

REGULAR MEETING UNION PARISH POLICE JURY

Farmerville, Louisiana
November 7th, 2017

The Union Parish Police Jury met this date in regular session in the Police Jury meeting room, Courthouse Annex, Farmerville, Louisiana with the following present: Charles Sawyer, Lanny Parker, Jerry W. Taylor, Glenn Hutto, Nathan Futch, Stan Smith, Mike Jones and John W. Watley. Absent: Derek Kennedy. Also present was Bruce Hampton, Assistant District Attorney. The President called the session to order and welcomed all guests. Mr. Parker offered the invocation and Mr. Smith led the group in the Pledge of Allegiance to the Flag.

President Sawyer asked if anyone in the audience would like to register for public comment. The public was given the opportunity to comment on any item shown on the agenda. No comment was made. There have been several deaths in our community. Mr. Taylor recognized the family of Goose Elkins. He recently passed away. Mr. Smith recognized past juror, Jabo Albritton. Mr. Albritton served on the jury for several years. Mr. Futch would like to recognize the family of Ralph Reppond. Mr. Sawyer would like to remember the families of the two young men who were shot on the Grambling campus, Monquiarious Caldwell and Earl Andrews. Mr. Sawyer would also like to remember the shooting victims in Texas.

After the opportunity for public comment was given, a Motion was made by Mr. Hutto, seconded by Mr. Watley and declared adopted by unanimous roll call vote of the Jury to approve the agenda as written.

Motion Mr. Parker, seconded by Mr. Jones and declared adopted by unanimous roll call vote to adopt the minutes of the October 3rd, 2017 regular meeting and the minutes of the October 9th and October 30th, 2017 special meetings.

Motion Mr. Taylor, seconded by Mr. Hutto to adopt the Revenues and Expenditures Report for the month of October 2017. Motion carried unanimously.

Mr. Matt Howerton, District Staff Assistant to Congressman Mike Johnson, addressed the jury and gave a brief update on Congressman Johnson's first ten months in Congress. Congressman Johnson has been appointed to the Judiciary Committee. He is on the Subcommittee on Crime, Terrorism, Homeland Security and Investigations. He is also on the Sub-committee on Immigration and Border Security. He is the Vice-Chairman of the Sub-committee on Oversight and Investigations. Congressman Johnson is a great steward of our tax dollars. He purchased an office at Northwestern State University which costs \$1.00 a year. He also has an office at Fort Polk and that costs \$1.00 a year. Congressman Johnson also brought the Congressional Art Competition back to the Fourth Congressional District. He got his first and second bills passed. He was one of the only freshman, and possibly the first freshman, to have two bills passed. He has sponsored over 50 pieces of legislation. He has now held more town hall meetings than

any member of congress. Congressman Johnson has a servant's heart and he is here to serve you.

Motion Mr. Hutto, seconded by Mr. Taylor to enter into a public hearing regarding abandoning two streets from the parish road system in Kings Lake Subdivision.

Motion carried unanimously.

Mr. Hampton addressed the jury concerning the streets in question. The streets are located in Kings Lake Subdivision. The owner/successor to TL James had asked the police jury to abandon the roads. There are some land owners that are adjacent to the old roads. The old roads have never been developed and there are trees that threaten houses on the lots next to them. The property owners want to cut trees. Mr. Hampton states that after this item was placed on the agenda, he went to the courthouse and pulled the plat and articles that showed the streets in Kings Lake Subdivision. It is clear in those documents that the two streets which were never developed and had trees growing on them were not dedicated to the police jury nor were they accepted as streets. Mr. Hampton advises the jury to take no action.

Motion Mr. Watley, seconded by Mr. Hutto to close the public hearing regarding abandoning two streets from the parish road system in Kings Lake Subdivision.

Motion carried unanimously.

On the advice of counsel, no action was taken regarding the possibility of abandoning two streets from the parish road system in Kings Lake Subdivision due to the fact that the streets were never accepted into the parish road system.

