

**CYPRESS BLACK BAYOU RECREATION & WATER CONSERVATION DISTRICT
BOARD OF COMMISSIONERS**

Regular Meeting Minutes

July 14, 2020

A Meeting of the Board of Commissioners of Cypress Black Bayou Recreation and Water Conservation District, Bossier Parish, Louisiana was held on the 14th day of July, 2020, at 4:00 p.m., in the Nature Center building, located at 135 Cypress Park Drive, Benton, Louisiana. The meeting was called to order by the President, Mr. Jerry Fowler. The pledge of allegiance was led by Mr. Mel Allen. Chelle Carroll called the roll, with all members present as follows:

Walter Bigby	Gary Wyche
Jerry Fowler	Robert Berry
Mel Allen	

Others present include Chelle Carroll, Office Administrator for the District; Alex Vozzella and Lee Ayres, Legal Counsel for the District.

Please see sign-in sheet for members of the public who were also present.

Due to the COVID-19 public health emergency, Mr. Fowler asked Ms. Vozzella to announce the Revised Meeting Policy and Procedure in order to comply with Louisiana Governor's Proclamation Numbers 89 JDE 2020 and 84 JBE 2020, and to allow for public observance and participation to the fullest extent possible while still maintaining public safety. Ms. Vozzella stated that one of the exceptions to the face mask requirement is for any individual giving a speech or broadcast to an audience, so the Board members may pull down their mask to speak so that the public can understand them better, to the extent they are comfortable doing so.

Motion was made by Mr. Allen, seconded by Mr. Bigby, to approve the minutes from the June 09, 2020 Regular Meeting.

Public comment was requested. There being no other public comment cards submitted concerning this agenda item and no public comments received prior to the meeting, the public comment period was closed.

Votes were cast, and the motion carried unanimously.

Old Business: None

New Business:

Mr. Fowler announced the consideration of the adoption of Resolution 2020-001.

Ms. Vozzella explained the purpose and legal basis for the resolution.

Public comment was requested.

Public comments were received from: Mr. Heath Harvey; Ms. Shannon Brown; Mr. Rex Moncrief. Mr. Mark Carter stated he had no comment at this time.

There being no other public comment cards submitted concerning this agenda item and no public comments received prior to the meeting, the public comment period was closed.

Mr. Bigby stated that this resolution is simply to try to bring some order to the meetings.

Resolution 2020-001 was read into the meeting and is as follows:

The following Resolution was offered by Mr. Bigby who moved for its adoption, and seconded by Mr. Allen at the July 14, 2020 meeting of the Board of Commissioners for the Cypress-Black Bayou Recreation and Water Conservation District:

**CYPRESS-BLACK BAYOU RECREATION
AND WATER CONSERVATION DISTRICT**

RESOLUTION NO. 2020-001:

A RESOLUTION TO RESCIND AND REPLACE THE PROCEDURES
GOVERNING PUBLIC COMMENTS DURING A MEETING OF THE
CYPRESS-BLACK BAYOU RECREATION AND WATER
CONSERVATION DISTRICT, AND TO OTHERWISE PROVIDE WITH
RESPECT THERETO

WHEREAS, Cypress-Black Bayou Recreation and Water Conservation District of Bossier Parish, Louisiana, (the “District”) is a political subdivision of the State of Louisiana created and existing pursuant to Title 38 of the Louisiana Revised Statutes, as amended (La. R.S. 38:2601 *et seq.*), and constitutes a special district under Article VI, Section 19 of the Constitution of the State of Louisiana 1974;

WHEREAS, the District is governed and controlled by a Board of Commissioners (the “Board”) pursuant to Louisiana Revised Statute § 38:2604;

WHEREAS, Louisiana Revised Statute § 42:14(D) authorizes each public body conducting a meeting to adopt reasonable rules and restrictions regarding public comments;

WHEREAS, on February 13, 2018, at the Board’s regularly scheduled public meeting, the Board, after allowing an opportunity for public comment, adopted reasonable rules and restrictions regarding public comments at its public meetings, which is set forth in Section I(d) of the current Official Policies and Regulations of the District, as revised and adopted on February 13, 2018;

WHEREAS, the Board desires to rescind its current rules and restrictions governing public participation at its public meetings, as set forth in Section I(d) of the revised Official Policies and Regulations of the District, as revised and adopted on February 13, 2018, and ;

