

July 20, 2016

On Wednesday, July 20, 2016 at 9:00 a.m., the Police Jury of Sabine Parish, State of Louisiana met in open and regular session.

The following members were present: Willes Funderburk, "Mike" McCormic, "Rod" Hopkins, William E. Ruffin, "Ronny" Bison, Ricky "K-Wall" Sepulvado, Kenneth Ebarb, and "Randy" Byrd.

The following member was absent: Eric Garcie.

The Agenda was as follows:

1. Roll Call
2. Prayer
3. Pledge of Allegiance
4. Adopt the Minutes from Previous Meeting
5. Amend the Agenda
6. Adopt the Agenda
7. Planning Commission
- 7a. Enter into Executive Session
8. Review Billing from Clerk of Court for Charles Henry Davis Case
9. Schedule Special Police Jury Meeting on August 31, 2016.
10. Announce Public Meeting to Increase and Levy Ad Valorem Tax Millages for 2016 on 8/31/2016
11. Announce Convening as Board of Ad Valorem Tax Review on 9/21/16
12. Review Bids and Award Contract for Milling and Compacting Selected Oil Sand Roads
13. Review Bids and Award Contract for Milling Selected Asphalt Roads
14. Review the December 31, 2015 Annual Audit Report
15. Reappoint Geri Alford as Commissioner for the South Toledo Bend Waterworks District.
16. Adopt Mandy Lane into the Parish Road System.
17. Present Request for Attorney General Opinion on Road Abandonment.
18. Ratify Hiring John P. Grime as a Truck Driver
19. Ratify Hiring Thomas M. Brumley as a Full-Time Employee
20. Purchase of a Truck for the Equipment Maintenance Department
21. Authorize Payment of Approved Bills
22. Appropriate Sales Tax for July Operations (\$195,000)
23. Committee Reports
24. Operations

2. Prayer

Prayer was led by Mr. Ruffin.

3. Pledge of Allegiance

The Pledge of Allegiance was led by Mr. Bison.

4. Adopt the Minutes from Previous Meeting

At this time Police Jury President Kenneth M. Ebarb allowed a period of public comment on any items on the agenda. Mr. Ebarb advised everyone that they would be allowed to comment later during the meeting on particular agenda items if they desire. There were no public comments at this time.

Resolution No. 7669

Motion by Bison and seconded by Byrd to adopt the minutes of the June 15, 2016 Police Jury meeting.

The voting was as follows:

Yeas: 8 Nays: 0 Absent: 1

5. Amend the Agenda

Resolution No. 7670

Motion by Sepulvado and seconded by McCormic to amend the agenda as follows:

7a. Enter into Executive Session.

The voting was as follows:

Yeas: 8 Nays: 0 Absent: 1

6. Adopt the Agenda

Resolution No. 7671

Motion by McCormic and seconded by Bison to adopt the agenda as amended.

The voting was as follows:

Yeas: 8 Nays: 0 Absent: 1

7. Planning Commission- No report was presented by the Planning Commission.

7a. Enter into Executive Session

Resolution No. 7672

Motion by Ruffin and seconded by Sepulvado to enter into executive session.

The voting was as follows:

Yeas: 8 Nays: 0 Absent: 1

The Police Jury then entered into executive session to discuss litigation with the District Attorney.

Resolution No. 7673

Motion by Sepulvado and seconded by Byrd to exit executive session.

The voting was as follows:

Yeas: 8 Nays: 0 Absent: 1

8. Review Billing from Clerk of Court for Charles Henry Davis Case

The Sabine Parish Clerk of Court has presented the Police Jury an invoice for costs associated with the case of Charles Henry Davis versus the Sabine Parish Police Jury.

Resolution No. 7674

Motion by McCormic and seconded by Sepulvado to pay the Sabine Parish Clerk of Court's invoice for costs associated with the case of Charles Henry Davis versus the Sabine Parish Police Jury.