Motion Mr. Taylor, seconded by Mr. Hutto to appoint the following board members to the Union Parish Tourism Commission:

- | | | | |
|----------------------------|-------------------------|--------|--------------------|
| • District 1 | Joyce Grier | 1 year | Term ends 12/31/18 |
| • District 2 | Larry Pixley | 2 year | Term ends 12/31/19 |
| • District 3 | Sue Futch | 1 year | Term ends 12/31/18 |
| • District 4 | Ann Smith | 3 year | Term ends 12/31/20 |
| • District 5 | Judith Tabor | 4 year | Term ends 12/31/21 |
| • District 6 | Maria Carolina Bermudez | 2 year | Term ends 12/31/19 |
| • At Large#1 | Jon Witherington | 3 year | Term ends 12/31/20 |
| • At Large#2 | Robert Lemoine | 4 year | Term ends 12/31/21 |
| • Chairman
of the Board | Joseph A. Cusimano, JR. | 1 year | Term ends 12/31/18 |

Motion carried unanimously.

The following ordinance was offered by Mr. Hutto, seconded by Mr. Jones:

ORDINANCE # 880

TO AMEND AND REENACT SUBSECTION (c) OF SECTION 10-3 OF CHAPTER 10 OF THE CODE OF ORDINANCES, UNION PARISH, LOUISIANA, RELATIVE TO "PLACING TRASH ON PARISH ROADS PROHIBITED," TO PROHIBIT SCAVENGING OF RURAL REFUSE CONTAINERS AND SITES; TO PROVIDE FOR THE EFFECTIVE DATE OF SAID ORDINANCE; AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

TO AMEND AND REENACT SUBSECTION (f) OF SECTION 10-3 OF CHAPTER 10 OF THE CODE OF ORDINANCES, UNION PARISH, LOUISIANA, RELATIVE TO "PLACING TRASH ON PARISH ROADS PROHIBITED," TO PROVIDE REVISED PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF SECTION 10-3; TO PROVIDE FOR THE EFFECTIVE DATE OF SAID ORDINANCE; AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

TO AMEND AND REENACT SUBSECTION (k) OF SECTION 10-7 OF CHAPTER 10 OF THE CODE OF ORDINANCES, UNION PARISH, LOUISIANA, RELATIVE TO "LITTERING AND THE USE OF GARBAGE DUMPSTERS," TO PROVIDE REVISED PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF SECTION 10-7; TO PROVIDE FOR THE EFFECTIVE DATE OF SAID ORDINANCE; AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

TO AMEND AND REENACT SUBSECTION (l) OF SECTION 10-7 OF CHAPTER 10 OF THE CODE OF ORDINANCES, UNION PARISH, LOUISIANA, RELATIVE TO "LITTERING AND THE USE OF GARBAGE DUMPSTERS," TO PROVIDE THAT TRIAL FOR CIVIL LITTER VIOLATIONS OF SECTIONS 10-2 THROUGH 10-4, BOTH INCLUSIVE, AND OF SECTION 10-7 OF THE CODE OF ORDINANCES OF UNION PARISH, LOUISIANA, MAY BE CONDUCTED IN A JUSTICE OF THE PEACE COURT; TO PROVIDE FOR THE EFFECTIVE DATE OF SAID ORDINANCE; AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

NOW, THEREFORE, BE IT ORDAINED, by the Police Jury of Union Parish, Louisiana, convened in Regular Session this 7th day of November, 2017, that:

SECTION 1

Subsection (c) of Section 10-3 of the Code of Ordinances, Union Parish, Louisiana, entitled "Placing trash on parish roads prohibited," is hereby amended and reenacted to read as follows, to-wit:

(c) It shall be unlawful for any person to scavenge rural refuse containers or rural refuse container sites which are owned, operated and maintained by the parish, or any other containers located on a rural refuse container site maintained by the parish. The term "scavenging," as used herein, shall mean to cause, whether by physical entry of a person into a container or by any other method, any portion of a container's contents to be ejected onto public property, onto private property in the parish not owned by him, or onto property located in rural areas in the parish not owned by him. However, this section shall not apply to employees, agents, or other personnel duly authorized by the police jury to service and maintain such rural refuse containers and sites.