THEREFORE, BE IT RESOLVED that the Board does hereby amend and replace its current procedures governing public participation at its public meetings and, pursuant to La. Rev. Stat. § 42:12(D), does hereby adopt the following rules and restrictions regarding public comments at its public meetings as follows:

Purpose: The primary purpose of the Open Meetings Law, La. R.S. 42:11 *et seq.*, and the constitutional provision ensuring the right of citizens to participate in the deliberations of public bodies is to protect citizens from secret decisions made without any opportunity for public input. In furtherance of this policy, a public comment period is provided to give the public an opportunity to be heard on agenda items before any action is taken. However, the public comment period is not an opportunity for any member of the public to attempt to harass, intimidate, or interrogate any member of the public body or any other member of the public, and such conduct will not be tolerated.

Rule 1: Public comments during a public meeting of the Board shall be heard in accordance with the procedures outlined below.

Rule 2: Individuals who desire to make a public comment concerning an agenda item during a public meeting shall be required to complete a public comment card at the beginning of each meeting, which shall include the name, address, and telephone number of the individual, the agenda item the public comment is related to, and whether the individual is speaking in support of or against that agenda item.

Rule 3: At the beginning of each meeting, the President may announce a reminder that individuals who desire to make a public comment concerning an agenda item, but who have not yet completed a public comment card, must complete a public comment card at that time.

Rule 4: Public comments concerning agenda items may also be submitted prior to the meeting via email to ccarroll@cypressblackbayou.com. In order for the public comment to be read into the record of the meeting, the public comment must be received by the District at least two (2) hours prior to the scheduled meeting time and must include the name, address, and telephone number of the individual submitting the public comment. The District reserves the right to refuse to read into the record any public comment that uses profane, disparaging, or otherwise inappropriate language.

Rule 5: Public comments will be grouped according to the agenda item. Prior to taking any action on an agenda item, those individuals who submitted a public comment card related to that agenda item will be called upon to speak, and any public comments related to that agenda item that were timely and properly submitted prior to the meeting will be read into the record of the meeting.

Rule 6: Each individual will be limited to one (1) comment per agenda item and three (3) minutes per comment. Public comments will be limited to agenda items.

Rule 7: The President shall maintain orderly conduct of the meetings and shall have the right to eject any person from the public meeting who disrupts the orderly proceedings of the Board or does not adhere to the time limit to speak after being notified his/her time to speak has expired.

BE IT FURTHER RESOLVED, this Resolution shall become effective upon its adoption and shall be applicable to all public meetings occurring after its adoption.

BE IT FURTHER RESOLVED, if any provision or item of this Resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Resolution which can be given effect without the invalid provisions, items or applications, and to this end the provisions of this Resolution are hereby declared severable; and

BE IT FURTHER RESOLVED, all Resolutions, Ordinances, or Orders, or any parts thereof, in conflict herewith are hereby repealed.

The above and foregoing Resolution was submitted to a roll call vote, and the Resolution was adopted with the following votes recorded:

AYES: Jerry Fowler, Mel Allen, Gary Wyche, Walt Bigby, Robert Berry

NAYS: None

ABSTAIN: None

ABSENT: None

And the Resolution was declared adopted on this, the 14th day of July, 2020.

Mr. Fowler announced the consideration of the adoption of Resolution 2020-002.

Ms. Vozzella explained the purpose and legal basis for the resolution.

Resolution 2020-002 was read into the meeting.

Public comment was requested.

Public comments were received from: Mr. Heath Harvey; Ms. Shannon Brown; Mr. Mark Carter; Mr. Rex Moncrief.

There was some discussion among Mr. Fowler, Mr. Berry, and Ms. Vozzella related to the resolution.

There being no other public comment cards submitted concerning this agenda item and no public comments received prior to the meeting, the public comment period was closed.

