

The Jackson Parish Police Jury met in regular session Monday, October 12, 2009 at 6:00 PM in the Jackson Parish Community Center in Jonesboro, Louisiana. Members present: Mr. Tom Goss, Mr. Eddie Langston, Mr. Nathaniel Zeno, Jr., Ms. Maxie Monroe, Mr. Ray Duck and Mr. Troy Smith. Absent: Mr. Kent Hightower. Also present: Mr. Douglas Stokes, Assistant District Attorney.

The meeting was called to order by the president, Mr. Langston. Mr. Duck gave the invocation and Mr. Smith led the recitation of the Pledge of Allegiance.

Public comments: Ms. Renee' Stringer discussed the Beautification Council's ongoing efforts to obtain quotes for a landscaping architect to prepare plans for the Veterans' Park project.

The following amendments were offered:

Accept the resignation of Todd Pyles from the Jackson Parish Recreation District Board.

Appointment to fill the unexpired term of Todd Pyles on the Jackson Parish Recreation District Board.

There were no comments from the public on the proposed amendments.

Motion Mr. Duck seconded Mr. Smith to amend the agenda to include:

Accept the resignation of Todd Pyles from the Jackson Parish Recreation District Board.

Appointment to fill the unexpired term of Todd Pyles on the Jackson Parish Recreation District Board.

All voted in favor.

Motion Mr. Smith seconded Ms. Monroe to adopt the minutes of the September 14, 2009 meeting, the September financial report and the payment of all bills. Motion carried.

The president called for committee reports. Mr. Zeno gave the report of the Finance Committee:

"Finance Committee  
September 21, 2009

The Finance Committee met Monday, September 21, 2009 at 4:00 PM in the Jackson Parish Community Center. Members present: Mr. Langston, Mr. Zeno and Mr. Duck. Also present: Mr. Goss, Mr. Hightower, Ms. Monroe and Mr. Smith.

The meeting was called to order by the chairman, Mr. Zeno. Mr. Duck gave the invocation and Mr. Langston led the recitation of the Pledge of Allegiance. There were no public comments.

The following items of business were presented for the agenda:

Department of Natural Resources – ARRA Energy Grant

Emergency purchase order for an air scrubber.

November 14<sup>th</sup> road / asphalt ad valorem tax election

There were no public comments on the amendments.

Motion Mr. Duck seconded Mr. Langston to amend the agenda to include the following:

Department of Natural Resources – ARRA Energy Grant

Emergency purchase order for an air scrubber.

November 14<sup>th</sup> road / asphalt ad valorem tax election

Motion carried.

Kayne Pullig and Paul Trosclair, representing Sheriff Brown, discussed the implementation of an Abatement Officer for enforcement of the parish's nuisance, litter and heavy hauling ordinance.

Motion Mr. Zeno seconded Mr. Duck to request that legal counsel draft a cooperative endeavor agreement between the jury and the sheriff for an Abatement Officer. Motion carried.

Motion Mr. Duck seconded Mr. Langston to recommend that the ATMOS Energy Franchise Ordinance be placed on the October 12<sup>th</sup> agenda. Motion carried.

Motion Mr. Langston seconded Mr. Duck to recommend that the jury set the commercial tipping fees at the Jackson Parish Landfill to current disposal cost plus 20%. Motion carried.

Mr. Langston left the meeting.

Motion Mr. Duck seconded Mr. Zeno to submit the following LGAP grant applications and to issue letters of support for the listed projects as prioritized below:

#1 Thomas Linton - street repair - \$30,000

#2 Forest Drive - street repair - \$40,000

#3 Water meter valves for water systems - \$30,000

Motion carried.

Motion Mr. Duck seconded Mr. Zeno to send application forms to water systems requesting funding through Act 22 and designate November 6<sup>th</sup> as the deadline for submission date of all applications for consideration. Motion carried.

Motion Mr. Duck seconded Mr. Zeno to recommend that the jury approve the payment of \$50 per call and mileage of 55 cents per mile per call to the assistant coroners. Motion carried.

Motion Mr. Zeno seconded Mr. Duck to recommend that the president communicate with all agencies requesting that give the jury prior notification of tax calls and capital outlay expenditures. Motion carried.

Motion Mr. Zeno seconded Mr. Duck to recommend that the jury authorize the purchase of a drafting table and chair from Office Depot in the amount of \$1,197.00 for the building permit office. Motion carried.

