

RAPIDES PARISH POLICE JURY
REGULAR SESSION
April 9, 2018

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, April 9, 2018, at three (3:00) o'clock p.m. (Central Standard Time).

There were present: Davron "Bubba" Moreau, President, Richard Vanderlick, Vice President, and Police Jurors: Joe Bishop, Craig Smith, Theodore Fountaine, Jr., Oliver "Ollie" Overton, Jr., Sean McGlothlin, Richard Billings and Scott Perry, Jr.

Also present were Mr. Bruce Kelly, Treasurer; Mr. Dennis Woodward, Public Works Director; Mr. Shane Trapp, Courthouse Building Superintendent; Ms. Donna Andries, Sales & Use Tax Administrator; Chief Randy McCain, Fire District No. 2; Ms. Sonya Wiley-Gremillion, OHSEP Director; Ms. Elaine Morace, WIA Operations Director; Ms. Linda Sanders, Civil Service Director; Mr. Gregory Jones, Legal Counsel and Ms. Laurel Smith, Secretary.

The invocation was given by Mr. Ollie Overton.

The Pledge of Allegiance was led by Mr. Sean McGlothlin.

The Police Jury of the Parish of Rapides, State of Louisiana, was duly convened as the governing authority of said Parish by Hon. Davron "Bubba" Moreau, 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.

Mr. Joe Bishop recognized Mr. Charlton Northington, SMG/Coliseum, for an update.

Mr. Charlton Northing gave a brief update on the LHSAA Basketball playoffs and some of the past and future events at the Coliseum.

Question and answers ensued.

On motion by Mr. Craig Smith, seconded by Mr. Richard Vanderlick, to adopt the minutes of the Rapides Parish Police Jury held in Regular Session on March 12, 2018 as published in the Official Journal. On vote the motion carried.

On motion by Mr. Joe Bishop, seconded by Mr. Richard Vanderlick that approved bills be paid. On vote the motion carried.

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

The following resolution was offered by Mr. Craig Smith, seconded by Mr. Scott Perry, the following resolution was presented and unanimously adopted:

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RESOLUTION

A resolution providing for canvassing the returns and declaring the result of the special election held in the Parish of Rapides, State of Louisiana, on Saturday, March 24, 2018, to authorize the continuation and rededication of a special tax therein.

BE IT RESOLVED by the Police Jury of the Parish of Rapides, State of Louisiana (the "Governing Authority"), acting as the governing authority of the Parish of Rapides, State of Louisiana, that:

SECTION 1. Canvass. This Governing Authority does now proceed in open and public session to examine the official tabulations of votes cast at the special election held in the Parish of Rapides, State of Louisiana, on SATURDAY, MARCH 24, 2018, to authorize the continuation and rededication of a special tax therein, and said Governing Authority does further proceed to examine and canvass the returns and declare the result of the special election.

SECTION 2. Procès Verbal. A Procès Verbal of the canvass of the returns of said election shall be made and a certified copy thereof shall be forwarded to the Secretary of State, Baton Rouge, Louisiana, who shall record the same in his office; another certified copy thereof shall be forwarded to the Clerk of Court and Ex-Officio Recorder of Mortgages in and for the Parish of Rapides, who shall record the same in the Mortgage Records of said Parish; and another copy thereof shall be retained in the archives of this Governing Authority.

SECTION 3. Promulgation of Election Result. The result of said election shall be promulgated by publication in the manner provided by law.

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

YEAS: Joe Bishop, Craig Smith, Theodore Fountaine, Jr., Oliver "Ollie" Overton, Sean McGlothlin, Richard Billings, Scott Perry, Jr., Richard Vanderlick and Davron "Bubba" Moreau

NAYS:

ABSENT: none

And the resolution was declared adopted on this, the 9th day of April, 2018.

/s/ Laurel Smith
Secretary

/s/ Davron Moreau
President

PROCÈS VERBAL AND PROCLAMATION OF THE CANVASS OF THE VOTES CAST AT THE SPECIAL ELECTION HELD IN THE PARISH OF RAPIDES, STATE OF LOUISIANA, ON SATURDAY, MARCH 24, 2018.

BE IT KNOWN AND REMEMBERED that on Monday, April 9, 2018, at three o'clock (3:00) p.m., at its regular meeting place, the Rapides Parish Courthouse, 701 Murray Street, 2nd Floor, Alexandria, Louisiana, the Police Jury of the Parish of Rapides, State of Louisiana (the "Governing Authority"), acting as the governing authority of the Parish of Rapides, State of Louisiana (the "Parish"), and being the authority ordering the special election held therein on Saturday, March 24, 2018, with the following members present:

Davron "Bubba" Moreau, Richard Vanderlick, Joe Bishop, Craig Smith, Theodore

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Fontaine, Jr., Oliver "Ollie" Overton, Sean McGlothlin, Richard Billings and Scott Perry, Jr.

There being none absent.

did, in open and public session, examine the official certified tabulations of votes cast at the said election, and did examine and canvass the returns of the said election, there having been submitted at said election the following proposition, to wit:

PROPOSITION
(MILLAGE CONTINUATION & REDEDICATION)

Shall the Parish of Rapides, State of Louisiana (the "Parish"), be authorized to continue to levy the Health Unit tax authorized at an election held on July 19, 2008 (the "Tax"), at a rate of one and six hundredths (1.06) mills on all property subject to taxation within the Parish for a period of ten (10) years, beginning with the year 2020 and ending with the year 2029 (an estimated \$843,700 reasonably expected at this time to be collected from the levy of the tax for an entire year), and shall the Parish be authorized to rededicate the use of the proceeds of the Tax, heretofore or hereafter received, for the original purpose of maintenance and operation and construction of the Rapides Parish Health Unit and for the additional purpose of supporting the Rapides Parish Health Unit and furnishing other related public health activities in the Parish, said millage to represent a three hundredths of a mill (.03) increase (due to reappraisal) over the 1.03 mills Tax authorized to be levied through the year 2019 pursuant to the election held on July 19, 2008?

There was found by said count and canvass that there was a total of 4,417 votes cast IN FAVOR OF the Proposition and a total of 3,506 votes cast AGAINST the Proposition, as hereinabove set forth, and that there was a majority of 911 votes cast IN FAVOR OF the Proposition as hereinabove set forth.

Therefore, the Governing Authority did declare and proclaim and does hereby declare and proclaim in open and public session that the Proposition as hereinabove set forth was duly CARRIED by a majority of the votes cast by the qualified electors voting at the said special election held in the Parish on Saturday, March 24, 2018.

Exhibit "A" attached hereto and made a part of this Procès Verbal is a copy of the Notice of Special Election and proof of publication thereof.

THUS DONE AND SIGNED at Alexandria, Louisiana, on this, the 9th day of April, 2018.

ATTEST:

/s/ Davron Moreau
President

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/s/ Laurel Smith

Secretary

EXHIBIT "A"

NOTICE OF SPECIAL ELECTION

Pursuant to the provisions of a resolution adopted by the Police Jury of the Parish of Rapides, State of Louisiana (the "Governing Authority"), acting as the governing authority of the Parish of Rapides, State of Louisiana (the "Parish"), on October 9, 2017, NOTICE IS HEREBY GIVEN that a special election will be held within the Parish on SATURDAY, MARCH 24, 2018, and that at the said election there will be submitted to all registered voters in the Parish qualified and entitled to vote at the said election under the Constitution and Laws of the State of Louisiana and the Constitution of the United States, the following proposition, to-wit:

PROPOSITION
(MILLAGE CONTINUATION & REDEDICATION)

Shall the Parish of Rapides, State of Louisiana (the "Parish"), be authorized to continue to levy the Health Unit tax authorized at an election held on July 19, 2008 (the "Tax"), at a rate of one and six hundredths (1.06) mills on all property subject to taxation within the Parish for a period of ten (10) years, beginning with the year 2020 and ending with the year 2029 (an estimated \$843,700 reasonably expected at this time to be collected from the levy of the tax for an entire year), and shall the Parish be authorized to rededicate the use of the proceeds of the Tax, heretofore or hereafter received, for the original purpose of maintenance and operation and construction of the Rapides Parish Health Unit and for the additional purpose of supporting the Rapides Parish Health Unit and furnishing other related public health activities in the Parish, said millage to represent a three hundredths of a mill (.03) increase (due to reappraisal) over the 1.03 mills Tax authorized to be levied through the year 2019 pursuant to the election held on July 19, 2008?

The said special election will be held at each and every polling place in Rapides Parish, which polls will open at seven o'clock (7:00) a.m., and close at eight o'clock (8:00) p.m., in accordance with the provisions of La. R.S. 18:541.

The polling places at the precincts in the Parish are hereby designated as the polling places at which to hold the said election, and the Commissioners-in-Charge and Commissioners, respectively, shall be those persons designated according to law.

Notice is further given that a portion of the monies collected from the tax described in the Proposition shall be remitted to certain state and statewide retirement systems in the manner required by law.

The said special election will be held in accordance with the applicable

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provisions of Chapter 5 and Chapter 6-A of Title 18 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, and the officers appointed to hold the said election, as provided in this Notice of Special Election, or such substitutes therefor as may be selected and designated in accordance with La. R.S. 18:1287, will make due returns thereof to said Governing Authority, and NOTICE IS HEREBY FURTHER GIVEN that the Governing Authority will meet at its regular meeting place, the Rapides Parish Courthouse, 701 Murray Street, 2nd Floor, Alexandria, Louisiana, on MONDAY, APRIL 9, 2017, at THREE O'CLOCK (3:00) P.M., and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of the said special election. All registered voters of the Parish are entitled to vote at said special election and voting machines will be used.

THUS DONE AND SIGNED at Alexandria, Louisiana, on this, the 9th day of October, 2017.

