

PROCEEDINGS OF THE POLICE JURY OF THE PARISH OF BEAUREGARD, STATE OF LOUISIANA TAKEN AT A REGULAR MEETING, TUESDAY, FEBRUARY 13, 2018.

The Police Jury of the Parish of Beauregard, State of Louisiana, met in regular session at its regular meeting place, the meeting room in the Police Jury Administration Building, 201 W. 2<sup>nd</sup> Street, DeRidder, Louisiana, Tuesday, February 13, 2018, at six (6:00) o'clock p.m.

There being present: The Honorable, S. E. "Teddy" Welch, President, Police Jurors: John Stebbins, Gerald "Mike" McLeod, Ronnie Jackson, Elvin "Doc" Holliday, Ronnie Libick, Jerry Shirley, Mike Harper, N.R. "Rusty" Williamson and Carlos Archield.

There being absent: None.

The Police Jury of the Parish of Beauregard was duly convened as the governing authority of said Parish by S. E. "Teddy" Welch, President, who called on Mike Harper who gave the Invocation and the Pledge of Allegiance.

1. AMENDMENTS AND (OR) DELETIONS TO THE AGENDA:

A) FINANCE -

A motion was made by John Stebbins and seconded by Mike Harper to add number 5 to the agenda. No one opposed. Motion carried.

5. Approval for Angela Aswell and Shantel Alleman to attend the HR Law Seminar in Lafayette, La on April 6, 2018.

A motion was made by John Stebbins and seconded by N.R. "Rusty" Williamson to add number 6 to the agenda. No one opposed. Motion carried.

6. Approval for one administrative employee and one staff member to attend the MIP Fund Accounting Training in Austin, Texas April 23-27, 2018.

A motion was made by John Stebbins and seconded by N.R. "Rusty" Williamson to add number 7 to the agenda. No one opposed. Motion carried.

7. Approval for Carlos Archield, Elvin "Doc" Holliday and Ronnie Jackson to attend the Solid Waste Conference in Lafayette, La March 14-16, 2018.

B) ROAD AND BRIDGE -

A motion was made by Gerald "Mike" McLeod and seconded by Ronnie Jackson to amend number 4. No one opposed. Motion carried.

4. Approval of a \$500.00 Application fee for Subdivisions consisting of 4 or more lots and a \$250.00 Application fee for Subdivisions consisting of 3 or less lots.

A motion was made by Gerald "Mike" McLeod and seconded by Ronnie Jackson to add number 7 to the agenda. No one opposed. Motion carried.

7. Approval of Low Bids: Hydraulic Fluids and Motor Oil.

- C) LEGISLATIVE - NONE
- D) PERSONNEL - NONE
- E) Economic Development - NONE
- F) Building and Grounds -

A motion was made by Ronnie Libick and seconded by Jerry Shirley to add No. 1 to the agenda. No one opposed. Motion carried.

1. Approval of the Cooperative Endeavor Agreement for the Public Defender's Office.

- G) Insurance - NONE
- H) Ways & Means - NONE
- I) Landfill Solid Waste - NONE

#### APPROVAL OF MINUTES

A motion was made by Gerald "Mike" McLeod to approve the January 2018 Regular Meeting Minutes. The motion was seconded by N. R. "Rusty" Williamson. No one opposed. Motion carried.

A motion was made by Gerald "Mike" McLeod to approve the January 2018 Special Meeting Minutes. The motion was seconded by N. R. "Rusty" Williamson. No one opposed. Motion carried.

#### 2. PUBLIC PARTICIPATION

- A) Employee Recognition for Years of Service
  - a. Demario Robinson - 1 Year
  - b. David Williams - 10 Years
- B) General Beauregard Award - February 2018 - Highway 171 Automotive - Gerald Poteet

#### 3. ANNOUNCEMENTS

- A) Color for a Cause Parish-wide 5K Charity Color Run Benefitting Hope Village will be held on Saturday, March 17, 2018 at 8:00 a.m. Registration forms are available at Beauregard Parish High Schools and DeRidder City Hall.
- B) Legislative Day will be Wednesday, May 2, 2018 at the Baton Rouge Hilton Capital Center.

#### 4. CHAIRMAN'S COMMITTEE REPORT(S)

- A) FINANCE - John Stebbins

A motion was made by John Stebbins and seconded by Jerry Shirley to approve the January 2018 Accounts Payable Register in the amount of \$2,519,811.40 and

the Payroll Register in the amount of \$189,388.76.71. No one opposed. Motion carried.

A motion was made by John Stebbins and seconded by Jerry Shirley for the approval of the 2018 Police Jury Association dues in the amount of \$7,200.00. No one opposed. Motion carried.

A motion was made by John Stebbins and seconded by Jerry Shirley for the approval of the 2018 SWLA Economic Development Alliance dues in the amount of \$1,000.00. No one opposed. Motion carried.

