**Minutes of the Livingston Parish Council**

**Livingston, Louisiana**

**May 28, 2024**

The Livingston Parish Council met in a special session duly called, advertised, and convened at its regular meeting place, at the Governmental Building in the Parish Council Chambers, located on 20355 Government Boulevard, Livingston, Louisiana, on Tuesday, May 28, 2024, at the hour of four o’clock (4:00) p.m. with the following Livingston Parish Council members present:

 Lonnie Watts John Mangus

 Ryan Chavers Ricky Goff

 Erin Sandefur Dean Coates

 John Wascom Joseph “Joe” Erdey

Also present: Brad Cascio, Parish Legal Counsel

 Mickey McMorris, Parish Finance Director

Absent: Billy Taylor

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The chair called the May 28, 2024 Special Meeting of the Livingston Parish Council to order and advised that this special meeting was called to discuss retaining an attorney for a Council member who is being personally sued during the course of their duties.

The chair stated that this item was placed on the agenda at the request of Councilman Dean Coates and called upon him to speak on this matter.

Councilman Dean Coates stated that he believed that the agenda was misrepresented and how it was to be created. It was actually to represent the Council in these proceedings against them by Mr. Parker rather than single out Mr. Joe. He advised that he just wanted to say that. He further stated that he knew that under Section 4-02 legal departments, b, it doesn’t talk about anything about retaining a counsel for an individual council member, so the Council is being sued as well, based on the same merits, so we just hire that person for the Council itself. He asked if they understood what he was saying.

The chair stated that his initial request to him, was to have a meeting to authorize the Council to hire Mr. Erdey special counsel. He asked if Councilman Coates was now saying that he wanted to get legal representation for the whole Council?

Councilman Coates advised that was what he was saying is yes, it was misstated, and it was his error. He reiterated, that yes, this was to hire a representative for the entire Council because the entire Council is involved in this lawsuit. He stated that under Section B, no special legal counsel shall be retained by the Parish Government except by written contract for a specific purpose approved by the favorable vote of a majority of the authorized membership of the Council.

The chair asked if that was in the Home Rule Charter? Councilman Coates advised that it is absolutely in the Home Rule Charter.

The chair stated that he was under a different idea of what this meeting was about. He advised as per Councilman Coates’ request, he thought that it was to authorize the Parish to pay for legal counsel, just specifically for Councilman Erdey.

Councilman Coates advised that he did not know the legality on hiring an attorney to represent a specific member in a personal lawsuit. He did not think that would be legal to do, so yes, what we are doing is trying to get representation for the entire Council in this lawsuit.

The chair stated that he would address what he knew, and this had caught him by surprise. He advised that Mr. Brad Cascio probably knew about it, since he was the Council’s legal representation. He submitted that the suit from Mr. Marcelle Parker was against the government.

Mr. Cascio answered that was correct, and he believed that it was also against Mr. Erdey individually.

The chair reiterated that the suit was against the Parish governing authority and Mr. Erdey separately.

Mr. Cascio read from the agenda, “retaining an attorney for a member of the Livingston Parish Council for a lawsuit against them personally during the course of their duties”.

Councilman Coates asked Mr. Cascio if there was a need to lift the agenda to bring in this other issue.

Mr. Cascio advised that he believed so because now they were doing a totally separate thing than what was advertised for.

Councilman Coates stated that he would like to make a motion to lift the agenda. The chair advised that he was confused and asked what they were going to discuss that was not on the agenda?

Councilman Coates conveyed that it was his interpretation of what was on the agenda was actually still within the same framework of what it said as it is because it is not in a situation so that it says it’s going to represent the Council and we’re changing that to represent something that’s outside of the law. He advised what they were actually doing was, and reading from the agenda he stated, “To discuss retaining an attorney for a member of the Livingston Parish Council for a lawsuit against them…”.

The chair stated that there was no actual need to lift the agenda, to which Councilman Coates agreed, but Mr. Cascio thought that they should.

Mr. Cascio stated that if the Council members were going to be taking action other than what was on the agenda, then the agenda needed to be lifted. He explained that the agenda read differently and it was not the same thing.

Councilman Coates made a motion to lift the agenda and Councilman Ryan Chavers stated that he wished to second that motion.