SECTION 2

Subsection (f) of Section 10-3 of the Code of Ordinances, Union Parish, Louisiana, entitled "Placing trash on parish roads prohibited" is hereby amended and reenacted to read as follows, to-wit:

- (f) Any person who violates the provisions of this Section by littering shall:
- (1) Be assessed civil or criminal penalties, respectively as follows:
 - (a) For simple littering (disposing of, or creating a condition that the person knew or should have known was likely to result in the disposal, of litter):
 - (i) Upon the first conviction, be assessed a civil penalty of one hundred fifty dollars (\$150.00) or given the option to perform eight (8) hours of community service in a litter abatement work program in lieu of the assessed civil penalty.
 - (ii) Upon the second and each subsequent violation, be assessed a civil penalty of five hundred dollars (\$500.00) or given the option to perform sixteen (16) hours of community service in a litter abatement work program in lieu of the assessed civil penalty.
 - (b) For intentional littering (intentionally disposing of, or permitting the disposal of, litter):
 - (i) Upon the first conviction, be fined two hundred fifty dollars (\$250.00) and sentenced to serve eight (8) hours in a litter abatement work program as approved by the court.

- (ii) Upon the second conviction, be fined five hundred dollars (\$500.00) and sentenced to serve sixteen (16) hours of community service in a litter abatement work program as approved by the court.
 - (iii) Upon the third and each subsequent conviction, be fined one thousand dollars (\$1,000.00) and sentenced to serve eighty (80) hours of community service in a litter abatement work program as approved by the court.
- (2) Whoever is found to have committed the violation of simple littering or intentional littering shall also pay special court costs of one hundred dollars (\$100.00) in lieu of other costs of court, and the special court costs shall be disbursed as follows:
 - (a) Twenty dollars (\$20.00) shall be paid to the judicial expense fund for the Third Judicial District Court, or to the justice of the peace court, as the case may be.
 - (b) Twenty dollars (\$20.00) shall be paid to the office of the district attorney or to the constable, as the case may be.
 - (c) Ten dollars (\$10.00) shall be paid to the clerk of the district court, or to the justice of the peace, as the case may be.
 - (d) Twenty-five dollars (\$25.00) shall be paid to the state treasury for credit to the Keep Louisiana Beautiful Fund.
 - (e) Twenty-five dollars (\$25.00) shall be paid to the law enforcement agency that issued the citation.
- (3) In addition to penalties otherwise provided, a person convicted or held liable for simple littering or intentional littering shall:
 - (a) Repair or restore property damaged by or pay damages for any damage arising out of the violation.
 - (b) Pay all reasonable investigative expenses and costs to the investigative agency or agencies.

Any violation of this Section not considered to be a littering violation shall be considered a misdemeanor and, upon conviction therefor, the violator shall be fined not less than one hundred twenty-five dollars (\$125.00), nor more than five hundred dollars (\$500.00) for each violation.

SECTION 3

Subsection (k) of Section 10-7 of the Code of Ordinances, Union Parish, Louisiana, entitled "Littering and use of garbage dumpsters" is hereby amended and reenacted to read as follows, to-wit:

- (k) Any person who violates the provisions of this Section by littering shall:

- (1) Be assessed civil or criminal penalties, respectively as follows:
- (a) For simple littering (disposing of, or creating a condition that the person knew or should have known was likely to result in the disposal, of litter):
 - (i) Upon the first conviction, be assessed a civil penalty of one hundred fifty dollars (\$150.00) or given the option to perform eight (8) hours of community service in a litter abatement work program in lieu of the assessed civil penalty.
 - (ii) Upon the second and each subsequent violation, be assessed a civil penalty of five hundred dollars (\$500.00) or given the option to perform sixteen (16) hours of community service in a litter abatement work program in lieu of the assessed civil penalty.
 - (b) For intentional littering (intentionally disposing of, or permitting the disposal of, litter):
 - (i) Upon the first conviction, be fined two hundred fifty dollars (\$250.00) and sentenced to serve eight (8) hours in a litter abatement work program as approved by the court.
 - (ii) Upon the second conviction, be fined five hundred dollars (\$500.00) and sentenced to serve sixteen (16) hours of community service in a litter abatement work program as approved by the court.
 - (ii) Upon the third and each subsequent conviction, be fined one thousand dollars (\$1,000.00) and sentenced to serve eighty (80) hours of community service in a litter abatement work program as approved by the court.

