Department of Parks, Recreation and Public Facilities, stated that he agreed with Mr. Arabie in that the matter needed to be looked at. He said that the issue had been looked at already and that in late August 2005 a meeting with President Randolph and Mr. Cullen Curole had taken place regarding various recreation matters. Mr. Matherne said that he had done some work on the matter on his own as to what could be done with the formula. He said that the formula was completely outdated and that there were many questionable things about it. Mr. Matherne said that originally it may have been a good idea but that he did believe that it needed to be updated. He said that if accurate figures could be obtained then that would be one way to update it. Mr. Matherne said that each Councilman and each recreation district would probably have different ideas on what the formula needed to be. He said that what had been proposed was to meet at a public hearing regarding the matter but reported that such a hearing had not occurred due to the hurricanes, and other time consumptions. Mr. Matherne offered that something could be re-scheduled between the present time and February of 2006. He said that the needed research had been done and that what really needed to be done was to have everyone meet in order to decide what wanted to be done.

Ms. Joy Segura next addressed the Council regarding the Spay and Neuter Program. Ms. Segura began by thanking the Council and the Parish President and stated that it was very exciting to see how the Animal Shelter was progressing, adding that it was coming along nicely and that the Parish would be very proud of it. She said that the shelter showed that the area people were compassionate people. Ms. Segura said that the next step would be to look at the Spay and Neuter Program, which she said she would urge be started as soon as possible. She stated that population of cats were growing and that being people who were kind hearted it was difficult to call the animal shelter knowing the fate of that animal. Ms. Segura said that what was being hoped was that the population of the animals would go down far enough that the shelter could be used more as an adoption area. She stated that this program was working in other areas and that the Parish could do it also. Ms. Segura said that the Spay and Neuter Program was very important and reiterated that it should be started as soon as possible.

Ms. Allison Compeaux addressed the Council regarding the Spay and Neuter Program. She began by thanking the Council for the opportunity to speak and further that she was present to express support for the proposed low cost Spay and Neuter Program associated with the new Animal Shelter. Ms. Compeaux said that so much progress had been made and that the shelter had become a reality. She said that the first step to making the shelter a success would be to have a spay and neuter program in place as it was an essential part of the process. Ms. Compeaux said that a spay and neuter program was the only way to keep stray and unwanted animal populations down, which she added would reduce costs to the animal shelter. She said that having a program that would provide a break in the costs of spaying or neutering an animal would encourage people to adopt the animals. Ms. Compeaux said that benefits of such a program would out weigh the liability of not having one. She said that if shelter intake and shelter euthanasia could be reduced, costs would be reduced to the shelter. Ms. Compeaux said that a spay and neuter program also increased awareness and education. She shared that she had in the past adopted an animal from a shelter that had a spay and neuter program, saying that she had signed an agreement to have the animal spayed and had done so within two (2) weeks with an incentive of receiving a cost break at the veterinarian's office. Ms. Compeaux said that such programs worked and that there were dedicated people associated with the new animal shelter. She said that those people would work hard to ensure that a spay and neuter program in Lafourche Parish would work.

Ms. Kim Brannagan then addressed the Council regarding the Nicholls State University Adult Health and Development Program. Ms. Brannagan explained that the program takes a holistic approach to wellness for the older adults in the community. She went on to say that the program took the approach to develop the physical, psychological and social wellness of older adults in the community. Ms. Brannagan said that Nicholls State University students who signed up for a particular course would be paired with adults from age 50 and above from the community. She said that through the program, an educational speaker was

provided for the adults from the community. Ms. Brannagan then informed the Council that after hearing the educational speaker, the adults would be paired with a student who would take them through one (1) hour long physical fitness activities, including various games and activities. She said that the program's needs included updated equipment, explaining that the equipment currently had was dated and posed hazards. Ms. Brannagan said that the program had not received funding in sometime and further that there were various other needs of the program.

Ms. Angela Hammerli next addressed the Council regarding the Nicholls State University Adult Health and Development Program. She began by thanking Dr. Tommy Lasseigne for proposing the amendment regarding the matter and added that it was nice that such a program was available. Ms. Hammerli went on to say that Ms. Ruthy Woodard, a participant in the program had been such a motivation to the Nicholls State University students. She said that new equipment was needed because equipment wears out, adding that parachutes were also needed, which she stated a lot of the older adults liked to work with. Ms. Hammerli explained that the program had been started in 1993 and that it was still alive and well thirteen (13) years later, adding that was motivation to keep the program ongoing. She said that it was not only beneficial to the older adults of the Parish, but also to the students who began to realize that new medications are sometimes needed which may affect one's ability to perform but that performance was still possible. Ms. Hammerli thanked the Council and said that she hoped that they would consider the proposal. Dr. Lasseigne asked Ms. Hammerli to explain what the money being requested would primarily be used for. Ms. Hammerli said that the money would be primarily used for new equipment, adding that there was equipment that was not safe for older adults to utilize. She went on to say that the program did have a new treadmill but that sometimes they had more than one (1) person that wanted to be on the treadmill. Ms. Hammerli said that there were some smaller expense items that would be needed, such as stopwatches, materials and supplies in order to keep the program in a participatory level. Dr. Lasseigne asked the location of the facility, to which Ms. Hammerli explained that the facility was located in a small room off to the side in the Shaver Gymnasium at Nicholls State University, which she stated held benches for sitting and performing sit-ups and push-ups, along with also holding other pieces of equipment. Ms. Hammerli said that the Council would be welcomed to come and participate in the program, visit or just to come in and view the area. She said that also included in the room was ten (10) to twelve (12) pieces of equipment, and further that there was an area for weighing individuals. A brief discussion ensued regarding the age of participants and other Nicholls groups that participated with the program.

Next a **motion** was offered by Mr. Mark Atzenhoffer, seconded by Mr. Daniel Lorraine, to **close** the public hearing and **carried** by a vote of nine (9) yeas, and zero (0) nays.

Chairman Matherne stated that the Council would return to hear the Finance Director's report. President Randolph stated that in earlier discussions there had been talk regarding having special budget meetings and then inquired whether that would happen. Chairman Matherne then stated that he had not spoken to the other Council members regarding having special meetings for the budget. He then stated that there could be special budget meetings in order to have the Council derive at specific questions for the Finance Director. He said that the Finance Director could go through the budget fund by fund in order to avoid some phone calls and e-mails and also to put everyone on the same page. Chairman Matherne said that he would like to get a consensus from the Council in order to see if they wanted to have special meetings or not. He explained that the meetings would be solely budget-based and possibly additional public hearings regarding the budget. President Randolph stated that the reason she had asked whether there would be special meetings or not was because she thought that the Finance Director's report would be more appropriate at one of the special meetings. Dr. Lasseigne said maybe the Council could hear the Finance Director's report at this time and then have two (2) or three (3) special meetings the week of November 14,

2005. He said that then the Council could get together in order to determine how to combine the funds that might be appropriate to combine, adding that the General Fund was a fund that could and should be on its own. Dr. Lasseigne then said that the Rededication Fund could be combined with the funds that go with it. He said that he thought a workable solution could be come to and that it would take less of the Finance Director's time and that special meetings would be more efficient. Dr. Lasseigne said that special meetings would be more open and that it would be better to interact then to have to each Councilman find out information individually. Mr. Atzenhoffer said that he thought that special meetings would be a great idea but that he wanted it clarified that if a consensus was come if questions could be asked at the present meeting, adding that he had approximately ninety (90) questions. Chairman Matherne then asked the Council if there was any other consensus from the Council regarding special meetings. President Randolph stated that the Finance Director was prepared to present her report at the present time but said that she did not know what would be more appropriate, at the present hearing or at special meetings. Mr. Mark Atzenhoffer made a **motion** to hold special meetings regarding the budget. The question of when the special meetings would be held was asked. Mr. Gouaux recommended that the special meetings be held in three (3) different sessions in order that a quorum was not had. Discussions then began regarding wanting a quorum and also have the special meetings be public hearings. Chairman Matherne stated that there had been a motion made regarding having the Chairman consider special meetings on Monday, November 14, Tuesday, November 15 and Thursday, November 17, 2005, seconded by Dr. Tommy Lasseigne and *carried* by a vote of nine (9) yeas and zero (0) nays. Chairman Matherne stated that the special meetings would be regarding the budget only and stated that he would not approve any other agenda items for the dates of the special meetings. Dr. Lasseigne said that specific funds would be done at specific meetings. Mr. Daniel Lorraine inquired as to whether they would be able to discuss amendments. Chairman Matherne stated that the Council Clerk had reservations regarding whether the special meetings should be public hearings or not because of publication deadlines. A brief discussion was had regarding whether the publication deadlines could be met in order to have the special meetings as public hearings. Chairman Matherne stated that he would research the matter in the Home Rule Charter and would advise the Council on November 9, 2005 whether the special meetings could be public hearings or not. Discussion then ensued regarding already having had the required minimum of public hearings, that being two (2) public hearings. Mr. Atzenhoffer then read from the Home Rule Charter regarding the matter stating that the Council was required to have two (2) public hearings on the budget which shall be conducted during regular and/or special meetings of the Council. He went on to say that the proposed budget may be amended at any meeting of the Council during which a public hearing on the budget was held or at any public meeting of the Council that was held thereafter provided that the amendments were adopted prior to the time the budget was passed by the Council. Mr. Atzenhoffer reminded the Council that there was a three (3) day turn in time of their amendments regarding the budget but that the Council was not required to have any more public hearings on the budget. Mr. Gouaux asked the time of the special meetings, to which Chairman Matherne responded 6:00 p.m. at the Sondra Barrios Building in Raceland, Louisiana. Mr. Brennan Matherne suggested that the Council include a public hearing on the formula regarding the distribution of recreation funds as previously discussed. He said that the figures and research could be had for the special meetings and that he would be able to present and explain it to everyone and hear the comments of the public as well as the Council. After a brief discussion it was decided that the Finance Director's report would be heard at the special meetings.

The next item (4) on the agenda was discussions and considerations of budget amendments.

