

CROWLEY, LOUISIANA

DECEMBER 13, 2011

THE ACADIA PARISH POLICE JURY met on the above date at 6:30 p.m., in the Police Jury Meeting Room, Courthouse Building, Crowley, Louisiana, in regular session with the President, A. J. Credeur, presiding. At the request of the President, a moment of silence was offered and the Pledge to the Flag was recited in unison. The roll was called and final attendance was recorded as follows:

ALTON STEVENSON
A J BROUSSARD
KERMIT RICHARD
JOHN QUEBODEAUX
THOMAS SONNIER
A J CREDEUR

ABSENT: CADE BENOIT
FELTON MOREAU

A motion was offered by Mr. John Quebodeaux, seconded by Mr. Kermit Richard and carried, to dispense with the reading of the Minutes of the regular meeting held November 9, 2011.

A motion was offered by Mr. A. J. Broussard, seconded by Mr. Alton Stevenson and carried unanimously, to add an item to the agenda regarding a request by Myra Fontenot concerning Base Flood Elevation.

Ms. Myra Fontenot addressed the Police Jury regarding Base Flood Elevation.

RESOLUTION

BY MESSRS: KERMIT RICHARD AND ALTON STEVENSON

BE IT RESOLVED by the Acadia Parish Police Jury in regular session duly convened this 13th day of December, 2011, does hereby authorize Associated Design Group, Inc. to begin the Acadia Parish Police Jury Courthouse Front Plaza Water Intrusion Repair Project in the amount of Two Hundred Twenty-Five Thousand Seven Hundred Eighty-Three and 50/100 (\$225,783.50) dollars.

ADOPTED: DECEMBER 13, 2011

ATTEST:

/s/ Terry L. Lacombe
TERRY L. LACOMBE
SECRETARY-TREASURER

/s/ A. J. Credeur
A. J. CREDEUR
PRESIDENT

RESOLUTION

BY MESSRS: ALTON STEVENSON AND KERMIT RICHARD

BE IT RESOLVED by the Acadia Parish Police Jury in regular session duly convened this 13th day of December, 2011, does hereby empower, authorize & direct the President to execute Change Order No. 1 for the Acadia Parish Police Jury Courthouse Chiller Replacement and Energy Efficient Upgrades and Modifications in the amount of Five Thousand Seven Hundred Twenty-Five and 00/100 (\$5,725.00) Dollars, to be added, for an adjusted contract price of Five Hundred Seventy-Three Thousand Six Hundred Twenty-Five and 00/100 (\$573,625.00) dollars.

ADOPTED: DECEMBER 13, 2011

ATTEST:

/s/ Terry L. Lacombe
TERRY L. LACOMBE
SECRETARY-TREASURER

/s/ A. J. Credeur
A. J. CREDEUR
PRESIDENT

RESOLUTION

BY MESSRS: ALTON STEVENSON AND KERMIT RICHARD

WHEREAS, Spectra Energy, Inc. petitioned the Acadia Parish Police Jury to provide funding for the hardsurfacing of Charles R. Houssiere Road and Arthur Latreille Road, **and**

WHEREAS, the Acadia Parish Police Jury is in a agreement with this petition, **and**

WHEREAS, Aucoin & Associates, Inc. advertised for bids for the hardsurfacing of Charles R. Houssiere Road and Arthur Latreille Road, **and**

WHEREAS, the following bids were received:

| <u>BIDDER</u> | <u>BID</u> |
|---------------------------|-------------------|
| Elliot Construction, LLC | \$ 70,750.00 |
| Bessette Development Corp | \$ 92,655.00 |
| Prairie Contractors | \$111,200.00 |

THEREFORE, BE IT RESOLVED by the Acadia Parish Police Jury in regular session duly convened this 13th day of December, 2011, does hereby accept the bid submitted by Elliot Construction, LLC in the amount of Seventy Thousand Seven Hundred Fifty and 00/100 (\$70,750.00) dollars.

