

RAPIDES PARISH POLICE JURY

REGULAR SESSION

JULY 11, 2011

The Police Jury of the Parish of Rapides, State of Louisiana, met in Regular Session at its regular meeting place, the Police Jury Room of the Parish Courthouse, 701 Murray Street, Alexandria, Louisiana, on Monday, July 11, 2011, at three (3:00) o'clock p.m. (Central Standard Time).

There were present: Richard Billings, President, Jamie L. Floyd, Vice President, and Police Jurors John "Buck" Lincecum, Joe Bishop, Richard Gerald Vanderlick, Oliver "Ollie" Overton Jr., Theodore Fontaine Jr., Steve Coco and Scott Perry Jr.

Also present were Mr. Tim Ware, Treasurer; Ms. Donna Andries, Sales and Use Tax Director; Mr. Dennis Woodward, Public Works Director; Ms. Elaine Morace, WOD Director; Mr. Shane Trapp, Courthouse Building Superintendent; Ms. Linda Sanders, Civil Service Director; Chief Randy McCain, Fire District No. 2; Mr. Thomas O. Wells, Legal Counsel; and Ms. Laurel Smith, Secretary.

The invocation was given by Mr. Theodore Fontaine, Jr.

The Pledge of Allegiance was led by Mr. Steve Coco.

The Police Jury of the Parish of Rapides, State of Louisiana, was duly convened as the governing authority of said Parish by Hon. Richard Billings, President, who welcomed all present and then stated that the Police Jury was ready for the first item of business.

The President asked if there was any Public Comment on any Agenda Item, to which there was no response.

On motion by Mr. Ollie Overton, seconded by Mr. Scott Perry, to adopt the minutes of the Rapides Parish Police Jury held in Regular Session on June 13, 2011, as published in the Official Journal. On vote the motion carried.

On motion by Mr. Buck Lincecum and Mr. Ollie Overton, seconded by Mr. Jamie Floyd and Mr. Scott Perry, that approved bills be paid. On vote the motion carried.

On motion by Mr. Joe Bishop, seconded by Mr. Jamie Floyd, to accept the Treasurer's Report. On vote the motion carried.

Mr. Joe Bishop laid over the appointment to the Esler Industrial Development Area Advisory Board, representing District B, for a five year term to fill the expired term of the late Mayor Fred Baden, representing District B, term expired on January 8, 2011.

Mr. Buck Lincecum and Mr. Ollie Overton laid over the appointment to the Fire District No. 3 Civil Service Board to fill a vacancy in an unexpired term created by the resignation of Ms. Wanda Simpson, nominee of Louisiana College, term will expire on November 8, 2013, until a nomination is received from Louisiana College.

On motion by Mr. Buck Lincecum, seconded by Mr. Jamie Floyd, waive the thirty day announcement rule and reappoint Mr. Michael P. Shamblin, nominee of Louisiana College, to the Civil Service Board for a three year term, term will expire on April 14, 2014. On vote the motion carried.

Mr. Ollie Overton laid over the AICUZ Appeal Board for a three year term to fill the expiring term of Mr. Lewell "Bud" Breithaupt, nominee of the Chamber of Commerce, term will expire on July 24, 2011, until a nomination is received from the Chamber of Commerce.

The following appointments were announced to be made at the next meeting to:

Board on the Code of Ethics for a one year term to fill the expiring term of Mr. James Williams, term will expire on August 13, 2011;

Children & Youth Planning Board for a two year term to fill the expiring term of Mr. Jodie Roberts, term will expire on August 14, 2011;

Mosquito Abatement District No. 1 for a three year term to fill the expiring term of Ms. Samantha Young, term will expire on August 9, 2011;

Mosquito Abatement District No. 1 for a three year term to fill the expiring term of Mr. Joseph Awotwi, term will expire on August 9, 2011;

On motion by Mr. Buck Lincecum and Mr. Ollie Overton, seconded by Mr. Jamie Floyd, to accept the Secretary's Report. On vote the motion carried.

The next item on the agenda was to recognize Ms. Carolyn Ryland, Rapides Parish Clerk of Court, on her retirement and 36 years of service to Rapides Parish and presentation of a plaque.

Mr. Richard Billings and Mr. Jamie Floyd, presented Ms. Carolyn Ryland a plaque on her retirement and 36 years of service to Rapides Parish.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fountaine and Mr. Jamie Floyd, to ratify to delete from the Asset/Inventory program the following equipment as it was sold at auction on June 4, 2011.

Deville/Fire District #6

ASSET	DESCRIPTION	VIN#/SN#
1989	1989 Dodge Truck	1B7KM36Z9KS125655
7059	AC/Heating Unit	

Flatwoods/Fire District #14

ASSET	DESCRIPTION	VIN#/SN#
8027	1979 Chev Truck	C17DE9Y117310
6511	1982 Ford Truck	1FDNF70H3VA50901

