

**Minutes of January 10, 2023 – Regular Meeting
Mayor and Board of Selectmen
City of Plaquemine, Louisiana**

The Mayor and Board of Selectmen met for a Regular Meeting at Plaquemine City Hall, second floor courtroom, 23640 Railroad Avenue, City of Plaquemine, Parish of Iberville, State of Louisiana, 70764 on Tuesday, January 10, 2023 at 6:30 p.m., with the following members present:

Present: Mayor Edwin M. Reeves, Jr. and Selectmen Lindon A. Rivet, Jr., Michael K. Carlin, Sr., Thomas D. LeBlanc, Shannon P. Courtade and Selectwomen Wanda B. Jones and Natasha S. Johnson

The Pledge of Allegiance followed the Clerk's evidence of proper notice for the calling of the meeting.

A moment of prayer was observed for the Dunn and Gill family's on the passing of their children Margaret "Maggie" Dunn and Caroline Grace Gill.

Item 01. PUBLIC COMMENTS (MUST REGISTER WITH THE CLERK).

Mr. Luke Avants asked for update on LGAP, Water Enrichment Fund and City of Plaquemine charter concerning district boundaries. Mr. Avants questions were answered by Ms. Ellie Hebert, Mr. Tony Arikol and City Clerk Roxane M. Richard.

Item 02. INTRODUCTION OF NEW EMPLOYEES.

Human Resource Director Georneisha Rivers introduced new employee: Fireman David Knouse.

Item 03. TO DISCUSS AND CONSIDER PASSING A MOTION AUTHORIZING THE MAYOR TO EXECUTE AN ASSIGNMENT AGREEMENT WITH LOUISIANA MUNICIPAL RISK MANAGEMENT AGENCY ("THE LMRMA") AND RISK MANAGEMENT, INC. ("RMI") GRANTING "LMRMA" AND "RMI" THE RIGHT TO FILE/REFILE CIVIL LITIGATION IN FEDERAL COURT AGAINST TEAM HEALTH FOR ALLEGED OVERBILLING OF THE CITY OF PLAQUEMINE FOR EMERGENCY ROOM HOSPITAL SERVICES OR OTHER INTENTIONAL UP-CODING BY TEAM HEALTH.

Item tabled; no action taken.

Item 04. ADOPT A RESOLUTION DECLARING EQUIPMENT SURPLUS AND RELATED ISSUES.

Item tabled; no action taken.

Item 05. TO DISCUSS AND APPOINT RUSSELL BANKS AS PLAQUEMINE PLANNING AND ZONING COMMISSION BOARD MEMBER FOR DISTRICT 3.

Selectwoman Wanda B. Jones moved, seconded by Selectman Lindon A. Rivet, Jr. that the City of Plaquemine appoint Russell Banks as Plaquemine Planning and Zoning Commission Board Member for District 3.

The foregoing was adopted by the following vote:

Yeas: Lindon A. Rivet, Jr., Michael K. Carlin, Jr., Wanda B. Jones, Thomas D. LeBlanc, Shannon P. Courtade and Natasha S. Johnson

Nays: None

Absent: None

Item 06. TO DISCUSS THE RULING AND RAMIFICATIONS AND THE COURTS RULING ON FRIDAY, JANUARY 6, 2023 OF THE LEGAL MATTER ENTITLED. BOARD OF SELECTMAN, ET AL VS. CITY OF PLAQUEMINE, ET AL, NUMBER 81,571 "B", 18TH JUDICIAL DISTRICT COURT, PARISH OF IBERVILLE.

Attorney William Dupont and Attorney Barry Marionneaux spoke on the ruling and ramifications and the courts ruling on Friday, January 6, 2023 of the legal matter entitled, Board of Selectmen, et al vs City of Plaquemine, et al, number 81,571 "B", 18th Judicial District Court, Parish of Iberville.

Selectman Lindon A. Rivet, Jr. made the following declaration: "After speaking with my fellow council members Michael Carlin, Wanda Jones and Natasha Johnson it is our intention that after any potential appeal of the pending litigation is dispensed with, dismissed or denied. We propose an amendment to the Charter to allow the Mayor to hire, supervise and terminate regular employees, with a method of appeal allowed in those circumstances and to define Department Heads and that the hiring and firing of Department Heads and City Attorney will rest with the council."

