

**PROCEEDINGS OF THE POLICE JURY, PARISH OF OUACHITA,
STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING
HELD ON, MONDAY, AUGUST 5, 2013 AT 5:35 P.M.**

The Police Jury of the Parish of Ouachita, State of Louisiana met in a regular session in the Ouachita Parish Police Jury Meeting Room, Courthouse Building, Monroe, Louisiana on Monday, August 5, 2013 at 5:35 p.m., and was duly convened by Mr. Shane Smiley, President.

The invocation was given by the president. The Pledge of Allegiance to the flag was led by the president.

<u>Members Present</u>	(4)
Scotty Robinson	District A
Mack Calhoun	District B
Shane Smiley	District E
Pat Moore	District F

<u>Members Absent</u>	(2)
Walt Caldwell	District C
Ollibeth Reddix	District D

APPROVAL OF AGENDA:

The president asked if there were any additions or amendments to the agenda. Mr. Mitchell asked to add Ordinance 9017 under Mr. Robinson’s name for introduction only. Mr. Mitchell stated that the ordinance will revoke a portion of the right-of-way on Eagle Lake Drive and that the amendment was required so as not to delay a sale of adjoining property. Motion offered by Mr. Robinson, seconded by Mr. Calhoun to add the item to the agenda. Motion passed without opposition.

Mr. Caldwell and Dr. Reddix entered the meeting at this point.

Motion offered by Mr. Caldwell, seconded by Mr. Robinson to approve the agenda with the amendment. Motion passed without opposition.

PUBLIC COMMENT PERIOD:

The president asked for public comments on the agenda as approved. No one appeared or came forth to speak during this time.

A motion to adopt the minutes of the regular Police Jury meeting including the Committee Meetings held on July 15, 2013, was offered by Mr. Caldwell, seconded by Ms. Moore. Motion passed with Dr. Reddix and Mr. Smiley abstaining.

SERVICE AWARDS FOR THE MONTH OF AUGUST:

Green Oaks

Ronaldlyn Prieto – 5 Years
Dennis Hall – 5 Years
Shirley Dunn – 15 Years
Sandra Moncrief – 15 Years

Public Works

Ricky Dunn – 20 Years

911 Office

Linda Butler – 10 Years

VISITORS:

The president recognized Francis Huffman with Luffey, Huffman, Ragsdale & Soignier. Mr. Huffman presented the 2012 audit report. The firm issued an unmodified opinion on the Police Jury's financial statements. There were three findings that management had already begun resolving.

The president recognized Herbert Munholland and Henry Shuler with the Prairie Road Water District. Mr. Shuler spoke regarding the LCDBG application and stated that Prairie Road Water District needed to install a new water well and treatment facility. Mr. Shuler stated that the Police Jury would not be responsible for engineering or consultant costs. Discussion ensued. After discussion, motion offered by Ms. Moore, seconded by Dr. Reddix to approve submitting an application to install a new water well and treatment facility for Prairie Road Water District. Motion passed with Mr. Caldwell abstaining.

DEPARTMENT HEAD REPORTS:

The following department heads presented monthly reports.

CODE ENFORCEMENT:

Deputy Wayne Heckford

Deputy Heckford stated that he did not have any items to add to his written report.

FEDERAL PROGRAMS:

Ms. Doretha Bennett, Director

Ms. Bennett stated that she did not have any items to add to her written report.

FIRE DEPARTMENT:

Chief Patrick Hemphill

Chief Hemphill stated that he did not have any items to add to his written report.

GREEN OAKS:

Mr. Lamar Anderson, Director

Mr. Anderson asked Mr. Morris to speak regarding the Jail Management System. Mr. Morris stated that he, the warden, and Mr. Anderson recommended New World System for the reasons outlined in his memorandum. Motion offered by Mr. Caldwell, seconded by Mr. Robinson to approve New World System for the Jail Management System at Green Oaks and OCC. Motion passed without opposition.

Mr. Anderson informed the Jury that Green Oaks will have a clean up day on August 31.

HOMELAND SECURITY:

Mr. Neal Brown, Director

Mr. Brown stated that he did not have any items to add to his written report.

LIBRARY:

Ms. Robin Toms, Director

Ms. Toms stated that she did not have any items to add to her written report.

MOSQUITO CONTROL:

Ms. Shannon Rider, Director

Ms. Rider stated that she did not have any items to add to her written report.

OCC CORRECTIONS:

Warden Patrick Johnson

Warden Johnson stated that he did not have any items to add to his written report.

911 OFFICE:

Mr. Craig Lott

Mr. Lott stated that he did not have any items to add to his written report.

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A motion to recess the regular meeting in favor of the Personnel Committee meeting was offered by Mr. Robinson, seconded by Mr. Caldwell. Motion passed without opposition.