Chairman Matherne stated that discussions on Amendment No. 2 would begin. He read from the amendment offered by Dr. Tommy Lasseigne on November 3, 2005, that being Amendment 2006-2 Senior Activities Fund 127. Said amendment would create line item in the amount of \$10,000 for grants, increase line item in amount of \$10,000 from Fund Balance, and the purpose of the grant was to supplement Nicholls State University Senior Activities Program. Dr. Tommy Lasseigne made a **motion** to amend the 2006

Budget to move \$10,000 in the Senior Activities Fund 127 to supplement the NSU Senior Activities Program, (Amendment No. 2), and seconded by Mr. Michael Delatte. Mr. Callais stated that he was on the Board of Directors for the Alumni Federation and the Nicholls Foundation and therefore would abstaining from voting on the matter. Mr. Atzenhoffer asked if this amendment would be done through a cooperative endeavor and whether Nicholls State University would follow the guidelines as stipulated by Ordinance 3565. Chairman Matherne stated that he would think that they would have to because it was an ordinance. Mr. Curole stated that they should have to follow the guidelines. Mr. Toups inquired as to where the funds were being taken from. Chairman Matherne stated that the funds were be taken from the Senior Activities program rededication, Fund 127, the Fund Balance in the budget. Mr. Atzenhoffer stated that the fund balance was \$85,921. Chairman Matherne stated that the fund balance would be decreased to \$75,921. Chairman Matherne then informed the Council that he would also be abstaining from the vote as Nicholls State University was his employer. Mr. Gouaux said that Ordinance 3565 was always brought up after the fact and that if this amendment was approved at the present time and the audited financials were obtained after it was approved, what good would they be. He said that the purpose of the ordinance was to allow the Council to establish whether or not an organization truly needed the funding. Dr. Lasseigne said that this was simply a proposed budget amendment and that a cooperative endeavor and other things were still needed before the funds were given. The amendment *carried* by a vote of seven (7) yeas, zero (0) nays, and two (2) abstentions, that being of Mr. Brent Callais and Mr. Michael Matherne.

Chairman Matherne then read from Amendment No. 3 to the 2006 budget, submitted by Mr. Michael Matherne, Amendment 2006-3 Commission for Women, Fund 126, decreasing fund balance of 2004 Rededication Fund 128 by \$2,000, increase Operations of Services line item in Fund 126 by \$2,000, purpose of the transfer of the funds was to benefit the Women's Health Fair for the Lafourche Commission for Women. Mr. Michael Matherne made a **motion** to amend the 2006 Budget to establish \$2,000 in the Operating Services line item in Fund 126, Commission for Women to benefit a Women's Health Fair and was seconded by Dr. Tommy Lasseigne. Chairman Matherne explained that the Lafourche Commission for Women was established by ordinance and that their charge by ordinance was to bring around public awareness of women's issues. He said that he did not think they meet their potential because of lack of funding. He said that funds from the Fund Balance could be used for health related services and that he thought that if the Council asked them to do a Women's Health Fair issues specific to women could be discussed such as breast cancer, domestic violence and the like. He said that the association would take on such a task and would bring public awareness to women's health issues. Chairman Matherne said that this funding would help the program and that they could really do some good in the Parish. Mr. Gouaux said that he had some problems with what was being asked and said that he did not know why the association did not get with the OB/GYNs of the parish and have them support the group because ultimately health fairs brought money into their pockets. He said that doctors would benefit from funding the group, along with the women of the Parish being benefitted. Mr. Atzenhoffer said that he agreed with Mr. Gouaux and then inquired as to whether the association had asked for the funding or whether it was something that the Council was doing for seed money for the association. Chairman Matherne said that he had spoken to two (2) of the commissioners and that he thought that one (1) of the reasons the association did not have a more active role was due to funding. He said that he thought it to be a wonderful idea to ask private businesses to help but being that it was an entity created by ordinance of the Parish of Lafourche there was duty to help the association if the Parish could. He said that he was not asking for a large amount of money, only \$2,000 out a considerable size fund balance. Chairman Matherne said that he thought that if the Council empowered the group to have a wider role, that they would meet the expectations. Mr. Atzenhoffer said that he would not have a problem giving the requested funds but that he would like them to come back before the Council with a plan. He said that he would not have a problem with doing supplementals because supplementals could be done. Mr. Atzenhoffer said that he would like the association to come back and say

what they were planning and how much that plan would cost. He reiterated that he would like to see a plan first. Mr. Toups asked whether the Parish had given money to the association before, to which Chairman Matherne stated that he was aware that there was \$1,800 in the account but was not sure how it had been derived. President Randolph stated that the association had been inactive for many years and had been revitalized with the Council's appointments of 2004. She went on to say that the association was able to go out into the community and secure monies to hold a health fair in 2004. President Randolph said that the association did indeed have \$1,800 left in their account leftover from the 2004 health fair. She said that the money being requested at present would help supplement the health fair for the 2006 year. Mr. Toups asked if the association had asked for the money, to which President Randolph stated no, not necessarily. Mr. Toups said that if they gave the money the 2006 year that the association would come back and ask for more in the following year. He said that he would say no to the amendment. Mr. Toups said that the association had not come before the Council to ask for the funding nor explained why the funding was needed. Mr. Gouaux asked where the health fair would be held. Chairman Matherne interrupted by stating that what he was speaking about was a supplemental appropriation to put money in the fund so that the association could develop a plan. The amendment *carried* by a vote of seven (7) yeas, and two (2) nays, that being of Mr. Lindel Toups and Mr. Mark Atzenhoffer.

Chairman Matherne then read from Amendment No.4 to the 2006 budget, submitted by Mr. Michael Matherne, Amendment 2006-4 Animal Shelter, Fund 101, decreasing the fund balance of 2004 Rededication Fund by \$35,000, increase professional services to line item 101 by \$35,000, purpose of the supplemental appropriation was to plant the seeds to have a proactive spayed and neutered program so that the Animal Shelter was not completely occupied within a short period of time. Mr. Michael Matherne made a **motion** to establish \$35,000 in the Professional Service line item in Fund 101, Animal Shelter to benefit a parish wide spay and neuter program and seconded by Mr. Brent Callais. Mr. Atzenhoffer stated that \$35,000 was being given and then asked how it would be given, whether that was enough to be given, if it was known how much the scheduling would be for this and how was the Parish to re-coup money if stray animals would be taken in. He asked what would be the plan for the program and asked how the City of Thibodaux would provide their funding assistance, as well as the Town of Golden Meadow and the Town of Lockport. Mr. Atzenhoffer asked how all of these things could be done before the handing out of money. He stated that he would like his questions answered before the money was given. Mr. Toups voiced his reasons for not voting for this matter. Chairman Matherne explained that the Animal Shelter was at the half-way point of being next to the Parish jail in Lafourche Parish and that there was money included in the fund for operational costs and services, but that his concern was the he would like to see the Parish be proactive and have money in the account and have the Administration be involved in a Parish wide spay and neuter program. He then explained that one (1) cat could be a descendent to approximately 420,000 cats within seven (7) years. Chairman Matherne stated that if the money was not put in the line item now there was nothing that said that the Parish President ever had to transfer funds into that line item without Council approval. He stated that he was trying to be proactive and was asking for the help of the Council because he thought it was fundamental so that an over population of animals was not had and also that a lot of animals would not have to be put to sleep. He said that fundamentals could be put down for a public spay and neuter program. Chairman Matherne then mentioned supplementing the service, like with rabies vaccination. He then asked for the support of the Council. Dr. Lasseigne stated that in the proposed budget there was \$265,000 in expenses for the Animal Shelter, adding that this amendment would put that amount over \$300,000. He said that he had gotten a cat spayed on November 8, 2005 and that it had cost him \$95.00. Dr. Lasseigne said that he would have to agree with Mr. Atzenhoffer in that he was for the Animal Shelter, and that the Animal Shelter should be had, but that outside of capital outlay there would be approximately \$167,000 to operate the shelter. He said that if the money was put in now it could moved any where at any time in the fund and that if the money was not put in a supplemental could be done to put the

funds in. Dr. Lasseigne said that there would already be \$167,000 to operate the Animal Shelter, not including utilities on the main building due to the fact that it was not in place yet, nor the support staff needed. He said that he thought it to be a lot of money when there was a lot of needs in the Parish. Dr. Lasseigne said that the Council should prioritize. Mr. Atzenhoffer stated that he was aware that there was another fund pertaining to having \$65,000 budgeted for veterinarian, adding that services would not be utilized for a least one (1) year. He said that amount of money was already in the fund and that if an additional \$35,000 was put in the fund that there would be an incentive to spend money, whereas it could be said that the money could come out of the fund for the veterinarian costs because it would not be utilized at the present time. Mr. Atzenhoffer went on to explain that if the \$35,000 was then needed for something else a supplemental could be done. Chairman Matherne stated that he understood Mr. Atzenhoffer's concerns and that they were well noted but said that he was concerned because the solution to the problem that was being had with animals and stray animals in Lafourche Parish could be started with the spay and neuter point. He pointed out that Dr. Lasseigne had spent \$100 to spay his cat and that he would dare say that the majority of the public would be responsible pet owners and would have their cats and dogs spayed, causing a control problem. He said that he thought the basis of animal control had to start with spaying and neutering. Chairman Matherne stated that he thought that most people did not spay or neuter their animals because it costs \$100.00. Chairman Matherne called question. The amendment **failed** by a vote of four (4) yeas, that being of Mr. Michael Matherne, Mr. Daniel Lorraine, Mr. Tyrone Williams, and Mr. Michael Delatte, and five (5) nays, that being of Dr. Tommy Lasseigne, Mr. Mark Atzenhoffer, Mr. Lindel Toups, Mr. Phillip Gouaux, and Mr. Brent Callais.

Next, a **motion** was offered by Mr. Mark Atzenhoffer, seconded by Mr. Phillip Gouaux 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**

Vice-Chairman Mr. Mark Atzenhoffer then took over the proceeds of the meeting at the request of Chairman Matherne.