ATTEST:

/s/ Craig Smith

President

/s/ Laurel Smith

Secretary

PROCLAMATION

I, the undersigned President of the Police Jury of the Parish of Rapides, State of Louisiana, the governing authority of the Parish of Rapides, State of Louisiana (the "Parish"), do hereby declare, proclaim and announce that the proposition submitted at the special election held in the Parish on Saturday, March 24, 2018, was CARRIED by a majority of the votes cast at the said special election, all as described and set out in the above Procès Verbal.

THUS DONE AND SIGNED at Alexandria, Louisiana, on this, the 9th day of April, 2018.

On motion by Mr. Ollie Overton, seconded by Mr. Scott Perry, the following ordinance was presented and voted on unanimously:

ORDINANCE

AUTHORIZING THE RAPIDES PARISH POLICE JURY TO SELL

TO BEN JOHNSON

Married to and living in the community with Beverly Baker

FOR THE

CONSIDERATION OF \$13,598.00 CASH

WHEREAS, the City of Alexandria and/or the City of Pineville and/or Parish of Rapides owns property described as:

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A certain piece, parcel, or tract of land, together with all buildings and improvements located thereon and all rights, ways and privileges thereunto appertaining, particularly described as follows:

Lot Seven (7) and part of Lot Six (6) of Airbase Estates as per plat thereof recorded in Plat Book 14 page 70, records of Rapides Parish, Louisiana, and more fully describe as follows: Begin at the Southeast corner of Lot 7 of Airbase Estates and run westerly 70 feet along the North right of way line of Second Street; thence turn 89 degrees 41 minutes right and run 50.4 feet; thence turn 90 degrees left and run 1.9 feet; thence turn 91 degrees 14 minutes right and run 35 feet; thence turn 88 degrees left and run 131.7 feet to the rear line of Lot 6; thence turn corner of Lot 7; thence turn right and run southerly 217.1 feet along the east line of Lot 7 to the point of beginning; all shown on plat of which is attached hereto and made a part hereof and marked "Ne Varietur" for identification.

SUBJECT TO:

All building restrictions, right of way, servitudes, easements, set back lines, mineral leases, mineral servitudes of mineral reservation affecting the subject property which are of in the office of the Clerk of Court Rapides Parish, Louisiana.

The address of the property is 6630 2nd Street, Alexandria, LA 71301.

said property having been adjudicated to either of aforementioned Cities and/or the Parish for unpaid property taxes; and

WHEREAS, a request has been received from BEN JOHNSON, to purchase said property for the consideration of \$13,589.00 cash, at the time of sale, said consideration representing the total of the statutory impositions, governmental liens, and costs of sale or two-thirds (2/3) of the appraised value of the property; and,

WHEREAS, this Jury is of the opinion that it would be in the public interest to convey the above-mentioned property to BEN JOHNSON, for the offered consideration.

NOW, THEREFORE, BE IT ORDAINED by the Rapides Parish Police Jury that:

Section 1. A certain piece, parcel, or tract of land, together with all buildings and improvements located thereon and all rights, ways and privileges thereunto appertaining, particularly described as follows:

Lot Seven (7) and part of Lot Six (6) of Airbase Estates as per plat thereof recorded in Plat Book 14 page 70, records of Rapides Parish, Louisiana, and more fully describe as follows: Begin at the Southeast corner of Lot 7 of Airbase Estates and run westerly 70 feet along the North right of way line of Second Street; thence turn 89 degrees 41 minutes right and run 50.4 feet; thence turn 90 degrees left and run 1.9 feet; thence turn 91 degrees 14 minutes right and run 35 feet; thence turn 88 degrees left and run 131.7 feet to the rear line of Lot 6; thence turn corner of Lot 7; thence turn right and run southerly 217.1 feet along the east line of Lot 7 to

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the point of beginning; all shown on plat of which is attached hereto and made a part hereof and marked "Ne Varietur" for identification.

SUBJECT TO:

All building restrictions, right of way, servitudes, easements, set back lines, mineral leases, mineral servitudes of mineral reservation affecting the subject property which are of in the office of the Clerk of Court Rapides Parish, Louisiana.

The address of the property is 6630 2nd Street, Alexandria, LA 71301.

Rapides Parish, Louisiana, should be re-entered into the stream of commerce thereby serving the public interest.

Section 2. 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:

- the mortgage and conveyance records of Rapides Parish,
- the current telephone book,
- 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

Section 3. 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;

Section 4. 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. 47:2206 A. (2).

Section 5. The acquiring person shall cause to be published in the official journal of this parish (currently the Town Talk) a notice that any tax sale party whose

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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 month 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).

Section 6. 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. The recorder of mortgages or recorder of conveyances shall cancel, erase, terminate, or release the acts upon the request of the acquiring person.

Section 7. 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.

Section 8. The acquiring person shall be responsible for filing the sale or donation and payment of all filing fees.

Section 9. 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 sole is reasonable fit for its ordinary purpose or the acquiring person’s

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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.

Section 10. The provisions of R.S. 41:1338 shall not apply to the property being sold or donated in accordance with this Ordinance.

Section 11. 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.

Section 12. 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 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

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erased under subsections (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.

THUS PASSED, APPROVED AND ADOPTED on this 9th day of April, 2018.

On motion by Mr. Richard Billings, seconded by Mr. Ollie Overton, to increase the pay rate of April Ward, FF/EMR, from \$8.00 per hour to \$10.00 per hour, not to exceed 28 hours per week, effective April 24, 2018, as requested by the Cotile Volunteer Fire Department, to be paid out of Fire District No. 8 Funds. On vote the motion carried.

On motion by Mr. Ollie Overton, seconded by Mr. Craig Smith, to rescind the extension of Bid #2447 (CRS-2), motion on March 12, 2018 agenda, due to vendor deciding not to renew the option to extend, as recommended by the Purchasing Agent. On vote the motion carried.

On motion by Mr. Joe Bishop, seconded by Mr. Craig Smith, to authorize to advertise to receive bids, for CRS-2, Liquid Asphalt, to be paid from various Road and Bridge and Road Maintenance Funds, as recommended by the Public Works Director and Purchasing Agent. On vote the motion carried.

On motion by Mr. Ollie Overton, seconded by Mr. Craig Smith, the following ordinance was presented to set a 20 mph speed limit on Winfield Drive, Ward 8, District E, and authorize the Parish Highway Department to erect speed limit signs and on vote unanimously adopted:

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTIONS 18-4.2 (H) SPEED LIMITS SO AS TO SET A 20 MPH SPEED LIMIT ON WINFIELD DRIVE, WARD 8, DISTRICT E

BE IT ORDAINED by the Rapides Parish Police Jury in Regular Session convened on this 9th day of April, 2018, that Section 18-4.2 (h) of the Rapides Parish Code of Ordinances is hereby amended and reenacted to include a 20 mph speed limit on Winfield Drive, as follows:

Chapter 18. MOTOR VEHICLES AND TRAFFIC

Section 18-4.2. Speed limits designated on certain streets:

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(g) Twenty miles per hour. It shall be unlawful for any person to drive or operate a vehicle upon the following parish roads in Rapides Parish in excess of twenty (20) miles per hour:

...

WINFIELD DRIVE, WARD 8, DISTRICT E

...

(l). Whoever violates the provisions of this section shall be punished by a fine not to exceed one hundred dollars (\$100.00), or imprisoned in the Rapides Parish Jail for a period not to exceed thirty (30) days, or both.

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

BE IT FURTHER ORDAINED in all other respects Section 18-4.2 of the Rapides Parish Code of Ordinances shall remain unchanged.

BE IT FURTHER ORDAINED that the Parish Highway Department is hereby authorized to erect the speed limit signs on the Road.

THUS DONE AND SIGNED on this 9th day of April, 2018.

On motion by Mr. Ollie Overton, seconded by Mr. Craig Smith, the following ordinance was presented to set a 20 mph speed limit on Gladys Drive, Ward 8, District E, and authorize the Parish Highway Department to erect speed limit signs and on vote unanimously adopted:

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTIONS 18-4.2 (H) SPEED LIMITS SO AS TO SET A 20 MPH SPEED LIMIT ON GLADYS DRIVE, WARD 8, DISTRICT E

BE IT ORDAINED by the Rapides Parish Police Jury in Regular Session convened on this 9th day of April, 2018, that Section 18-4.2 (h) of the Rapides Parish Code of Ordinances is hereby amended and reenacted to include a 20 mph speed limit on Gladys Drive, as follows:

Chapter 18. MOTOR VEHICLES AND TRAFFIC

Section 18-4.2. Speed limits designated on certain streets:

(g) Twenty miles per hour. It shall be unlawful for any person to drive or operate a vehicle upon the following parish roads in Rapides Parish in excess of twenty (20) miles per hour:

...

GLADYS DRIVE, WARD 8, DISTRICT E

...

(l). Whoever violates the provisions of this section shall be punished by a fine not to exceed one hundred dollars (\$100.00), or imprisoned in the Rapides Parish Jail for a period not to exceed thirty (30) days, or both.

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

BE IT FURTHER ORDAINED in all other respects Section 18-4.2 of the Rapides Parish Code of Ordinances shall remain unchanged.

BE IT FURTHER ORDAINED that the Parish Highway Department is hereby authorized to erect the speed limit signs on the Road.

THUS DONE AND SIGNED on this 9th day of April, 2018.

On motion by Mr. Craig Smith, seconded by Mr. Richard Billings, to authorize Mrs. Linda G. Perkins, 105 Western Hills, Boyce, LA 71409, District E, as a Hardship Case. On vote the motion carried.

On motion by Mr. Richard Vanderlick, seconded by Mr. Richard Billings, to authorize Mrs. Eleanor Burns, 734 Pine Coupee Road, Mora, LA 71455, District E, as a Hardship Case. On vote the motion carried.