ADOPTED: DECEMBER 13, 2011

ATTEST:

/s/ Terry L. Lacombe
TERRY L. LACOMBE
SECRETARY-TREASURER

/s/ A. J. Credeur
A. J. CREDEUR
PRESIDENT

A motion was offered by Mr. John Quebodeaux, seconded by Mr. Thomas Sonnier and carried, that the Police Jury adopt the Acadiana Criminalistics Laboratory Budget for the year 2012.

A motion was offered by Mr. Kermit Richard, seconded by Mr. John Quebodeaux and carried, to approve the year end budget adjustments as presented and to further authorize the final adjusting entries to bring the 2011 budget into compliance with State Law.

A motion was offered by Mr. John Quebodeaux, seconded by Mr. Kermit Richard and carried, to adopt the 2012 Budget as submitted by the Secretary-Treasurer.

The following ordinance was offered for adoption by Kermit Richard and seconded by A. J. Broussard:

ORDINANCE

An ordinance providing for the continued levy within Sales Tax District No. 2 of the Parish of Acadia, State of Louisiana, effective April 1, 2012, of a one percent (1%) sales and use tax upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption, of tangible personal property and on sales of services in said District, providing for the assessment, collection, payment thereof and the dedication of the proceeds of said tax and the purpose for which the proceeds of the tax may be expended, such tax having been authorized at a special election held in said District on October 22, 2011.

WHEREAS, under the provisions of Article VI, Section 29 of the Constitution of the State of Louisiana of 1974, and other constitutional and statutory authority and an election held on October 22, 2011, Sales Tax District No. 2 of the Parish of Acadia, State of Louisiana (the "District"), acting through the Police Jury of the Parish of Acadia, State of Louisiana, as its governing authority (the "Governing Authority"), is authorized to levy and collect within the District from and after April 1, 2012, a one percent (1%) sales and use tax (the "Tax"), upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption, of tangible personal property and upon the sale of services as defined in applicable statutory authority, pursuant to the following proposition which was approved at said election held on October 22, 2011:

**SALES TAX DISTRICT NO. 2 PROPOSITION
(SALES TAX RENEWAL)**

Summary: 15 year, one percent (1%) sales and use tax renewal with the proceeds of the tax to be dedicated and used for repairing, constructing, improving and maintaining Parish roads and bridges in the unincorporated areas of Acadia Parish, including incidental drainage in connection therewith and acquiring equipment therefor.

Shall Sales Tax District No. 2 of the Parish of Acadia, State of Louisiana (the "District"), under the provisions of Section 2721.6 of Title 33 of the Louisiana Revised Statutes of 1950, as amended (R.S. 33:2721.6), and other constitutional and statutory authority supplemental thereto, be authorized to levy and collect and adopt an ordinance providing for such levy and collection, a tax of one percent (1%) (the "Tax") (an estimated \$2,000,000 reasonably expected at this time to be collected from the levy of the tax for an entire year) upon the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption, of tangible personal property and on sales of services in the District, all as defined by law, for a period of fifteen (15) years from April 1, 2012, with the proceeds of the Tax (after paying the reasonable and necessary expenses of collecting and administering the Tax), to be dedicated and used for the purpose of repairing, constructing, improving and maintaining Parish roads and bridges in the unincorporated areas of the Parish, including incidental drainage in connection therewith and acquiring equipment therefor?

WHEREAS, in compliance with the aforesaid constitutional and statutory authority and said special election of October 22, 2011, it is the desire of this Governing Authority to provide for the levy and collection of the Tax and to provide for distribution of the proceeds thereof and other matters in connection therewith as hereinafter provided in this ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Police Jury of the Parish of Acadia, State of Louisiana (the "Governing Authority"), acting as the governing authority of Sales Tax District No. 2 of the Parish of Acadia, State of Louisiana, thereof, that:

SECTION 1. Imposition. Pursuant to the authority of a special election held in Sales Tax District No. 2 of the Parish of Acadia, State of Louisiana, on October 22, 2011, the Tax is hereby levied upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption, of tangible personal property, and upon the lease or rental of tangible personal property and on the sales of services in the District, as defined by law. The Uniform Local Sales Tax Code, as enacted by Act 73 of the 2003 Regular Session of the Louisiana Legislature and as it may be amended, shall apply in the assessment, collection, administration and enforcement of the Tax, the provisions of which are hereby incorporated by reference.