Alpine/Fire District #3

ASSET	DESCRIPTION	VIN#/SN#
8807	Computer	

Ruby/Fire District #7

ASSET	DESCRIPTION	VIN#/SN#
6365	Camcorder	
10214	Laptop Computer	ZZGEG7089ZZ6713

Echo-Poland/Fire District #9

ASSET	DESCRIPTION	VIN#/SN#
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On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fontaine and Mr. Jamie Floyd, to accept the Construction Contract with Nottingham Construction Co., LLC (Contractor) for Sanitary Sewer Improvements LA 623 (Tioga Road) as substantially complete, as recommended by Meyer, Meyer, LaCroix and Hixson, Project Engineer and authorize the President to sign same. On vote the motion carried.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fontaine and Mr. Jamie Floyd, to support petition to re-open the Railroad crossing on old part of Hwy. 623 and that the President be allowed to sign, copy to be sent to the Louisiana Legislative Delegates. On vote the motion carried.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fontaine and Mr. Jamie Floyd, to award Bid No. 2188 Various Road Materials (Hot & Cold) to the sole bidder Diamond B Construction Co., LLC for FOB Plant as follows: Hot Mix \$61.50 per ton and Cold Mix \$89.00 per ton, as recommended by the Public Works Director and Purchasing Agent. On vote the motion carried.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fontaine and Mr. Jamie Floyd, to authorize the Parish Highway Department to provide three signs for directions to the Tioga Historical Museum. On vote the motion carried.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fontaine and Mr. Jamie Floyd, to accept the Construction Contract with Gilchrist Construction Co., LLC (Contractor) for Various Road Improvements-Bid No. 2139 as substantially complete, as recommended by the Director of Public Works and authorize the President to sign same. On vote the motion carried.

The next item on the agenda was a motion to authorize the submission of a request for a Corps of Engineers Permit to replace the bridge over Rigolette Bayou and authorize the President to sign.

Mr. Buck Lincecum requested to recognize Mr. Steve Fontenot; Smith, Fontenot & Phillips, LLC, for an update on the Rigolette Bridge.

Mr. Steve Fontenot stated that he had spoken to the Corps of Engineers, Vicksburg District, concerning the bridge. Most of the survey work has been done and he will furnish a cost analysis by next week. As far as the permit process, it's a Corps of Engineer permit and doesn't know exactly how long it will take to get the permit once it is submitted. Mr. Fontenot further stated that the new bridge will be pre-cast concrete piles and deck structure, no wood.

No vote taken on the motion.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fontaine and Mr. Jamie Floyd, to authorize the President to sign a Cooperative Endeavor Agreement with the Louisiana Department of Transportation and Development for donation of 86 cubic yards of reclaimed asphalt from LA 28, State Project No. H.002846, as recommended by the Public Works Director. On vote the motion carried.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fontaine and Mr. Jamie Floyd, to authorize to enter into an Intergovernmental Agreement with the Village of Forest Hill for the Parish Highway Department to furnish two 14 yard truckloads of 6/10 rock along with 1 driver, to be used in ditches and road shoulders located in the corporate limits of Forest Hill, to be paid out of Road District 1A funds (town's portion), and authorize the President to sign same. On vote the motion carried.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fontaine and Mr. Jamie Floyd, to authorize agreement with C. Wayne Vollman, P.E. & Associates, LLC for the monitoring, inspection and engineering for Bid No. 2185 "Various Road Improvements" at an estimated cost between \$35,000 and \$45,000; services provided as directed by the Parish Engineer upon consultation with the individual Juror to

gauge whether or not the expected funds to finance are in the individual's district funds, and authorize President to sign. On vote the motion carried.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fontaine and Mr. Jamie Floyd, to ratify authorization for the President to appoint public sector nominee Mr. Rick Ranson to the Rapides Workforce Investment Board. Term date to begin May 26, 2011 and end May 26, 2013. Mr. Ranson will be replacing public sector board member Mr. Jay Ellington who resigned effective April 20, 2011. On vote the motion carried.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fontaine and Mr. Jamie Floyd, to ratify authorization for the President to appoint public sector nominee Mr. Jimmy Sawtelle to the Rapides Workforce Investment Board. Term date to begin May 26, 2011 and end May 26, 2013. Mr. Sawtelle will be replacing public sector board member Mr. Mervin Birdwell who resigned effective May 9, 2011. On vote the motion carried.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fontaine and Mr. Jamie Floyd, to ratify authorization for the President to reappoint to the Rapides Workforce Investment Board for additional terms the following members:

<u>MEMBERS</u>	<u>NEW TERM DATES</u>
Mr. Jerry Burns	5/1/11 - 5/1/13
Ms. Melissa Clark	4/1/11 - 4/1/13
Mr. James Hayes	4/1/11 - 4/1/13
Mr. Haywood Joiner	4/1/11 - 4/1/13
Ms. Christine McGraw	4/1/11 - 4/1/13
Mr. Wayne Johnson	4/1/11 - 4/1/13
Mr. Richard Kyle	4/1/11 - 4/1/13
Mr. Lloyd Price	4/1/11 - 4/1/13
Mr. Bill Robinson	4/1/11 - 4/1/13
Mr. Robert Coon	4/1/11 - 4/1/13

On vote the motion carried.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fontaine and Mr. Jamie Floyd, to ratify authorization for the President to appoint to the Rapides Workforce Investment Board-Youth Council: Ms. Cy'nita Nash, representing Job Corps., for a term beginning 5/12/11 and ending 5/12/13, and Ms. Donnie Poe, representing Central Louisiana Technical College, for a term beginning 5/12/11 and ending 5/12/13, replacing Daniel Degeyter, and Ms. Patricia Boss, representing the Rapides Parish Housing Authority, for a term beginning 5/12/11 and ending 5/12/13, replacing Alec Lloyd. On vote the motion carried.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fontaine and Mr. Jamie Floyd, to award Request for Proposal No. 2179 Substance Abuse Testing Services to Bottrell Agency, as recommended by the Treasurer and Purchasing Agent. On vote the motion carried.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fontaine and Mr. Jamie Floyd, to authorize the Rapides Parish Health Unit to hire an additional Clerical employee, to be paid from Health Unit funds. On vote the motion carried.

The next item on the agenda was a motion to award the Airbase Road CDBG Project Consultant Administrator to Frye Magee & Associates, as recommended by the CDBG Project Consultant Administrator & Engineer Selection Committee.

