

MINUTES
WEST BATON ROUGE PARISH COUNCIL
REGULAR MEETING
GOVERNMENT BUILDING

880 North Alexander Avenue, Port Allen

Thursday, May 11, 2023

5:30 PM

The Following Minutes Are Summarized For Brevity, For Precise Meeting Information Please Refer To Meeting Audio Or Video.

1. CALL MEETING TO ORDER & REQUEST ALL ELECTRONIC DEVICES BE SILENCED

A Regular Meeting of the West Baton Rouge Parish Council was held on Thursday, May 11, 2023 and called to order at 05:30 PM. Council Chairman Carey Denstel asked that all electronic devices be placed on silent.

2. OPENING PRAYER

Councilman Atley Walker Jr. led everyone in an opening prayer.

3. PLEDGE OF ALLEGIANCE

Chairman Denstel recognized Councilman Brady Hotard who led everyone in the Pledge of Allegiance.

4. LOG ATTENDANCE

The following members were recorded as being present: Messrs. Kirk Allain, Chris Kershaw, Atley Walker, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph, and Brady Hotard.

Also present were, Mr. Riley Berthelot Jr, Parish President, Mr. Phillip Bourgoyne, Director of Finance, Mr. Jason Manola, Executive Assistant, Mr. Kevin Durbin, Director of Public Works, Ms. Kristen Canezaro, Special Legal Counsel and Mrs. Mallorie Davis, Recording Secretary.

5. MINUTES APPROVAL

A. Approval of Minutes from Regular Meeting of April 27, 2023.

A motion was made by Councilman Kirk Allain, seconded by Councilman Kenneth Gordon to approve the Minutes from Regular Meeting of April 27, 2023.

The vote was recorded as follows:

YEAS: 9 (Kirk Allain, Chris Kershaw, Atley Walker, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph, Brady Hotard)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

6. CONSIDER ANY AMENDMENTS TO THE AGENDA

A. Accept/Reject Low Bid On WBR North Water System Improvements Contract No. 22-1841-28.

B. *A Resolution Authorizing the Parish President to Sign Documentation For West Baton Rouge Parish to Join the Attorney General of Louisiana In Litigation Against FEMA To Challenge Risk Rating 2.0*

President Berthelot was recognized and gave a brief explanation of item 6B. Chairman Denstel explained unless there were any objections the two proposed items would be voted on together.

A motion was made by Councilman Alan Crowe, seconded by Councilman Brady Hotard to amend tonight's agenda to include Accept/Reject Low Bid On WBR North Water System Improvements Contract No. 22-1841-28 and A Resolution Authorizing the Parish President to Sign Documentation For West Baton Rouge Parish to Join the Attorney General of Louisiana In Litigation Against FEMA To Challenge Risk Rating 2.0.

The vote was recorded as follows:

YEAS: 9 (Kirk Allain, Chris Kershaw, Atley Walker, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph, Brady Hotard)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

7. PARISH PRESIDENT’S REPORT

Parish President Riley Berthelot was recognized and covered the following items: May 19th Library is having movie night in Heroes Plaza. Councilman Gordon asked if any word from the State on getting road work done on La1, President Berthelot explained the steps he has taken so far, and noted he would do more reaching out to the State.

8. PUBLIC COMMENTS

Ms. Olesteen Brown was recognized and asked for the Parish to look into a better procedure for the booking of the Community Center. Ms. Katherine Jackson was recognized and expressed her concerns about the Community Center booking procedures, she asked a few questions in regards to the policy in place. Mr. Manola answered a few questions in regards to these policies. Councilman Joseph and Councilman Gordon both spoke briefly on the policies in place currently and how great of a value it is, which is why we have so many requests for the centers. Ms. Sanceria Evans was recognized and asked for better rental policies for the centers, and also asked for the Parish to come and look at the trash and weeds down her street. Ms. Evans asked for weekly or monthly checks by the Parish to get her neighbors to clean up their yards, and asked that the graveyards to be cleaned up

9. COMMUNICATIONS WITH COUNCIL MEMBERS AND/OR ELECTED OR APPOINTED OFFICIALS

Vice Chair Crowe made a few comments in regards to the center rental policy.

