

Village of Folsom
Mayor - Bettye M. Boggs

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



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

Public Hearing
7:00 p.m.
February 13, 2017

Present: Mayor Bettye M. Boggs
Alderwoman Paulette Lee
Alderwoman 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 led the innovation and the pledge of allegiance.

Item #1 – Ordinance No. Chapter 6-2017-1 - Amending Ch. 6 Section 2

AN ORDINANCE OF THE VILLAGE OF FOLSOM AMENDING CHAPTER 6 SECTION 2, A, (1) APPOINTMENT, SUSPENSION, DISMISSAL AND COMPENSATION, PROVIDING FOR APPOINTMENT AND REMOVAL OF MUNICIPAL EMPLOYEES AND PROVIDING THAT THE MAYOR CONSULT WITH THE POLICE CHIEF AND/OR DEPARTMENT HEAD/SUPERVISOR AND COME TO A MUTUAL DECISION ON ALL EMPLOYMENT ISSUES WITH A RIGHT OF APPEAL TO THE BOARD OF ALDERMEN IN CASE OF DISAGREEMENT

Mayor Boggs presented the above ordinance. There was no discussion from the board nor from the public.

Item #2 – Ordinance No. Chapter 12-2017-1 - Amending Ch. 12 Section 2

AN ORDINANCE AMENDING CHAPTER 12, SECTION 2, SUBPARAGRAPH (B) POLICE PROTECTION, TO PROVIDE THAT THE POLICE CHIEF SHALL BE RESPONSIBLE FOR ALL DAY-TO-DAY OPERATIONS OF THE POLICE DEPARTMENT AND FURTHER THAT THE MAYOR WILL NOT DISRUPT OR INTERFERE WITH THE DAY-TO-DAY OPERATIONS WITHOUT CONSULTING WITH THE CHIEF OF POLICE WITH A RIGHT TO APPEAL TO THE BOARD OF ALDERMEN IN THE CASE OF DISAGREEMENT

Mayor Boggs presented the above ordinance. There was no discussion from the board. Mr. Frank Richerand asked the mayor to explain this ordinance. Attorney Talley addressed the question in that the Lawarson Act governs the municipalities like Folsom. He stated that these two ordinances point by point are to refute everything that is said in the Lawarson Act. He stated that he has written several memos stating that they are illegal and they have two memos from the attorney general. He stated there are also memos from the previous attorney for the village and they all state the same opinion. Mr. Richerand asked the question regarding day-to-day operations and the police chief reporting to the mayor. He asked does this ordinance distinguish that in some way. Mayor Boggs stated the distinguishing fact, after reviewing the Louisiana revised statues and Lawarson Act is that the relationship between the mayor and an appointed police chief is totally different from the relationship between the mayor and an elected police chief. Mayor Boggs read the revised statue RS 33.404.1 which states the specific duties of the mayor are to supervise and direct the administration and operation of all municipal departments, offices and agencies other than a police department with an elected police chief. It states that no such ordinance should limit the authorities by the mayor by this paragraph. Mr. Richerand asked the mayor if the purpose of the ordinance is to change what was just read, and Mayor Boggs replied yes and that the purpose of this ordinance is to undermine state law.

Alderman Willie stated that the purpose of the ordinance he created is to make our employees feel safer. He stated that we are here just introducing ordinances but we can go into more details if needed. He stated that this ordinance has been created to make the current employees we have feel safer than the ones that have left. Alderwoman Mathies stated she would like to clarify the ordinance does state the mayors will enforce and abide by the chain of command procedures for all departments and they do want to continue and enforce. Mr. Pat Roberts stated it doesn't matter what you think but it's what the law says and what applies here. He said if you vote against existed laws that are in place you are in violation of the law. He said that it is simply and there is no discussion because the board does not have that authority. Alderman Willie stated that we have the authority to make new laws and ordinances for the Village of Folsom. Mrs. Francie Stirling asked what does this have to do with employees safety. Alderman Willie stated that it has to do with job safety in the work force. He stated this has nothing to do with the chief but an incident in his department. Alderman Willie stated that there was a grievance written against the mayor and that is why they are introducing the ordinance. Mr. Greg Boggs stated that if they want an autonomous police department, they have that in their power to change the position from an appointed police chief to an elected police chief. He stated then the police chief would not answer to anybody but himself and the people. He would recommend that the position of the police chief be changed to an elected position and that way the police chief would not answer to anybody but himself and the people. Alderwoman Mathies stated that would have to go up for a vote and Mr. Boggs replied that she may want to check on that. Alderwoman Mathies stated that was not up for discussion tonight.