On motion by Mr. Craig Smith, seconded by Mr. Richard Billings, to adopt an ordinance to amend and reenact Section 18-4.2(i), Speed Limits so as to set a speed limit of 15 mph on the Dixie Church Road from LA Hwy 465 to the east bridge approach, Ward 5, District H and authorize the Rapides Parish Highway Department to erect speed limit signs.

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTION 18-4.2
(I) SPEED LIMITS SO AS TO SET A 15 MPH SPEED LIMIT ON
THE DIXIE CHURCH ROAD FROM LA HWY 465 TO THE EAST
BRIDGE APPROACH, WARD 5, DISTRICT H

BE IT ORDAINED by the Rapides Parish Police Jury in Regular Session convened on this 9th day of April, 2018, that Section 18-4.2 (i) of the Rapides Parish Code of Ordinances is hereby amended and reenacted to set a 15 mph speed limit on the Dixie Church Road from LA Hwy 465 to the east bridge approach, Ward 5, District H as follows:

Chapter 18. MOTOR VEHICLES AND TRAFFIC

Section 18-4.2. Speed limits designated on certain streets:

(i) Fifteen (15) miles per hour. It shall be unlawful for any person to drive or operate a vehicle upon the following parish road in Rapides Parish in excess of fifteen (15) miles per hour.

... Dixie Church Road from LA Hwy 465 to the east bridge approach, Ward 5, District H

(1). Whoever violates the provisions of this section shall be punished by a fine not to exceed one hundred dollars (\$100.00), or imprisoned in the Rapides Parish Jail for a period not to exceed thirty (30) days, or both.

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

BE IT FURTHER ORDAINED in all other respects Section 18-4.2 of the Rapides Parish Code of Ordinances shall remain unchanged.

BE IT FURTHER ORDAINED that the Parish Highway Department is hereby authorized to erect the speed limit signs on the Road.

THUS DONE AND SIGNED on this 9th day of April, 2018.

On motion by Mr. Richard Billings, seconded by Mr. Richard Vanderlick, to adopt an ordinance to amend and reenact Section 18-4.2(i), Speed Limits so as to set a speed limit of 15 mph on the Setliff Road from 250 feet south to 250 feet north of the bridge over Bayou Pierre Tributary, Ward 7, District E and authorize the Rapides Parish Highway Department to erect speed limit signs.

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTION 18-4.2 (I) SPEED LIMITS SO AS TO SET A 15 MPH SPEED LIMIT ON THE SETLIFF ROAD FROM 250 FEET SOUTH TO 250 FEET NORTH OF THE BRIDGE OVER BAYOU PIERRE TRIBUTARY, WARD 7, DISTRICT E

BE IT ORDAINED by the Rapides Parish Police Jury in Regular Session convened on this 9th day of April, 2018, that Section 18-4.2 (i) of the Rapides Parish Code of Ordinances is hereby amended and reenacted to set a 15 mph speed limit on the Setliff Road from 250 feet south to 250 feet north of the bridge over Bayou Pierre Tributary, Ward 7, District E as follows:

Chapter 18. MOTOR VEHICLES AND TRAFFIC

Section 18-4.2. Speed limits designated on certain streets:

(i) Fifteen miles per hour. It shall be unlawful for any person to drive or operate a vehicle upon the following parish road in Rapides Parish in excess of fifteen (15) miles per hour.

... Setliff Road from 250 feet south to 250 feet north of the bridge over Bayou Pierre Tributary, Ward 7, District E

(l). Whoever violates the provisions of this section shall be punished by a fine not to exceed one hundred dollars (\$100.00), or imprisoned in the Rapides Parish Jail for a period not to exceed thirty (30) days, or both.

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

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BE IT FURTHER ORDAINED in all other respects Section 18-4.2 of the Rapides Parish Code of Ordinances shall remain unchanged.

BE IT FURTHER ORDAINED that the Parish Highway Department is hereby authorized to erect the speed limit signs on the Road.

THUS DONE AND SIGNED on this 9th day of April, 2018.

On motion by Mr. Ollie Overton, seconded by Mr. Craig Smith, to authorize a resolution to grant a design exception to the Louisiana Department of Transportation and Development for the stopping site distance at the east bridge approach on State Project No. H.011531, Site #1, Dixie Church Road Bridge over Cypress Bayou, Structure No. P40-31121-92461-1, Recall No. 600325 and post a speed limit of 15 mph on the Dixie Church Road from LA Hwy 465 to the east bridge approach as recommended by the Public Works Director and authorize the President to sign any required documents. On vote the motion carried.

On motion by Mr. Joe Bishop, seconded by Mr. Craig Smith, to authorize a resolution to grant a design exception to the Louisiana Department of Transportation and Development for the stopping site distance for the north and south bridge approaches on State Project No. H.011531, Site #2, Setliff Road Bridge over Bayou Pierre Tributary, Structure No. P40-31230-92546-1, Recall No. 600314 and post a speed limit of 15 mph on the Setliff Road from 250 feet south to 250 feet north of the bridge as recommended by the Public Works Director and authorize the President to sign any required documents. On vote the motion carried.

On motion by Mr. Ollie Overton, seconded by Mr. Richard Vanderlick, to authorize a resolution to grant a design exception to the Louisiana Department of Transportation and Development for no shoulders in the project transition zones, to use a 24 foot clear roadway bridge, 2:1 slopes in the embankment widening zone, 3:1 slopes for embankment in the roadway transition zone, and a 40 mph design speed on State Project No. H.011526, Site #2, H. Strange Road Bridge over Indian Creek, Structure No. P40-31053-92277-1, Recall No. 600378 and post a speed limit of 25 mph on the H. Strange Road from Martin Springs Road to Belle Chase Road as recommended by the Public Works Director and authorize the President to sign any required documents. On vote the motion carried.

On motion by Mr. Richard Billings, seconded by Mr. Craig Smith, to authorize a resolution to grant a design exception to the Louisiana Department of Transportation and Development for no shoulders within the project roadway transitions on State Project No. H.011526, Site #3, Palmer Chapel Road Bridge over Wiggins Bayou, Structure No. P40-31167-92198-1, Recall No. 600403 and post a speed limit of 40 mph within the project area as recommended by the Public Works Director and authorize the President to sign any required documents. On vote the motion carried.

On motion by Mr. Ollie Overton, seconded by Mr. Craig Smith, to authorize a resolution to grant design waivers and exceptions to the Louisiana Department of Transportation and Development for 50 foot guard rails at three corners of the

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bridge structure, a tapered concrete barrier at the southeast corner of the east approach slab at the off ramp of the bridge, no shoulders in the roadway transition zones, and for stopping sight distance on State Project No. H.011526, Site #1, Castor Plunge Road Bridge over Little Bayou Clear, Structure No. P40-31092-92311-1, Recall No. 600306 and post a speed limit of 25 mph on the Castor Plunge Road within the project area as recommended by the Public Works Director and authorize the President to sign any required documents. On vote the motion carried.

On motion by Mr. Richard Vanderlick, seconded by Mr. Craig Smith, to enter into an agreement with the Louisiana Boat Racing Association, a member of the National Boat Racing Association, to hold Boat Racing on Kincaid Lake, May 18–20, 2018 and authorize the President to sign same. On vote the motion carried.

On motion by Mr. Richard Billings, seconded by Mr. Ollie Overton, to authorize Mrs. Debra Cutts Sasser, 8636 Highway 112, Glenmora, LA 71433, District H, as a Hardship Case. On vote the motion carried.

On motion by Mr. Craig Smith, seconded by Mr. Ollie Overton, to authorize Ms. Tammy Dull, 126 Duplissey Road, Deville, LA 71328, District C, as a Hardship Case. On vote the motion carried.

On motion by Mr. Craig Smith, seconded by Mr. Ollie Overton, the following ordinance to amend and reenact the Rapides Parish Code of Ordinances to include Chapter 24 Storm water Ordinances as follows:

Chapter 24 – STORM WATER

ARTICLE I. - GENERAL PROVISIONS

Sec. 24-1. - Title.

This chapter shall be known as the "Storm Water Code of the Rapides Parish Police Jury, Rapides Parish Louisiana" and may be cited and referred to herein as "this chapter."

Sec. 24-2. - Purpose.

The purpose and objectives of this chapter are as follows:

- (1) To maintain and improve the quality of surface water and groundwater within Rapides Parish;
- (2) To prevent the discharge of contaminated storm water runoff from industrial, commercial, residential, and construction sites into the municipal separate storm sewer system (MS4) and natural waters affected by Rapides Parish;
- (3) To promote public awareness of the hazards involved in the improper discharge of hazardous substances, petroleum products, household hazardous waste, industrial waste, sediment from construction sites, pesticides, herbicides, fertilizers, and other contaminants into the storm sewers and natural waters of Rapides Parish;
- (4) To encourage the recycling of used motor oil and safe disposal of other hazardous consumer products;
- (5) To facilitate compliance with state and federal standards and permits by owners and operators of industrial and construction sites within Rapides Parish;

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and

(6) To enable the Rapides Parish Police Jury to comply with all federal and state laws and regulations applicable to storm water discharges.

Sec. 24-3. - Administration.

Except as otherwise provided herein, the director of public works shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the director of public works shall be carried out by that person and may be delegated by the director of public works to other parish personnel.

ARTICLE II. - ABBREVIATIONS AND DEFINITIONS

Sec. 24-4. - Abbreviations.

BMP—Best management practices.

CFR—Code of Federal Regulations.

EPA—U.S. Environmental Protection Agency.

HHW—Household hazardous waste.

mg/l—Milligram per liter.

MS4—Municipal separate storm sewer system.

NOI—Notice of intent.

NOT—Notice of termination.

NPDES—National pollution discharge elimination system.

ppb—Parts per billion.

PST—Petroleum storage tank.

RLA—Registered storage tank.

RPE—Registered professional engineer.

RPPJ—Rapides Parish Police Jury

RQ—Reportable quantity.

SWPPP—Storm water pollution prevention plan.

TPH—Total petroleum hydrocarbon.

