

**PROCEEDINGS OF THE POLICE JURY, PARISH OF OUACHITA,
STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD ON,
MONDAY, AUGUST 19, 2013 AT 5:40 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 19, 2013 at 5:40 p.m., and was duly convened by Mr. Shane Smiley, President.

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

<u>Members Present</u>	(6)
Scotty Robinson	District A
Mack Calhoun	District B
Walt Caldwell	District C
Ollibeth Reddix	District D
Shane Smiley	District E
Pat Moore	District F
<u>Members Absent</u>	(0)

APPROVAL OF AGENDA:

The president asked if there were any additions or amendments to the agenda. There were none. Motion offered by Dr. Reddix, seconded by Mr. Robinson to approve the agenda as published. Motion passed without opposition.

PUBLIC COMMENT PERIOD:

The president asked for public comments on the agenda as approved. No one came forth at this point in the meeting.

ADOPTION OF MINUTES:

A motion to adopt the minutes of the regular Police Jury meeting including the committee meetings held on August 5, 2013 was offered by Ms. Moore seconded by Dr. Reddix. Motion passed without opposition.

PUBLIC HEARINGS:

The president convened a public hearing on Ordinance 9015 – An Ordinance Establishing Rules and Regulations for the J. S. Clark Memorial Park Cemetery; and, further providing with respect thereto. No one appeared to speak in favor of or against said ordinance. Motion offered by Dr. Reddix, seconded by Mr. Robinson to close the public hearing. Motion passed without opposition.

The president convened a public hearing on Ordinance 9016 – An Ordinance to Provide for Sale of Adjudicated Properties; and, further providing with respect thereto. No one appeared to speak in favor of or against said ordinance. Motion offered by Mr. Caldwell, seconded by Dr. Reddix to close the public hearing. Motion passed without opposition.

The president convened a public hearing on Ordinance 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. No one appeared to speak in favor of or against said ordinance. Motion offered by Dr. Reddix, seconded by Mr. Calhoun to close the public hearing. Motion passed without opposition.

VISITORS:

There were none.

ENGINEERING REPORT:

The president recognized Kevin Crosby, Engineer. Mr. Crosby spoke regarding the Wanda Drive cross drain replacement and stated that the project was substantially complete and final inspection took place on August 13. Mr. Crosby stated that this was part of the Vernon Drive Canal LGAP project.

Mr. Crosby spoke regarding Pine Bayou Subdivision drainage improvements LGAP project and stated that the notice to proceed has been signed and that the contractor has 45 calendar days to complete the project.

Mr. Crosby spoke regarding the Charmingdale LGAP project and stated that they are working on the survey.

Mr. Crosby spoke regarding Moore Road Bridge and stated that the real estate agent has met with the property owners.

Mr. Crosby spoke regarding the J-1D, J-1E, and T-1A Canals and stated that the real estate agent is working on the projects and he would like to have a community meeting on August 26 for the T-1A Canal.

Mr. Crosby spoke regarding Harmon Johnson Road and stated that the bid opening will be on August 22.

Mr. Crosby spoke regarding the Tanglewood Raccoon Bayou project and stated that there has not been any work done lately. Mr. Cammack stated that he is waiting to hear from FEMA.

Mr. Crosby spoke regarding Hannah's Run and stated that he has talked to the state and that the state would be getting back in touch with him.

Motion offered by Dr. Reddix, seconded by Mr. Robinson to recess the regular meeting in favor of the Finance Committee meeting. Motion passed without opposition.

FINANCE COMMITTEE MEETING

The chairman, Mr. Caldwell, called the finance committee meeting to order at 5:51 p.m. The chairman recognized Mr. Cammack, Treasurer.

Mr. Cammack presented the claim statement for the period of July 7, 2013 through August 15, 2013 and recommended approval. Motion offered by Mr. Smiley, seconded by Dr. Reddix to approve the claims for the period stated as recommended by the treasurer. Motion passed without opposition.