(2) Whoever is found to have committed the violation of simple littering or intentional littering shall also pay special court costs of one hundred dollars (\$100.00) in lieu of other costs of court, and the special court costs shall be disbursed as follows:

- (a) Twenty dollars (\$20.00) shall be paid to the judicial expense fund for the Third Judicial District Court, or to the justice of the peace court, as the case may be.
- (b) Twenty dollars (\$20.00) shall be paid to the office of the district attorney or to the constable, as the case may be.
- (c) Ten dollars (\$10.00) shall be paid to the clerk of the district court, or to the justice of the peace, as the case may be.
- (d) Twenty-five dollars (\$25.00) shall be paid to the state treasury for credit to the Keep Louisiana Beautiful Fund.
- (e) Twenty-five dollars (\$25.00) shall be paid to the law enforcement agency that issued the citation.

(3) In addition to penalties otherwise provided, a person convicted or held liable for simple littering or intentional littering shall:

(a) Repair or restore property damaged by or pay damages for any damage arising out of the violation.

(b) Pay all reasonable investigative expenses and costs to the investigative agency or agencies.

Any violation of this Section not considered to be a littering violation shall be considered a misdemeanor and, upon conviction therefor, the violator shall be fined not less than one hundred twenty-five dollars (\$125.00), nor more than five hundred dollars (\$500.00) for each violation.

SECTION 4

Subsection (1) of Section 10-7 of the Code of Ordinances, Union Parish, Louisiana, entitled "Littering and use of garbage dumpsters" is hereby amended and reenacted to read as follows, to-wit:

(I) Jurisdiction

(1) Justice of the Peace and Constable

(a) A justice of the peace shall have concurrent jurisdiction over violations of Sections 10-2 through 10-4, both inclusive, and of Section 10-7 of the Code of Ordinances of Union Parish, Louisiana, to the extent such violations are considered subject to the jurisdiction of the justice of the peace in accordance with La. R.S. 13:2586. A justice of the peace shall also have concurrent jurisdiction over violations of La. R.S. 30:2531(B) occurring in the parish, as set forth in La. R.S. 13:2586(C)(2).

(b) In addition, a constable may issue summons and serve subpoenas anywhere in the parish all in accordance with La. R.S. 13:2586. Prosecution of litter violations and compensation of a justice of the peace and constable shall be in accordance with La. R.S. 13:2587.1 and La. R.S. 13:2589.

(2) Civil violations under the provisions of this part shall be prosecuted by the district attorney of the Third Judicial District Court, or the constable, if filed in a justice of the peace court. All criminal violations under the provisions of this part shall be prosecuted by the district attorney of the Third Judicial District Court.

SECTION 5

The effective date of this Ordinance shall be November 7th, 2017.

SECTION 6

If any section, paragraph, sentence, clause and/or phrase of this Ordinance or the application thereof is declared unconstitutional, unenforceable, or invalid by the valid judgment of any court of competent jurisdiction, then such unconstitutionality, unenforceability or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses and/or phrases of this Ordinance, since the same would have been enacted by the Union Parish Police Jury without the incorporation in this Ordinance of any such unconstitutional, unenforceable or invalid section, paragraph, sentence, clause, or phrase. To this end, the provisions of this Ordinance are declared severable.

SECTION 7

All other ordinances, or any parts thereof, which are in conflict with the provisions of this Ordinance are hereby repealed.

The above and foregoing ordinance was introduced by Mr. Hutto, who moved for its adoption. The motion was seconded by Mr. Jones, and after having been considered by sections was adopted by sections and as a whole by the following YEA and NAY vote:

YEAS: Sawyer, Parker, Taylor, Hutto, Futch, Smith, Jones and Watley
NAYS: None
ABSENT: Kennedy

WHEREUPON, the Ordinance was declared duly adopted this 7th day of November, 2017.

