

Minutes of the Livingston Parish Council

Livingston, Louisiana

April 9, 2020

On March 19, 2020, the Louisiana Attorney General issued a Memorandum in order to provide additional guidance to public bodies in light of the Covid-19 public health emergency. The Memorandum opines that although quorum requirements are still applicable, in light of Proclamation Number JBE 2020-30, a public body may conduct its meetings by telephone or video conference. Accordingly, there is no longer a conflict as to whether a public body may hold essential governmental meetings by teleconference or video conference.

In an effort to comply with the Proclamations made by Louisiana Governor John Bel Edwards and Livingston Parish President Layton Ricks the following two (2) options were offered to allow for Public Input to be made:

- 1) Email your public input to steal@lpcgov.com .
Please include your full name, address, and what agenda item it is that you wish to speak to have public input about. In addition, please provide a brief summary in a few sentences of what your public input is.
All emails must be received no later than five o'clock (5:00) p.m. on Thursday, April 9, 2020.
- 2) If you wish to appear in person for public input:
We encourage the use of gloves and face masks for protection against the spread of COVID-19
There will be a sign-up sheet in the lobby of the Governmental Building where you will sign and put what agenda item that you wish to speak in regard to.
Anyone wishing to speak in person must sign in on the sign-up sheet no later than five-fifty (5:50) p.m. on Thursday, April 9, 2020.
No more than five (5) people will be allowed in the lobby at time while maintaining their six (6) feet distancing requirement and will be escorted into the Council chambers when it is their turn for public input.
Only one (1) person at a time will be allowed in the Council chambers to speak on each agenda.

The Livingston Parish Council met in a regular session duly called, advertised, and convened at its regular meeting place, the Parish Council Chambers, Governmental Building, 20355 Government Boulevard, Livingston, Louisiana, on Thursday, April 9, 2020, at the hour of six o'clock (6:00) p.m. with the following Livingston Parish Council members present:

Physically present and meeting social distancing requirements:

Jeff Ard	Tracy Girlinghouse
Maurice "Scooter" Keen	Shane Mack

Present by voice teleconferencing:

Garry Talbert	R.C. "Bubba" Harris	Randy Delatte
John Wascom		Gerald McMorris

Also, physically present and meeting the social distancing requirements:

Layton Ricks, Parish President

The chair asked anyone that was present to please mute or turn off their cell phones.

The chair explained the procedures put in place for submissions through email and anyone who wished to be physically present to address an agenda item in the Council chambers.

The chair addressed agenda item 7, "Parish President's Report", and called upon Mr. Layton Ricks. The Parish President stated that he wished to give a COVID-19 update and advised that the Parish of Livingston had two (2) testing sites in place and you must have a testing order from your doctor to be tested. The testing site locations included are Our Lady of the Lake in Walker, with testing on Monday, Wednesday and Friday, from ten o'clock (10:00) a.m. until eleven thirty (11:30) a.m. and in addition to Lake After Hours-Lake After Care located in Denham Springs, with testing every day from nine (9:00) o'clock a.m. until three (3:00) o'clock p.m. He reported that there were one hundred and three (103) cases that had tested positive that they were aware of in the Parish of Livingston and one (1) death had been conveyed. He asked everyone to include in their prayers

all of the healthcare workers, law enforcement and first responders and also each other as we go through this. He encouraged everyone to keep up the safe practices that had been done thus far. He also stated that the burn ban was still in effect, the Parish waterways were still open and the Parish offices were still closed and operating through the Office of Emergency Preparedness.

