

AGENDA
ST. LANDRY PARISH COUNCIL
REGULAR MEETING—TUESDAY, OCTOBER 16, 2007—6:00 P.M.
ST. LANDRY PARISH COURTHOUSE, 118 S. COURT ST.
ST. LANDRY PARISH COUNCIL MEETING ROOM # 132
OPELOUSAS, LOUISIANA

I. OCALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

Pledge of Allegiance by Councilman Wayne Ardoin

IV. INVOCATION

Invocation by Councilman Wayne Ardoin

V. WELCOME GUESTS

VI. APPROVAL OF MINUTES

Motion to dispense with the reading of the minutes of September 18th, 2007, and further that a resolution be adopted approving said minutes as published.

VII. CONDOLENCES:

Motion to adopt resolutions of condolences for the following families:
(Call for a moment of silence)

VIII. PERSONS TO ADDRESS THE COUNCIL:

IX. SPECIAL BUSINESS:

X. ORDINANCE FOR ADOPTION:

1. **ORDINANCE 2007-006**
SALE OF ADJUDICATED PROPERTY
AN ORDINANCE OF THE ST. LANDRY PARISH
CODE OF ORDINANCES TO ESTABLISH RULES AND REGULATIONS FOR
THE SALE OF ABANDONED/ADJUDICATED PROPERTY

Sec. 1. Sale of an abandoned (adjudicated) property by private sale.

(a) Sale of abandoned (adjudicated) properties may be made by private sale, and in order to establish a fair and equitable policy, which shall have uniform application, for determining the sale price, all properties sold pursuant to this section shall be sold to the highest bidder, free and clear of all liens and privileges for taxes, interest, penalties, paving, and other assessments due the state, parish or municipality thereof;

(b) In addition to the aforementioned statutes, the initial application by prospective purchaser shall include the following:

(1) Legal description of property (lot, square and subdivision name);

(2) Municipal address of property;

(3) Name of the owner(s) of record of the property at time of adjudication and the year of the tax sale;

(4) Affidavit certifying the prospective purchaser is not a member of immediate family of property owner or entity in which owner has a substantial economic interest;

(5) A copy of tax sale deed evidencing the recordation in excess of three (3) years;

(6) A copy of current tax bill;

(7) A non-refundable administrative fee of seventy-five dollars (\$75.00); and,

(8) An executed offer letter to purchase the property.

(c) *Bid phase.*

(1) The purchasing department shall send a memo attaching the above documents in subsections (b)(1--8) to the parish government, which will review the documents and shall request an advertisement for bidding;

(2) If neither opposition nor higher offer is received in response to the advertisement, the parish government shall recommend that the offer be accepted or rejected when it is referred to the full parish government for action;

(3) If there is opposition or higher offer received, then the following shall occur:

a. Party must file the written opposition or higher offer with the parish council prior to hearing of ordinance;

b. If higher offer(s) are received, then said new offeror(s) shall deposit a cashier's check amounting to the total of all costs advanced by prospective purchaser, including the application fee, appraisal fee (if any), plus the prospective purchaser's attorney fees (if any, up to one thousand five hundred dollars (\$1,500.00)), which will be used to reimburse prospective purchaser in the event the prospective purchaser is not the highest bidder:

c. If more than one (1) offer for any particular piece of property is received, all parties (i.e., the original applicant/prospective purchaser and subsequent offerors) who have submitted an offer with the required deposit shall be allowed to submit additional verbal bids immediately at the parish council meeting, and a recommendation shall be made to the full parish council;

d. The results of the bidding process and the recommendation of the parish council to sell the property to the highest bidder will then be submitted to the full parish council for adoption at the following meeting.