A motion was made by John Stebbins and seconded by Gerald "Mike" McLeod for the approval of the construction contract for the LCDBG FY 2016, Oretta Area Water Line Improvement, to the lowest responsible bidder MPF Construction, LLC in the amount of their total base bid, \$307,091.50, plus Alternate No. 1, \$19,389.00, Alternate No. 2, \$33,265.00, for a total bid of \$359,745.50. No one opposed. Motion carried.

The following resolution was offered by John Stebbins and seconded by Jerry Shirley:

RESOLUTION NO 5-2018

WHEREAS, the Beauregard Parish Police Jury advertised to receive bids on for the FY 2016 Oretta Waterline Improvement Project; and

WHEREAS, MPB Construction, LLC was the lowest bidder on that project; and

THEREFORE, BE IT RESOLVED that Beauregard Parish Police Jury sitting in regular session on February 13, 2018 agrees to accept the bid submitted by MPB Construction, LLC for a base bid of \$307, 091.50, plus Alternate No. 1, \$19,389.000 and Alternate No.2, \$33, 265.00 for a total bid of \$359,745.50

BE IT FURTHER RESOLVED that S.E. "Teddy" Welch, President, is authorized to sign M.A. Project No. A8-15041-DA, the FY 2016 LCDBG Oretta Area Water Line Improvements contract for \$359,745.50 between Beauregard Parish Police Jury and MPB Construction, LLC.

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

YEAS: S. E. "Teddy" Welch, Gerald "Mike" McLeod, Ronnie Libick, N. R. "Rusty" Williamson, Jerry Shirley, Ronnie Jackson, Mike Harper, John Stebbins, Elvin "Doc" Holliday and Carlos Archield.

NAYS: None.

ABSENT: None.

And the resolution was declared adopted on this, the 13<sup>th</sup> day of February 2018.

A motion was made by John Stebbins and seconded by Jerry Shirley for the approval of Angela Aswell and Shantel Alleman to attend the HR Law Seminar in Lafayette, La on April 6, 2018. No one opposed. Motion carried.

A motion was made by John Stebbins and seconded by Jerry Shirley for the approval of one administrative employee and one staff member to attend the MIP Fund Accounting Training in Austin, Texas April 23-27, 2018. No one opposed. Motion carried.

A motion was made by John Stebbins and seconded by Jerry Shirley for the approval of Carlos Archield, Elvin "Doc" Holliday and Ronnie Jackson to attend

the Solid Waste Conference in Lafayette, La March 14-16, 2018. No one opposed. Motion carried.

B) ROAD & BRIDGE - GERALD "MIKE" MCLEOD

A motion was made by Gerald "Mike" McLeod and seconded by Ronnie Jackson for the approval to Advertise for bids on Porous Crushed Limestone (White). No one opposed. Motion carried.

A motion was made by Gerald "Mike" McLeod and seconded by Ronnie Jackson for approval of School Bus Turnarounds:

- a. Adding material to turnaround located at 639 Dave Cole Road,
- b. Creation of turnaround at 256 Herman Stanley Road, Singer,
- c. Adding material to turnaround located at 306 Charlie Cooley Road.

No one opposed. Motion carried.

A motion was made by Gerald "Mike" McLeod and seconded by Mike Harper for the approval of Bryan McReynolds and Ronnie Dupont to attend the LPESA Spring Conference, April 11-12, 2018 in Opelousas, La. No one opposed. Motion carried.

A motion was made by Gerald "Mike" McLeod and seconded by Ronnie Jackson for the approval of a \$500.00 Application fee for Subdivisions consisting of 4 or more lots and a \$250.00 Application fee for Subdivisions consisting of 3 or less lots. No one opposed. Motion carried.

A motion was made by Gerald "Mike" McLeod and seconded by Ronnie Jackson for the approval of a request from South Beauregard Recreation District to help grade and maintain the road leading to the Recreation Community Center and ball fields. No one opposed. Motion carried.

A motion was made by Gerald "Mike" McLeod and seconded by Ronnie Jackson for the final approval of River Oaks Subdivision. No one opposed. Motion carried.

A motion was made by Gerald "Mike" McLeod and seconded by Ronnie Jackson for the approval of low bids:

- a. Hydraulic Fluid - \$325.05 - PUMPELLY OIL
- b. Motor Oil - \$365.95 - PUMPELLY OIL

No one opposed. Motion carried.

C) LEGISLATIVE - CARLOS ARCHIELD

A motion was made by Carlos Archield and seconded by Gerald "Mike" McLeod for the Adoption or Ordinance 1-2018 Flood Damage Prevention Ordinance, amending and re-enacting Ordinance 2-2015 to amend article 3,

section B, updating the date on the FIS Maps to be used. No one opposed. Motion carried.

