

RAPIDES PARISH POLICE JURY

REGULAR SESSION

July 8, 2002

The Police Jury of the Parish of Rapides, State of Louisiana, met in Regular Session at its regular meeting place, the Police Jury Room of the Parish Courthouse, 701 Murray Street, Alexandria, Louisiana, on Monday, July 8, 2002, at three (3:00) o'clock p.m. (Central Standard Time).

There were present: Honorable Davron "Bubba" Moreau, President; Joe Fuller, Vice President; and Police Jurors Ezra L. Reed, Steve P. Bordelon, Theodore Fountaine Jr., Donald H. Wilmore, Richard L. Nunnally, Richard W. Billings, Scott Perry Jr.

Also present were Mr. Tim Ware, Treasurer; Mr. Cecil Raggio, Public Works Director; Mr. Eric S. Duck, Public Works Director; Ms. Donna Andries, Sales Tax Administrator; Ms. Jan Haworth, Office of Economic and Workforce Development Director; Mr. Felix Morton, WIA Operations Director; Mr. Robert Barr, Courthouse Building Superintendent; Chief David Peart, Fire District No. 2; Mr. Thomas O. Wells, Legal Counsel; Ms. Candice Saucier, Civil Service Director; and Ms. Angie Richmond, Secretary.

The invocation was given by Mr. Don Wilmore.

The Pledge of Allegiance was led by Mr. Theodore Fountaine.

The Police Jury of the Parish of Rapides, State of Louisiana, was duly convened as the governing authority of said Parish by Hon. Bubba Moreau, President, who welcomed all present and then stated that the Police Jury was ready for the transaction of business.

On motion by Mr. Richard Billings, seconded by Mr. Joe Fuller, to adopt the minutes of the Rapides Parish Police Jury held in Regular Session on June 10, 2002, as published in the Official Journal. On vote the motion carried.

On motion by Mr. Joe Fuller, seconded by Mr. Don Wilmore, that approved bills be paid. On vote the motion carried.

On motion by Mr. Joe Fuller, seconded by Mr. Don Wilmore, to accept the Treasurer's Report. On vote the motion carried.

The appointment to the Fire District No. 3 Civil Service Board to fill the expired term of Mrs. Suzy Berry, term expired on October 10, 2001, was laid until nominations may be received from Louisiana College.

On motion by Mr. Richard Billings, seconded by Mr. Joe Fuller, to appoint Mr. Edward Beaver III to the Hospital Service District No. 5 to fill the vacancy in an unexpired term, term will expire on March 9, 2008. On vote the motion carried.

(Mr. Richard Nunnally entered at this time.)

Mr. Wilmore laid over the appointment to the Kisatchie-Delta Regional Planning and Development District for three year term to fill the expiring term of Mrs. Donna Andries, term will expire on July 15, 2002.

On motion by Mr. Don Wilmore, seconded by Mr. Richard Billings, to reappoint Mr. David Michiels to the AICUZ Board of Appeals for a three year term (Chamber nomination), term will expire on July 24, 2005. On vote the motion carried.

On motion by Mr. Joe Fuller, seconded by Mr. Don Wilmore, to appoint Mr. Lyndell Hall to the Fire District No. 2 Civil Service Board for a three year term, effective July 30, 2002, an election by the employees having been held, term will expire on July 29, 2005. On vote the motion carried.

The following appointment was announced to be made at the next meeting to:

Civil Service Board for a three year term to fill the expiring term of Ms. Katharine Geary (nominated by Alexandria Bar Association), term will expire on August 18, 2002.

On motion by Mr. Steve Bordelon, seconded by Mr. Joe Fuller, to request the Alexandria Bar Association for nominations for a successor to Ms. Katherine Geary to serve on the Rapides Parish Civil Service Board. On vote the motion carried.

On motion by Mr. Richard Billings, seconded by Mr. Joe Fuller, to accept the resignation of Mr. James Eli from the Civil Service Board, lay over thirty days an appointment to fill the vacancy in an unexpired term, term will expire on September 11, 2003, and request LSU-A for nominations for consideration of an appointment.

Amendment by Mr. Joe Fuller, seconded by Mr. Richard Billings, that a letter of appreciation for his

service be sent to Mr. Eli.

On vote the motion as amended carried.

On motion by Mr. Scott Perry, seconded by Mr. Joe Fuller, to congratulate the Oak Hill girls' softball team, for winning State Class B championship, and Mr. J. C. Holt, for being named to all-state collegiate freshmen baseball team at LSU at Baton Rouge, plaques having been presented. On vote the motion carried.

On motion by Mr. Scott Perry, seconded by Mr. Richard Billings, to accept the Secretary's Report. On vote the motion carried.

On motion by Mr. Scott Perry, seconded by Mr. Richard Billings, to authorize to enter into an Intergovernmental Agreement with the Village of McNary for the Parish Highway Department to use Inmate Labor to cut limbs and for clean up work, as requested by Mayor Donald Parker, to be paid out of the Road and Bridge Fund, and authorize the President to sign same. On vote the motion carried.