PERSONNEL COMMITTEE MEETING

The chair, Dr. Reddix, called the Personnel Committee meeting to order at 6:21 p.m.

The chair recognized Chief Hemphill, Fire Department. Chief Hemphill recommended the following personnel actions for approval.

SICK LEAVE

Amin, Ismail	Termination of Sick Leave	Effective 07/08/2013
McDougal, R.	Extended Sick Leave	Effective 07/17/2013
Matlock, Mervyn	Termination of Sick Leave	Effective 08/01/2013

Motion offered by Mr. Smiley, seconded by Mr. Robinson to approve the sick leave as recommended by the chief. Motion passed with Dr. Reddix abstaining.

LEAVE

Harrison, Rodney	Military Leave Without Pay	Effective 07/26/2013
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Motion offered by Ms. Moore, seconded by Mr. Calhoun to approve the leave as recommended by the chief. Motion passed without opposition.

RESIGNATIONS

Alvis, Terry	Retired	Effective 08/07/2013
Gates, Paul	Retired	Effective 08/07/2013

Motion offered by Mr. Smiley, seconded by Mr. Robinson to approve the resignations as recommended by the chief. Motion passed without opposition.

CONFIRMATIONS

Bremer, Derek	From Prob. Firefighter	To Perm. Firefighter	Effective 08/05/2013
Clifton, Caleb	From Prob. Firefighter	To Perm. Firefighter	Effective 08/05/2013
Darden, Jacob	From Prob. Firefighter	To Perm. Firefighter	Effective 08/05/2013
Fontana, Jordan	From Prob. Firefighter	To Perm. Firefighter	Effective 08/05/2013
Hill, Kyle	From Prob. Firefighter	To Perm. Firefighter	Effective 08/05/2013
Hunter III, C.	From Prob. Firefighter	To Perm. Firefighter	Effective 08/05/2013
Hunter, John	From Prob. Firefighter	To Perm. Firefighter	Effective 08/05/2013
Jones, Cameron	From Prob. Firefighter	To Perm. Firefighter	Effective 08/05/2013
Meredith, A.	From Prob. Firefighter	To Perm. Firefighter	Effective 08/05/2013
Oliveaux, C.	From Prob. Firefighter	To Perm. Firefighter	Effective 08/05/2013
Tolson, Kyle	From Prob. Firefighter	To Perm. Firefighter	Effective 08/05/2013

Motion offered by Ms. Moore, seconded by Mr. Smiley to approve the confirmations as recommended by the chief. Motion passed without opposition.

Chief Hemphill recommended hiring William Baldrige to the position of Communication Officer. Motion offered by Mr. Smiley, seconded by Mr. Robinson to approve the new hire. Motion passed without opposition.

The chair recognized Mr. Anderson, Green Oaks. Mr. Anderson spoke regarding the education reimbursement for Jermaine Cooper and stated that he has met all of the requirements. Motion offered by Mr. Caldwell, seconded by Mr. Calhoun to approve the education reimbursement. Motion passed without opposition.

The chair recognized Mr. Cammack, Treasurer. Mr. Cammack spoke regarding health insurance for 2014 and stated that everything has to be in place by October 31. Mr. Cammack stated that needed direction on how the Jury wanted to receive insurance quotes for 2014. Motion offered by Mr. Caldwell, seconded by Mr. Robinson to receive quotes from multiple agents. Motion passed without opposition.

There being no other business to come before this committee, a motion to adjourn and enter into the Public Works Committee meeting was offered by Mr. Caldwell, seconded by Mr. Robinson. Motion passed without opposition.

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PUBLIC WORKS COMMITTEE MEETING

The chairman, Mr. Calhoun, called the Public Works Committee meeting to order at 6:28 p.m. The chairman recognized Mr. Riggin, Lazenby & Associates.

Mr. Riggin spoke regarding Change Order No. 2 for Keystone Road and stated that the change order was for an increase of \$5,976.37 to the previous contract amount. Motion offered by Mr. Caldwell, seconded by Mr. Robinson to approve Change Order No. 2 for Keystone Road. Motion passed without opposition.

Mr. Riggin spoke regarding Keystone Road and stated that the project is substantially complete. Motion offered by Mr. Caldwell, seconded by Mr. Robinson to accept the substantial completion. Motion passed without opposition.

Mr. Riggin spoke regarding Vernon Drive Canal/Wanda Drive cross drain and stated that the project is complete and final inspection will be performed later in the week.

Mr. Riggin spoke regarding the Green Springs Clearwater Circle project and stated that the project is under construction and it should be complete through Crystal Drive later in the week.

Mr. Riggin spoke regarding Hannah's Run and Bayou Desiard ecosystem restoration project and stated that maps have been sent to the Division of Administration with a request to move funds from the Bayou Desiard project to the Hannah's Run project.