**The following ordinance was offered by Carlos Archield and seconded by Gerald “Mike” McLeod:**

**ORDINANCE NO. 1-2018**

**AN ORDINANCE OF THE PARISH OF BEAUREGARD, STATE OF LOUISIANA, AMENDING AND RE-ENACTING (ORDINANCE 2-2015) TO AMEND ARTICLE 3, SECTION B, UPDATING DATES OF FLOOD MAPS**

**FLOOD DAMAGE PREVENTION ORDINANCE**

**ARTICLE I**

**STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS**

**SECTION A. STATUTORY AUTHORIZATION**

The Legislature of the State of Louisiana has in statute LRS 38:84 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the [Police Jury of Beauregard Parish](#), Louisiana, does ordain as follows:

**SECTION B. FINDINGS OF FACT**

(1) The flood hazard areas of [Beauregard Parish](#) are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

**SECTION C. STATEMENT OF PURPOSE**

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Insure that potential buyers are notified that property is in a flood area.

**SECTION D. METHODS OF REDUCING FLOOD LOSSES**

In order to accomplish its purposes, this ordinance uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging and other development which may increase flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

## ARTICLE 2

### DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**ALLUVIAL FAN FLOODING** - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

**APEX** - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

**APPURTENANT STRUCTURE** – means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure

**AREA OF FUTURE CONDITIONS FLOOD HAZARD** – **means the land area that would be inundated by the (1) one percent annual chance (100 year) flood based on future conditions hydrology.**

**AREA OF SHALLOW FLOODING** - means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of (1) one to (3) three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**AREA OF SPECIAL FLOOD HAZARD** - is the land in the floodplain within a community subject to a (1) one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate-making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

**BASE FLOOD** - means the flood having a (1) one percent chance of being equaled or exceeded in any given year.

**BASE FLOOD ELEVATION** – The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year – also called the Base Flood.

**BASEMENT** - means any area of the building having its floor subgrade (below ground level) on all sides.

**BREAKAWAY WALL** – means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

**CRITICAL FEATURE** - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

**DEVELOPMENT** - means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**ELEVATED BUILDING** – means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**EXISTING CONSTRUCTION** - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FLOOD OR FLOODING** - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters.
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD ELEVATION STUDY** – means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

**FLOOD INSURANCE RATE MAP (FIRM)** - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY (FIS)** – see Flood Elevation Study

**FLOODPLAIN OR FLOOD-PRONE AREA** - means any land area susceptible to being inundated by water from any source (see definition of flooding).

**FLOODPLAIN MANAGEMENT** - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**FLOODPLAIN MANAGEMENT REGULATIONS** - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**FLOOD PROTECTION SYSTEM** - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**FLOOD PROOFING** - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY** – see Regulatory Floodway

**FUNCTIONALLY DEPENDENT USE** - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**HIGHEST ADJACENT GRADE** - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURE** - means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior or;

(b) Directly by the Secretary of the Interior in states without approved programs.

**LEVEE** - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**LEVEE SYSTEM** - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**LOWEST FLOOR** - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

**MANUFACTURED HOME** - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**MANUFACTURED HOME PARK OR SUBDIVISION** - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MEAN SEA LEVEL** - means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**NEW CONSTRUCTION** - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.



**NEW MANUFACTURED HOME PARK OR SUBDIVISION** - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**RECREATIONAL VEHICLE** - means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**REGULATORY FLOODWAY** - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**RIVERINE** – means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**SPECIAL FLOOD HAZARD AREA** – see Area of Special Flood Hazard

**START OF CONSTRUCTION** - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE** – means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**SUBSTANTIAL DAMAGE** - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**VARIANCE** – means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

**VIOLATION** - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**WATER SURFACE ELEVATION** - means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

### **ARTICLE 3**

#### **GENERAL PROVISIONS**

##### **SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES**

The ordinance shall apply to all areas of special flood hazard within the jurisdiction of [Beauregard Parish](#)

##### **SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) # 220110V000B for [Beauregard Parish and incorporated areas](#)," dated [January 5, 2018](#) with accompanying Flood Insurance Rate Maps (FIRM) dated [January 5, 2018](#), and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

##### **SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT**

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

##### **SECTION D. COMPLIANCE**

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

##### **SECTION E. ABROGATION AND GREATER RESTRICTIONS**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

##### **SECTION F. INTERPRETATION**

In the interpretation and application of this ordinance, all provisions shall be; (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.

##### **SECTION G. WARNING AND DISCLAIMER OR LIABILITY**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

### **ARTICLE 4**

#### **ADMINISTRATION**

##### **SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR**

The [Parish Manager](#) is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

## **SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
- (2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for development permits required by adoption of this ordinance.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
- (6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Department of Transportation and Development, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.
- (9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community **first** completes all of the provisions required by Section 65.12.

