

REGULAR MEETING UNION PARISH POLICE JURY

Farmerville, Louisiana
September 1st, 2020

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: Curtis Moses, DeWayne Ramsey, Johnny Buckley, Ben Bridges, Ceis Nyegaard, L.W. Nolan, Brenda Abercrombie and John W. Watley. Absent: Nathan Pilgreen. Also present was Tracy Houck, Assistant District Attorney. The President called the session to order and welcomed all guests. Mr. Ramsey offered the invocation and Mr. Watley led the group in the Pledge of Allegiance to the Flag.

President Buckley welcomed everyone to the meeting and asked if anyone in the audience would like to register for public comment. At this time the public was given the opportunity to comment on any item shown on the agenda.

Motion Mr. Ramsey, seconded by Mr. Bridges and declared adopted by unanimous vote of the Jury to approve the agenda as written.

Motion Mr. Watley, seconded by Mr. Nyegaard to adopt the minutes of the August 4th regular meeting and the August 13th, 2020 special meeting. Motion carried unanimously.

The Secretary/Treasurer presented the Budget to Actual Revenue and Expense report for the month of August and explained to the jurors that the report reflects what has been budgeted for the year compared to what has been spent.

The Secretary/Treasurer reported that the interest for the checking and investment accounts is still down. The state appropriation for the road fund has increased slightly from where it was, but it is still under budget for the year.

The Green Oaks invoice increased from \$14,800 last month to \$22,000 for this month. There was a total of four (4) juveniles incarcerated at Green Oaks. That amount comes out of the General Fund.

The Detention Center work release program is showing a revenue of approximately \$56,000. The work release director has an additional \$67,000 in funds, but due to power outages those funds have not been sent to the police jury and therefore is not reflected on the expense report. That will bring the TWP revenue up to \$123,000 for the month. There are 113 inmates participating in the work release program.

The one percent sales tax generated \$218,495.78 for the Landfill. The tipping fees for the month were down considerably, but that is due to the power outages in other parishes. The Litter Court collected \$450 in fines and that was distributed among the Justices of the Peace and Constables.

Motion Mr. Bridges, seconded by Mr. Watley to adopt the Revenue and Expenditures Report for the month of August. Motion carried unanimously.

The following ordinance was offered by Mr. Nolan and seconded by Mr. Nyegaard:

ORDINANCE # 908

AN ORDINANCE to provide for sale of adjudicated properties; AND, FURTHER PROVIDING WITH RESPECT THERETO.

WHEREAS, the Parish of Union 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 Union 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

Union Parish Police Jury hereby establishes the Union Parish Adjudicated Property Program, which shall be administered by the Union Parish Police Jury (hereinafter "UPPJ" 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 UPPJ 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 three (3) 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 Union Parish through Management Company for such purposes, to include the following:

- A. Listing of all properties adjudicated to the Parish.

- B. Notice to Buyers, which shall contain instructions, disclosure of rights, and contact information.
- C. Copy of this Parish Ordinance regulating policies and procedures for sale of adjudicated properties.
- D. Definitions and citation to Louisiana Revised Statutes.
- E. Offer to Purchase Form with instructions for completion and assistance provided by Management Company.

III. PRE-BIDDING PROCESS

A. Initiation of Sale

The Parish Assessor annually compiles a list of names and addresses of adjudicated properties from the tax roll records and makes such list available to the public in printed form. The Parish Assessor shall be asked to forward such list to the Management Company.

Pursuant to La. R.S 47:2203, 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 \$1,000.00 for each piece of property that shall be considered the flat fee for 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 communicate with the Union Parish Tax Assessor's Office and the office of the Union Parish Tax Collector to determine the minimum bid to be offered as described more fully herein: Pursuant La. R.S. 47:2202, Union Parish hereby establishes that there is no minimum bid at the public sale of an adjudicated property; however, unless circumstances demand otherwise, recommended bidding to ensure equivalent value 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 based on the tax assessor's current valuation.