The next item (5) on the agenda was an ordinance amending Section 24:503(A) of Sub-Chapter "K" of Chapter 24 of the Code of Ordinances to amend the boundaries of Lafourche Parish Recreation District No. 4 to include the Corp Limits of the City of Thibodaux. Vice-Chairman Atzenhoffer asked three times if anyone from the public wanted to speak on the proposed ordinance. Hearing none, Vice-Chairman Atzenhoffer moved for a motion. A **motion** was offered by Mr. Michael Matherne and seconded by Dr. Tommy Lasseigne. Mr. Michael Matherne explained that what the ordinance did was combine recreation districts putting a board over the spending of funds which would increase accountability and allow public input on expenditures of the funds. He said that at the current time there was not a board. Mr. Toups stated that the Council had just received at the November 8, 2005 Council meeting a letter from the Mayor of Thibodaux, explaining that the Mayor requested that the Council wait on voting on this matter until such a time when the City of Thibodaux could discuss it. He then asked if whether Mr. Matherne would mind waiting on the matter until such a time. Mr. Matherne said that there was an area that was called Recreation District No. 7, which had approximately \$80,000 annually. He said that the relationship that had been had with the City government in the past was that the City would submit receipts for recreation for the funding and the Parish would pay for those receipts and expenditures. Mr. Matherne explained that what he was trying to accomplish was to increase accountability in order to assure that the expenditures met the need of the people. He said that it was not a Parish employee that was making the expenditures and further that he thought it to be healthy to have a board in place that would make sure that the funds were spent correctly and in the way that they needed to be spent. Mr. Matherne said that the Council did not need to approve the

expenditures, nor the Parish President, but that the parents of the children living in the area, the community and the individuals on the board needed to approve them. Mr. Michael Matherne offered an amendment to **amend** Section 24:503(C) of Sub-Chapter K of Chapter 24 of the Code of Ordinances to include the line “One (1) of which shall be recommended by the Thibodaux City Council and ratified by the Lafourche Parish Council.”, seconded by Mr. Daniel Lorraine. Mr. Matherne said that what that amendment would do would be to allow the Thibodaux City Council to have one (1) appointment to the board. Mr. Brennan Matherne added that what Mr. Michael Matherne had said was absolutely correct and said that Mr. Callais had said earlier that his recreation district received approximately one-third (1/3) of funding with the current formula and added that Recreation District No. 7 that was trying to be incorporated with Recreation District No. 4, received the second most funding in the Parish, approximately twenty-two (22%) percent. He said that meant that twenty-two (22%) percent or more was being controlled by employees of the City of Thibodaux who would in turn submit receipts to the Parish for reimbursement. Mr. Matherne stated that at present there was not a board in charge of the funds being spent and added that he agreed with Mr. Michael Matherne in that a board was needed. Dr. Lasseigne said that money was being received from Parish residents, and was being controlled by the City of Thibodaux, adding that sometimes if a person was not a Thibodaux City resident that they would be charged for use of city services. He pointed out that the Parish was supplementing the City’s Recreation Department and that they were imposing a surcharge on Parish residents whose money was going to the City of Thibodaux. Mr. Toups said that he wanted to see how the City of Thibodaux’s Councilmen felt about the matter. Mr. Gouaux stated that his question would be whether the City of Thibodaux put forth any money toward the recreational program. Mr. Michael Matherne stated that in a previous meeting, he found out that the money would be supplementing the hundreds of thousands of dollars that the City put forward. Mr. Gouaux then asked whether the Council wanted to decide on this matter before giving the City of Thibodaux an opportunity to come before the Council. He stated that given the letter written by the Mayor, the Council should give him at least a couple of weeks or a meeting to come before the Council in order to see what he would propose. Mr. Matherne reminded Mr. Gouaux that what was being spoken of was Parish money. Mr. Gouaux said that the City of Thibodaux was also contributing to the money in recreation. Mr. Gouaux said that he felt that there could never be enough money to fund recreation for the children and that he would not want to hamper recreation currently had by not allowing the City of Thibodaux time. He then added that if time was of the essence regarding the matter that the ordinance should be voted on. Dr. Lasseigne stated that the issue was that Parish money was supplementing City activities and the Parish was coming up short on the deal. He said that anyone who lived outside of the City limits would have to pay and noted that those people were already paying. He said that the Parish had no control or oversight on the matters. He said that he thought it made sense to have Parish people have control over Parish money. Dr. Lasseigne said that money would still be in the recreation fund but that it would be administered differently and in his opinion, more efficiently for Parish residents. Chairman Atzenhoffer asked if there was any further discussion regarding the amendment. The amendment *carried* by a vote of nine (9) yeas and zero (0) nays. Mr. Callais asked what would be the negative side of not allowing time for the Mayor or the Thibodaux City Council to address the matter before the Council, pointing out that the Parish Council would still have final control. He asked again what was the problem with letting them voice their concerns. Mr. Gouaux said that he thought the Council owed the City Council and the Mayor a chance to hear any suggestions that they may have. He stated that it seemed that according to the letter that the Council had received that the City Council had just become aware of the proposed ordinance. Mr. Gouaux said that he would like to hear what the City Council and the Mayor would have to say before the Parish Council would impact a program that would effect them. Mr. Lorraine said that he saw no problem with the proposed ordinance as it had been put together well and further that the City Council and Mayor would probably agree with it anyway. He said that it was good proposal and further that the City of Thibodaux would have an appointment to the proposed board. The ordinance as amended

*carried* by a vote of seven (7) yeas, and two (2) nays, that being of Mr. Brent Callais and Mr. Phillip Gouaux.

**ORD. NO. 3691 RECREATION DISTRICT NO. 4, INCLUDE CITY OF THIBODAUX**

Vice-Chairman Atzenhoffer then turned the November 8, 2005 Lafourche Parish Council meeting back over to Chairman Matherne.

The next item (6) on the agenda was an ordinance accepting the subdivision known as the “Allen and Gail Gaudet Subdivision”, Ward 4, District 7. 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, seconded by Mr. Mark Atzenhoffer and *carried* by a vote of eight (8) yeas, zero (0) nays, and one (1) absent, that being of Mr. Brent Callais who was not present in the room at the time of the vote.

**ORD. NO. 3692 ACCEPT ALLEN AND GAIL GAUDET SUBDIVISION**

The next item (7) on the agenda was an ordinance accepting into the parish system the subdivision known as “Kenneth Constant Subdivision”, Ward 1, District 3. 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. Michael Matherne, seconded by Dr. Tommy Lasseigne and *carried* by a vote of eight (8) yeas, zero (0) nays, and one (1) absent, that being of Mr. Brent Callais who was not present in the room at the time of the votes.

**ORD. NO. 3693 ACCEPT KENNETH CONSTANT SUBDIVISION**

The next item (8) on the agenda was an ordinance accepting into the parish system the subdivision known as “Pineridge Estates, Phase I”, Ward 1, District 1. 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 Dr. Tommy Lasseigne, seconded by Mr. Michael Matherne and *carried* by a vote of seven (7) yeas, one (1) nay, that being of Mr. Tyrone Williams and one absent, that being of Mr. Brent Callais who was not present in the room at the time of the vote.

**ORD. NO. 3694 ACCEPT PINERIDGE ESTATES, PHASE I SUBDIVISION**

The next item (9) on the agenda was an ordinance approving a servitude agreement between Hugh Caffery and the Lafourche Parish Council to operate and maintain a fifty feet plus the width of the ditch maintenance servitude of a drainage canal in the Valentine area of Ward 9, District 6. 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. Lindel Toups, seconded by Mr. Phillip Gouaux and *carried* by a vote of eight (8) yeas, zero (0) nays, and one (1) absent, that being of Mr. Brent Callais who was not present in the room at the time of the vote.

**ORD. NO. 3695 APPROVE SERVITUDE AGREEMENT, HUGH CAFFERY**

The next item (10) on the agenda was an ordinance providing for a supplemental appropriation (No. 6) for the Lafourche Parish 2005 Operation and Maintenance Budget as provided for by Article VI of the Lafourche Parish Home Rule Charter. 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. Michael Matherne, seconded by Mr. Phillip Gouaux and *carried* by a vote of nine (9) yeas and zero (0) nays.

**ORD. NO. 3696 SUPPLEMENTAL APPROPRIATION NO. 6, ARTICLE VI**

The next item (11) on the agenda was an ordinance rescinding and repealing Ordinance No. 2455 and reinstate the levy and collection through out the boundaries of Sales Tax District No. 4 of the Parish of Lafourche, of the one percent sales and use tax for solid waste collection and disposal purposes. 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 Mr. Mark Atzenhoffer. Mr. Gouaux stated that the Administration had a visual presentation that would show the effects that could be incurred pertaining to the ordinance. Mr. Jerome Danos, Solid Waste Manager, began by stating that at present the Solid Waste budget had started the 2005 year with a balance of approximately \$3.3 million dollars. He then stated that the revenues for 2005 seemed to be coming in at approximately \$4.7 million, adding that the expenses of the department was \$6.3 million. Mr. Danos said that in the year 2005 that a deficit of approximately \$1.6 million would be incurred, leaving a fund balance of approximately \$1.7 million. He said that without any changes to the department and without any unforeseen disasters or events, that by the end of 2006 the balance would be a plus or minus \$357,000. He said that he believed that the Council understood what the issue was regarding the reinstatement of the tax as being requested. Mr. Danos said that he was prepared to show various scenarios that could possibly take place without the reinstatement of the tax. Mr. Gouaux said that he would like to see the revenue over the past several years. Mr. Danos said that as the Council was aware the tax had been rolled back in 1996 and that .07 of a cent had began to be collected in the first four (4) years, since 1997. He said that since 1997 to date the tax had been bringing in approximately \$4.5 million and as much as \$4.8 million in 2004. He said that the tax had been up and down through out the past years. Mr. Danos said that there had been a lot of speculation with regards to what the tax would bring in in the future based on history, saying that the annual increase since 1997 had been about .42%. He said that the revenues had not been brought in on a steady increasing basis as could have been expected. Mr. Danos said that was probably part of the concern for what the future might hold regarding the .07 of a cent being able to carry the Solid Waste fund. Mr. Gouaux asked Mr. Danos if a 3% increase per year would be a fair figure to use with consumer price index and other factors. Mr. Danos answered by saying that with the forecast made, both the revenues and expenses were made at 3% increases. He said that there had been much discussion and speculation over what the revenues would bring in over the last eight (8) years, adding that the average consumer price index increase had been approximately 2.3%. Mr. Gouaux said that with a 2.3% increase in expenses that a .42% increase in revenue would eventually have the department going into deficit spending. Mr. Danos said to be honest, the department had been deficit spending in the fund since 1998 where the revenues had not kept up the with expenses, in spite of the fact that steps had been taken to reduce the expenditures in the fund, reminding the Council that some services such as the recycling program and commercial disposal had been eliminated. He went on to say that large trucks had been utilized in order to further reduce expenses on the collection side. Mr. Danos added that effective January 1, 2006, the franchise fee would be eliminated. Mr. Danos said that he thought it to be eminent that the Parish would have to do something, be it all or part of the tax be reinstating or user subsidy in order to cover expenses of the department for the future. Mr. Gouaux asked whether the budget amount for 2006 was based on 2004 information, saying that 2004 was not a normal year and that it would actually inflate the 2006 amount. Mr. Danos said that the 2004 revenues had a spike in the amount due to an audit done in July of 2004, deriving at approximately \$200,000 extra. Mr. Gouaux said that what he was getting at was that the numbers being seen were very generous numbers on the revenue side and more to reality on the expense side. He said that he believed that if the Council did not put the .03 of a cent back on, the Parish could be putting itself in a bind. Mr. Gouaux then spoke of green waste and said that the Council needed to get back on track with that but said that there would be no seed money to operate such a program or any others, even if a better way to do things were found. He went on to explain that .03 of a cent only allowed the Department to hold on a little longer because the .03 of a cent would not be enough to supply the current services in the future. Mr. Danos said that he would agree with Mr. Gouaux. Mr. Lorraine stated that in 1996 a rollback of .03 of a cent had been done and added that the reason it was rolled back was because over the years millions of dollars had been accumulated. He said that a roll back was probably the fairest way to give back to the people of the Parish. Mr. Lorraine then said that the tax being spoken of included everyone in the Parish with the exception of the City of Thibodaux. He stated that

