

RAPIDES PARISH POLICE JURY

SPECIAL SESSION
November 15, 2004

The Police Jury of the Parish of Rapides, State of Louisiana, met in Special Session at its regular meeting place, the Police Jury Room of the Parish Courthouse, 701 Murray Street, Alexandria, Louisiana, on Monday, November 15, 2004, at 1:04 p.m. (Central Standard Time), pursuant to the provisions of a written notice given to each and every member thereof and duly posted in the manner required by law, viz:

Alexandria, Louisiana
November 9, 2004

NOTICE OF SPECIAL POLICE JURY MEETING

NOTICE IS HEREBY GIVEN that a special meeting of the Police Jury of the Parish of Rapides, State of Louisiana, has been ordered and called and will be held at its regular meeting place, the Police Jury Room of the Parish Courthouse, Alexandria, Louisiana, on Monday, November 15, 2004 at 1:00 p.m. for the following purposes to-wit:

1. To retain Mr. Dan Broussard as Special Counsel representing the Rapides Parish Police Jury in the pending litigation of Felix Mouton Jr. versus Rapides Parish Police Jury, Suit No. 218,920D, Ninth Judicial District Court, as approved by the District Attorney.
2. To change the names of Voting Precincts N3 and N8 to conform to new school names.
3. To accept an extension of Jeffrey Lane, subject to dedication of a sixty foot right of way by the property owner.
4. Any other business that may properly come before the Police Jury.

BY ORDER OF THE PRESIDENT

Angie Richmond, Secretary
Rapides Parish Police Jury

There were present: Honorable Ezra L. Reed, President; Donald H. Wilmore, Vice President; and Police Jurors Butch Lindsay, Theodore Fountaine Jr., Joe Fuller, Jerry Wood Sr., and Richard W. Billings.

Absent were Police Jurors Steve P. Bordelon and Scott Perry Jr.

Also present were Mr. Tim Ware, Treasurer; Mr. Eric S. Duck, Public Works Director; Ms. Donna Andries, Sales & Use Tax Collector; Ms. Kay Smith, OEWD Deputy Director; Chief David Peart, Fire District No. 2; Mr. Thomas O. Wells, Legal Counsel; and Ms. Angie Richmond, Secretary.

The invocation was given by Mr. Joe Fuller.

The Pledge of Allegiance was led by Mr. Richard Billings.

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

On motion by Mr. Jerry Wood, seconded by Mr. Richard Billings, the following resolution was presented, to retain Mr. Dan Broussard as Special Counsel representing the Rapides Parish Police Jury in the pending litigation of Felix Mouton Jr. Versus Rapides Parish Police Jury, Suit No. 218,920D, Ninth Judicial District Court, as approved by the District Attorney:

RESOLUTION OF THE
RAPIDES PARISH POLICE JURY

WHEREAS, the District Attorney for Rapides Parish, and particularly Assistant D.A. Thomas O. Wells, provides legal representation to the Rapides Parish Police Jury; and

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WHEREAS, Mr. Wells was directed by the Police Jury to take statements of complaining witnesses in the employment matter of supervisor Felix Mouton, Jr. relative to alleged improper conduct of Mr. Mouton toward those witnesses; and

WHEREAS, the Police Jury has scheduled a hearing on those allegations and the appropriateness of Mr. Mouton's continued employment as an unclassified employee; and

WHEREAS, Mr. Mouton has filed Civil Suit #218,920 on the docket of the Ninth Judicial District Court, Rapides Parish, Louisiana, styled "Felix Mouton, Jr. v. Rapides Parish Police Jury" in an effort to enjoin the Police Jury from convening or conducting a hearing regarding the allegations against him; and

WHEREAS, it is now likely that ADA Thomas O. Wells will be required to testify as a witness regarding the statements of the complaining witnesses and further regarding the circumstances surrounding Mr. Mouton's obtaining a temporary restraining order; and

WHEREAS, Rule 3.7 of the Louisiana Rules of Professional Conduct prohibits a lawyer from representation in a case where the lawyer may be called as a witness; and

WHEREAS, as part of his defense, Mr. Mouton has made allegations that the complaints and any action which may be taken are discriminatory and the defense of complaints of this nature is a narrow and highly specialized legal field; and

WHEREAS, Mr. Daniel Broussard, an attorney practicing in Alexandria, Louisiana, has often represented public bodies and private individuals in matters of this nature and therefore possesses the specialized knowledge and skill for the defense of the Police Jury in the discrimination claim and the claim for injunctive relief; and

WHEREAS, the employment of private counsel will eliminate any issues of legal ethics which would arise in the event it is necessary in the defense of these matters for the Police Jury's general counsel to testify as a witness;

NOW, THEREFORE, BE IT RESOLVED that Mr. Daniel Broussard, Attorney at Law, is hereby engaged as counsel for the Rapides Parish Police Jury at the compensation schedule published and approved by the attorney general not to exceed \$150.00 per hour together with incurred expenses for court cost advances, subpoena and deposition fees, and other like out-of-pocket expenditures, subject however to the approval of the Louisiana Attorney General pursuant to R.S. 42:263.