The chair asked for clarification. Councilman Coates stated that his motion was to lift the agenda to discuss the topic of hiring a special attorney to represent the Council in this lawsuit matter with Mr. Parker.

The chair acknowledged that the same Home Rule Charter states that the District Attorney represents this Parish Council in that lawsuit. He questioned why did they need another attorney?

Councilman Coates advised that was what they were taking a vote on. The chair declared that they were voting to lift the agenda to discuss that.

Councilman Ricky Goff wished to add to the chair’s comment and advised that it must be a unanimous vote to lift the agenda and if he chooses not to lift the agenda, then you cannot address that item.

The chair allowed a lengthy open discussion.

**LPR NO. 24-216**

MOTION was made by Dean Coates and duly seconded by Ryan Chavers to lift the agenda to discuss the topic of hiring a special attorney to represent the Council in the lawsuit matter with Mr. Parker.

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

YEAS: MR. GOFF, MR. MANGUS, MR. CHAVERS, MR. COATES, MR. ERDEY, MS. SANDEFUR

NAYS: MR. WASCOM, MR. WATTS

ABSENT: MR. TAYLOR

ABSTAIN: NONE

Thereupon the chair declared that the Motion **DID NOT** carry as it was **not unanimous**.

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The chair asked Councilman Coates if he wished to discuss what was on the agenda to obtain an attorney for Councilman Erdey?

Councilman Coates asked Mr. Cascio if that was legal to do?

Mr. Cascio advised that the law of the state says that he will have to retain his own lawyer and in the event that he is successful, the Parish can, but doesn’t have to, reimburse him for the legal expenses. He further explained that there were certain state agencies that cover individuals, but local government officials are not, and there are no actual statutes on point and the AG’s opinions and the law on it that is applicable to this is that you cannot pay for it upfront, but if he is successful, the Parish can, but doesn’t have, reimburse or indemnify him for his legal expenses and costs.

Councilman Ricky Goff questioned if hypothetically, if the vote would have passed being unanimous, and the Council would have lifted the agenda, part of that has a mandate to have a contract with the special counsel and did he have that? And a dollar amount?

Councilman Coates advised that he did have a contract with a dollar amount.

Councilman Goff requested if he could share that after the meeting. He explained that he had not seen that and he knew that was part of the criteria.

Councilman Coates stated that he would be glad to share that with him. Councilman Joe Erdey held up a document and said, “right here”.

The chair questioned if the contract was for the Council or just for him? Councilman advised that it was for the Council.

Councilman Ricky Goff advised that he wanted to make sure even if they got past that hurdle, that they still had the rest of what was required in place and ready to go. He declared that he believed one hundred percent (100%) after speaking with Mr. Moody earlier that morning, he felt a little bit better about possibly having a chance to win this or at least have a good fight. He asserted that everyone knew his feelings on this from the beginning, but they were in the middle of a lawsuit that they should not be in to start with. He acknowledged that there was a lot of people on the Council that do not feel comfortable about Mr. Moody, as he had his own difficulties with him, but he knew that Mr. Moody would do his very best with whatever case he fights with. He was curious to see what the contract rate of the other attorney would be because he predicted that it would cost more than the Parish’s representation. He advocated that they just move forward with the way that it is, they had a good attorney that was going to fight for them and that was the way that it was going to go.

Councilman Ryan Chavers confirmed that Councilman Joe Erdey was being sued personally and he wanted his own attorney, he does not want Moody Law Firm representing him personally. He indicated that there were two (2) lawsuits, one (1) against the Council, and one (1) against Joe Erdey personally.

Councilman Chavers advised that what Councilman Goff was saying was for Councilman Erdey to move forward with your personal attorney. He was not saying that you would have to use Mr. Moody. Councilman Chavers declared that he would personally not like to use Mr. Moody to represent him, but that was just his personal opinion. Councilman Erdey stated that he was not going to represent him. Councilman Chavers reiterated that was what Councilman Goff was saying.

 Councilman Goff stated that was Councilman Erdey’s decision. He could get whoever he wished and as Mr. Cascio pointed out, once that it was all over with and done and you actually win the case, then it proves your point that you were correct in your actions. If Councilman Erdey loses the case, then this Council cannot pay and that is why the bills are not paid in advance. You have to prove that you were within your bounds and then this Council has the opportunity to vote to repay his legal fees. Councilman Goff wished to tell Councilman Erdey that he would be the first one to tell him that he would support him.