Motion Mr. Duck seconded Mr. Zeno to recommend that the secretary increase the line item for culverts in the Current Year Road budget from \$50,000 to \$80,000. Motion carried.

Motion Mr. Zeno seconded Mr. Duck to recommend that the jury adopt a resolution selecting the North Louisiana Economic Development Corporation as the recognized regional economic development partner in supporting Jackson parish in business expansion/retention, recruitment and other related activities. Motion carried.

Motion Mr. Duck seconded Mr. Zeno to recommend that the jury authorize the release of the 2009 appropriation to NLEP in the amount of \$7,500.00. Motion carried.

The secretary-treasurer presented preliminary budget projections for 2010 for the following funds:

Asphalt Sales Tax

Statutory Reserve

Local Emergency Preparedness

2003 Road Indebtedness

2010 Road Project

Motion Mr. Duck seconded Mr. Zeno to recommend that the jury's secretary-treasurer be named as the parish's contact for the Department of Natural Resources' Energy Efficiency Block Grant. Motion carried.

Motion Mr. Duck seconded Mr. Zeno to approve the emergency purchase order to ASIET in the amount of \$4,642.06 plus shipping for an air scrubber for the parish courthouse for air quality control resulting from the roof project. Motion carried.

Motion Mr. Duck seconded Mr. Zeno to direct the development of information for public release for the road / asphalt ad valorem tax election on November 14, 2009. Motion carried.

Motion Mr. Duck seconded Mr. Zeno to adjourn. Motion carried.”

Motion Mr. Goss seconded Mr. Zeno to adopt the minutes and recommendations of the September 21, 2009 Finance Committee meeting. Motion carried.

The secretary-treasurer presented the minutes of the Road Report:

“Road Committee  
October 5, 2009

The Road Committee met Monday, October 5, 2009 at 4:00 PM in the Jackson Parish Community Center. Members present: Mr. Goss, Mr. Langston and Mr. Hightower. Also present: Mr. Zeno, Jr., Ms. Monroe, and Mr. Smith.

The meeting was called to order by the chairman, Mr. Hightower. Mr. Goss gave the invocation and Ms. Monroe led the recitation of the Pledge of Allegiance.

There were no public comments.

The following amendments were offered:

LCDBG application

Robinson Chapel school bus turnaround

There were no comments from the public on the proposed amendments.

Motion Mr. Goss seconded Mr. Langston to amend the agenda to include:

LCDBG application

Robinson Chapel school bus turnaround

All voted in favor.

Mr. Frank Kelley, a representative of Natur-Chem, presented a herbicide program for grass control on parish roads for 2010.

Motion Mr. Goss seconded Mr. Langston to recommend that the jury authorize the repairs to the school bus turnaround on Robinson Chapel Road. Motion carried.

The following item was offered as an amendment to the agenda:

Road ad valorem tax election

Motion Mr. Langston seconded Mr. Goss to amend the agenda to include a discussion on the November 14<sup>th</sup> road / asphalt tax election. Motion carried.

Motion Mr. Goss seconded Mr. Langston to adjourn. Motion carried.”

Motion Mr. Smith seconded Mr. Duck to adopt the minutes and recommendations of the September 21, 2009 meeting of the Road Committee. Motion carried.

Ms. Monroe presented the report of the Building & Grounds Committee:

“Building & Grounds  
October 5, 2009

The Building & Grounds Committee met Monday, October 5, 2009 at 5:00 PM in the Jackson Parish Community Center. Members present: Mr. Goss, Mr. Hightower and Ms. Monroe. Also present: Mr. Langston, Mr. Zeno, and Mr. Smith.

The meeting was called to order by the chairman, Ms. Monroe.

The chairman requested the following amendment to the agenda:  
Request of the Clerk of Court

Motion Mr. Hightower seconded Mr. Goss to amend the agenda to add the request of the Clerk of Court. All voted in favor.

The building superintendent discussed the flooding in the courthouse on October 1<sup>st</sup> and other problems associated with the roof project.

The following amendment to the agenda was offered:  
Veteran's Park.  
There were no comments from the public.

Motion Mr. Hightower seconded Mr. Goss to amend the agenda to include Veteran's Park. Motion carried. All voted in favor.