(d) The parish council will adopt an ordinance to sell the property to the highest bidder (hereinafter referred to as "purchaser"). Said ordinance shall include the following requirements:

(1) A requirement that the purchaser certify in writing to the purchasing department of the parish government that he/she, or agent, has examined the mortgage and conveyance records of St. Landry Parish and that attached to this certification is a written list of names and last known addresses of all owners, mortgages, and any other person(s) or entities who may have a vested or contingent interest in the property, or anyone who has filed a request for notice as provided in LSA-R.S. 47:2261 as indicated in those records:

(2) A requirement that the purchaser submit the required notifications to the purchasing department for their signature, and then notify

those persons identified in accordance with LSA-R.S. 47:2261, i.e. certified mail, publication and/or service of process;

(3) A requirement that, once notice is given, the purchaser record proof of notice in the conveyance records of St. Landry Parish and provide the purchasing department with stamped copies of the recorded proof of notice;

(4) A requirement that purchaser certify in writing at the time of the closing, to the purchasing department that at least sixty (60) days has elapsed since the above required notice was made or attempted and that the owner has not redeemed the property by paying the taxes;

(5) An authorization for the president of the parish government to execute an act of sale of the property at least sixty (60) days after notice, as required above; however, the president shall not execute the act of sale until the district attorney's office has certified in writing to the president, that purchaser has complied with subsections (1) through (4) above;

(6) A requirement that the sale instrument be approved by the district attorney's office and that the sales price be paid by cashier's check, or money order at the time of the sale. The sale form shall include a reservation of all mineral rights to the city and/or parish, but shall convey all surface rights to the prospective purchaser;

(7) A requirement that the sale will be without warranty, even as to the return of the purchase price; and,

(8) A provision that if the purchaser fails to complete the requirements of subsections (2)(a) and (b) of the adopted ordinance to sell abandoned (adjudicated) property within one hundred and twenty (120) days of its adoption, the president of the parish government is authorized to execute an act of cash sale in which the parish conveys the above described property to anyone who shall complete the requirements of subsection (2) of the adopted ordinance; and that if all of the requirements of that section are not completed within six (6) months from the date of the adoption, the president of the parish government's authority to execute an act of cash sale for this property shall cease and any and all rights of the prospective purchaser to this property shall terminate;

(e) The initial application fee of seventy-five dollars (\$75.00) and the cost of the appraisal shall not be applied to the purchase price and shall not be refundable if the purchaser elects not to complete the process.

(f) Any redemption by persons mentioned in the aforementioned statutes shall be cast with all taxes, interest, penalties, liens, and all costs and fees advanced by the prospective purchaser, plus the purchaser's attorney fees (if any, up to one thousand five hundred dollars (\$1,500.00)), all to be collected by the sheriff prior to issuance of the redemption certificate.

Sec. 2. Donation of an abandoned (adjudicated) property to a non-profit entity.

(a) Donation of abandoned (adjudicated) properties may be by private act, and all properties donated pursuant to this section shall be donated free and clear of all liens and privileges for taxes, interest, penalties, paving, and other assessments due the state, parish or municipality thereof;

(b) In addition to the aforementioned statutes, the application for donation of property by a non-profit entity shall include the following:

(1) Legal description of property (lot, square and subdivision name);

- (2) Municipal address of property;
- (3) Name of the owner(s) of record of the property at time of adjudication and the year of the tax sale;
- (4) Affidavit certifying no member of the non-profit entity is a member of immediate family of property owner or non-profit entity in which owner has a substantial economic interest;
- (5) A copy of tax sale deed evidencing the recordation in excess of three (3) years;
- (6) A copy of current tax sale bill;
- (7) A non-refundable administrative fee of seventy-five dollars (\$75.00);
- (8) Proof of the non-profit status including the Articles of Organization and the IRS 501(c)(3) or IRS 501(c)(4) letter.

(c) Upon receipt of the written request and items in subsections (b)(1--8) listed above, a request for determination shall be sent from the purchasing department to the director of public works;

(d) Director of public works shall forward a property determination to the purchasing department, which shall indicate whether a current appraisal is necessary;

(e) Purchasing department shall send time limit letter to the non-profit entity regarding status of property, i.e. whether or not it is needed for a public purpose and that if not so needed, a current appraisal is required under this section, procured and paid for by the non-profit entity, performed by a state certified appraiser;

(f) If the property is available for donation, the non-profit entity shall complete and execute an offer letter (hereinafter, known as a request for donation of property), attaching the current appraisal, which shall be submitted to the purchasing department.

(g) When the request for donation of property is received by purchasing department, a memo shall be sent to parish government regarding the proposed donation of property with a copy of the request for donation of property, the required attachments listed in subsection (b) above, and the attached current appraisal.