CHARLES SAWYER
PRESIDENT
UNION PARISH POLICE JURY

PAULA STRICKLAND
SECRETARY/TREASURER
UNION PARISH POLICE JURY

Jurors were presented with the results of the bids for the road department truck. A bid was received from Premier Motors in the amount of \$39,905 and a bid was received from Preaus Motors in the amount of \$30,017.92. **Motion Mr. Futch, seconded by Mr. Hutto to accept the lowest bid from Preaus Motors in the amount of \$30,017.92 and authorize the president to execute all necessary documents. Motion carried unanimously.**

The following resolution was offered by Mr. Taylor and seconded by Mr. Futch:

RESOLUTION NO. 2017-17

A RESOLUTION OF THE UNION PARISH POLICE JURY APPROVING FOSTER
POULTRY FARMS FOR PARTICIPATION IN THE INDUSTRIAL TAX

EXEMPTION PROGRAM AT 6648 HIGHWAY 15 N. FARMERVILLE,
LOUISIANA 71241

WHEREAS, Article 7, Section 21(F) of the Louisiana Constitution provides for the Board of Commerce and Industry (“BCI”), with the approval of the Governor, to approve contracts for the exemption of ad valorem taxes of a new manufacturing establishment or an addition to an existing manufacturing establishment, on such terms and conditions as the board, with the approval of the Governor, deems in the best interest of the state; and

WHEREAS, Foster Poultry Farms has applied for an Industrial Tax Exemption (“ITE”) and seeks approval of the BCI and the Governor for a contract granting that exemption; and

WHEREAS, Governor Edwards, through Executive Order JBE 16-73, has set forth the conditions for his approval of ITE contracts, and affirmed that those conditions are in the best interest of the state of Louisiana; and

WHEREAS, Executive Order JBE 16-73 provides that ITE contracts should be premised upon job and payroll creation at new or expanded manufacturing plants or establishments, and that the percentage of exemption from ad valorem taxes, and length of the contract for such exemption, may vary depending upon the nature of the project and its economic development benefit in accordance with guidance received from the Secretary of Economic Development and concurred in by the appropriate parish and/or municipal council, school board, and sheriff; and

WHEREAS, Executive Order JBE 16-73 mandates that each exemption contract approved by the Governor shall include as Exhibit “A” a Cooperative Endeavor Agreement for the ITE between the State of Louisiana, the Louisiana Department of Economic Development, and the applicant for the ITE contract, which provides for the creation or retention of jobs, and provides for the exercise of the option in the Louisiana Constitution for the term or percentage of the parish ad valorem tax exemption granted in the contract, and provides for the reduction or loss of the exemption based upon the applicant’s compliance with the contract.

WHEREAS, Executive Order JBE 16-73 further requires that this Union Parish Police Jury, together with the other required local governmental entities signify consent to the terms of the exemption by resolution and the sheriff of this parish shall signify consent to the terms of the exemption by letter. Executive Order JBE 16-73 further provides that the resolutions of approval and the sheriff’s approval shall be attached as Exhibit “B” to the ITE contract between the BCI and Foster Poultry Farms; and

WHEREAS, Foster Poultry Farms and the Louisiana Department of Economic Development have advised that certain terms and conditions forming Exhibit “A” to the Industrial Tax Exemption Contract pending approval before the Louisiana Board of Commerce and Industry have been reached and have conveyed the same to this Union Parish Police Jury, and thus, this matter is now ready for a determination of approval of this Union Parish Police Jury as required by executive Order JBE 16-73,

THEREFORE, BE IT RESOLVED, upon consideration of the foregoing and the public discussion held this day, that this Union Parish Police Jury approves the terms of the Industrial Tax Exemption contract based on the inclusion of the following terms and conditions into Exhibit “A” (the Cooperative Endeavor Agreement between the State of Louisiana, the Louisiana Department of Economic Development, and Foster Poultry Farms to the Industrial Tax Exemption contract between the Board of Commerce and Industry and Foster Poultry Farms with respect to its manufacturing plant located at Union Parish, Louisiana:

50 New Direct Jobs at the Manufacturing Establishment

\$900,000 Payroll

Term of Exemption Contract: 5 years at **50%** subject to renewal for 3 years at **50%**

Documentation of the investment and yearly review of employment and payroll provided that a greater than 10% reduction of jobs or payroll may result in reconsideration of the terms of the exemption including the opportunity to renew the initial five-year exemption under the terms provided above.

