

MINUTES OF THE MEETING OF THE
CADDO PARISH COMMISSION
HELD ON THE 21ST DAY OF JANUARY, 2016

The Caddo Parish Commission met in legal and regular session, on the above date, at 3:30 p.m., in the Government Chambers, with Vice President Linn, presiding, and the following members in attendance, constituting a quorum: Commissioners Atkins, Bowman, Cawthorne, Chavez, Dominick, Jackson, Linn, Middleton, Smith, and Gage-Watts (9). ABSENT: Commissioners Cawthorne, Epperson and Johnson (3).

The invocation was given by Mr. Steven Jackson, and Mr. Doug Dominick, led the Commission in the Pledge of Allegiance.

SELECTION OF 2016 CADDO COMMISSION OFFICERS

Mr. Linn stated that the Caddo Commission Officer term for 2015 are complete and it is now time to select Caddo Commission Officers for the 2016 year.

At this time, Mr. Linn opened the floor up for nominations for President of the Caddo Parish Commission.

It was **moved by Mr. Dominick**, seconded by Mr. Jackson, to nominate Mr. Matthew Linn for the 2016 Caddo Parish Commission President.

There being no other nominations, Mr. Linn was elected President by acclamation.

At this time, Mr. Linn took over as President of the 2016 Caddo Parish Commission and opened the floor up for nominations for Vice President.

It was **moved by Mrs. Gage-Watts**, seconded by Mr. Bowman, to nominate Mr. Ken Epperson for the 2016 Vice President of the Caddo Parish Commission.

Substitute motion by Mr. Chavez, seconded by Mr. Dominick, to nominate Mr. Steven Jackson as the 2016 Vice President of the Caddo Parish Commission.

At this time, Mr. Stephen Jackson was elected Vice President by the following votes for: Commissioners Atkins, Chavez, Dominick, Jackson, Linn, and Middleton (6).

At this time Mr. Linn opened the floor up for nominations for the 2016 Parliamentarian.

It was **moved by Mr. Middleton**, seconded by Mr. Chavez, to nominate Mr. Doug Dominick as Parliamentarian of the Caddo Parish Commission for 2016.

Substitute motion by Gage-Watts to nominate Mr. Jerald Bowman died to lack of second.

There being no more nominations, Mr. Dominick was elected 2016 Parliamentarian by acclamation.

CITIZENS COMMENTS

Mr. Eric Vegan, 333 Texas Street, Suite 2121, Shreveport, stated that he is here to read the following letter:

Dear Mr. Purpera:

On behalf of the taxpayers of Caddo Parish, I would like to thank you and your staff for taking the time to investigate the Caddo Parish Commissioners' ("Commissioners") participation in CPERS and for issuing your Advisory Services Report dated November 25, 2015 ("Final Report"). Although the Final Report – and the Louisiana Constitution – clearly state that the Commissioners' participation in CPERS is unconstitutional, it appears the Commissioners do not care. The taxpayers bear the cost of the Commissioner's legal fees and the district court has dismissed them individually from the pending civil litigation.

As you know, prior to the Final Report, you provided the Commissioners with a draft report of October 22, 2015 ("Draft Report"). The Commissioners responded to the Draft Report, stating, among other things, that: **It is Management's intention to pursue, through this still pending lawsuit, a judicial determination regarding the conflict between the ordinance and state law. Once a final judgement is rendered, we will comply with the finding of the court regarding the legality of the ordinance in question.** ("Response Letter"). Dr. Woodrow Wilson, Jr. went on to state "you are reminded that we are awaiting the outcome of the District Court's decision concerning a legal ruling on the Caddo Parish Commissioners' participation in the organization's CPERS system."

In light of the Final Report, one would expect that the Commissioners would simply follow your recommendation and seek “to recover the improper contributions and establish a constitutional retirement system for Caddo Parish”. At a minimum, one would think that they would at least follow their own Response Letter and wait for a final ruling from the Court prior to acting. Although this may come as no surprise to you, the Commissioners are neither following your recommendation (*i.e.* by acting to recover the improper CPERS contributions), nor following through on what they promised (*i.e.* to wait for a judicial determination). Rather, they are plowing ahead with the below ordinances and resolutions.