## **SECTION C. PERMIT PROCEDURES**

(1) Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

- (a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
- (b) Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;

(c) A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of Article 5, Section B (2);

(d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

(e) Maintain a record of all such information in accordance with Article 4, Section (B) (1);

(2) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

(a) The danger to life and property due to flooding or erosion damage;

(b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(c) The danger that materials may be swept onto other lands to the injury of others;

(d) The compatibility of the proposed use with existing and anticipated development;

(e) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(g) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(h) The necessity to the facility of a waterfront location, where applicable;

(i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(3) A permit shall be issued only after it has been determined if the proposed site is reasonably safe from flooding or in a flood hazard zone. This applies only to new structures that are to be used for a residence or business including prefabricated and mobile homes, shall comply with the Beauregard Parish Flood Ordinance and National Flood Insurance Program Regulations.

(4) No electric utility company shall provide electrical service to any new construction unless and until they have in their possession a copy of a permit as required by this article. Failure of the electric company to comply with this ordinance is subject to a fine of \$500.00.

#### **SECTION D. VARIANCE PROCEDURES**

(1) The Appeal Board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this ordinance.

(2) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

(4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C (2) of this Article have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(10) Prerequisites for granting variances:

(a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(b) Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D (1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

## **ARTICLE 5**

### **PROVISIONS FOR FLOOD HAZARD REDUCTION**

#### **SECTION A. GENERAL STANDARDS**

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are

designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

## **SECTION B. SPECIFIC STANDARDS**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B (8), or (iii) Article 5, Section C (3), the following provisions are required:

(1) **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C (1) a., is satisfied.

(2) **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the Floodplain Administrator.

(3) **Enclosures** - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(a) A minimum of (2) two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than (1) one foot above grade.

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

### **(4) Manufactured Homes:**

(a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or

subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the bottom of the longitudinal structural I beam of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

(i) the bottom of the longitudinal structural I beam of the manufactured home is at or above the base flood elevation, or

(ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) **Recreational Vehicles** - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Article 4, Section C (1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

### **SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS**

(1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.

(2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or (5) five acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.

(4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

### **SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)**

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of (1) one to (3) three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of **residential** structures have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least (2) two feet if no depth number is specified), or

(2) All new construction and substantial improvements of **non-residential** structures;

(a) have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or

(b) together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C are satisfied.

(4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

(5) New Construction, substantial improvement, or repair from substantial damage of any residential structure located in the Bundicks Lake watershed (upstream of the Bundicks Lake dam and spillway) shall have the lowest floor (including basement), elevated to a minimum elevation of 105.00 feet MSL where the 100-year flood elevation, as established by FEMA's latest Flood Insurance Rate Map, is less than elevation 105.00 feet MSL.

## **ARTICLE 6**

### **SEWER SYSTEM DISCHARGE, REGULATIONS AND PERMITTING**

#### **SECTION A. EFFLUENT REDUCTION LINE BEHIND ALL AEROBIC TREATMENT UNIT SEWER SYSTEMS PRODUCING A DISCHARGE**

Discharge of effluent from individual sewerage disposal systems into drainage ditches.

(1) It shall be unlawful to allow the effluent from any individual sewerage disposal system, for either residential or business use, to discharge directly into the drainage ditches established for the drainage of the public streets and roads of this Parish, located outside of incorporated municipalities, without first obtaining a permit to do so from the Beauregard Parish Health Unit-Office of Public Health (BPHU-OPH). No sewer discharge permit shall be required for such discharge from any system which is in place and operative upon the effective date of this ordinance as long as such discharge does not result in a hindrance to ditch and road maintenance or to surrounding neighborhood areas.

(a) Drainage pipe(s) and(or) any other effluent devices placed in the parish road rights of way and road ditches by the landowner/homeowner that sustains damage during road maintenance and(or) ditching procedures performed by Beauregard Parish Police Jury will not be repaired or replaced by the Police Jury.

(2) Effluent from any aerobic treatment unit (ATU) installed after October 20, 2000 must pass through an effluent reduction line. The size and design will be determined by the BPHU-OPH and proof furnished to Beauregard Parish Police Jury, Director of Department of Public Works, Beauregard Parish.

(3) The following types of effluent will be treated in this manner:

(a) Effluent from all (ATU) anaerobic mechanical treatment plants meeting National Science Foundation Standards (NSF40).

(b) Effluent from individual size oxidation ponds meeting standards of Title 51, Sanitary Code, Part XIII Sewage Disposal.

(4) All new and replacement sanitary sewage systems shall first obtain a permit from the Beauregard Parish Health Unit.

#### **SECTION B. REGULATE AND ESTABLISH A PERMITTING SYSTEM FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEMS**

(1) "Sewage" defined.



(a) The term “sewage,” as used herein, means a combination of the liquid or water-carried waste from residents, business buildings or institutions.

**(2) “Premises” defined.**

(a) The term “premises” as used herein, means any structure or dwelling of any construction whatsoever where people may live, work or congregate.