Item 07. TO DISCUSS AND TAKE ACTION REGARDING ANY APPEAL OR REQUEST FOR A NEW TRIAL IN REGARD TO THE ABOVE NAME AND NUMBERED CASE DESCRIBED IN AGENDA ITEM #6.

Selectman Lindon A. Rivet, Jr. moved, seconded by Selectwoman Wanda B. Jones:

MOTION, DIRECTING THE MAYOR OF THE CITY OF PLAQUEMINE NOT TO AUTHORIZE ANY ATTORNEY TO APPEAL ON BEHALF OF THE CITY OF PLAQUEMINE AND TO ABANDON ANY SUCH APPEAL ALREADY FILED IN REGARD TO THE FINAL JUDGMENT RENDERED ON OCTOBER 31, 2022, AND DENIAL OF THE CITY'S REQUEST FOR NEW TRIAL RENDERED ON JANUARY 6, 2023.

WHEREAS, on October 31, 2022, the District Court of the 18th Judicial District, granted Summary Judgment declaring:

That City of Plaquemine Ordinance 100 of 1997, section 2-64, paragraph (3) is found to be in direct conflict with the provisions of the Charter of the City of Plaquemine, Sections 6 and Section 13 paragraph 7. As such Ordinance 100 of 1997, section 2-4, paragraph 3 is declared inoperative and without full force and effect of law due to its failure to comply with the requirement of law”, and

That City of Plaquemine, Ordinance 1031 of 1986 failed to follow the provisions of La. R.S. 33:1181 and it therefore declared inoperative and without full force and effect of law.”

“That Mayor Edwin Reeves unilateral appointment of Louis “Lou” Delahaye as City Attorney of the City of Plaquemine, in violation of Sections 6 and Section 13 paragraph 7 of the Charter of the City of Plaquemine is declared null and void and without full force Force and effect of law”, and

WHEREAS, the City's request for a new trial was denied by the Court on January 6, 2023, and, **WHEREAS**, the City of Plaquemine acknowledges the validity of that Judgment and desires to follow its ruling and not to appeal the Court's ruling.

IT IS THEREFORE MOVED AND RESOLVED, that the Mayor of the City of Plaquemine is directed not to appeal the Judgment of the Court on behalf of the City of Plaquemine, in the matter entitled “Lynn Rivet, et al v. City of Plaquemine, et al No. 81571 B 18th Judicial District Court.

IT IS FURTHER MOVED AND RESOLVED, that no attorney is authorized to appeal this decision on behalf of the City of Plaquemine.

IT IS FURTHER MOVED AND RESOLVED, that a certified copy of this resolution as adopted be sent to the Honorable Tonya Lurry, Judge 18th Judicial District Court, 2nd floor Court House, Port Allen, Louisiana.

The foregoing was adopted by the following vote:

Yeas: Lindon A. Rivet, Jr., Michael K. Carlin, Sr., Wanda B. Jones, Shannon P. Courtade and
Natasha S. Johnson

Nays: Thomas D. LeBlanc

Absent: None

Item 08. TO APPOINT A CITY ATTORNEY FOR THE CITY OF PLAQUEMINE.

Selectman Lindon A. Rivet, Jr. moved, seconded by Selectman Michael K. Carlin, Sr.:
MOTION TO APPOINT CITY ATTORNEY/PROSECUTOR FOR THE CITY OF
PLAQUEMINE

WHEREAS, the court has issued a final judgment that ordinance 100 of 1997 allowing the Mayor to appoint in the City Attorney is inoperative and without full force and effect of law for being in conflict with Section 13-7 of the Charter of the City of Plaquemine which authorizes the Board of Selectmen to appoint all employees and officers of the City of Plaquemine.

AND WHEREAS, the court has issued a final judgment that the Mayor's unilateral appointment of Louis Delahaye as City Attorney on March 8, 2022 was in violation of the City's Charter.

AND WHEREAS, the City of Plaquemine has been without a legally appointed representative as City Attorney/Prosecutor,

IT IS THEREFORE MOVED AND RESOLVED, that JOSEPH B. DUPONT, JR. be appointed the City Attorney/Prosecutor for the City of Plaquemine.