Resolution 2020-002 is as follows:

The following Resolution was offered by Mr. Berry who moved for its adoption, and seconded by Mr. Allen at the July 14, 2020 meeting of the Board of Commissioners for the Cypress-Black Bayou Recreation and Water Conservation District:

**CYPRESS-BLACK BAYOU RECREATION
AND WATER CONSERVATION DISTRICT**

RESOLUTION NO. 2020-002:

A RESOLUTION REQUESTING RETROACTIVE APPROVAL OF
LEGAL COUNSEL FROM THE ATTORNEY GENERAL OF THE STATE
OF LOUISIANA

WHEREAS, Cypress-Black Bayou Recreation and Water Conservation District of Bossier Parish, Louisiana, (the “District”) is a political subdivision of the State of Louisiana created and existing pursuant to Title 38 of the Louisiana Revised Statutes, as amended (La. R.S. 38:2601 *et seq.*), and constitutes a special district under Article VI, Section 19 of the Constitution of the State of Louisiana 1974;

WHEREAS, Louisiana Revised Statutes § 16:1 and § 42:261 provide that the district attorneys of the several judicial districts shall serve as general counsel for certain public entities specifically enumerated therein;

WHEREAS, the District does not fall within the category of public entities enumerated in Louisiana Revised Statutes § 16:1 and § 42:261, and thus, the District Attorney of Bossier Parish does not, and is not required to, represent the District as general counsel;

WHEREAS, there is a real necessity for the District to have legal representation;

WHEREAS, on August 9, 2011, at a regularly scheduled public meeting of the District’s Board of Commissioners, and after allowing an opportunity for public comment, the law firm of Ayres, Shelton Williams, Benson & Paine, LLC (formerly Ayres, Warren, Shelton & Williams, LLC) (“ASWBP”) was retained as general counsel for the District;

WHEREAS, the District, in good faith reliance on prior opinions from the Attorney General of the State of Louisiana, did not believe it was required to obtain approval from the Attorney General of State of Louisiana to retain ASWBP as general counsel under La. R.S. § 42:262;

WHEREAS, at a meeting on June 30, 2020, the Attorney General of the State of Louisiana opined that the District is required under La. R.S. § 42:262 to obtain approval from the Attorney General of the State of Louisiana to retain and continue with ASWBP as its general counsel;

WHEREAS, the District desires to comply with the opinion of the Attorney General of the State of Louisiana and to avoid the inconvenience and expense of litigation;

WHEREAS, the District respectfully requests that the Attorney General of the State of Louisiana retroactively approve the retention of ASWBP as its general counsel from August 9, 2011, or such other date that the Attorney General of the State of Louisiana deems appropriate, through July 14, 2020, the date of this Resolution;

WHEREAS, ASWBP’s hourly rates from August 9, 2011 through the date of this Resolution are as follows: \$225.00 per hour for partners of ASWBP; \$150.00 per hour for associates of ASWBP; and \$75.00 per hour for paralegals of ASWBP;

THEREFORE, BE IT RESOLVED that this Resolution shall become effective immediately upon its adoption.

BE IT FURTHER RESOLVED, that the Cypress-Black Bayou Recreation and Water Conservation District of Bossier Parish, Louisiana, pursuant to La. R.S. § 42:262 and/or other applicable law, does hereby

ratify and approve its prior retention, hiring, and employment of the law firm of Ayres, Shelton, Williams, Benson & Paine, LLC as its general counsel; and

BE IT FURTHER RESOLVED, that this Resolution be submitted to the Attorney General for the State of Louisiana for retroactive approval of Ayres, Shelton Williams, Benson & Paine, LLC as the District's general counsel from August 9, 2011, or such other date that the Attorney General of the State of Louisiana deems appropriate.

The above and foregoing Resolution was submitted to a roll call vote, and the Resolution was adopted with the following votes recorded:

AYES: Jerry Fowler, Mel Allen, Gary Wyche, Walt Bigby, Robert Berry

NAYS: None

ABSTAIN: None

ABSENT: None

And the Resolution was declared adopted on this, the 14th day of July, 2020.

Mr. Fowler announced the consideration of the adoption of Resolution 2020-003.

Resolution 2020-003 was read into the meeting.

Public comment was requested.

Public comments were received from: Mr. Heath Harvey; Ms. Shannon Brown; Mr. Mark Carter; Mr. Rex Moncrief.

There being no other public comment cards submitted concerning this agenda item and no public comments received prior to the meeting, the public comment period was closed.