(h) Upon recommendation by the parish council, an ordinance will be adopted declaring the property as surplus, not needed for a public purpose, and approving the donation of the property to the non-profit entity.

Said ordinance shall include the following:

(1) A requirement that the non-profit entity certify in writing to the purchasing department that it or its agent has examined the mortgage and conveyance records of St. Landry Parish and that attached to this certification is a written list of names and last known addresses of all owners, mortgages, and any other person(s) or entities who may have a vested or contingent interest in the property, or anyone who has filed a request for notice as provided in LSA-R.S. 47:2261, as indicated in those records;

(2) A requirement that the non-profit entity submit the required notifications to the purchasing department for their signature, and then notify

those persons identified therein in accordance with LSA-R.S. 47:2261, i.e. certified mail, publication and/or service of process;

(3) A requirement that, once notice is given, the non-profit entity, at its expense, record proof of notice in the conveyance records of St. Landry Parish and provide the purchasing department with stamped copies of the recorded proof of notice. (The clerk of court will charge to record proof of notice.);

(4) A requirement that the non-profit entity, at the time of the closing, certify in writing to the purchasing department that at least sixty (60) days has elapsed since the above required notice was made or attempted and that the owner has not redeemed the property by paying the taxes;

(5) An authorization for the president of the parish government to execute a donation of the property at least sixty (60) days after notice, as required above; however, the president shall not execute the act of donation until the district attorney's office has certified in writing to the president, that donee has complied with subsections (h)(1) through (4), above;

(6) A requirement that the donation instrument be subject to the requirements of LA R.S. 33:4720.29(C), be approved by the district attorney's office and that the donation shall include a reservation of all mineral rights to the city and/or parish, but shall convey all surface rights to the donee;

(7) A requirement that the donation will be without warranty;
and,

(8) A provision that if the non-profit entity fails to complete the requirements of subsections (2)(a) and (b) of the adopted ordinance to donate the property within one hundred twenty (120) days of its adoption, the president of the parish government is authorized to execute an act of donation in which the parish donates the above described property to anyone who shall complete the requirements of subsection (2) of the adopted ordinance; and that if all of the requirements of that section are not completed within six (6) months from the date of the adoption, the president of the parish government's authority to execute an act of donation for this property shall cease and any and all rights of the donee to this property shall terminate.

(i) The initial application fee of seventy-five dollars (\$75.00) and the cost of the appraisal shall not be refundable if the non-profit entity elects not to complete the process.

(j) Any redemption by persons mentioned in the aforementioned statutes shall be cast will all taxes, interest, penalties, liens, and all costs and fees advanced by the donee, plus the donee's attorney fees (if any, up to one thousand five hundred dollars (\$1,500.00)), all to be collected by the sheriff prior to the issuance of the redemption certificate.

Sec.3. Sale of an adjudicated vacant lot to an adjoining landowner who has maintained the lot for one year, and other conditions, mandated by the prevailing statutes.

(a) In order to establish a fair and equitable policy, which shall have uniform application for determining the sale price, all properties sold pursuant to this section shall be sold for one-half (1/2) of the appraised value of said property, free and clear of all liens and privileges for taxes, interest, penalties, paving, and other assessments due the state, parish or municipality thereof;

(b) In addition to the aforementioned statutes, the initial application submitted to the purchasing department for said private sale shall be as follows:

- name);
- (1) Legal description of property (lot, square and subdivision name);
 - (2) Municipal address of property;
 - (3) Name of the owner(s) of record of the property at time of adjudication and the year of the tax sale;
 - (4) An affidavit that prospective purchaser is not a member of the immediate family of the tax debtor or entity owning a substantial interest in the property;
 - (5) A copy of the tax sale deed evidencing the recordation in excess of three (3) years;
 - (6) A copy of the current tax bill;
 - (7) A non-refundable administrative fee of seventy-five dollars (\$75.00);
 - (8) Affidavits as required by the statute concerning the maintenance of the property;
 - (9) A current appraisal, procured and paid for by the prospective purchaser, performed by a state certified appraiser;
 - (10) Prospective purchaser shall submit a written offer letter to purchase the property;

(c) The purchasing department shall send a memo attaching the above documents in subsections (b)(1--7) to the parish council, which will review the documents and make a recommendation to adopt an ordinance to sell the property to the prospective purchaser for one-half (1/2) of the appraised value.