The written minimum bid offer shall be communicated to the interested purchaser who shall, at his/her option be allowed to reject the offer and receive a refund of the full administrative fee or can sign the written offer and the following actions will take place to prepare the property for auction or sale:

1. 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 Union Parish Tax Collector, mortgage certificates obtained from Union Clerk of Court, and any records obtained from Parish Assessor's office. Copies of surveys and maps of record may also be provided.
2. Effect Public Notice - The public sale by auction shall be advertised in accordance with state law in the official journal for the Parish of Union. Costs of such advertising to be billed to/paid directly to the official journal by Union Parish Police Jury.
3. Other Administration and Determination of Minimum Bid Amount – The Management Company shall send statutory notices to all interested parties, shall schedule the auction or sale date based on mandatory statutory wait times, and shall monitor and communicate this information.

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 Union, the following shall occur:

A. Public Auction

Public auction of adjudicated property shall be held at the Union Parish Police Jury office located at 303 E Water St, Farmerville, LA 71241 and shall be handled by the office of Parish Treasurer or office or individual otherwise determined by the Police Jury with assistance from the Management Company, as needed. All bid amounts are subject to final approval by the Parish Police Jury. 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.

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 and all tax sale parties 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) depending on the date of adjudication, either six (6) months or the sixty (60) days from the date of the notice provided in this Subsection; or (ii) the filing of the act of sale transferring the property, whichever is later.

- (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 Union 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 (60) days or six (6) months 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 Union Parish a statutory affidavit together with a copy of one of the notices that was sent to the tax debtor or the current owner. 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 on behalf of the successful bidder pursuant to that affidavit.

D. Closing Transaction

Within 10 business days of the six (6) month or the sixty (60) 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 Management Company will ensure that the property to be purchased has not yet been redeemed. Closings shall be conducted by the Management Company at its offices at 1300 Hudson Lane, Suite 5, Monroe, LA or Union Parish Police Jury office located at 303 E Water St, Farmerville, LA 71241, whichever location is most convenient for the purchaser. At closing, the purchaser shall pay the full purchase price as well as the costs to file the Deed in the Union Parish conveyance records and the statutory Affidavit (See below: Purchaser's Affidavit) in the Mortgage records. Such filing fees are anticipated to be approximately \$310 total.

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.

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 Union 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 donee 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 mortgages. 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 recording fees, including, without limitation, fees for recording any affidavits.

V. LOT NEXT DOOR PROGRAM

Union Parish Police Jury hereby further authorizes the Parish to sell any eligible adjudicated property to any adjoining landowner who establishes that he or she has maintained the adjudicated property for a period of one year prior to the sale for any price set by the Parish without public bidding. Such a sale shall be deemed a public sale, pursuant to La R.S. 47:2202(B).

VII. DONATION OF PROPERTY OR ACQUISITION OF PROPERTY FOR PARISH USE

The Union 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. Additionally, the Parish Police Jury may use this process to acquire the property for its own use pursuant to state law.

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 4th day of August, 2020.

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

YEAS: (8)
NAYS: (0)
ABSTAIN: (0)
ABSENT: (1)

WHEREUPON, the Ordinance was declared duly adopted this 1st day of September, 2020.

s/ Paula Strickland
PAULA STRICKLAND
SECRETARY-TREASURER
UNION PARISH POLICE JURY

s/ Johnny Buckley
JOHNNY BUCKLEY
PRESIDENT
UNION PARISH POLICE JURY

CERTIFICATION

I, the undersigned Secretary/Treasurer of the Police Jury of the Parish of Union, State of Louisiana, do hereby certify that the foregoing pages constitute a true and correct copy of an ordinance adopted by said Union Parish Police Jury on September 1st, 2020.

s/ Paula Strickland
Paula Strickland, Secretary/Treasurer

Motion Mr. Bridges, seconded by Mrs. Abercrombie to enter into a Cooperative Endeavor Agreement between the Union Parish Police Jury and E&P Consulting Services, LLC and authorize the President to execute any necessary documents. Motion carried unanimously.