The chair addressed agenda item 8, “Adopt resolution ordering and calling a special election to be held in the Parish of Livingston, State of Louisiana on Tuesday, November 3, 2020, for the purpose of authorizing the renewal of the levy and collection of a one percent (1%) sales tax for a period of fifteen (15) years, beginning January 1, 2021, to (i) construct, acquire, extend, expand, improve, maintain and operate roads, bridges and related road drainage throughout the Parish, and acquire equipment related thereto, and (ii) construct, acquire, extend, expand, improve, operate, maintain, equip and furnish jail facilities of the Parish” and stated that there had been no one from the public who had appeared in person to address this agenda item and the Council office had received one (1) email. He advised that there were multiple questions that were solicited in the email, however, only one (1) question pertained that addressed this particular agenda item. The email had been addressed and received by the Livingston Parish Council clerk, sent by Mr. Eric Harrell, resident of Serene Acres in Council District 5.

The chair read Mr. Harrell’s question aloud:

“What is the percentage of this tax that goes to salaries of DPW Workers and benefits?”

The chair called upon the Parish President to answer and address Mr. Harrell’s question. Mr. Ricks indicated that the 2020 projections of ad valorem revenue is 2.44 million. The road tax that is being brought is up at that time would bring roughly 17 ½ to 18 million and both of those work together to help pay all of the Department of Public Works employees’ salaries and benefits, being roughly eighty (80) employees at 4.2 million a year. He also explained that out of that 17 ½ to 18 million, 4.5 million goes to the Jail tax because twenty-five (25%) percent of that penny belongs to the Jail tax fund. He further explained that they were looking roughly at 13.5 million for the road fund, being the seventy-five (75%) remainder.

The chair indicated that the other questions involved in the email did not pertain to the agenda item and in the future if an agenda item comes up that is relative to those other questions, then they will be addressed at that time.

The chair advised that if there were no other further input, he called for a motion to the proposed resolution.

PARISH OF LIVINGSTON, STATE OF LOUISIANA

The following resolution was offered by Tracy Girlinghouse and seconded by John Wascom:

L.P. RESOLUTION NO. 20-103

A Resolution ordering and calling a special election to be held in the Parish of Livingston, State of Louisiana on Tuesday, November 3, 2020, for the purpose of authorizing the renewal of the levy and collection of a one percent (1%) sales tax for a period of fifteen (15) years, beginning January 1, 2021, to (i) construct, acquire, extend, expand, improve, maintain and operate roads, bridges and related road drainage throughout the Parish, and acquire equipment related thereto, and (ii) construct, acquire, extend, expand, improve, operate, maintain, equip and furnish jail facilities of the Parish; and further making application to the State Bond Commission for consent and authorization to hold the aforesaid election; and further providing for other matters in connection therewith.

WHEREAS, the Parish Council of the Parish of Livingston, State of Louisiana (the “*Governing Authority*”), acting as the governing authority of the Parish of Livingston, State of Louisiana (the “*Parish*”), desires to order and call a special election to be held in the Parish on TUESDAY, NOVEMBER 3, 2020, to authorize the renewal of the levy and collection of a one percent (1%) sales tax for a period of fifteen (15) years, beginning January 1, 2021, to (i) construct, acquire, extend, expand, improve, maintain and operate roads, bridges and related road drainage throughout the Parish, and acquire equipment related thereto, and (ii) construct, acquire, extend, expand, improve, operate, maintain, equip and furnish jail facilities of the Parish (the “*Tax*”); and

BE IT RESOLVED by the Governing Authority, that:

SECTION 1. Election Call. Subject to the approval of the State Bond Commission and under the authority conferred by Article VI, Section 32 of the Constitution of the State of Louisiana

of 1974, as amended (the “*Constitution*”) and the applicable provisions of Chapters 5 and 6-A of Title 18 of the Louisiana Revised Statutes of 1950, as amended (the “*Election Code*”), and other constitutional and statutory authority, a special election (the “*Election*”) is hereby called and ordered to be held in the Parish on TUESDAY, NOVEMBER 3, 2020, between the hours of 6:00 a.m. and 8:00 p.m. in compliance with the provisions of Section 541 of Title 18 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 18:541), and that at the Election there shall be submitted to all registered voters residing in the Parish, qualified and entitled to vote at the Election under the Constitution and laws of the State of Louisiana and the Constitution of the United States of America, the following proposition, to wit:

PROPOSITION

Shall the Parish of Livingston, State of Louisiana (“Parish”) be authorized to renew for 15 years, beginning January 1, 2021, the levy and collection of a 1% tax (estimated \$19,200,000.00 is reasonably expected to be collected from the levy of the tax for an entire year) (“Tax”), upon the sale at retail, the use, the lease or rental, the consumption and the storage for use or consumption, of tangible personal property and on sales of services in the Parish, with net proceeds of the Tax (after paying reasonable and necessary costs and expenses of collecting and administering the Tax), to be dedicated for the following public purposes: (i) 3/4 of the net proceeds of the Tax to be used to construct, acquire, extend, expand, improve, maintain and operate roads, bridges and related road drainage throughout the Parish, and acquire equipment related thereto, and (ii) 1/4 of the net proceeds of the Tax to be used to construct, acquire, extend, expand, improve, operate, maintain, equip and furnish the Parish jail facilities; and shall the Parish be further authorized to fund the proceeds of the Tax into bonds for any of said capital improvements, as permitted by the laws of Louisiana?

SECTION 2. Proceeds of the Tax. Conditioned on the passage of the Tax at the Tuesday, November 3, 2020 Election authorized pursuant to this Resolution, all avails or proceeds of the Tax (after paying the reasonable and necessary expenses of collecting and administering the Tax) collected in the Parish shall be used entirely and to be dedicated and used exclusively for the purposes set forth in the proposition.

SECTION 3. Publication of Notice of Special Election. Pursuant to La. R.S. 18:1285, a Notice of Special Election concerning the Election will be published in the *Livingston Parish News*, a newspaper of general circulation within the Parish, and is the official journal of the Parish, once a week for four (4) consecutive weeks, with the first publication to be made not less than forty-five (45) days nor more than ninety (90) days prior to the date fixed for the Election, which notice shall be substantially in accordance with the Notice of Special Election annexed hereto as Exhibit A and incorporated herein by reference, to the same extent as if it were set forth in full.

SECTION 4. Canvas of Election Returns. This Governing Authority shall meet at its regular meeting place, on Thursday, December 10, 2020 at 6:00 p.m. in the Council Chambers in the Governmental Building, 20355 Government Blvd., Livingston, Louisiana, and shall then and there in open and public session proceed to examine and canvas the returns and declare the result of the Election.

SECTION 5. Polling Places; Commissioners. The polling places set forth in the aforesaid Notice of Special Election and situated within the corporate limits of the Parish be and the same are hereby designated as the polling places at which to hold the said Election in accordance with Section 1286(A) or Section 1286.1, as the case may be, of Title 18 of the Louisiana Revised Statutes of 1950, as amended, and the Commissioners-in-Charge and Commissioners, respectively, will be those persons designated according to law in accordance with Section 1286(A) or Section 1286.1, as the case may be, of Title 18 of the Louisiana Revised Statutes of 1950, as amended.

SECTION 6. Designation of Commissioners and Commissioners-in-Charge. The officers designated to serve as Commissioners-in-Charge and Commissioners, respectively, pursuant to Section 5 hereof and in accordance with Section 1286(A) or Section 1286.1, as the case may be, of Title 18 of the Louisiana Revised Statutes of 1950, as amended, or such substitutes therefore as may be selected and designated in compliance with Section 1287 of Title 18 of the Louisiana Revised Statutes of 1950, as amended, shall hold the said Election as herein provided, shall make due returns of said Election for the meeting of the Parish Council, as governing authority of the Parish, to be held on Tuesday, November 3, 2020, and that the compensation of

said officers be and the same is hereby fixed at the sum prescribed by law. All registered voters in each precinct and residing in the Parish are entitled to vote at the said Election.