Mr. Cammack stated that there will be a budget meeting on September 3 after the regular meeting.

Mr. Cammack presented the monthly exception reports.

There being no further business to come before this committee, a motion to adjourn the finance committee meeting and reconvene the regular meeting was offered by Mr. Robinson, seconded by Mr. Smiley. The finance committee meeting was adjourned at 5:56 p.m.

MOTIONS * ORDINANCES * RESOLUTIONS:

The president recognized Mr. Robinson, District A.

MR. SCOTTY ROBINSON, DISTRICT A:

Mr. Robinson asked Mr. Mitchell to speak regarding the name clarification for West Fairway Drive. Mr. Mitchell stated that the 911 office asked the Jury to take action to amend the parish road list which uses "Fairway Drive" to be consistent with the 911 system, subdivision plat and Post Office which identify this road as "West Fairway Drive".

Mr. Robinson, seconded by Dr. Reddix offered the following resolution for adoption.

RESOLUTION NO. 13-33

A RESOLUTION CHANGING THE NAME OF "FAIRWAY DRIVE" IN WARD 5 OF OUACHITA PARISH TO "WEST FAIRWAY DRIVE"; AND FURTHER PROVIDING WITH RESPECT THERETO.

WHEREAS, there presently exists in Ward 5 of Ouachita Parish a public road identified as "Fairway Drive" on the Parish Road List, said road running between Old Darbonne Road and Belmont Drive;

WHEREAS, the original plat dedicating such roadway identifies it as "West Fairway Drive;" the parish's 911 system identifies said road as "West Fairway Drive;" and, it is the Ouachita Parish Police Jury is advised that citizens living on said road use "West Fairway Drive" for their addresses;

WHEREAS, there exists another road named “Fairway Drive” in Ward 1 and a road named “Fairway Avenue” in Ward 3; and,

WHEREAS, the Ouachita Parish Police Jury finds that a change of the name of “Fairway Drive” in Ward 5 to “West Fairway Drive” would serve the public interest by promoting uniformity and reducing the risk of confusion in the dispatch of emergency responders;

NOW, THEREFORE:

BE IT RESOLVED by the Ouachita Parish Police Jury in regular and legal session that the name of that certain parish road in Ward 5 presently identified in the Parish Road List as “Fairway Drive” be, and is hereby, changed to “West Fairway Drive;”

BE IT FURTHER RESOLVED that the Ouachita Parish Public Works Department and Parish Engineer be, and hereby are, authorized and directed to take such action as necessary to reflect the change effected by this Resolution in the Parish Road List, affected street signage, and otherwise;

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Ouachita Parish Communications District, the Ouachita Parish Fire Department, and the Ouachita Parish Sheriff’s Office.

The above Resolution was adopted on the 19th day of August, 2013.

* * *

Motion offered by Mr. Robinson, seconded by Mr. Caldwell to grant preliminary approval of the plans and specifications for the Standard Reed Road lift station and force main for West Ouachita Sewerage District No. 16. Motion passed without opposition.

Mr. Robinson, seconded by Mr. Caldwell offered the following ordinance for adoption.

ORDINANCE NO. 9017

AN ORDINANCE REVOKING THE UNUSED PORTION 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, Inc. 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, reason or intent 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, including utilities, to the owners of any property contiguous to said right-of-way, and a reservation of the right of drainage for Eagle Lake Drive.

The above ordinance was introduced on the 5th day of August, 2013.

The ordinance was submitted to a roll call vote, and the vote thereon was as follows:

YEAS:	(6)	Mr. Scotty Robinson, District A; Mr. Mack Calhoun, District B; Mr. Walt Caldwell, District C; Dr. Ollibeth Reddix, District D; Mr. Shane Smiley, District E; and Ms. Pat Moore, District F.
NAYS:	(0)	
ABSTAIN:	(0)	
ABSENT:	(0)	

The ordinance was adopted this 19th day of August, 2013.