Councilman Joseph explained the Zoning Review Board is working on some sort of policies in regards to tires and trash.

Councilman Allain made a few comments in regards to the center booking policy and some of the reasons these policies are in place.

Mr. Kevin Durbin was recognized and updated everyone on the sidewalk projects which will be coming up in the next calendar year.

Councilman Hotard explained he is looking into a pedestrian access across from Emily Drive on La1.

Mr. Manola updated everyone on the turf field projects going on.

10. PUBLIC HEARING ON PREVIOUSLY INTRODUCED ORDINANCES

A. An Ordinance Adopting the 2023 Council Amendments to the General and Fire Department Funds’ Revenues and Expenses for the Fiscal Year beginning January 1, 2023 and ending December 31, 2023.

The Chairman opened a public hearing for the purpose of receiving comment regarding the aforementioned item.

Mr. Chance Stephens, Assistant Finance Director, was recognized and explained this ordinance and offered to answer any questions.

No public comments for or against said ordinance were presented. No written protests opposing the ordinance were received. The Council Chairman at this point declared the Public Hearing closed.

Councilman Kershaw questioned the budgeted amount and payback period.

A motion was made by Chris Kershaw, seconded by Gary Joseph to approve An Ordinance Adopting the 2023 Council Amendments to the General and Fire Department Funds’ Revenues and Expenses for the Fiscal Year beginning January 1, 2023 and ending December 31, 2023.

The vote was recorded as follows:

YEAS: 9 (Kirk Allain, Chris Kershaw, Atley Walker, Kenneth Gordon, Carey

Denstel, Alan Crowe, Craig Bergeron, Gary Joseph, Brady Hotard)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

Ordinance 18 of 2023 can be found at the end of these minutes.

11. INTRODUCTION OF ORDINANCES

Chairman Denstel read by title the below proposed ordinance/s being introduced and publicized by title, and considered for adoption following a public hearing as specified below, at 5:30 pm in the Council Chambers, located at 880 North Alexander Avenue, Port Allen, La.:

- A. **An Ordinance Amending Chapter 104 Zoning To Incorporate Amended Zoning Designation Map (Zoning Plan) Under Section 104-3 Establishment Of Districts, Official Zoning Map For Rezoning Request Of Troy LeBlanc/Bayou Pro Shop, Regarding Property Located at 3001 Lafiton Lane Port Allen, La 70767, File #2023-7: Described by the WBR Assessor as: LOT B-2-B-3.A CONT .684 AC IN SECS 90 & 119 T7S, R12E, 44-41A. Rezoning From C-1.2 (Community Scale Commercial) To C-1.3 (Regional Scale Commercial). Public Hearing Date: June 8, 2023**
- B. **An Ordinance Amending Chapter 104 Zoning To Incorporate Amended Zoning Designation Map (Zoning Plan) Under Section 104-3 Establishment Of Districts, Official Zoning Map For Rezoning Request Of AZZ Galvanizing-Louisiana LLC, , Regarding Property Located At 3540 S. Riverview Dr. Port Allen, La 70767, File #2023-8: Described by the WBR Assessor as: 10.75 AC IN SECS 41, 42, 43, 54 & 55, T7S, R12E, DESIGNATED AS TRACTS 1, 2, 3 & 4 (.08AC IN SERVITUDE) (MB3 E183) 51- 15. Rezoning from AG-3 (Agricultural Large Scale) to I-3 (Heavy Industrial). Public Hearing Date: June 8, 2023**
- C. **An Ordinance Amending Chapter 104 Zoning To Incorporate Amended Zoning Designation Map (Zoning Plan) Under Section 104-3 Establishment Of Districts, Official Zoning Map For Rezoning Request Of BHB Holdings LLC. /Francois Boulanger, Regarding Parcel #044400005300, File #2023-10: Described by the WBR Assessor as: 50.023 AC SEC 16, 116, 117 & 118, T7S, R12E 44-53. Rezoning From AG-3 (Agricultural Full Scale) and C-1.2 (Community Scale Commercial) To C-1.4 (Industrial- Transitional Commercial). Public Hearing Date: June 8, 2023**
- D. **An Ordinance Amending Chapter 104 Zoning To Incorporate Amended Zoning Designation Map (Zoning Plan) Under Section 104-3 Establishment Of Districts, Official Zoning Map For Rezoning Request Of BHB Holdings LLC. /Francois Boulanger, Regarding Parcel #044400005400, File #2023-11: Described by the WBR Assessor as: 16.59 AC SEC 117, T7S, R12E 44-54. Rezoning From AG-3 (Agricultural Full Scale) To C-1.4 (Industrial-Transitional Commercial). Public Hearing Date: June 8, 2023**
- E. **An Ordinance To Amend And Reenact The West Baton Rouge Parish Code Of Ordinances, Part III (“Unified Development Code”), Chapter 101 (“General Provisions”), Section 101-1 (“Definitions”); And Chapter 104 (“Zoning Ordinance”), Appendix A (“Zoning Districts”) To Provide For The Regulation Of Seasonal, Agricultural Worker Housing In Agricultural Zoning Districts. Public Hearing Date: June 8, 2023**

