

**Minutes of the Livingston Parish Council
Livingston, Louisiana
July 17, 2024**

The Livingston Parish Council met in a special session duly called, advertised, and convened at its regular meeting place, at the Governmental Building in the Parish Council Chambers, located on 20355 Government Boulevard, Livingston, Louisiana, on Wednesday, July 17, 2024, at the hour of six o'clock (6:00) p.m. with the following Livingston Parish Council members present:

Lonnie Watts	John Mangus
Ryan Chavers	Ricky Goff
	Dean Coates
Erin Sandefur	Joseph "Joe" Erdey

Also present: Randy Delatte, Parish President
Mickey McMorris, Parish Finance Director
Chris Moody, Parish Legal Counsel
Julie Quinn, Steve Irving and Marty Maley: representing the Parish of Livingston against Ascension Properties, Inc. v. Livingston Parish Government

Absent: Councilman Billy Taylor
Council chairman John Wascom

The Council co-chair called the meeting to order.

The co-chair asked the public to please mute or turn off their cell phones.

The co-chair advised that she wished to recuse herself as the chair of this meeting and called for nominations for a presiding officer.

Councilman Dean Coates stated that he wished to nominate Councilman John Mangus. Councilman Ricky Goff advised that he wished to second that motion.

LPR NO. 24-271

MOTION was offered by Dean Coates and duly seconded by Ricky Goff to nominate Councilman John Mangus as the presiding officer of the July 17, 2024 Special Meeting of the Livingston Parish Council in the absence of the Council chairman and the action of the Council co-chair recusing themselves as the chair of this meeting.

Upon being submitted to a vote, the vote thereon was as follows:

YEAS: MR. ERDEY, MR. CHAVERS, MR. COATES, MS. SANDEFUR, MR. GOFF,
MR. WATTS, MR. MANGUS

NAYS: NONE

ABSENT: MR. WASCOM, MR. TAYLOR

ABSTAIN: NONE

Thereupon the chair declared that the Motion had carried and was adopted on July 17, 2024.

The presiding officer relocated to the chairman's seat and advised that he would like to move agenda item number 6 from the agenda to be item one. There were no objections.

The presiding officer addressed agenda item number 6, "A possible Executive Session to discuss the case entitled, *Ascension Properties, Inc. v. Livingston Parish Government*, Case 3:24-cv-00171-SDD-SDJ, United States District Court, Middle District of Louisiana, including any and all proposed settlements and any and all responses to any proposed settlement, mentioned above, and future authorization to La. R.S. 13:5109 to authorize or not authorize a proper person or persons,

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.”

The presiding officer announced that they would be going into executive session. It would be the Council members only at first, then they will invite the counsellors.

Councilman Dean Coates stated that he wished to make an amendment to that and bring a citizen in with them that may have some pertinent information regarding this case, and that would be Hugh Harris.

There was a short open discussion and it was determined that only the Council members would be included at the beginning of the executive session.

LPR NO. 24-272

MOTION was offered by Erin Sandefur and duly seconded by Joe Erdey to go into executive session to discuss the case entitled, *Ascension Properties, Inc. v. Livingston Parish Government*, Case 3:24-cv-00171-SDD-SDJ, United States District Court, Middle District of Louisiana, including any and all proposed settlements and any and all responses to any proposed settlement, mentioned above, and future authorization to La. R.S. 13:5109 to authorize or not authorize a proper person or persons, 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.

Upon being submitted to a vote, the vote thereon was as follows:

YEAS: MR. ERDEY, MR. CHAVERS, MR. COATES, MS. SANDEFUR, MR. GOFF,
MR. WATTS, MR. MANGUS

NAYS: NONE

ABSENT: MR. TAYLOR, MR. WASCOM

ABSTAIN: NONE

Thereupon the presiding officer declared that the Motion had carried and was adopted on July 17, 2024.

The Council went into executive session and all recording devices were turned off.

The executive session concluded and the presiding officer called the meeting back to order.

LPR NO. 24-273

MOTION was offered by Ricky Goff and duly seconded by Dean Coates to go back to the regular order of business of the July 17, 2024 Special meeting of the Livingston Parish Council upon their return from executive session.

Upon being submitted to a vote, the vote thereon was as follows:

YEAS: MR. ERDEY, MR. CHAVERS, MR. COATES, MS. SANDEFUR, MR. GOFF,
MR. WATTS, MR. MANGUS

NAYS: NONE

ABSENT: MR. TAYLOR, MR. WASCOM

ABSTAIN: NONE

Thereupon the presiding officer declared that the Motion had carried and was adopted on July 17, 2024.