The voting was as follows:

Yeas: 8 Nays: 0 Absent: 1

9. Schedule Special Police Jury Meeting on August 31, 2016

Millage adoption must take place in a public meeting held no less than thirty (30) days nor more than sixty (60) days after verbal announcement during the course of a public

meeting and publication of the public notice of the Police Jury's intent to levy any new, increase or renew any ad valorem property tax.

Resolution No. 7675

Motion by Ruffin and seconded by Hopkins to schedule a special Police Jury meeting on August 31, 2016.

The voting was as follows:

Yeas: 8 Nays: 0 Absent: 1

10. Announce Public Meeting to Increase and Levy Ad Valorem Tax Millages for 2016 on 8/31/2016

The Secretary Treasurer, William E. Weatherford, read aloud the following notice to the public:

Notice is hereby given pursuant to Louisiana Revised Statute 42:19.1 that a public meeting of the Sabine Parish Police Jury will be held at its regular meeting place, the Police Jury Meeting Room of the Courthouse, 400 S. Capitol Street, Room 101, Many, Louisiana, on Wednesday, August 31, 2016 at Nine Thirty O'clock (9:30) am, to levy 2016 ad valorem taxes, to adopt the adjusted millage rates after reassessment, to roll forward to millage rates not to exceed the prior year's maximum, and to levy additional or increased millage rates without further voter approval. The meeting will be held in accordance with the Open Meetings Law, including allowing a public comment period before taking a vote to adopt ad valorem tax millage rates for the 2016 tax year.

11. Announce Convening as Board of Ad Valorem Tax Review on 9/21/16

The Sabine Parish Police Jury will convene in its capacity as a Board of Ad Valorem Tax Review during its regular meeting on September 21, 2016.

12. Review Bids and Award Contract for Milling and Compacting Selected Oil Sand Roads

The Sabine Parish Police Jury has publicly bid for the milling of the top two (2) inches of selected roads that were previously overlaid with oil sand for the purpose of allowing Police Jury crews to mix the milled oil sand with additional road oil. After the milled oil sand has been mixed with additional oil and spread and shaped by the Police Jury crew, the bidder will be responsible for compacting the oil sand mixture with a roller.

Bids were received by the Police Jury until 10:00am on July 15, 2016 at which time they were opened and read aloud. Two bids were received:

<u>Bidder</u>	<u>Bid</u>
Lites Brothers Asphalt, Inc.	\$.43 per square yard
Jody's Dozer & Track Hoe Service, LLC	\$.59 per square yard

Resolution No.7676

Motion by Ruffin and seconded by Funderburk to award a contract for the period July 20, 2016 until December 31, 2016 to the low bidder, Lites Brothers Asphalt, Inc., in the amount of \$.43 per square yard for the milling and compacting of the top 2 inches of selected roads that were previously overlaid with oil sand.

The voting was as follows:

Yeas: 8 Nays: 0 Absent: 1

13. Review Bids and Award Contract for Milling Selected Asphalt Roads

The Sabine Parish Police Jury has publicly bid for the milling of selected roads that were previously overlaid with asphalt. The milled asphalt paving will remain in place on the

roads where it was milled as directed by the Parish Road Superintendent and/or Road Foreman.

Bids were received by the Police Jury until 10:00am on July 15, 2016 at which time they were opened and read aloud. One bid was received:

<u>Bidder</u>	<u>Bid</u>
Lites Brothers Asphalt. Inc.	\$.43 per square yard

Resolution No. 7677

Motion by McCormic and seconded by Bison to award a contract for the period July 20, 2016 until December 31, 2016 to the low bidder, Lites Brothers Asphalt, Inc., in the amount of \$.43 per square yard for the milling of selected roads that were previously overlaid with asphalt.

The voting was as follows:

Yeas: 8 Nays: 0 Absent: 1

14. Review the December 31, 2015 Annual Audit Report

The Police Jury's independent auditor, Herbie W. Way, CPA, has delivered our annual audit report for the period ended December 31, 2015. The report was dated June 24, 2016 and it was timely delivered to the Louisiana Legislative Auditor. William E. Weatherford, CPA, Secretary Treasurer for the Police Jury, briefly discussed some of the highlights of the report. The report is available for public viewing on the Police Jury's website or at the Louisiana Legislative Auditor's website.