SECTION 2. Rate of Tax. The Tax is levied at the rate of one percent (1%) of the sales price of each item or article of tangible personal property when sold at retail in the District, the Tax to be computed on gross sales for the purpose of remitting the amount of tax due to the District, and to include each and every retail sale. The Tax is levied at the rate of one percent (1%) of the cost price of each item or article of tangible personal

property when the same is not sold but is used, consumed, distributed, or stored for use or consumption in the District, provided there shall be no duplication of the Tax. The Tax is levied at the rate of one percent (1%) of the gross proceeds derived from the lease or rental of tangible personal property, as defined by law, where the lease or rental of such property is an established business, or part of an established business, or the same is incidental or germane to the said business, or of the monthly lease or rental price paid by lessee or rentee, or contracted or agreed to be paid by lessee or rentee to the owner of the tangible personal property. The Tax is levied at the rate of one percent (1%) of the amount paid or charged for taxable services, as defined by law, performed in the District.

SECTION 3. Effective Date. The Tax shall be effective on April 1, 2012.

SECTION 4. Term. The Tax shall remain in effect for fifteen (15) years (April 1, 2012 through March 31, 2027).

SECTION 5. Purposes. The proceeds of the Tax shall be used for the purposes set forth in the proposition approved by the voters in the special election held in the District on October 22, 2011, authorizing the Tax, which proposition is set forth in the preamble hereto.

SECTION 6. Vendor's Compensation. For the purpose of compensating the dealer in accounting for and remitting the Tax levied by this ordinance, each dealer shall be allowed two percent (2%) of the amount of Tax due and accounted for and remitted to the District's collector in the form of a deduction in submitting its report and paying the amount due by the dealer, provided the amount due was not delinquent at the time of payment, and provided the amount of any credit claimed for taxes already paid to a wholesaler shall not be deducted in computing the commission allowed the dealer hereunder.

SECTION 7. Exclusions and Exemptions. The Governing Authority adopts none of the optional exclusions or exemptions allowed by State sales and use tax law, nor does this Governing Authority adopt any exclusions or exemptions authorized by legislation enacted under Article VI, Section 29 (D)(1) of the Constitution of the State of Louisiana of 1974, that are not allowed as an exclusion or exemption from State sales and use tax. Included within the base of the Tax is every transaction, whether sales, use, lease or rental, consumption, storage or service, with no exclusions or exemptions except for those mandated upon political subdivisions by the Constitution or statutes of the State of Louisiana, including the Act.

SECTION 8. Interest on Unpaid Amount of Tax Due. As authorized by La. R.S. 47:337.69, the interest on unpaid amounts of the Tax which are due shall be at the rate of one and one-fourth percent (1-¼%) per month.

SECTION 9. Delinquency Penalty. The delinquency penalty, as provided by La. R.S. 47:337.70, shall be five percent (5%) per month on the unpaid amount of the Tax due for each thirty-day period, not to exceed five thirty-day periods.

SECTION 10. Penalty for False, Fraudulent or Grossly Incorrect Return. The penalty as authorized by La. R.S. 47:337.72 shall be fifty percent (50%) of the amount of the Tax found to be due.

SECTION 11. Negligence Penalty. The penalty as authorized by La. R.S. 47:337.73 shall be five percent (5%) of the unpaid amount of the Tax found to be due, or ten dollars (\$10.00), whichever is greater.

SECTION 12. Penalty for Insufficient Funds Check. The penalty as authorized by La. R.S. 47:337.74 shall be an amount equal to the greater of one percent (1%) of the check or twenty dollars (\$20.00).

SECTION 13. Attorney Fees. The collector is authorized to employ private counsel to assist in the collection of any taxes, penalties or interest due under this ordinance, or to represent him in any proceeding under this ordinance. If any taxes, penalties or interest due under this ordinance are referred to an attorney at law for collection, an additional charge of attorney fees, in the amount of ten per centum (10%) of the taxes, penalties and interest due, shall be paid by the tax debtor.