The presiding officer stated that they were now back in regular session. He advised that no decisions were made during executive session. He further stated that it was his prerogative, if there were no objections, to pick up at agenda item number 4, “Introduction of an ordinance and/or emergency ordinance for a Development Agreement for the Deer Run Development, and consideration thereof, which was proposed as part of a settlement of the case entitled, *Ascension*

Properties, Inc. v. Livingston Parish Government, Case 3:24-cv-00171-SDD-SDJ, United States District Court, Middle District of Louisiana. Consideration of a proposed ordinance and/or emergency ordinance, by a duly authorized vote of the planning agency and the governing authority of the Parish to occur on Friday, July 26, 2024, to, on Friday, July 26, 2024, vote to accept, adopt, and implement a Development Agreement between (i) Livingston Parish Planning and Zoning Commission and the Livingston Parish Council, and (ii) Ascension Properties, Inc. pursuant to La. R.S. 33:4780.21, *et seq.*, for the Deer Run Development, and consideration of said Development Agreement as part of a proposed settlement to resolve the Ascension Properties v. Livingston Parish litigation, including possible adoption of an ordinance and/or emergency ordinance for such purposes in accordance with La. R.S. 33:4780.28.”

The presiding officer requested the Council clerk to read the ordinance by title.

Councilman Ricky Goff advised that he wished to make the motion for the introduction of this proposed ordinance and to set the Public Hearing.

Councilman Goff requested to make a substitute motion for that Council request that it go to the ordinance committee where they can have some public meetings to digest it for whenever it does come up for adoption. The presiding officer requested if they could make that one (1) motion?

Councilman Ricky Goff stated that he wished to make a motion that the Council members introduce the ordinance and set the Public Hearing, in addition to sending it to the Ordinance committee for some public meetings.

The presiding officer asked if there was a second to Councilman Goff’s motion? Councilman Ryan Chavers stated that he wished to make the second.

Councilwoman Eric Sandefur stated that she wished to make a substitute motion. She stated that she wanted to amend the ordinance to send it to the Ordinance committee. She advised that it needed to go back there as per the Council.

The presiding officer stated as per the rules. Councilwoman Sandefur agreed.

Councilwoman Sandefur stated that after they look at it through ordinance and get it back there for introduction, then they can set the adopt date. She advised that it was fluid until.

The presiding officer asked Councilman Dean Coates, as the Ordinance committee chairman, was he alright with that?

Councilman Coates stated that he was fine with that. That was their normal procedures for dealing with ordinances. He further stated that he thought that it was a good motion to put forward. He stated that he would appreciate it if everyone showed up for the Ordinance committee meeting so that they could try to hammer it all out and get it taken care of quickly.

The presiding officer asked Councilman Goff what was the actual ordinance? He stated that it would be amended to the motion made by Councilwoman Sandefur. He asked if she had a second yet?

The presiding officer asked for Councilwoman Sandefur to state the amendment again. She stated that basically she amended the motion to the Ordinance committee, because it’s an ordinance, and remove the adoption and Public Hearing date from the table because that’s undetermined. The presiding officer asked Councilman Goff if he was okay with that?

Councilman Goff stated that if there is a second to her motion, we will discuss, until then, he had nothing to say.

Councilman Lonnie Watts asked if Councilwoman Sandefur could read the motion one more time?

Councilman Joe Erdey asked if she just wanted to send it back to the Ordinance committee for starters? She stated yes and remove the adoption and Public Hearing date.

The presiding officer stated that the Council needed to introduce it first. Councilwoman Sandefur instructed that it's got to come back here once it makes it to the Ordinance committee, then it comes back to the Council for introduction. She stated that is our policy, that's how our ordinances are written, and once it passes here then it can move on. She advised that it comes here in its final form for introduction, and so after that then they can accept the introduction and move it up to adoption and public hearing.

Councilman Goff stated that since everybody else seems to have something to say about it, he will go ahead and speak out of turn since they do not have a second. He countered that none of this is standard and they have not followed that rule every time, there is discretion as they stated before in an open meeting that was what their wishes were and what they would like to happen. He sensed that they were dealing with some time sensitive things and supposed that the attorneys may wish to interject on that, but they were doing both things at that moment. He explained that the introduction is simply that, it is an introduction of a document and it could be changed at the public meeting. Councilman Goff also countered that they were also going to send it back to the Ordinance committee so they can digest it and make any suggestions and recommendations that the Council looks into at that public hearing. He maintained that even if it goes back to the Ordinance committee and they make amendments, it is not in its permanent format until the Council members approve it that night. He wished to reiterate that the ordinance was a living, breathing document and all that the Council members were doing was introducing it, and upon this particular time, it will be approved in whatever the format is at that time.