On motion by Mr. Scott Perry, seconded by Mr. Richard Billings, to authorize the Parish Highway Department to install two speed humps on Cooper Drive, in the Grundy Cooper Subdivision, to be paid out of Road District No. 36A. On vote the motion carried.

On motion by Mr. Scott Perry, seconded by Mr. Richard Billings, to reinstate into the Highway Department Asset/Inventory List the following asset numbers, it has been recommended to keep this equipment:

Asset	Description	Acquired
6461	5640 - Diesel Tractor	5-10-93
5206	1988 Chevrolet Truck	1-18-88

On vote the motion carried.

On motion by Mr. Scott Perry, seconded by Mr. Richard Billings, to delete from the Highway Department Asset/Inventory List the following assets, no longer suitable for public use, and authorize disposal at auction:

Asset	Description	Acquired	Disposal
5610	1989 Chevrolet Caprice	5-23-89	auction
6286	1992 Ford Tractor	6-15-92	auction
5608	1989 Chevrolet	6-15-89	auction

On vote the motion carried.

On motion by Mr. Scott Perry, seconded by Mr. Richard Billings, to ratify authorization to sign the revision of the Truancy Assessment and Service Program Grant, Subgrant No. W99-3-001, CFDA No. 16.548, as requested by Judge Swent. On vote the motion carried.

On motion by Mr. Joe Fuller, seconded by Mr. Theodore Fountaine, to approve the payment of expenses for OEWD Director to attend the CDBG meeting held on June 18-19, 2002, to be paid out of the Administrative match to the CDBG Fund. On vote the motion carried.

On motion by Mr. Scott Perry, seconded by Mr. Richard Billings, to authorize the President to exercise the option to extend the lease agreement between the Rapides Parish Police Jury's Office of Economic and Workforce Development and Walk by Faith Inc. On vote the motion carried.

On motion by Mr. Scott Perry, seconded by Mr. Richard Billings, to set a deadline of the Wednesday prior to the date of the regular Committee meetings of the Rapides Parish Police Jury for submission of any subdivision review recommendations from the Rapides Area Planning Commission, failure to meet this deadline would result in delay of consideration of a subdivision proposal until the next month's agenda. On vote the motion carried.

On motion by Mr. Scott Perry, seconded by Mr. Richard Billings, to direct the STAR Committee or the Rapides Area Planning Commission to evaluate the situation of impact of development within a municipality against the Parish or within the Parish against a municipality, such as drainage, for a recommendation back to the Police Jury. On vote the motion carried.

On motion by Mr. Scott Perry, seconded by Mr. Richard Billings, to adopt the Proces Verbal Addendum No. 1 to the written survey description entitled "Proces Verbal, Rapides-Grant Boundary Line Dispute of May 11, 2002" and the survey drawings entitled "A Survey of the Point Where Little River emptied into Catahoula Lake in 1869 as established by Captain R. W. Bringhurst", "A Survey of a Point on Red River Where Darro Emptied into said River in 1869 marking the point of Beginning of the Description of Grant Parish" and "A Survey of the Line Common to Rapides and Grant Parishes created by the Legislative Act of 1869 as Interpreted by Captain R. W. Bringhurst, Rapides Parish Surveyor, at the Time of the Act and the Line of Acceptance by Rapides and Grant Parishes since at least 1941":

As a result of important discoveries I made after I submitted my survey and original proces verbal to the Rapides Parish Police Jury on 18 January 2000, I am presenting Proces Verbal Addendum No. 1 and a revised survey, which is attached hereto.

This proces verbal and the revised survey shall supercede the originals.

Western Terminus Revision

Extensive photogrammetric and field survey work over the last six months at the west end at Bayou Darrow provided me with information that no longer permitted me to accept the northwest corner of Section 16 as surveyed by Pan American Engineers. My recent work shows the true location of the northwest corner of Section 16 is more than 340 feet from the Pan American survey of that same corner. The revised survey reflects this necessary change. Because of this new survey information, I can no longer accept any of the Pan American in this area.

Eastern Terminus Revision

Recent acquisition of a 1942 topographic map at the point where Little River emptied into Catahoula Lake shows that the 36-foot contour of the right descending bank was at a point almost directly across the river from the 36-foot contour on the left descending bank. Further analysis into the dating of Bringhurst's Map of Rapides Parish reveals the map was published some time between 1871 and 1875 and was compiled some time around 1869. This allowed more emphasis on the use of Bringhurst's Map of Rapides Parish and closer correlation with the 36-foot shoreline of Catahoula Lake as determined in 1941 and 1942 by Richard Russell, Ph.D. and Clair Brown, Ph.D.

Addition of the Line of Acceptance as Shown on USGS Quadrangle Maps

I found resolutions passed by both Grant and Rapides Parishes in 1946 certifying the location of the Grant-Rapides common boundary line. The line certified by both parishes is the same line, and it reasonably matches the current USGS Quadrangle map line. It also reasonably matches Louisiana Highway Department parish maps. This line was accepted and acquiesced in both parishes from 1946 until Grant Parish decided to question the correctness of the location of the line in 1997. In addition, the Louisiana Constitution of 1974 ratified all parish boundaries established prior to the enactment of the 1974 constitution.