USC—United States Code.

Sec. 24-5. - Definitions.

Agricultural storm water runoff. Any storm water runoff from cultivated crops, pastures, and other nonpoint source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 CFR Section 122.3 or discharges from concentrated aquatic animal production facilities as defined in 40 CFR Section 122.24.

Back washing. The rinsing and/or cleaning of cartridge or sand filters.

Best management practices (BMP). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff.

Cellar dirt. Construction site waste materials such as natural rock and soil overburden.

Commencement of construction. The disturbance of soils associated with clearing, grading, excavating activities or other construction activities.

Commercial. Pertaining to any business, trade, industry, or other activity engaged in for profit.

Compliance officer. The person appointed by the police jury president to the position of compliance officer, or his/her duly authorized representative. The compliance officer is director of public works or his/her duly authorized representative.

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Contaminated. Pertaining to containing a harmful quantity of any substance.

Contamination. Pertaining to the presence of or entry into a public water supply system, the MS4, waters of the state, or waters of the United States of any substance which may be deleterious to the public health and/or quality of the water.

Cosmetic cleaning. Pertaining to cleaning done for cosmetic purposes. It does not include industrial cleaning, cleaning associated with manufacturing activities, hazardous or toxic waste cleaning, or any cleaning otherwise regulated under federal, state, or local laws.

Director of planning and development. The person appointed by the Rapides Parish Police Jury to the position of director of planning and development, or his/her duly authorized representative.

Director of public works. The person appointed by the president of the police jury to the position of director of public works, or his/her duly authorized representative.

Director of utilities. The person appointed by the Rapides Parish Police Jury to the position of director of utilities, or his/her duly authorized representative.

Discharge. Any addition or introduction of any pollutant, storm water, or any other substance whatsoever into the municipal separate storm sewer system (MS4) or into waters of the United States.

Discharger. Any person who causes, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any operator of a construction site or industrial facility.

Domestic sewage. Human excrement, gray water (from home clothes washing, bathing, showers, dishwashing, and food preparation), other wastewater from household drains, and waterborne waste normally discharged from the sanitary conveniences of dwellings, office buildings, industrial sites, and institutions, that is free from industrial waste.

Engineer. The person appointed by the Rapides Parish Police Jury to the position of police jury engineer, or his/her duly authorized representative.

Environmental Protection Agency (EPA). The United States Environmental Protection Agency, the regional office thereof, any federal department, agency, or commission that may succeed to the authority of the EPA, and any duly authorized official of EPA or such successor agency.

Extremely hazardous substance. Any substance listed in the appendices to 40 CFR Part 355, Emergency Planning and Notification.

Facility. Any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

Final stabilization. Stabilization of least seventy (70) per cent of the site as defined in part IX of the general permit [sic].

Fire code. The "Fire Prevention and Protection" chapter of the Rapides Parish Police Jury Ordinance.

Fire protection water. Any water, and any substance or materials contained therein, used by any person other than the fire department to control or extinguish a fire.

Garbage. Putrescible animal and vegetable waste materials from the handling, preparation, cooking, or consumption of food, including waste materials from markets, storage facilities, and the handling and sale of produce and other food products.

Grading permit. Permit to commence grading or other land disturbance activity

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prior to obtaining a building permit.

Harmful quantity. The amount of any substance that will cause pollution of water in the state.

Hazardous household waste (HHW). Any material generated in a household by a consumer which, except for the exclusion provided in 40 CFR Part 261.4(b)(1), would be classified as a hazardous waste under 40 CFR Part 302.

Hazardous substance. Any substance listed in Table 302.4 of 40 CFR 302.

Hazardous waste. Any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR Part 261.

Industrial waste. Any waterborne liquid or solid substance that results from any process of industry, manufacturing, production, trade or business.

Mobile commercial cosmetic cleaning. Any power washing, steam cleaning, and other mobile cosmetic cleaning operation, of vehicles and/or exterior surfaces, engaged in for commercial purposes.

Motor vehicle fuel. Any vehicle crankcase oil, antifreeze, transmission fluid, brake fluid, differential lubricant, gasoline, diesel fuel, gasoline/alcohol blend, and any other fluid used in a motor vehicle.

Municipal landfill or landfill. An area of land or an excavation in which municipal solid waste is placed for permanent disposal, and which is not a land treatment facility, a surface impoundment, an injection well, or a pile.

Municipal separate storm sewer system (MS4). The system of conveyances gutters, ditches, manmade channels or storm drains owned and operated by the parish and designated or used for collecting or conveying storm water, and which is not used for collecting or conveying sewage.

Municipal solid waste. Solid waste resulting from or incidental to municipal, community, commercial, institutional, or recreational activities, and includes garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and other solid waste other than industrial waste.

NPDES general permit for storm water discharges associated with industrial activity or industrial general permit. The Industrial General Permit issued by EPA on August 27, 1992, and published in Volume 57 of the Federal Register at page 41304 on September 9, 1992, and any subsequent or amendments thereto.

NPDES general permit for storm water discharges from construction sites or construction general permit. The construction general permit issued by EPA on August 27, 1992, and published in Volume 57 of the Federal Register at page 41217 on September 9, 1992, and any subsequent modifications or amendments thereto.

NPDES permit. A permit issued by EPA (or by the state under authority delegated pursuant to 33 USC 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Nonpoint source. Any source of any discharge of a pollutant that is not a "point source".

Notice of intent (NOI). The notice of intent that is required by either the industrial general permit or the construction general permit.

Notice of termination (NOT). The notice of termination that is required by either the industrial general permit or the construction general permit.

Oil. Any kind of oil in any form, including, but not limited to, petroleum, fuel oil, and pressure, sludge, oil refuse, and oil mixed with waste.

Operator. The person or persons who, either individually or taken together, meet

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the following two (2) criteria: (1) they have operational control over the facility specifications (including the ability to make modifications in specifications); and (2) they have the day-to-day operational control over those activities at the facility necessary to ensure compliance with pollution prevention requirements and any permit conditions.

Owner. The person who owns a facility or part of a facility.

Person. Any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local entities.

Petroleum product. A petroleum product that is obtained from distilling and processing crude oil, and that is capable of being used as a fuel for the propulsion of a motor vehicle or aircraft, including motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel.

Petroleum storage tank (PST). Any one or combination of above ground or underground storage tanks that contain petroleum products and any connecting underground pipes.

Point source. Any discernable, confined, and discrete conveyances, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Pollutant. Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. The term "pollutant" does not include tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated pasture land or farm land.

Pollution. The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness of public enjoyment of the water for any lawful or reasonable purpose.

Registered landscape architect (RLA). A person who has been duly licensed and registered to practice landscape architecture.

Registered professional engineer (RPE). A person who has been duly licensed and registered by the state board of registration for professional engineers to engage in the practice of engineering in the State of Louisiana.

Release. Any spill, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the municipal separate storm sewer system (MS4) or the waters of the United States.

Reportable quantity (RQ). For any "hazardous substance," the quantity established and listed in Table 302; for any "extremely hazardous substances," the quantity established in 40 CFR Part 302; for any "extremely hazardous substance," the quantity established in 40 CFR Part 355 and listed in Appendix A thereto.

Rubbish. Non-putrescible solid waste, excluding ashes, that consist of (a) combustible waste materials, including paper, rags, cartons, wood, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and (b) noncombustible waste materials, including glass, crockery, tin cans, aluminum

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cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1,600 to 1,800 degrees Fahrenheit).

Sanitary sewer or sewer. The system of pipes, conduits, and other conveyances, which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to the parish sewage treatment plant (and to which storm water, surface water, and groundwater are not intentionally admitted).

Septic tank waste. Any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Service station. Any retail establishment engaged in the business of selling fuel for motor vehicles that is dispensed from stationary storage tanks.

Sewage or sanitary sewage. The domestic sewage and/or industrial waste that is discharged into a community/private sanitary sewer system and passes through the sanitary sewer system to a community/private sewage treatment plant for treatment.

Site. The land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

Solid waste. Any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting community and institutional activities.

State. State of Louisiana.

Storm water. Storm water runoff, snow melt runoff, surface runoff and drainage.

Storm water discharge associated with industrial activity. The discharge from any conveyances which is used for collecting and conveying storm water and which is directly related to manufacturing, processing, or raw materials storage areas at an directly related to manufacturing, processing, or raw materials storage areas at an industrial plant which is within one (1) of the categories of facilities listed in 40 CFR 122.26 (b)(14), and which is not excluded from EPA's definition of the same term.

Storm water pollution prevention plan (SWPPP). A plan required by either the construction general permit or the industrial general permit and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in storm water discharges associated with construction or other industrial activity at the facility.

Uncontaminated. Not containing a harmful quantity of any substance.

Used oil (or used motor oil). Any oil that has been refined from crude oil or a synthetic oil that, as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties but that may be suitable for further use and is recyclable in compliance with state and federal law.

Water in the state (or water). Any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

Water quality standard. The designation of a body or segment of surface water in the state for desirable uses and the narrative and numerical criteria deemed by the

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state.

Waters of the United States. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow tide; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "waters of the United States" at 40 CFR 122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirement of the federal Clean Water Act.

Wetland. An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Yard waste. Leaves, grass clippings, yard and garden debris, and brush that result from landscaping maintenance and land-clearing operations.

ARTICLE III. - USER REQUIREMENTS

Sec. 24-6. - General provisions.

(a) No person shall introduce or cause to be introduced into the municipal separate storm sewer system (MS4) any discharge that is not composed entirely of storm water.