Proposed Ordinance 5559 of 2016 – (CPERS)

During their January 19, 2016, work session (“Work Session”), the Commissioners voted to place Ordinance 5559 of 2016 on the agenda for the full meeting of January 21, 2016. A copy of proposed Ordinance 5559 is attached hereto as Exhibit A. As you will see, proposed Ordinance 5559 removes the Commissioners from the list of unclassified employees eligible to participate in CPERS. It appears to have prospective effect only, and there is no indication of any effort on the part of the Commissioners to follow your recommendation to “recover the improper contributions.” From the perspective of a Caddo Parish taxpayer, the intent of proposed Ordinance is simple: create an appearance of “doing the right thing” while, in effect, taking no action to recover our money.

Proposed Ordinance 5560 of 2016 (SALARY)

In the Work Session, the Commissioners also voted to place Ordinance 5560 of 2016 on the agenda for the full meeting of January 21, 2016. A copy of proposed Ordinance 5560 is attached hereto as Exhibit B. As you will see, proposed Ordinance 5560 would bring to an end the annual automatic salary increases currently bestowed upon the Commissioners. However, proposed Ordinance 5560 offers no indication of an intent to recover the illegal salaries (that is, those over \$1,200 per month) and suggests that the Commissioners may continue to participate in CPERS as long as the Parish does not contribute matching funds. Proposed Ordinance 5560 appears to take effect immediately.

Proposed Resolution No. 7 of 2016 (TRAVEL)

Finally, in the Work Session, the Commissioners voted to send proposed Resolution 7 of 2016 to committee. A copy of proposed Resolution 7 is attached hereto as Exhibit C. As you will see, proposed Resolution 7 would decrease the limit on compensation Commissioners receive for “education and training” opportunities from \$15,000.00 to \$8,000.00 per calendar year. Again, it appears there is no intent to recover the prior travel compensation paid to Commissioner; rather, the Commissioners will continue to accept such forms of compensation. Proposed Resolution 7 appears to take effect immediately.

Caddo Parish Home Rule Charter 3-05(B). – Compensation.

Section 3.05(B) of the Caddo Parish Home Rule Charter states:

The parish commission may periodically review the compensation paid the commissioners and may change same by ordinance which much be approved by a two-thirds vote of the entire membership of the commission, provided that no ordinance changing such salary shall be passed during the last year of a term and further provided that a salary change shall not become effective during the current term of the parish commissioners adopting the ordinance.

Section 3.05(B) of the Home Rule Charter state:

No commissioner shall receive any additional compensation, benefit or privilege, direct or indirect, because of his office.

Comparing the proposed Ordinances and Resolution with the Home Rule Charter, it appears that Commissioners are acting to not only protect the illegal gains of Commissioners past, but also to continue several illegal acts going forward. Certainly, their plan to change their compensation for the current term is a clear violation of 3.05(B). A salary change (whether increased or decreased) “shall not become effective during the current term of the parish commissioners adopting the ordinance.”

In addition, it is noteworthy that these “public servants” may be participating in transactions in which they have personal substantial economic interest, not only in their official capacities as Commissioners but also in their capacities as beneficiaries of taxpayer money. It is unclear whether the Commissioners have considered the ethical

implications of their actions and/or analyzed whether they should recuse themselves from voting on these issues.

In conclusion, it appears that the Commissioners answer to no one – they ignored your Final Report, threw their own Response Letter in the trash, and now plan to act in clear violation of the Home Rule Charter, again. Since originally voting themselves into CPERS on March 23, 2000 (just three years after the statewide passage of a Constitutional Amendment prohibiting such participation), the Commissioners have engaged in a systematic pattern of conduct of self-enrichment at the expense of the taxpayers. Whether through CPERS, illegal and hidden salary increases, or unrestrained “travel allowances,” the only winners are the Commissioners. The proposed Ordinances and Resolution are nothing more than a continuation of the prior pattern of conduct. Who, other than the Legislative Auditor, will protect the taxpayers?

If the Commissioners proceed with the proposed Ordinances and Resolution, it will be with full knowledge of the Constitutional and statutory prohibitions against such actions. The Commissioners will set a dangerous precedent that parish governments across our state may ignore the law, unjust enrich themselves, and work to cover their tracts (without paying restitution). It is my sincere hope that those copied hereto will follow in your footsteps, investigate the actions of the Caddo Parish Commission, and come to the aid of the citizens of Caddo Parish

Sincerely,
/s/ Will Broyles

Mr. John Settle, 33 Keilwood, Shreveport, congratulated the Commission on their selection of officers. He also commended the Commission on introduction of Ordinance No. 5559 of 2016 that is on today’s agenda. Mr. Settle also stated that he has submitted a public records request to Legal for all of the expenses for the last term of where the Commissioners went and what they have done.