he felt that if there was going to be an ending fund balance of \$357,000, then the taxpayers of the Parish should be given a break for one (1) more year. Mr. Lorraine said that the matter should be monitored and reviewed in six (6) months. He said that adding .03 of a cent on sales tax at the present time, after the Parish being hit the recent storms, would hamper the people of the Parish. Mr. Lorraine said that poor citizens felt the sales tax more than the rich, adding that he was not trying to make a rich/poor issue. He said that there was a contract with River Birch for a set price for a set number of years. Mr. Lorraine said that tipping fees had been addressed and that they had always been paid by the Parish, but were now being paid by the companies themselves. He went on to say that what killed the fund being discussed was the franchise fee, which he explained was a way of circumventing money from the Solid Waste Fund to put into others funds. Mr. Lorraine explained that there would not be a franchise fee, meaning that the Town of Golden Meadow, the Town of Lockport, nor the Parish would receive the extra money derived from that. He said that the matter being discussed could wait another year and that the people of the Parish should be able to continue receiving a tax break for another year. Mr. Atzenhoffer said that he had never found any entity that could tax themselves into prosperity. He said that things that had been spoken about approximately a year ago had not been addressed, green waste being one of them. Mr. Atzenhoffer said that the amount of money being spent on green waste could fund an internal program to mulch the green waste and subsequently have it sold. He went on to say that chippers were not very expensive, and added that the Parish already had dump trucks. Mr. Atzenhoffer said that such programs had been done in other areas. He recalled that when he was serving the Army in Columbus that there was one (1) day a week garbage service and one (1) day a week service for green waste. Mr. Atzenhoffer explained that the garbage service was provided by county trucks and that when someone needed mulch it could be bought back from the county, saying that the program operated by paying for itself. He said that green waste was something that needed to be looked at very carefully. Mr. Atzenhoffer said that he agreed with Mr. Lorraine in that the Council had the chance to give the taxpayers a savings for at least one (1) more year. He said that he would strongly urge that this ordinance be voted down, and further would strongly urge that other ways to handle green waste be looked at. Mr. Atzenhoffer said that due to the recent storms and the extreme amount of waste that has been handled by River Birch from the cities of New Orleans and Jefferson Parish, another six (6) to eight (8) months were needed just to see the viability of River Birch. He said that a bigger problem may be had and that another plan may be needed. Mr. Atzenhoffer said that he thought this ordinance to be ill advised until such time other areas began to straighten out. Mr. Callais said that on November 6, 2005 Governor Blanco had addressed the joint session of the State Legislature at which time she proposed four (4) different tax breaks on sales taxes through out the Parish in order to help business and the local economy and citizens of the State of Louisiana with the upcoming Christmas holidays. He went on to say that Governor Blanco was also proposing a day where there would be no sales tax paid in the entire State. Mr. Callais said that he thought that adding the tax being discussed before Christmas and right after the aftermath of Hurricane Katrina would not be wise on the part of the Council, especially when there would still be \$1.5 million dollars left in the bank at the end of 2005. Mr. Callais said that sales tax could be made effective immediately. Mr. Toups asked Mr. Danos how much money would be brought in in a year if the .03 of a cent tax was reinstated? Mr. Danos said that he had a slide that showed that information but that the Council should keep in mind that it was only a forecast and that there was margin of error. He said that if the .03 of a cent tax was reinstated effective January 1, 2006, that a full one (1) cent would bring in approximately \$6.7 million ending with surplus of \$400,000 in 2006. He went on to explain that the surplus could be built back up but added that he would not venture to say that the surplus would ever be built back to the approximate \$8 million that it once was in the late 90's. Mr. Danos said that the reinstatement would be a long-term solution to the Solid Waste issue. Mr. Toups said that the people of the Parish had been given a tax break ten (10) years ago. He asked what would happen if there were two (2) hurricanes next year, adding that he was not for taxes but that the Parish may have to borrow money. Mr. Toups said that the Council knew that they would have to

reinstate the tax in 2006 or 2007, and asked why not reinstate it before a deficit was incurred. He said that the fund could be built up and that then the tax could be cut back. Mr. Toups said that he thought it would be legal to take some of the surplus money to repair the roads. He went on to say that after 2006 there would only be \$357,000 in the fund and added that if there were two (2) hurricanes in 2006 like there was in 2005, money would have to be found to take care of the public. Mr. Toups said that the Council knew that the tax would have to be put on either in 2005 or 2006 so why not put it on now and build up a surplus. He said that once a surplus was built up the tax could be rolled back. Mr. Toups asked why allow the Parish to get into a bind, pointing out that then money would have to be borrowed. He reiterated that he was not for taxes but that he thought the tax needed to be put on in 2005 in order to build a surplus in case something would happen. Mr. Toups reported that Terrebonne and St. Charles parishes were paying approximately \$30.00 per household for garbage services, and that employees had to be laid off. He said that he thought that costs of sewerage and water in St. Charles Parish were approximately \$40.00 a month. Mr. Toups then asked what would the .03 of a cent tax costs a household a year, stating that he was sure that the citizens would rather pay .03 of a cent at the present time than be billed for garbage in the future. He said that he was for putting the tax on now as it would have to be paid in 2005 or 2006 anyway. Mr. Atzenhoffer then asked Mr. Toups if what he was saying was that if he owned a vehicle that worked well but that eventually would have to be replaced, if he would buy a new one and park it in the driveway until it was needed. Mr. Toups said that he would save the money needed first and then purchase a new vehicle. Mr. Atzenhoffer said that everything that needed to be done to reduce the expenses was not being done. He said that the expenses of the department could come down. Mr. Toups said that he did not think that the expenses would decrease, but that they would probably increase. Mr. Atzenhoffer then asked what had been done to reduce expenses, to which Mr. Toups stated that a new contract had been signed for five (5) years. Mr. Atzenhoffer said that green waste had not been addressed, which he added was costing the Parish a fortune. Mr. Toups said that he did not want to see the Parish get into a bind. Dr. Lasseigne said that Houma, Terrebonne currently paid \$8.00 a household and further that the amount would be increasing to \$10.00 at the beginning of 2006. He said that recycling in the Parish had been eliminated in 2004, and that the franchising fee had been eliminated, and that also tipping fees, which was tax on companies, was increased in 2004, adding that for some companies the tipping fees were huge. Dr. Lasseigne said that the facility to give a tax break for another year was had, and that would also give the Parish a year to find solutions and make changes and possibly renegotiate some things. He said that he would not vote to increase a tax when it was not needed. Dr. Lasseigne said that he understood what was being said about a "rainy day" fund but that the Parish had millions in fund balances when the present Council took office and that when the term was over there would only be pennies. He said that if there was a catastrophic storm season the tax could be raised whenever needed and that the Council did not have to wait until the end of the year to do so. President Randolph stated that in 2004 it was said that this issue would be addressed in 2005. She said because it was evident with cuts and services in 2004 that the Parish did not want to increase the tax at that time. President Randolph said that the concerns were with such a small fund balance in 2006, no longer having a \$500,000 franchise fee in the General Fund, and no "rainy day" fund. She went on to say that the fund balances which had been used wisely to purchase equipment and do projects, would be the same thing that was being looked at to do with the fund balance being spoken of. President Randolph said that the Parish definitely wanted to have something that could be fell back on. She then stated that the Parish began the contract with approximately \$3.3 million from the previous collections and added that if the contract could be ended with approximately the same amount of money then another contract could be gotten into at the same position as the current one. President Randolph stated that if not, then there would have to be additional cuts and services in Solid Waste, asking whether the Parish should go to once a week garbage pick up, or if the .07 of a cent should be supplemented by a user fee? She said that she thought it to be cutting it very close to the vest and that the Parish was in a cycle that the hurricane predictors were saying that there were possibilities

of more storms every year. President Randolph stated that the Parish was very fortunate with Hurricane Katrina in that a 100% contract had been signed and that the costs had not come out of the Parish fund. She went on to say that generally the costs was a 75/25 match, adding that a substantial amount would come out of the Solid Waste fund if there was \$250,000 pick up. President Randolph stated that she felt that Solid Waste was not prepared for the future, because it was not known what the future could bring. She said that she understood that taxes did not want to be added and advised Mr. Callais that the tax being spoken of would not be collected until after the holidays. President Randolph reminded the Council that they could start this tax at any time. She said that she thought the tax to be necessary and necessary in the near future. Mr. Gouaux said that Mr. Atzenhoffer had brought up good points. He said that with all of the debris that was being brought to River Birch by New Orleans and Orleans Parish that the Parish may not have a place to bring their debris. Mr. Gouaux said that the costs would definitely increase if the Parish's debris had to be brought to another landfill. He then said that he agreed with Mr. Atzenhoffer regarding green waste but added that it took money to do such a program. Mr. Gouaux informed the Council that the program that had been looked at during the last Administration would have taken an investment. He said that at the current rate that the Parish was spending money, that there would not be any money available. Mr. Gouaux said that the most important thing was that if the trend of revenues was looked at, the average was a .42% increase per year and that expenses were at approximately a 3% increase per year. He said that spending five (5) to six (6) times more than what was being brought in was not the way to run a business, adding that the Parish was a business. Mr. Gouaux said that he had heard a lot of complaints regarding the way FEMA had conducted debris pick up for the year and stated that if a private contractor was used, there would not be any money to pay them. He said that the contractors would have to be told that they would be paid six (6) months to a year after their services and then asked how many contractors would actually want to work? Mr. Gouaux said that he thought the Parish was putting itself in a corner that it would not be able to get itself out of if the .03 of a cent was not reinstated. He highly recommended that the Council think about the matter before voting on it, and also think about what could be done if the tax was not reinstated. Mr. Lindel Touns offered an amendment to reinstate the tax effective April, 2006. A brief discussion ensued regarding whether the matter should be tabled and whether the Council was allowed to amend ordinances. Mr. Atzenhoffer read from the Home Rule Charter advising the Council that at a public hearing on a proposed ordinance the Chair or majority, five (5) of the voting council members, may allow proposed oral amendment after showing of just cause as to why the amendment was not submitted in writing. Chairman Matherne asked Mr. Gouaux if the ordinance could wait two (2) weeks and then have the amendments proposed, as well as having more clarification. Mr. Gouaux asked Mr. Michael Matherne what type of clarification he was seeking, to which Mr. Matherne stated that he thought that there should be clarification of the amendment process. A brief discussion ensued regarding whether amendments to ordinances could be done at the meetings of the Council. Mr. Lorraine said that he had proposed amendments at meetings and Dr. Lasseigne said that he thought it could be done. Mr. Lorraine said that the presentation showed that there would be a \$357,000 ending fund balance and added that the Parish subsidized quite a few things in the Parish that did not have quite enough tax base. Mr. Lorraine said that if the department was short a few dollars that Council and the Administration should subsidize whatever was needed. He reiterated that the taxpayers should be given a continued break for another year and further that the issue could be looked at in six (6) months. Mr. Lorraine said that he would not vote to make the tax effective April 2006 until looking at the figures. He said that the Council had heard the figures at the November 8, 2005 meeting and that there was an anticipated ending fund balance which he said was not going to change. Mr. Lorraine said that the Council knew that the tax had to be reinstated but that it did not have to be at the present time. Dr. Lasseigne said that he disagreed with what President Randolph had said because it had been tried in 2004 to reinstate the tax. He said in 2004 he had said that the tax could wait to be reinstated, to which he was told that it could not wait until 2005 because the numbers shown said it could not wait. Dr. Lasseigne said the