**(3) General requirements.**

(a) All premises shall be provided with approved plumbing fixtures and shall be properly connected to a public sewage system where available or to a private sewage disposal system specifically approved for the premises by the BPHU-OPH, after it is determined that connection to a community sewage system is unfeasible, and that installation and operation of an individual system will not create a nuisance or public health hazard. It shall be the duty of the owner, manager or agent of any occupied premises, public or private, where people live, work or congregate to provide an approved method of sewage disposal.

**(4) Permits.**

(a) No person, partnership, institution, corporation or other organization shall install or cause to be installed an individual sewage disposal system of any kind without first having obtained a permit from the BPHU-OPH. No individual sewage disposal system shall be used or placed in operation without final approval in the form of a permit issued by the state health officer or his duly authorized representative.

(b) Unless there is shown to be a public health hazard, and notwithstanding any other law to the contrary including the Louisiana State Sanitation Code, any existing sewerage system in use by an existing structure on any premises shall be exempt from all requirements of inspection unless undergoing substantial renovation as defined by Beauregard Parish Police Jury Ordinance 4-2009. Only new structures and their respective sewerage system shall be subject to inspection and permitting in accordance with this law and any other local, parish, or state law.

(c) At the time of change of location, said mobile or modular home and movable homes shall be required to obtain a permit from the BPHU-OPH, secured in the same manner as covering new dwellings as set forth hereinabove.

(d) No person or persons shall engage in the business or practice of installing, emptying or cleaning septic tanks, cesspools, vaults or similar facilities without first obtaining a license from the state health officer.

**(5) Mobile or modular homes.**

(a) The mobile home or modular home installation shall comply with all requirements for location of a normal dwelling unit and all requirements for individual sewage systems shall apply.

**(6) Violation and penalty.**

(a) Any person, partnership, corporation or other organization which violates any of the provisions of this article shall be guilty of a misdemeanor, and shall be punishable by a fine of not exceeding one hundred dollars (\$100.00). Each day that a violation is permitted to exist shall constitute a separate offense.

**ARTICLE 7**

**ADHEARNCE TO ORDINANCE AS ADOPTED**

## SECTION A. SEVERABILITY

**If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.**

## SECTION B. PENALTIES FOR NON COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$ 100.00 or imprisoned for not more than 10 days, or both, for each violation. Each day the violation continues shall be deemed a new violation. In addition, the violator shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Beauregard Parish from taking such other lawful action as is necessary to prevent or remedy any violation.

A motion was made by Carlos Archield and seconded by Gerald "Mike" McLeod for the Adoption of Resolution ordering and calling an election to be held within the Sales Tax District No. 1 of the Parish of Beauregard to authorize the renewal of a sale and use tax. No one opposed. Motion carried.

The following resolution was offered by Carlos Archield and seconded by Gerald "Mike" McLeod:

### **RESOLUTION NO. 4-2018**

A resolution ordering and calling a special election to be held in Sales Tax District No. 1 of the Parish of Beauregard, Louisiana, to authorize the levy of a sales and use tax therein; making application to the State Bond Commission in connection therewith; and providing for other matters in connection therewith.

BE IT RESOLVED by the Police Jury of the Parish of Beauregard, State of Louisiana (the "Governing Authority"), acting as the governing authority of Sales Tax District No. 1 of the Parish of Beauregard, Louisiana (the "District"), that:

SECTION 1. Election Call. Subject to the approval of the State Bond Commission, and under the authority conferred by Article VI, Section 30 of the Constitution of the State of Louisiana of 1974, the applicable provisions of Chapter 5, Chapter 6-A and Chapter 6-B of the Louisiana Election Code, and other constitutional and statutory authority, a special election is hereby called and ordered to be held in the District on **SATURDAY, APRIL 28, 2018**, between the hours of seven o'clock (7:00) a.m. and eight o'clock (8:00) p.m., in accordance with the provisions of La. R.S. 18:541, and at the said election there shall be submitted to all registered voters qualified and entitled to vote at the said election under the Constitution and laws of this State and the Constitution of the United States, the following proposition, to-wit:

#### **SALES TAX DISTRICT NO. 1 OF THE PARISH OF BEAUREGARD, STATE OF LOUISIANA**

#### **PROPOSITION (SALES AND USE TAX RENEWAL)**

Shall Sales Tax District No. 1 of the Parish of Beauregard, State of Louisiana (the "District"), be authorized to levy and collect a tax of one percent (1%) (the "Tax"), upon the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption, of tangible personal property and on sales of services in the District, in the manner provided by State law (an estimated \$2,500,000 reasonably expected to be collected from the levy of the Tax for an entire year), for a period of ten (10) years from October 1, 2019, with the proceeds of the Tax (after paying the reasonable and necessary expenses of collecting and administering the Tax), to be deposited in the Parish wide Road Fund and dedicated and used for the purposes of constructing, improving, operating and maintaining roads and bridges within the District and acquiring the necessary equipment therefor, and allocated and expended for such purposes in accordance with the following percentages:

- 35% to Parish wide work crews;
- 35% for equipment and equipment repairs;
- 30% to acquire materials and supplies to be divided equally by the eight Wards;

and further authorized to fund into Bonds for capital purposes stated above?