Said ordinance shall include the following requirements:

- (1) A requirement that the prospective purchaser certify in writing to the purchasing department of the parish council that he/she, or agent, has examined the mortgage and conveyance records of St. Landry Parish and that attached to this certification is a written list of names and last known addresses of all owners, mortgages, and any other person(s) or entities who may have a vested or contingent interest in the property, or anyone who has filed a request for notice as provided in LSA-R.S. 47:2261, as indicated in those records;
- (2) A requirement that the prospective purchaser submit the required notifications to the purchasing department for their signature, and then notify those persons identified in accordance with LSA-R.S.47:2261, i.e. certified mail, publication and/or service of process;
- (3) A requirement that, once notice is given, the prospective purchaser record proof of notice in the conveyance records of St. Landry Parish and provide the purchasing department with stamped copies of the recorded proof of notice;
- (4) A requirement that the prospective purchaser certify in writing at the time of the closing, to the purchasing department that at least sixty (60) days has elapsed since the above required notice was made or attempted and that the owner has not redeemed the property by paying the taxes;
- (5) An authorization for the president of the parish government to execute a sale of the property at least sixty (60) days after notice, as required above; however, the president shall not execute the act of sale until the district

attorney's office has certified in writing to the president, that the prospective purchaser has complied with times [in] subsections (1--4) above;

(6) A requirement that the sale instrument be approved by the district attorney's office and that the sales price be paid by cashier's check, or money order at the time of the sale. The sale form shall include a reservation of all mineral rights to the city and/or parish, but shall convey all surface rights to the prospective purchaser;

(7) A requirement that the sale will be without warranty, even as to the return of the purchase price; and,

(8) A provision that if the prospective purchaser fails to complete the requirements of subsection (c)(2) above to sell the adjacent lot within six (6) months from the date of the adoption, the president of the parish government's authority to execute an act of cash sale for this property shall cease and any and all rights of the prospective purchaser to this property shall terminate.

(d) The initial application fee of seventy-five dollars (\$75.00) and the cost of the appraisal shall not be applied to the purchase price and shall not be refundable if the prospective purchaser elects not to complete the process.

(e) Any redemption by persons mentioned in the aforementioned statutes shall be cast will all taxes, interest, penalties, liens, and all costs and fees advanced by the prospective purchaser, plus the prospective purchaser's attorney fees (if any, up to one thousand five hundred (\$1,500.00)), all to be collected by the sheriff prior to issuance of the redemption certificate.

Sec. 4. Disbursement of proceeds of sale of adjudicated property.

(a) Any and all proceeds collected as a result of the sale of adjudicated property in the Parish of St. Landry shall be disbursed on a pro rata basis of taxes owed among any and all public agencies holding claim to said funds as set forth by the St. Landry Parish Government; and,

(b) Once any and all obligations to afore mentioned public agencies have been fulfilled, all remaining proceeds from the sale of adjudicated property shall be disbursed to the Road District in which the adjudicated property is located.

Sec. 5. Committee.

The St. Landry Parish Government shall appoint a committee consisting of the President of the Parish, President of the Council, Chairman of the Finance Committee, the Chairman of the Public Works Committee, and the St. Landry Parish Government Legal Advisor to resolve any issues that may arise regarding adjudicated properties and report back to the full council.

2. ORDINANCE NO. 2007-007

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 18-24 OF THE ST. LANDRY PARISH CODE OF ORDINANCES TO ESTABLISH LEGAL LOAD LIMITS FOR VARIOUS BRIDGES IN ST. LANDRY PARISH, STATE OF LOUISIANA.

