

Village of
Folsom

Mayor - Bettye M. Boggs

Aldерwoman - Paulette Lee

Andree

Core - Municipal Clerk

Aldерwoman - Jill Mathies

Ronnie "Beau"

Killingsworth - Chief of Police

Alderman - Lance Willie

Delbert G. Talley - Village Attorney

Public Hearing

7:00 p.m.

February 8, 2016

**Present: Mayor Bettye M. Boggs
Aldерwoman Paulette Lee
Aldерwoman Jill Mathies
Alderman Lance Willie
Attorney Delbert Talley
Municipal Clerk, Andree Core**

Mayor Boggs called the Public Hearing to order and the municipal clerk established a quorum. Mayor Boggs asked for a moment of silent in remembrance of Rev. Joseph Cyprian. Mayor Boggs led the invocation and the pledge.

Item I – Credit Card Policy – Ordinance NO. Chapter 42 / No. 2016-01

AN ORDINANCE PROVIDING POLICIES AND PROCEDURES REGULATING THE USE OF CREDIT CARDS AND RECORD KEEPING PROCEDURES TO BE ESTABLISHED.

Mayor Boggs presented the above ordinance. There was no discussion from the board nor from the public. Mayor Boggs asked for the board to consider that the ordinance as stated indicates that the

municipal clerk keeps the credit cards in her possession and suggested that exclusion be made for gas credit cards for the police and maintenance departments who need possession of the cards.

There was a discussion of the various types of credit cards in use and Mayor Boggs stated that we are currently using the sign out sheet that Alderman Willie suggested regarding the use of the Visa card.

Mayor Boggs referred to page 3 which says that documentation must be furnished to the village clerk within 24 hours of usage and also asked for exclusion of gas credit cards under this item. She stated there is a distinction between regular credit cards and gas credit cards. Alderman Willie stated that he does not see any problem with this exclusion of gas credit cards. Alderwoman Mathies stated that she would like to have a time frame of when receipts need to be turned in. A discussion followed regarding the ordinance as it pertains to credit cards in general and specific gas credit cards. Mayor Boggs stated the ordinance as stated is pertinent to Visa and Office Depot credit cards but is not in line with usage of gas credit cards. Alderwoman Mathies stated that she felt all credit cards need to be covered.

Mr. Talley stated that he could separate the two and do separate ordinances if needed. Mayor Boggs said that her recommendation was to exclude the gas cards and that the ordinance is fine. Alderwoman Mathis stated she does not agree with excluding the gas cards. A discussion was held and the board asked to take this back to the table to rework policy excluding gas cards on these two items and having a time frame for submitting receipts. Alderman Willie stated to revise the current policy with the two additions to be included and to keep this as one ordinance.

There was a motion from Alderman Willie to adjourn the Public Hearing, seconded by Alderwoman Mathies, and the motion carried (3 yeas, 0 nays)

General Meeting

February 8, 2016

(Following Public Hearing)

Approval of Agenda

(The quorum was established in the preceding Public Hearing.)

The General meeting was called to order and Mayor Boggs asked to amend the agenda to include a resolution for 2015/2016 CWEF grant application. Alderman Willie made a motion to amend the agenda to include the CWEF application and to remove Item VIII Engineer report. He stated that he spoke with Jay Pittman and he was not coming to the meeting tonight. Mayor Boogs stated that she also spoke with Mr. Pittman and she had a short message from him to address tonight.

Mayor Boggs stated that we have a motion to amend the agenda to add the CWEF Resolution, it was seconded by Alderwoman Lee, and the motion carried (3 yeas, 0 nays). Mr. Talley asked Mayor Boggs to ask if the public has any comments on amending the agenda. Mayor Boggs asked for any discussion from the audience. No discussion.

The monthly financial statement was presented and a motion was made by Alderwoman Willie to approve the financial statements for the month of January, seconded by Alderwoman Mathies and the motion carried. (3 yeas, 0 nays.)

Mayor Boggs presented the approval of the December and January General Meeting minutes. Alderwoman Mathies stated that there were some specific things that were not written in the minutes that she specifically asked to be included in the minutes. Mayor Boggs asked if that was for a specific month and Alderwoman Mathies replied that it was December and January. Alderwoman Mathies stated that she will send an email with the specific items. A motion was made by Alderman Willie to table the approval of the minutes, seconded by Alderwoman Mathies and the motion carried. (3 yeas, 0 nays.)