SECTION 2. Publication of Notice of Election. A Notice of Special Election shall be published in the *Beauregard Daily News*, a newspaper of general circulation within the District, published in DeRidder, Louisiana, and being the official journal of the District, once a week for four consecutive weeks, with the first publication to be made not less than forty-five (45) days nor more than ninety (90) days prior to the date of the election, which Notice shall be substantially in the form attached hereto as "Exhibit A" and incorporated herein by reference the same as if it were set forth herein in full.

Notwithstanding the foregoing, prior to the publication of the Notice of Election, the President is authorized and directed to make any amendments to the foregoing proposition that may be required to comply with any state or federal regulatory agencies.

SECTION 3. Canvass. This Governing Authority shall meet at its regular meeting place, the Police Jury Administration Building, 201 W. 2nd Street, DeRidder, Louisiana, on **TUESDAY, MAY 8, 2018**, at **SIX O'CLOCK (6:00) 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.

SECTION 4. Polling Places. The polling places for the precincts in the District are hereby designated as the polling places at which to hold the said election, and the Commissioners-in-Charge and Commissioners, respectively, will be the same persons as those designated in accordance with law.

SECTION 5. Election Commissioners; Voting Machines. The officers designated to serve as Commissioners-in-Charge and Commissioners pursuant to Section 4 hereof, or such substitutes therefor as may be selected and designated in accordance with La. R.S. 18:1287, shall hold the said special election as herein provided, and shall make due returns of said election for the meeting of the Governing Authority to be held on Tuesday, May 8, 2018, as provided in Section 3 hereof. All registered voters in the District will be entitled to vote at the special election, and voting machines shall be used.

SECTION 6. Authorization of Officers. The Secretary-Treasurer of the Governing Authority is hereby empowered, authorized and directed to arrange for and to furnish to said election officers in ample time for the holding of said election, the necessary equipment, forms and other paraphernalia essential to the proper holding of said election and the President and/or Secretary-Treasurer of the Governing Authority are further authorized, empowered and directed to take any and all further action required by State and/or Federal law to arrange for the election.

SECTION 7. Furnishing Election Call to Election Officials. Certified copies of this resolution shall be forwarded to the Secretary of State, the Clerk of Court and *Ex-Officio* Parish Custodian of Voting Machines of Beauregard Parish and the Registrar of Voters of Beauregard Parish, as notification of the special election, in order that each may prepare for said election and perform their respective functions as required by law.

SECTION 8. Application to State Bond Commission. Application is made to the State Bond Commission for consent and authority to hold the special election as herein provided, and in the event said election carries for further consent and authority to continue to levy and collect the sales and use tax provided for therein. A certified copy of this resolution shall be forwarded to the State Bond Commission on behalf of this Governing Authority, together with a letter requesting the prompt consideration and approval of this application.

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

MEMBERS:	YEAS:	NAYS:	ABSENT:	ABSTAINING:
Gerald McLeod	<u>  X  </u>	_____	_____	
N. R. "Rusty" Williamson	<u>  X  </u>	_____	_____	-
Carlos Archfield	<u>  X  </u>	_____	_____	
S. E. "Teddy" Welch	<u>  X  </u>	_____	_____	
Elvin "Doc" Holliday	<u>  X  </u>	_____	_____	
Mike Harper	<u>  X  </u>	_____	_____	
Jerry Shirley	<u>  X  </u>	_____	_____	
John Stebbins	<u>  X  </u>	_____	_____	
Ronnie Jackson	<u>  X  </u>	_____	_____	

Ronnie Libick

  X   \_\_\_\_\_

And the resolution was declared adopted on this, the 13<sup>th</sup> day of February, 2018.

A motion was made by Carlos Archield and seconded by Gerald "Mike" McLeod for the approval of the 2018 Multi-Jurisdiction Agreement. No one opposed. Motion carried.

The following resolution was offered by Carlos Archield and seconded by Gerald "Mike" McLeod:

RESOLUTION NO 3-2018

WHEREAS Beauregard Parish has historically been in a three parish consortium with Vernon and Allen Parishes for Workforce Development Area 51; and

WHEREAS the administrative costs of this have exceeded the administrative dollars received for Workforce Services; and

WHEREAS the three parishes do not have the money in their General Fund Budgets to supplement these services; and

WHEREAS Calcasieu Parish has a three parish consortium with Jefferson Davis and Cameron parishes; and

WHEREAS the six parishes wish to enter into one consortium to offer these services to their constituents.