On motion by Mr. Jamie Floyd, seconded by Mr. Scott Perry, to amend the motion to award the Request for Qualifications for Consultant Administrator for the Airbase Road Sewer Improvements, FY 2012-2013 LCDBG Public Facilities Grant, to Frye Magee & Associates and authorize to enter into an agreement with Frye Magee & Associates to perform consultant services with the understanding that the project will not proceed until the grant is awarded, as recommended by the CDBG Administrative Consultant and Engineer Selection Committee. On vote the amended motion carried.

The next item on the agenda was a motion to award the Henry Street CDBG Project Consultant Administrator to Frye Magee & Associates, as recommended by the CDBG Project Consultant Administrator & Engineer Selection Committee.

On motion by Mr. Jamie Floyd, seconded by Mr. Scott Perry, to amend the motion to award the Request for Qualifications for Consultant Administrator for the Henry Street Sewer Improvements, FY 2012-2013 LCDBG Public Facilities Grant, to Frye Magee & Associates and authorize to enter into an agreement with Frye Magee & Associates to perform consultant services with the understanding that the project will not proceed until the grant is awarded, as recommended by the CDBG Administrative Consultant and Engineer Selection Committee. On vote the amended motion carried.

The next item on the agenda was to award the Henry Street CDBG Project Consultant Engineer to Meyer, Meyer, LaCroix & Hixson, Inc., as recommended by the CDBG Project Consultant Administrator & Engineer Selection Committee.

On motion by Mr. Jamie Floyd, seconded by Mr. Scott Perry, to amend the motion to award the Request for Qualifications for Consultant Engineer for the Henry Street Sewer Improvements, FY 2012-2013 LCDBG Public Facilities Grant, to Meyer, Meyer, LaCroix & Hixson and authorize to enter into an agreement with Meyer, Meyer, LaCroix & Hixson to perform consultant services with the understanding that the project will not proceed until the grant is awarded, as recommended by the CDBG Administrative Consultant and Engineer Selection Committee. On vote the amended motion carried.

The next item on the agenda was to award the Airbase Road CDBG Project Consultant Engineer to Meyer, Meyer, LaCroix & Hixson, Inc., as recommended by the CDBG Project Consultant Administrator & Engineer Selection Committee.

On motion by Mr. Jamie Floyd, seconded by Mr. Scott Perry, to amend the motion to award the Request for Qualifications for Consultant Engineer for the Airbase Road Sewer Improvements, FY 2012-2013 LCDBG Public Facilities Grant, to Meyer, Meyer, LaCroix & Hixson and authorize to enter into an agreement with Meyer, Meyer, LaCroix & Hixson to perform consultant services with the understanding that the project will not proceed until the grant is awarded, as recommended by the CDBG Administrative Consultant and Engineer Selection Committee. On vote the amended motion carried.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fontaine and Mr. Jamie Floyd, to authorize Meyer, Meyer, LaCroix & Hixson, Inc., to apply for an enhancement Grant on LA 498 (gateway to England Airpark), authorize the President to sign. On vote the motion carried.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fontaine and Mr. Jamie Floyd, to adopt a Notice of Intent of Sale through the Abandoned/Adjudicated property procedures on the Properties listed below:

TAX DEBTOR	DESCRIPTION
Malissa C. Smith	Lot 3 & 4 of Square 6, Vanderhoven Subdivision, bearing the municipal address of: 2003 Van Street, Alexandria

John & Christine      2.05 Acres Hamp Smith Road, bearing  
Robertson              no municipal address, Elmer

Joshua Sanders      Lot Seven (7), Square Nineteen (19)  
                                 S.A.L. Co. Addition, bearing the  
                                 municipal address of: 2017 Wise  
                                 Street, Alexandria

On vote the motion carried.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fountaine and Mr. Jamie Floyd, to authorize the expenses of interested Police Jurors, designated Police Jury employees and Legal Counsel to attend the 2012 annual Police Jury Association Conference in Houma, LA on February 23 - 25, 2012. On vote the motion carried.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fountaine and Mr. Jamie Floyd, to authorize the expenses of interested Police Jurors, Legal Counsel and designated employees to attend the Office of Parish Administrative Officials Annual Conference to be held on August 17-19, 2011 in Morgan City, Louisiana. On vote the motion carried.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fountaine and Mr. Jamie Floyd, to waive the thirty day announcement rule and reappoint Mr. William Barron to the England Economic and Industrial Development District Board of Commissioners for a four year term, term will expire on September 7, 2015. On vote the motion carried.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fountaine and Mr. Jamie Floyd, to declare and establish a public servitude in favor of the Rapides Parish Police Jury in accordance with the provisions of LSA R.S. 47:2235 upon property previously owned by Rhonda Peterson, being more particularly described as Lot 70 of Westwind Subdivision, being more fully shown on Plat of Survey recorded in Plat Book 21, Pages 44 and 45, records of Rapides Parish, Louisiana the land having been adjudicated to the Parish for nonpayment of taxes - 2009. On vote the motion carried.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fountaine and Mr. Jamie Floyd, the following ordinance was presented, to adopt an ordinance to correct the minutes of the November 8, 2009 meeting to reflect that the minutes should have reflected that an ordinance not a resolution was adopted by the Jury to repeal Section 2-183, 2-181 and 2-182 and to reenact Section 2-181 and 2-182 as recommended by Legal Counsel Robert Bussey; and to ratify that action and to reaffirm the adoption of the Ordinance and on vote unanimously adopted:

#### ORDINANCE

#### AN ORDINANCE TO AUTHORIZE THE PRIVATE SALE OF AN ADJUDICATED PROPERTY PURSUANT TO R.S. 47:2201-2211, OR AS OTHERWISE PROVIDED BY LAW.