12. CONSIDER STATUS REPORT, CHANGE ORDER AND/OR OTHER MATTERS AS REQUIRED ON CURRENT PROJECTS

- A. **Consider the following items for Scrap/Surplus:
Jail Generator
Various Courthouse Benches**

A motion was made by Councilman Kirk Allain, seconded by Councilman Gary Joseph to approve the aforementioned items for Scrap/Surplus.

The vote was recorded as follows:

YEAS: 9 (Kirk Allain, Chris Kershaw, Atley Walker, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph, Brady Hotard)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

B. Accept/Reject Low Bid On WBR North Water System Improvements Contract No. 22-1841-28.

Mr. Adrian Genre, Director of Utilities was recognized and explained the low bidder was Tullier Services with a price of \$1,929,619.00, and recommended awarding this project to the same.

A motion was made by Councilman Alan Crowe, seconded by Councilman Craig Bergeron to Accept the Low Bid On WBR North Water System Improvements Contract No. 22-1841-28 from Tullier Services at a total cost of \$1,929,619.00.

The vote was recorded as follows:

YEAS: 9 (Kirk Allain, Chris Kershaw, Atley Walker, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph, Brady Hotard)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

13. RESOLUTIONS

A. A Resolution Authorizing the Parish President to Sign Documentation For West Baton Rouge Parish to Join the Attorney General of Louisiana In Litigation Against FEMA To Challenge Risk Rating 2.0

President Berthelot was recognized and briefly explained this requested resolution. Ms. Canezaro asked a few questions in regards to details in the lawsuit the Attorney General is asking West Baton Rouge Parish to join. President Berthelot explained there are 40 parishes already in this lawsuit, it is to try and protect residents from large rate increases.

A motion was made by Councilman Kirk Allain, seconded by Councilman Chris Kershaw to approve, pending the approval of our Special Legal Counsel, A Resolution Authorizing the Parish President to Sign Documentation For West Baton Rouge Parish to Join the Attorney General of Louisiana In Litigation Against FEMA To Challenge Risk Rating 2.0.

The vote was recorded as follows:

YEAS: 9 (Kirk Allain, Chris Kershaw, Atley Walker, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph, Brady Hotard)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

Resolution 9 of 2023 can be found at the end of these minutes.