THEREFORE BE IT RESOLVED that Beauregard Parish Police Jury approves the Multi-Jurisdictional Agreement between the Calcasieu Parish Police Jury, Jefferson Davis Police Jury, Cameron Parish Police Jury, Vernon Parish Police Jury, Beauregard Parish Police Jury, and the Allen Parish Police Jury outlining responsibilities of the Chief Elected Official, the Calcasieu Parish Police Jury regarding the funding and services provided to the 6-parish area; and

BE IT FURTHER RESOLVED that the Beauregard Parish Police Jury approves the Application for Re-designation of the Workforce Areas to the Louisiana Workforce Commission, Office of Workforce Development and the Workforce Investment Council; and

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

YEAS: S. E. "Teddy" Welch, Jerry Shirley, N. R. "Rusty" Williamson, Ronnie Libick, Gerald "Mike" McLeod, Carlos Archield, Ronnie Jackson, Mike Harper, John Stebbins and Elvin "Doc" Holliday.

NAYS: None.

ABSENT: None.

And the resolution was adopted by the majority present on this 13<sup>th</sup> day of February 2018.

A motion was made by Carlos Archield and seconded by N. R. "Rusty" Williamson for the approval of a contract for services with John Young Group related to the filing and litigation of a civil action for damages against opioid manufacturers and distributors, pending final legal approval. No one opposed. Motion carried.

The following resolution was offered by Carlos Archield and seconded by Gerald "Mike" McLeod:

RESOLUTION NO 6-2018

WHEREAS, the Beauregard Parish Police Jury has agreed to contract for legal services with John Young; Smith Stag,L.L.C.; Smith & Fawer, L.L.C.; Alvendia, Kelly and Demarest, L.L.C.; Anthony Irpino of Irpino, Avin & Hawkins, L.L.C.; and Chehardy, Sherman, Williams, Murray, Recile, Stakelum & Hayes, L.L.P., as special counsel, on a contingent fee basis, to investigate, and if appropriate, pursue claims against manufacturers and distributors of

prescription opioids that have wrongfully caused drug addiction in Beauregard Parish constituents and resulting economic harm to the Beauregard Parish.

WHEREAS, pharmaceutical opioids have harmed Beauregard Parish and its citizens. This harm was created and exacerbated by the misconduct and illegal activities of opioid manufacturers, distributors, and marketers.

WHEREAS, a contingent fee agreement is the most economical means of financing litigation against manufacturers and distributors of prescription opioids; and,

THEREFORE, BE IT RESOLVED that S.E. "Teddy" Welch, President, is authorized to sign a contract for services with John Young; Smith Stag,L.L.C.; Smith & Fawer, L.L.C.; Alvendia, Kelly and Demarest, L.L.C.; Anthony Irpino of Irpino, Avin & Hawkins, L.L.C.; and Chehardy, Sherman, Williams, Murray, Recile, Stakelum & Hayes, L.L.P. related to the filing and litigation of a civil action from damages against opioid manufacturers and distributors.

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

YEAS: S. E. "Teddy" Welch, Gerald "Mike" McLeod, Ronnie Libick, N. R. "Rusty" Williamson, Jerry Shirley, Ronnie Jackson, Mike Harper, John Stebbins, Elvin "Doc" Holliday and Carlos Archield.

NAYS: None.

ABSENT: None.

And the resolution was declared adopted on this, the 13<sup>th</sup> day of February 2018.

A motion was made by Carlos Archield and seconded by Gerald "Mike" McLeod for the approval to advertise Ordinance 2-2018, repealing Ordinance N. 1-98 and amending section 11-10, Prohibiting Contraband in the Beauregard Parish Jail. No one opposed. Motion carried.

### **PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN that the Police Jury of the Parish of Beauregard, State of Louisiana met in Regular Session, Tuesday, February 13, 2018 and approved for publication the following amendments to Ordinance #1-96 as follows:

The following ordinance was offered by \_\_\_\_\_, second by \_\_\_\_\_, repealing prior Ordinance No. 1-96 and amending Section 11-10, said new ordinance dealing with contraband being introduced into the Parish Jail; contraband defined to be re-designated as stated above.

#### **ORDINANCE NO. xx-2018** Section 11-10

INTRODUCING CONTRABAND INTO PARISH JAIL; CONTRABAND DEFINED:

- A. No person shall introduce or attempt to introduce contraband into or upon the premises of the Beauregard Parish Jail unless instructed to do so by the Beauregard Parish Sheriff or the Warden of the Beauregard Parish Jail or any facility that inmates may occupy.
- B. No person shall possess or attempt to possess contraband upon the premises of the Beauregard Parish Jail unless instructed to do so by the Beauregard Parish Sheriff or the Warden of the Beauregard Parish Jail or any facility that inmates may occupy.
- C. No person shall send or attempt to send contraband from the Beauregard Parish Jail unless instructed to do so by the Beauregard Parish Sheriff or the Warden of the Beauregard Parish Jail or any facility that inmates may occupy.
- D. No person shall give or attempt to give contraband to an inmate of the Beauregard Parish Jail unless instructed to do so by the Beauregard Parish Sheriff or the Warden of the Beauregard Parish Jail or any facility that inmates may occupy.
- E. "CONTRABAND" as used herein means:

1. Any currency or coin which is legal tender;
  2. Any stolen property;
  3. Any article of food or clothing;
  4. Any intoxicating beverage or beverages which cause or may cause any intoxicating effects;
  5. Any narcotic or hypnotic or excitive drug or any drugs of whatever kind or nature, including nasal inhalators of any variety that create or may create a hypnotic effect if taken internally, or any other controlled dangerous substance as defined in R.S. 40:961 et seq. The introduction by a person of any controlled dangerous substance as defined in R.S. 40:961 et seq., upon the grounds of any municipal or parish prison or jail shall constitute distribution of that controlled dangerous substance and shall be subject to the penalties provided in R.S. 40:961 et seq.
  6. Any firearm or any instrumentality customarily used as a dangerous weapon, including explosives or combustibles, except through regular channels as authorized by the officer in charge of any institution herein, or any plans for the making or manufacturing of such weapons or devices.
  7. Any telecommunications equipment or component hardware, including but not limited to cellular phones, beepers, global positioning satellite system equipment, subscriber identity module (SIM) cards, portable memory chips, batteries, and chargers, computers, telephoto equipment, communications equipment, electronic tablets, or any device capable of connection to the internet or any other digital, analog cable, or like medium used in whole or in part to receive or transmit information and/or text and/or images and/or files of any type, whether or not such equipment maybe intended for use in planning or aiding an escape or attempt to escape from any institution.
  8. Any equipment, whether professionally made or homemade, intended for use in tattooing.
  9. Any electronic device including but not limited to computers, telephoto equipment, communications equipment, whether modified or not that is intended for use in the planning or aiding in an escape or an attempt to escape from any institution.
  10. Any object or instrumentality intended for use as a tool in the planning or aiding in an escape or attempt to escape from any institution.
  11. Any object, instrumentality, device not specifically listed herein, but specifically prohibited by the Beauregard Parish Sheriff or the Warden of the Beauregard Parish Jail by posting the prohibition in writing.
- F. Any contraband which is seized may be destroyed, donated to a charitable organization, or put to lawful use within the Beauregard Parish Jail, unless it is needed as evidence in a criminal prosecution. However, any money seized which is legal tender shall be placed in a fund at the Beauregard Parish Jail at which the money was seized to be used solely for the purchase of contraband detection and escape chase team equipment. A record of the disposition of all contraband shall be maintained.

- G. Whoever violates any provision of this Section shall be fined not less than two hundred fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00) and shall be imprisoned with or without hard labor for not more than six (6) months or both. Notwithstanding any other law to the contrary, whoever introduces contraband as defined In Paragraph (D)(1) of this Section, upon the grounds of the Beauregard Parish Jail, or Paragraph (E)(5) of this Section, upon the grounds of any municipal or parish prison or jail, shall be punished in accordance with the penalties for the distribution of the controlled dangerous substance provided in R.S. 40:961 et seq.

Following thirty (30) days of public viewing, the Police Jury of the Parish of Beauregard, State of Louisiana will convene in Regular Session held on Tuesday, April 10, 2018 at 6:00 P.M. for the purpose of hearing public objection, if any, to said amendments.

D) PERSONNEL - N. R. "RUSTY" WILLIAMSON

A motion was made by N. R. "Rusty" Williamson and seconded by Elvin "Doc" Holliday to reappoint Keitha Donnelly to the Beauregard Tourist Commission Board for another 3-year term. No one opposed. Motion carried.

E) ECONOMIC DEVELOPMENT - MIKE HARPER - - N/A

F) BUILDING & GROUNDS - RONNIE LIBICK - N/A

G) INSURANCE - JERRY SHIRLEY - N/A

H) WAYS & MEANS - RONNIE JACKSON - N/A

I) LANDFILL/SOLID WASTE - ELVIN "Doc" HOLLIDAY

5. SECRETARY/TREASURER'S REPORT - N/A

6. ADMINISTRATOR'S REPORT

A motion was made by Gerald "Mike" McLeod and seconded by Carlos Archield for the approval of the January 2018 Emergency Work Orders in the amount of \$9,753.36. No one opposed. Motion carried.

Mr. Welch stated if there was no further business to come before the Beauregard Parish Police Jury in Regular Session this 13<sup>th</sup> day of February, 2018, he would entertain a motion to adjourn. Motion was made by Gerald "Mike" McLeod and seconded by Ronnie Jackson. The meeting was adjourned.

/s/ Shantel Alleman

/s/ S.E. "Teddy" Welch

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SHANTEL ALLEMAN  
SECRETARY/TREASURER

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S. E. "TEDDY" WELCH  
PRESIDENT