

Livingston Parish Council
20355 Government Boulevard, Livingston, Louisiana 70754
Livingston Parish Council Chambers
Regular Meeting – Thursday, July 25, 2024
6:00 p.m.

1. Call to Order
2. Invocation – Erin Sandefur
3. Pledge of Allegiance
4. Roll Call
5. Cell Phones – Please mute or turn off
6. PUBLIC INPUT- Anyone wishing to address agenda items
7. Presentations:
8. Adopt the Minutes:
 - a. June 13, 2024 Regular Meeting of the Livingston Parish Council
 - b. June 27, 2024 Regular Meeting of the Livingston Parish Council
 - c. July 1, 2024 Special Meeting of the Livingston Parish Council
 - d. July 11, 2024 Regular Meeting of the Livingston Parish Council
9. Parish President’s Report:
10. Adopt a Resolution in support of Fire Protection District No. 4 for lowering millage rates – Ricky Goff
11. **Introduction of Ordinance:** Adopt adjusted millage rates for the Livingston Parish Library Board for the Tax Year 2024 – Ricky Goff
12. **Introduction of Ordinance:** Set forth adjusted millage rates for the Livingston Parish Library Board and roll forward to millage rates not exceeding the maximum authorized rates – Ricky Goff
13. **Introduction of Ordinance:** DPW Surplus Equipment – Department of Public Works
14. **Public Hearing and Adoption of L.P. Ordinance No. 24-19:** Amending Chapter 125 of the Code of Ordinances of Livingston Parish, “Subdivision Regulations,” “Article IV. – Subdivisions without Improvements,” Section 125-51(E), “Submittals,” and “Article V. – Subdivisions with Improvements,” Section 125-67(6)(F) “Submittals”, Amending regulations for subdividing in a named subdivision – Ricky Goff
15. Adopt a resolution to authorize a waiver to allow the required 60’ servitude to be divided into two separate servitudes consisting of a 40’ servitude on the north of lot D-1-C & D-1-D and a 20’ servitude on the South of lots D-1-C & D-1-D – John Mangus
16. Adopt resolution to authorize a waiver of Section “125-176, “Definitions” to allow a third address on a three-point three (3.3) acre tract for Dale Boudreaux Jr, located on Satsuma Road, Parcel #0243378 in Council District 6 – John Mangus
17. Adopt resolution to authorize a waiver of Section “125-176, “Definitions” to allow a third address on a two-point three (2.3) acre tract for Gina Young, located on Walker South Road, Parcel #0207779 in Council District 6 – John Mangus
18. Adopt a resolution to grant a waiver of Section 125-138, “Requirements and procedures for recreational vehicles (RV)” to allow a recreational vehicle (RV) for 3 months located at 24173 Joe May Road, in Council District 6 – John Mangus
19. Board (re)appointment(s)/Resignation(s):
 - a. Accept Resignation of Ward 2 Water District member – John Wascom
 - b. Appoint a member to the Ward 2 Water District – John Wascom
 - c. Appoint a member to the Personell Board – John Wascom
20. Special Legal Council:
 - a. Discussion, including possible Executive Session, to discuss *Ascension Properties, Inc. v. Livingston Parish Government*, Case 3:24-cv-00171-SDD-SDJ, United States District Court, Middle District of Louisiana, which is presently set for trial on July 29, 2024 in Baton Rouge, LA before the Honorable Shelly D. Dick, United States District Judge, Middle District of Louisiana.
 - b. Presentation of a settlement recommendation from the Parish’s counsel-of-record, Marty Maley, Sr., Julie Quinn, and Steve Irving, to resolve the claims pending against the Parish in the suit entitled *Ascension Properties, Inc. v. Livingston Parish Government*, Case 3:24-cv-00171-SDD-SDJ, United States District Court, Middle District of Louisiana, which may also render moot other litigation pending against the Parish.
 - c. Consideration of a resolution authorizing Livingston Parish President Randy Delatte to serve as the “proper person” pursuant to La. R.S. 13:5109, or some other “proper person” pursuant to La. R.S. 13:5109, to enter into a settlement on behalf of Livingston Parish Government and to resolve the claims pending against the Parish in the suit entitled re: *Ascension Properties, Inc. v. Livingston Parish Government*, Case 3:24-cv-00171-SDD-SDJ, including (i) authority at his discretion to settle the claims in the litigation upon terms consistent with the legal position the Parish asserted and presently maintains in that litigation, (ii) authority to agree to a settlement involving a payment in excess of \$10,000, including perhaps paying the sum of \$125,000 to Ascension Properties in satisfaction of its claim for attorney fees, provided the sum is not payable until the next budget year, and/or (iii) authority to grant fee waivers in place of and/or in addition to this payment in an amount necessary to effectuate a settlement.