Old Business:

Item I – Beer and Liquor Permit(s)

Mayor Boggs stated that Veer Off paid their sales tax and a motion was made by Alderman Willie to approve their Beer and Liquor Permit, seconded by Alderwoman Mathies and the motion carried. (3 yeas, 0 nays.)

Item II – Credit Card Policy – Ordinance Ch. 42/ No. 2016-1

Mayor Boggs stated that the credit card policy tabled and it will be presented after it is fine tuned.

Item III – Contract with Curtis Environmental

Mayor Boggs stated that Mike Curtis was not able to attend this meeting but he will be attending the next meeting. Mayor Boggs said that she sent the board some information from him and he is going to visit us this month to outline some of these questions. Alderwoman Lee asked if he was still doing all the things he was doing before our contract. Mayor Boggs stated that the problem we are running into is as stated some of the things stated he was already doing before the contract. She informed that he is a big safety net for the village due to his expertise. She indicated that she did a comparison with other municipalities and what they are paying.

Item IV – Resolution for Appointing Village Attorney as Prosecutor

Mr. Talley stated that he had originally suggested to be appointed as the magistrate and prosecuting attorney. He informed that in the December meeting he was appointed for both position. He said that after Alderman Willie had pointed out that he cannot serve as both, he found out that this should not have been done. Mr. Talley said that the reason for doing this was for us to be able to change a ticket from moving to non-moving violation.

Mr. Talley stated that the Attorney general has stated that he is already the prosecutor so he does not need to be appointed for that but he is asking to be removed as magistrate. Alderwoman Mathies said that she does agree with removing him as magistrate but she has some questions. She said that she would like to look up the revisions given by Mr. Talley before making a decision. Mr. Talley replied that he would like to be removed and if any future problems they can later discuss. Mayor Boggs informed that we currently have a case from an attorney in Washington parish that they are asking for consideration that she doesn't have the right to do. Alderwoman Mathies stated that she wants to look into some further information on the prosecutor part. Alderwoman Lee said she had some concerns regarding the possibility of us incurring the cost of having an indigent attorney. Mr. Talley replied that this was a separate statue. Alderwoman Lee asked if this occasion could come up and Mr. Talley said that it could come up but would not have anything to do with this situation.

A discussion followed and Mr. Talley presented an Attorney General opinion to inform the board that the magistrate cannot reduce a moving violation to a non-moving violation and the authority to reduce a moving to a non-moving rest with the town attorney who serves as prosecutor in the mayor's court. He stated said that he needs to be removed as magistrate. He stated that he serves at the mayor's pleasure so she can do it. He was just asking the board to do it since he had brought it before them. Alderman Willie stated that he did not know that we had a final vote on making him magistrate. Mayor Boggs stated that we did vote on it. Alderman Willie made a motion that we remove him as magistrate and there was not a second.

Mayor Boggs stated that we just read the law that she can appoint him as prosecutor but we are just correcting the resolution that was passed in December to remove him as magistrate. Mr. Talley informed that he will reword this however he is already the prosecutor by state law. A discussion was held and the board agreed to address it now by the rewording to remove Mr. Talley as magistrate in mayors court. A motion was made by Alderman Willie to remove the village attorney as magistrate. It was seconded by Alderwoman Lee and the motion carried. *(2 Yeas) Paulette Lee, Lance Willie and (1 nay) Jill Mathies.*

Item V – Street Lighting / Village Trace

Mayor Boggs stated that was regarding the Salageski's who asked to be put on the agenda but are not present tonight. A discussion followed and Alderman Willie stated he is looking into a lighting system for Village Trace and other areas and possibly looking into a grant for this project.

Mayor Boggs stated that she recently met with Johnny Bruhl Cindy Hebert of WST and they suggested the possibility of lighting districts and each citizen in that area are charged a certain amount per month. She said after looking into this in the past, a problem occurred in Village Trace as part of the people do not want lighting in Village Trace. Mayor Boggs asked for any comments from the audience and there was no comments.