(b) It is an affirmative defense to any enforcement action for violation of subsection (a) of this section that the discharge was composed entirely of one (1) or more of the following categories of discharges:

(1) A discharge authorized by, and in full compliance with, an NPDES permit (other than the NPDES permit for discharges from the MS4);

(2) A discharge or flow resulting from the firefighting by the fire department;

(3) A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials;

(4) Agricultural water runoff;

(5) A discharge or flow from water line flushing, but not including a discharge from water line disinfection by super chlorination or other means unless it contains no harmful quantities of chlorine or any other chemical used in the line disinfection;

(6) A discharge or flow from lawn watering, landscape irrigation, or other irrigation water;

(7) A discharge or flow from a diverted stream flow or natural spring;

(8) A discharge or flow from uncontaminated pumped groundwater or rising groundwater;

(9) Uncontaminated groundwater infiltration (as defined as 40 CFR 35.2005(2) to the MS4);

(10) Uncontaminated discharge or flow from a foundation drain, crawl space pump, or footing drain;

(11) A discharge or flow from air conditioning condensation that is not mixed with water from a cooling tower, emissions scrubber, emission filter, or any other source of pollutant;

(12) A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;

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- (13) A discharge or flow from individual residential car washing;
 - (14) A discharge or flow from a riparian habitat or wetland;
 - (15) A discharge or flow from water used in street washing that is not contaminated with any soap, detergent, solvent, emulsifier, dispersant, or any other harmful cleaning substance; or
 - (16) Storm water runoff from a roof that is not contaminated by any runoff or discharge from an emissions scrubber or filter or any other source of pollutant.
- (c) No affirmative defense shall be available under subsection (b) of this section if the discharge or flow in question has been determined by the storm water committee to be a source of a pollutant or pollutants to the waters of the United States or to the MS4, written notice of such determination has been provided to the discharger, and the discharge has occurred more than ten (10) days beyond such notice. The correctness of the storm water committee's determination that a discharge is a source of a pollutant may be reviewed in any administrative or judicial enforcement proceeding.

Sec. 24-7. - Specific prohibitions and requirements.

- (a) The specific prohibitions and requirements in this section are not inclusive of all the discharges prohibited by the general prohibition in section 24-5.
- (b) No person shall introduce or cause to be introduced into the MS4 any discharge that causes or contributes to causing the parish to violate a water quality standard, the parish's NPDES permit, or any state-issued discharge permit for discharges from its MS4.
- (c) No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise introduce or cause, allow, or permit to be introduced any of the following substances into the MS4:
 - (1) Any used motor oil, antifreeze, or any other motor vehicle fluid;
 - (2) Any industrial waste;
 - (3) Any hazardous waste, including hazardous household waste;
 - (4) Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste;
 - (5) Any garbage, rubbish, or yard waste;
 - (6) Any wastewater from a commercial carwash facility; from any vehicle washing, cleaning, or maintenance at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any business or commercial or public service vehicle, including a truck, bus, or heavy equipment, by a business or public entity;
 - (7) Any wastewater from the washing, cleaning, de-icing, or other maintenance of aircraft;
 - (8) Any wastewater from commercial floor, rug, or carpet cleaning;
 - (9) Any runoff or wash down from any animal pen, kennel, or fowl or livestock containment area;
 - (10) Any discharge from water line disinfection by super chlorination or other means if it contains any harmful quantity of chlorine or any other chemical used in line disinfection;
 - (11) Any fire protection water containing oil or hazardous substances or materials;
 - (12) Any water from a water curtain in a spray room used for painting vehicles or equipment;
 - (13) Any contaminated runoff from a vehicle wrecking;

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(14) Any substance or material that will damage, block, or clog the MS4;

(15) Any release from a petroleum storage tank (PST), or any leachate or runoff from soil contamination by a leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of such PST release, unless the discharge satisfies all of the following criteria:

a. Compliance with all state and federal standards and requirements; and

b. No discharge containing harmful quantity of any pollutant; and

(16) The following non-storm water sources may be discharged from the MS4 provided that they have not been determined by the parish to be substantial sources of pollutants to the MS4. The operator must utilize best management practices to limit discharge of the following non-storm water sources:

a. Any wastewater from a commercial mobile power washer or from the washing of other cleaning of a building exterior that contains any harmful quantity of soap, detergent, degreaser, solvent, or any other harmful cleaning substance;

b. Any wastewater from the wash down or other cleaning of pavement that contains any harmful quantity of soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other cleaning substance; or any wastewater from the wash down or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed;

c. Any ready-mixed concrete, mortar, ceramic, or asphalt base material or hydro mulch material, or from the cleaning of commercial vehicles or equipment containing, or used in transporting or applying, such material.

(b) No person shall introduce or cause to be introduced into the MS4 any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavation or other construction activities in excess of what could be retained on site or captured by employing sediment and erosion control measures to the maximum extent practicable.

(c) No person shall connect a line conveying sanitary sewage, domestic, or industrial, to the MS4.

(d) No person shall cause or allow any pavement wash water from a commercial facility to be discharged into a MS4 unless such wastewater has passed through a properly functioning and maintained, grease, oil and sand interceptor before discharging into the MS4.

Sec. 24-8. - Used oil regulation.

(a) No person shall:

(1) Discharge used oil into the MS4 or a sewer, drainage system, surface water, groundwater, or water course;

(2) Knowingly mix or commingle used oil with solid waste that is to be disposed in a landfill or knowingly directly dispose of used oil on land or in a landfill;

(3) Apply used oil to a road or land for dust suppression, weed abatement, or other similar use that introduces used oil into the environment.

Sec. 24-9. - Swimming pool regulation.

(1) Requirements for two (2) types of discharges:

(a) *Filter back washing:*

1. Backwash water may be disposed of and filters may be rinsed on the pool/spa owner's property. This should be done in an area that will absorb the water.

2. Water from back washing a pool or spa containing chlorine <1 mg/l, total

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suspended solids <45 mg/l, pH in the range of 7 to 8, no harmful quantities of muriatic acid or other chemical used in the treatment or disinfection of the water, free of color, algae, and other contaminants may be discharged off the owner's property to the MS4.

3. The following restrictions apply to backwash water discharge activities:

- a. Discharges may not be drained onto a neighbor's property or across a sidewalk.
- b. Discharge water may not cause erosion or transport sediment.
- c. Discharges may not be drained into unpaved alleys.
- d. Discharges may not cause an accumulation of water along the curb line gutter of a paved street.
- e. If backwash water discharge is unable to meet the restrictions outlined above the Rapides Parish Police Jury and/or the Rapides Area Planning Commission should be contacted for additional approvals.

(b) *Swimming pool/spa draining:*

1. Water from draining a pool or spa containing chlorine <1 mg/l, total suspended solids <45 mg/l, pH in the range of 7 to 8, no harmful quantities of muriatic acid or other chemical used in the treatment or disinfection of the water, free of color, algae, and other contaminants may be discharged off the owner's property to the MS4.

2. The following restrictions apply to swimming pool and spa discharge activities:

- a. Discharges may not be drained onto a neighbor's property or across a sidewalk.
- b. Discharge water may not cause erosion or transport sediment.
- c. Discharges may not be drained into unpaved alleys.
- d. Discharges may not cause an accumulation of water along the curb line gutter of a paved street.
- e. Swimming pools or spas water discharge unable to meet the restrictions outlined above must be discharged to the sanitary sewer system in the event there is no subsurface drainage is available.

Sec. 24-10. - Discharge from dumpster area.

For all new construction of commercial facilities requiring suitable cleaning and supplies such as high pressure pumps, hot water, steam, and detergents necessary for the effective cleaning of equipment and receptacles of solid waste collection must meet the following requirements:

(a) Liquid waste generated by cleaning operation cannot be discharged into the MS4 without a valid NPDES permit from the department of environmental quality.

(b) Liquid waste generated by cleaning operation not meeting criteria in subsection (a) above, must be discharged to the sanitary sewer. Storm water runoff must be prevented from entering the sanitary sewer by means approved by the Rapides Parish Police Jury.

(c) Discharge entering the sanitary sewer must meet local discharge limits found in parish ordinance. Discharges unable to meet these discharge limits must be pretreated on site to reduce pollutant concentration prior to discharging to the sanitary sewer.

ARTICLE IV. - STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES

Sec. 24-11. - General requirements.

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The operator shall certify all state requirements have been met by signing a certification statement as part of the grading application and/or building permit application. Refer to current specific NPDES permit for site applicability and NOI requirements.

(1) All operators of construction sites shall use best management practices to control and reduce the discharge, to the MS4 and to waters of the United States, of sediment, silt, earth, soil, and other material associated with the clearing, grading, excavation, and other construction activities to the maximum extent practicable. Such best management practices may include, but not be limited to, the following measures:

(a) Ensuring that existing vegetation is preserved where feasible and that disturbed portions of the site are stabilized as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased. Stabilization measures may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures;

(b) Use of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from the site to the extent feasible;

(c) Minimization of the tracking of sediments off-site by vehicles, the generation of dust, and the escape of other windblown waste from the site;

(d) Prevention of the discharge of building materials, including cement, lime, concrete, and mortar, to the MS4 or waters of the United States;

(e) Providing general good housekeeping measures to prevent and contain spills of paints, solvents, fuels, septic waste, and other hazardous chemicals and pollutants associated with construction, and to assure proper clean and disposal of any such spills in compliance with state, federal, and local requirements;

(f) Implementation of proper waste disposal and waste management techniques, including covering waste materials and minimizing ground contact with hazardous chemicals and trash;

(g) Timely maintenance of vegetation, erosion and sediment control measures and other best management practices in good and effective operating condition; and

(h) Installation of structural measures during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. Such installed structural measures may include, but not be limited to, the following: storm water detention structures (including wet ponds); flow attenuation by use of open vegetative swales and natural depressions; other velocity dissipation devices, infiltration of runoff on site; and sequential systems which combine several practices. Operators of construction sites are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges associated with construction activity have terminated.