Research in the official minutes of the Grant Parish Police Jury revealed Grant Parish had unanimously passed the following resolution dated May 11, 1946:

"On a motion by Mr. Brown, seconded by Mr. G. A. Fletcher and unanimously carried that the Secretary make the proper correction on the map furnished by the Highway Department, notify the Director of Highways and certify the correct lines and return the map to the Department of Highways, Baton Rouge, Louisiana."

Research in the official minutes of the Rapides Parish Police Jury revealed Rapides Parish unanimously passed the following resolution dated May 14, 1946:

"On a motion by Mr. Ward, seconded by Mr. Ates, Be it resolved by the Rapides Parish Police Jury in regular session legally convened that the parish lines and ward lines as shown on maps of the Department of Highways, a copy of which was checked by the Rapides Parish Police Jury, be and the same are hereby declared established."

My original survey and my revised survey show the Bringhurst line as the common parish boundary because I believe it to be the line established by the legislature in 1869 when it created Grant Parish. However, I cannot ignore the following facts:

1. Grant and Rapides parishes certified the correctness and location of their common line as shown on the Highway Department parish maps in 1946, more than 50 years ago.
2. Grant and Rapides both agreed on the location of the line and used it continuously for more than 50 years.
3. Citizens, governmental agencies, corporate business and every entity that I could find, have used the agreed-upon line continuously for more than 50 years.
4. The Grant Parish Planning Commission of the 1940's agreed with the line and published a map showing the same line.
5. The Rapides Parish Planning Commission of the 1940's agreed with the line and published a map showing the same line.
6. All official Rapides Parish surveyors and all official Grant Parish surveyors, whose records I could find, used the Bringhurst line from 1869 until sometime in 1940, From some point in 1940 through the present time, parish surveyors from both parishes have used the USGS quad sheet line.

Format of the Revised Survey

The revised survey is presented overlaid on geo-referenced digital aerial photographic images to make it easier to interpret. In consideration of the advancing WAAS GPS technology in consumer-type hand-held GPS units, the coordinates are presented in the NAD83 geographic coordinate format. Consumer-grade GPS units readily accommodate NAD83 geographical coordinates. All measurements specifically written on the survey and any of the enlargements were taken during the course of doing the revised survey.

The revised survey, titled "A Survey of the Line Common to Rapides and Grant Parishes created by the Legislative Act of 1869 as Interpreted by Captain R. W. Bringhurst at the Time of the Act and the Line of Acceptance by Rapides and Grant Parishes since at least 1941," dated May 11, 2002, is attached hereto and made a part hereof.

IN WITNESS WHEREOF, I have signed this Proces Verbal in the presence of the undersigned competent witnesses and have delivered the same to the Rapides Parish Police Jury this 6th day of June, 2002, together with a print of the survey drawing and made a part hereof.

WILLIS ENGINEERING, INC.
By: Frank L. Willis
Professional Civil Engineer and Land Surveyor
On vote the motion carried.

On motion by Mr. Scott Perry, seconded by Mr. Richard Billings, the following ordinance was presented, the ordinance having been drafted by Legal Counsel, and on vote unanimously adopted:

ORDINANCE

AN ORDINANCE AMENDING AND REENACTING SECTION 14-4 OF THE RAPIDES PARISH CODE OF ORDINANCES ENTITLED ROADSIDE DISCHARGE PROHIBITED; EFFLUENT REDUCTION REQUIRED, BY THE PROVISION OF AN EXEMPTION FOR SEWER DISPOSAL SYSTEMS INSTALLED AFTER DECEMBER 11, 2000 IN SUBDIVISIONS APPROVED PRIOR TO DECEMBER 11, 2000.

NOW, THEREFORE, BE IT ORDAINED by the Rapides Parish Police Jury convened in Regular Session on July 8, 2002, that Section 14-4 of the Rapides Parish Code of Ordinances is hereby amended and re-enacted as follows:

CHAPTER 14. HEALTH AND SANITATION

ARTICLE I. IN GENERAL

...

Section 14-4. Roadside discharge prohibited; effluent reduction required.

A. No person shall intentionally discharge water from a sewerage disposal system of any kind, including oxidation ponds, mechanical treatment plants, septic tanks, and other sewerage disposal systems directly or indirectly into a Rapides Parish roadside ditch. This article shall apply prospectively to sewerage disposal systems constructed and/or installed after December 11, 2000. This article shall not apply to sewerage disposal systems which are installed after December 11, 2000 in subdivisions which were approved by the Rapides Parish Police Jury prior to December 11, 2000.

B. All new and reconditioned sewage treatment systems with a capacity up to and including one thousand five hundred (1,500) gallons per day that produce an effluent and, by design, do not significantly reduce the amount of effluent, shall include an effluent reducer approved by the department of health and hospitals.

...

BE IT FURTHER ORDAINED, etc., that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this ordinance which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED in all other respects Chapter 14 of the Rapides Parish Code of Ordinances shall remain unchanged.