BE IT ORDAINED by the Rapides Parish Police Jury in Regular Session convened on this the 11th day of July, 2011, that the Rapides Parish Code of Ordinances be and is hereby amended and re-enacted to include the following new section as follows:

#### Section 2-181: Sale of an adjudicated property by private sale.

- (A) Sale of 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 Ordinance 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 a 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. A copy of tax sale deed evidencing the recordation in excess of three (3) years;
5. A copy of current tax bill;
6. An appraisal of the property by an approved and certified appraiser;
7. A Notice of Commencement of Process;
8. A non-refundable administrative fee of \$75.00;  
and,
9. An executed offer letter to purchase the property for either the total of back taxes, interest and penalties or 2/3 of the appraised market value.

(C) BID PHASE

- 1) The Purchasing Department shall send a memo attaching the above documents in Section (B)(1-8) to the Jury Committee, 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 Committee will recommend that the offer be accepted or rejected when it is referred to the full Jury 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 Jury Committee up to one day prior to hearing of ordinance;
  - b. If higher offer(s), 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, plus the prospective purchaser's attorney fees (if any, up to \$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 offeror(s) who have submitted an offer with the required deposit shall be allowed to submit additional verbal bids immediately at the Police Jury Committee meeting, and a recommendation shall be made to the full Police Jury;
  - d. The results of the bidding process and the recommendation of the Committee to sell the property to the highest bidder will then be submitted to the full jury for adoption at the following meeting.

- (D) The Police Jury 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. The acquiring person shall certify, in writing, to the Purchasing Department that he/she or his/her agent has searched for all names and last known addresses of all owners, mortgages, and any other person(s) who may have a vested or contingent interest in the property, or who have filed a request for notice as indicated in those records and has so examined:
    - (a) the mortgage and conveyance records of Rapides Parish,
    - (b) the current telephone book,
    - (c) any other examination resources, including Internet search engines, if any, the records of the Louisiana Secretary of State and the Secretary of States set forth by the names of identified entities
  2. The acquiring person shall submit the required notifications (R.S. 47:2206 A and B) to the Civil Sheriff for his/her signature, and then notify those persons identified via regular mail, certified mail\*, publication and/or service of process. \*Copies of the "green and white receipts" should be maintained by the purchaser as indicia of compliance with the notice requirements;
  3. The acquiring person shall send a written notice notifying any tax sale party whose interest the successful bidder or donee intends to be terminated that the party has until the later of the following to redeem the property or otherwise challenge in a court of competent jurisdiction the potential sale or donation:
    - (a) Sixty days from the date of the notice provided in this Subsection, if five years have elapsed from the filing of the tax sale certificate (formerly "proces verbal"), or six months after the date of the notice provided for in this Subsection, if five years have not elapsed since the filing of the tax sale certificate (formerly "proces verbal");
    - (b) The filing of the sale or donation transferring the property.
    - (c) The written notice required by this Section shall be that which is included in R.S. 47:2206A.(2).
  4. The acquiring person shall cause to be published in the official journal of this parish (currently the Alexandria Talk) a notice that any tax sale party whose interest the successful bidder or donee intends to be terminated has, to redeem the property, until the later of:
    - (a) Sixty days, for property on which a tax sale certificate (formerly "proces verbal") was filed over five years previous of the first publication, or six months if the tax sale certificate (formerly "proces verbal") was filed less than five years before the first publication of the notice provided for in this Subsection.
    - (b) The filing of the sale or donation transferring the property.

(c) The publication required by this Section shall be that which is included in R.S. 47:2206 B.(2).

5. The acquiring person may file with the recorder of mortgages a copy of one of the notices that was sent to the tax debtor or the current owner. A transfer, mortgage, lien, privilege, or other encumbrance filed after the filing of the notice shall not affect the property.
6. At any time after the expiration of the sixty-day or six-month periods, as applicable, set forth in R.S. 47:2206 (A) and (B), the acquiring person, or his/her successors and assigns, may send to this body a written notice requesting that the sale/donation to him/her be authenticated. The President of the Jury shall authenticate the sale or donation within ten days from the date of the request or as soon thereafter as practical. However, the President shall not execute the act of cash sale or act of donation until the District Attorney's office has certified in writing to the President, that purchaser or donee has complied with the mandates of this Ordinance. The sale price shall be paid by cashier's check or money order at the time of the sale.

NOTE: The initial application fee of \$75.00 and any other costs incurred by the purchaser shall not be applied to the purchase price and shall not be refundable if the purchaser elects not to complete the process.

NOTE: The City of Alexandria and/or the City of Pineville and/or the Parish of Rapides shall reserve all oil, gas and other mineral rights in and to the property to be conveyed, but shall convey the surface rights of the said property.

7. The acquiring person shall be responsible for filing the sale or donation and payment of all filing fees.
8. The only warranty owed by the political subdivision or the municipalities shall be a warranty against eviction resulting from a prior alienation by the political subdivision or the municipality.
  - (a) All sales and donations shall be without warranty, either expressed or implied, even as to return or reduction of the purchase price, including without limitation the warranty against redhibitory defects or vices and the warranty that the thing sold is reasonably fit for its ordinary purpose or the acquiring person's intended or particular purpose.
  - (b) These waivers or exclusions of warranties shall be self-operative regardless of whether the waivers or exclusions are contained in the act of sale or donation, and regardless of whether they are clear and unambiguous, and regardless of whether they are brought to the attention of the acquiring person. This provision supersedes the requirements of any other law.
  - (c) The writing constituting the sale shall be in the form as provided in R.S. 47:2207 B. and the writing constituting the donation shall be that which is included in R.S. 47:2207 C.
9. The provisions of R.S. 41:1338 shall not apply to the property being sold or donated in accordance with this Ordinance.