numbers had been wrong and had since been cleared up. He said yes, something catastrophic could happen and yes, the Parish should have a contingency, he added that the Parish had a contingency. Dr. Lasseigne stated that the reinstatement of the tax could be initiated within a month or two (2), asking what was the rush to obtain more money to put in a fund balance where it was just sit when taxpayers needed money in their hands at the present time. Mr. Mark Atzenhoffer removed his second, and Mr. Phillip Gouaux removed his motion. Mr. Phillip Gouaux offered a motion to **defer** the matter for two (2) weeks until the November 22, 2005 Lafourche Parish Council meeting, seconded by Mr. Michael Matherne and **carried** by a vote of seven (7) yeas and two (2) nays, that being of Dr. Tommy Lasseigne and Mr. Daniel Lorraine.

**ORDINANCE DEFERRED UNTIL NOVEMBER 22, 2005**

Next, a motion was offered by Mr. Lindel Toups seconded by Mr. Mark Atzenhoffer, 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 (12) on the agenda was a proposed ordinance establishing a 20 miles per hour speed limit on Lee Drive from its intersection with Parish Road to Treague Lane; authorizing the installation of speed limit signs; and authorizing penalties of violators thereof. A motion was offered by Mr. Michael Matherne to introduce the above stated proposed ordinance.

**PROPOSED ORDINANCE 20 MILES PER HOUR SPEED LIMIT ON LEE DRIVE**

The next item (13) on the agenda was a proposed ordinance approving a servitude agreement accepting the private street known as Landry Lane between Norbert E. Landry et als and the Lafourche Parish Council; accepting Landry Lane into the parish system; 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 ACCEPT LANDRY LANE**

The next item (14) on the agenda was a proposed ordinance enacting Section 2:352 of Sub-Chapter "C" of Chapter 2 of the Code of Ordinances to institute a Use of Parish-Owned Vehicles Policy. A motion was offered by Mr. Daniel Lorraine to introduce the above stated proposed ordinance.

**PROPOSED ORDINANCE USE OF PARISH-OWNED VEHICLES POLICY**

The next item (15) on the agenda was a proposed ordinance providing a variance from certain Lafourche Parish Subdivision regulations and waiver of permitting fees for Habitat for Humanities Developments on East 22<sup>nd</sup> Street in Larose, Greenville and St. Patrick Streets in Raceland, and in the Marydale Community in Thibodaux, subject to a positive recommendation by the Lafourche Parish Planning Commission. A motion was offered by Mr. Tyrone Williams to introduce the above stated proposed ordinance.

**PROPOSED ORDINANCE VARIANCE, HABITAT FOR HUMANITIES DEV.**

The next item (16) on the agenda was a proposed ordinance providing a variance from the Lafourche Parish Subdivision Regulations at Oak Manor Subdivision, Addendum No. 2, Ward 11, District 4, as recommended by the Lafourche Parish Planning Commission at their October 27, 2005 meeting. A motion was offered by Dr. Tommy Lasseigne to introduce the above stated proposed ordinance.

**PROPOSED ORDINANCE VARIANCE, OAK MANOR SUBDIVISION, ADDENDUM # 2**

The next item (17) on the agenda was a proposed ordinance providing a variance from the Lafourche Parish Subdivision regulations at Crape Myrtle Place Subdivision, Addendum No. 2, Ward 1, District 2, as recommended by the Lafourche Parish Planning commission at their October 27, 2005 meeting.. A motion was offered by Mr. Michael Delatte to introduce the above stated proposed ordinance.

**PROPOSED ORDINANCE VARIANCE, CRAPE MYRTLE PLACE SUBDIVISION, ADDENDUM NO. 2**

The next item (18) on the agenda was a proposed ordinance approving the release and revocation of any and all prior servitudes granted by Acadia Agricultural Holdings, LLC, and their ancestors in title in connection with the relocation of the Forty Arpent Drainage servitude between Acadia Plantation and the Lafourche Parish Council; and authorizing the Parish President to sign, execute and administer all documents. A motion was offered by Dr. Tommy Lasseigne to introduce the above stated proposed ordinance.

**PROPOSED ORDINANCE                      RELEASE AND REVOCATION OF PRIOR SERVITUDES  
ACADIA AGRICULTURAL HOLDINGS, LLC**

**RESOLUTIONS**

The next item (19) on the agenda was a resolution appointing Meggie Callais to the Lafourche Parish Youth Council. A motion was made by Mr. Phillip Gouaux and seconded by Mr. Lindel Toups. The motion *carried* by a vote of eight (8) yeas, zero (0) nays, and one (1) absent, that being of Dr. Tommy Lasseigne.

**RES. NO. 05-248      APPOINT MEGGIE CALLAIS, YOUTH COUNCIL**

The next item (20) on the agenda was a resolution filling a vacancy on the Lafourche Parish Recreation District No. 8 Board, term ending January 13, 2008. A **motion** was made by Mr. Lindel Toups to fill the vacancy with Ms. Mary Beth Clark, seconded by Mr. Phillip Gouaux and *carried* by a vote of eight (8) yeas, zero (0) nays, and one (1) absent, that being of Dr. Tommy Lasseigne, who was not present in the room at the time of the vote.

**RES. NO. 05-249      FILL VACANCY, RECREATION DISTRICT NO. 8 BOARD**

The next item (21) on the agenda was a resolution rescinding Resolution No. 03-052 that requested the present building used as the Library Office, located at the corner of West Fifth Street and St. Louis be designated as the office building for the Lafourche Parish Office of Community Action. A **motion** was made by Mr. Brent Callais and seconded by Mr. Michael Matherne. Mr. Brent Callais made a motion to **amend** to replace West Fifth Street with East Fifth Street, seconded by Mr. Mark Atzenhoffer, and *carried* by a vote of eight (8) yeas, zero (0) nays, and one (1) absent, that being of Dr. Tommy Lasseigne. The motion as amended *carried* by a vote of eight (8) yeas, zero (0) nays, and one (1) absent, that being of Dr. Tommy Lasseigne, who was not present in the room at the time of the vote.

**RES. NO. 05-250      RESCIND RES. NO. 03-052, LIBRARY OFFICE**

The next item (22) on the agenda was a resolution requesting the Administration to provide a detailed report on the repayment of the improper wage payments for all employees covered by the District Attorney's opinion at each Council meeting until all repayments have been received. A **motion** was made by Mr. Mark Atzenhoffer and seconded by Mr. Daniel Lorraine, and *carried* by a vote of five (5) yeas, three (3) nays, that being of Mr. Tyrone Williams, Mr. Phillip Gouaux and Mr. Michael Matherne, and one (1) absent, that being of Dr. Tommy Lasseigne who was not present in the room at the time of the vote.

**RES. NO. 05-251      REPORT, REPAYMENT OF IMPROPER WAGE PAYMENTS**

The next item (23) on the agenda was a resolution requesting the Lafourche Basin Levee District to remove all fallen trees in canals in the Chackbay/Choupic area due to Hurricane Katrina and Rita. A **motion** was made by Mr. Michael Delatte, seconded by Mr. Michael Matherne and carried by a vote of nine (9) yeas and zero (0) nays.

**RES. NO. 05-252      REMOVE FALLEN TREES IN CHACKBAY/CHOUPIC AREA**

The next item (24) on the agenda was a resolution approving basic Cooperative Endeavor Agreements to be tailored individually to each participating Senior Citizens Center for the purposes of continuing the implementation of the Lafourche on the Move Program; and authorizing the Parish President to sign, administer and execute said agreements and all associated documents. A **motion** was made by Dr. Tommy Lasseigne and seconded by Mr. Phillip Gouaux. Mr. Atzenhoffer asked if this was a "blanket-ahead

of-time approval". Mr. Curole said that what was contained in the Councilman's packet was a sample agreement and that the name of the center would be inserted for each one. Mr. Atzenhoffer then asked if Mr. Curole would insure that Ordinance 3565 would be abided by and asked if each cooperative endeavor once signed, could be forwarded to the Council. Mr. Toups asked how it could be determined how much money was being given to each center. He then stated that in 2004 the Parish had given money to the senior citizens and the community centers. Mr. Curole said that what was being discussed was just the portion given to the senior citizens, the \$5,000 given to each senior citizen center. He said that there was not a component for the recreation district. Mr. Toups said that there was not a building in the Gheens area and that in 2004 money had been given to the Center because it was being used. He then asked if that would also be done in 2005? Mr. Toups said that the senior citizens did not pay to use the Center and that the Community Center paid all of the bills and allowed the senior citizens to use it. He said that the \$5,000 should be given to the Community Center and asked if that could be discussed before the money was distributed. President Randolph replied that senior citizen groups used the money for different activities and not just to pay for buildings and insurance. She asked Mr. Toups if what he was saying was that the senior citizen group in his area had received the \$5,000 in 2004 and had not used it? Mr. Toups explained that in 2004 the senior citizen group had received \$5,000 but that some money was given to the Center for the use of the building. President Randolph said that money was given to each, the senior citizens group and recreation. The motion *carried* by a vote of nine (9) yeas and zero (0) nays.