Councilwoman Sandefur stated that she agreed, but the point that she was trying to say is that they cannot introduce it when it is not in its final form.

Councilman Dean Coates stated that he wished to second her motion.

Councilman Goff challenged that and stated that no ordinance is ever in its final form until it gets approved as an ordinance.

The presiding officer asked Mr. Christopher Moody, Parish Legal Advisor, what were his thoughts.

Mr. Moody stated that the Livingston Parish Home Rule Charter does require for it to be a written out ordinance that could be subject to change between the introduction and final adoption. He also stated that you could not make substantive changes after it's been advertised. He advocated that you could make some changes around the margins after it has been introduced and then final adoption, but you should leave those to just minor things.

The presiding officer asked Mr. Moody if the Council sends it to the Ordinance committee, what can the Ordinance committee change if they wish? Mr. Moody replied that he assumed that you're sending it there for them to study it and make recommendations back to the Council. He advised that he had not studied this proposed ordinance and it may be in final adoption form at that time, he did not know that.

Councilman Goff stated that it was pretty close. He admitted that he was very concerned about the timeline and if the Council will be meeting the requirements put forth by the federal court and judge. He wished for Mr. Steve Irving to address the Council about their timeline.

The presiding officer countered that he wished to hold off from Mr. Irving's comments and stated that they will get to him in just a minute, that was agenda item number 1.

He further clarified that they had a motion and a second, that being for the substitute motion. He stated that the two (2) motions that had been made were basically the same thing.

The clerks disagreed and proffered that the original motion and the substitute motion were not the same because the ordinance was not going to be introduced. Councilwoman Sandefur does not want to introduce the ordinance, she wants it to be sent to the Ordinance committee.

Councilwoman Sandefur again reasoned with the presiding officer that it was not in its final form.

The clerks added other clarification that Councilman Ricky Goff's original motion was to introduce the ordinance and then send it to the Ordinance committee.

The presiding officer stated that they would vote on the substitute motion first.

Councilman Goff stated that he would like to hear from their attorneys beforehand, so that everyone will have good information on what they are voting on. He asked for the advice of the Parish Council's land use attorneys and asked if the action of the substitute motion would cause a kink in the Council's litigation?

The Parish President and Mr. Steve Irving, development counsel for the Parish, approached the podium to answer Councilman Ricky Goff's questions.

Mr. Irving advised that it does, and it will create a time crunch specifically because of the reason that there are time delays built into the process and they are jammed by the litigation itself. He further explained that this ordinance needs to be introduced to get adopted as an ordinance. There were many, many mandated timelines for this proposed ordinance. He asserted that if the Council does not introduce the ordinance at that night's meeting, there will be no way to meet the time requirements to get this done, period.

The presiding officer asked Mr. Moody if the Council could introduce it, then send it to the Ordinance committee and then the Ordinance committee if in light of new information or anything from the public, can they make changes to it?

Mr. Moody replied yes, but he did not know what the overall scheme with respect to whether this was something in negotiation as part of the settlement of the lawsuit and how much parameter you will have. He advised that they could certainly introduce it that evening, and ask the Ordinance committee to have some emergency meetings in the next week or so.

The presiding officer called upon Parish President Randy Delatte who wished to address comments that were previously made that the ordinance wasn't in the form to be introduced. He stated that a word was used as "final form". He advised that there was no such word or description in the Home Rule Charter and read from Section 2-12 on page 10, "Ordinances in General" as follows:

- A. All proposed ordinances shall be introduced in writing at a meeting of the Council in the form required for adoption and except for codifications, the operating budget and the capital improvement budget shall be confined to one subject expressed clearly on the title.
- B. All proposed ordinances shall be read by title when introduced and published in the Official Journal by title within ten (10) days after introduction, except the ordinance proposing amendments to the Charter shall be published in full, except as otherwise provided in a section on emergency ordinances. No ordinance shall be considered for final passage until at least two (2) weeks from the date of introduction and after the public hearing is held on the ordinance.
- C. With the final approval of ordinances by the president or the Council in the case of a veto by the president, such enacted ordinances shall be published in full or in summary at the Council's discretion in the official journal by the clerk of the council within fifteen (15) days after adoption. Every enacted ordinance, unless it shall specify another date, shall become effective at the expiration of fifteen (15) days after the final adoption.

The Parish President advised that what this Home Rule Charter states, word for word, is that the ordinance has been introduced in the form required to go forward.

The presiding officer stated that it does not have to be in final form so then it can be changed. Mr. Moody concurred. He asked if Councilwoman Sandefur wished to remove her amendment?