* * *

Mr. Robinson, seconded by Dr. Reddix offered the following resolution for adoption.

RESOLUTION NO. 13-32

A RESOLUTION APPROVING THE ISSUANCE, SALE AND DELIVERY OF NOT EXCEEDING FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000) OF SEWER REVENUE REFUNDING BONDS OF WEST OUACHITA SEWERAGE DISTRICT NO. 9 OF OUACHITA PARISH, LOUISIANA, AND OTHER MATTERS RELATING THERETO.

WHEREAS, the Board of Supervisors of West Ouachita Sewerage District No. 9 of Ouachita Parish, Louisiana (the “Issuer”), by resolution adopted on August 13, 2013, has authorized the issuance of not exceeding Four Hundred Fifty Thousand Dollars (\$450,000) of Sewer Revenue Refunding Bonds (the “Bonds”), the purpose of refunding all or a portion of the Issuer’s Sewer Revenue Bonds, Series 2002 (the “Refunded Bonds”) and paying the costs of issuance of the Refunding Bonds, which Refunding Bonds shall be payable from and secured solely by the revenues of the Issuer’s sewer system (the “System”), after payment of all reasonable and necessary expenses of operating and maintaining the System.

WHEREAS, it is now the desire of the Police Jury of the Parish of Ouachita, State of Louisiana, to approve the issuance of the Bonds;

NOW, THEREFORE:

BE IT RESOLVED by the Police Jury of the Parish of Ouachita, State of Louisiana (the “Governing Authority”), acting as the governing authority of the Parish of Ouachita, State of Louisiana (the “Parish”), that:

SECTION 1. In compliance with the provisions of Article VI, Section 15 of the Constitution of the State of Louisiana of 1974, and in accordance with the request of the Board of Supervisors of West Ouachita Sewerage District No. 9 of Ouachita Parish, Louisiana, this Governing Authority hereby approves the issuance of not exceeding Four Hundred Fifty Thousand Dollars (\$450,000) of Sewer Revenue Refunding Bonds (the “Bonds”), of West Ouachita Sewerage District No. 9 of Ouachita Parish, Louisiana (the “Issuer”), the Bonds are to be issued under the authority and for the purposes stated in the preamble hereto. The Bonds shall bear interest at a rate or rates not to exceed four percent (4%) per annum, to be determined by subsequent resolution of the Board of Supervisors of the Issuer at the time of the sale of the Bonds, and mature not later than November 1, 2027.

SECTION 2. Neither the Parish nor this Governing Authority shall be liable in any manner for the payment of the Bonds.

The resolution was adopted this 19th day of August, 2013. No opposition.

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The president recognized Mr. Calhoun, District B.

MR. MACK CALHOUN, DISTRICT B:

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

The president recognized Mr. Caldwell, District C.

MR. WALT CALDWELL, DISTRICT C:

Mr. Caldwell introduced the following ordinance.

ORDINANCE NO. 9018

AN ORDINANCE REVOKING A PORTION OF ELLIS STREET FROM 162' NORTH OF BANCROFT BOULEVARD TO DEAD END EAST; AND, FURTHER PROVIDING WITH RESPECT THERETO.

WHEREAS, there is presently dedicated to the Ouachita Parish Police Jury the right-of-way for Ellis Street, a dead-end road running off Bancroft Boulevard;

WHEREAS, the owner(s) of all properties fronting on and accessed by that portion of Ellis Street beginning 162' north of its intersection with Bancroft Boulevard and running to its dead end have requested the revocation of said street; and,

WHEREAS, there exists no public purpose for the continuation of said portion of Ellis Street as a public road of Ouachita Parish; and,

NOW, THEREFORE:

BE IT ORDAINED by the Ouachita Parish Police Jury at a Regular Meeting held on September 3, 2013, that the portion of Ellis Street beginning 162' north of its intersection with Bancroft Boulevard and running to its dead end be, and is hereby, revoked.