Mr. Talley stated that the board is taking a state prohibitory law and passing two ordinances that the statue forbids. Mr. Pat Roberts stated to pass it and see what comes after that. Alderwoman Mathies asked if is that is a threat and Mr. Roberts replied yes it is. Mrs. Leisha Cousin stated this saddens her the board and the mayor are going back and forth in front of the public and she feels this should have been conducted before bringing this to the people. Mr. Willie stated he agreed. Mayor Boggs stated that they have been in communication via emails with legal opinions via memos from the attorney and from the attorney general office. The mayor stated that she had talked with other state agencies and that all agencies indicated that the village is on solid ground that these ordinances have problems constitutionally.

Mayor Boggs stated she took an oath of office becoming mayor and that was to uphold the law and that she could not in good conscience not abide by that oath of office. Mr. Frank Richerand stated that after hearing this, he would like to offer some suggestions and asked if the police chief has a claim that he had been mistreated. Alderman Willie stated this is a grievance and Mr. Talley replied there was an employee grievance made and this was not the place for an employee grievance to be discussed. Mr. Talley informed the employee has not been notified and this would need to be done in executive session. Alderwoman Mathies stated the misunderstanding comes when it is being portrayed as they wanting to remove power and make ordinances to disobey the law when there are reasonings behind this ordinance. Mr. Talley stated the board is imposing themselves between the mayor and her employees. Mr. Talley stated this has been going on for six years and through two administrations. He stated he presented an opinion from the previous village attorney who stated the exact same thing and that the mayor has the supervisory authority over the employees. He stated this has been going on for three administrations. He stated the mayor has a right to supervise the employees and the board needs to let the mayor do her job. A discussion followed.

Alderwoman Mathies stated the mayor was overcrossing the boundaries to which Mr. Talley replied that this is her opinion. Alderwoman Mathies stated there are reasons behind this and they did not just fall asleep and someone woke up and decided they wanted to write ordinances. She stated that this is not one grievance. Alderwoman Mathies stated that the mayor and her family orchestrated things against her and threatened and intimidated her and she has swept it under the rug. She stated that she is going to speak this out regarding more than one grievance sent to Mr. Talley. Mr. Talley replied that he has asked and has not received any information. Alderwoman Mathies stated the board was sent a memo from Mr. Talley threatening them of malfeasance in office regarding these ordinances. Mr. Talley asked for them to read the memo. A discussion followed regarding the grievance of an employee. Mr. Frank Richerand stated that he did not want to know the grievance as we have privacy acts. Mr. Talley addressed the grievance policy and the improper manner in which this grievance was handled. Mr. Richardrand stated he has employees and to protect their jobs they need to do their jobs. He stated that hopefully the police chief is doing his job and he does not need a veil of protection over him. Alderwoman Mathies stated the board feels a need for these ordinances. Mr. Greg Boggs stated we have heard enough and recommended to close the public hearing and open the general meeting and call the question. Alderwoman Mathies made a motion to close the public hearing. It was seconded by Alderman Willie and the motion carried. *(3 yeas; 0 nays)*

General Meeting

February 13, 2017

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

Approval of Agenda – Alderwoman Mathies made a motion to approve the agenda. It was seconded by Alderman Willie and the motion carried. *(3 yeas; 0 nays)*

Approval of Financial Statements – Mayor Boggs stated the December and January financial statements are presented for approval. The December financial statement was presented and a motion was made by Alderwoman Willie to approve the financial statements for the month of December, seconded by Alderwoman Mathies and the motion carried. (3 yeas; 0 nays)

Alderwoman Lee had questions regarding the January financial statements. Alderwoman Lee stated in our general fund we are at a twelve point something loss in revenue, yet overall in our sales tax we are where we need to be. Mayor Boggs asked Alderwoman Lee for further clarification. The profit and loss report in the general fund was reviewed. Alderwoman Lee stated we are at 45%, but should be at 58% of our budget under income. Alderwoman Lee stated the budget needs to be amended and Mayor Boggs agreed. Alderwoman Lee stated due to excess spending in certain areas, she suggests no more spending be done in those areas until the budget has been amended. Mayor Boggs asked for Alderwoman Lee to come to her office to discuss this further along with the Municipal Clerk and the CPA. Mayor Boggs stated she and municipal clerk examine each line item and, for example, repairs and maintenance line item is over due to some necessary repairs done to town hall and we are waiting on the insurance refund. A discussion followed.