Mr. Mike Lemid, 401 Market Street, Suite 600, Shreveport, stated that he represents the landowners that owned the right of passage for the right-of-ways. He stated that further discussion is not needed, and both parties have agreed to submit their paperwork into Mr. Sweeney for administrative approval.

Mr. Rob Broussard, congratulated the newly elected commissioners. He also wanted to remind the Commissioners that the citizens are now holding them responsible for representing their districts fairly and with integrity.

It was **moved by Mr. Dominick**, seconded by Mr. Bowman, to *adopt the Regular Session Minutes from January 7, 2015. Motion carried.*

COMMUNIQUES/COMMITTEE REPORTS

Mr. Dominick stated that he appreciated Mr. Settle’s comments. He is also asking that all of the Commissioners receive a copy of the public records request that Mr. Settle submitted.

PRESIDENT’S REPORT

Mr. Linn thanked the Commission for allowing him to serve as President for the year 2016. He stated that he hopes to help each and every Commissioner to achieve their goals. He also stated that the next four years will be the best four years that Caddo Parish has ever seen.

ZONING ORDINANCES (for final passage)

It was **moved by Mr. Dominick**, seconded by Mr. Bowman, *to remand Zoning Case Appeal SP-99-15 Re-Plat, property located south of Harris Lane, approximately 126’ south of Harris Lane and 555’ east of Goldsberry, Mark Ratley, II/APPLICANT. Leonard Farms, LLC and Camterra Resources, Inc. /APPLEANTS. Leonard Farms, LLC and Camterra Resources, Inc. /APPLEANTS Request approval of re-plat application that would describe a 2 lot residential subdivision. Each lot will have 1.97 acres. The property is surrounded by R-A zoned property. Access to these two lots is provided by existing gravel road back to the MPC for Administrative approval.*

Mr. Dominick wanted to make sure with Mr. Atkins that this is agreeable. Mr. Atkins stated that both parties wanted to remand it back to the MPC.

Mrs. Gage-Watts wanted more clarification on this zoning case. Mr. Linn stated that both parties have come to an agreement, and would like this case remanded back to the MPC for administrative approval. Mr. Sweeney stated that the appeal is now moot.

At this time, Mr. Dominick's motion carried, as shown by the following roll call votes: AYES: Commissioners Atkins, Bowman, Chavez, Dominick, Jackson, Linn, Middleton, Smith, and Gage-Watts (9). NAYS: None. ABSENT: Commissioners Cawthorne, Epperson, and Johnson (3).

PUBLIC HEARING ON ORDINANCES

- *Ordinance No. 5556 of 2016, amending the Budget of Estimate Revenues and Expenditures for the General Fund and the Oil and Gas Fund for the year 2016 to change the funding source for the Greenwood Sewer Project and law enforcement equipment*

There being no one to speak in favor, or in opposition to the above ordinance, President Linn declared the public hearing on ordinance to be concluded.

ORDINANCES (for final passage)

It was **moved by Mrs. Gage-Watts**, seconded by Mr. Bowman, that *Ordinance No. 5556 of 2016, amending the Budget of Estimated Revenues and Expenditures for the General Fund and the Oil and Gas Fund for the year 2016 to change the funding source for the Greenwood Sewer Project and Law Enforcement Equipment* be adopted.

Mr. Bowman stated that the Commission has decided collectively to help out Greenwood with their sewer projects, as well as law enforcement throughout the Parish.

Answering a question from Mr. Jackson regarding the balance of the Oil and Gas Fund if this ordinance was approved, Mrs. Barnett stated that it would be approximately \$6.5 million. She also stated that oil royalties and oil leases replenish the Oil and Gas Fund, and they are significantly decreased.

Mr. Jackson stated that this may not be a priority with the City Councilmembers. He also said that the City has submitted a loan package to resolve their current issue with the police vehicles.

Mr. Jackson also said that the Commission needs to be mindful of spending money from the Oil and Gas Fund because it is dwindling. Mrs. Barnette stated that they are projecting a \$300,000 revenue.