WHEREAS, the establishment of legal load limits for bridges maintained by the St. Landry Parish Government is in the public interest, now, therefore,

BE IT ORDAINED that the legal load limits on various bridges in St. Landry Parish be amended and re-enacted to include the following changes, deletions and/or additions:

Parish Road Number	Recall Number	Bridge Posting (tons)
236 Live Oak Rd	800183	Closed
498 Jim Guillory Rd	800222	5
898 Rozena Rd	800227	10-15
1052 Joe W Rd	800171	10-15
628 Summner Rd	800237	Closed
230 Chelsie Rd	800231	Closed
760 Benny Pitre Rd	800234	10-15
980 Benny Pitre Rd	800233	10-15
606 St. Amand St	800254	10-15
1176 Prayer House Rd	800255	10-15
408 St. Andrew Rd	030144	10-15
1132 Horecky Rd	800277	10-15
242 Whites Chapel Rd	800276	10-15
1112 WPA Rd	800271	20-35
992 Veazie Rd (Savage Bridge)	800281	5
178 Woods Rd	800288	5
176 Will Landry Rd	030006	10
1334 Country Ridge Rd	800328	10-15
548 Little Teche Rd	800318	Closed
3280 Courtableau Rd	030149	5
3144 Courtableau Rd	800306	3
1912 Old 190 Rd	800314	5
1588 Old 190 Rd	800309	10-15
670 Old 190 Rd	800312	10-15
656 Bayou Gerimond Rd	030061	10-15
1434 Oscar Rivette Rd	030152	10-15
718 Portage Levee Rd	800333	03
674 Billeaux Rd	030138	5
262 Rodney Rd	800190	5
824 McCarthy Ln	800215	20-35
426 W. Jefferson St	800384	20-35
332 W. Cherry St	030158	20-35
306 W. North St	800378	25-40
258 W. Grolee St	800373	25-40
694 Botany Bay Rd	030071	15-25

BE IT FURTHER ORDAINED that any ordinances or parts of ordinances in conflict with this ordinance be and the same are hereby repealed.

BE IT FURTHER ORDAINED that the Public Works Supervisor and/or President, during emergency conditions are authorized and directed to make necessary changes in load limits, post load limits, to close roads and bridges, to restrict traffic and/or any other measures they deem necessary to ensure the safety of the public.

XI. RESOLUTIONS:

1. Consider the adoption of the following resolution:

ANNUAL CERTIFICATION OF COMPLIANCE WITH STATE OF LOUISIANA OFF SYSTEM BRIDGE REPLACEMENT PROGRAM

WHEREAS, the Code of Federal Regulations as enacted by the United States Congress mandates that all structures defined as bridges located on all public road shall be inspected, rated for safe load capacity and posted in accordance with the National Bridge Inspection Standards and that an inventory of these bridges be maintained by each State; and

WHEREAS, the responsibility to inspect, rate and load post those bridges under the authority of St. Landry Parish in accordance with standards is delegated by the Louisiana Department of Transportation and Development (herein referred to as DOTD) that for the period of October 1, 2006 through September 30, 2007:

1. The Parish has performed all interim inspections on all Parish owned or maintained bridges in accordance with the National Bridge Inspection Standards.
2. All Parish owned or maintained bridges which require load posting or closing have been load posted or closed in accordance with the table in the DOTD Engineering Directives and Standards Manual Directive No. 1.1.1.8. All DOTD supplies load posting information concerning a bridge has been critically reviewed prior to load posting.
3. All bridges owned or maintained by the Parish are shown on the attached list in the format specified by DOTD. Corrections to data supplies to the Parish by the DOTD are noted.

These stipulations are requisites to participation by the Parish in the Off System Bridge Replacement Program

2. Consider the adoption of a resolution to accept the resignation of Rick Pate from District Six Public Works Commission.
3. Consider the adoption a resolution to appoint and/or reappoint a board member to the District Six Public Works Commission: (2 yr terms)

Presently Serving	Nominations
Cecil Wayne Slocum, term expired January 24, 2007	Cecil Wayne Slocum. 122 Nall Rd Krotz Springs, LA 70750
William Bryson, term expired January 24, 2007.	William H. Bryson 436 Fredrick St. Krotz Springs, LA 70750
Rick Pate, term expired, January 24, 2007	Warren P. Basco 284 Coulon Rd. Krotz Springs, LA 70750

4. Consider the adoption of a resolution to grant a trial ride permit to Stacey Nevils, Big D's Trial Ride for the following day; October 27th, 2007.
5. Consider the adoption of a resolution to grant a trial ride permit to Patricia Gordon, Snow Road Posse for the following days; November 9th, 10th, and 11th, 2007.
6. Consider the adoption of a resolution to grant a trial ride permit to Roy Carrier, Offshore Lounge for the following day; November 11th, 2007.
7. Consider the adoption of a resolution to ratify the actions of the Special Meetings held on Monday, September 24th, 2007 and Thursday, September 27th, 2007.
8. Consider the adoption of a resolution requesting the legal advisor, Andrea West, research establishing a burn policy for residential areas in St. Landry Parish.