Resolution 2020-003 is as follows:

The following Resolution was offered by Mr. Allen who moved for its adoption, and seconded by Mr. Bigby at the July 14, 2020 meeting of the Board of Commissioners for the Cypress-Black Bayou Recreation and Water Conservation District:

**CYPRESS-BLACK BAYOU RECREATION
AND WATER CONSERVATION DISTRICT**

RESOLUTION NO. 2020-003:

A RESOLUTION REQUESTING APPROVAL OF LEGAL COUNSEL
FROM THE ATTORNEY GENERAL OF THE STATE OF LOUISIANA

WHEREAS, Cypress-Black Bayou Recreation and Water Conservation District of Bossier Parish, Louisiana, (the "District") is a political subdivision of the State of Louisiana created and existing pursuant to Title 38 of the Louisiana Revised Statutes, as amended (La. R.S. 38:2601 *et seq.*), and constitutes a special district under Article VI, Section 19 of the Constitution of the State of Louisiana 1974;

WHEREAS, Louisiana Revised Statutes § 16:1 and § 42:261 provide that the district attorneys of the several judicial districts shall serve as general counsel for certain public entities specifically enumerated therein;

WHEREAS, the District does not fall within the category of public entities enumerated in Louisiana Revised Statutes § 16:1 and § 42:261, and thus, the District Attorney of Bossier Parish does not, and is not required to, represent the District as general counsel;

WHEREAS, there is a real necessity for the District to have legal representation;

WHEREAS, on August 9, 2011, at a regularly scheduled public meeting of the District's Board of Commissioners, and after allowing an opportunity for public comment, the law firm of Ayres, Shelton Williams, Benson & Paine, LLC (formerly Ayres, Warren, Shelton & Williams, LLC) ("ASWBP") was retained as general counsel for the District;

WHEREAS, the District, in good faith reliance on prior opinions from the Attorney General of the State of Louisiana, did not believe it was required to obtain approval from the Attorney General of State of Louisiana to retain ASWBP as general counsel under La. R.S. § 42:262;

WHEREAS, at a meeting on June 30, 2020, the Attorney General of the State of Louisiana opined that the District is required under La. R.S. § 42:262 to obtain approval from the Attorney General of the State of Louisiana to retain and continue with ASWBP as its general counsel;

WHEREAS, the District desires to comply with the opinion of the Attorney General of the State of Louisiana and to avoid the inconvenience and expense of litigation;

WHEREAS, the District respectfully requests that the Attorney General of the State of Louisiana approve the retention of ASWBP as its general counsel from July 14, 2020, the date of this Resolution, until July 14, 2023;

WHEREAS, ASWBP's hourly rates are as follows: \$225.00 per hour for attorneys having experience of ten years or more in the practice of law; \$175.00 per hour for attorneys having experience of five to ten years in the practice of law; \$150.00 per hour for attorneys having experience of three to five years in the practice of law; \$125.00 per hour for attorneys having experience of less than three years in the practice of law; \$60.00 per hour for paralegal services; and \$40.00 per hour for law clerk services.

THEREFORE, BE IT RESOLVED that this Resolution shall become effective immediately upon its adoption.

BE IT FURTHER RESOLVED, that the Cypress-Black Bayou Recreation and Water Conservation District of Bossier Parish, Louisiana, pursuant to La. R.S. § 42:262 and other applicable law, does hereby retain and employ the law firm of Ayres, Shelton, Williams, Benson & Paine, LLC as its general counsel for the time from July 14, 2020 until July 14, 2023, unless said representation is terminated sooner by the District or by ASWBP; and

BE IT FURTHER RESOLVED, that this Resolution be submitted to the Attorney General for the State of Louisiana for approval of Ayres, Shelton Williams, Benson & Paine, LLC as the District's general counsel.

The above and foregoing Resolution was submitted to a roll call vote, and the Resolution was adopted with the following votes recorded:

AYES: Jerry Fowler, Mel Allen, Gary Wyche, Walt Bigby, Robert Berry

NAYS: None

ABSTAIN: None

ABSENT: None

And the Resolution was declared adopted on this, the 14th day of July, 2020.

It was noted that there was another comment card from J. D. Hunsicker, which was not related to any of the agenda items. Mr. Hunsicker stated that he was deferring his public comment to a later time.

Adjournment

There being no further business to come before the Board, the meeting was adjourned by Mr. Fowler at approximately 4:47 p.m.

JERRY FOWLER, President
Cypress Black Bayou Recreation &
Water Conservation District

GARY WYCHE, Secretary
Cypress Black Bayou Recreation &
Water Conservation District