

Village of Folsom
Mayor - Bettye M. Boggs

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



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

Village of Folsom
Special Meeting
August 3, 2015
6:30 PM

Present: Mayor Bettye Boggs
Alderwoman Jill Mathis
Alderman Lance Willie
Alderwoman Paulette Lee
Village Attorney Delbert Talley

Meeting called to order and the municipal clerk established a quorum.

Item #1

Mayor Boggs stated that the special meeting was the announcement of proposition to renew the half-cent sales tax for dedication to the police department. Mayor Boggs read the, "Notice of the meeting (*pursuant to La. R.S 42: 19.1*) of the Board of Aldermen of the Village of Folsom to be held at the Town Hall at 82378 June St., Folsom, LA on September 14, 2015, at 7:00 p.m. to vote on a Resolution ordering and calling a special election to be held on November 21, 2015, to authorize the renewal of a .5% sales tax; making application to the State Bond Commission in connection therewith and providing for other matters in connection therewith. Said special election will be held at the following polling place(s) which shall open at 6:00 a.m. and close at 8:00 p.m. on November 21, 2015. Precinct: F01, Location: Folsom Elementary School at 82144 Hwy. 25, Folsom, LA 70437."

Mr. Talley stated that this was to be published and emailed to our State Representative and State Senator. Alderwoman Mathies stated that regarding the questions being asked does it have to be published once a week for four weeks. Mr. Talley responded that this notice has to be published one time then held over

for thirty days. He stated that an amendment was passed to the revised statute last year and they added this to what was already in R.S. 42:6:19 and this is in R.S. 42:6:19.1. Mr. Talley stated that they added another notice that we have to do and that they are treated just like an ordinance that has to be carried over for thirty days.

Alderwoman Mathies asked why this could not be put on the election held on October 24th, 2015. Mr. Talley stated that because we would have to get it in by August 11th and then have to hold it over for thirty days. Mr. Talley stated after that we have forty five days after the general election and we have to publish the first of four weekly publications, in which we will state the resolution. After that we will pass the resolution and then we will advertise it four times to be sufficient to get it in forty-five days before the election on November 24th, 2015.

Mr. Talley informed that we are going to meet all the deadlines but we could not get it in earlier because of this statute that was passed last year that added another notice provision. He stated that the reason we are in this situation is because the sheriff's department did not give us notice until July 29th, 2015. He said we did not have enough notice to get it all done and get it on the October ballot.

Alderwoman Lee asked if it was possible for this to be retroactive in anyway. Mr. Talley stated that he asked the Secretary of State for an opinion and instead he was sent a letter back with a list of bond counsels to contact. He said one we had used to get the senior center built. He said they strongly suggested for him to call bond council because they would not give him an option. He stated that he also contacted the bond commission and has not heard back from them but he doubted that we can make this retroactive. He indicated that if the proposition failed they would have already collected the tax and then you cannot "put the horse back into the barn."

Mr. Talley stated that he looked back to the previous time we did this in 2005 and a date was not put on it so he did not put a date. He stated that he suspects they were in the same situation as we are now and therefore they put it would run from 2015. He also stated that he did the same and if it goes through the bond commission and Secretary of State with no complaints, it will actually say this tax will run through 2015 with no date. He is thinking they will just continue to collect the tax but does not know for sure.

Chief Killingsworth asked if there was no ending date then who made the decision to pick September for this date. Mr. Talley referred back to 1987 when this was first done and Chief Killingsworth stated that was not correct. Chief Killingsworth stated that he remembers this was done in 1995 when he first started his job. Mr. Talley again reiterated that he looked this up today and that it does go back to 1987. Chief Killingsworth stated that this tax was first time put on the ballot in the summer of 1995. Mr. Talley stated in 1995 it was October 1st and said the parish sent him something stating it was passed in 1987. Mr. Talley stated

maybe that was when the parish that passed it then and he thinks maybe when it was renewed in 2005, they renewed it as the last day of September. Chief Killingsworth stated his concern that if they are using the 1987 date, then this is not correct as this tax was a brand new tax. He stated that if there is not an ending date, we might look and see about the collection and if goes till the end of the year that would give us more time.

Mr. Talley stated that they strongly suggested that we call bond council because they specialize in it. Chief Killingsworth stated it was passed in 1995 and Mr. Kearns was the attorney. Mr. Talley stated that he knows it was renewed in 2005 after ten years, but the parish had also sent him something with the year 1987 on it. Chief Killingsworth stated that he does not know what tax that would have been but it would not have been the dedicated police tax. Alderwoman Lee stated maybe we should be getting more money.