**RES. NO. 05-253      APPROVE CO-OP ENDEAVOR AGREEMENTS, EACH SENIOR CITIZENS CENTER, LAFOURCHE ON THE MOVE PROGRAM**

The next item (25) on the agenda was a resolution approving a Cooperative Endeavor Agreement between the Lafourche Parish Council and the Cut Off Youth Center, Inc. to provide continued recreational services in exchange for funding covered recreational area; and authorizing the Parish President to sign, execute and administer said contract(s). Mr. Brent Callais abstained from voting on this matter. A **motion** was made by Mr. Phillip Gouaux and seconded by Mr. Lindel Toups. Mr. Mark Atzenhoffer made a motion to **amend** to replace \$40,000 with \$30,000 in the resolution, seconded by Dr. Tommy Lasseigne, and *carried* by eight (8) yeas, zero (0) nays, and one (1) abstention, that being of Mr. Brent Callais. Mr. Toups said he thought he had read in the resolution that if the Cut Off Youth Center needed more money for recreation that they could come back before the Council for same. Mr. Atzenhoffer said that included in the resolution was a sentence reading that the agreement would not however guarantee or prohibit future funding or projects or programs for the Cut Off Youth Center. Mr. Atzenhoffer said that if more money was needed then the Center could come back to the Council. Mr. Toups said that he thought that the Cut Off Youth Center would be coming before the Council to present a plan of what was going to be done and asked if there had been an ordinance passed that said that they had to present a plan. Mr. Atzenhoffer said that he believed that money from this would also be used for a basketball court and money issues. He said that there were estimates on what would be done. Mr. Atzenhoffer said that if the actual agreement was looked it would be noted that complete access would be allowed to anyone who wanted to play ball there, work out, etc. He said that the Parish was receiving a lot in this cooperative endeavor and further that the Cut Off Youth Center had been a great partner in the past, especially during the past hurricanes. Mr. Gouaux asked if this issue had gone through and been approved by Lafourche Recreation District No. 3, to which Mr. Atzenhoffer replied yes. Mr. Brennan Matherne stated that it was his understanding that Lafourche Recreation District No. 3 had passed a unanimous resolution supporting this matter. He also informed Mr. Toups that financial information for the Cut Off Youth Center had been received previously in 2005. Mr. Gouaux said that the ordinance that was in place stated that audited financials would be submitted to the Parish and further that the Finance Director was supposed to come to the Council with a presentation on the audited financials to insure that the Council was aware that the entity needed the funding. He said that he thought that the Cut Off Youth Center did need the money and that he was not debating that, but that there was an ordinance in

place and said that it should be followed. The motion as amended *carried* by a vote of eight (8) yeas, zero (0) nays, and one (1) abstention, that being of Mr. Brent Callais.

**RES. NO. 05-254 CO-OP ENDEAVOR AGREEMENT, CUT OFF YOUTH CENTER**

The next item (26) on the agenda was a resolution providing for canvassing the returns and declaring the results of the special election held on October 15, 2005 that authorized the levy of special taxes therein for the Lafourche Parish Library. A **motion** was made by Mr. Brent Callais and seconded by Mr. Daniel Lorraine. Mr. Lorraine thanked Mrs. Beverly Arabie, adding that he knew that they had worked very hard. He said that 74% of the public had voted for the tax and stated that he would like to thank them personally. The motion *carried* by a vote of nine (9) yeas and zero (0) nays.

**RES. NO. 05-255 CANVASS RETURNS, SPECIAL ELECTION, LIBRARY**

The next item (27) on the agenda was a resolution requesting that the Administration, in particular the Lafourche Parish Department of Public Works, discontinue the use of one time, temporary, or any other right-of-way that is not approved by the Council by Ordinance. A **motion** was made by Mr. Mark Atzenhoffer and seconded by Dr. Tommy Lasseigne. Mr. Toups said that the Council should watch what was being done with this resolution, explaining that there would be one-time right-of-ways. He said that he had three (3) or four (4) in the Gheens area where elderly people who lived in New Orleans had given the Parish a one time right-of-way in order to drain a subdivision. Mr. Toups said that he knew how some of the Council were thinking, but that some citizens would not give a right-of-way to use as the Parish wanted but that they would give a one time right-of-way. He said that this resolution was going to hamper the Parish if one-time right-of-ways were eliminated. Mr. Gouaux said that he fully agreed with Mr. Toups and that he would venture to say that close to half, if not more, of the drainage ditches are being or had been dug using a one-time right-of-way. He said that eliminating one time right-of-ways may create flooding in some areas of the Parish. Dr. Lasseigne pointed out that one-time right-of-ways were not being eliminated. He said that what was being said was that a one-time right-of-way should be approved by the Council by ordinance, which he stated as a contract, should be as required in the Charter, approved by the Council by ordinance. Dr. Lasseigne said that he was aware that this would probably cause some inconvenience to the Department of Public Works. He said that it might be appropriate to ask the District Attorney for a legal opinion regarding the matter. Dr. Lasseigne said that he believed that one time right-of-ways should be approved by the Council. He reiterated that this resolution was not eliminating one time right-of-ways and that it would cause a small amount of inconvenience, but stated that he did not think that important drainage work was decided to be done in a day's time. Dr. Lasseigne said that he thought that the Parish was mandated by ordinance to get approval on one time right-of-ways. Mr. Lorraine stated that he had never be able to obtain one time right-of-ways. Mr. Atzenhoffer stated that Article V, Section (1), subsection (a)(12) of the Home Rule Charter said that an act requiring an ordinance was to acquire real rights on behalf of the Parish. He said that the resolution did not say that one time right-of-ways could not be used, but that a one time right-of-way was the acquiring of a real right and thus must be approved by the Council. He said that a one time right-of-way was a contract which had to be approved by the Council. Mr. Atzenhoffer said that what he was saying was that the Home Rule Charter was being violated unless the right-of-ways came before the Council in the form of an ordinance. He reiterated that the resolution did not say that one time right-of-ways could not be done, adding that he had several one time right-of-ways done in his district. Mr. Atzenhoffer said that the Charter needed to be followed. Mr. Toups said that what he was saying was that this resolution would slow down the progress of work for the Field Offices and the Department of Public Works because they would be running around trying to obtain right-of-ways from various people. He said that he would like to hear Mr. Ray Cheramie's opinion on the matter, and added that he knew that Mr. Cheramie's department would be dealing with this resolution everyday. Mr. Ray Cheramie stated that Mr. Toups was correct in that the Department of Public Works had quite a few one time right-of-ways, especially in older subdivisions where it had not been regulated that the landowners had to provide outfall canals to

bring water to the pumps. He said that the Department of Public Works had right-of-ways that were on other people's property who live outside the Parish and/or the State, and further that those individuals would not give the Department of Public Works anything more than a one time right-of-way. Mr. Cheramie said that one time right-of-ways could be obtained in advance. He then explained what happened when a piece of equipment was brought to an area to do work in that area. Mr. Cheramie said that neighbors would give the Parish one time right-of-ways in order to do work on their ditches, etc. while the machinery was in the area. He said that worked great and that trucking of the machine would not have to be done several times, adding that trucking was expensive. Mr. Cheramie said that they tried to get as much done in one location as could be done while they were in the area. He said that if the Department of Public Works had to come before the Council every time there was a one time right-of-way, there would be a six (6) week delay, eliminating being able to do work as requested by the neighbors, in turn costing the Parish more money in trucking. Mr. Cheramie said that if this was what the Council wanted than so be it. Mr. Lorraine said that he did not think it was a matter of what the Council wanted but that was what was stated in the Home Rule Charter and that it was the law. Chairman Matherne said that what he was hearing from Mr. Atzenhoffer was that the one time right-of-ways were agreements, making them contracts, and thus had to be approved by the Council by ordinance. He then asked if there was anything that could be done to expedite the process of approving one time right-of-ways so that it would not take six (6) weeks for approval? Mr. Atzenhoffer said that he believed that there would be a way to expedite the processing of one time right-of-ways and further that in a sense, the Council had at the November 8, 2005 meeting, set a precedent by introducing a proposed ordinance dealing with the passage of a variance for Habitat for Humanity. He said that he believed that there was a way of setting a policy ordinance to handle the specific issue and that it would just be a matter of writing the policy ordinance and having the Council vote on what would be the parameters for approving a one time right-of-way without the ordinance process of the Council. Mr. Atzenhoffer said that the policy had to be done by ordinance. He said that it had been done with the Habitat for Humanity issue and that once it was passed, the Council would be waiving them having to come before the Council as long as they had met a set number of criteria. Mr. Atzenhoffer said that the same thing could be done for this issue regarding one time right-of-ways in that criteria could be set, and once met, the temporary or one time right-of-way could be utilized without coming before the Council. He went on to say that if the right-of-way did not meet the set criteria then it would have to come before the Council. Chairman Matherne said that he thought that everyone wanted to be faithful to what their charge was in the Home Rule Charter but that they also understood that waiting six (6) weeks for the approval of a one-time right-of-way would bog down work. Mr. Atzenhoffer said that he did not want work to be slowed down but that the issue had to be addressed. An electronic vote was then taken. The motion *carried* by a vote of five (5) yeas, that being of Mr. Brent Callais, Mr. Mark Atzenhoffer, Dr. Tommy Lasseigne, Mr. Daniel Lorraine and Mr. Lindel Toups, and four (4) nays, that being of Mr. Michael Delatte, Mr. Michael Matherne, Mr. Tyrone Williams and Mr. Phillip Gouaux. After a brief discussion and upon a decision by Chairman Matherne the vote was re-casted and the motion *failed* by a vote of three (3) yeas, that being of Mr. Brent Callais, Dr. Tommy Lasseigne and Mr. Daniel Lorraine, five (5) nays, that being of Mr. Michael Delatte, Mr. Michael Matherne, Mr. Tyrone Williams, Mr. Phillip Gouaux and Mr. Lindel Toups, and one (1) not voting, that being of Mr. Mark Atzenhoffer.

#### **RESOLUTION FAILED**

The next item (28) on the agenda was a resolution accepting a grant from the US Department of Housing and Urban Development Office of Community Development Project B-05-SP-LA-0096 in the amount of \$248,000 for the construction of shade structures/pavilions and/or recreational equipment in Bayou Blue, at Abby Subdivision, in the Marydale Community and for improvements at the Lockport Senior Citizens Center; and authorizing the Parish President to sign, execute and administer any necessary documents. A **motion** was made by Mr. Tyrone Williams and seconded by Mr. Mark Atzenhoffer and Mr.