Councilman John Mangus questioned how did the bonding come into effect on that because didn’t they have insurance?

The chair called upon Mr. Mickey McMorris, Parish Finance Director and asked if he could address this question in regard to bonding.

Mr. McMorris addressed the Council members and defined that a bond actually preserves the monetary value for the Parish and it does represent the Council members in any way. He instructed that if they would do something that harmed the Parish, then the Parish could recoup that money.

Councilman Goff suggested that what Councilman Mangus could be looking for, would be Errors and Omissions insurance. He stated that Errors and Omissions would cover Councilman Erdey in this situation. He discussed that they had looked at this before and he remembered that this type of insurance for the Council members was quoted at four hundred thousand dollars to five hundred thousand dollars ($400,000.00 to $500,000.00).

Mr. McMorris advised that Administration had moved on that, but the application process was quite extensive. He stated that they have submitted that to Gallagher Insurance and they are currently working on an estimate. He further advised that it is a very difficult insurance.

Councilman Mangus asked if the Council members were bonded? Mr. McMorris stated that the Council members were definitely bonded, but that is to protect the Parish, not you personally.

The chair allowed an open discussion. Councilman Erdey theorized what the repercussions would be if he did not win the case.

Councilman Coates asked what method do we have in place to correct an item on the agenda? The chair stated that “you get it right to begin with”. Councilman Coates asked again, in the event that something is put on the agenda and it’s incorrect, how do you correct it?

Councilman Ricky Goff tried to answer Councilman Coates, to which he stated that he was asking Mr. Wascom please.

The chair stated that he would defer that to Councilman Goff because he was confused.

Councilman Goff stated that the only way that he knew of, would be to do an addendum which has time constraints. He advised that the second recourse that you would have is to get the agenda lifted when the meeting is called if you can get the unanimous vote.

Councilman Erdey wished to add to his statement made earlier in the meeting.

The chair allowed a very lengthy open discussion.

Councilman Coates asked what the chances were in getting a continuance tomorrow?

Mr. Cascio advised probably not great. He questioned what would be the reason for the continuance? They would have to have a compelling reason.

Mr. Cascio stated that if Mr. Erdey were to hire his own attorney, his own attorney could request a continuance being that he is just enrolling.

Councilman Coates asked if Mr. Erdey does not have it by tomorrow’s court date, he could represent himself and apply for a continuance?

Mr. Cascio advised that he could ask and it would be up to the judge’s discretion.

The chair ascertained that if Councilman Erdey did not get a separate attorney and decided that he now wished for our legal counsel to represent him tomorrow, they would still be there and they are representing him now whether chooses it or not.

Mr. Cascio stated that was correct.

The chair allowed an open discussion.

There was no action taken during this meeting.

Having no further business, a motion to adjourn was requested until the next regular meeting being scheduled on Thursday, June 13, 2024, at the hour of six o’clock (6:00) p.m. in Livingston, Louisiana.

**LPR NO. 24-217**

MOTION was offered by Dean Coates and duly seconded by Ricky Goff to adjourn the May 28, 2024 special meeting of the Livingston Parish Council.

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

YEAS: MR. WASCOM, MR. WATTS, MR. GOFF, MR. MANGUS, MR. CHAVERS, MR. COATES, MS. SANDEFUR

NAYS: NONE

ABSENT: MR. TAYLOR

ABSTAIN: MR. ERDEY

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

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\s\ Sandy C. Teal \s\ John Wascom

Sandy C. Teal, Council clerk John Wascom, Council chairman

**The audio and video for this meeting may be found in its entirety on the Livingston Parish** **Council’s YouTube page at:**

[**https://www.youtube.com/watch?v=yunvSS0nRQo&t=300s**](https://www.youtube.com/watch?v=yunvSS0nRQo&t=300s)

 **It may also be found on the Livingston Parish Council’s website at:** [**https://www.livingstonparishcouncil.com/**](https://www.livingstonparishcouncil.com/)

**If you have any questions, please contact Sandy Teal at the Livingston Parish Council office at (225)686-3027.**