15. Reappoint Geri Alford as Commissioner for the South Toledo Bend Waterworks District

Geri Alford's appointment as a commissioner for the South Toledo Bend Waterworks District has expired.

Resolution No. 7678

WHEREAS Geri Alford's appointment as a commissioner for the South Toledo Bend Waterworks District has expired

BE IT RESOLVED that Geri Alford be appointed as a commissioner for the South Toledo Bend Waterworks District for the period January 17, 2016 until January 17, 2021.

The foregoing resolution having been offered upon a motion of Ruffin and seconded by Funderburk was then submitted to an official vote and the vote thereupon was recorded as follows to wit:

Yeas: 8 Nays: 0 Absent: 1

16. Adopt Mandy Lane into the Parish Road System

During the June 15, 2016 meeting, Mr. Jimmy Bray addressed the Police Jury concerning the possible addition of Mandy Lane into the Parish Road System. President Ebarb requested the Chairman of the Road and Shop Committee, the Chairman of the Sabine Parish Planning Commission, and the Parish Road Superintendent to inspect Mandy Lane to determine the condition of the road. He also requested that the Road and Shop Committee make a recommendation to the Jury for acceptance or rejection of the road.

Resolution No. 7679

Motion by Ruffin and seconded by Sepulvado to table adopting Mandy Lane into the Parish Road System until the next meeting of the Police Jury.

The voting was as follows:

Yeas: 8 Nays: 0 Absent: 1

17. Present Request for Attorney General Opinion on Road Abandonment

The Sabine Parish Police Jury has maintained a few roads in the Parish that the Police Jury now believes serves no public purpose. The Police Jury has never been granted a servitude or right of way with regard to any of the roads. These roads were never formally adopted into the Parish Road System but they were maintained for more than four (4) years.

Louisiana Revised Statute 48:491(B)(1)(a) provides for the tacit dedication of roads maintained by the Police Jury for a period of three (3) years or more. Such roads shall be public roads or streets if there is actual or constructive knowledge of such work by adjoining landowners exercising reasonable concern over their property. Louisiana Revised Statute 48:491(B)(1)(c) provides that actual or constructive knowledge is conclusively presumed within all parishes if the total period of such maintenance is four years or more.

The Police Jury does not believe that continued maintenance of these roads would further the interest of the Parish or the Parish Road System. However, the Police Jury is concerned that a court of competent Jurisdiction could determine that the Police Jury could be liable for injury and obligated to continue maintenance on the roads.

Louisiana Revised Statute 48:701 appears to grant the Police Jury the power to revoke and set aside the tacit dedication of these roads. Attorney General Opinion 14-0030 states that "Abandonment of a public road may be evidenced by: (1) a formal act of revocation, (2) relocation of the public road by the governing authority, (3) clear and well established proof of the intent of the governing body to abandon."

President Ebarb desires the Louisiana Attorney General to respond to five specific questions. In order to obtain an Attorney General's Opinion on these questions, they must be presented to the governing body. The questions are as follows:

1. Should the Police Jury continue to expend funds for maintenance on these roads and allow for exposure to liability?
2. May the Police Jury lawfully abandon roads that it believes do not serve a public purpose or further the interest of the Parish or the Parish Road System?
3. If the Police Jury may lawfully abandon the roads, what is the proper method of abandonment?
4. Would a public hearing be necessary prior to abandonment of the roads?
5. Would a formal resolution adopted in an open session of the Police Jury be considered a "formal act of revocation"?

A copy of President Ebarb's letter requesting an Attorney General's Opinion was included in the information provided to you for this meeting.

Resolution No. 7680

Motion by McCormic and seconded by Byrd to request the Louisiana Attorney General to respond to the questions put forth by President Ebarb in his letter dated July 20, 2016.