SECTION 7. Authorization of the Clerk. The Clerk of the Governing Authority be and is hereby empowered, authorized and directed to arrange for and to furnish to said election officers, in ample time for the holding of said Election, all equipment, forms and other items which may be required by State and/or federal law in order to hold said Election.

SECTION 8. Furnishing Election Call. In accordance with La. R.S. 18:1285(B)(1), certified copies of this Resolution shall be forwarded to the Secretary of State, the Commissioner of Elections, the Clerk of Court and Ex-Officio Custodian of Voting Machines in and for the Parish of Livingston, and the Registrar of Voters in and for said Parish, as notification of the Election herein called, in order that each may prepare for said Election and perform their respective functions as required by law.

SECTION 9. Estimated Collections. Pursuant to La. R.S. 18:1284(c), an estimated \$19,200,000.00 is reasonably anticipated at this time to be collected from the levy of the Tax for an entire year.

SECTION 10. Application to State Bond Commission. Application be and the same is hereby formally authorized to be made to the State Bond Commission for consent and authority to hold the aforesaid Election as herein provided and that a certified copy of this Resolution will be forwarded to the State Bond Commission on behalf of the Governing Authority, together with a letter requesting the prompt consideration and approval of said application.

SECTION 11. Additional Notice Requirement. This Governing Authority made the announcement with respect to this Resolution required by La. R.S. 42:19.1, at its public meeting on Thursday, March 12, 2020 and published said announcement in the official journal on March 12, 2020. Such announcement was also transmitted via email to State Senators and Representatives on Monday, March 16, 2020.

This Resolution having been submitted to a vote; the vote thereon was as follows:

YEAS: MR. MACK, MR. WASCOM, MR. TALBERT, MR. HARRIS,
MR. MCMORRIS, MR. KEEN, MR. GIRLINGHOUSE, MR. ARD

NAYS: MR. DELATTE

ABSENT: NONE

ABSTAIN: NONE

WHEREUPON, this Resolution was declared to be adopted by the Parish Council of the Parish of Livingston, State of Louisiana, on this, the 9th day of April 2020.

/s/ Sandy C. Teal
Sandy C. Teal, Council Clerk

/s/ Shane Mack
Shane Mack, Council Chairman

The chair addressed agenda item number 9, "Rescind L.P.R. No. 20-056 adopted on February 6, 2020 regarding Nickens Lake, 3rd filing located in Council District No. 5" and advised that this item had been tabled and verified this with Councilman R.C. "Bubba" Harris.

The chair acknowledged that two (2) emails had been received for this agenda item, however, they would be addressed when this item is placed back on the agenda.

The chair being advised that there was nothing to report for agenda item 10, "District Attorney Report(s):", moved on to the next agenda item.

Councilman Tracy Girlinghouse reported that the Ordinance committee had not been afforded the opportunity to meet, therefore he had nothing to report at that time.

Councilman Jeff Ard reported the same for the Finance committee.

The chair addressed agenda item 12, "Councilmen's comments" and called upon Councilman John Wascom.

Councilman Wascom wished to acknowledge that this form of meeting together was very different than what they were accustomed to and that the chair was doing a fantastic job.

Having no further business, a motion to adjourn was requested until the next regular meeting that will be scheduled upon such time that allows given the precedence of the COVID-19 pandemic crisis, in Livingston, Louisiana.

LPR NO. 20-104

MOTION was offered by Jeff Ard and duly seconded by John Wascom to adjourn the April 9, 2020 regular meeting of the Livingston Parish Council.

Upon being submitted to a vote, the vote thereon was as follows:

YEAS: MR. KEEN, MR. GIRLINGHOUSE, MR. ARD, MR. MACK, MR. WASCOM,
MR. TALBERT, MR. HARRIS, MR. MCMORRIS, MR. DELATTE

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Thereupon the chair declared that the Motion had carried and was adopted and that the meeting was adjourned.

/s/ Sandy C. Teal
Sandy C. Teal, Council Clerk

/s/ Shane Mack
Shane Mack, Council Chairman