Alderwoman Lee asked Mayor Boggs to present dollar figures next month as to how much is needed to amend the budget as spending should not be done in these areas. Mayor Boggs asked again would you be willing to sit down and discuss this. Mayor Boggs said when she sat down with the municipal clerk, she shed light on this and she thinks it would be educational for Alderwoman Lee to do so. Mayor Boggs asked to note one specific area regarding the streets and drainage fund. She informed that the village has not spent this money in several years and has since worked out an agreement with St. Tammany Parish on the spending of these funds. She stated we have a plan and are now able to use this fund. Mayor Boggs stated this was not taken into account when the budget was passed so this is why those numbers are out of proportion. A discussion followed regarding setting limits on any spending in this fund. Mayor Boggs stated that our audit report in December shows the village is on very solid ground financially. She said you have a full time mayor here and I am here almost everyday to meet with you all. There was a motion to table the January financial statements by Alderman Willie, seconded by Alderwoman Mathies and the motion was tabled. (3 yeas; 0 nays)

Approval of Minutes – Alderwoman Mathies asked for a table of the minutes. She stated that information was left out of the minutes and she will be reviewing them in detail. A motion was made by Alderwoman Mathies to table the approval of the minutes, seconded by Alderman Willie and the motion was tabled. (3 yeas; 0 nays)

Old Business

Item #1 – Ordinance No. Chapter 6-2017-1 - Amending Ch. 6 Section 2. Mayor Boggs read the ordinance as stated in the public hearing. There was no discussion from the board or the audience. Alderwoman Mathies asked that Mr. Talley help them revised these ordinances to stay within the guidelines. A motion was made by Alderwoman Mathies to table the ordinance, seconded by Alderman Willie and the motion was tabled. (3 yeas; 0 nays)

Item #2 – Ordinance No. Chapter 12-2017-1 - Amending Ch. 12 Section 2. Mayor Boggs read the ordinance as stated in the public hearing. Alderwoman Mathies asked Mr. Talley to assist with revising the ordinances if they are unconstitutional within the Lawarson Act. Alderwoman Mathies cited Attorney General opinion No. 11-0084. A discussion followed and Mr. Talley indicated that was not the opinion that was issued to the village in December and he questioned to what form of governments the opinion referred. A discussion followed where the attorney noted that after receiving the December AG opinion that these two ordinances were drafted to refute what was stated in the AG opinion.

Alderwoman Mathies requested assistance from Mr. Talley. He stated he will present a full report of these AG opinion alongs with of other AG opinions and with all the memos, and if the board will waive the privilege, he will provide the information to the public for the next meeting. Alderwoman Lee stated that she would like to note there is friction and they would like to solve the problem. Alderwoman Lee sited the employees who have left the village. Alderwoman Mathies stated the issue in the attorney general letter said there was a reluctance to give reports and day to day activities. Police Chief Killingsworth was asked by Alderwoman Mathies if he refused to give reports to Mayor Boggs, and he stated no but that some of the things asked were odd. Mayor Boggs indicated she requested Daily Activity Sheets as had the previous mayor. Chief Killingsworth stated Mayor Boggs asked him for training records and police reports that were written and it seemed odd to him. Chief Killingsworth stated that he had a meeting with the chief of the prosecutor office to ask legally from a liability standpoint where that puts the police department. He stated as far as the training goes, he felt that was odd too and how much of that need to be addressed so he talked with another city attorney as well as the head of another agency. He stated that it is the responsibility of the police chief to look into releasing this information on a liability standpoint. Mayor Boggs stated that it is the responsibility of a mayor of an appointed police chief and that is why she asked for this information and she did not understand his reluctancy to give it to her. Mayor Boggs replied that it is the responsibilty of the Mayor to request this information. Chief Killingsworth stated that they are in compliance with the state and there is a certain amount of training they must have every year. He referred to Mr. Greg Boggs, as a training officer for the state, and asked if the state had a requirement of a certain number of training house and Mr. Boggs replied that he was correct. Mr. Boggs indicated that he would be would be happy to address this further with him but this was not the forum to do it. A discussion followed.

Alderwoman Mathies asked Chief Killingworth if after the last meeting did he not come to her and tell her that the Mayor Boggs said to back off or its going to get bad for you. Chief Killingsworth asked for who, the board. Alderwoman Mathies stated that he said that he was told to tell his aldermen to back off. Chief Killingsworth stated that they are not his aldermen but the town's aldermen. When asked, he stated that he seem like he may have said that. Mayor Boggs stated that she did not say that. Alderman Willie stated he is tired of the bickering. He said the ordinances are to protect village employees and it is not to limit the Mayor of her job duties. He addressed that the ordinances are not constitutional and Attorney Talley stated the ordinances in his opinion are totally illegal. Aderman Willie requested that Mr. Talley draft something that is constitutional. Alderman Willie made a motion to table the ordinance, seconded by Alderwoman Mathies and the motion was tabled. *(3 yeas; 0 nays)*

Mr. Greg Boggs addressed the board to clarify that since the police chief and Alderwoman Mathies chose to drag him into this he is clarifying that he advised the mayor to contact several chiefs of police and department heads at sheriff's departments and POST to answer any law

enforcement questions she may have. He requested that he be personally left out of this. Alderwoman Mathies replied that she did not mention his name in reference to this but to something else.