10. A certified copy of the sale or donation shall be prima facie evidence of the regularity of all matters dealing with the sale or donation and the validity of the sale or donation.
11. Contemporaneously with or subsequent to the filing of the sale or donation of adjudicated property, the acquiring person, his/her successors, or assigns, may file with the recorder of mortgages an affidavit indicating how the tax sale parties whose interest the acquiring person, his/her successors, or assigns, intends to be terminated were identified, how the address of each tax sale party was obtained, how the written notice was sent, the results of sending the written notice, and the dates of publication.
  - (a) The affidavit may also contain a statement of the interest to which the purchaser or donee takes subject. The recorder of mortgages shall index the affidavit only under the names of the owner filing the affidavit and the tax debtor, as mortgages.
  - (b) The affidavit described herein shall be sufficient if it follows the form articulated in R.S. 47:2208.
  - (c) With respect to a sale, the filing of the affidavit provided herein shall operate as a cancellation, termination, release, or erasure of record of all statutory impositions of all political subdivisions then due and owing, of all governmental liens, and of all interests, liens, mortgages, privileges, and other encumbrances recorded against the property sold and listed in the affidavit.
  - (d) With respect to a donation, the filing of the affidavit provided herein shall operate as a cancellation, termination, release, or erasure of record of all statutory impositions of all political subdivisions then due and owing, of all governmental liens, and of all interests, liens, mortgages, privileges, and other encumbrances recorded against the property sold and listed in the affidavit.
  - (e) Upon filing of the affidavit, the recorder of mortgages or the recorder of conveyances shall treat as canceled, terminated, released, or erased, all those liens, privileges, mortgages or other encumbrances canceled, terminated, released or erased under subsection (c) or (d) of this Section, only insofar as they affect the property.
  - (f) The owner filing the affidavit shall be liable to and indemnify the recorder of mortgages, the recorder of conveyances, and any other person relying on the cancellation, termination, release, or erasure by affidavit for any damages that they may suffer as a consequence of such reliance if the recorded affidavit contains materially false or incorrect statements that cause the recorder to incorrectly cancel, terminate, release, or erase any interest listed in the affidavit. The recorder of mortgages and the recorder of conveyances shall not be liable for any damages resulting to any person or entity as a consequence of the cancellation, termination, release or erasure of any interest in compliance with this Section.

(E) AN ORDINANCE TO AMEND THE PRIVATE SALE AND DONATION

OF ADJUDICATED PROPERTY PURSUANT TO LSA-R.S. 47:2201-2211, OR AS OTHERWISE PROVIDED BY LAW BY ADDING THE PROVISIONS OF LSA-R.S. 47:2247 QUOTED AS FOLLOWS:

"The person redeeming property adjudicated to a political subdivision shall pay also the actual costs incurred by the political subdivision and any acquiring person for the costs of all certified mail, notice, publication of notice, or personal services of notices in complying with the applicable provisions of law, including without limitation, determination of tax sale parties and the notification of such persons of the sale or donation as allowed by law."

BE IT FURTHER ORDAINED THAT BECAUSE THE ACQUIRING PERSON, AND NOT THE POLITICAL SUBDIVISION, INCURS THE COSTS OF THE TITLE AND APPRAISAL (A REQUIRED ASPECT OF THE STATUTE), THOSE COSTS ARE INTERPRETED TO BE IN COMPLIANCE WITH THE APPLICABLE PROVISIONS OF LAW AND SHALL BE RECOVERABLE FROM ANY REDEEMING PARTY.

THE ACQUIRING PERSON SHALL BE RESPONSIBLE FOR ADVISING THE TAX COLLECTOR OF THE ONGOING BALANCE OF COSTS INCURRED AND THE TAX COLLECTOR(S) SHALL COLLECT THOSE SUMS IN THE EVENT OF A REDEMPTION.

BE IT FURTHER ORDAINED that this Ordinance is to be effective immediately.

THUS DONE AND SIGNED at Alexandria, Louisiana, on this, the 11th day of July, 2011.

#### ORDINANCE

AN ORDINANCE TO AUTHORIZE THE DONATION OF AN ADJUDICATED PROPERTY TO A NOT-FOR-PROFIT ENTITY PURSUANT TO R.S. 47:2201-2208, OR AS OTHERWISE PROVIDED BY LAW.

BE IT ORDAINED by the Rapides Parish Police Jury in Regular Session convened on this the 11th day of July, 2011, that the Rapides Parish Code of Ordinances be and is hereby amended and re-enacted to include the following new section as follows:

#### Section 2-182: Donation of an adjudicated property to a non-profit entity.

- (A) Donation of adjudicated properties may be made by private act, and all properties donated pursuant to this Ordinance 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 not-for-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. A copy of tax sale deed evidencing the recordation in excess of three years;
  - 5. A copy of current tax sale bill;
  - 6. An appraisal of the property by an approved and certified appraiser;
  - 7. A Notice of Commencement of Process;