B. A Resolution Ratifying The Authorization By The Parish President To Prepare And Submit A Pre- Application To The Statewide Flood Control Program For Assistance In The Implementation Of A Project For The Purpose Of Reducing Existing Flood Damages; Providing For The Necessary Documentation Of Said Flood Damages; And Providing For The Related Matters In Connection Therewith.

A motion was made by Councilman Kirk Allain, seconded by Councilman Chris Kershaw to approve A Resolution Ratifying The Authorization By The Parish President To Prepare And Submit A Pre-Application To The Statewide Flood Control Program For Assistance In The Implementation Of A Project For The Purpose Of Reducing Existing Flood Damages; Providing For The Necessary Documentation Of Said Flood Damages; And Providing For The Related Matters In Connection Therewith.

The vote was recorded as follows:

YEAS: 9 (Kirk Allain, Chris Kershaw, Atley Walker, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph, Brady Hotard)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

Resolution 10 of 2023 can be found at the end of these minutes.

C. Resolution To Consider Entering Into Settlement And Release Agreement Between WBR Parish Council And Capital Area Groundwater Conservation District And Capital Area Groundwater Conservation Commission In Response To “Baton Rouge Water Works Company And West Baton Rouge Parish Council Vs. Capital Area Groundwater Conservation District And The Capital Area Groundwater Conservation Commission, 19th Judicial District Court, Parish Of East Baton Rouge, State Of Louisiana, Suit No. C-715795, Division M, Section 31.

Chairman Denstel recognized Ms. Canezaro who explained the status of the draft settlement and what will take place going forward with the draft settlement.

Vice Chair Crowe explained his opinion on this lawsuit and the settlement Agreement, noting he does not like the way this process was handled, and is not convinced this is legal.

Councilman Kershaw explained this was a proposed settlement that is being considered and, beyond that, we hope to have more communication and involvement with our representative on this commission. Councilman Kershaw pointed out changing the resolution where it reads without prejudice to read with prejudice. Ms. Canezaro explained the difference and agreed that change would be a good change to make. Mrs. Davis read aloud the Draft Resolution with the amendments as requested by Councilman Kershaw.

A motion was made by Councilman Kenneth Gordon, seconded by Councilman Chris Kershaw to approve with amendment/s Resolution To Consider Entering Into Settlement And Release Agreement Between WBR Parish Council And Capital Area Groundwater Conservation District And Capital Area Groundwater Conservation Commission In Response To “Baton Rouge Water Works Company And West Baton Rouge Parish Council Vs. Capital Area Groundwater Conservation District And The Capital Area Groundwater Conservation Commission, 19th Judicial District Court, Parish Of East Baton Rouge, State Of Louisiana, Suit No. C-715795, Division M, Section 31.

Mr. Patrick Hobbins, WBR Parish Representative on the Capital Area Groundwater Commission Board, was recognized and answered the question by Vice Chair Crowe, confirming that well usage throughout the districts will be able to be accessed by the public.

The vote was recorded as follows:

YEAS: 8 (Kirk Allain, Chris Kershaw, Atley Walker, Kenneth Gordon, Carey Denstel, Craig Bergeron, Gary Joseph, Brady Hotard)

NAYS: 1 (Alan Crowe)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

Resolution 11 of 2023 can be found at the end of these minutes.

14. CONSIDER SUBDIVISION PLATS, CONDEMNATIONS, WAIVERS AND MATTERS RELATED THERETO

A. File # 2023-7: FINAL PLAT SHOWING THE REMOVAL OF A 4.840 ACRE (BEING DESIGNATED AS LOT 4-A-1) TRACT FROM EXISTING LOT 4-A LOCATED IN SECTION 7, TOWNSHIP 6 SOUTH, RANGE 12 EAST, S.E. LAND DISTRICT, WEST OF THE MISSISSIPPI RIVER, PARISH OF WEST BATON ROUGE, STATE OF LOUISIANA FOR MICHAEL DECOTEAU 339 CARONDELET ST. NEW ORLEANS, LA 70130. WITH WAIVERS

Mr. Kevin Durbin was recognized and reminded everyone about the upcoming Master Plan Meeting on May 17th at the Erwinville Community Center, he went on to explain this plat was recommended for approval by the Planning & Zoning Commission, with waivers for the structures on the north east property lines. Mr. Durbin also noted this would need a two thirds vote for approval. Mr. Cletus Langlois, with Patin Engineers, was recognized and answered a few questions in regards to the current plat.