SECTION 14. Penalty for Costs Incurred. As provided by R.S. 47:337.75, and under the circumstances set forth therein, a penalty shall be added to the amount of Tax due in an amount as itemized by the Collector to compensate for all costs incurred in making an examination of books, records or documents, or an audit thereof, or in the holding of hearings or the subpoenaing and compensating of witnesses.

SECTION 15. Distrain Penalty. The penalty as provided by R.S. 47:337.76 in cases where the distraint procedure is used in the collection of the Tax shall be ten dollars (\$10.00).

SECTION 16. Limits on Interest, Penalty and Attorney Fees. Should the interest, penalties or attorney fees herein, or the combined interest, penalties and attorney fees, be declared to be in excess of limits provided by other law, including relevant jurisprudence, then the maximum interest, penalties and attorney fees allowed by such other law shall apply.

SECTION 17. Collector. The Tax levied by this ordinance is authorized to be collected by a "Collector" which term shall mean the Acadia Parish School Board, Sales Tax Division.

SECTION 18. Powers of Collector. The Collector is hereby authorized, empowered and directed to carry into effect the provisions of this ordinance, to appoint deputies, assistants or agents to assist it in the performance of its duties, and in pursuance thereof to make and enforce such rules as it may deem necessary.

SECTION 19. Agreement to Collect Tax on Vehicles. With regard to the collection of the Tax on any motor vehicle, automobile, truck, truck-trailer, trailer, semi-trailer, motor bus, home trailer, or any other vehicle subject to the vehicle registration license Tax, this Governing Authority, acting through the President of this Governing Authority, is authorized to enter into an agreement or agreements with the Vehicle Commissioner, Department of Public Safety and Corrections, for the collection of the Tax on such vehicles, as provided by R.S.47:303(B).

SECTION 20. Revenues of Tax. All taxes, revenues, funds, assessments, moneys, penalties, fees or other income which may be collected or come into the possession of the Collector under any provision or provisions of this ordinance relating to the Tax shall be promptly deposited by the Collector for the account of the District in the special fund heretofore established and maintained for the deposit of such proceeds, which fund shall be a separate bank account to be maintained with the regularly designated fiscal agent of the District; provided, however, any amount which is paid under protest or which is subject to litigation may be transferred to a separate account established by the Collector with said fiscal agent pending the final determination of the protest or litigation.

In compliance with the said special election of October 22, 2011, authorizing the Tax, after all reasonable and necessary costs and expenses of collecting and administration of the Tax have been paid as provided for above, the remaining balance in said special fund shall be available for appropriation and expenditures by this Governing Authority solely for the purposes designated in the applicable proposition authorizing the levy of the Tax.

SECTION 21. Severability. If any or more of the provisions of this ordinance shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this ordinance, but this ordinance shall be construed and enforced as if such illegal or invalid provisions had not been contained herein. Any constitutional or statutory provision enacted after the date of this ordinance which validates or makes legal any provision of this ordinance which would not otherwise be valid or legal, shall be deemed to apply to this ordinance.

SECTION 22. Uniform Sales Tax Controlling. If any provision of this ordinance shall be in conflict with the provisions of the Uniform Local Sales Tax Code, the provisions of the Uniform Local Sales Tax Code shall be controlling.

SECTION 23. Effective Date of Ordinance. This ordinance shall be in full force and

effect immediately upon its adoption, being an ordinance affecting the public peace, health and safety.

SECTION 24. Publication and Recordation. This ordinance shall be published in one issue of the official journal of this Governing Authority as soon as is reasonably possible. A certified copy of this ordinance shall be recorded in the mortgage records of the Parish of Acadia, State of Louisiana.

This ordinance having been submitted to a vote, the vote thereon was as follows:

| MEMBERS: | YEAS: | NAYS: | ABSENT: | ABSTAINING: |
|--------------------|---------------|---------------|---------------|---------------|
| Alton Stevenson | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| A.J. Broussard | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Kermit Richard | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| John H. Quebodeaux | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Thomas Sonnier | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| A.J. Credeur | <u> </u> | <u> </u> | <u> </u> | <u> X </u> |
| Thomas C. Benoit | <u> </u> | <u> </u> | <u> X </u> | <u> </u> |
| Felton Moreau | <u> </u> | <u> </u> | <u> X </u> | <u> </u> |

And the ordinance was declared adopted on this, the 13th day of December, 2011.