8. A non-refundable administrative fee of \$75.00;
  9. Proof of the non-profit status including the Articles of Organization and the IRS 501 (c) (3) or IRS 501 (c) (4) letter.
  10. An executed Request for Donation, signed by the authorized agent for the not-for-profit entity.
- (C) Upon receipt of the written request and the items in Section (B)(1-11) 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 a current appraisal is necessary;
- (E) Purchasing Department shall send letter to not-for-profit entity regarding status of property, i.e. whether or not it is needed for a public purpose.
- (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 Division.
- (G) When the Request For Donation Of Property is received by Purchasing Department, a memo shall be sent to Jury Committee regarding the proposed donation of property with a copy of the Request For Donation Of Property, the required attachments listed in Section (B) above, and the attached current appraisal.
- (H) Upon recommendation by the Jury Committee, the Police Jury will adopt an Ordinance declaring the property as surplus, not needed for a public purpose and approving the donation of the property to the not-for-profit entity. Said Ordinance shall include the following:
1. The not-for-profit entity shall certify, in writing, to the Purchasing Department that it or its agent has searched for all names and last known addresses of all owners, mortgages, and any other person(s) who may have a vested or contingent interest in the property, or who have filed a request for notice as indicated in those records and has so examined:
    - (a) the mortgage and conveyance records of Rapides Parish,
    - (b) the current telephone book,
    - (c) any other examination resources, including Internet search engines, if any, the records of the Louisiana Secretary of State and the Secretary of States set forth by the names of identified entities.
  2. The not-for-profit shall submit the required notifications (R.S. 47:2206 A and B) to the Civil Sheriff for his/her signature, and then notify those persons identified via regular mail, certified mail\*, publication and/or service of process. \*Copies of the "green and white receipts" should be maintained by the not-for-profit as indicia of compliance with the notice requirements;
  3. The not-for-profit entity shall send a written notice notifying any tax sale party whose interest the successful bidder or donee intends to be terminated that the party has until the later of the following to redeem the property or otherwise challenge in a court of competent jurisdiction the potential sale or donation:

- (a) Sixty days from the date of the notice provided in this Subsection, if five years have elapsed from the filing of the tax sale certificate (formerly "proces verbal"), or six months after the date of the notice provided for in this Subsection, if five years have not elapsed since the filing of the tax sale certificate (formerly "proces verbal");
  - (b) The filing of the sale or donation transferring the property,
  - (c) The written notice required by this Section shall be that which is included in R.S. 47:2206 A. (2).
4. The not-for-profit entity shall cause to be published in the official journal of this parish (currently the Alexandria Town Talk) a notice that any tax sale party whose interest the successful bidder or donee intends to be terminated has, to redeem the property, until the later of:
- (a) Sixty days, for property on which a tax sale certificate (formerly "proces verbal") was filed over five years previous of the first publication, or six months if the tax sale certificate (formerly "proces verbal") was filed less than five years before the first publication of the notice provided for in this Subsection.
  - (b) The filing of the sale or donation transferring the property,
  - (c) The publication required by this Section shall be that which is included in R.S. 47:2206 B. (2).
5. The not-for-profit entity may file with the recorder of mortgages a copy of one of the notices that was sent to the tax debtor or the current owner. A transfer, mortgage, lien, privilege, or other encumbrance filed after the filing of the notice shall not affect the property.
6. At any time after the expiration of the sixty-day or six-month periods, as applicable, set forth in R.S. 47:2206 (A) and (B), the not-for-profit entity, or its successors and assigns, may send to this body a written notice requesting that the sale/donation to it be authenticated. The President of the Jury shall authenticate the sale or donation within ten days from the date of the request or as soon thereafter as practical. However, the President shall not execute the act of cash sale or act of donation until the District Attorney's office has certified in writing to the President, that purchaser or donee has complied with the mandates of this Ordinance.
- NOTE: The initial application fee of \$75.00 and any other costs incurred by the donee shall not be refundable if the donee elects not to complete the process.
- NOTE: The City of Alexandria and/or the City of Pineville and/or the Parish of Rapides shall reserve all oil, gas and other mineral rights in and to the property to be conveyed, but shall convey the surface rights of the said property.
7. The not-for-profit entity shall be responsible for filing the sale or donation and payment of all filing fees.

8. The only warranty owed by the political subdivision or the municipalities shall be a warranty against eviction resulting from a prior alienation by the political subdivision or the municipality.
  - (a) All sales and donations shall be without warranty, either expressed or implied, even as to return or reduction of the purchase price, including without limitation the warranty against redhibitory defects or vices and the warranty that the thing sold/donated is reasonably fit for its ordinary purpose or the not-for-profit entity's intended or particular purpose.
  - (b) These waivers or exclusions of warranties shall be self-operative regardless of whether the waivers or exclusions are contained in the act of sale or donation, and regardless of whether they are clear and unambiguous, and regardless of whether they are brought to the attention of the not-for-profit entity. This provision supersedes the requirements of any other law.
  - (c) The writing constituting the sale shall be in the form as provided in R.S. 47:2207 B. and the writing constituting the donation shall be that which is included in R.S. 47:2207C.
9. The provisions of R.S. 41:1338 shall not apply to the property being sold or donated in accordance with this Ordinance.
10. A certified copy of the sale or donation shall be prima facie evidence of the regularity of all matters dealing with the sale or donation and the validity of the sale or donation.
11. Contemporaneously with or subsequent to the filing of the sale or donation of adjudicated property, the not-for-profit entity, its successors, or assigns, may file with the recorder of mortgages an affidavit indicating how the tax sale parties whose interest the not-for-profit entity, its successors, or assigns, intends to be terminated were identified, how the address of each tax sale party was obtained, how the written notice was sent, the results of sending the written notice, and the dates of publication.
  - (a) The affidavit may also contain a statement of the interest to which the purchaser or donee takes subject. The recorder of mortgages shall index the affidavit only under the names of the owner filing the affidavit and the tax debtor, as mortgagors.
  - (b) The affidavit described herein shall be sufficient if it follows the form articulated in R.S. 47:2208.
  - (c) With respect to a sale, the filing of the affidavit provided herein shall operate as a cancellation, termination, release, or erasure of record of all statutory impositions of all political subdivisions then due and owing, of all governmental liens, and of all interests, liens, mortgages, privileges, and other encumbrances recorded against the property sold and listed in the affidavit.
  - (d) With respect to a donation, the filing of the affidavit provided herein shall operate as a cancellation, termination, release, or erasure of record of all statutory impositions of all political subdivisions then due and owing, of all governmental liens, and of all interests, liens, mortgages, privileges, and

other encumbrances recorded against the property sold and listed in the affidavit.