- d. Notice is hereby provided of (i) LA R.S. 13:5109, which provides, in pertinent part, that “In any suit filed against the state of Louisiana, a state officer, a state agency, a local public official or a political subdivision, the defendant, or the proper representative thereof, upon the advice and with the concurrence of the attorney general, district attorney, parish attorney, city attorney, or other proper official, as the case may be, may compromise and settle the claims presented in any such suit.”; (ii) that certain Louisiana Attorney General Opinion stating, “A compromise or settlement in accordance with La. R.S. 13:5109(A) does not require the publication of the compromise or settlement of the claim.” Op.Atty.Gen., No. 05-0407 (May 26, 2006); (iii) that the proposed settlement of the in the suit entitled re: *Ascension Properties, Inc. v. Livingston Parish Government*, Case 3:24-cv-00171-SDD-SDJ will not be confidential; (iii) that settlement negotiations remain ongoing such that no final version of the proposed settlement documents are presently available for publication; and (iv) that the Parish’s counsel-of-record, Marty Maley, Sr., Julie Quinn, and Steve Irving, intend to publish and/or post copies of the proposed settlement documents on the Parish website at least 24 hours in advance of this meeting if such documents are available at that time.
 - e. After final consideration of all matters recited hereinabove, and all matters concerning the case or litigation described herein, the Council will and/or shall vote pursuant to La. R.S. 13:5109 to authorize or not authorize Mr. Delatte, or any other proper person or person, to settle on behalf of the Parish the claims in the case, *i.e.* *Ascension Properties, Inc. v. Livingston Parish Government*, United States District Court for the Middle District of Louisiana, Case 3:24-cv-00171-SDD-SDJ, to avoid further expense to the Parish and the inherent uncertainty of a trial on the merits, and to further authorize or not authorize Mr. Delatte, or any other proper person or person to formally enter into a settlement or compromise accordingly. Notice is hereby given that a settlement of this legal matter, *i.e.* *Ascension Properties, Inc. v. Livingston Parish Government*, United States District Court for the Middle District of Louisiana, Case 3:24-cv-00171-SDD-SDJ, will include a payment of money or other valuable consideration in excess of \$10,000.
21. Executive Session: Joseph “Joe” Erdey
 - a. Executive Session under LRS 42:17(A)(2) in regard to the matter of Harold Marcell Parker, Jr. vs. Livingston Parish Government and Joseph Erdey, Case No. 182,770, Div. E, 21st Judicial District Court, Parish of Livingston, State of Louisiana
 22. Consideration of whether to suspensively appeal the Trial Court Judgment in the matter of Harold Marcell Parker, Jr. vs. Livingston and Joseph Erdey, Case No. 182,770, Div. E, 21st Judicial District Court, Parish of Livingston, State of Louisiana – Joseph “Joe” Erdey
 23. Discussion of outstanding Judgement against Parish (cleanup work from Hurricane Gustav) – Joseph “Joe” Erdey
 24. Committee Report(s):
 - a. Finance Committee
 - b. Ordinance Committee: **Recommendation(s) of Ordinance introduction(s)**
 25. District Attorney’s Report:
 26. Adjourn
Sandy C. Teal, Council clerk
Livingston Parish Council

Published on the Livingston Parish Council website at livingstonparishcouncil.com and posted at the Livingston Parish Governmental Building on Thursday, July 19, 2024.

The Council conducts its meeting in the Council Chambers located in the Governmental Building, 20355 Government Boulevard, Livingston, Louisiana. All meetings of the Council and its committees are open to the public with the provisions of general state law.

In accordance with the Americans with Disabilities Act, if you need special assistance, please contact Sandy Teal, Council clerk at the Livingston Parish Council Office at (225) 686-3027 or 1-866-686-3027, describing the assistance that is necessary.