Phillip Gouaux. Dr. Lasseigne inquired as to whether it was known how much money was going to each area. President Randolph stated that approximately \$50,000 was being given to the Senior Citizens Center and that the grant was to Lafourche Parish in the approximate amount of \$200,000 for areas that had been identified for pavilions and shade structures. Dr. Lasseigne said that he wanted to know how much each area was getting. President Randolph stated that the grant that had been received and the application for the grant was basically for the shade structures in Bayou Blue, a basketball pavilion in Abby Subdivision, as well as one (1) in Marydale. President Randolph reported that each basketball pavilion costs approximately \$40,000 each. Mrs. Gretchen Calliouet, Director of Grants and Economic Development, advised that what was proposed in the grant application was that Abby Subdivision Recreation would receive approximately \$57,950, Marydale would receive \$117,000, Bayou Blue would receive \$23,000, and Lockport Senior Citizens Center would receive \$49,950. She went on to say that some of the aforementioned figures contained land acquisitions, advising that at the time of application it was expected that the property needed would have to be purchased. Mrs. Caillouet explained that it was now being thought that some of the land would be donated and that some of the amounts would change. She said that the proposal was sent in in April of 2005 and at the time it was thought that land would have to be purchased. President Randolph said that what was being said was that the numbers could change because if the land did not have to be acquired then more money could be spent in area than what was originally planned. Dr. Lasseigne asked how the amount of \$23,000 was derived for Bayou Blue, adding that it was the fastest growing area of the Parish, and then asked how the amount of \$117,000 was arrived at for Marydale? President Randolph stated that when Senator Landrieu had provided this grant to the Parish she wanted it used for recreation. She said that because Marydale did not have any outdoor facilities for young people to play, including a basketball pavilion, as well as Abby Subdivision, was why those two (2) areas had the most money to be spent. President Randolph said that Bayou Blue had a recreation center and that it was decided to enhance the facilities that were already present, and added that there were already baseball fields present in the area. Mrs. Calliouet explained that in the land acquisition for the Marydale area, \$50,000 had been plugged in because the Housing Authority was speaking to HUD. She said that since that time Habitat for Humanity had been spoken to and that the Parish would only be getting six (6) lots. She said she did not expect the land acquisition to be as much as \$50,000 but that she wanted to explain that the \$50,000 was part of the \$117,000 figure. Mrs. Calliouet said that the same thing applied to Abby Subdivision, whereas it was expected that \$20,000 would be paid for land acquisitions. Dr. Lasseigne inquired as to whether the Council would see where the money was going to be spent before it was spent, to which President Randolph and Mrs. Calliouet responded yes. Mr. Curole said that in thinking of the time when the proposal was made, he believed that the Lafourche Parish Sheriff and possibly some deputies had been asked where would be places that these types of structures could be used to get children off of the streets. He said that if it was reviewed, it would be noticed that the projects were in some of the higher crime areas or areas that have had trouble. Mr. Curole said that if he recalled correctly the Sheriff's Office and some representatives of that office had aided in the identification of the areas. Dr. Lasseigne said that it made more sense once it had been explained. Mr. Callais asked if this was the same project as the walking trial in Cut Off being spoken of. He was advised that this was a different project. The motion *carried* by a vote of eight (8) yeas, zero (0) nays, and one (1) absent, that being of Mr. Mark Atzenhoffer.

**RES. NO. 05-256      ACCEPT GRANT, US DEPT. OF HOUSING AND URBAN DEVELOPMENT  
OFFICE OF COMMUNITY DEVELOPMENT**

*Mr. Mark Atzenhoffer left the meeting at 8:55 p.m.*

The next item (29) on the agenda was a resolution accepting the low bid of Huey Stockstill, Inc. in the amount of \$1,429,183.90 for improvements in Road Sales Tax District No. 3, Project 3E; and authorizing the Parish President to sign, execute and administer completed agreements. A **motion** was made by Mr. Lindel Toups and seconded by Mr. Phillip Gouaux. Dr. Lasseigne stated that this project was estimated at \$985,756 and he was inquiring as to why that amount had gone up. He said that amount was almost increased by fifty (50%) percent, and then asked what had made the amount increase? He then said that he knew that time delays had increase the amount some and that post-Katrina prices had gotten prices increased. Dr. Lasseigne said that as of the date that this bid was received, adding that another would be received December 1, 2005, if the Council may not be stuck with a knee jerk reaction to contractors bidding out of the box because of the rising amount of fuel costs at the time of th bid. He asked if maybe the December 1, 2005 bids for the Country Club project should be waited on in order to see if they would also be as high. Dr. Lasseigne said that if the bids for the Country Club were also fifty (50%) percent higher that out of the \$12 million worth of roadwork to be done, that only two-thirds (2/3) of the projects would be able to be done. He said that only approximately \$8 million worth of projects would be able to be done if they would costs fifty (50%) percent higher, adding that there would be one-third (1/3) of the listed projects that would not get done. Mr. Curole said that he wanted it noted that on the package being discussed that there were three (3) streets that had been on the list but that they had been listed as costing \$0.00, where as this current list included an estimate for those streets, adding that was a part of the increase. He went on to say that Dr. Lasseigne was correct in that the recent storms were the greatest part of the increase but wanted it noted that there were three (3) streets that totaled approximately 6,000 feet in area, which estimates had never been included for. Mr. Curole said that if the resolution was looked at it would be noted that a few days before it went out to bid that the Department of Public Works and someone else had pointed out that access ramps to the Valentine Bridge. He said that this project was added as an alternate, allowing the Council to include it or not. Mr. Curole then said that a second alternate was Barker Road, which also in the last minute was noted as not being included on the list. He said that the previously discussed five (5) streets would equal a big part of the money that had been estimated and the amount that was had at the present time. Mr. Lorraine said that by doing what was being asked other projects would be effected. He said that this project had called for \$989,756 and that a large number of extra streets had been thrown in, eventually affecting other projects. Mr. Lorraine said that this project should have been done four (4) to five (5) months prior. He said that bond money was obtained on March 22, 2005 and that this project could have been done in May 2005, and added that it was now currently November, 2005 and there was increase of approximately \$500,000. Mr. Lorraine reiterated that this would effect other projects and he told the Council to be aware. The motion *carried* by a vote of seven (7) yeas, one (1) nay, that being of Dr. Tommy Lasseigne, and one (1) absent, that being of Mr. Mark Atzenhoffer.

**RES. NO. 05-257 LOW BID, HUEY STOCKSTILL, INC. RSTD NO. 3, PROJECT 3E;**

The next item (30) on the agenda was a resolution accepting a grant from the Governor's Office of Recreation Trails Program for the construction of a walking trail at the Ward 6 Senior Citizens Center, providing match funding for the project, approving a Cooperative Endeavor Agreement between the Ward 6 Senior Citizen's Center, Recreation District No. 5, and the Lafourche Parish Council; and authorizing the Parish President to sign, execute and administer any necessary documents. A **motion** was made by Mr. Michael Delatte, seconded by Mr. Lindel Toups and *carried* by a vote of eight (8) yeas, zero (0) nays and one (1) absent, that being of Mr. Mark Atzenhoffer.

**RES. NO. 05-258 WALKING TRAIL AT THE WARD 6 SENIOR CITIZENS CENTER**

The next item (31) on the agenda was a resolution approving a contract for engineering services with Picciola and Associates, Inc. for the Ward 6 Walking Trail project; and authorizing the Parish President to sign, execute and administer any necessary documents. A **motion** was made by Mr. Michael Delatte and seconded by Mr. Lindel Toups. Mr. Toups asked if this was a different project from agenda item (30). Mr.

Delatte said that it was the engineering contract for the project. The motion *carried* by a vote of eight (8) yeas, zero (0) nays, and one (1) absent, that being of Mr. Mark Atzenhoffer.

**RES. NO. 05-259 APPROVE CONTRACT, PICCIOLA AND ASSOCIATES, INC., WARD 6 WALKING TRAIL PROJECT**

The next item (32) on the agenda was a resolution approving an agreement for professional services between J. Wayne Plaisance, Inc. and Lafourche Parish to engineer concrete streets in Road Sales Tax District No. 3; and authorizing the Parish President to sign, execute and administer said contract. A **motion** was made by Mr. Lindel Toups and seconded by Mr. Phillip Gouaux. Dr. Lasseigne stated that this had been done once before and that there was supposed to be a list of the streets and the panels on the streets to be done. He said that several months ago he had made a point that a finite list of work to be done was needed. Chairman Matherne asked if what Dr. Lasseigne was saying was how many panels and how many curbs needed to be shown, like in the previous concrete street project. Dr. Lasseigne said that this information was not included in the contract. He said that it needed to be done the right way and that a list of finite work to be done was needed. Chairman Matherne said that if the resolution for item (32) was looked at it was noted that at the top of the resolution it was stated J. Wayne Plaisance and in the middle of it, it said Duplantis Design. Mr. Curole said that would be a cut and paste error because it was basically the same contract used for Duplantis that was amended for this resolution. Chairman Matherne asked which firm it should be. Mr. Lindel Toups removed his motion, and Mr. Phillip Gouaux removed his second. Mr. Lindel Toups offered a motion to **defer** the matter for two (2) weeks, seconded by Mr. Phillip Gouaux and *carried* by a vote of eight (8) yeas, zero (0) nays, and one (1) absent, that being of Mr. Mark Atzenhoffer.

**RESOLUTION DEFERRED FOR TWO (2) WEEKS**

The next item (33) on the agenda was a resolution to amend the Department of Natural Resources Cooperative Agreement for the 04-05 Parish Coastal Wetlands Restoration Program (Christmas Tree Program) to add the 05-06 Program year; and authorize the Parish President to sign all necessary documents. A **motion** was made by Mr. Brent Callais and seconded by Dr. Tommy Lasseigne. Mr. Gouaux asked if this program was a cost to the Parish, to which Mr. Curole stated no. He said that this was the annual Christmas Tree project that the State paid the Parish \$18,000 for. Mr. Curole said that in 2004 the Parish had gotten Le Reflections de Bayou to do the project for the Parish and would probably be bringing that back to the Council within the following weeks. Mr. Curole said that this was a contract from the State. He said that the actual program itself may have some minimal expenses with regards to collection of the trees, but stated that the trees would be collected one way or the other. The motion *carried* by a vote of eight (8) yeas, zero (0) nays and one (1) absent, that being of Mr. Mark Atzenhoffer.

**RES. NO. 05-260 AMEND CHRISTMAS TREE PROGRAM**

The next item (34) on the agenda was a resolution approving Change Order No. 1 to Huey Stockstill, Inc. as a decrease in the contract prices by \$21,151.03 for improvements in Road Sales Tax District No. 3, Project 3A (Bayou Blue); and authorizing the Parish President to sign said Change Order. A **motion** was made by Mr. Lindel Toups and seconded by Mr. Michael Delatte. The **motion** carried by a vote of eight (8) yeas, zero (0) nays, and one (1) absent, that being of Mr. Mark Atzenhoffer.