 /s/ Terry L. Lacombe
Secretary-Treasurer

 /s/ A.J. Credeur
President

A motion was offered by Mr. Kermit Richard, seconded by Mr. Alton Stevenson and carried, that the Police Jury execute an Act of Donation with the Village of Morse for one pickup truck.

RESOLUTION

BY MESSRS: JOHN QUEBODEAUX AND THOMAS SONNIER

BE IT RESOLVED by the Acadia Parish Police Jury in regular session duly convened this 13th day of December, 2011, does hereby authorize the receipt of Request for Proposals for an Acadia Parish Emergency Operations Plan.

ADOPTED: DECEMBER 13, 2011

ATTEST:

 /s/ Terry L. Lacombe
TERRY L. LACOMBE
SECRETARY-TREASURER

 /s/ A. J. Credeur
A. J. CREDEUR
PRESIDENT

RESOLUTION

BY MESSRS: KERMIT RICHARD AND A. J. BROUSSARD

A resolution authorizing the President to execute an Agreement with the Louisiana Department of Transportation and Development (LA DOTD) for improvements at the LeGros Memorial Airport.

WHEREAS, Act 451 of the 1989 Regular Session of the Louisiana Legislature authorized the financing of certain airport improvements from funds appropriated from the Transportation Trust Fund, **and**

WHEREAS, the Acadia Parish Police Jury has requested funding assistance from the LA DOTD to/for the rehabilitation of the airfield drainage, **and**

WHEREAS, the stated project has been approved by the Louisiana Legislature and the LA DOTD is agreeable to the implementation of this project and desires to cooperate with the Acadia Parish Police Jury according to the terms and conditions identified in the attached Agreement, **and**

WHEREAS, the LA Dotd will provide the necessary funding for the Rehabilitate Airfield Drainage project and reimburse the sponsor up to \$35,554 of the project cost, **and**

THEREFORE, BE IT RESOLVED by the Acadia Parish Police Jury in regular session duly convened on this the 13th day of December, 2011, does hereby authorize the President to execute an Agreement for the project identified as AIP No. 3-22-0013-008-2011 and SPN H.009685, more fully identified in the Agreement attached hereto.

This resolution shall be in force and effect from and after its adoption.

The aforesaid Resolution, having been submitted to a vote, the vote thereon was as follows:

YEAS: Alton Stevenson, A. J. Broussard, Kermit Richard, John Quebodeaux and Thomas Sonnier.

NAYS: None.

ABSENT: Cade Benoit and Felton Moreau.

ADOPTED: DECEMBER 13, 2011

ATTEST:

/s/ Terry L. Lacombe
TERRY L. LACOMBE
SECRETARY-TREASURER

/s/ A. J. Credeur
A. J. CREDEUR
PRESIDENT

RESOLUTION

BY MESSRS: ALTON STEVENSON AND KERMIT RICHARD

BE IT RESOLVED by the Acadia Parish Police Jury in regular session duly convened this 13th day of December, 2011, does hereby empower, authorize & direct the President to execute Change Order No. 5 for the Acadia Parish Police Jury Jail Conversion/Administration Office in the amount of Thirty-Six Thousand Seven Hundred Fifty and 00/100 (\$36,750.00) Dollars, to be added, for an adjusted contract price of Five Hundred Seventy-Five Thousand Nine Hundred Ninety-Two and 00/100 (\$575,992.00) Dollars and the contract time increased by 14 days.

ADOPTED: DECEMBER 13, 2011

ATTEST:

/s/ Terry L. Lacombe
TERRY L. LACOMBE
SECRETARY-TREASURER

/s/ A. J. Credeur
A. J. CREDEUR
PRESIDENT

A motion was offered by Mr. John Quebodeaux, seconded by Mr. Thomas Sonnier and carried, to declare Friday, December 23, 2011 and Friday, December 30, 2011, as legal holidays and authorize the closing of the Acadia Parish Courthouse.