Mr. Riggin spoke regarding the J-1D Canal Disaster Recovery project and stated that the construction plans are being revised.

Mr. Riggin spoke regarding Moore Road Bridge and stated that the Public Works Department is working on acquiring the rights-of-way. Mr. Riggin also stated that the permit from the Corps of Engineers and the environmental clearance has been received. Mr. Riggin stated that the next step will be to relocate the utilities.

The chair recognized Mr. Cammack, Treasurer. Mr. Cammack spoke regarding the invoice from Lazenby and Associates, Inc. and stated that he needed approval to pay the invoice for the LA 143-US 165 Connector project. Motion offered by Mr. Caldwell, seconded by Mr. Robinson to approve Mr. Cammack to pay invoice 12964 from the general fund. Motion passed without opposition.

Ms. Moore exited the meeting at this point.

Motion offered by Dr. Reddix, seconded by Mr. Caldwell to approve the right-of-way agent contracts for the T-1A and J-1D Canals. Motion passed without opposition.

Motion offered by Dr. Reddix, seconded by Mr. Caldwell to authorize the advertisement for bids for the LCDBG FY2012 Washington Street Area project. Motion passed without opposition.

Motion offered by Dr. Reddix, seconded by Mr. Caldwell to approve the drawdown for Cheniere Lake to start September 2. Motion passed without opposition.

The chair recognized Dr. Reddix, District D. Motion offered by Dr. Reddix, seconded by Mr. Robinson to request the Public Works Department to look at and consult with the engineer on lane markings on Willet Place Boulevard. Motion passed without opposition.

There being no other business to come before this committee, a motion to adjourn and reconvene the regular meeting was offered by Mr. Robinson, seconded by Mr. Caldwell. Motion passed without opposition. The meeting was adjourned at 6:45 p.m.

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MOTIONS * ORDINANCES * RESOLUTIONS:

The president recognized Mr. Robinson, District A.

MR. SCOTTY ROBINSON, DISTRICT A:

Mr. Robinson introduced the following ordinance.

ORDINANCE NO. 9017

AN ORDINANCE REVOKING THE UNUSED PORTION OF THE RIGHT-OF-WAY OF EAGLE LAKE DRIVE LOCATED NORTH OF THE END OF THE PRESENT ROADWAY; AND, FURTHER PROVIDING WITH RESPECT THERETO.

WHEREAS, by conveyance(s) dated January 4, 1996 and of record in Book 1663 Page 910 of the Conveyance Records of Ouachita Parish, the Eagle Lake Homeowner's Association granted to the Ouachita Parish Police Jury the rights-of-way for certain roads, including "Eagle Lake Road;"

WHEREAS, Eagle Lake Road is a hard-surfaced public road of the Ouachita Parish Police Jury that runs northerly from Comanche Trail a distance of 4,304 feet, where said hard-surfaced roadway ends;

WHEREAS, the right-of-way or servitude granted for said Eagle Lake Road continues northerly past the end of the present roadway; and,

WHEREAS, the Ouachita Parish Police Jury has no plans, intent or reason to extend Eagle Lake Road any further northward than the present end of the hard-surfaced roadway;

NOW, THEREFORE:

BE IT ORDAINED by the Ouachita Parish Police Jury at a Regular Meeting held on August 19, 2013, that the portion of the right-of-way of Eagle Lake Road extending north of the present end of the hard-surfaced roadway be, and is hereby, revoked.

BE IT FURTHER ORDAINED that the Ouachita Parish Police Jury expressly makes this revocation subject to a reservation of all rights of ingress and egress to the properties contiguous to said right-of-way.

The president recognized Mr. Calhoun, District B.

MR. MACK CALHOUN, DISTRICT B:

Motion offered by Mr. Calhoun, seconded by Mr. Caldwell to support the efforts of the Sparta Aquifer Commission to conserve groundwater in an area including parts of Ouachita Parish and to make a funding contribution to said commission in the amount of \$5,000. Motion passed without opposition.

Ms. Moore re-entered the meeting at this point.

The president recognized Mr. Caldwell, District C.

MR. WALT CALDWELL, DISTRICT C:

Motion offered by Mr. Caldwell, seconded by Dr. Reddix to accept the 2012 Audit. Motion passed without opposition.

The president recognized Dr. Reddix, District D.

DR. OLLIBETH REDDIX, DISTRICT D:

Dr. Reddix asked to defer the matter concerning Stonegate Drive.

Dr. Reddix asked for an update on Althea Drive located in the Pine Bayou Subdivision. Mr. Riggin stated that the contract was awarded to R. D. Owens Construction in the amount of \$32,246.