**RES. NO. 05-261 APPROVE CHANGE ORDER NO. 1, HUEY STOCKSTILL, INC. ROAD SALES TAX DISTRICT NO. 3, PROJECT 3A (BAYOU BLUE)**

The next item (35) on the agenda was a resolution requesting the Louisiana Department of Transportation and Development to clean out culverts and dig the ditches along Louisiana Highway 307, starting at its intersection with Louisiana Highway 20, in a northerly direction for approximately a quarter of a mile until its intersection with Mars Street. This item was pulled.

**RESOLUTION WAS PULLED**

## DISCUSSIONS

The next item (36) on the agenda was a discussion concerning the personnel manual. Mr. Lorraine said that he had requested a copy of the personnel manual and added that after numerous request, it had been sent. He went on to say that the Table of Contents included a policy for use of vehicles. He then mentioned some of the items listed on the Table of Contents, stating that the use of vehicle policy was not included. Mr. Lorraine reported that he was working on an ordinance, and that once it was passed, it would be added to the personnel manual. He reiterated that the Table of Contents said that such a policy was included, but it was not. Dr. Lasseigne asked what had been done with regards to the addressing of the personnel policy. He then asked if that had been received, to which President Randolph responded yes. Mr. Curole said that there was a draft of the document and that the Risk Manager and the Human Resource Manager were trying to combine it into the current personnel manual. He said that the old document was in bits and pieces. Dr. Lasseigne asked if that was something that the Council would approve, to which Mr. Curole stated, absolutely.

The next item (37) on the agenda was a discussion concerning work orders. Mr. Lorraine said that he was incurring problems with his printer printing work orders. He said that a resolution had been passed requesting the work orders, and that he had asked the Council Clerk to get him a copy of the work orders from August of 2005 to the present. He went on to say that the Council Clerk had emailed an employee at the Region D Field Office for said information and was advised by an employee that they had not stamps, nor access to a postage machine and further that they were not allowed to mail out documents to the Councilman anymore but said that she would forward the documents to the Council Clerk so that she could mail them to Mr. Lorraine. Mr. Lorraine said that he had seen in the budget that there were amounts budgeted for postage. He said that he would buy the stamps and bring them to the employee so that she could mail the work orders once a week. Mr. Lorraine said that he still wanted the work orders to be mailed to him. He said that a resolution had been passed that said that the Councilmen would get copies of all the work orders, which he reported had happened, but eventually stopped. Mr. Lorraine said that as far as the Region D Field Office was concerned, he wanted his work orders mailed to him weekly. Chairman Matherne clarified that Mr. Lorraine did not want his work orders e-mailed to him. Mr. Lorraine said no he did not want them e-mailed to him but that he wanted them mailed. Mr. Toups said that he also wanted his work orders mailed. Mr. Cheramie advised that the individual Field Offices did not have the availability of mailing and that their mail was brought to the Raceland Office for mailing. He said that he thought that it had been stated that whenever the new computer system was online that all work orders would be sent by e-mail. Mr. Cheramie said that Mr. Lorraine's computer was not capable of getting any more e-mails because his inbox was full. He said that if Mr. Lorraine would delete some of his e-mails, the work orders could possibly be gotten to him. Mr. Lorraine said that he wanted the work orders mailed, period. Mr. Gouaux said that he received of all his work orders and that they were e-mailed, adding that he received more than he wanted. Mr. Cheramie said that what he was trying to do was to defend what was done by the Parish employee because she was only doing what she was told to do.

The next item (38) on the agenda was a discussion concerning the nuisance abatement ordinance. Mr. Lorraine said that there had been an ordinance that had been upgraded by the current Administration, and that he thought it was time that it was followed. He said that there were people in his area that wanted things cleaned up, and that they were being bypassed. Mr. Lorraine said that if there was an ordinance on the books then it should be followed.

The next item (39) on the agenda was a discussion concerning derelict structures. This discussion topic was pulled.

The next item (40) on the agenda was a discussion concerning the Galliano Library utility expenses This discussion topic was pulled. Chairman Matherne asked what had been decided on item (40), to which Mr. Callais advised that at present there was only one(1) meter for the entire old Galliano Library building

which was being cost shared, but that now the Library would have its own meter.

The next item (41) on the agenda was a discussion concerning a turn-around on West 223<sup>rd</sup> Street. Mr. Lorraine said that there had been a meeting on November 4, 2005 and that the matter had been taken care of. He then spoke about a vote he recalled from 1985 and having to find the paperwork he needed regarding this matter. Mr. Lorraine said that he wanted to show that documentation was had and that he had found it in the Clerk of Court's office, stating that now that he had proof, it would have to be paved.

A **motion** was offered by Mr. Brent Callais, seconded by Dr. Tommy Lasseigne, to **open** a Two-Thirds Agenda, and **carried** by a vote of eight (8) yeas, zero (0) nays, and one (1) absent, that being of Mr. Mark Atzenhoffer.

## **TWO-THIRDS AGENDA**

The first item (1) on the Two-Thirds agenda was a resolution supporting the proposed Choupic Levee Alignments: A-MVN-2005-1629-CY, B&C-MVN-2005-1630-CY; D-MNV-2005-1631-CY. A **motion** was offered by Mr. Michael Delatte, seconded by Mr. Phillip Gouaux and carried by a vote of eight (8) yeas, zero (0) nays, and one (1) absent, that being of Mr. Mark Atzenhoffer.

### **RES. NO. 05-262 SUPPORT PROPOSED CHOUPIC LEVEE ALIGNMENTS**

The next item (2) on the Two -Thirds agenda was a resolution to amend the Louisiana Department of Natural Resources Cooperative Agreement No. 2513-05-04 "Continuation to Lafourche Coastal Resources Enhancement (CIAP) and authorizing the Parish President to sign any necessary documents. A **motion** was offered by Mr. Brent Callais, seconded by Mr. Daniel Lorraine, and **carried** by a vote of eight (8) yeas, zero (0) nays, and one (1) absent, that being of Mr. Mark Atzenhoffer.

### **RES. NO. 05-263 AMEND LA DEPT. OF NATURAL RESOURCES, COOPERATIVE AGREEMENT**

The next item (3) on the Two-Thirds agenda was a resolution opposing the consolidation of levee districts in the State of Louisiana. A **motion** was offered by Mr. Brent Callais, and seconded by Mr. Daniel Lorraine. Mr. Toups inquired as to whether the consolidation of levee districts was being considered. Chairman Matherne advised Mr. Toups that the State was trying to do so. Mr. Lorraine said that himself and Mr. Callais had had the pleasure of traveling to Baton Rouge and of meeting with the Governor and the Lieutenant Governor. He said that most of the Senators that they had spoken to were lobbying on this bill. Mr. Lorraine said that if the levee districts were consolidated that there would be certain areas of the State that would incur problems. He said that they highly opposed the consolidation of the levee districts. Mr. Lorraine said that there were some areas that wanted to pay for their levees, and some that did not want to pay. He said that if the Louisiana Department of Transportation and Development was in charge of the levees some areas may never get anymore dirt on their levees. Mr. Lorraine said that the Senators they had spoken to agreed that the levee system in South Lafourche was one of the best levee systems in the State and further that it had proved itself. He said that most of the Senators they had spoken to were not in favor of the consolidation of the levee districts. Mr. Gouaux said that he felt that the members of the levee districts should be elected officials and not appointments by the Governor, adding that they would have to answer more to the people they were serving. He said that in some cases the appointments by the Governor put people on the boards that were not knowledgeable and who did not have the best interest of the people that they were serving. Mr. Callais said that the resolution stated that the Council was opposing consolidation of the levee districts, but was in favor of government oversight, which he said was the compromise being made in the Senate at present. He said that some parishes would be consolidated but not all of them. Mr. Callais said that there would be one (1) government department that would oversee all levees in the State. The motion **carried** by a vote of eight (8) yeas, zero (0) nays, and one (1) absent, that being of Mr. Mark Atzenhoffer.

### **RES. NO. 05-264 OPPOSING THE CONSOLIDATION OF LEVEE DISTRICTS**

The next item (4) on the Two-Thirds agenda was a resolution approving Change Order No. 1 to Huey Stockstill, Inc. as an increase in contract price by \$175,000.00 for Road Sale Tax 3, 5 and 6, Project 5A for repairs to the Sanchez Road Bridge; and authorized the Parish President to sign said change order. A **motion** was made by Mr. Michael Delatte and seconded by Dr. Tommy Lasseigne. Mr. Toups asked how much money was previously allocated for the repair of the bridge before the current change order? Mr. Gouaux said that it was \$150,000.00. Mr. Delatte explained that he was not sure how much was previously allocated for the bridge, but that it had been pointed out that there could be an expenditure for the repairing of the bridge but that amount would not be known until the bridge was dismantled and reviewed. He said that unfortunately it was found out that the bridge was in a nightmarish shape. Mr. Toups asked if this bridge had been repaired a few years prior? Mr. Delatte said no, and President Randolph stated that the rails had been placed on the bridge previously. Mr. Delatte explained that the bridge was a main thoroughfare and that it was currently effecting the school system by adding an hour to 45 minutes to the children's bus route to and from school. He said that the community, churches, senior centers, fire departments, ambulances, along with the workers and businesses in the area were also being effected by the outage of the bridge. Mr. Delatte said that the roadwork of blacktopping that section of the road should be completed on November 9, 2005. He said that the area had a brand new road that could not be used because the bridge was out. The motion **carried** by a vote of eight (8) yeas, zero (0) nays, and (1) absent, that being of Mr. Mark Atzenhoffer.

**RES. NO. 05-265 CHANGE ORDER NO. 1, HUEY STOCKSTILL, SANCHEZ ROAD BRIDGE**

A **motion** was offered by Mr. Michael Matherne, seconded by Mr. Phillip Gouaux, and **carried** by a vote of eight (8) yeas, zero (0) nays, and one (1) absent, that being of Mr. Mark Atzenhoffer, to **close** the Two-Thirds Agenda and **return** to the regular agenda.

**ADJOURNMENT**

On **motion** by Dr. Tommy Lasseigne, seconded by Mr. Phillip Gouaux, and with no further business, the Lafourche Parish Council Meeting of November 8, 2005 **adjourned** at 9:20 p.m.

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**MICHAEL MATHERNE, CHAIRMAN  
LAFOURCHE PARISH COUNCIL**

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