- (e) Upon filing of the affidavit, the recorder of mortgages or the recorder of conveyances shall treat as canceled, terminated, released, or erased, all those liens, privileges, mortgages or other encumbrances canceled, terminated, released or erased under subsection (c) or (d) of this Section, only insofar as they affect the property.
- (f) The owner filing the affidavit shall be liable to and indemnify the recorder of mortgages, the recorder of conveyances, and any other person relying on the cancellation, termination, release, or erasure by affidavit for any damages that they may suffer as a consequence of such reliance if the recorded affidavit contains materially false or incorrect statements that cause the recorder to incorrectly cancel, terminate, release, or erase any interest listed in the affidavit. The recorder of mortgages and the recorder of conveyances shall not be liable for any damages resulting to any person or entity as a consequence of the cancellation, termination, release or erasure of any interest in compliance with this Section.

- 12. The donated property can be used only for purposes allowed by the Louisiana Constitution, Art. VII, 14 quoted as follows: "the donation of abandoned or blighted housing property by the governing authority of a municipality or a parish to a nonprofit organization which is recognized by the Internal Revenue Service as a 501(c)(3) or 501(c)(4) nonprofit organization and which agrees to renovate and maintain such property until conveyance of the property by such organization."

(I) AN ORDINANCE TO AMEND THE PRIVATE SALE AND DONATION OF ADJUDICATED PROPERTY PURSUANT TO LSA-R.S. 47:2201-2211, OR AS OTHERWISE PROVIDED BY LAW BY ADDING THE PROVISIONS OF LSA-R.S. 47:2247 QUOTED AS FOLLOWS:

"The person redeeming property adjudicated to a political subdivision shall pay also the actual costs incurred by the political subdivision and any acquiring person for the costs of all certified mail, notice, publication of notice, or personal services of notices in complying with the applicable provisions of law, including without limitation, determination of tax sale parties and the notification of such persons of the sale or donation as allowed by law."

BE IT FURTHER ORDAINED THAT BECAUSE THE ACQUIRING PERSON, AND NOT THE POLITICAL SUBDIVISION, INCURS THE COSTS OF THE TITLE AND APPRAISAL (A REQUIRED ASPECT OF THE STATUTE), THOSE COSTS ARE INTERPRETED TO BE IN COMPLIANCE WITH THE APPLICABLE PROVISIONS OF LAW AND SHALL BE RECOVERABLE FROM ANY REDEEMING PARTY.

THE ACQUIRING PERSON SHALL BE RESPONSIBLE FOR ADVISING THE TAX COLLECTOR OF THE ONGOING BALANCE OF COSTS INCURRED AND THE TAX COLLECTOR(S) SHALL COLLECT THOSE SUMS IN THE EVENT OF REDEMPTION.

BE IT FURTHER ORDAINED that this Ordinance is to be effective immediately.

THUS DONE AND SIGNED at Alexandria, Louisiana, on this, the 11th day of July, 2011.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fountaine and Mr. Jamie Floyd, to send a letter to Governor Bobby Jindal recommending Mr. Greg Walker be appointed to the Central Louisiana Human Services District Board. On vote the motion carried.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fountaine and Mr. Jamie Floyd, to receive the required report from Acadian Ambulance under the Contract for May 2011:

Response Zone	Number Responses	Required %	Compliance %
Alexandria - 8 minute	435	80%	86.44%
Pineville - 8 minute	147	80%	86.39%
Rapides - 12 minute	181	80%	90.06%
Rapides - 20 minute	127	80%	81.89%

(booklet available on request)

On vote the motion carried.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fountaine and Mr. Jamie Floyd, to grant the 2% annual longevity pay increase mandated by the State for eligible Rapides Parish Fire Protection District No. 2 employees, effective August 1, 2011, as recommended by Fire Chief Randy McCain, to be paid out of Fire Protection District No. 2 funds. On vote the motion carried.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fountaine and Mr. Jamie Floyd the following resolution was presented, to adopt a resolution that the fire department member of the Rapides Parish Fire Protection District No. 2 Civil Service Board shall not be required to be a resident of Rapides Parish and shall not be required to be a resident of the area for which fire protection is provided by the Rapides Fire Protection District No. 2 Fire Department or a qualified voter of the area, as recommended by Fire District No. 2 Fire Chief and on vote unanimously adopted:

#### RESOLUTION

Resolution approving the provisions of Louisiana Revised Statute 33:2536.B (1)(c)

WHEREAS, R.S. 33:2536.B.1(A) provides that "to be eligible for appointment or to serve as a member of a board, a person shall be a citizen of the United States of America, a resident of the area for which fire or police protection is provided for at least five years next preceding his appointment, and at the time of his appointment a qualified voter of the area."