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Mr. Caldwell introduced the following ordinance.

ORDINANCE NO. 9019

AN ORDINANCE REVOKING A PORTION OF VALLEY ROAD FROM 472' EAST OF COLEMAN STREET TO DEAD END EAST; AND, FURTHER PROVIDING WITH RESPECT THERETO.

WHEREAS, Valley Road is a parish road running easterly from Coleman Street to a dead-end at the base of the Ouachita River Levee;

WHEREAS, the owner(s) of all properties fronting on and accessed by that portion of Valley Road beginning 472' east of its intersection with Coleman Street and running to its dead end have requested the revocation of said road; and,

WHEREAS, there exists no public purpose for the continuation of said portion of Valley Road as a public road of Ouachita Parish; and,

NOW, THEREFORE:

BE IT ORDAINED by the Ouachita Parish Police Jury at a Regular Meeting held on September 3, 2013, that the portion of Valley Road beginning 472' east of its intersection with Coleman Street and running to its dead end be, and is hereby, revoked.

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The president recognized Dr. Reddix, District D.

DR. OLLIBETH REDDIX, DISTRICT D:

Dr. Reddix asked the Public Works Department to look into the traffic problem on Willet Place Boulevard. Mr. Mitchell stated that the residents at a recent neighborhood meeting had asked for a turning lane due to traffic backing up. Mr. Murray recommended getting an engineering design and a cost estimate. Mr. Murray stated that the Public Works Department can check the right-of-way. Motion offered by Dr. Reddix, seconded by Ms. Moore to authorize Mr. Crosby to do a design and cost estimate with funds from the General Fund. Motion passed without opposition.

Dr. Reddix asked for an update on Stonegate Drive. Mr. Murray stated that the project should be completed later in the week if the utilities can be located.

Dr. Reddix stated that Althea Drive/Pine Bayou Subdivision project should be finished within 45 days.

Dr. Reddix, seconded by Mr. Robinson offered the following ordinance for adoption.

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.

The above ordinance was introduced on the 5th day of August, 2013.

The ordinance was submitted to a roll call vote, and the vote thereon was as follows:

YEAS: (6) Mr. Scotty Robinson, District A; Mr. Mack Calhoun, District B; Mr. Walt Caldwell, District C; Dr. Ollibeth Reddix, District D; Mr. Shane Smiley, District E; and Ms. Pat Moore, District F.

NAYS: (0)

ABSTAIN: (0)

ABSENT: (0)

The ordinance was adopted this 19th day of August, 2013.

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MR. SHANE SMILEY, DISTRICT E:

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

The president recognized Ms. Moore, District F.

MS. PAT MOORE, DISTRICT F:

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

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 land owner 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.

The above ordinance was introduced on the 5th day of August, 2013.

The ordinance was submitted to a roll call vote, and the vote thereon was as follows:

- YEAS: (6) Mr. Scotty Robinson, District A; Mr. Mack Calhoun, District B; Mr. Walt Caldwell, District C; Dr. Ollibeth Reddix, District D; Mr. Shane Smiley, District E; and Ms. Pat Moore, District F.
- NAYS: (0)
- ABSTAIN: (0)
- ABSENT: (0)

The ordinance was adopted this 19th day of August, 2013.

* * *

Ms. Moore, seconded by Mr. Robinson offered the following resolution for adoption.

RESOLUTION NO. 13-34

A RESOLUTION CHANGING THE NAME OF “TIDWELL ROAD” IN WARD 4 OF OUACHITA PARISH TO “DAYTON TIDWELL ROAD”; AND FURTHER PROVIDING WITH RESPECT THERETO.