Item VI – Safety Plan

Mayor Boggs stated that a safety plan has been on the table for some time now and it is required by Risk Management. She informed that we had to fill out a Safety Survey based on our plan in which we currently do not have a plan. Mayor Boggs asked if the board was ready to present it this evening. Alderwoman Lee had a copy of an existing policy that she has distributed to board. She said that they will do some minor editing to this plan to better meet the needs of the village. Alderwoman Mathies replied that she has also collected some information and would be glad to get together to complete this plan. Alderman Willie asked to include employee work hours. Alderwoman Lee agreed to add it and it will be addressed once again at next month's meeting.

Item VII – Ethics Policy

Mayor Boggs informed that the ethics policy stems from Act 774 audit that the village recently completed this summer. She stated that one of our citations was that we were missing an ethics policy. Mayor Boggs informed that this has been talked about at the work session and brought it to the table a couple of times. She asked if they had something to present at this time and Alderwoman Mathies replied she is in the midst of collecting information to start one. Alderman Willie asked to bring this information to the work session next week so they can work on getting this policy completed. A motion was made by Alderman Willie to table the ethics policy, seconded by Alderwoman Lee and the motion carried. *(3 yeas, 0 nays.)*

New Business:

Item I – Dr. Catherine Wilbert / Animal Rescue Project

Mayor Boggs stated that Dr. Catherine Wilbert is here tonight due to a previous problem with some cats in the village where Dr. Wilbert came in and offered her services to with the situation. Dr. Wilbert presented information regarding a rescue operation located in Chenel farms called Big Sky Ranch. The rescue is to help end the ferrel cat population that is a problem in our parish. She gave a lot of great information to solve this problem and flyers for us to give out more awareness in our community. She asked for more community support and awareness for our community to be the model for St. Tammany parish. She is hoping to get support from local vet clinics for low cost spaying and neutering for people to be able to afford it. Mayor Boggs informed that we will post this information on our website to advertise this in our community.

Item II – Backflow Prevention Program

Mayor Boggs stated that in October 2014 we addressed a number of DHH violations all of which have been corrected with a black flow prevention program where we have been granted an extension. We do have a cross connection ordinance but just do not have the backflow prevention program currently in place. Mayor Boggs introduced Mitch Labas from Backflow Prevention Services to explain this information.

Mr. Labas stated that they are a company that specializes in assisting water systems in putting together backflow prevention programs. He informed the village of the proper steps they would provide and gave a few examples of potable water connecting to a non-potable source. He presented a proposal to the village to assist with our compliance. Mayor Boggs asked for a timeline of how long this would take for us. A time table was discussed and they will also prepare a policy and procedures manual for annual testing. Their company would be handling the telephone calls coming in after the survey.

Mr. Talley asked if they were considered public works or a professional service and Mr. Labas indicated that they were a professional service. He informed that with them being professional service so that it would not be up for public bid. Additional questions and answered followed.

Item III – Ordinance for the Fire District

Mr. Ken Wilt, Chairman of the Fire District, explained the proposed ordinance for the fire department to adopt an inspection department. Mr. Wilt stated that a few months ago the board adopted a resolution to create an inspection department for the fire department. He informed that they now have two certified men out there doing these inspections. Mr. Wilt stated that in the past year the FPNA was optional and it did not affect anything on insurance rates. Unfortunately starting in 2017 it will be mandatory and will actually cost them points if it is not done.

Mr. Wilt kindly thanked the board for passing the past resolution but stated that it went all the way to Baton Rouge where they were informed that it must be done by an ordinance. Mr. Wilt contacted Mr. Talley and he has written an ordinance. He said that the fire department will pick up all costs on advertising and such to make it an ordinance for the village. Mayor Boggs read the Ordinance and asked for any questions. Alderwoman Mathies made a motion to introduce the ordinance, seconded by Alderman Willie and the motion carried. (3 yeas, 0 nays.) Mayor Boggs stated that we will hold a public hearing for this ordinance in March.

Item V – Blue Cross Insurance Renewal

Mayor Boggs informed that it is time for our health insurance renewal and stated that Kay Frost could not be at the meeting but will be happy to attend a future one if needed. She said that our renewal date is effective for April 1st and it is an automatic renewal policy. Mayor Boggs stated that there is a 9% rate increase to the plan. The village will hold open enrollment from March 1st through March 31st for employees to make any changes. Alderwoman Mathies asked if she could have the plan details emailed to her regarding the changes in our policy. A discussion followed.