Motion Mr. Hightower seconded Mr. Goss to adjourn. Motion carried."

Motion Mr. Duck seconded Mr. Goss to adopt the minutes and recommendations of the September 21, 2009 meeting of the Building & Grounds Committee. Motion carried.

Paul Riley presented the engineer's report.

Motion Mr. Duck seconded Mr. Goss to authorize the engineer to advertise for bids for the construction of model bin sites at Quitman and Chatham. Motion carried.

Jody Stuckey presented the road report.

Motion Mr. Duck seconded Mr. Smith to accept the emergency / off schedule report for September. Motion carried.

Motion Mr. Zeno seconded Mr. Smith to accept the road report. Motion carried.

Robin Sessions presented the solid waste report.

Motion Mr. Duck seconded Ms. Monroe to accept the solid waste report.

Motion Ms. Monroe seconded Mr. Smith to adopt the Parish Transportation Fund Certification for 2009 and authorize the President and Secretary-Treasurer to sign the Louisiana Compliance Questionnaire.

#### PARISH TRANSPORTATION FUND CERTIFICATION

The Jackson Parish Police Jury hereby certifies that the funds made available under the Parish Transportation Fund, for the year 2009, have been expended in accordance with the standards established by law. The Jackson Parish Police Jury has adopted a system of road administration which requires the approval of the governing body for expenditures, the development of a capital improvement program on a selective basis, centralized purchasing of equipment and supplies, centralized accounting, a construction program based on engineering plans and specifications, and a selective maintenance program.



replacing, installing, operating, and disposing of (by sale, lease, or otherwise) a Gas System as hereinafter defined, for the sale, transportation, and distribution of natural gas within and beyond the boundaries of the Parish and to the residents and business located therein for light, heat, power, and any other purpose during the term set forth below. Such franchise and rights shall include, but not be limited to, the right to use the Public Roads, conditioned upon approved Project Permit issued by the Jackson Parish Police Jury, as hereinafter defined for purposes of maintaining, constructing, laying, repairing, removing, replacing, installing, and operating any and all components of the Gas System, together with access, at all times and from time to time, to such Public Roads during the term hereof, subject, however, to receipt of the written consent of the Louisiana Highway Engineer with respect to any of the Public Roads constituting state highways.

## ARTICLE I

### DEFINITIONS

For purpose of this Ordinance, the following terms shall have the meanings set forth below:

Section 1.1. Gas System. The term “Gas System” shall mean any and all pipelines, as hereinafter defined, regulators, meters, valves, compressors, anti-corrosion items, facilities, structures, machinery, equipment, and appurtenances of any kind that Atmos, in its sole discretion, may deem necessary or advisable for the exercise of the franchise and rights granted to Atmos herein.

Section 1.2. Pipelines. The term “Pipelines” shall mean any and all below ground pipes, including but not limited to, mains, distribution lines, secondary lines, laterals, and other pipes, that have been, are being, or are intended to be used at any time in, or in connection with, the sale, transportation, or distribution of natural gas within and beyond the Parish limits.

Section 1.3. Public Roads. The term “Public Roads” shall mean the present and future streets, roads, highways, alleys, bridges, public ways and places, and other immovable property in the Parish and their rights-of-way but not within the limits of any municipality or otherwise owned or controlled by the Parish.

Section 1.4. Use of Rights-of-Way of Parish Roads. The use of rights-of-ways of Parish Roads shall be restricted to pipelines only. Regulators, meters, compressors, anti-corrosion items, facilities, structures, machinery, equipment and appurtenances of any kind shall not be placed in the Parish Public Road rights-of-way for more than 30 days without issuance of a permanent permit issued by the Police Jury.

## ARTICLE II

### TERM

Section 2.1. Term. The term of the franchise and rights hereby granted to Atmos shall be for a period of ten (10) years, commencing on the later of (i) ten (10) days after the date of publication of this Ordinance in accordance with law or (ii) the expiration of the franchise held by Atmos immediately preceding this franchise.

### ARTICLE III

#### GRANT OF SPECIFIC RIGHTS TO ATMOS

In addition to the franchise and rights granted herein to Atmos, the Parish acknowledges that Atmos has, and hereby grants to Atmos, the following rights and powers:

Section 3.1. Adoption of Rules. From time to time during the term hereof, Atmos will be, subject to any and all valid and applicable statutes, ordinances, rules, and regulations of any federal or state governmental authority or agency or parish governing authority, in so far as the use of parish roads is concerned.