Motion offered by Dr. Reddix, seconded by Mr. Caldwell to approve the Cooperative Endeavor Agreement with the Ouachita Parish School Board regarding Coordination Agreement Funding. Motion passed without opposition.

Dr. Reddix, seconded by Ms. Moore offered the following resolution for adoption.

RESOLUTION 13-31

A RESOLUTION REQUESTING THE LOUISIANA DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF A TRAFFIC SIGNAL AT THE INTERSECTION OF LOUISIANA HWY. 594 AND WILLET PLACE BOULEVARD; AND FURTHER PROVIDING WITH RESPECT THERETO.

WHEREAS, the only means of ingress and egress for Willet Place subdivision and adjacent residential areas is to access La. Hwy. 594 by way of Willet Place Boulevard;

WHEREAS, conditions in the area that have arisen since the development of these subdivisions, including the location of Ouachita Parish High School and a marked increase in train traffic have made it such that it is often difficult and/or

dangerous for these residents to enter La. Hwy. 594 or turn left onto Willet Place Boulevard ; and,

WHEREAS, the Ouachita Parish Police Jury believes that a traffic signal at the intersection of La. Hwy 594 and Willett Place Boulevard has the potential to be of significant benefit to the residents of these residential areas and to all members of the motoring public using La. Hwy. 594;

NOW, THEREFORE:

BE IT RESOLVED by the Ouachita Parish Police Jury in a regular public meeting held on August 5, 2013, does by these presents formally request the Louisiana Department of Transportation and Development to study the feasibility of placing a traffic signal at the intersection of La. Hwy 594 and Willett Place Boulevard;

BE IT FURTHER RESOLVED that the President is hereby authorized to execute such correspondence or other communications as are reasonable and necessary to convey the request stated herein to Louisiana Department of Transportation and Development for consideration and action, and to the legislative delegation representing eastern Ouachita Parish.

The above resolution was adopted the 5th day of August, 2013.

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Dr. Reddix introduced the following ordinance.

ORDINANCE NO. 9015

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE J. S. CLARK MEMORIAL PARK CEMETERY; AND, FURTHER PROVIDING WITH RESPECT THERETO.

WHEREAS, several years ago the Ouachita Parish Police Jury accepted ownership of the J. S. Clark Memorial Park Cemetery located on Berg Jones Lane in Monroe, Louisiana;

WHEREAS, the Ouachita Parish Police Jury created the J. S. Clark memorial Park Cemetery Advisory Board to assist the Police Jury in the operation and improvement of this cemetery;

WHEREAS, after much work and deliberation said Advisory Board has recommended that the Police Jury adopt certain rules and regulations to govern the operation of the cemetery; and,

WHEREAS, the Ouachita Parish Police Jury finds that the adoption of the rules and regulations set forth below will improve the operation and condition of J. S. Clark Memorial Park Cemetery and are, therefore, in the public interest.

NOW, THEREFORE:

BE IT ORDAINED by the Ouachita Parish Police Jury in legal and regular session that the Compiled Ordinances of Ouachita Parish be, and are hereby, supplemented and amended to include the matters set forth below:

**“RULES AND REGULATIONS FOR J. S. CLARK MEMORIAL PARK
CEMETERY**

GENERAL

1. All lot owners, visitors and persons coming within the J.S. Clark Memorial Park Cemetery on Berg Jones Lane in Monroe, Louisiana (hereinafter “Cemetery”) for any reason shall be subject to these rules and regulations. Any reference to the rules and regulations of the cemetery in the deed or certificate of ownership to lots, plots, or graves (hereinafter referred to collectively as “gravesites”) therein shall have the same force and effect as if these rules and regulations were set forth at length in said deed or certificate.
2. No gravesite owner shall cut down, destroy, remove, trim or prune any trees within the Cemetery, without the express permission of the Ouachita Parish Police Jury (hereinafter “OPPJ”).
3. All persons are prohibited from climbing trees or climbing upon or over monuments or gravestones, whether the monuments belong to the J.S. Clark Cemetery or to any individual gravesite owner.
4. Any and all persons entering the property shall be liable under applicable state and/or local laws for any damage to the Cemetery property or to the property of any owner of a gravesite, which is caused by them during the time they are on the Cemetery grounds.
5. All disorderly persons, or persons who willfully violate any of the rules and regulations of the Cemetery or who trespass upon the Cemetery grounds, may be ejected from the grounds and refused reentry thereafter.
6. All animals of any kind are prohibited (horses, dogs etc.) from all parts of the Cemetery, with the exceptions of service animals or animal used during ceremonies.