THUS DONE AND SIGNED on this 8th day of July, 2002.

On motion by Mr. Scott Perry, seconded by Mr. Richard Billings, the following ordinance was presented, as approved by Legal Counsel, and on vote unanimously adopted:

ORDINANCE

AN ORDINANCE AMENDING AND REENACTING SECTION 14-7 OF THE RAPIDES PARISH CODE OF ORDINANCES ENTITLED MINIMUM LOT SIZE, BY CHANGING THE ONE ACRE MINIMUM LOT SIZE FOR THE INSTALLATION OF AN INDIVIDUAL SEWERAGE SYSTEM ON NEW FAMILY CONSTRUCTION, MOBILE HOMES, OR BUSINESSES TO BE THE MINIMUM LOT SIZE AS REQUIRED BY THE STATE SANITARY CODE AND FRONTAGE

REQUIREMENTS TO BE AS REQUIRED BY THE STATE SANITARY CODE.

NOW, THEREFORE, BE IT ORDAINED by the Rapides Parish Police Jury convened in Regular Session on July 8, 2002, that Section 14-7 of the Rapides Parish Code of Ordinances is hereby amended and re-enacted as follows:

CHAPTER 14. HEALTH AND SANITATION

ARTICLE I. IN GENERAL

...

Section 14-7. Minimum lot size.

Minimum lot size requirement shall be the minimum size required by the State Sanitary Code.

BE IT FURTHER ORDAINED that the frontage requirements and definition are hereby deleted, the provisions of the State Sanitary Code will apply.

...

BE IT FURTHER ORDAINED, etc., that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this ordinance which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED in all other respects Chapter 14 of the Rapides Parish Code of Ordinances shall remain unchanged.

THUS DONE AND SIGNED on this 8th day of July, 2002.

On motion by Mr. Scott Perry, seconded by Mr. Richard Billings, to authorize the President to sign an agreement between Fire Protection District No. 11, Spring Creek Volunteer Fire Department and the Village of McNary for a two year period effective July 26, 2002 wherein the Spring Creek Volunteer Fire Department and Fire Protection District No. 11 will provide fire protection within McNary and the Village of McNary to provide \$4,200 per year and its 2% fire insurance rebate to Fire District No. 11, as recommended by the Spring Creek Volunteer Fire Department Board of Directors. On vote the motion carried.

On motion by Mr. Scott Perry, seconded by Mr. Richard Billings, the following ordinance was presented to amend the Recreation Area Ordinance for Kincaid Lake, Cotile Lake and Indian Creek by setting a idle speed limit in no wake zones, as requested by the Sheriff's Department, and on vote unanimously adopted:

ORDINANCE

AN ORDINANCE TO AMEND THE RAPIDES PARISH CODE OF ORDINANCE BY AMENDING SECTION 19-1/2.1 RULES AND REGULATIONS FOR RECREATION AREAS (B)(3)(C) SO AS TO CHANGE THE 5 MPH SPEED LIMIT TO IDLE SPEED IN NO WAKE ZONES.

BE IT ORDAINED by the Rapides Parish Police Jury in Regular Session convened on this 8th day of July, 2002, that Section 19-1/2.1 of the Rapides Parish Code of Ordinances is hereby amended and re-enacted as follows:

CHAPTER 19-1/2. PARKS AND RECREATION.

ARTICLE I. IN GENERAL

Section 19-1/2.1 Rules and regulations for recreation areas.

(B) Rules and Regulations Regarding the Operation of Motorboats and Watercraft:

(3) Boat launching areas are considered "No Wake Zones". The following acts are prohibited in the boat launching areas:

...

(c) Operation of motorboats, vessels or watercraft in the "No Wake Zones" shall not exceed idle speed.

BE IT FURTHER ORDAINED in all other respects the Ordinance shall remain unchanged, including the provisions of Section 19-1/2.1 (C) Penalty for Violation.

BE IT FURTHER ORDAINED that this ordinance is to be effective immediately.

THUS DONE AND SIGNED on this 8th day of July, 2002.

On motion by Mr. Scott Perry, seconded by Mr. Richard Billings, to delete from the Fire District No. 11 Asset/Inventory List the following assets, no longer suitable for public use:

Asset	Description	Acquired	Disposal
6092	Computer-Gateway	3-13-91	scrap
		(transfer from PJ on 2-9-99)	

On vote the motion carried.

On motion by Mr. Scott Perry, seconded by Mr. Richard Billings, to authorize Fire Protection District No. 8 to submit a grant application to Rapides Foundation for EMS enhancement in the amount of \$10,000, as recommended by the Cotile Volunteer Fire Association Board of Directors, with the match of a minimum of

\$2,000 to be paid out of Fire Protection District No. 8 Funds. On vote the motion carried.