Councilman Kershaw exited the meeting at 6:45pm.

A motion was made by Councilman Brady Hotard, seconded by Councilman Craig Bergeron to approve with waiver/s File # 2023-7: FINAL PLAT SHOWING THE REMOVAL OF A 4.840 ACRE (BEING DESIGNATED AS LOT 4-A-1) TRACT FROM EXISTING LOT 4-A LOCATED IN SECTION 7, TOWNSHIP 6 SOUTH, RANGE 12 EAST, S.E. LAND DISTRICT, WEST OF THE MISSISSIPPI RIVER, PARISH OF WEST BATON ROUGE, STATE OF LOUISIANA FOR MICHAEL DECOTEAU 339 CARONDELET ST. NEW ORLEANS, LA 70130. WITH WAIVERS For Setbacks, Due To Existing Structures.

The vote was recorded as follows:

YEAS: 8 (Kirk Allain, Atley Walker, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph, Brady Hotard)

NAYS: 0 (None)

ABSENT: 1 (Chris Kershaw)

ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

15. **CORRESPONDENCE REPORT**

Correspondence Report from Ms. Mallorie Davis included the following items:

- Financial Disclosure Reminder
- Next Planning & Zoning Meeting of Tuesday, May 16, 2023 has been canceled due to a clear agenda;
- Next Council Meeting of Thursday, May 25, 2023 has been canceled due to a clear agenda.

Councilman Kenneth Gordon reminded everyone about Port Allen High School Graduation tomorrow night.

16. **ADJOURN**

There being no further business, a motion to adjourn was made by Councilman Kirk Allain and was adopted by acclamation at 06:49 PM.

/s/ Carey Denstel

Carey Denstel, Council Chairman

/s/ Mallorie Davis

Mallorie Davis, Secretary

ORDINANCE 18 OF 2023

As Introduced by the West Baton Rouge Parish Council
At the Regular Meeting of April 27, 2023
And Adopted on May 11, 2023

An Ordinance Adopting the 2023 Council Amendments to the General and Fire Department Funds’ Revenues and Expenses for the Fiscal Year beginning January 1, 2023 and ending December 31, 2023.

BE IT ORDAINED by the Council of the Parish of West Baton Rouge, Louisiana in regular session convened that:

SECTION 1: The attached detailed 2023 Council budget amendments to estimate of revenues and expenditures for the fiscal year beginning January 1, 2023 and ending December 31, 2023.

SECTION 2: The attached detailed 2023 Council budget amendments to estimate of revenue and expenditures for the fiscal year beginning January 1, 2023 and ending December 31, 2023 be and the same is hereby adopted as budget of expenditures for the Parish during the said period.

SECTION 3: The adoption of these 2023 Council budget amendments to the General and Fire Department Funds’ revenue and expenditures budget and the same is hereby declared to operate as an appropriation of the amount therein set forth within the terms of the budget classification.

SECTION 4: Amounts are available for expenditures only to the extent included with the 2023 amended budget as attached hereto.

NOW THEREFORE BE IT FURTHER ORDAINED by the Parish Council of the Parish of West Baton Rouge, Louisiana, that this ordinance shall become effective pursuant to Section 2-12 (C) of the Home Rule Charter.

NOW THEREFORE BE IF FURTHER ORDAINED by the West Baton Rouge Parish Council, that all other ordinances or parts of ordinances in conflict herewith are hereby repealed in their entirety.