Councilwoman Sandefur wished to acknowledge her concern. She stated that it is a twenty-one (21) page ordinance that the Council received roughly at noon. She said that it was important that they get it right. The presiding officer stated that is why they send it to the Ordinance committee.

Councilman Ricky Goff wished to clarify what the intention of Councilwoman Sandefur's substitute motion was about. He advised that she was wishing to not introduce this in any format and the clock does not start. He wanted to acknowledge that their attorney had just told them that it is crucial that it gets introduced. He advised that if it is introduced, their other attorney indicated that it could be changed. He further clarified that the Parish President read the Home Rule Charter in reference to ordinances word for word and it does not say anything about a final form.

Councilwoman Sandefur stated that she would withdraw her motion.

The presiding officer asked Councilman Coates if that would give him enough time to have an Ordinance committee? He advised that it would. Councilwoman Sandefur had questions about the advertisements. Mr. Moody advised that any substantive change would have to be read and advertised.

The presiding officer stated that Councilman Ricky Goff had made the motion and Councilman Ryan Chavers seconded that motion.

Councilman Chavers stated that he wanted clarification that the motion was to introduce the ordinance and then send it to the Ordinance committee. It was agreed upon that it was.

Public input: Brian Clemmons, questioned what the proposed ordinance referenced about the Planning Commission
Steve Irving, discussed the terms of the settlement agreement
Henry Harris, asked for clarification
Jamey Sandefur, advised of his interpretation of the ordinance
Kathy Long, chairman of the Planning Commission
Garry Talbert, questioned what they were doing without a consent decree

Councilman Ryan Chavers advised that he wished to make a statement. He addressed Mr. Steve Irving and Mr. Marty Maley and requested a commitment from them. He stated that every time that Deer Run comes up, the Council gets last minute information, and he felt that communication between them and the Council members was very important, and thought that they both could agree with that. He asked them to make a commitment to the Livingston Parish Council members that night that going forward, that anytime that Deer Run is on the agenda for a Council meeting or a Special meeting, that the Council has ample information as much information as they can to process all of this.

Mr. Marty Maley acknowledged that Councilman Chavers was directing his comments at him and he was going to address it. He stated that what was in that ordinance presented that night, is exactly the same development agreement that they have been talking about for the past 3-4 weeks. He asserted that every time that it was amended, every time that it was red-lined, it was emailed to the Council members every time. He explained that it's taken that development agreement and it's the vast majority of that ordinance, it is the same development agreement that they have been talking about. He emphasized that no one was hiding anything from them.

Councilman Chavers stated that he did not claim that.

Mr. Maley emphasized that they have done their very best to communicate immediately when changes were made with all of the Council members. He suggested that maybe they were not getting their emails because they have sent every version.

Councilman Chavers recalled when they met at the last Council meeting that was very short notice and he thought that Mr. Maley even agreed to that in their executive session and had told them that

he knew that this was short notice and apologized. He stated that all that he was trying to do was improve their communication line. Mr. Maley advised that he could respect that. He acknowledged that the process itself had put a lot of pressure on them with this litigation. He stated that there were a lot of deadlines and a lot of pressure moving through this process. Mr. Maley contended that they have done their very absolute best to relay the information as soon as they possibly could. He advised that there was nothing of interest in holding any information back from the Council members. He indicated that it has been a moving target, they have amended it multiple times and every time that there had been a little tweak, they were fed that information.

Mr. Steve Irving stated that the direct answer to his question was they were distributing copies of this to the committee that was appointed by the Council. He acknowledged that henceforth, for the duration of this, their office will distribute whatever they get to be distributed and he and Mr. Maley will email it to all of the Council members. Mr. Irving advised that if anyone had any questions, everyone had his phone number.

Councilman Dean Coates agreed with Councilman Chavers about the timeliness, and directed them to just try to make sure that the Council members get things as soon as possible because a lot of them like to do research before they make any kind of decisions. He said that was the same thing as this process, he understood that they were moving fast because they said that. However, they are trying to do what's right for the people and make sure that they negotiate a good deal for them. He stated that they need time to do that, they didn't need it to be fire hosed on them, and at the last minute trying to make a decision, trying to absorb information. Councilman Coates admonished that was not the way that they needed to be doing this. Councilman Chavers agreed and stated which was a direct result of the panel abolishing because no one was prepared to have to be on that panel. He advised that was a direct result of last minute information.

Mr. Irving advised that they will send copies to everyone on each occasion that there is something to send out and they will answer their questions. He requested that they do not all call him at one time and have an illegal meeting.