RESOLUTION

BY MESSRS: KERMIT RICHARD AND JOHN QUEBODEAUX

BE IT RESOLVED by the Acadia Parish Police Jury in regular session duly convened this 13th day of December, 2011, does hereby appoint Mr. James Romero to Fire Protection District #5 effective December, 2011.

ADOPTED: DECEMBER 9, 2011

ATTEST:

/s/ Terry L. Lacombe
TERRY L. LACOMBE
SECRETARY-TREASURER

/s/ A. J. Credeur
A. J. CREDEUR
PRESIDENT

RESOLUTION

BY MESSRS: JOHN QUEBODEAUX AND ALTON STEVENSON

BE IT RESOLVED by the Acadia Parish Police Jury in regular session duly convened this 13th day of December, 2011, does hereby re-appoint Mr. Terry Osborne and Chief Albert Venable to the Acadia Parish Communications District effective December, 2011.

ADOPTED: DECEMBER 9, 2011

ATTEST:

/s/ Terry L. Lacombe
TERRY L. LACOMBE
SECRETARY-TREASURER

/s/ A. J. Credeur
A. J. CREDEUR
PRESIDENT

RESOLUTION

BY MESSRS: KERMIT RICHARD AND A.J. BROUSSARD

BE IT RESOLVED by the Acadia Parish Police Jury in regular session duly convened this 13th day of December, 2011, does hereby re-appoint Ms. Charlotte Jeffers and Ms. Cheryl Richard to the Acadia Parish Convention & Visitors Commission effective December, 2011.

ADOPTED: DECEMBER 9, 2011

ATTEST:

/s/ Terry L. Lacombe
TERRY L. LACOMBE
SECRETARY-TREASURER

/s/ A. J. Credeur
A. J. CREDEUR
PRESIDENT

ORDINANCE # 1020

AN ORDINANCE MAKING IT UNLAWFUL FOR ANY PERSON TO OPERATE OR DRIVE A MOTOR VEHICLE UPON PRIMEAUX ROAD IN ACADIA PARISH, LOUISIANA, AT A SPEED IN EXCESS OF **THIRTY-FIVE MILES PER HOUR**, AND, PROVIDING FOR THE PENALTIES FOR THE VIOLATION THEREOF.

SECTION 1. BE IT ORDAINED by the Police Jury of Acadia Parish, Louisiana, that it shall be unlawful fo any person to operate or drive a motor vehicle in excess of **thirty-five miles per hour** on the following described Parish Road:

Primeaux Road

SECTION 2. BE IT FURTHER ORDAINED that any person found guilty of operating or driving a motor vehicle in excess of **thirty-five miles per hour** on the Parish road described

above, shall be guilty of a misdemeanor, and upon conviction therefore, shall be fined not more than Fifty Dollars (\$50) or be imprisoned not more than ten (10) days or both.

SECTION 3. BE IT FURTHER ORDAINED that any laws or parts of laws in conflict are hereby repealed.

The Ordinance was offered by Mr. Kermit Richard, and seconded by Mr. A. J. Broussard, after being read and considered section by section, was adopted as a whole by the following vote:

YEAS: Alton Stevenson, A. J. Broussard, Kermit Richard, John Quebodeaux and Thomas Sonnier

NAYS: None.

ABSENT: Cade Benoit and Felton Moreau

ADOPTED: DECEMBER 13, 2011

ATTEST:

/s/ Terry L. Lacombe
TERRY L. LACOMBE
SECRETARY-TREASURER

/s/ A. J. Credeur
A. J. CREDEUR
PRESIDENT

A motion was offered by Mr. Kermit Richard, seconded by Mr. A. J. Broussard and carried, that the Police Jury place 3-way stop signs at the intersection of Primeaux Road and Muskrat Road with public notification to be given prior to the placement of stop signs.

The Secretary-Treasurer presented the monthly financial report.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE MEETING, THE MOTION WAS OFFERED DULY SECONDED, THAT THE MEETING ADJOURN UNTIL THE NEXT REGULARLY SCHEDULED MEETING OF MONDAY, JANUARY 9, 2011, AT THE HOUR OF 6:30 P.M.

SECRETARY-TREASURER

PRESIDENT