IT IS FURTHER MOVED AND RESOLVED, that his appointment be for four years, beginning immediately and ending on the 31st day of December, 2027.

IT IS FURTHER MOVED AND RESOLVED, that his base salary and other employee benefits be equal to and the same as the prior city attorney, Phillip Canova.

IT IS FURTHER MOVED AND RESOLVED, that he be paid additional fees for handling any litigation(s) for the city at a rate of \$200.00 per hour.

The foregoing was adopted by the following vote:

Yeas: Lindon A. Rivet, Jr., Michael K. Carlin, Wanda B. Jones, Shannon P. Courtade and
Natasha S. Johnson

Nays: Thomas D. LeBlanc

Absent: None

Item 09. COMMITTEE REPORTS.

a) PEC

Tony Arikol of PEC provided status of ongoing projects.

b) UTILITY DIRECTOR TRAVIS BOURGOYNE

Utility Director Travis Bourgoyne provided status on ongoing projects.

c) PUBLIC WORKS DIRECTOR RICHARD ALLEMAN

Public Works Director Richard Alleman not present, no report given.

d) FIRE CHIEF DARREN RAMIREZ

Fire Chief Darren Ramirez not present, no report given.

e) POLICE CHIEF ROBERT J. JOHNSON, III

Police Chief Robert J. Johnson, III briefed Mayor and Board regarding his department and related matters.

f) FINANCE DIRECTOR LAUREN BERTHELOT

Finance Director Lauren Berthelot provided monthly budget to actual financial update.

g) CUSTOMER SERVICE DIRECTOR AUDRIANE WILLIAMS

Customer Service Director Audriane Williams briefed Mayor and Board regarding her department and related matters.

Item 10. ACKNOWLEDGE POLICE AND FIRE REPORTS FOR DECEMBER 2022.

So acknowledged.

Item 11. APPROVE PAYROLL VOUCHERS FOR THE CITY OF PLAQUEMINE FOR DECEMBER 2022.

Selectman Lindon A. Rivet, Jr. moved, seconded by Selectwoman Wanda B. Jones that the City of Plaquemine approve payroll vouchers for December 2022 with the exception of Attorney Louis Delahaye and any other legal counsel hired by the Mayor without the Council's approval.

The foregoing was adopted by the following vote:

Yeas: Lindon A. Rivet, Jr., Michael K. Carlin, Sr., Wanda B. Jones, Shannon P. Courtade and
Natasha S. Johnson

Nays: Thomas D. LeBlanc

Absent: None

Item 12. APPROVE MINUTES OF DECEMBER 21, 2022 (PUBLIC HEARING), DECEMBER 21, 2022 (SPECIAL MEETING), DECEMBER 26, 2022 (SPECIAL MEETING), DECEMBER 29, 2022 (PUBLIC HEARING) AND DECEMBER 29, 2022 (SPECIAL MEETING) WITH NECESSARY CORRECTIONS.

Selectman Lindon A. Rivet, Jr. moved, second by Selectman Michael K. Carlin, Sr. that the reading of the minutes of December 21, 2022 (public hearing), December 21, 2022 (special meeting), December 26, 2022 (special meeting), December 29, 2022 (public hearing) and December 29, 2022 (special meeting) were waived and approved as accepted with necessary corrections.

The foregoing was adopted by the following vote:

Yeas: Lindon A. Rivet, Jr., Michael K. Carlin, Sr., Wanda B. Jones, Thomas D. LeBlanc,
Shannon P. Courtade and Natasha S. Johnson

Nays: None

Absent: None

Item 13. ADJOURNMENT.

Selectman Michael K. Carlin, Sr. moved, seconded by Selectman Lindon A. Rivet, Jr. that the City of Plaquemine adjourn at 7:55 p.m.

The foregoing was adopted by the following vote:

Yeas: Lindon A. Rivet, Jr., Michael K. Carlin, Sr., Wanda B. Jones, Thomas D. LeBlanc,
Shannon P. Courtade and Natasha S. Johnson

Nays: None

Absent: None

CITY OF PLAQUEMINE

/s/Edwin M. "Ed" Reeves, Jr., Mayor

/s/Roxane M. Richard, LCMC