Motion Mrs. Abercrombie, seconded by Mr. Bridges to adopt a COVID-19 policy. Motion carried unanimously.

Motion Mr. Watley, seconded by Mr. Nolan to authorize the Secretary/Treasurer to advertise for a public hearing to be held on November 3rd, 2020 @ 6:00 PM to discuss the closure of Tucker Road in Bernice. Motion carried unanimously.

The following resolution was offered by Mr. Nolan and seconded by Mrs. Abercrombie:

RESOLUTION 2020-07

WHEREAS, Title 2 of the Louisiana Revised Statutes of 1950 provides that cities, towns, parishes, and other political subdivisions of this State may separately or jointly acquire, establish, construct, expand, own, lease, control, equip, improve, maintain, operate, regulate, and police airports and landing fields for the use of aircraft; and,

WHEREAS, the State of Louisiana, Department of Transportation and Development, Division of Aviation (formerly the LA DOTD-OAPT) is charged by Title 2 with the responsibility for the development of aviation facilities within the State to foster air commerce and to safeguard the interests of those engaged in all phases of the aviation industry and of the general public; and,

WHEREAS, the Union Parish Police Jury hereinafter referred to as “Sponsor”, has completed an FAA and DOTD approved Master Plan, Action Plan, and/or Airport Layout Plan which outlines the specific future development of the Union Parish Airport; and, the Sponsor is desirous of implementing a portion of the approved Plan recommendations which provide for the critically needed improvements as stated below to substantially improve the safety and usability of the Airport, but does not have sufficient funds of its own required for completing the needed improvements; and,

WHEREAS, the LA DOTD, Division of Aviation is authorized by Title 2 to expend funds for the construction or enlargement of airports for the safety and advancement of aeronautics;

NOW, THEREFORE, BE IT RESOLVED:

SECTION I

That the Sponsor does hereby formally request that the LA DOTD, Division of Aviation provide funds required to complete the airport improvements at the Union Parish Airport specifically as described in the Capital Improvement Program Application for State Financial Assistance dated August 21, 2020:

SECTION II

That the said LA DOTD, Division of Aviation be and is hereby assured that all necessary servitudes, rights-of-way, rights of ingress and egress and means thereof will be furnished by the Sponsor and the titles thereto will be valid and indefeasible, and that the Sponsor will assume ownership, financial reporting, and complete responsibility for the maintenance and upkeep of the airport after completion of said improvement.

SECTION III

That the Sponsor will save and hold the said LA DOTD, Division of Aviation, its officers, agents, and employees harmless from any liability or claim for damages arising out of the project, including death or injuries to third parties including, but not limited to, liability or claim for damages out of the negligence of said LA DOTD, Division of Aviation, its officers, agents, or employees, and expressly agrees to defend any suit of any nature brought against the LA DOTD, Division of Aviation as a result of this project.

SECTION IV

That the President of the Sponsor be and is hereby authorized and directed to evidence this agreement by affixing his signature at the place provided therefore on this resolution and on subsequent related documents/agreements as required by the rules and regulations of the Federal Aviation Administration and the State of Louisiana and the Clerk is hereby authorized to attest said execution.

SECTION V

That this resolution shall be in full force and effect from and after its adoption.

The President and Police Jury for the Sponsor of the Parish of Union met in regular session on this date. The aforesaid resolution was offered by **Mr. Nolan** and seconded by **Mrs. Abercrombie**. The aforesaid resolution, having been submitted to a vote, the vote thereon was as follows:

YEAS: (8)
NAYS: (0)
ABSTAIN: (0)
ABSENT: (1)

WHEREUPON, the resolution was declared adopted on the 1st day of September, 2020.