On motion by Mr. Scott Perry, seconded by Mr. Richard Billings, to authorize to enter into a financing agreement with Red River Bank for the Lease-Purchase of a 1996 International 4700 Pumper in the amount of \$14,985.55 with terms and conditions to be three annual payments at an interest rate of 4.5%, as recommended by the Cotile Volunteer Fire Association Board of Directors, Treasurer and Purchasing Agent, to be paid from Fire District No. 8 Funds as budgeted:

EXHIBIT E

FORM OF AUTHORIZING RESOLUTION

Whereas, Rapides Parish Police Jury, Fire Protection District No. 8, (the "Purchaser"), a body politic and corporate duly organized and existing as a political subdivision of the State of Louisiana (the "State"), is authorized by the laws of the State to purchase and acquire movable property for the benefit of the Purchaser and its citizens and to enter into contracts with respect thereto; and

Whereas, the Purchaser desires to purchase and acquire certain equipment constituting movable property necessary for the Purchaser to perform essential governmental functions; and

Whereas, in order to acquire such equipment, the Purchaser proposes to enter into that certain Equipment Installment Purchase Agreement (the "Agreement") with Red River Bank (the "Bank"), the form of which has been presented to the governing body of the Purchaser at this meeting; and

Whereas, the governing body of the Purchaser deems it beneficial to the Purchaser and for the efficient and effect administration thereof to enter into the Agreement for the financing of the purchase and acquisition of the equipment therein described on the terms and conditions therein provided;

NOW, THEREFORE, BE IT RESOLVED:

Section 1. Approval of Documents.

The form, terms and provisions of the Agreement are hereby approved in substantially the form presented at this meeting, with such insertions, omissions and changes as shall be approved by the counsel of the Purchaser or other members of the governing body of the Purchaser executing the same, the execution of such documents being conclusive evidence of such approval; and the President of the Purchaser is hereby authorized and directed to execute, and the Treasurer of the Purchasers is hereby authorized and directed to attest and countersign, the Agreement and any related exhibits attached thereto, and the Secretary of the Purchaser is hereby authorized to affix the seal of the Purchaser to such documents.

Section 2. Other Actions Authorized.

The officers and employees of the Purchaser shall take all action necessary or reasonably required by the parties to the Agreement to carry out, give effect to and consummate the transactions contemplated thereby and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Agreement.

Section 3. No General Liability.

Nothing contained in this Resolution, the Agreement nor any other instrument shall be construed with respect to the Purchaser as incurring a pecuniary liability or charge upon the general credit of the Purchaser or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Agreement or any other instrument or document executed in connection therewith impose any pecuniary liability upon the Purchaser or any charge upon its general credit or against its taxing power, except to the extent that the Installment Payments payable under the Agreement are special limited obligations of the Purchaser as provided in the Agreement.

Section 4. Severability.

If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 5. Repealer.

All bylaws, orders and resolutions or parts thereof, inconsistent herewith, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance of part thereof.

Section 6. Effective Date.

This Resolution shall be effectively immediately upon its approval and adoption.

Section 7. Section 265(b)(3) Designation.

Purchaser hereby designates the Agreement as a "qualified tax-exempt obligation" for the purposes and within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended. Purchaser further represents that Purchaser reasonably anticipates that Purchaser and other entities issuing obligations on behalf of Purchaser will not issue tax-exempt obligations (including the Agreement) that exceed the aggregate principal amount of \$10,000,000 during the calendar year in which the Agreement is executed and delivered.

Adopted and Approved this 8th day of July, 2002.

On vote the motion carried.

On motion by Mr. Scott Perry, seconded by Mr. Richard Billings, to delete from Fire Protection District No. 5 Asset/Inventory List the following items, having been destroyed or broken and too costly to repair:

Asset	Description	Acquired	Disposal
7120	Pager, Minator II	5-12-89	scrap
5477	Pager	4-20-88	scrap
5306	Pager	3-26-87	scrap
5291	Pager	3-26-87	scrap

On vote the motion carried.

On motion by Mr. Scott Perry, seconded by Mr. Richard Billings, the following proclamation was presented and on vote unanimously adopted:

PROCLAMATION

WHEREAS, Mrs. Ethma Odum has made many contributions to our community during her career; and

WHEREAS, Mrs. Odum, among many honors, has served on the Board of Directors for numerous organizations including the YWCA, Child Advocacy Advisory Board, Family Playhouse, Rapides Senior Citizens Center, LSU-A Foundation and Huey P. Long Medical Center; and

WHEREAS, she has given generously of her time and effort and has been a powerful influence for good in her community;

NOW, THEREFORE, BE IT RESOLVED by the Rapides Parish Police Jury that in honor of over 40 years of service to her community, Sunday, July 18, 2002, is hereby proclaimed

ETHMA ODUM DAY

in Rapides Parish.

THUS DONE AND SIGNED on this the 8th day of July, 2002.

After unanimous vote the following items were placed on the agenda:

The President opened to receive a recommendation from Legal Counsel on an amendment to the Parish grass cutting ordinance.

Mr. Tom Wells, Legal Counsel, distributed copies of his opinion that the Police Jury has to give owners of lots with grass and obnoxious weeds 15 days' notice by registered or certified mail prior to having the lot cut and liens placed on the property and the annual ad valorem tax bill. He did not find authority for Rapides Parish to substitute newspaper notice or a posting at the entry to property.