Item VI – Flextime – Ordinance Ch. 6 / No. 2016-1

Mayor Boggs introduced the following ordinance

CHAPTER 6 NO. 2016-1
AN ORDINANCE AMENDING THE VILLAGE OF FOLSOM CODE OF ORDINANCES CHAPTER
6 TO PROVIDE FOR FLEXTIME FOR EMPLOYEES CLASSIFIED AS EXEMPT FROM PAYMENT
OF OVERTIME PURSUANT TO THE FAIR LABOR STANDARDS ACT (FLSA) AND TO
CLASSIFY THE POSITION OF VILLAGE CLERK AS EXEMPT.

Alderwoman Lee stated she still has concerns on paying for the flextime time because it makes this position exempt. A discussion followed. Mr. Talley stated that in the previous meeting they had a very lengthy discussion on the clerk's position. He said there was a difference in opinion between him and Mr. Strobel as to whether or not the village clerk position is exempt under the fair labor standards act. Mr. Strobel's position was that it was not exempt and Mr. Talley stated that feels it is exempt.

Mr. Talley explained that what Alderwoman Lee was talking about was only if the village clerk is an employee. He said that the federal law makes it clear that she is not an employee but she is an officer of the village. Mr. Talley contacted the labor department. He relayed his conversation with Assistant District Director Charlata Williams who advised that her office no longer gives written legal opinions. However, she stated that appointees of elected officials who are not covered by civil service are exempt from the Fair Labor Standards Act. She also followed the conversation by sending an email in which reference 29 CFR 553.10 and he read the section. He stated that under the Louisiana constitution our clerk is not covered by civil service. Mr. Talley stated that obviously this statute clearly showed that employees not covered by civil service are not covered by FLSA.

Mr. Talley informed that after a web search he found a letter from the Municipal Technical Advisory Service read an opinion attached to it. The opinion he read was according to 29 CFR 553.11 B, which stated that personal staff members who are elected or appointed by elected official are not covered by the act. Mr. Talley stated that it should be noted that Mr. Strobel's opinion is based on his assumption that a municipal clerk is an employee. He said furthermore the Lawarson Act provides that the municipal clerk is an officer not an employee. Mr. Talley said that after discussing this with the president of the Municipal Clerks Association, he asked Mr. John Gallagher, Director of Governmental Affairs for the Municipal Association, and he advised in his opinion municipal clerks are exempt from the FLSA. Mr. Talley advised that the attorney general has stated this is a legal not a legislative issue.

Mr. Talley said that since precedence has been established an ordinance should be adopted with documenting this policy and procedure. He said adopting this ordinance is a legislative function and this is what is on the agenda. Mr. Talley stated that whether we like it or not 29 CFR 553.10 is a federal law and the board cannot change it. He informed that for many years the village has been giving

compensatory time without any policy or procedures. He informed that the auditors have told us on several occasions and we need to establish a policy and procedures with the details.

A motion was made by Alderman Willie to introduce this ordinance tonight and plan to review this ordinance over the next month. Alderwoman Lee said she still has some questions regarding the flextime and the position of the clerk as an exempt employee. Mr. Talley stated that what Mr. Strobel stated last meeting was incorrect and there should be no confusion. He assumed that the village clerk is an employee and under the Lawarson Act she is not an employee. Mr. Talley stated that everything he said had to do with employees and not officers. He pointed out that the town clerk is the village auditor, the custodian of records, has statutory duties and is not an employee. He said the three officers are the police chief, town clerk, and the attorney and we are not employees. Mr. Talley indicated what the aldermen are called to do is to create a flextime policy. Mr. Talley said that the attorney general has said you have to have a policy and procedure which guides the flextime/compensatory time. He stated that only the aldermen can do the ordinance and it should not be arbitrary on the mayor's part and that they have the obligation to tell the village how to do it. Once it is decided that she is an officer and exempt, the attorney general has said that you have to have a policy and procedures which guides the village as to how to give our the compensatory time.