(2) Personnel (provided by the operator of the construction site) shall inspect disturbed areas of any construction site (meeting criteria of current NPDES permit) that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site in accordance with the current NPDES permit. All erosion and

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sediment control measures and other identified best management practices shall be observed in order to ensure that they are operating correctly and are effective in preventing significant impacts to receiving waters and the MS4. Based on the results of the inspections, best management practices shall be revised as appropriate, and as soon as is practicable.

(3) The parish may require any plans and specification that are prepared for the construction of site improvements to illustrate and describe the best management practices required by subsection (1)(a) above that will be implemented at the construction site. The parish may deny approval of any building permit, site development plan, or any other parish approval necessary to commence or continue construction, or to assume occupancy, on the grounds that the management practices described in the plans or observed upon the site inspection by the parish are determined not to control and reduce the discharge of sediment, silt, earth, soil, and other materials associated with clearing, grading, excavation, and other construction activities to the maximum extent practicable.

(4) Any owner of a site of construction activity, whether or not he/she is an operator, is jointly and severally responsible for compliance with the requirements in this section.

(5) Any contractor or subcontractor on a site of construction activity, who is not an owner or operator, but who is responsible under his/her contract or subcontract for implementing best management practices control measure, is jointly and severally responsible for any willful or negligent failure on his/her part to adequately implement that control measure if such failure causes or contributes to causing the parish to violate a water quality standard, the parish's NPDES permit, or any state-issued discharge permit for discharges from its MS4.

(6) Based on the results of the inspections required by subsection (2), the site description and/or the pollution prevention measures shall be revised as appropriate, but in no case later than one (1) calendar day following the inspection. Such modifications shall provide for timely implementation of any changes to the SWPPP within one (1) calendar day following the inspection.

(7) Upon final stabilization of the construction site, the owner or the duly authorized representative thereof, shall submit written certification to the parish that the site has been finally stabilized. The parish may withhold an occupancy or use permit for any premises constructed on the site until certification of final stabilization has been filed and the parish has determined, following any appropriate inspection, that final stabilization has, in fact, occurred and that any required permanent structural controls have been completed.

Sec. 24-12. - Site applicability.

Construction activity, including clearing, grading, and excavation activities, that result in the disturbance of one (1) or more acres of total land area shall comply with the requirements of this chapter. This also applies to building construction (including residential) on lots less than one (1) acre.

ARTICLE V. - GRADING PERMIT

Sec. 24-13. - Purpose.

The purpose of this section is to regulate grading property within Rapides Parish to safeguard life, limb, health, property and public welfare; to avoid pollution of watercourses with nutrients, sediments, or other earthen materials generated on or caused by surface runoff on or across the permit area; and to ensure that the intended user of a graded site is consistent with applicable parish ordinances.

Sec. 24-14. - Exemptions.

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The following described activities shall not require a grading permit in order to perform clearing, excavation, or related earthwork:

- (1) If building permit is obtained, no grading permit is required.
- (2) Utility or public works improvements do not require a grading permit.
- (3) Excavation in connection with a building, swimming pool, retaining wall, or other structure authorized by a valid building permit;
- (4) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
- (5) Septic repair and/or alteration.
- (6) Cemetery graves.
- (7) Temporary stockpiling or storing of materials provided that such operations do not affect adjacent properties and all drainage and erosion control requirements.
- (8) Accepted agricultural practices such as plowing, cultivation, construction of agricultural structures, nursery operations, tree cutting, logging operations leaving the stump and root mat intact, and cultivated sod operation.
- (9) Minor landscaping and sprinkler installation.

Sec. 24-15. - Permitting procedures.

Unless otherwise stated, no person(s) shall perform any clearing, excavation, or earthwork within Rapides Parish without first having obtained a grading permit or building permit from the Rapides Area Planning Commission.

The grading permit is applicable but is not limited to the following activities:

- (1) Excavating, cutting, filling, grading, draining, or paving of lots, parcels, or other areas;
- (2) Altering, rerouting, deepening, widening obstructing, or changing in any way an existing drainage system or feature;
- (3) Development for: residential, commercial, institutional, industrial, utility or other activities;
- (4) Commencing any other development or excavation which may: significantly increase or decrease the rate and/or quantity of surface water runoff, degrade the quality of water; adversely affect any sinkhole, water course, or water body.

Sec. 24-16. - Responsibility not waived.

The grading permit exceptions listed in section 24-12 do not relieve the owner, developer, contractor, or other legal representative of the responsibility of installing and properly maintaining the proper erosion/sedimentation control measures or other liability resulting from such activities.

Sec. 24-17. - Site plan and/or conceptual grading plan requirements.

(a) An approved site sketch is required to obtain a grading permit. The site sketch shall contain in addition to such basic information as owner name and address, date, tax map and parcel number the following:

- (1) The actual shape, location, and dimension of the lot to be built upon;
- (2) The shape, size, and location of all existing and proposed buildings or other structures;
- (3) The location and approximate dimension of all points of access to a public street or road;
- (4) The location of all driveways and entrances;
- (5) Locations of areas subject to flooding, if applicable.

(b) An approved site plan is required to obtain a grading permit. The site plan shall contain, as a minimum, the following items or information, as applicable.

- (1) Total land area;
- (2) Existing and proposed topography of existing land and impervious areas

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shown;

- (3) Elevations of all existing and proposed streets, alleys, utilities, sanitary and storm water sewers, and existing buildings and structures;
- (4) All existing and proposed impervious area;
- (5) Natural or artificial watercourses;
- (6) Limits of floodplains, if applicable;
- (7) All existing and proposed slopes, terraces, or retaining walls;
- (8) All existing and proposed storm water drainage structures or features;
- (9) All storm water structures/features immediately upstream and downstream of the site;
- (10) Erosion and siltation control plans;
- (11) Drainage calculations when required; and
- (12) Drainage easement when required.

Sec. 24-18. - Plan submittal, review, and approval process for grading permits.

If site, drainage, grading, and erosion plans for the purpose of obtaining a grading permit are required, they shall be submitted to the planning commission. They are to be submitted no less than ten (10) days prior to the intended date to begin site alterations. The issuance of all other permits is based upon approval of submitted plans.

The grading permit is valid for a period of one (1) year from the date of issue.

Extensions will be considered based on circumstances.

Sec. 24-19. - Grading permit fees.

The fee for the grading permit is intended to assist Rapides Parish in recovering some of the expenses associated with the permitting process. These costs consist primarily of administration, inspection, and enforcement activities and shall be approved and set by the police jury.

The fee schedule for grading permits is as follows:

Grading/excavation/earthworks projects

Areas less than or equal to one (1) acre \$50.00

Areas more than one (1) acre, per additional acre \$25.00

Sec. 24-20. - Erosion and sedimentation control.

Developers and/or property owners shall use appropriate erosion and sedimentation control measures to ensure that erosion, or adverse conditions caused by erosion or sedimentation, is eliminated or held to an acceptable minimum and does not cross to an adjoining property, right-of-way, or stream.

ARTICLE VI. - COMPLIANCE MONITORING

Sec. 24-21. - Right of entry: inspection and sampling.

The parish shall have the right to enter the premises of any person discharging storm water to the municipal separate storm sewer system (MS4) or to waters of the United States to determine if the discharger is complying with all requirements of this chapter and with state or federal discharge permit, limitation, or requirements. Dischargers shall allow the parish ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and for the performance of any additional duties. Dischargers shall make available to the parish, upon request, any SWPPPs, modifications thereto, self-inspection reports, monitoring records, compliance evaluations, notices of intent, and any other records, reports, and other documents related to compliance with this chapter and with any state or federal discharge permit.

- (1) Where a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharge shall make

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necessary arrangements with its security guards so that, upon presentation of suitable identification, parish personnel will be permitted to enter without delay for the purpose of performing his/her responsibilities.

(2) The parish shall have the right to set up on the discharger's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the discharger's operation.

(3) The parish may require any discharger to the MS4 or waters of the United States to conduct specified sampling, testing, analysis, and other monitoring of its storm water discharges, and may specify the frequency and parameters of any such required monitoring.

(4) The parish may require the discharger to install monitoring equipment as necessary at the discharger's expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the discharger at the written or verbal request of the parish and shall not be replaced. The costs of clearing such access shall be borne by the discharger.

(6) Unreasonable delays in allowing the parish access to the discharger's premises shall be a violation of this chapter.

ARTICLE VII. - PENALTIES AND ENFORCEMENT

Sec. 24-22. - Notice of noncompliance.

The director of public works or his designee shall deliver to the owner, contractor, and/or representative of any premises, or to any person responsible for an illicit connection, prohibited discharge, maintenance of a threatened discharge, failure to implement BMPs in accordance with this chapter, or any other violation of this chapter a notice of noncompliance. The notice of noncompliance shall be delivered in accordance with section 24-22.

The notice of noncompliance shall identify the provision of this chapter which has been violated. The notice of noncompliance shall state that continued noncompliance may result in additional enforcement actions, including the recovery of any costs incurred by the parish.

The notice of noncompliance shall identify a compliance date that must be met.

Sec. 24-23. - Cease and desist orders.

The director of public works may issue a cease and desist order. A cease and desist order shall be delivered in accordance with section 24-22. A cease and desist order may direct the owner, contractor, and/or representative responsible for any violation of this chapter, to take any of the following action:

(1) Immediately discontinue any prohibited discharge to the parish's storm water conveyance system.

(2) Immediately discontinue any other violation of this chapter.

(3) Clean up the area affected by the violation.

(4) The director of public works may direct by a cease and desist order that any person immediately cease any activity which may lead to a violation of receiving water limitations.

(5) The director of public works may terminate the building permit for the site.

Sec. 24-24. - Delivery of notice.

Any notice of noncompliance, cease and desist order, or other enforcement order pursuant to the requirements of this chapter shall be subject to the following

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requirements:

(1) The notice shall state that the recipient has a right to appeal the matter as set forth in section 24-26.

(2) The notice shall state that the recipient or the property owner, or both, may be liable for all enforcement costs incurred by the parish in correcting the violation.