Mr. Dominick clarified that this ordinance is to change the funding source for the Greenwood Sewer Project and law enforcement equipment. He also stated that the Oil and Gas Fund is going to be depleted if the Commission is not cautious of spending those funds. Mr. Dominick also mentioned that an Attorney General's opinion has been submitted to check the legality of providing funds to another entity for these purposes.

Mr. Middleton would like to rescind this ordinance, and he cannot vote favorably for this. He also believes that the Oil and Gas Fund should be a rainy day fund.

Mr. Atkins explained to rescind this ordinance is a whole other process. He also explained that this ordinance is only to change the funding source to protect the AAA Bond Rating. Mr. Atkins stated that he will vote for this ordinance today, but would like to re-examine it in the future.

Mr. Chavez stated that there are less than thirty-six governmental entities throughout the country that has AAA Bond Rating, with Caddo Parish being the only parish in the State of Louisiana. He also said that he will voting for this ordinance to protect that bond rating.

Answering a question from Mr. Jackson regarding the CEA, Attorney Frazier stated that the cooperative endeavor agreement would go forward administratively.

Mr. Middleton would like to review the fiscal posture of the Town of Greenwood before any of the funds are released.

At this time, Mrs. Gage-Watts' motion carried, as shown by the following roll call votes: AYES: Commissioners Atkins, Bowman, Chavez, Dominick, Jackson, Linn, Middleton, Smith, and Gage-Watts (9). NAYS: None. (0). ABSENT: Commissioners Cawthorne, Epperson, and Johnson (3).

ORDINANCE NO. 5556 OF 2016

BY CADDO PARISH COMMISSION:

AN ORDINANCE AMENDING THE BUDGET OF ESTIMATED REVENUES AND EXPENDITURES FOR THE GENERAL FUND AND THE OIL AND GAS FUND FOR THE YEAR 2016 TO CHANGE THE FUNDING SOURCE FOR THE GREENWOOD SEWER PROJECT AND LAW ENFORCEMENT EQUIPMENT, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

WHEREAS, the Caddo Parish Commission approved ordinance number 5523 of 2015 to adopt the 2016 budget for the General Fund on December 2, 2015; and

WHEREAS, this ordinance included a transfer from the General Fund to the Capital Outlay Fund for \$1,200,000 to provide funding of \$475,000 to the Town of Greenwood for a sewer project and \$725,000 to various law enforcement agencies for law enforcement equipment; and

WHEREAS, the Caddo Parish Commission would like to change the funding source for the Greenwood sewer project and the law enforcement equipment from the General Fund to the Oil and Gas Fund; and

WHEREAS, it is necessary to amend the 2016 Budget in order to change the funding source for the above mentioned projects.

NOW, THEREFORE, BE IT ORDAINED, by the Caddo Parish Commission in due, legal and regular session convened, that the Budget of Estimated Revenues and Expenditures for the General Fund and the Oil and Gas Fund for the year 2016 is hereby amended as follows:

<u>Line Item</u>	<u>Budget Increase (Decrease)</u>
General Fund:	
Other Financing Uses – Transfers Out	\$(1,200,000)
Fund Balance	1,200,000
Oil and Gas Fund	
Other Financing Uses – Transfers Out	\$ 1,200,000
Fund Balance	\$(1,200,000)

BE IT FURTHER ORDAINED, that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications which can be given effect without the invalid provisions, items or applications, and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED, that this ordinance shall take effect upon adoption.

BE IT FURTHER ORDAINED, that all ordinances or parts thereof in conflict herewith are hereby repealed.

ZONING ORDINANCES (introduction by title)

- *Zoning Case P-20-15, in regards to Ordinance No. 5558 of 2016, amending the zoning of property located on the SE corner of Wallace Lake Road and Flournoy Lucas Road, Caddo Parish, LA, from R-A, Residence-Agriculture District, to B-2, Neighborhood Business District and R-1H, Urban, One-Family Residence District, Forte & Tablada Applicant be moved to Thursday's Regular Session*

ORDINANCES (introduction by title)