The presiding officer asked if there were any other questions.

Councilwoman Sandefur advised that she just had a statement to make in light of the conversation that just happened, yet they had a twenty-one (21) page ordinance on their desk that they received around noon that day to execute a development agreement and they did not have a development agreement and that was just very confusing and very last minute and so that was all that she had to say.

Public input: Mr. Henry Harris
Abby Crosby
Julie Quinn, attorney for Livingston Parish Government along with Steve Irving
and Marty Maley

The following ordinance was introduced in proper written form and read by title, to wit:

L.P. ORDINANCE NO. 24-20

AN ORDINANCE to adopt a proposed Development Agreement in accordance with La. R.S. 33:4780.21, et seq., for the Deer Run Development, which is located in District 5 of Livingston Parish, State of Louisiana, properly advertised and noticed herein pursuant to the provisions of La. R.S. 33:4780.28, for all purposes and in compliance with all requirements under Louisiana law for same, including but not limited to those articulated in La. R.S. 33:4780.21, et seq., between (i) Livingston Parish Planning and Zoning Commission and the Livingston Parish Council, and (ii) Ascension Properties, Inc. And authorize the Parish President to execute the Development Agreement on behalf of the Parish.

LPR NO. 24-274

MOTION was offered by Ricky Goff and duly seconded by Ryan Chavers to publish the ordinance by title in the Official Journal and set a Public Hearing for Thursday, August 22, 2024, at the hour of six o'clock (6:00) p.m. at the Governmental Building in the Livingston Parish Council chambers located at Government Boulevard, Livingston, Louisiana, at which time comments will be received on the proposed ordinance prior to a Council vote, and in addition, send the proposed ordinance to the Ordinance committee for review in a public meeting.

Upon being submitted to a vote, the vote thereon was as follows:

YEAS: MR. ERDEY, MR. CHAVERS, MR. COATES, MS. SANDEFUR, MR. GOFF,
MR. WATTS, MR. MANGUS

NAYS: NONE

ABSENT: MR. TAYLOR, MR. WASCOM

ABSTAIN: NONE

Thereupon the presiding officer declared that the Motion had carried and was adopted on July 17, 2024.

(As per rules of the Council, copies of the proposed ordinance shall be available for public inspection in the office of the Livingston Parish Council)

The presiding officer addressed agenda item number 1, "Receiving a report from counsel-of-record, Marty Maley, Sr., Steve Irving, et al, on the results of court ordered mediation of the Ascension Properties v. Livingston Parish litigation, and subsequent negotiations, and to discuss *Ascension Properties, Inc. v. Livingston Parish Government*, Case 3:24-cv-00171-SDD-SDJ, United States District Court, Middle District of Louisiana, including possible Executive Session."

The Council members determined that they had previously covered this topic.

The presiding officer asked if they should address agenda items number 2 and 3:

2. Receiving the settlement recommendation of the negotiating committee following the court ordered mediation, and the settlement recommendations of Marty Maley, Sr. and Steve Irving.
3. Receiving a report and settlement recommendations from the Parish President following the mediation of Ascension Properties v. Livingston Parish litigation on July 10, 2024.

He looked to Mr. Moody and Mr. Moody advised that these items were moot, but could be discussed at the next meeting.

Having no further business, a motion to adjourn was requested until the next regular meeting of the Livingston Parish Council scheduled on Thursday, July 25, 2024 at the hour of six o'clock (6:00) p.m. in Livingston, Louisiana.

LPR NO. 24-275

MOTION was offered by Dean Coates and duly seconded by Erin Sandefur to adjourn the July 17, 2024 special meeting of the Livingston Parish Council.

Upon being submitted to a vote, the vote thereon was as follows:

YEAS: MR. ERDEY, MR. CHAVERS, MR. COATES, MS. SANDEFUR, MR. GOFF,
MR. WATTS, MR. MANGUS

NAYS: NONE

ABSENT: MR. WASCOM, MR. TAYLOR

ABSTAIN: NONE

Thereupon the presiding officer declared that the Motion had been carried and was adopted and that the meeting was adjourned.

\s\ Sandy C. Teal

Sandy C. Teal, Council clerk

\s\ John Mangus

John Mangus, Council presiding officer

The audio and video for this meeting may be found in its entirety on the Livingston Parish Council's YouTube page at:

<https://www.youtube.com/watch?v=56RRF5WI4hQ&t=1861s>

It may also be found on the Livingston Parish Council's website at:

<https://www.livingstonparishcouncil.com/>

If you have any questions, please contact Sandy Teal at the Livingston Parish Council office at (225)686-3027.