OWNERSHIP AND TRANSFER OF GRAVESITES

1. The conveyance of any gravesite in the Cemetery confers only the right of interment of a specified number of human remains within the gravesite conveyed.
2. No sale, transfer, or other conveyance of any gravesite, or interest therein, shall be valid until a copy thereof has been delivered to the OPPJ and the OPPJ's written acceptance of such transfer has been endorsed upon thereon. A "Transfer Fee" of \$50.00 shall be paid to the OPPJ in connection with such transfers.
3. The OPPJ may refuse to consent to any sale or transfer of a gravesite, as long as there is any indebtedness due the OPPJ from the record owner.

INTERMENTS AND DISINTERMENTS

1. All interments and disinterments are to be made under the direction and authority of properly licensed funeral homes/directors, at the expense of the gravesite owner.
2. Interments and disinterment shall be between the hours of 10:00 am and 4:00 pm.
3. All interments of human remains (except for cremated remains) shall be within approved concrete, metal or other approved burial vaults.
4. In each single gravesite in a cemetery plot, there may be interred one adult remains or five cremated adult remains or one adult remains and one cremated remains.
5. No interments will be permitted unless a signed authorization for burial is received by the OPPJ from the gravesite owner or the owner's representative or funeral director.
6. No disinterment shall be allowed except with the written consent of the OPPJ and upon proof of compliance with all applicable laws.
7. No interments shall be permitted in any gravesite for which any balance is due the OPPJ.
8. Not less than 30, nor more than 45, days after any interment or disinterment the funeral director shall check the gravesite and fill any holes or settlement of the grave to grade. Also, any ruts, holes or other disturbance to the grounds around the gravesite caused by the interment/disinterment activities must be repaired or filled.

FOUNDATIONS, MONUMENTS AND MARKERS FOR CEMETERY PLOTS ONLY

1. Gravesites will be located and marked by the OPPJ upon the request of the gravesite owner, said owner's representative, or funeral director. The OPPJ reserves the right to make such alterations or adjustment in the plan of the grounds as it deems reasonable and proper to promote the general interests of the Cemetery.
2. All monuments and headstones must be built upon foundations sufficient to insure the stability and alignment thereof. The erection of monuments and headstones, and their foundations, shall be the responsibility of the gravesite owner or said owner's representatives or survivors. All monuments, headstones, and foundations shall be located within the boundaries of the gravesite and in reasonable alignment with adjacent monuments, headstones, and foundations.
3. At least thirty days' notice must be given to the OPPJ prior to the building of such foundations and/or the erection of such monuments, headstones and the like.
4. Monuments, markers or headstones shall not exceed 5 feet in height without prior approval of the OPPJ.
5. No monuments, markers or headstones shall be constructed of limestone, sandstone, soapstone or any artificial material without the prior written approval of the OPPJ.
6. Should any monument, marker or headstone become unsightly, dilapidated, or an unreasonable risk of harm to visitors, the OPPJ shall have the right to correct the condition at the expense of the owner or to remove the monument, marker or headstone causing the condition.
7. Lot corner posts must be of granite stone and placed with the top surface even with the ground surface. Initials shall be cut in, and shall not be raised above the top surface of the stone unless previously approved in writing by the OPPJ.
8. No gravesite shall be enclosed or have its boundaries defined by any fence, railing, coping, hedge, trees, shrubs, embankments, depressions or similar device unless approved in writing by the OPPJ.
9. All contractors who set monuments, markers or headstones in place in the Cemetery must remove all refuse and unused materials. Should any contractor fail to do so, such refuse removal will be done by the OPPJ at the expense of the contractor.
10. All Funeral Homes shall provide the OPPJ with the name and address of all contractors used to dig graves, construct foundations, or erect markers in the Cemetery.

PLANTING AND CARE OF LOTS

1. The planting of flowers, shrubs, trees, ivy or plants of any kind is prohibited unless prior written approval has been granted by the OPPJ.
2. The OPPJ reserves its right to remove any tree or shrub, or the root thereof, which is in any way detrimental, whether or not such tree or shrub is located wholly or partially within the boundaries of any gravesite.
3. Metal or plastic flowers or the use of metal or glass or plastic flower pots or flower containers embedded in the ground are permitted, but such must be removed if their condition becomes dilapidated or unsightly.
4. Flowers and other natural grave decorations are permitted, but they must be removed from the grave if they become dead, wilted or otherwise deteriorated, All Christmas decorations must be removed no later than January 31st; all Easter decorations must be removed no later than May 1st.
5. All funeral flowers or decorations may be removed from gravesites at the discretion of the OPPJ.

MAINTENANCE AND PRESERVATION FUND

1. The charges for gravesites have been recommended by the Cemetery Advisory Board and are listed in a schedule available in the Ouachita Parish Police Jury Office. The prices for gravesites and charges for interments are subject to change from time to time by action of the OPPJ.
2. The amount paid for a gravesite shall be put in the Cemetery's Maintenance Fund. The income from this fund is dedicated to all ordinary care and maintenance of the lot, such as grass cutting, raking, care of trees, removal of dead bushes and trees, and attention to general tidiness.