Item #3 – Annual Beer and Liquor Licenses. Mayor Boggs presented the two 2017 Beer and Liquor license renewals. She asked for the approval for a Class B Beer and Class B Liquor license for El Milagro and Class A Beer and Class A Liquor license for Don Juan’s Restaurant. Alderwoman Mathies made a motion to accept the two 2017 Beer and Liquor license renewals, it was seconded by Alderman Willie and the motion carried. *(3 yeas; 0 nays)*

New Business

Item #1 – Update on Backflow Prevention Program. Mayor Boggs gave an update on the proposal for the Back Flow Prevention Program. She stated upon taking office in January 2015 the village had thirteen DHH violations. Our new maintenance department has cleared up all but one violation. She state that in order to not face heavy fines the village has worked very diligently to clear up all of these violations. Mayor Boggs said the last violation is regarding this Back Flow Prevention Problem. She informed the board received an eleven thousand dollar proposal and an eight thousand dollar proposal and we went with Thorton Musso company with the lower cost proposal. The final cost was \$2,125 which ended up saving a significant amount. In addition they provided our Maintenance Supervisor, Mr. Roth a class in this area.

Mayor Boggs stated once we implement this mandated program, some of the businesses and residents may be receiving letters regarding the installation of a back flow prevention device. Alderwoman Lee asked if there was a fee. Mayor Boggs stated there is a fee, but she did not have that information in front of her. Mayor Boggs stated that the village has an ordinance and the fees are included in the ordinance. Alderwoman Lee replied she has not seen this and Mayor Boggs informed her it is available on our website.

A question from the audience asked if this fee will be attached to the water bill. Mayor Boggs replied to the individual question in that she would probably will not be involved but if there are any questions to contact our Maintenance Supervisor. Alderwoman Lee stated she thought eveybody had to have it and Mayor Boggs informed her that this is not the case.

Item #2 – Sewer Only Customers. Mayor Boggs referred to the list of sewer only customers and informed the board that we inadvertantly left these customers out of the initial sewer rate increase. She stated we have six people who only get only sewer services in the village. Mayor Boggs asked Jay Pittman, village engineer, to address the board. Mr. Pittman stated that in effort to get USDA loan/grant funding for sewer improvements the village had to raise rates. He recommended the village look into increasing the flat rate charged for sewer only customers since they were left out of the rate increase. A discussion followed.

Alderwoman Lee suggested that the Village put something in place to be able to collect from sewer only customers who are delinquent. She stated this has been a problem since we can not cut the sewer off when they do not have water. Alderwoman Lee suggested to have this discussed with our attorney and to put something in place regarding this issue.

There was a question from the audience regarding the high rate of her water bill. She stated her bill has gone up tremendously and she is a family of one. Alderman Willie asked for further information and she said her bill went from \$30 to \$70 a month. Mayor Boggs suggested a usage report so we can compare this information. Alderwoman Mathies asked Mr. Roth if we are still having issues in reference to the meters. Mr. Roth stated that some of the old meters are still out there but they are replacing them as they go out.

Item #3 – Appointment to St. Tammany Parish Protection District # 5 Michael Sanders. Ken Wilt asked the board for approval for his recommendation of Michael Sanders as the second village appointee for Fire District 5. Alderman Willie made a motion to approve Mr. Sanders as the appointee. It was seconded by Alderwoman Mathies and the motion carried. (3 yeas; 0 nays)

Item #4 – WST Lighting of Village Trace. Mayor Boggs stated she will be meeting with Jeff Mizell from WST to discuss future lighting in Village Trace. Mayor Boggs said WST is waiting for the Village to decide so they can provide specific cost for the lighting.

Item #5 – Utility Adjustments. M & J Stables at 82280 Core Road was read incorrectly by village employees. The adjustment is to give the customer an average bill of \$28.38 for his monthly usage. The maintenance department reread the meter and determined that the meter was read incorrectly. Alderwoman Mathies stated the customer should not receive an average bill but instead be billed the correct reading. Alderman Willie asked the Maintenance Supervisor for an explanation on the average bill, but Mr. Roth stated he will need to check with billing clerk. Alderman Willie made a motion to table the adjustment until further understanding and to stop the late charges. It was seconded by Alderwoman Mathies and the motion was tabled. (3 yeas, 0 nays)

Alderman Willie made a motion to approve the previous adjustment for Smith & Core in the amount of \$119.79. It was seconded by Alderwoman Mathies and the motion carried. (3 yeas, 0 nays)

An ordinance regarding water leaks not going into the sewer system will be drafted and introduced at the next General Meeting.

Announcements:

Alderman Willie stated he received a call regarding the ditches in the “S” curve in Village Farms. He stated that the residence said it is not draining properly. Alderman Willie asked the Maintenance Supervisor to check into getting the ditches dug.

Adjournment: There was a motion to adjourn the meeting by Alderman Willie, 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 13, 2017.

Attest:

Andree Core, Municipal Clerk