

Village of Folsom
Bettye M. Boggs, Mayor

Alderwoman – Paulette Lee
Alderwoman – Jill Mathies
Alderman – Lance Willie



Andree Core – Municipal Clerk
Ronnie Killingsworth – Chief of Police
Delbert G. Talley – Village Attorney

General Meeting
January 9, 2017
7:00 p.m.

Present: Mayor Bettye M. Boggs
Alderwoman Paulette Lee
Alderman Lance Willie
Alderwoman Jill Mathies
Attorney Delbert Talley
Recording Clerk, Shilo Bruhl

Mayor Boggs called the meeting to order and the recording clerk established a quorum. Dejuene' Richardson led the invocation and pledge of allegiance.

Approval of Agenda - Mayor Boggs called for the approval of the agenda and Alderwoman Mathies made a motion to add retro pay and the introduction of ordinances to the agenda. Mayor Boggs stated she would entertain the retro pay opinion; however, she stated the two ordinances were just presented five minutes prior to the meeting and we have not had an opportunity to read or review them and from reading the title it appears that they are in direction violation of the Lawrason Act. Alderman Willie stated that they were being introduced and that the next 30 days were for addressing any problems with it and it could be brought up at the next meeting for passage. Alderwoman Mathies stated if all aldermen agree, then the agenda can be amended. She made a motion to amend the agenda with those two stated items added and Alderman Willie seconded the motion.

Mr. Talley states, I disagree with everything you said. If you don't have a policy and procedure stating you can amend the agenda, under the Lawrason Act the Mayor is the only one who can amend the agenda. Alderman Mathies states, under the Lawrason Act it states as long as the board members agree the agenda can be amended. Again, Mr. Talley states he disagrees since there is no policy and procedure the Mayor is the one who prepares the agenda. Alderman Mathies again makes a motion to amend the agenda, seconded by Alderman Willie. Mayor Boggs states, she will not call the motion. Alderwoman Lee states, under the open meeting law it states, matters not in the agenda, upon unanimous approval of the members present at the meeting, the public body may take up matters not on the agenda RS 42.7. A discussion followed. Mr. Talley states, in my opinion the mayor sets the agenda if there is no policy and procedure stating otherwise. Mr. Talley states, subject to the Mayor, you are reserving your rights. Alderman Willie states this is a Board of Alderman meeting. Alderwoman Mathies makes a

motion to amend the agenda, seconded by Alderman Willie and the motion carried.

Mr. Talley informed Mayor Boggs she can reserve her rights. Alderwoman Mathies asks, Mr. Talley, are you an attorney on behalf of the Village or for the Mayor. Mr. Talley states, I gave you my opinion and I am supporting it. Mayor Boggs asked if they could go into executive session. She stated that no opportunity to review the ordinance was provided and that from reading the title of the ordinance it appeared to be in direct violation of the Lawrason Act and both ordinances seem to be problematic legally. She stated that the reason she suggested postponing these for one month to research them is to verify that they are solid, legal documents. Alderman Willie responded that we have a month to do that and we will do that over the month that we are introducing it and if there are problems then we will get rid of it. From the audience Mr. Roy Burns addressed the board stating, Mayor you are conducting a meeting and your legislative body has made a motion and it's been seconded. Your counsel says that you have every right to reserve yourself, your job at this point is to call the vote. Again, your job is to run the meeting, they have a motion before the floor and a second and there is no harm in introduction of the ordinance. Mr. Talley states, we just got an attorney general opinion on this and everyone is aware of it, so Mayor let them put it on and reserve your rights and before next month we will do what we have to do. Mayor Boggs stated that due to a recent Attorney General Opinion on this subject matter, this ordinance appears to be aimed at taking the opposing position of that recent AG Opinion. She stated she would accept the motion to introduce the ordinance. Alderwoman Mathies made the motion to amend the agenda with the retro pay and the introduction of the two personnel policy ordinances. It was seconded by Aldermen Willie and the motion carried (*3 yeas, 0 nays*).

Approval of Financial Statements - Mayor Boggs indicated the December financial statements were not available due to several occurring situations. Alderman Willie made a motion to table the financial statements, seconded by Alderwoman Mathies and the motion carried (*3 yeas, 0 nays*).

Approval of Minutes – Alderwoman Mathies made a motion to approve the minutes of the previous meeting, Alderman Willie seconded the motion and the motion carried (*3 yeas, 0 nays*).