WHEREAS, R.S. 33:2536(B)(1)(c) provides that "Notwithstanding the provisions of Subparagraphs (a) and (b) of this Paragraph, the two members elected by and from the fire and the police departments as provided in Paragraph (C)(3) of this Section shall not be required to be residents or qualified voters of the area in which they are appointed to serve or residents of the parish in which the area is located provided that such exceptions are approved by resolution of the local governing authority."

NOW, THEREFORE, BE IT RESOLVED by the Rapides Parish Fire Protection District No. 2 Police Jury, at a meeting duly convened, that the fire department member of the Rapides Parish Fire Protection District No. 2 Civil Service Board shall not be required to be a resident of Rapides Parish and shall not be required to be a resident of the area for which fire protection is provided by the Rapides Fire Protection District No. 2 Fire Department or a qualified voter of the area.

Passed, approved and adopted by the Rapides Parish Police Jury, Parish of Rapides, State of Louisiana, on the 11th day of July, 2011.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fountaine and Mr. Jamie Floyd, to grant the 2% annual longevity pay increase mandated by the State, for all full-time employees of Holiday Village Fire District No. 4, to be implemented August 1, 2011. On vote the motion carried.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fountaine and Mr. Jamie Floyd, to authorize to advertise for bids for the purchase of a Breathing Air Module Compressor Package for Rapides Parish Fire District No. 6 as requested by the Deville Volunteer Fire Department Board of Directors, to be paid with a Grant from FEMA and Fire District No. 6 Funds. On vote the motion carried.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fountaine and Mr. Jamie Floyd, to grant the 2% annual longevity pay increase mandated by the State for eligible Rapides Parish Fire Protection District No. 7 employees, effective August 1, 2011, as recommended by Fire Chief Michael Paulk, to be paid out of Fire Protection District No. 7 funds. On vote the motion carried.

On motion by Mr. Ollie Overton, seconded by Mr. Jamie Floyd, to add the following items to the agenda.

A roll call vote was called and was as follows:

YES	NO
Richard Billings	
Jamie Floyd	
Buck Lincecum	
Joe Bishop	
Theodore Fountaine	
Richard Vanderlick	
Ollie Overton	
Steve Coco	
Scott Perry	

On roll call vote the motion carried 9-0.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fountaine and Mr. Jamie Floyd, to authorize to enter into a Fire District No. 8 mutual aid agreement with Vernon Parish Fire District No. 1, Simpson Volunteer Fire Department, as recommended by the Cotile Volunteer Fire Department, and authorize the President to sign same. On vote the motion carried.

Motion by Mr. Theodore Fountaine, seconded by Mr. Joe Bishop, to authorize the sale of a portion of the land of the Martin Luther King, Jr. Branch Library, located at 3311 3rd Street, Alexandria, Louisiana, to Mr. W. Joe Williams, for the amount of \$4,500, as requested by the Library Board and approved by Legal Counsel; authorize to enter into a buy-sell agreement with Mr. W. Joe Williams; and authorize the President to sign all Cash Sale Documents. On vote the motion carried.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fountaine and Mr. Jamie Floyd, to accept the recommendation of the Mosquito Abatement District No.1 Committee, to amend a certain motion of July 12, 2010, to increase the fund for an educational grant with Louisiana State University at Alexandria under the direction of Dr. Stumpf for the study of mosquito populations and speciations to be paid out of the Mosquito Abatement District No. 1 Funds, from \$1,500 to \$2,000, and authorize the President to sign same. On vote the motion carried.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fountaine and Mr. Jamie Floyd, to grant approval to Rapides Station Gateway Apartments, located on Old Boyce Road, as recommended by the Rapides Area Planning Commission and approved by the Public Works Director, subject to approval of Legal Counsel, and authorize signing of the plat after approval. On vote the motion carried.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fountaine and Mr. Jamie Floyd, to authorize Change Order No. 1 on the Cloverdale/Grundy-Cooper SWFC Project Phase II, State Project No. 576-40-0015(332) in order to add installation of residential drains, installation of 2 side drains, lowering of

existing 24" culvert, clearing of existing subdivision ditch, revisions to proposed fencing, and extension of time as recommended by Project Engineer and Public Works Director. On vote the motion carried.

On motion by Mr. Buck Lincecum, seconded by Mr. Theodore Fontaine and Mr. Jamie Floyd, to approve Change Order No. 2 with Gilchrist Construction Company, LLC for Bid No. 2185 Various Road Improvements in Rapides Parish to add Evanshel Lane (Ward 8, District E) for an increased amount of \$71,040.00 as recommended by the Public Works Director. On vote the motion carried.

On motion by Mr. Ollie Overton, seconded by Mr. Richard Vanderlick, to add the following item to the agenda.

Motion to adopt a resolution for the State of Louisiana Community Development (LCDBG) administered by the Division of Administration providing for Financial Management; Requisition of Funds Procedure; an Equal Opportunity Officer; a Section 504 Coordinator; a Residential Anti-Displacement and Relocation Assistance Plan, Officer and Certifications; a Labor Compliance Officer; a Section 3 of the Housing and Urban Development Act Plan; and a Fair Housing Coordinator, as recommended by the Administrative Consultant.

A roll call vote was called and was as follows:

YES	NO
Richard Billings	Buck Lincecum
Jamie Floyd	

On roll call vote the motion failed due to needing a unanimous vote to add to the agenda.

On motion by Mr. Richard Vanderlick, seconded by Mr. Buck Lincecum and Mr. Theodore Fontaine, that there being no further business, the meeting be declared adjourned. On vote the motion carried at 3:34 p.m.

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Laurel Smith, Secretary  
Rapides Parish Police Jury

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Richard Billings, President  
Rapides Parish Police Jury