(3) Delivery shall be deemed complete upon either personal delivery to the recipient or deposit in the U.S. mail postage prepaid for first class delivery.

Sec. 24-25. - Penalties.

Any person violating any provision of this chapter shall be punished by a fine imposed by the director of public works according to the following schedule:

First offense: \$250.00 per day per offense.

Second offense: \$500.00 per day per offense.

Third offense and thereafter: fine and/or imprisonment of not more than 10 days.

Sec. 24-26. - Administrative appeals.

(1) *Initiating an appeal.* An appeal may be initiated by filing a petition with the director of public works once informal attempts to resolve the customer's complaint have failed. The following information shall be contained in the petition:

(a) The name, address, and telephone number of the interested party filing the appeal, and the name of the owner and/or customer if the appeal is being filed by an interested party other than the owner and/or customer.

(b) The property address and a facility contact person if different from the owner.

(c) The decision, enforcement action, or other action being appealed and the decision of the action.

(d) An indication of the appellant's status as an interested party.

(e) A statement giving specific reason why the appellant believes the decision of the director of public works is incorrect or does not comply with the rules and regulations found in this chapter.

(f) New or different documents, drawings, plans, or other material appellant believes supports the case.

(2) *Hearing.* The Rapides Parish Police Jury may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee to:

(a) Issue in the name of the Rapides Parish Police Jury notices of hearings requested the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(b) Take the evidence;

(c) Transmit a report of the evidence and hearings, including transcripts and other evidence, together with recommendations to the Rapides Parish Police Jury for action thereon.

At any hearing held pursuant to this article, testimony must be under oath and recorded steno graphically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

After the Rapides Parish Police Jury has reviewed the evidence, it may issue an order to the user responsible for the violation, following a specified time period, that corrective action be completed, and/or penalties be paid. Further orders and directives as are necessary and appropriate may be issued.

A party or person aggrieved by the Rapides Parish Police Jury decision shall the

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right of judicial review of such determination in court.

ARTICLE VIII. - CITIZEN PARTICIPATION

Sec. 24-27. - Citizen reports of violations.

(1) All citizens are encouraged to report to the parish any spills, releases, illicit connections, other instances of anyone discharging pollutants into the MS4 or waters of the United States, and any other violation of this chapter of which they become aware.

(2) All citizen reports received by telephone, in writing, and in person will be kept on file for a period of three (3) years. When necessary, complaints will be referred to the department of environmental quality, department of health and hospital, or other appropriate local, state, or federal agency.

ARTICLE IX. - MISCELLANEOUS PROVISIONS

Sec. 24-28. - Charges and fees.

Permit applicants shall be charged a fee in accordance with the schedule as established by the Rapides Area Planning Commission for reimbursement of costs of constructing, operating, and maintaining the Parish's MS4 and for reimbursement of costs of implementing a "storm water management program" as required by EPA and the state, and those other cost of implementing this chapter, which costs may include, although are not limited to, the following:

(1) Fees for monitoring, inspection, and surveillance procedures including the cost of collecting and analyzing discharges and reviewing monitoring reports submitted by dischargers;

(2) Fees for spills and release reports and responding to spills and releases of oil, hazardous and extremely hazardous substances, and other pollutants;

(3) Fees for the discharges of storm water into the parish's separate storm sewer system; and

(4) Other fees as the parish may deem necessary to carry out the requirements contained in this chapter. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the parish.

Thus done, presented and adopted this 9th day of April, 2018.

On motion by Mr. Richard Vanderlick, seconded by Mr. Richard Billings, the following resolution was presented and unanimously adopted:

RESOLUTION

WHEREAS, the week of April 2-April 6, 2018 has been designated as National Community Development Week. The Rapides Parish Police Jury has been a participant in the Community Development Block Grant (CDBG) Program which funds public infrastructure, economic development, and housing programs in this community, and

WHEREAS, in this community and communities throughout the nation, forty-four years of Community Development Block Grant Development Block Grant Program funding has developed a strong relationship between this local government and its residents, principally those of low-to-moderate income, and

WHEREAS, this community recognizes that the Community Development Block

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Grant Program is a partnership of federal, state, and local government and community and business efforts, and that the services funded by the CDBG Program relies heavily on the dedication and good will of our combined efforts,

THEREFORE BE IT RESOLVED, that during National Community Development Week 2018, this community will give special thanks and recognition to all participants whose hard work and devotion to the neighborhoods and their low- and moderate-income residents help ensure the quality and effectiveness of the Community Development Block Grant Program, and

BE IT FURTHER RESOLVED, that this community, along with the service providers and others whose names are appended to this resolution, hereby petition the U.S. Congress and Administration to recognize the outstanding work being done locally and nationally by the Community Development Block Grant Program, and of its vital importance to the community and to the people who live in its lower income neighborhoods, and

BE IT FURTHER RESOLVED, that copies of this resolution be conveyed to the appropriate elected and appointed officials of the federal government and that this community's name be added to the roll of those committed to the preservation and full funding of the Community Development Block Grant Program and maintenance of its essential features over the course of the next session of Congress, and

NOW, THEREFORE, the Rapides Parish Police Jury does hereby designate the week of April 2-6, 2018, as National Community Development Week in the Parish of Rapides. Copy of this resolution be sent to Governor Jon Bel Edwards, our Legislative Delegation and Congressional Delegation.

Thus done, presented and adopted this 9th day of April, 2018.

On motion by Mr. Joe Bishop, seconded by Mr. Sean McGlothlin, to authorize the President to sign the sub-grantee agreement with the Governor's Office of Homeland Security and Emergency Preparedness concerning the 208 Davis Drive, City of Pineville Acquisition Grant under the Hazard Mitigation Program (HMGP) CFDA #97.039 in the amount of \$114,288.00. The property will be purchased by the City of Pineville utilizing FEMA funds with the homeowner responsible for the 25% match. On vote the motion carried.

On motion by Mr. Ollie Overton, seconded by Mr. Scott Perry, the following resolution was presented and unanimously seconded:

On motion by Mr. Ollie Overton, seconded by Mr. Scott Perry, to adopt a resolution that the Rapides Parish Police Jury strongly opposes the closing of the United States Post Office, located at 515 Murray Street, Alexandria and would like to request an extension on the closing date. Copy of this resolution to be sent to the Post Master General of the United States, Government Services Administration, Governor John Bel Edwards, our Legislative Delegation and Congressional Delegation. On vote the motion carried unanimously.

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On motion by Mr. Ollie Overton, seconded by Mr. Craig Smith, to authorize the President to execute Change Order No. 2 for the Tangent Rail Drainage Improvements construction contract between the RPPJ and Beard Construction, to increase the contract price by \$115,453.93 for a total contract price of \$969,168.93. Funding from GOHSEP and the City of Alexandria to pay total construction contract price. On roll call vote the motion carried unanimously.

On motion by Mr. Richard Billings, seconded by Mr. Joe Bishop, to award Bid #2634 – Purchase Cooling Tower for Courthouse to the lowest bidder, Sam’s Air Conditioning Maintenance Service, Inc., for the amount of \$62,400.00 as recommended by the Courthouse Superintendent and the Purchasing Agent. On roll call vote the motion carried unanimously.

The following resolution was offered by Mr. Ollie Overton and seconded by Mr. Richard Billings:

RESOLUTION

A resolution approving the contract between the Parish of Rapides and Luneau, Beck and Townsend, as outside Legal Counsels, to provide legal services in the pending opioid litigation against the multiple parties, who have caused or contributed to the public nuisance created by the Opioid crisis.

WHEREAS, the Rapides Parish Police Jury met on March 5, 2018, March 12, 2018, April 2, 2018 and April 9, 2018 to discuss the selection of counsel to provide legal services in possible opioid litigation; and

WHEREAS, the Rapides Parish Police Jury selected Luneau, Beck and Townsend to perform the legal services.

BE IT FURTHER RESOLVED that the Rapides Parish Police Jury is hereby authorized to retain Luneau, Beck and Townsend to provide legal services in the pending opioid litigation.

NOW THEREFORE, BE IT RESOLVED by the Rapides Parish Police Jury, that the President is hereby authorized to execute any and all documents necessary to give full force and effect to this resolution.

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

YEAS: Joe Bishop, Craig Smith, Theodore Fontaine, Jr., Sean McGlothlin, Scott Perry, Jr. and Davron “Bubba” Moreau

NAYS: Richard Vanderlick, Oliver “Ollie” Overton and Richard Billings,

ABSTAINED: none

ABSENT: none

On roll call vote the motion carried 6-3.

And the resolution was declared adopted on this, the 9th day of April, 2018.

On motion by Mr. Joe Bishop, seconded by Mr. Sean McGlothlin, to amend

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a certain resolution of March 12, 2018, concerning the scope of the authority to hire Private Counsel so as to read as follows:

WHEREAS, the Rapides Parish District Attorney is the attorney for the Rapides Parish Police Jury by operation of law; however, the District Attorney is not able to perform that role when his office is in direct conflict with the Police Jury, particularly during litigation or under the threat litigation between the entities.

WHEREAS, the Police Jury has determined that there is a real and immediate need to hire private counsel beyond the employ of the District Attorney for the following reasons: (1) the Police Jury and the District Attorney are in a highly publicized conflict concerning budgeting and related matters; (2) during a public meeting on March 5, 2018, the District Attorney warned that this dispute may require litigation, and special counsel for the District Attorney expressly threatened litigation against the Police Jury; (3) similar threatening statements have been made by other representatives of the District Attorney's office concerning the authority of the District Attorney to influence decisions of the Police Jury; and (4) because of the broad implications of this dispute, the Members of the Police Jury presently lack confidence in the objectivity of the District Attorney and his staff on all matters involving the Police Jury.

WHEREAS, private counsel for the Police Jury shall have substantial experience in local and state law governing the affairs of the Police Jury and shall be compensated at the same rates paid by the Attorney General for representation of his office in comparable matters.