Old Business:

Item 1 – Fema Map Update. Mr. Talley addressed the Fema map situation and indicated he received several calls from residents and he asked the Municipal Attorneys Association to put it on a recent agenda. He stated a representative from East Baton Rouge addressed the association meeting and answered their questions. Mr. Talley received the names of representatives from this area with Fema. He stated that after talking with them, the village has not received the final rate map from Fema and that a memo was sent to the board and mayor on the matter. The Fema representative advised that the village will receive the FIRM letter when the final map is adopted. The letter stated that the village will be given time to amend our ordinance to adopt the new map when the appeals process is completed and the map is adopted. The effective FIRM map for Folsom is the 1982 version and Mr. Talley indicated this was sent to the board and mayor on Dec. 6th. He stated the map that we operate under now is the 1982 map and there is a new map but several municipalities have appealed it. As soon as they have a final version of the map, they will send it to the village again and we will have a period to adopt it. Mr. Talley indicated the village is not dilatory and has not missed anything, but us waiting for the new map to come out. The village engineer, Jay Pittman, also addressed the issue.

Item 2 – Annual Beer and Liquor Licenses. Mayor Boggs presented two businesses for approval of the annual beer and liquor licenses: Dollar General Class B Liquor & Class B Beer and Gus's Restaurant Class A Beer. Alderman Willie made a motion to approve the above licenses, seconded by Alderwoman Mathies and the motion carried (*3 yeas, 0 nays*). Mayor Boggs indicated that there are two businesses that have not paid the beer/liquor licenses and they are not current on their sales taxes with the parish.

New Business:

Item 1 – Mardi Gras Parade – Greg Saurage. Mr. Saurage addressed the general meeting regarding the 2017 parade which will have the theme, "Through the Decades, 60's, 70's, and 90's." He announced the king will be Sal DiMaggio who is a school bus driver and the queen will be Frances Saurage, his mother, who has served on every committee for the Mardi gras parade in the past. The dedication of the parade will be to Cynthia Breeland from Folsom. The parade will begin at 1:30 p.m.

Item 2 – Village of Folsom Audit (2015-2016). Auditor Rob Firmin of Griffin and Firmin addressed the meeting and presented the 2015-16 audit to the board and mayor. Mayor Boggs noted the net position of the village and that there were positive balances in all three categories of our net position. She indicated that the net position of the village was \$3.5 million whereas the net position of the previous year was \$3.2 million. Net income of water and sewer was also presented. Mr. Firmin addressed the board by indicating that the audit went very smoothly with the municipal clerk and town hall clerks providing all information as requested. He indicated any additional questions can be handled via either telephone or email. He stated that an unqualified opinion was submitted which is a clean opinion on the financial statements. Mr. Firmin addressed several points of the audit and indicated that all findings have been addressed with corrective action on the part of management which they felt was more than adequate. He indicated that they recommend that language be included in the next budget ordinance when it is adopted to allow the mayor to move items between line items within a specific department or within a fund subject to certain constraints and he gave an example as a prudent way to handle the budget. He addressed the sewer sinking fund balance and a schedule was provided. Management letter comments were addressed and adequate corrective action comments were provided on the part of management. Mr. Firmin addressed the final item that being the Act 774 procedures.

Item 3 – Utility Adjustments. A utility adjustment was presented for Joe Dillion for \$56.88 due to a faulty meter. Alderman Willie made a motion to approve the adjustment, it was seconded by Alderwoman Mathies and the motion carried (*3 yeas, 0 nays*). The approval of the Smith and Core adjustment from the previous meeting was presented for approval. Alderman Willie presented this adjustment again with specific numbers from the maintenance department on when the leak was observed by the maintenance department and made a motion that the approval of \$119.79 toward to sewer bill. There was no second to the motion and a discussion followed where Alderman Willie explained that the measure was from the time that the leak was observed until the leak was fixed and the charge for water stood but the adjustment was for the water outside the building not going into the sewer system.