- *Ordinance No. 5559 of 2016, amending and re-enacting Section 2-52 of the Caddo Parish Code of Ordinances pertaining to unclassified Parish employees eligible to participate in the Caddo Parish Employees Retirement System*
- *Ordinance No. 5560 of 2016, amending and re-enacting Section 2-28 of the Caddo Parish Code of Ordinances pertaining to the compensation of Commission members*
- *Ordinance No. 5561 of 2016, declaring certain adjudicated properties to be surplus and to authorize the Parish Administrator, or a designee, to sell the Parish of Caddo's tax interest in certain surplus adjudicated properties*

It was **moved by Mrs. Gage-Watts**, seconded by Mr. Middleton, *that the Work Session Minutes from January 19, 2016 be approved. Motion carried*, as shown by the following roll call votes: AYES: Commissioners Atkins, Bowman, Chavez, Dominick, Jackson, Linn, Middleton, Smith, and Gage-Watts (9). NAYS: None. (0). ABSENT: Commissioners Cawthorne, Epperson, and Johnson (3).

RESOLUTIONS

It was **moved by Mr. Dominick**, seconded by Mr. Jackson, that *Resolution No. 6 of 2016*, to approve revisions to the *Housing Choice Voucher Administrative Plan* be approved.

Mr. Dominick wanted some clarification on this resolution. Mrs. Barnett explained that this is for two changes with the voucher program for Section 8 Housing. She stated that there is currently a waiting list to receive a voucher. If your home is destroyed and you are already on a voucher, you will be put at the top of the list rather than being on the bottom and working your way up. The second change would be to include the City of Shreveport in their voucher program. She said that over the years the number of houses available for Section 8 in the Parish have been on the decline, so this would house more individuals.

Answering a question from Mr. Atkins regarding the funding for Section 8 Housing, Mrs. Barnett stated that it is funded through the federal government.

Answering a question from Mr. Dominick regarding the other municipalities in the Parish, Mrs. Barnett stated that those are currently included in their numbers. She also said that all of those houses are currently filled, which is the reason they need to come inside the city limits.

Answering a question from Mr. Chavez regarding the funding of the Section 8 Housing program, Mrs. Barnett stated that the Parish does not incur any fees; it is fully funded by the federal government. She also said that the Parish is only responsible for administering the program.

At this time, Mr. Dominick's motion carried, as shown by the following roll call votes: AYES: Commissioners Atkins, Bowman, Chavez, Dominick, Jackson, Linn, Middleton, Smith, and Gage-Watts (9). NAYS: None. (0). ABSENT: Commissioners Cawthorne, Epperson, and Johnson (3).

RESOLUTION NO. 6 OF 2016

BY THE CADDO PARISH COMMISSION:

TO APPROVE REVISIONS TO THE HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the Caddo Parish Commission's Housing Choice Voucher Administrative Plan (Admin Plan) details its policies and procedures for the management of its Housing Choice Voucher Program; and

WHEREAS, the Commission's Admin Plan includes certain preferences for the order of placement on the Housing Choice Voucher Waiting List; and

WHEREAS, preferences affect only the order of applicants on the Waiting List. They do not make anyone eligible who was not otherwise eligible; and

WHEREAS, the Commission seeks to amend its Admin Plan to include a preference for families who have been involuntarily displaced due to government action or natural disaster, to allow those persons to move to the top of the waiting list; and

WHEREAS, the Commission desires to offer greater housing choice for the citizens of Caddo Parish; and

WHEREAS, the Commission seeks to amend its Admin Plan to allow inter-jurisdiction leasing with the Housing Authority of the City of Shreveport;

NOW THEREFORE BE IT RESOLVED, that the Caddo Parish Commission approves the recommended revisions to the Commission's Housing Choice Voucher Administrative Plan as referenced above to take effect on February 1, 2016.

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications which can be given effect without the invalid provisions, items or applications, and to this end, the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed.

NEW BUSINESS

It was **moved by Mr. Smith**, seconded by Mr. Dominick, *to confirm reappointment of Mr. Willie Joe Green and Mr. James Robinson to the Fire District No. 4 Board, term to expire January 1, 2018.* Motion carried, as shown by the following roll call votes: AYES: Commissioners Atkins, Bowman, Chavez, Dominick, Jackson, Linn, Middleton, Smith, and Gage-Watts (9). NAYS: None. (0). ABSENT: Commissioners Cawthorne, Epperson, and Johnson (3).

There being no further business to come before the body, the meeting was adjourned at 4:31 p.m.

Matthew Linn
President

Todd Hopkins
Commission Clerk