Alderwoman Lee asked if we can change her comp time to be time and a half and Mr. Talley replied that you can as a board. Mayor Boggs stated her question is can she give more than hour for hour. Mr. Talley replied that you can give an hour and a half but you cannot go above the FLSA which the max is an hour and a half. Mr. Talley informed that Alderman Willie already introduced it and we do not need a second. Alderman Willie stated that if we have any problems we will not pass it next month but he would like to go ahead and get it going.

Item VII – Car Repair – Maintenance Accident

Mayor Boggs stated that this incident was addressed a few months ago regarding an accident in our maintenance department. She said that this accident happen when our department was down two cars and she gave the maintenance supervisor permission to use his personal vehicle during this time and the accident occurred in the parking lot of Main Market. Mayor Boggs stated that they have received two quotes, \$904.80 and the second is for \$1692.59. A discussion followed with questions regarding not having any written police report of the accident. Mayor Boggs stated that no one was in the vehicle and that he could have driven off but he stood there and waited for the lady to come out. Alderman Willie asked for the specifics of a date and time of this incident before approving to pay for it. Mayor Boggs replied that we received two quotes from Lester's body shop and Car Craft.

Mayor Boggs asked for approval to authorize her to get her car fixed at village expense since the car was being used during work hours. Discussion followed and more information was requested. Alderwoman Lee said that without a report it could be hearsay and it could have occurred on his own time. Alderman Willie led a discussion of village employees who are in personal vehicles and the liability in accidents. Mr. Talley said that we asked him to use his own vehicle and the accident happened. He thinks that we need to find some way not to ask our employees to use their own vehicles.

Alderman Willie made a motion to pay for the damage using Lester's Body shop. He stated that it was Scott's fault and she did not ask for this so he feels that the village is responsible for his mistake. Alderwoman Mathies said that she would like to table this until they get some document like an incident report for us to have on file. She would like all pictures, estimates, statements, and any other documents for the village before she will consider approving it. Alderman Willie stated that he agreed and asked Chief Killingsworth if they would the village with documentation.

A motion was made by Alderman Willie to approve this payment to Lester's with the condition that Scott makes a statement and we receive all the proper paperwork by this week. Mayor Boggs stated

that there was no second to the motion and the motion failed. Mayor Boggs stated that we will bring this back in a month and thanked Alderman Willie for his offer.

Item VIII – Maintenance Report

Mr. Roth stated that the lead and copper report is done every ten years are all the result for the village were excellent. Letters were sent to those residents. Mr. Roth stated that they are just waiting on the grants in order to fix the effluent pump situation. He stated that we only have a backup pump on Jackson Street. Alderman Willie asked for us to look into getting another back up pump with grant funds.

Item IX – Engineer Report

Mayor Boggs stated that Jay Pittman asked her to share that he is continuing to collect the data for the USDA sewer improvement. He said that he will have that report for us next month. Mayor Boggs said that he asked her to remind everyone that the rate increase proposal will have to be addressed if we are going to qualify for USDA support. A discussion of sewer maps followed.

Item X – Utility Adjustments

Mayor Boggs presented the utility adjustments and asked if there were any questions. Alderman Willie stated that he read over the print out given and he had no questions. He said it looks like we read the meters wrong and that Scott has double checked them now to make sure they are right. He said that they all fall under our mistakes. Alderman Willie made a motion to approve all three adjustments, seconded by Alderwoman Lee and the motion carried. *(3 yeas, 0 nays.)*

Amended Item: Resolution for CWF

Mayor Boggs stated that this is a resolution of the board of alderman approving the application for grant funds from the Community Water Enrichment Fund. A motion was made by Alderman Willie to approve the application for CWF funds. It was seconded by Alderwoman Mathies and the motion carried. *(3 yeas, 0 nays.)*

Announcements:

Mr. Wilt said regarding the Ethics policy the Fire district has also gone through the same problems. He said that they adopted the state ethics policy after talking to several auditors. Mayor Boggs stated that we tried that and we were told that it had to be more specific.

Adjournment: There was a motion by Alderman Willie to adjourn the meeting, seconded by Alderwoman Mathies and the motion carried *(3 yeas, 0 nays.)*

Respectfully submitted,

Bettye M. Boggs, Mayor

I attest that the above is a true and correct copy of the minutes taken at the General Meeting held at Town Hall on February 8, 2016.

Attest:

Andree Core, Municipal Clerk