BE IT FURTHER RESOLVED that a certified copy of this resolution and attachments be forwarded to the Honorable Charles C. Foti Jr., Attorney General of Louisiana, for his review and approval, all pursuant to R.S. 42:263.

Amendment by Mr. Richard Billings, seconded by Mr. Jerry Wood and Mr. Don Wilmore, that the second paragraph of the resolution be amended to reflect that Mr. Wells was directed by the President of the Police Jury to take statements of complaining witnesses, not directed by the Police Jury by resolution.

On vote the amendment carried. Mr. Joe Fuller opposed.

Mr. Fountaine challenged the propriety of the amendment.

Mr. Billings withdrew the amendment.

The above resolution was duly introduced, seconded and the vote thereon was as follows:

<u>JURY MEMBER</u>	<u>YEA</u>	<u>NAY</u>	<u>ABSENT</u>
Richard W. Billings	X		
Steve P. Bordelon			X
Joe Fuller		X	
Theodore Fountaine, Jr.		X	
Richard "Butch" Lindsay	X		
Scott Perry, Jr.			X
Ezra L. Reed	X		
Donald H. Wilmore	X		

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Jerry P. Wood Sr.

X

On motion by Mr. Richard Billings, seconded by Mr. Joe Fuller and Mr. Don Wilmore, to adopt a resolution to change the names of Voting Precinct N3 from Slocum Elementary to Adult Education Center and N8 from Lessie Moore 6th Grade Center to Slocum Elementary, as recommended by the Registrar of Voters, and authorize submission to the US Department of Justice for preclearance, and on vote unanimously adopted:

RESOLUTION

WHEREAS, the Registrar of Voters for and in Rapides Parish has brought it to the attention of the Rapides Parish Police Jury that the names of two schools have been changed by the Rapides Parish School Board, which are polling places; and,

WHEREAS, it is the desire of the Rapides Parish Police Jury to eliminate any confusion to the voters of Rapides Parish; and,

NOW, THEREFORE, BE IT RESOLVED that the Rapides Parish Police Jury does hereby amend the names of two certain polling places as recommended by the Registrar of Voters and authorize submission to the U.S. Department of Justice for preclearance:

<u>Pct.</u>	<u>Old Name</u>	<u>New Name</u>
N3	Slocum Elementary	Adult Education Center
N8 (A-K)	Lessie Moore Sixth Grade Center	Slocum Elementary
N8 (L-Z)	Lessie Moore Sixth Grade Center	Slocum Elementary

BE IT FURTHER RESOLVED upon approval of the Secretary of State and the U.S. Department of Justice, this ordinance shall be effective after approvals as required by law.

BE IT FURTHER RESOLVED that a certified copy of this resolution be sent to the Secretary of State, the Commissioner of Elections, the Secretary of the Senate, the Clerk of the House of Representatives, and the Registrar of Voters for Rapides Parish.

BE IT FURTHER RESOLVED that a certified copy of this resolution, together with other showings required by Section 5 of the Voting Rights Act of 1965 and Regulations pertaining thereto (29 C.F.R. 51.22) and in accordance with LARS 18:1941, be submitted to the United States Attorney General for approval in compliance with the said Voting Rights Act.

This Resolution, having been presented, and having been submitted to a vote, the vote thereon was as follows:

YEAS: Ezra L. Reed, Donald H. Wilmore, Butch Lindsay, Theodore Fountaine Jr., Joe Fuller, Jerry Wood Sr., and Richard W. Billings.

NAYS: None.

ABSENT AND NOT VOTING: Steve P. Bordelon and Scott Perry Jr.

And the Resolution was declared adopted on this 15th day of November, 2004.

On motion by Mr. Ezra Reed, seconded by Mr. Richard Billings, to accept an extension of Jeffrey Lane, subject to dedication of a sixty foot right of way by the property owner. On vote the motion carried.

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

On motion by Mr. Don Wilmore, seconded by Mr. Joe Fuller, to authorize expenses of interested Police Jurors to attend the Police Jury Association/Louisiana Municipal Association Grants Intensive Seminar to be held on December 1 in Alexandria. On vote the motion carried.

On motion by Mr. Joe Fuller, seconded by Mr. Richard Billings, to authorize the expenses of Mr. Joe Fuller to attend the National Council of County Association Executives, State Association Presidents and Executive Directors Meeting on January 5-7, 2005 in Washington, DC, to be reimbursed from the Police Jury Association of Louisiana. On vote the motion carried.

On motion by Mr. Richard Billings, seconded by Mr. Joe Fuller and Mr. Don Wilmore, that the second paragraph of the above resolution, to retain Mr. Dan Broussard as Special Counsel representing the Rapides Parish Police Jury in the pending litigation of Felix Mouton Jr. Versus Rapides Parish Police Jury, Suit No. 218,920D, Ninth Judicial District Court, be amended to read as follows:

"WHEREAS, Mr. Wells was directed by the President of the Police Jury to take statements of complaining witnesses in the employment matter of

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supervisor Felix Mouton, Jr. relative to alleged improper conduct of Mr. Mouton toward those witnesses; and"
On vote the motion carried.

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

There being no further business, the meeting was declared adjourned at 1:14 p.m.

Angie Richmond, Secretary
Rapides Parish Police Jury

Ezra L. Reed, President
Rapides Parish Police Jury