On motion by Mr. Joe Fuller, seconded by Mr. Richard Billings, the following ordinance was presented, as recommended by Legal Counsel, and on vote unanimously adopted:

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTION 13-13(D) SO AS TO AMEND FROM TEN DAYS NOTICE TO OWNER TO REMOVE OVERGROWN WEEDS, GRASS OR OTHER OBNOXIOUS GROWTH TO FIFTEEN DAYS; SECTION 13-20 TO FIFTEEN DAYS NOTICE TO OWNER TO REMOVE; AND 13-21 SO AS TO DELETE THE PROVISION FOR PUBLIC NOTICE.

BE IT ORDAINED by the Rapides Parish Police Jury in Regular Session convened on the 8th day of July, 2002, that Sections 13-13(d), 13-20 AND 13-21 are hereby amended and reenacted to read as follows:

Chapter 13 Garbage, Trash and Weeds
Article I. In General

Section 13-3. Health and Sanitation in parts of Rapides Parish, Louisiana.

...

(d) Notice to property owner and others prior to action. The Rapides Parish manager shall give written notice, by registered mail to the owner, occupant or possessor (or all), of a lot or place, at his last known address, requesting him to cut, destroy or remove the weeds, grass or other obnoxious growth in excess of eight (8") inches, or to have the same done within fifteen (15) days from the date of the mailing of the notice. If at the end of such period of time the weeds or other growths have not been cut or removed, any interested person is authorized to file criminal charges against the owner, occupant, or possessor of any agent of the above mentioned as a violation of Section 13-3 and the penalty provisions therein. The Rapides Parish manager is defined as the individual holding the office of president of the Rapides Parish Police Jury during any given year.

...

Article II. Cutting of Grass and Weeds in Subdivisions outside Municipalities

...

Section 13-20 Notice sent to owner; police jury to remove upon failure of owner.

Before proceeding to do the work described in the preceding section or to have the same done by the police jury, the police jury shall give written notice, by registered or certified mail to the owner, occupant or possessor (or all), of a lot or place, at his last known address, calling upon said owner to cut, destroy or remove the weeds, grass or other obnoxious growth within fifteen (15) days from the date of the receipt of the notice. If at the end of such period of time the obnoxious weeds or grass has not been cut or removed, the police jury is authorized to have the same done and to charge the costs thereof against the property, as herein provided.

Section 13-21. Exception to section 13-20.

In no instance shall the police jury be authorized to cut and remove obnoxious weeds and grass without prior notice thereof and, in addition, the grass has reached a height of eight (8) inches above the ground level. A photograph showing the height of the grass shall be taken and the cost thereof charged against the property.

BE IT FURTHER ORDAINED in all other respects Chapter 13 shall remain unchanged.

BE IT FURTHER ORDAINED that this ordinance is to be effective immediately.

THUS DONE AND SIGNED on this 8th day of July, 2002.

The President opened to receive a recommendation from Legal Counsel on the claim of Ms. Kim Madden.

Mr. Wells stated he has discussed the condition of the elevators with the building superintendent, who reports no reports of problems before or since the incident. Since liability of any public body for any defective thing is based upon knowledge and if any public body did not create the defect, have actual or constructive knowledge of a defect, it can not be held liable, he did not feel the claimant would be successful in any lawsuit pursued.

On motion by Mr. Richard Nunnally, seconded by Mr. Joe Fuller, to deny the claim of Ms. Kim Madden. On vote the motion carried.

On motion by Mr. Scott Perry, seconded by Mr. Richard Billings, to authorize the President to sign an agreement between Fire Protection District No. 6 and the Senior Citizens for the use of the training center for a senior meal site. On vote the motion carried.

On motion by Mr. Scott Perry, seconded by Mr. Richard Billings, to authorize to enter into an Intergovernmental Agreement with the Town of Forest Hill to furnish space in the Technology Satellite for the Town's Trade Zone and Web Site Coordinator, as requested by Mayor Marcia Young, and authorize the President to sign same. On vote the motion carried.

On motion by Mr. Scott Perry, seconded by Mr. Richard Billings, to authorize an application to USDA for sewer improvements in the Grundy Cooper Subdivision on behalf of Sewerage District No. 1; authorize Willis Engineering to submit the grant application; and authorize the President to sign the necessary documents. On vote the motion carried.

On motion by Mr. Scott Perry, seconded by Mr. Richard Billings, to increase the rate of pay of the part time Maintenance from \$6 per hour to \$7 per hour, as recommended by the Spring Creek Volunteer Fire Department, effective July 16, 2002, to be paid out of Fire Protection District No. 11 Funds. On vote the motion carried.

On motion by Mr. Scott Perry, seconded by Mr. Richard Billings, the following resolution was presented, as adopted by the Red River Parish Police Jury, and on vote unanimously adopted:

RESOLUTION

WHEREAS, the Rapides Parish Police Jury agrees with and appreciates that the Federal Government provides grants to relieve the burden of poverty stricken citizens; and,

WHEREAS, the Police Jury realizes that there are areas where middle to upper income citizens could benefit from grants funded by the Federal Government;

NOW, BE IT RESOLVED that the Rapides Parish Police Jury encourages the Federal Government to fund grants on an alternate basis for areas where middle to upper income citizens in addition to poverty-stricken citizens could benefit; and,

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Senator Breaux, Senator Landrieu, Congressman Cooksey, and the Police Jury Association of Louisiana.