Mr. Talley stated we have an AG opinion that disagrees with my opinion. He states my opinion was if you have a water leak the sewer portion of the bill can be adjusted if you can show/prove it didn't

go into the sewer system. I thought a basis to prove it would be similar to what Alderman Willie stated. The AG opinion came back with 2 elements the customer has to prove. The village is at fault, then you have to prove the exact amount of the adjustment. The only way to do that is by estimating. So the AG disagrees with my opinion. I think it would be equitable to do it the way Alderman Willie says. That would be a fair way to do it. Mr. Talley also states again that the AG doesn't agree with him. Alderwoman Mathies states a concern with this adjustment it is going to start a precedence. A further discussion followed regarding the process of adjusting sewer bills involving observable water leaks by maintenance department that can be documented with verifiable data as to the water not entering the sewer system. Alderman Willie indicated there was a motion on the table to approve the Smith & Core sewerage bill. Alderwoman Lee and Mathies indicated that they would abstain, followed by a motion by Alderwoman Mathies to table the adjustment for further consideration. The motion was seconded by Alderman Willie and the motion carried. (3 yeas, 0 nays).

Item 4 – Personnel Policy. Alderman Willie introduced two personnel policies. He indicated one is Chapter 6-2 titled The Mayor and Department Heads/Supervisors Shall Make a Mutual Agreement on All Employment Decisions of the Village. He read the complete proposed ordinance in full. Alderman Willie then read the proposed ordinance Chapter 12-2 The Chief Shall Be Responsible for all Day-to-Day Operations of the Police Department and he then read the ordinance in full. Mayor Boggs indicated there is a great deal of content in both ordinances that is in due respect contrary to state law and the Lawarson Act. Mr. Talley addressed board that they had his prior opinion in terms of offering these ordinances and he had to note that the ordinances are not in proper form and the mayor has a right to have the ordinance in proper form before it is introduced, and he stated that it does not require a motion to introduce an ordinance. He indicated that the ordinances are not in proper form nor fit to be introduced at this point. He stated that he would like to have a copy of the final ordinance to view and particularly more than five minutes before the meeting. Alderman Willie stated that we have 30 days to put the ordinances in proper form and that he was just introducing them. Again Mr. Talley stated an ordinance needs to be in proper form before being introduced and these are not in proper form as he did not have an introduction to the ordinance. Mr. Talley noted everyone has a right to see the ordinance in proper form before it is introduced. From the audience Mr. Roy Burns addressed the board regarding the introduction of the ordinance. Mr. Burns stated that there was a motion on the floor and it was properly seconded.

Mayor Boggs indicated that if the validity of the ordinance is solid as far as state law is concerned, then it is the board decision but if this is an unconstitutional ordinance then she has no choice but to take the action that she must take. Alderman Willie stated we have 30 days to go over with him and put it in proper form. He stated if it is against the law in the Mayor's opinion and if the rest of the board agrees with it then they are going to approve it and put it in the village ordinances. Alderwoman Lee asked the Mayor the reason she sought the AG Opinion 16-0188 dated Dec. 21, 2016. Attorney Talley interjected that some of that is subject to executive session as it has to do with employee discipline. Mayor Boggs offered to go into executive session. No motion was called to go into executive session. Alderwoman Lee asked to meet with the Mayor on a one-to-one basis to find out what prompted the opinion. Mayor Boggs indicated she would state again that day-to-day operation of the village falls upon the mayor not the aldermen and the operation of the police department of an appointed versus elected police chief is different by state law and hence the reason of the request. Alderwoman Mathies asked Mr.

Talley if he would give the Board the proper format for the ordinances within the next five days and he agreed to do so.

Item 3 (Amended Item) – Retro Pay. Alderwoman Mathies indicated that pay raise for the police chief and municipal clerk were passed by ordinance several months ago. She indicated that the budget items were approved in July for the fiscal year. Alderwoman Mathies indicated that each board member must vote on getting an attorney general opinion and it must be specified in the minutes to get that opinion. Alderwoman Mathies requested a vote from each board member regarding getting an attorney general opinion on retro pay for employees. A discussion followed. Alderwoman Mathies made a motion in reference to getting an AG opinion on retro pay for the employees, it was seconded by Alderman Willie and the motion carried. *(3 yeas, 0 nays)*.

Adjournment:

There was a motion to adjourn the meeting by Alderman Willie, seconded by Alderwoman Mathies and the motion carried. *(3 yeas; 0 nays)* The meeting was adjourned at 8:20 pm.

*Respectfully submitted,
Bettye M. Boggs, Mayor /s/*

I attest that the above is a true and correct copy of the minutes taken at the Public Hearing and General Meeting held at Town Hall on January 9, 2017.