

## MINUTES

### SOUTH CENTRAL PLANNING & DEVELOPMENT COMMISSION BOARD OF COMMISSIONERS SPECIAL MEETING

Thursday, September 15<sup>th</sup>, 2017

A special meeting of the Board of Commissioners for South Central Planning & Development Commission was called to order at approximately 10:30 a.m. on Friday, September 15<sup>th</sup>, 2017 at South Central Planning & Development Commission in Houma, LA.

Chairwoman A. Williams called the meeting to order. K. Belanger led the Board in the Pledge of Allegiance.

Members present or represented by proxy were: E. Watson representing M. Triche, W. Reed, M. Atzenhoffer, A. Chiasson representing T. Eschete, T. Roussel, S. Nosacka, P. St. Pierre, N. Robottom, C. Monica, H. LaGrange representing D. Hanagriff, R. Harris, C. Pulaksi representing G. Dove, S. Carlos, L. Charles, M. Marmande, Jr., J. Rogers and A. Williams.

Staff members present were K. Belanger, J. Foret, M. Wich, E. Bergeron, and SCPDC Legal Counsel T. Watkins.

Members absent were: R. Animashaun, J. Cantrelle, J. Jones, J. Bouziga, E. Reinhardt, L. Cochran, W. Bendetto, J. Fisher-Perrier, P. Murray, IV, Dr. H. Hardy, L. Mitchell, L. Ratcliff, F. Grizzaffi, R. Grogen, and B. Hebert.

K. Belanger thanked the Commissioners for attending the meeting on such a short notice. He explained how important it was to hold the meeting. It has been called to discuss St. John the Baptist Parish (SJB) Council not moving to accept the propose pro-rata share cost sharing method approved by the participating jurisdictions of the Building Code Enforcement Program. The SJB District Attorney was claiming that SCPDC's current model of pro-rata share and advance payments were illegal. However, none of SCPDC's other 10 jurisdictions including SCPDC's legal counsel believe it is illegal.

He briefed the Commissioners on the conception of the South Central Regional Construction Code Council. Ten years ago, a grant was written and received for \$1.8 million to begin the SCRCCC initiative. At the time all participating parishes decided to keep their 20% cost share of the SCRCCC program. Since that time, SCRCCC has lost \$225,000 - \$250,000 a year. In 2016, the Parishes decided instead of working the program based on permit volume to begin a pro-rata share. SCPDC went hand in hand with Parish Administration to present to the Councils the new pro-rata share methodology. The SJB District Attorney's argument was that the Parish cannot pay in advance.

N. Robottom stated that since the later argument (cannot pay in advance) has been disproven, the DA was now arguing that SJB Parish payment to the SCRCCC program was a gratuitous/donation payment in which the Parish was not receiving in value what they are paying, there was no public benefit.

T. Watkins explained, the latest SJB DA position on the issue was that the pro-rata share was being paid before services are rendered which is a violation of Article 7 Section 14

which prohibits gratuitous donations. A gratuitous donation is when one is not expecting anything in return from donation. When a Parish pays their pro-rata share for participation in the SCRCCC program they are expecting SCPDC to provide services.

Both the Parish Administrators and SCPDC has calculated the numbers to determine what the cost may be for the Parish to maintain their own Building Code Inspection Department. N. Robottom stated it would cost the Parish approximately \$600,000 annually for SJB to have their own Building Code Inspection Department. Through the SCRCCC program it costs the Parish approximately \$340,000 to participate which equates to a substantial savings to the Parish and its residents.

There were two issues in which the Commission was facing: ensuring the participating parishes and municipalities fully understand the Commission was operating legally, the Commission's credibility was on the line and St. John the Baptist Parish "need" to participate in the SCRCC program. It was suggested to seek an opinion from the State's Attorney General's Office and possibly file for a Declaratory Judgement by a Court of Law if SJB Council does not accept AG's opinion. Discussion ensued.

***It was motioned by A. Chiasson, seconded by H. LaGrange to authorized Kevin Belanger, CEO, to request an opinion from the Louisiana Attorney General's Office and/or seek Declaratory Relief from a court of competent jurisdiction on legal issues or questions pertinent to the proposed CEA being considered between SCPDC and St. John the Baptist Parish. There being no objection motion carried.***

Next regular meeting date has been set for Thursday, October 19<sup>th</sup>, 2017 in St. James Parish, location to be determined.

There being no other business to discuss, ***A. Chiasson motioned to adjourn the meeting, seconded by H. LaGrange. There being no objections, motion carried.***

---

As duly authorized officers of South Central Planning and Development Commission, Board of Commissioners, we do hereby certify that the above and foregoing is the official version of the minutes of the meeting of the Board of Commissioners held on September 15<sup>th</sup>, 2017

---

Arlanda Williams, Chairwoman  
South Central Planning & Development Commission

---

Jeff Naquin, Secretary  
South Central Planning & Development Commission