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MR. SHANE SMILEY, DISTRICT E:

Motion offered by Mr. Smiley, seconded by Mr. Robinson to schedule the meeting date for the levy of annual ad valorem taxes and service charges for September 16. Motion passed without opposition and the matter was further announced as required by Act No. 267 (Reg. Sess. 2013).

The president recognized Ms. Moore, District F.

MS. PAT MOORE, DISTRICT F:

Ms. Moore asked for an update on the Charmingdale Subdivision drainage improvements. Mr. Riffin stated that the survey crew is scheduled for this next week.

Ms. Moore asked for an update on Harmon Johnson Road. Mr. Riggin stated that plans and specifications are complete and the bid opening will be August 22.

Ms. Moore introduced the following ordinance.

ORDINANCE NO. 9016

AN ORDINANCE TO PROVIDE FOR SALE OF ADJUDICATED PROPERTIES; AND, FURTHER PROVIDING WITH RESPECT THERETO.

WHEREAS, the Parish of Ouachita has an interest in the health, safety and welfare of its citizens; and

WHEREAS, numerous properties have been adjudicated to the Parish for nonpayment of taxes; and

WHEREAS, Act 819 was enacted by the 2008 Legislative Session, revising La. R.S. 47:2121, *et seq.* to establish procedures for the sale of adjudicated properties, and the Parish of Ouachita desires to establish and adopt such procedures in order to place such adjudicated properties back into the economic stream of commerce for the benefit of its communities; and

WHEREAS, R.S.47:2201, authorizes a political subdivision to adopt general ordinances governing the public sales and donations of adjudicated property.

NOW THEREFORE:

I. ADMINISTRATION

Ouachita Parish Police Jury hereby establishes the Ouachita Parish Adjudicated Property Program, which shall be administered by the Ouachita Parish Police Jury (hereinafter "OPPJ" or "Parish" or "Police Jury"). The Parish shall contract with a third party administrator or management company (hereinafter "Management Company") to administer the sale or donation of adjudicated properties in the Parish.

The OPPJ hereby authorizes, pursuant to La. R.S.47:2196, the public sale of all properties adjudicated to the Parish since January 1, 1975, and for a period of at least five (5) years. The sale of said properties shall be governed by the laws of the State of Louisiana and this Ordinance.

II. PUBLIC INFORMATION AND DISCLOSURE

Forms and instructions shall be accessible to the public from the web site or printed publication produced and provided by Ouachita Parish for such purposes, to include the following:

- A. Listing of all properties adjudicated to the Parish with links to the Parish Assessor's online database, if possible.
- B. Notice to Buyers, which shall contain instructions, disclosure of rights, and contact information.
- C. Persons questioning the status of their property taxes shall be instructed to contact the Parish Assessor's office.
- D. Copy of Parish Ordinance regulating policies and procedures for sale of adjudicated properties.
- E. Definitions and citation to Louisiana Revised Statutes.
- F. Offer to Purchase Form with instructions for completion and assistance.

III. PRE-BIDDING PROCESS

A. Initiation of Sale

The Parish Assessor shall annually compile a list of names and addresses of adjudicated properties from the tax roll records and make such list available to the public in printed form, and on the Parish website if possible. The Parish Assessor shall also forward such list to the Management Company.

Pursuant to La. R.S 2203, the sale of such adjudicated property may be prompted by individual interest (whether it be a natural person or juridical person) or at the request of the Parish or Police Jury, at any time.

An individual submitting a request for the sale of specific property shall submit an application with a certified check or money order in the amount of \$1250.00 for each piece of property, payable to *Ouachita Parish, Adjudicated Properties Program*. Of this fee, \$250.00 shall constitute a deposit to ultimately be credited to the purchase price of the property upon closing. The remaining \$1000.00 shall be applied to the administrative expenses as described herein below.

Upon receipt of application and fee, the Management Company shall conduct a preliminary investigation to confirm that the property has been adjudicated, has not been redeemed and has not been determined as needed for a public purpose.

After the preliminary investigation, the Management Company shall:

1. Conduct a physical inspection of the property. Inspection of property shall serve only to verify if property is vacant land or if a structure is present, and the condition of such structure. At the time of the inspection, an attempt shall be made to verbally communicate with any party residing on the property. If no one is residing on said property, an attempt to communicate with neighbors will be made. Verbal communication will include the status of ownership, if known, and how to contact such owner. All attempts to communicate will be evidenced in written property inspection reports which shall be made available to the Parish Police Jury upon request.

