

NOTICE OF INTRODUCTION OF ORDINANCE

NOTICE IS HEREBY GIVEN that the following entitled ordinance was introduced in writing in the form required for adoption at a meeting of the Parish Council of the Parish of Livingston, State of Louisiana, on April 14, 2016, and laid over for publication of notice:

L.P. Ordinance No. 16-11

AN ORDINANCE AMENDING AND REENACTING LP ORDINANCE 00-11 ADOPTED MARCH 27, 2000, BY VOTE OF THE LIVINGSTON PARISH COUNCIL, BEING AN AGREEMENT BETWEEN WASTE MANAGEMENT OF LOUISIANA LLC. AND THE PARISH OF LIVINGSTON, RELATIVE TO WOODSIDE LANDFILL.

NOTICE IS HEREBY FURTHER GIVEN that the Parish Council of said Parish will meet on Thursday, May 12, 2016, at six (6:00) o'clock p.m., at the Parish Council Chambers, 20355 Government Boulevard, Livingston, Louisiana, at which time there will be a public hearing on the adoption of the aforesaid ordinance.

Sandy C. Teal, Council Clerk

John Wascom, Council Chair

(As per rules of the Council, copies of the proposed ordinance shall be made available for public inspection in the Office of the Livingston Parish Council.)

The following ordinance which was previously introduced in written form required for adoption at the regular meeting of the Livingston Parish Council on April 14, 2016, a summary thereof having been published in the Official Journal together with a notice of public hearing which was held in accordance with said public notice, was brought up for final passage on May 12, 2016, on Motion of Garry "Frog" Talbert and seconded Maurice "Scooter" Keen.

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SECTION 1

The Livingston Parish Council hereby approves and ratifies an amendment to:

AGREEMENT RELATIVE TO WOODSIDE LANDFILL, ROYALTY FROM ADJACENT ACREAGE AND MATTERS RELATED THERETO

The parties to this agreement are:

WASTE MANAGEMENT OF LOUISIANA LLC (formerly American Waste and Pollution Company Inc. and thereafter Waste Management of Louisiana Inc.) a Delaware Limited Liability Corporation being represented herein by David Myhan, its President and duly authorized representative, hereinafter called "Contractor"; and

THE PARISH OF LIVINGSTON, a political subdivision and body politic organized under the laws of the State of Louisiana and domiciled in Livingston Parish, Louisiana, represented herein by Layton Ricks, its duly authorized President, hereinafter referred to as "the Parish."

WHEREAS, the parties hereto entered into an agreement entitled "Agreement Relative to Woodside Landfill, Royalty from Adjacent Acreage and Matters Related Thereto," dated April 24, 2000 ("the Agreement"), being introduced and adopted as LP Ordinance No. 00-11;

WHEREAS, the Agreement addresses operations on Contractor's (Waste Management of Louisiana LLC) property located adjacent to the 100-acre site owned by the Parish, i.e., the approximate 424.11 acre tract of property purchased by Contractor from Cavenham Forest Industries, Inc. (the entirety of said tract referred to as the "Cavenham Acreage");

WHEREAS, a consistent outlet for the efficient disposal of leachate generated by the Woodside Landfill and Recycling Center ("Woodside Landfill") on a long-term basis is needed;

WHEREAS, a solid waste injection well facility adjacent to the landfill facility on the Cavenham Acreage serves this need, and assures the efficient operation of Woodside Landfill for the proper and safe disposal of solid waste on a long-term basis; and

WHEREAS, Contractor is willing to undertake the development of an injection well facility next to the landfill facility to ensure the continuation of long-term disposal of solid waste in an efficient and environmentally safe manner; and payments based on solid waste disposal at the injection well facility will be made by Contractor to Parish;

NOW, THEREFORE, the parties hereto agree that the agreement entered into between the parties entitled "Agreement Relative to Woodside Landfill, Royalty from Adjacent Acreage and Matters Related Thereto," dated April 24, 2000 ("the Agreement"), and introduced and adopted as LP Ordinance 00-11, attached hereto as exhibit A, is amended as set forth below. All terms and conditions of the Agreement not modified herein shall remain in full force and effect.

BE IT ORDAINED by the Livingston Parish Council, governing authority of the Parish of Livingston, Louisiana:

The Code of Ordinances of the Parish of Livingston, Louisiana is hereby amended by adding a section, to be included in Chapter 15, Solid Waste, as **Article VI, WOODSIDE LANDFILL**. The provisions of LP Ordinance 00-11, never having been assigned a section number for inclusion in the Code of Ordinances for the Parish of Livingston, shall be included herein in its entirety and amended as follows:

Sec. 15-100.

1. The first sentence only of "Paragraph No. 4" is amended to read as follows: "Contractor agrees to pay to the Parish five (5%) percent of gross revenues from the disposal of solid waste located on the 100 acre site for a period of two (2) years from the execution of this agreement, and six and one-half (6.5%) percent of gross revenues derived from the disposal of solid waste on the 100 acres or until full capacity has been reached, as well as six and one-half (6.5%) percent of gross revenues from the disposal of solid waste through landfilling or deep well injection on the Cavenham Acreage owned by Contractor; provided, however, that for the deep well injection disposal on the Cavenham Acreage of solid waste generated by Contractor's Woodside Landfill, or for the landfill disposal on the Cavenham Acreage of solid waste generated at the injection well facility, no royalty shall apply."
2. "Paragraph No. 5" of the Agreement is amended to read as follows: "Contractor agrees not to operate an incinerator or a hazardous waste disposal facility on the 100 acre site or the Cavenham Acreage."
3. "Paragraph 6" and "Paragraph 7" of the Agreement are deleted.
4. "Paragraphs 8 – 16" of the Agreement are re-numbered respectively as "Paragraphs 6 - 14."

BE IT FURTHER ORDAINED that Layton Ricks, in his capacity as President of the Parish of Livingston, be and he is hereby granted the authority and power to execute on behalf of the Livingston Parish Council the agreement contained herein, and by so doing, bind the Parish of Livingston to all of the terms and conditions of the agreement as of the date of its execution.

THUS DONE AND SIGNED this ___ day of _____, 2016, before the undersigned witnesses after a due reading of the whole.

WITNESSES: WASTE MANAGEMENT OF LOUISIANA, L.L.C.

_____ By: _____

Printed Name: _____ David Myhan, President

Printed Name: _____

THE PARISH OF LIVINGSTON

_____ By: _____

Printed Name: _____ Layton Ricks, Parish President

Printed Name: _____

The above and foregoing Ordinance having been read by title and considered in open, public meeting was thereupon submitted to a vote; the vote thereon was as follows:

YEAS: MR. TALBERT, MR. KEEN, MR. HARRIS, MR. MACK, MR. LOBELL,
MR. WASCOM, MR. ARD, MR. AVERETT

NAYS: MR. GIRLINGHOUSE

ABSTAIN: NONE

ABSENT: NONE

And the ordinance was declared adopted on this 12th day of May, 2016.

John Wascom, Council Chairman

ATTEST:

Sandy C. Teal, Council Clerk

INTRODUCED _____ ADOPTED _____

DELIVERED TO PRESIDENT _____, _____ o'clock ____ .M.

APPROVED BY PRESIDENT _____
Layton Ricks Date

VETOED BY PRESIDENT _____
Layton Ricks Date

RECEIVED FROM PRESIDENT _____, _____ o'clock ____ .M.