Mr. Talley stated that to answer the question he could not get a date so he thinks when it originally passed in October that they made it the last day of September so there would be one day before it lapsed. He stated he could not get a date in September from the parish when it supposedly went into effect so he is assuming it is the last day of the month. Alderwoman Lee asked is there still a chance that they might keep it on even though our time had expired. Chief Killingsworth stated that this has to be renewed but that we need to find out where this date has come from or what we can do to delay the stopping of it. He stated that if there is not a specific date that was set, he feels logically wouldn't January 1, 2016 be the ending date. Mr. Talley stated he has not received anything stating September from the parish except in the email. Mayor Boggs stated that she thought September 30th was the date the parish indicated that it will expire. Chief Killingsworth expressed concern how this number comes into play if there is not an expiration date. Mr. Talley stated because it is one day before when it was renewed on October 1st in 1995 and when they renewed it they made it the last day in September. Mr. Talley stated that the town of Folsom's general sales and used tax rules and regulations went into effect October 12, 1992. He stated he does not remember what the 1987 was but some things were done before it was passed the first time but he believes that is what has happened here. Mr. Talley stated they he thinks they used the last day in September so it would not lapsed before they renewed it which we could have done if we had been given earlier notice. He stated that by the time we received this at the end of July, we did not have time to get the 30 day and 45 day notice after the resolution but we can still get it on for the November 21st. Alderwoman Lee stated we will have about two month to complete it.

Mr. Talley stated he could not get an original copy of the resolution from the parish but they sent an advertisement of notice in the paper. He stated that the proposition said strictly that it would go into effect in 2005 so he did the same in our proposition for 2015. Mayor Boggs stated that it states beginning in 2005. Mr. Talley suggested that he could call a gentleman at the bond council and see if

he could give us some information on the retroactive effect or if it just runs from a year.

Chief Killingsworth stated he does not see that happening retroactive and that they are not going to front the money. Mr. Talley stated he does not see that happening either. Alderman Willie stated to just asked them why no date and let them give us the answered to it. Chief Killingsworth stated he remembers once it was in done in July. Mr. Talley replied it use to always be in July and then they changed it to be done four times a year when we have general elections.

Chief Killingsworth stated the last two times we have done them, it was for special elections. He stated he thinks they are still doing special elections on some mileages and sales taxes. Mr. Talley stated he talked to them and we could have done them on certain times this year including this October and November. He stated they don't want you to do a special election because it will cost money. Chief Killingsworth stated that in the past they have done this before and it only cost around three hundred dollars that the village paid for it. He stated that looking at the monies you are generating what is one machine and one polling. Mr. Talley stated that it uses the word emergency and it says you can request it in an emergency. Alderwoman Lee stated this is a state of emergency. Chief Killingsworth confirmed that this would be an emergency and it is in two months. Alderwoman Lee asked Mr. Talley if it would hurt to ask. Mr. Talley stated that he could call the gentlemen with the bond company.

Chief Killingsworth stated if we have to do the advertising then it is not going to make it. Mayor Boggs confirmed that we still have to do the advertising. Mr. Talley stated he would get his opinion on doing this retroactively. Alderman Willie stated not to use the word retroactively and say it says 2015 with no end date. Chief Killingsworth stated his opinion would be if we vote on it in November, let us continue to collect it until December 31. Mayor Boggs questioned how you return the money to those people. Chief Killingsworth responded it would be the ending date for the year. Alderman Willie asked what it said on the ballot of 2005. Mr. Talley again reiterated that it stated the year only. Chief Killingsworth stated that he thinks that is an angle that we all need to look at. Alderwoman Mathies stated that I think what we are all saying is that we hope that is our catch hole and to be able to continue those funds.

Mr. Talley stated that the bond commission and Secretary of State are both required by law to check what we put in it to make sure every word and every phrase is correct. He stated that the fact they did not do anything in 2005 makes him think that you a year. Chief Killingsworth stated if you could research it that it would help us out tremendously. Officer Hutchinson stated four weeks from September 14th would still put us in time for October 21st. Alderwoman Mathies commented 45 days must be added to that so we are looking at a total of 75 days.

Mr. Talley stated if they would have sent this to us in June then we could have done this. Chief Killingsworth asked if Mr. Talley could research the

language and see if we can do a calendar year date. Mayor Boggs asked for any further discussion. Alderwoman Lee asked if Mr. Talley would have an answer by next week's general meeting. Mr. Talley stated that if approved, that he would call the bond council. Mr. Talley stated that he would contact them tomorrow and Mayor Boggs asked if he could communicate with us at that time and not have to wait for a meeting to communicate to us. Alderwoman Lee asked if Mr. Talley could answer some of the questions at our next meeting. Mr. Talley stated that we vote on it at the next meeting anyway and it has to go thirty days. Alderwoman Mathies made motion that we announce the proposition to renew the half-cent sales tax to the police department. It was seconded by Alderman Willie and the motion carried (3 yeas, 0 nays). Mayor Boggs asked for any more discussion.

A motion to adjourn was made by Alderman Willie and seconded by Alderwoman Mathies. (3 Yeas 0 Nays) The motion carried and meeting was adjourned.

Respectfully submitted,


Bettye M. Boggs, Mayor

I attest that the above is a true and correct copy of the minutes taken at the Special Meeting held at Town Hall on August 3, 2015.

Attest:


Andree Core, Municipal Clerk