PAULA STRICKLAND
SECRETARY-TREASURER
UNION PARISH POLICE JURY

JOHNNY BUCKLEY
PRESIDENT
UNION PARISH POLICE JURY

CERTIFICATION

I, the undersigned Secretary/Treasurer of the Police Jury of the Parish of Union, State of Louisiana, do hereby certify that the foregoing pages constitute a true and correct copy of a resolution adopted by said Union Parish Police Jury on September 1st, 2020.

s/ Paula Strickland
Paula Strickland, Secretary/Treasurer

Motion Mr. Ramsey, seconded by Mr. Nyegaard to hire Misti Walker for full-time employment at the Road Department. Motion carried unanimously.

Motion Mr. Bridges, seconded by Mr. Ramsey to table the discussion of an ordinance for a Franchise Agreement with Claiborne Electric. Motion carried unanimously.

Motion Mr. Bridges, seconded by Mr. Nyegaard to authorize the Secretary/Treasurer to advertise for a public hearing to be held on November 3rd, 2020 @ 6:00 PM to discuss the closure of Francis Creek Road. Motion carried unanimously.

The following Ordinance was offered by Mr. Nyegaard and seconded by Nolan:

ORDINANCE # 909

AN ORDINANCE SETTING THE SPEED LIMIT OF 15 MILES PER HOUR ON DYE ROAD IN ITS ENTIRETY AND SETTING PENALTIES FOR VIOLATIONS.

SECTION I: BE IT ORDAINED by the Police Jury of Union Parish that a maximum speed limit for any truck, car, motorcycle or any other equipment traveling on **Dye Road** in its entirety, shall not exceed **15** miles per hour.

SECTION II: BE IT FURTHER ORDAINED by the Police Jury of Union Parish, State of Louisiana, that any person, firm or corporation violating any provisions of this ordinance, upon conviction, shall not exceed the maximum fine for speeding upon a state highway plus court cost.

SECTION III: BE IT FURTHER ORDAINED that if any section, sentence, clause or words of this ordinance shall be held invalid by any court of final jurisdiction, the same shall not affect the validity of any other section.

SECTION IV: BE IT FURTHER ORDAINED that ordinance or parts of ordinance in conflict herewith be and the same are hereby repealed.

The foregoing ordinance was introduced by **Mr. Nyegaard**, who moved its adoption and duly seconded by **Mr. Nolan** and was then adopted by the following YEA and NAY vote:

MEMBERS:	YEAS:	NAYS:	ABSENT:	ABSTAINING:
Curtis Moses	x			
Nathan Pilgreen			x	
Dewayne Ramsey	x			
Johnny Buckley	x			
Ben Bridges	x			
Ceis Nyegaard	x			
L.W. Nolan	x			
Brenda Abercrombie	x			
John W. Watley	x			

WHEREUPON, the Ordinance was declared duly adopted this 1st day of September, 2020.

s/ Paula Strickland
PAULA STRICKLAND
SECRETARY-TREASURER
UNION PARISH POLICE JURY

s/ Johnny Buckley
JOHNNY BUCKLEY
PRESIDENT
UNION PARISH POLICE JURY

Recommendations from the Executive Committee:

Motion Mrs. Abercrombie, seconded by Mr. Ramsey to accept the 2019 audit from Bosch and Statham. Motion carried unanimously.

In accordance with Ordinance 549, time for public comment was given.

Ricky Taylor, 900 Concord Road, Marion addressed the jury concerning Concord Road and the lack of repairs.

George Cothran, 1001 Cherry Ridge Road, Farmerville, addressed the jury regarding Cherry Ridge Road and Raymond Odom Road.

There being no further business to come before the Jury, the President declared the meeting adjourned upon motion by Mr. Ramsey, seconded by Mr. Nyegaard on this the 1st day of September, 2020.

Paula Strickland
PAULA STRICKLAND
SECRETARY-TREASURER
UNION PARISH POLICE JURY

Johnny Buckley
JOHNNY BUCKLEY
PRESIDENT
UNION PARISH POLICE JURY