THUS PASSED AND APPROVED on this 8th day of July, 2002.

On motion by Mr. Richard Nunnally, seconded by Mr. Richard Billings, the following resolution was presented to endorse Polaris of Alexandria as a participant in the benefits of the Louisiana Enterprise/Economic Development Zone Program in Tract 109 Block Group 3 in Rapides Parish with rebate from the 1% Rapides Parish Police Jury Sales and Use Tax, as recommended by the Reviewing Agencies, and authorize the President to sign the Certificate of Endorsement:

ENDORSEMENT RESOLUTION

RESOLUTION STATING THE RAPIDES PARISH POLICE JURY'S ENDORSEMENT OF POLARIS OF ALEXANDRIA TO PARTICIPATE IN THE BENEFITS OF THE LOUISIANA ENTERPRISE ZONE PROGRAM

WHEREAS, the Louisiana Enterprise Zone Act 901 of 1981, Act 337 of 1982, Act 433 of 1987, Act 1024 of 1992, Act 581 of 1995 and Act 647 of 1997; and,

WHEREAS, the Louisiana Enterprise Zone Program offers significant incentives for economic development to some of the most distressed areas in the Parish of Rapides; and,

WHEREAS, the Louisiana Department of Economic Development designated Census Tract 109 Block Group 3 (1990) in Rapides Parish, as an "Enterprise Zone" eligible based on enabling legislation (R.S. 51:1781-1791); and,

WHEREAS, the Rapides Parish Police Jury states this endorsement is in agreement with the Overall Economic Development Plan for Rapides Parish; and,

WHEREAS, the attached Enterprise Zone map is marked showing the location of the business being endorsed; and,

WHEREAS, in accordance with the Louisiana Enterprise Zone Program requirements, the Rapides Parish Police Jury agrees:

1. To participate in the Enterprise Zone Program.
2. To assist the Department in evaluating progress made in any Enterprise Zone within its jurisdiction.
3. To REBATE all applicable (applicable sales/use taxes are defined as all local sales/use taxes except those that are dedicated to the repayment of a Bond issue or dedicated to any public school) local sales/use taxes on the purchase of eligible construction materials, machinery, and equipment purchased for this project and used by the business permanently on that site.

THEREFORE, BE IT RESOLVED by the Rapides Parish Police Jury in due, regular and legal session convened this 8th day of July, 2002, that POLARIS OF ALEXANDRIA and their project RENOVATION, Enterprise Zone Application No. 20020183, is endorsed to participate in the Louisiana Enterprise Zone Program.

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of the resolution which can be given effect without the invalid provisions, items or applications and to this end the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed.

THUS PASSED AND APPROVED on this 8th day of July, 2002.

On motion by Mr. Richard Nunnally, seconded by Mr. Richard Billings, the following resolution was presented to endorse Alexandria Eye and Laser Center as a participant in the benefits of the Louisiana Enterprise/Economic Development Zone Program in Tract 123 Block Group 4 in Rapides Parish with rebate from the 1% Rapides Parish Police Jury Sales and Use Tax, as recommended by the Reviewing Agencies, and authorize the President to sign the Certificate of Endorsement:

ENDORSEMENT RESOLUTION

RESOLUTION STATING THE RAPIDES PARISH POLICE JURY'S ENDORSEMENT OF ALEXANDRIA EYE AND LASER CENTER TO PARTICIPATE IN THE BENEFITS OF THE LOUISIANA ENTERPRISE ZONE PROGRAM

WHEREAS, the Louisiana Enterprise Zone Act 901 of 1981, Act 337 of 1982, Act 433 of 1987, Act 1024 of 1992, Act 581 of 1995 and Act 647 of 1997; and,

WHEREAS, the Louisiana Enterprise Zone Program offers significant incentives for economic development to some of the most distressed areas in the Parish of Rapides; and,

WHEREAS, the Louisiana Department of Economic Development designated Census Tract 123 Block Group 4 (1990) in Rapides Parish, as an "Enterprise Zone" eligible based on enabling legislation (R.S. 51:1781-1791); and,

WHEREAS, the Rapides Parish Police Jury states this endorsement is in agreement with the Overall Economic Development Plan for Rapides Parish; and,

WHEREAS, the attached Enterprise Zone map is marked showing the location of the business being endorsed; and,

WHEREAS, in accordance with the Louisiana Enterprise Zone Program requirements, the Rapides Parish Police Jury agrees:

1. To participate in the Enterprise Zone Program.
2. To assist the Department in evaluating progress made in any Enterprise Zone within its jurisdiction.
3. To REBATE all applicable (applicable sales/use taxes are defined as all local sales/use taxes except those that are dedicated to the repayment of a Bond issue or dedicated to any public school) local sales/use taxes on the purchase of eligible construction materials, machinery, and equipment purchased for this project and used by the business permanently on that site.