The voting was as follows:

Yeas: 8 Nays: 0 Absent: 1

18. Ratify Hiring John P. Grime as a Truck Driver

The Parish Road Superintendent has hired Mr. John P. Grime to fill a vacancy for a truck driver. Mr. Grime will work primarily in Wards 2 & 3.

Resolution No. 7681

Motion by Ruffin and seconded by Bison to ratify the hiring of John P. Grime to fill the vacancy for a truck driver at the present hourly rate of \$11.27, (subject to any normal Payroll Step Plan increases). Mr. Grime passed the required physical and is subject to the normal six months' probationary period for all new full-time employees.

The voting was as follows:

Yeas: 8 Nays: 0 Absent: 1

19. Ratify Hiring Thomas M. Brumley as a Full-Time Employee

Thomas M. Brumley was hired on May 9, 2016 as a temporary, part-time employee working in Wards 6 & 10. There is currently a vacancy for a full-time truck driver with the Parish Road Department.

Resolution No. 7682

Motion by Ruffin and seconded by Sepulvado to ratify the hiring of Thomas M. Brumley to fill the vacancy for a truck driver, working primarily in Wards 6 & 10, at the present hourly rate of \$11.27, (subject to any normal Payroll Step Plan increases). Mr. Brumley has passed the required physical and is subject to the normal six months' probationary period for all new full-time employees.

The voting was as follows:

Yeas: 8 Nays: 0 Absent: 1

20. Purchase of a Truck for the Equipment Maintenance Department

Mr. Doug Olivier, Parish Road Superintendent, discussed the need of a one-ton truck outfitted with an air compressor, welding machine, acetylene cutting torch, crane, etc. for the Equipment Maintenance Department.

Resolution No. 7683

Motion by Sepulvado and seconded by Byrd to authorize the Parish Road Superintendent to work with Mr. Ronnie Bison to purchase a new or used one-ton truck for the equipment maintenance department.

The voting was as follows:

Yeas: 8 Nays: 0 Absent: 1

21. Authorize Payment of Approved Bills

Resolution No. 7684

Motion by Ruffin and seconded by Bison to pay the approved bills.

The voting was as follows:

Yeas: 8 Nays: 0 Absent: 1

22. Appropriate Sales Tax for July Operations (\$195,000)

Resolution No. 7685

Motion by Ruffin and seconded by Funderburk to appropriate and transfer \$195,000.00 from the Sales Tax Fund to the Parishwide Transportation Fund for July 2016 operations.

The voting was as follows:

Yeas: 8 Nays: 0 Absent: 1

23. Committee Reports:

Solid Waste Committee:

Mr. Randy Byrd discussed possible locations for moving the Pleasant Hill Compactor Site. President Ebarb noted that the Police Jury would prefer to purchase a new location for the compactor site rather than leasing a location.

24. Operations

Mr. William Ruffin discussed a request for assistance with maintenance of the Monk Cemetery Road. Mr. Ruffin pointed out that the road provides access to a community cemetery and he believes it therefore serves a public purpose. It was further noted that the Police Jury has previously provided maintenance to the road for many years. Mr. Ruffin requested that the Police Jury consider formally adopting the Monk Cemetery Road into the Parish Road System.

Resolution No. 7686

Motion by Ruffin and seconded by McCormic to adopt Monk Cemetery Road into the Parish Road System contingent upon the landowners' providing the appropriate road right of way to the Sabine Parish Police Jury.

The voting was as follows:

Yeas: 8 Nays: 0 Absent: 1

Mr. McCormic briefly discussed the progress of the FEMA Disaster Recovery Grant Program for the March flooding.

Resolution No. 7687

Motion by Ruffin and seconded by Sepulvado to adjourn.

The voting was as follows:

Yeas: 8 Nays: 0 Absent: 1

s/William E. Weatherford
William E. Weatherford
Secretary Treasurer

s/Kenneth M. Ebarb
Kenneth M. Ebarb
President