XII. COMMITTEE REPORTS:

**PUBLIC WORKS COMMITTEE
MONDAY, OCTOBER 1ST, 2007 AT 6:00 P.M.**

PRESENT: Hurlin Dupre; Ronald Dugas; Huet "Picheau" Dupre; William "Billy" Gil; Keith Miller; Ronald Buschel, Chairman; James Eaglin, Ex Officio. **ABSENT:** None.

1. Meeting was called to order by Chairman, Ronald Bushel;
2. Chairman Ronald Buschel requested the Council Clerk to call roll.
3. Delores Mciver, 135 April Lane, Port Barre, LA 70577, addressed the committee to find out the status of the road repairs for the O G Track in Port Barre.
4. Juanita Gradney, 160 Bebo Drive, Opelousas, LA 70570 addressed the committee and requested that a burn policy be implemented in St. Landry Parish.
5. The committee recommends requesting that the legal advisor, Andrea West, research establishing a burn policy for residential areas.
6. Pam Gautreau, 453 Chretien Point, Sunset, LA 70584 addressed the committee and requested an explanation of the proposed tax renewal in District 8.
7. The committee recommends authorizing the Parish President, Don Menard to sign an intergovernmental agreement between St. Landry Parish Government and St. Landry Parish Sheriff Department for the use of the St. Landry Parish Government's 1986 Chevrolet Lift Truck.
9. The committee recommends accepting the Public Works Report as presented by the Public Works Director, Tim Marks.
10. The committee recommends adopting a resolution of support requesting assistance from the Governor's Office of Disability Affairs, United We Ride, to develop & conduct a feasibility study to assess the current transportation needs of the citizens of St. Landry Parish..
11. The committee recommends accepting the Parish President Report as presented.
12. The committee recommends requesting the Public Works Director, Tim Marks to investigate Mr. Robert Doucet's property on Alex Stoute Rd to determine if it is in accordance with our nuisance ordinance and please turn the information over to our legal advisor to be addressed in an effort to get the grass cut.
13. The committee recommends adjournment to the next Public Works Committee scheduled for Monday, November 5th, 2007 at 6:00 p.m.

Submitted by:
/s/ Chairman, Ronald
Buschel

ADMINISTRATIVE/FINANCE COMMITTEE
IMMEDIATELY FOLLOWING THE PUBLIC WORKS COMMITTEE
MONDAY OCTOBER 1ST, 2007

PRESENT: Dexter Brown; Gary Courville; Bruce Boudreaux; Albert Hollier; Wayne Ardoin, Chairman; James Eaglin, Ex Officio. **ABSENT:** Pat Miller.

1. Meeting was called to order by Chairman Wayne Ardoin;
2. Chairman Wayne Ardoin requested the Council Clerk to call roll;

3. The committee recommends that the Administrative Finance Committee be adjourned to the next committee meeting scheduled for Monday, November 5th, 2007, immediately following the Public Works Committee.

Submitted by:
/s/ Chairman, Wayne Ardoin

XIII. PARISH PRESIDENT'S REPORT:

XIV. PUBLIC WORKS REPORT:

XV. ANNOUNCEMENT OF VACANCY AND/OR TERM EXPIRATIONS ON BOARDS/COMMISSIONS:

1. **EAST ST. LANDRY CONSOLIDATED GRAVITY DRAINAGE DISTRICT NO. 1**
(4 yr terms)

Cody Stanford, term expired October 2, 2007.
Chris Leblanc, term expired October 2, 2007.

3. **ACADIA-ST. LANDRY HOSPITAL SERVICE DISTRICT**
(6 yr terms)

Chad Matte, term expired October 1, 2007.

XVI. LITIGATION REPORT

XVII. ADJOURNMENT

Adjournment with next regular meeting to be scheduled for November 20th, 2007, in the Council Meeting Room, Suite 132, Courthouse Building, Opelousas, Louisiana.