NOW THEREFORE BE IT FURTHER ORDAINED by the Parish Council of the Parish of West Baton Rouge, Louisiana, that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without the invalid provisions, items, or applications of this ordinance are hereby declared severable.

THE FOREGOING ORDINANCE AFTER PUBLIC HEARING WAS CONSIDERED, AND UPON MOTION BY COUNCIL MEMBER CHRIS KERSHAW, WHICH WAS SECONDED BY COUNCIL MEMBER GARY JOSEPH, AND A VOTE BEING TAKEN, THE FOLLOWING RESULT WAS HAD:

The foregoing ordinance having been submitted to a vote was adopted by the following vote:
YEAS: 9 (MESSRS. KERSHAW, JOSEPH, ALLAIN, WALKER, DENSTEL, CROWE, HOTARD, BERGERON, GORDON)

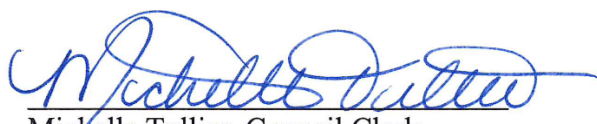
NAYS: 0 (NONE)

ABSENT: 0 (NONE)

ABSTAIN: 0 (NONE)

WHEREUPON, the ordinance was declared to be adopted on the **11th Day of May, 2023.**

ATTEST:


Michelle Tullier, Council Clerk

RESOLUTION 9 OF 2023

A Resolution Authorizing the Parish President to Sign Documentation for West Baton Rouge Parish to Join the Attorney General of Louisiana in litigation Against FEMA to Challenge Risk Rating 2.0.

WHEREAS, the Federal Emergency Management Agency (FEMA) “is updating the National Flood Insurance Program’s (NFIP) risk rating methodology through the implementation of a new pricing methodology,” titled “Risk Rating 2.0: Equity in Action”;

WHEREAS, FEMA states that Risk Rating 2.0’s “methodology leverages industry best practices and cutting-edge technology to enable FEMA to deliver rates that are actuarially sound, equitable, easier to understand and better reflect a property’s flood risk”;

WHEREAS, the Association of Levee Boards of Louisiana, members of both the Louisiana legislature and the federal legislature, members of state government, numerous Parish Presidents and their Councils, and many other entities in Louisiana and around the nation have grave concerns about the soundness of

Risk Rating 2.0’s underlying methodology, its failure to properly take into account any of the numerous improvements Louisiana’s Levee Boards have made to the flood protection systems, and its catastrophic effect on Louisiana’s flood insurance rates and the ability of Louisiana’s homeowners to purchase flood insurance;

WHEREAS, many of those entities have repeatedly raised their concerns to FEMA, have asked FEMA for documentation showing FEMA’s underlying methodology, and have been passed from one federal office to the next without receiving any meaningful answers to their questions or documents showing FEMA’s underlying methodology;

WHEREAS, FEMA has denied and continues to deny the efforts of those who are trying to protect their interests, the interests of their members, the interests of many Louisiana industries, and the interests of Louisiana citizens, making what is supposed to be “Equity in Action” an inequitable program across the entire State of Louisiana;

NOW, THEREFORE, BE IT RESOLED that West Baton Rouge Parish joins the Attorney General of Louisiana in litigation against FEMA to challenge Risk Rating 2.0.

- 1 <https://www.fema.gov/flood-insurance/risk-rating>.
- 2 <https://www.fema.gov/flood-insurance/risk-rating>.

BE IT FURTHER RESOLVED THAT the West Baton Rouge Parish Council hereby authorizes the Parish President, Riley L. Berthelot, Jr. to execute any needed documentation in regards to joining said litigation.

The Foregoing Resolution Was Considered, And After Public Discussion, A motion to Approve pending the final approval of Special Legal Counsel Kristen Canezaro, Was made by Council Member Kirk Allain, Which was Seconded by Council Member Chris Kershaw.