Section 3.2. Right of Use. Atmos is hereby specifically granted a right of use on all Public Roads for purposes of maintaining, constructing, laying, repairing, replacing, installing, and operating pipelines only, together with access, at all times and from time to time, to such Public Roads during the term hereof. It is agreed that the right of the Parish governing Authority supersedes the rights of Atmos. In the event that any pipeline or appurtenance is in conflict with the maintenance or improvement of any public road, then Atmos must relocate the pipeline or appurtenance at no cost to the Parish governing Authority to accommodate the required maintenance or improvement to the Public Road.

### ARTICLE IV

#### OBLIGATIONS OF ATMOS

Section 4.1. No Obstruction of Public Property. Atmos shall not unnecessarily or for any unreasonable period of time obstruct or interfere with the public use of any of the Public Roads.

Section 4.2. Repair of Damages. Atmos shall repair any and all damages caused solely by Atmos to any of the Public Roads and shall restore, as nearly as practicable, such property to substantially its conditions immediately prior to the incident causing such damage. Atmos shall commence such repairs immediately upon completion of work or activity in which Atmos was involved at the time the damage occurred and shall complete such repairs as promptly as possible.

Section 4.3. Conduct of Work and Activities. Atmos shall use reasonable care in conducting its work and activities in order to prevent injury to any person and unnecessary damage to any immovable or personal property. All work performed on a state highway or a

parish public road shall also be done in a manner consistent with the requirements of the laws pertaining to public highways, including Chapter 2 of Title 48 of the Louisiana Revised Statutes.

## ARTICLE V

### GENERAL PROVISIONS

Section 5.1. Force Majeure. Notwithstanding anything expressly or impliedly to the contrary contained herein, in the event Atmos is prevented, wholly or partially, from complying with any obligation or undertaking contained herein by reason of any even of force Majeure, then, while so prevented, compliance with such obligations or undertakings shall be suspended. The term “force Majeure,” as used herein, shall mean any cause not reasonably within Atmos’ control and includes, but not limited to, acts of God, strikes, lock-outs, wars, terrorism, riots, orders or decrees of any lawfully constituted federal, state or local body, contagions or contaminations hazardous to human life or health, fires, storms, floods, wash-outs, explosions, breakages or accidents to machinery or lines of pipe, inability to obtain or the delay in obtaining rights-of-way, materials, supplies, or labor permits, temporary failures of gas supply, or necessary repair, maintenance, or replacement of facilities used in the performance of the obligations contained in this Ordinance.

Section 5.2. Amendments. This Ordinance and the franchise and rights granted herein may be amended only by written agreement of the Parish and Atmos to such amendment.

Section 5.3. Severability. In the event any part of this Ordinance is determined to be invalid or illegal for any reason whatsoever, such invalidity or illegality shall not affect the validity or legality of this Ordinance as a whole or of any parts hereof.

Section 5.4. Binding Effect. This Ordinance shall extend to, be binding upon, and inure to the benefit of, the parties hereto and their respective successors and assigns.

Section 5.5. Section and Other Headings. The section and other headings contained in this Ordinance are for reference purposes only and shall not affect in any way the meaning or interpretation of this Ordinance.

The foregoing ordinance was offered and introduced on the 12<sup>th</sup> day of October, 2009 by Ms. Monroe, who moved for its adoption and which motion was seconded by Mr. Duck. The ordinance having been so offered was submitted to a vote as a whole and adopted by the Police Jury of Jackson Parish, Louisiana by the following vote:

YEAS: Mr. Goss, Mr. Langston, Mr. Zeno, Ms. Monroe, Mr. Duck and Mr. Smith

NAYS: None

ABSTAINING: None

ABSENT: Mr. Hightower





Motion Mr. Smith seconded Mr. Goss to accept the resignation of Todd Pyles from the Jackson Parish Recreation District Board. Motion carried.

Motion Ms. Monroe seconded Mr. Goss to appoint Lonnie Menzina to fill the unexpired term of Todd Pyles on the Jackson Parish Recreation District Board. Motion carried.

Motion Mr. Smith seconded Ms. Monroe to adjourn. Motion carried.