THEREFORE, BE IT RESOLVED by the Rapides Parish Police Jury in due, regular and legal session convened this 8th day of July, 2002, that ALEXANDRIA EYE AND LASER CENTER and their project CONSTRUCTION, Enterprise Zone Application No. 20020203, is endorsed to participate in the Louisiana Enterprise Zone Program.

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of the resolution which can be given effect without the invalid provisions, items or applications and to this end the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed.

THUS PASSED AND APPROVED on this 8th day of July, 2002.

On motion by Mr. Richard Nunnally, seconded by Mr. Richard Billings, the following resolution was presented to endorse Family Dollar Stores of Louisiana, Inc. as a participant in the benefits of the Louisiana Enterprise/Economic Development Zone Program in Tract 123 Block Group 1 in Rapides Parish, without rebate from the 1% Rapides Parish Police Jury Sales and Use Tax, as recommended by the Reviewing Agencies, and authorize the President to sign the Certificate of Endorsement:

ENDORSEMENT RESOLUTION

RESOLUTION STATING THE RAPIDES PARISH POLICE JURY'S ENDORSEMENT OF FAMILY DOLLAR STORES OF LOUISIANA, INC. TO PARTICIPATE IN THE BENEFITS OF THE LOUISIANA ENTERPRISE ZONE PROGRAM

WHEREAS, the Louisiana Enterprise Zone Act 901 of 1981, Act 337 of 1982, Act 433 of 1987, Act 1024 of 1992, Act 581 of 1995 and Act 647 of 1997; and,

WHEREAS, the Louisiana Enterprise Zone Program offers significant incentives for economic development to some of the most distressed areas in the Parish of Rapides; and,

WHEREAS, the Louisiana Department of Economic Development designated Census Tract 123 Block Group 1 (1990) in Rapides Parish, as an "Enterprise Zone" eligible based on enabling legislation (R.S. 51:1781-1791); and,

WHEREAS, the Rapides Parish Police Jury states this endorsement is in agreement with the Overall Economic Development Plan for Rapides Parish; and,

WHEREAS, the attached Enterprise Zone map is marked showing the location of the business being endorsed; and,

WHEREAS, in accordance with the Louisiana Enterprise Zone Program requirements, the Rapides Parish Police Jury agrees:

1. To participate in the Enterprise Zone Program.
2. To assist the Department in evaluating progress made in any Enterprise Zone within its jurisdiction.

THEREFORE, BE IT RESOLVED by the Rapides Parish Police Jury in due, regular and legal session convened this 8th day of July, 2002, that FAMILY DOLLAR STORES OF LOUISIANA, INC. and their project RETAIL STORE EXPANSION, Enterprise Zone Application No. 20000284, is endorsed to participate in the Louisiana Enterprise Zone Program.

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of the resolution which can be given effect without the invalid provisions, items or applications and to this end the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed.

THUS PASSED AND APPROVED on this 8th day of July, 2002.

On motion by Mr. Scott Perry, seconded by Mr. Richard Billings, to authorize the Workforce Operations Department to research the needs of the Forest Hill community as it relates to a mini One-Stop for both youth and adult populations. On vote the motion carried.

After unanimous vote the following items were placed on the agenda:

On motion by Mr. Scott Perry, seconded by Mr. Richard Billings, to thank Speaker of the House Charlie DeWitt and our Louisiana Legislative Delegation who supported the inclusion of a line item in House Bill 1 for funding totaling \$100,000 for a study to determine the feasibility of diverting Red River water to Bayou Boeuf to assist the farm community with fresh water for irrigation. On vote the motion carried.

On motion by Mr. Scott Perry, seconded by Mr. Richard Billings, to adopt the Rapides Parish WIA Budget as submitted by staff for Program Year 2002/Fiscal Year 2003. On vote the motion carried.

The President asked if there was any public comment on any agenda item, to which there was no response.

Mr. Bordelon requested discussion on the opinion of Legal Counsel on the economic development Cooperative Endeavors previously approved by the Police Jury.

After unanimous vote the following item was placed on the agenda:

On motion by Mr. Steve Bordelon, seconded by Mr. Richard Nunnally, to authorize Mr. Tom Wells, Legal Counsel, and Mr. Tim Ware, Treasurer, to get together on the economic development Cooperative Endeavors previously approved by the Police Jury, if the agencies don't produce evidence to comply with the law, then they are denied, and those that were approved by Legal Counsel and approved by the Police Jury and meets the legal standards, then they be paid, upon approval of Legal Counsel.

Mr. Fuller asked each agency be given an opportunity to provide the supporting documentation recommended in the legal opinion.

Amendment by Mr. Scott Perry that a complete definition of economic development be brought back.

The amendment was not recognized by the Chair.

On vote the motion carried.

There being no further business, the meeting was declared adjourned at 3:23 p.m.

Angie Richmond, Secretary Bubba Moreau, President
Rapides Parish Police Jury Rapides Parish Police Jury