WHEREAS, there presently exists in Ward 4 of Ouachita Parish a public road identified as “Tidwell Road” in the Parish Road List, said road running between Forest Home Road and the Caldwell Parish line;

WHEREAS, the parish’s 911 system identifies said road as “Dayton Tidwell Road” and, the Ouachita Parish Police Jury is advised that citizens living on said road use “Dayton Tidwell Road” for their addresses;

WHEREAS, there exists another road named “Tidwell Road” in Ward 8 of Ouachita Parish; and,

WHEREAS, the Ouachita Parish Police Jury finds that a change of the name of “Tidwell Road” in Ward 4 to “Dayton Tidwell Road” would serve the public interest by promoting uniformity and reducing the risk of confusion in the dispatch of emergency responders;

NOW, THEREFORE:

BE IT RESOLVED by the Ouachita Parish Police Jury in regular and legal session that the name of that certain parish road in Ward 4 presently identified in the Parish Road List as “Tidwell Road” be, and is hereby, changed to “Dayton Tidwell Road;”

BE IT FURTHER RESOLVED that the Ouachita Parish Public Works Department and Parish Engineer be, and hereby are, authorized and directed to take such action as necessary to reflect the change effected by this Resolution in the Parish Road List, affected street signage, and otherwise;

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Ouachita Parish Communications District, the Ouachita Parish Fire Department, and the Ouachita Parish Sheriff’s Office.

The above Resolution was adopted on the 19th day of August, 2013.

* * *

ADMINISTRATIVE REPORTS:

The president recognized Mr. Cammack, Treasurer.

FISCAL: Mr. Brad Cammack, Treasurer

Mr. Cammack spoke regarding the travel request for Mr. Morris to go to Atlanta, GA for training. Mr. Cammack stated that this item was included in the budget. Motion offered by Mr. Calhoun, seconded by Dr. Reddix to approve the travel request. Motion passed without opposition.

The president recognized Mr. Mitchell, Assistant District Attorney.

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

Mr. Mitchell spoke regarding the Cooperative Endeavor Agreement for the donation of reclaimed asphalt pavement from LA DOTD to the OPPJ. Motion offered by Mr. Calhoun, seconded by Mr. Robinson to accept the Cooperative Endeavor Agreement from LA DOTD for the donation of reclaimed asphalt pavement. Motion passed without opposition.

Mr. Mitchell spoke regarding the Cooperative Endeavor Agreement for the use of salvaged bridge timbers at OCC. Mr. Mitchell stated that the salvaged bridge timbers are at Public Works and that OCC needed them for a project. Motion offered by Mr. Calhoun, seconded by Dr. Reddix to approve the Cooperative Endeavor Agreement for the use of salvaged bridge timbers at OCC. Motion passed without opposition.

Mr. Mitchell spoke regarding the renewal of the physician services contracts with LSU for OCC and Green Oaks and stated that the contract terms and cost are the same. Motion offered by Mr. Robinson, seconded by Dr. Reddix to approve the physician services contracts with LSU for OCC and Green Oaks. Motion passed without opposition.

The president recognized Mr. Murray, Public Works Director.

PUBLIC WORKS: **Mr. John Tom Murray, Director**
Mr. Murray stated that he did not have any items.

BEER AND WHISKEY APPLICATIONS:

Mr. Mitchell spoke regarding the beer and whiskey application and, inasmuch as no sound basis appeared for denying the application, recommended approval. Motion offered by Mr. Caldwell, seconded by Dr. Reddix to approve the following application. Motion passed without opposition.

FUNDERBURG III, RALPH

**ACTION AFTER HOURS LLC DBA
ACTION AFTER HOURS, 1402 THOMAS
RD, WEST MONROE, LA 71292, AFTER
HOURS 2013 NEW**

OTHER BUSINESS:

There being no other business to come before the Jury, a motion to adjourn was offered by Mr. Caldwell, seconded by Mr. Calhoun. The meeting was adjourned at 6:17 p.m.

A D J O U R N !

Shane Smiley, President

Karen Cupit, Recording Secretary