This Union Parish Police Jury further authorizes the Louisiana Department of Economic Development, on behalf of the Board of Commerce and Industry, to include this resolution in Exhibit “B” to the Industrial Tax Exemption Contract between the Board of Commerce and Industry and Foster Poultry Farms.

THEREFORE, BE IT FURTHER RESOLVED by this Union Parish Police Jury that a copy of this resolution shall be forwarded to Board of Commerce and Industry and the Louisiana Department of Economic Development.

This resolution was considered section by section and as a whole and upon motion by Mr. Taylor, being seconded by Mr. Futch, was adopted by the following vote on this 7th day of November, 2017.

YEAS:	Sawyer, Parker, Taylor, Hutto, Futch, Smith, Jones, Watley
NAYS:	None
ABSENT:	Kennedy
ABSTAIN:	None

AND the resolution was declared adopted on this 7th day of November, 2017.

ATTEST:

s/ Paula Strickland
Paula Strickland, Secretary-Treasurer
Union Parish Police Jury

s/ Charles Sawyer
Charles Sawyer, President
Union Parish Police Jury

**STATE OF LOUISIANA
PARISH OF UNION**

I, **Paula Strickland**, Secretary/Treasurer of the Police Jury of Union Parish, Louisiana, do hereby certify that the foregoing is a true and correct copy of one (1) motion adopted by the Union Parish Police Jury in regular session on November 7th, 2017 at which meeting a quorum was present. Given under my Official Signature and Seal of Office on this the 7th day of November, 2017.

s/ Paula Strickland
Paula Strickland
Secretary/Treasurer
Police Jury of Union Parish, Louisiana

Motion Mr. Parker, seconded by Mr. Jones to allow the Union Parish Chamber of Commerce the use of the Courthouse square and water usage from the outside courthouse area on December 2nd from 8:00 AM until 10:00 PM; Chamber will provide liability insurance. Motion carried unanimously.

Motion Mr. Parker, seconded by Mr. Watley to provide one load of winter coal mix to the Town of Marion with the Town of Marion paying for the mix. Motion carried unanimously.

Motion Mr. Hutto, seconded by Mr. Taylor to pay the expenses of the Jurors and the staff to attend the 2018 Annual Police Jury Association Conference to be held in New Orleans, Louisiana – January 17, 2018 through January 19, 2018. Motion carried unanimously.

Motion Mr. Hutto, seconded by Mr. Taylor to reappoint Jerry Rugg and Steven Murry to the Board of Commissioners for the Ward 5 Fire Protection District. Terms are for two (2) years beginning on January 1, 2018 and ending January 1, 2020. Motion carried unanimously.

Motion Mr. Jones, seconded by Mr. Parker to change the Christmas holiday schedule for the Road and Landfill Departments to Friday, December 22, 2017 and Monday, December 25, 2017 due to excess trash pick-up. Motion carried unanimously.


Motion Mr. Taylor, seconded by Mr. Parker to renew the Jury's current Blue Cross/Blue Shield health insurance plan for 2018 and to authorize the President to execute all necessary documents. Motion carried unanimously.


In accordance with Ordinance 549, time for public comment was given. Mr. Reppond, 449 Duke Nolan Road, Farmerville, addressed the jury regarding Meeks Landing. He is requesting an update on the status of the lawsuit. He said a new cyclone fence, gate and mailbox have been put up.

Becky Stark, 1015 Highway 2, Sterlington, addressed the jury with complaints regarding the Detention Center. Mr. Hampton told Mrs. Stark she would have to discuss her issues with the Detention Center Commission. At that time Mr. Parker told Mrs. Stark there would be a commission meeting on Thursday, November 16, 2017.

Charlene Gatson Carter, 793 Gatson Road, Spearsville, addressed the jury concerning Gatson Road, Daniel Road and Oakland Bridge. Mrs. Carter is asking the jury for help fixing her roads.

There being no further business to come before the Jury, the President declared the meeting adjourned upon motion by Mr. Smith, seconded by Mr. Hutto on this the 7th day of November, 2017.


PAULA STRICKLAND
Secretary-Treasurer
Union Parish Police Jury


CHARLES SAWYER
President
Union Parish Police Jury