WHEREAS, this Resolution shall be presented to the Attorney General for approval and, following approval, shall be published in the official journal of the Parish, all in accordance with La. R.S. 42:263.

NOW THEREFORE, the Rapides Parish Police Jury hereby authorizes the hiring of Jimmy R. Faircloth, Jr. (La. Bar No. 20645) and the firm of Faircloth, Melton & Sobel, LLC, at the following rates: \$225.00 per hour for attorneys with 10 years of experience and \$150.00 per hour for attorneys with less than 10 years of experience, who shall serve as private counsel for the Police Jury on any matter where the District Attorney has a conflict with the Police Jury.

Roll call was as follows:

YEAS: Joe Bishop, Craig Smith, Theodore Fountaine, Jr., Sean McGlothlin, Scott Perry, Jr., Richard Vanderlick and Davron "Bubba" Moreau

NAYS: Oliver "Ollie" Overton and Richard Billings,

ABSTAINED: none

ABSENT: none

On roll call vote the motion carried 7-2.

On motion by Mr. Richard Vanderlick, seconded by Mr. Craig Smith, to accept the resignation of Mr. Tim Vercher on the Ruby-Wise Recreation District Board. Term ended February 11, 2018. Waive the thirty (30) day announcement rule and appoint Mr. Matt Hakes for a five (5) year term. Term will expire

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February 11, 2023. On vote the motion carried.

On motion by Mr. Richard Billings, seconded by Mr. Sean McGlothlin, to receive the required report from Acadian Ambulance under the Contract for February, 2018:

Response Zone	Number of Responses	Required %	Compliance %
Alexandria - 8 minute	493	80%	86.61%
Pineville - 8 minute	132	80%	82.58%
Rapides - 12 minute	211	80%	86.73%
Rapides - 20 minute	175	80%	81.14%

On vote the motion carried.

On motion by Mr. Sean McGlothlin, seconded by Mr. Richard Billings, that the following items were not considered by the Committee of the Jury but were posted on the agenda after the Committee Meeting and added to the Jury agenda in compliance with the Public Meetings Law and are now confirmed as having been added to the agenda by two-thirds vote:

YEAS: Davron "Bubba" Moreau, Richard Vanderlick, Joe Bishop, Craig Smith, Oliver "Ollie" Overton, Sean McGlothlin, Richard Billings, and Scott Perry, Jr.

NAYS: Theodore Fountaine, Jr.

ABSTAINED: none

ABSENT: none

On roll call vote the motion carried 8-1.

On motion by Mr. Richard Billings, seconded by Mr. Ollie Overton, to enter into an Intergovernmental Agreement with the Town of Glenmora, for the Rapides Parish Highway Department to provide labor and equipment, to perform forty (40) hours of ditch cleaning on various roads, as requested by the Town of Glenmora, to be paid out of Town's portion of Road District No. 1A and authorize the President to sign same. On vote the motion carried.

On motion by Mr. Richard Billings, seconded by Mr. Ollie Overton, to approve the purchase of Kentwood 700/800 mhz Radios off State Contract, for Rapides Parish Fire District No. 11, as approved by the Spring Creek Volunteer Fire Department Board of Directors and secure financing, to be paid out of Fire District No. 11 Funds. On vote the motion carried.

On motion by Mr. Joe Bishop, seconded by Mr. Sean McGlothlin, the following resolution was presented members adopt a resolution of the Rapides Parish Police Jury to hereby approve PROCTOR AND GAMBLE, INC. for participation in the Industrial Tax Exemption Program in PINEVILLE, LA and authorize the President to sign any necessary documents.

A RESOLUTION OF THE RAPIDES PARISH POLICE JURY
APPROVING A COMPANY FOR PARTICIPATION IN THE
INDUSTRIAL TAX EXEMPTION PROGRAM IN PINEVILLE, LA

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WHEREAS, Article 7, Section 21(F) of the Louisiana Constitution provides for the Board of Commerce and Industry ("BCI"), with the approval of the Governor, to approve contracts for the exemption of ad valorem taxes of a new manufacturing establishment or an addition to an existing manufacturing establishment, on such terms and conditions as the board, with the approval of the Governor, deems in the best interest of the State; and

WHEREAS, PROCTOR AND GAMBLE, INC. ("Applicant") has applied for an Industrial Tax Exemption ("ITE") and seeks approval of the BCI and the Governor for a contract granting an exemption; and

WHEREAS, Executive Order JBE-16-26 has provided standards upon which the Governor will approve contracts for the exemption as being in the best interest of the State. To this end, the Executive Order sets forth parameters for approval which include job creation, percentage of the exemption granted and the term of the exemption and provides for the guidance of the State of Louisiana Department of Economic Development ("LED") in addressing these issues. It further provides for local review and approval by the relevant parish and/or municipal council, school board and sheriff; and

WHEREAS, Executive Order JBE-16-26 mandates each exemption contract approved by the Governor shall include as Exhibit "A", a Cooperative Endeavor Agreement between the LED and the Applicant, to the ITE contract between the BCI and the Applicant, which provides for the creation or retention of jobs and provides for the exercise of the option in the Louisiana Constitution for the term or percentage of the parish ad valorem tax exemption granted in the contract, and provides for the reduction or loss of the exemption based upon the Applicant's compliance with the contract.

WHEREAS, Executive Order JBE-16-26 further requires this board, together with the other required local governmental entities to signify consent to the terms of the exemption by resolution and the Sheriff of this parish shall signify consent to the terms of the exemption by letter. Executive Order JBE-16-26 further provides the resolutions of approval shall be attached as Exhibit "B" to the ITE contract between the BCI and the Applicant; and

WHEREAS, the Applicant and the LED have advised certain terms and conditions forming Exhibit "A" to the ITE contract pending approval before the BCI have been reached and have conveyed the same to this board, and thus this matter is now ready for a determination of approval of this board as required by Executive Order JBE-16-26,

THEREFORE, BE IT RESOLVED, upon consideration of the foregoing and the public discussion held this day, this board approves the terms of the ITE contract based on the inclusion of the following terms and conditions into Exhibit "A" (the Cooperative Endeavor Agreement between the LED, and the Applicant) to the ITE contract between the BCI and the Applicant with respect to its manufacturing facility located in Pineville, Rapides Parish, Louisiana:

Total capital investment by the Applicant in Louisiana of at least \$45 million by

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December 31, 2017. New jobs and new annual payroll (excluding benefits and contract labor) at the Applicant's Louisiana facility at the following projected levels:

- a. Total capital investment by the Applicant in Pineville, LA of at least \$45.8 million by December 31, 2017.
- b. The retention of existing jobs (estimated at 571 jobs) through 2027, along with retention of associated annual payroll (estimated at \$45.1 million, exclusive of benefits and contract labor) to be increased at a minimum of 1% annually.
- c. New jobs and new annual payroll (excluding benefits and contract labor) at the Pineville, LA facility at the following levels: 26 net new jobs with an annual average payroll of \$1.3 million.

In the event the Applicant fails to complete its project, or fails to timely meet its performance objectives and/ or job creation requirements, including but not limited to the retention or creation of the number of jobs or the achieving or maintaining of the payroll amounts within the time and for the term agreed, as specified in its award agreement; if the Applicant ceases its operations, reduces its employment numbers or payroll amounts to less than 90% of the required amounts; shall constitute a default under the award agreement, and the LED and Rapides Parish shall retain all rights to, modify the terms and conditions of the incentive.

The Rapides Parish Police Jury further authorizes the LED, on behalf of the BCI, to include this resolution in Exhibit "B" to the ITE contract between the BCI and the Applicant.

THEREFORE, BE IT FURTHER RESOLVED, by the Rapides Parish Police Jury for a copy of this resolution to be forwarded to the BCI and the LED.

THE FOREGOING RESOLUTION WAS READ, AND, AFTER PUBLIC DISCUSSION, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Davron "Bubba" Moreau, Richard Vanderlick, Joe Bishop, Craig Smith, Oliver "Ollie" Overton, Sean McGlothlin, Richard Billings, and Scott Perry, Jr.

NAYS: Theodore Fontaine, Jr.,

ABSTAINED: none

ABSENT: none

AND the resolution was declared adopted, 8 yeas to 1 nay, on this, 9th day of April, 2018.

On motion by Mr. Richard Billings, seconded by Mr. Ollie Overton, to enter into an Intergovernmental Agreement with the Rapides Parish Communications District, for the Rapides Parish Highway Department, to provide labor and equipment to spread rock/gravel for various places at the Tower site located at 1243 East River Road, Glenmora, to be paid out of Rapides Parish Communications District Funds and authorize the President to sign same. On vote the motion carried.

REGULAR MEETING

April 9, 2018

On motion by Mr. Ollie Overton, seconded by Mr. Sean McGlothlin, to authorize to advertise for bids for Various Road Materials (gravel, lightweight aggregate and pit-run) for an annual contract as recommended by the Public Works Director and Purchase Agent. On vote the motion carried.

On motion Mr. Richard Vanderlick, seconded by Mr. Ollie Overton, to enter into an Intergovernmental Agreement with Louisiana National Guard, to authorize the use of the Cotile Lake Pavilion No. 1, for May 11, 2018, waive the rental fees and authorize the President to sign same. On vote the motion carried.

On motion by Mr. Ollie Overton, seconded by Mr. Craig Smith, to grant the request of the Ruby-Kolin Volunteer Fire Department to give a 5% increase in pay to full-time employees and a \$0.50 per hour increase to part-time employees, effective April 1, 2018, as recommended by the Ruby-Kolin Volunteer Fire Department Board of Directors. On vote the motion carried.

There being no further business, the meeting was declared adjourned at 3:45 p.m.

Laurel Smith, Secretary
Rapides Parish Police Jury

Davron "Bubba" Moreau, President
Rapides Parish Police Jury