The Resolution Having Been Submitted to a vote, the vote thereon was as follows:

YEAS: 9 (Messrs. Allain, Kershaw, Walker, Denstel, Crowe, Hotard, Gordon, Bergeron, Joseph)
NAYS: 0 (None)
ABSENT: 0 (None)
ABSTAIN:0 (None)

CERTIFICATE

I, Michelle Tullier, Council Clerk of the West Baton Rouge Parish Council do hereby certify that the above and foregoing is true and correct copy of a resolution adopted by said body at its Regular Meeting of May 11, 2023 at which meeting a majority of the members were present and voting.


Michelle Tullier, Council Clerk

RESOLUTION 10 OF 2023

A Resolution Ratifying The Authorization By The Parish President To Prepare And Submit A Pre- Application To The Statewide Flood Control Program For Assistance In The Implementation Of A Project For The Purpose Of Reducing Existing Flood Damages; Providing For The Necessary Documentation Of Said Flood Damages; And Providing For The Related Matters In Connection Therewith.

WHEREAS, West Baton Rouge Parish has been adversely affected by damages from flood water; and

WHEREAS, West Baton Rouge Parish desires to apply for State match funds pursuant to L.A. R.S. 38:90 et.seq., as amended, to implement a project to reduce said flood damages, and that West Baton Rouge Parish is fully aware of its obligation under said Statute; and

WHEREAS, West Baton Rouge Parish is a political body duly organized and existing under the

laws of the State of Louisiana and is eligible to apply for funds under said Statute,

NOW THEREFORE BE IT RESOLVED by the West Baton Rouge Parish Council as follows:

Section 1. That West Baton Rouge Parish acknowledges that upon approval of the pre-application a formal application will be prepared and submitted to the statewide Flood Control Program.

Section 2. That at the appropriate time and upon approval of funding assistance and prior to commencement of work on the project West Baton Rouge Parish agrees to execute a Statement of Sponsorship pursuant to said Statute.

Section 3. That the Parish President is hereby designated Authorized Representative for West Baton Rouge Parish to effect the preparation of the pre-application and application to the Statewide Flood Control Program for funding assistance of a flood control project.

Section 4. That said Authorized Representative’s responsibilities shall pertain to technical matters only and shall not include any official act on behalf of West Baton Rouge Parish.

BE IT FURTHER RESOLVED that the West Baton Rouge Parish Council hereby ratifies the previous resolution signed by Parish President, Riley L. Berthelot, Jr. attached hereto.

The Foregoing Resolution Was Considered, And After Public Discussion, A Motion To Approve Was Made By Council Member Kirk Allain, Which Was Seconded By Council Member Chris Kershaw.

The Resolution Having Been Submitted To A Vote, The Vote Thereon Was As Follows:

YEAS: 9 (Messrs. Allain, Kershaw, Walker, Denstel, Crowe, Hotard, Gordon, Bergeron, Joseph)
NAYS: 0 (None)

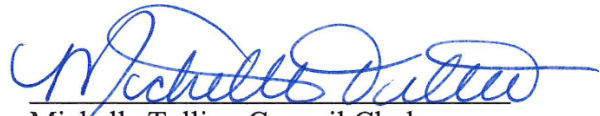
ABSENT: 0 (None)

ABSTAIN: 0 (None)

As a result of the vote the resolution was unanimously adopted by those members present.

CERTIFICATE

I, Michelle Tullier, Council Clerk of the West Baton Rouge Parish Council do hereby certify that the above and foregoing is true and correct copy of a resolution adopted by said body at its Regular Meeting of May 11, 2023 at which meeting a majority of the members were present and voting.