2. Conduct Title Research - Title research shall include copies of all documents from the public record. If necessary, surrounding properties may be researched to ascertain the physical location and boundaries of subject properties. Management Company shall utilize abstracting services of insured abstractors at its discretion. Said title search shall include tax certificates obtained from the Ouachita Parish Tax Collector, mortgage certificates obtained from Ouachita Clerk of Court, and any records obtained from Parish Assessor's office. Copies of surveys and maps of record may also be provided.
3. Effect Public Notice - The public sale by auction shall be advertised at least twice in the official journal for the Parish of Ouachita, once at least thirty days prior to the date of the public sale, and once no more than seven days prior to the date of the public sale. The notice shall provide for the minimum bid, the latest date written bids will be accepted, the time and date of in-person bidding, if any, and any other terms of sale.
4. Other Administration and Determination of Minimum Bid Amount – The Management Company shall prepare inspection reports, send statutory notices to all interested parties, and confirm the minimum bid price, based upon total amount of liens and taxes due, and acquisition costs. Pursuant La. R.S. 47:2202, Ouachita Parish hereby establishes that the minimum bid at the public sale of an adjudicated property shall not be less than the lesser of:
 - a) The total amount for which the property was adjudicated, including all interest, costs, penalties, and the amount of any state, parish, city, levee district charges and all subsequent taxes and other local improvement or code enforcement charges; or,
 - b) Two-third the assessed value.

IV. BIDDING AND PUBLIC SALE

Except as otherwise provided in this ordinance, or by La. R.S. 47:2121 *et seq.*, the auction shall be governed by R.S. 9:3151 *et seq.* Following notice of sale being published in the official journal of the Parish of Ouachita, the following shall occur:

A. Public Auction

Public auction of adjudicated property shall be held at the OPPJ office located at Monroe, La. and shall be handled by the office of Parish Treasurer. All bid amounts are subject to final approval by the Parish. The Parish is hereby authorized to accept and/or reject any or all bids, and to execute any and all documents necessary to finalize the sale of properties sold pursuant to these procedures. If in any event a property is not sold at such public auction, the property shall remain adjudicated to the Parish.

B. Terms for Sale of Adjudicated Property

All Acts of Sale of adjudicated property shall contain provisions, acceptable in form and substance to the Parish, which provide that all such sales shall be for cash and shall be without warranty of title and without any warranty of merchantability or fitness; shall be "as is, where is"; that it shall be the obligation of the purchaser to obtain title insurance, if it is desired; that all such sales shall be subject to such encumbrances, liens, mortgages, real charges or other burdens reflected in the public records; and that the Act of Sale for such adjudicated property shall contain a condition which shall require the purchaser of such property to improve/renovate/make use of the tract, to the satisfaction of the administration, within 365 days of the passage of the Act of Sale and that, if the purchaser fails to timely comply with this provision, the Parish Jury shall have the right to rescind, dissolve or cancel the sale.

C. Notice to Tax Debtor and Tax Parties

(a) The Management Company, on behalf of the Parish for the benefit of the potential purchaser, shall give notice to any tax sale party whose interest that a prudent purchaser would intend to terminate, as determined by the Management Company, in its discretion, that he has until the later of the following to redeem the property or otherwise challenge in a court of competent jurisdiction the potential sale: (i) Sixty days from the date of the notice provided in this Subsection; or (ii) the filing of the act of sale transferring the property.

(b) The Management Company, on behalf of the Parish for the benefit of the potential purchaser, shall cause to be published in the official journal of Ouachita Parish a notice that any tax sale party whose interest that a prudent purchaser would intend to terminate has until the later of the following to redeem the property or otherwise challenge in a court of competent jurisdiction, the potential sale of the property: (i) Sixty days from the first publication of the notice provided for in this Subsection; or (ii) The filing of the sale or donation transferring the property.

(c) The Management Company shall make available during business hours to any potential bidder, upon reasonable request, the notices, the publication and the results of such notification and publication.

(d) The Management Company on behalf of the Parish for the benefit of the potential purchaser or the successful bidder may file with the recorder of mortgages of Ouachita Parish a copy of one of the notices that was sent to the tax debtor or the current owner. A transfer, mortgage, lien, privilege, or other encumbrance filed after the filing of the notice shall not affect the property. Pursuant to the provisions of La. R.S. 47:2206(C), the recorder of mortgages or recorder of conveyances shall cancel, erase, terminate, or release the acts upon the request of the Management Company or the successful bidder.

D. Closing Transaction

Within 10 business days of the six month or the sixty day period set forth in the notices provided above, closing of the transactions shall occur. Such date may be extended by mutual agreement of the Management Company, acting on behalf of the Parish, and the potential purchaser. On the day of closing, and immediately prior to closing, the purchaser shall provide the Management Company with written notice from the tax collector that the property to be purchased has not been redeemed.

Closings shall be conducted by the management company. However, purchaser may retain additional legal counsel, at its expense. The services provided by the Management Company shall consist of preparation of HUD Settlement Statement and Cash Sale.