Michelle Tullier, Council Clerk

RESOLUTION 11 OF 2023

Resolution To Consider Entering Into Settlement And Release Agreement Between WBR Parish Council And Capital Area Groundwater Conservation District And Capital Area Groundwater Conservation Commission In Response To “Baton Rouge Water Works Company And West Baton Rouge Parish Council Vs. Capital Area Groundwater Conservation District And The Capital Area Groundwater Conservation Commission, 19th Judicial District Court, Parish Of East Baton Rouge, State Of Louisiana, Suit No. C-715795, Division M, Section 31.

WHEREAS, the West Baton Rouge Parish Council, a political subdivision of the State of Louisiana domiciled at 880 N. Alexander Ave., Port Allen, La 70767, and a party to the Baton Rouge Water Works Company And West Baton Rouge Parish Council Vs. Capital Area Groundwater Conservation District And The Capital Area Groundwater Conservation Commission, 19th Judicial District Court, Parish Of East Baton Rouge, State Of Louisiana, Suit No. C-715795, Division M, Section 31; and

WHEREAS, the West Baton Rouge Parish Council, seeks to enter into a settlement and release agreement with. Capital Area Groundwater Conservation District and The Capital Area Groundwater Conservation Commission; and

WHEREAS, upon execution of said agreement the West Baton Rouge Parish Council will withdraw within seven business days as a joined party in aforementioned lawsuit dismissing with prejudice all of its claims asserted against the District; and

WHEREAS, such agreement will authorize the District’s licensed contractor to install a flexim ultrasonic meter in accordance with the manufacturers recommendations on all of West Baton Rouge Parish’s wells, and permit regular and routine access to the well sites for the purpose of inspection and maintenance of the metering system; and

WHEREAS, upon completion of the installation of meters all claims raised and asserted in the lawsuit will hereby be fully and finally resolved dismissing with prejudice any alleged past violations by West Baton Rouge Parish related to records of water usage or access to wells or any other statute or regulation administered by the District as well as any claims that could have been asserted in the enforcement proceeding under the principal of *res judicata* under Louisiana Law; and

WHEREAS, said draft of settlement and release agreement is attached hereto and identified as “Exhibit A”.

WHEREAS, in order to proceed with said settlement agreement West Baton Rouge Parish Council authorizes its Council Chairman “Carey Denstel” as its duly authorized representative to execute agreement titled:

West Baton Rouge Parish Council and Capital Area Groundwater Conservation District
and The Capital Area Groundwater Conservation Commission Settlement and Release
Agreement

NOW, THEREFORE BE IT RESOLVED THAT: Once signed all parties to the settlement and release agreement acknowledge that execution of this agreement, timely withdrawal from the lawsuit and installation of the meters shall constitute a full, final, and total satisfaction of the terms of the agreement.

BE IT FURTHER RESOLVED that if any portion or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without invalid provisions, items or applications and to this end the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED, that all resolutions or parts thereof in conflict herewith are hereby repealed.

The Foregoing Resolution Was Considered, And, After Public Discussion, A Motion To Approve Was Made By Council Member Kenneth Gordon, Which Was Seconded By Council Member Chris Kershaw.

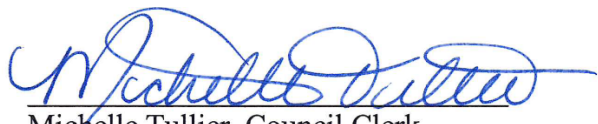
The Resolution Was Submitted To A Vote, The Vote Thereon Was As Follows:

YEAS: 8 (Messrs. Gordon, Kershaw, Allain, Walker, Denstel, Hotard, Bergeron, Joseph)
NAYS: 1 (Mr. Crowe)
ABSENT: 0 (None)
ABSTAIN: 0 (None)

As a result of the votes the resolution was adopted this **11th Day of May, 2023.**

CERTIFICATE

I, Michelle Tullier, Council Clerk of the West Baton Rouge Parish Council do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by said body at its Regular Meeting of May 11, 2023 at which meeting a majority of the members were present and voting.


Michelle Tullier, Council Clerk