At closing, the purchaser shall pay the net purchase price, reflecting any deposit that has been made and applied to the purchase price.

All sales are made without warranties whatsoever, except for warranty against eviction based on prior alienation by the political subdivision. Purchaser has the right to obtain title insurance, if available, at its sole cost and expense. All minerals and mineral rights shall be reserved by the Parish, if allowed by law. Cash Sales may contain additional reservations, requirements, restrictions, rights of way, and servitudes imposed by the Parish.

Upon recordation of the sale, disbursement of funds shall occur. All proceeds after the deduction of costs shall be paid pro rata to holders of statutory impositions and governmental liens, unless otherwise agreed. Any excess amount shall be paid to the Parish. Said disbursements will be included on the HUD Settlement Statement and approved by the Parish prior to closing.

E. Purchaser's Affidavit

1) Contemporaneously with or subsequent to the filing of the sale or donation of adjudicated property, the acquiring person, his successors, or assigns, at his own additional expense may file with the recorder of mortgages of Ouachita Parish indicating how the tax sale parties whose interest the acquiring person, his successors, or assigns, intends to be terminated were identified, how the address of each tax sale party was obtained, how the written notice was sent, the results of sending the written notice, and the dates of publication. The affidavit may also contain a statement of the interest to which the purchaser or done takes subject. The recorder of mortgages shall index the affidavit only under the names of the owner filing the affidavit and the tax debtor, as mortgagors. The affidavit shall conform to La. R.S. 47:2208(A).

2) With respect to a sale, the filing of the affidavit provided in Subsection (1) of this Section shall operate as a cancellation, termination, release, or erasure of record of all statutory impositions of all political subdivisions then due and owing, of all governmental liens, and of all interests, liens, mortgages, privileges, and

other encumbrances recorded against the property sold and listed in the affidavit.

3) Upon filing of the affidavit, the recorder of mortgages or the recorder of conveyances shall treat as canceled, terminated, released, or erased, all those liens, privileges, mortgages or other encumbrances canceled, terminated, released or erased under Subsection (2) of this Section, only insofar as they affect the property.

4) Purchaser shall be responsible for recording and paying any other recording fees, including, without limitation, fees for recording any affidavits.

V. LOT NEXT DOOR PROGRAM

Ouachita Parish Police Jury hereby further authorizes the Parish to sell any eligible adjudicated property to any adjoining landowner for any price set by the Parish without public bidding. In the event that there is more than one adjoining landowner interested in purchasing the property, preference will be given to the landowner that establishes that he or she has maintained the adjudicated property for a period of one year prior to the sale. In the event that more than one adjoining landowner has maintained the property for a period of more than one year, the landowner whose adjoining property has homestead exemption status shall be given the first opportunity to acquire the eligible adjudicated property. Such a sale shall be deemed a public sale, pursuant to La R.S. 47:2202(B).

VII. DONATION OF PROPERTY

The Ouachita Parish Police Jury hereby further authorizes the Parish, to the extent allowed by the Louisiana Constitution, to donate any eligible adjudicated property to be used only for purposes allowed by the Louisiana Constitution.

VIII. SEVERABILITY

If any provision contained in this ordinance is held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end, the provisions established herein are declared severable.

This ordinance becomes effective in accordance with dates set forth herein and five (5) days after publication in the Official Journal.

* * *

ADMINISTRATIVE REPORTS:

The president recognized Mr. Cammack, Treasurer.

FISCAL: Mr. Brad Cammack, Treasurer

Mr. Cammack stated that he did not have any additional items.

The president recognized Mr. Mitchell, Assistant District Attorney.

LEGAL: Mr. Jay B. Mitchell, Assist. Dist. Attorney

Mr. Mitchell stated that he did not have any items.

The president recognized Mr. David Cobb, Public Works Assistant Director.

PUBLIC WORKS: Mr. David Cobb, Assistant Director

Mr. Cobb stated that he did not have any items.

BEER AND WHISKEY APPLICATIONS:

Mr. Mitchell spoke regarding the beer and whiskey applications and recommended approval. Motion offered by Mr. Caldwell, seconded by Mr. Robinson to approve the following application. Motion passed without opposition.

DAHAL, BAL

**DBA PARADISE LOUNGE, 1500 BAILEY ST. STE. 2,
WEST MONROE, LA 71292, RETAIL BEER "CLASS
A", RETAIL LIQUOR "CLASS C", 2013 NEW**

OTHER BUSINESS:

There being no other business to come before the Jury, a motion to adjourn was offered by Dr. Reddix, seconded by Mr. Calhoun. The meeting was adjourned at 6:55 p.m.

A D J O U R N !

Shane Smiley, President

Karen Cupit, Recording Secretary