

CITY OF OPELOUSAS
OPELOUSAS, LOUISIANA
REGULAR MEETING MINUTES
MAY 9, 2023

The Council of the City of Opelousas, Parish of St. Landry, State of Louisiana, convened in a regular session on this 9th day of May 2023 at 5:00 p.m.

With Mayor Julius Alsandor presiding, the meeting was called to order.

Mayor Alsandor requested the Clerk to call the roll and the following Council members were PRESENT: Marvin Richard, Milton Batiste III, Delita Rubin-Broussard, Charles Cummings, Sherell Roberts, and Chasity Davis-Warren. ABSENT: None.

A moment of silent meditation was observed. Pastor Clarence Lazard, St. Luke Baptist Church, Opelousas, Louisiana led the Prayer and Mr. Michael Reed, a 28-year U.S. Army veteran, led the Pledge of Allegiance.

On a motion by Alderman Charles Cummings and seconded by Alderwoman Chasity Davis-Warren and Alderman Marvin Richard, it was resolved to approve the minutes of a Regular Meeting held 04/11/2023. A roll call vote was taken with the following results:
YEAS: Marvin Richard, Milton Batiste III, Delita Rubin-Broussard, Charles Cummings, Sherell Roberts, and Chasity Davis-Warren.
NAYS: None.
ABSENT: None.

On a motion by Alderman Marvin Richard and seconded by Alderwoman Chasity Davis-Warren, it was resolved to approve the minutes of a Special Meeting held 04/24/2023. A roll call vote was taken with the following results:
YEAS: Marvin Richard, Milton Batiste III, Delita Rubin-Broussard, Charles Cummings, Sherell Roberts, and Chasity Davis-Warren.
NAYS: None.
ABSENT: None.

On a motion by Alderman Marvin Richard and seconded by Alderwoman Delita Rubin-Broussard and Alderman Milton Batiste III, it was resolved to approve the following changes to the agenda:

- Under the INTRODUCTION OF ORDINANCES Section, deleting Item No. 16 (Introduction of Bonds Ordinance).
- Under the CONSENTS (Personnel) Section, amending Item No. 31 to read "...Suspension for Three (3) Calendar Days with a loss of Three (3) Days of Seniority and 24 Hours of Pay..."
- Under the REPORTS Section in conjunction with the Engineer's Report, "Discussion by Alderwoman Chasity Davis-Warren regarding the closed bridges in her district".
- Under the ANNOUNCEMENTS Section:
Adding "Discussion by Alderwoman Delita Rubin-Broussard regarding the creation of a Public Works Committee".
Adding "Discussion by Alderwoman Sherell Roberts regarding water leaks in her district".

A roll call vote was taken with the following results:

YEAS: Milton Batiste III, Delita Rubin-Broussard, Charles Cummings, Sherell Roberts, Chasity Davis-Warren, and Marvin Richard.
NAYS: None.
ABSENT: None.

On a motion by Alderwoman Chasity Davis-Warren and seconded by Alderman Marvin Richard, it was resolved to adopt the agenda with the approved changes. A roll call vote was taken with the following results:
YEAS: Milton Batiste III, Delita Rubin-Broussard, Charles Cummings, Sherell Roberts, Chasity Davis-Warren, and Marvin Richard.
NAYS: None.
ABSENT: None.

ANNOUNCEMENTS

- COVID-19 Update from Opelousas General Health Systems (OGHS) representative. Mayor Alsandor gave the following update from OGHS: No negative news—continue to encourage immunizations and practice good hand hygiene. If feeling sick, stay home and isolate.
- Presentation by Mrs. Sarah Branton, Fire & Police Civil Service Board chairperson, to introduce the new Fire & Police Civil Service Board Attorney Mr. Odgen Pitre. Mrs. Branton announced that their Board attorney that they had for 25 plus years had passed away. She stated that she was able to engage Mr. Odgen Pitre to step into that position. Mr. Pitre is a local attorney.
- Presentation by Ms. Patrice Melnick, Museum Director, to announce art exhibit for the Talented and Gifted students. Ms. Melnick invited everyone to an art exhibit this Friday from 4:00 p.m. to 5:30 p.m. featuring the talented and gifted students of St. Landry Parish.
- Presentation by Ms. Leisa Anderson, City Clerk, regarding upcoming Property Tax sale. The Annual Property Tax Sale will be held on Wednesday, June 14, 2023 at 10:00 a.m. in the Council Chambers. The delinquent property tax notices were mailed out in April. The listing of delinquent properties has been advertised in the *Daily World*. The first advertisement was run on 05/07/2023 and the second one run on 06/04/2023. The listing can also be found on the City's website at www.cityofopelousas.com. For any questions, please call City Hall at 337-948-2527.
- Discussion by Alderwoman Delita Rubin-Broussard regarding the creation of a Public Works Committee. City Clerk Leisa Anderson gave this presentation on behalf of Alderwoman Rubin-Broussard who is asking that a Public Works Committee be formed/created for the purpose of having oversight and monitoring Public Works in the City and how things are processed. Alderwoman Rubin-Broussard would like for the committee to consist of herself along with Alderwoman Chasity Davis-Warren, Alderman Charles Cummings, and Alderman Marvin Richard. Mayor Alsandor referred this request to the General Services Committee.
- Discussion by Alderwoman Sherell Roberts regarding water leaks in her district. Alderwoman Roberts stated that Mr. Aggison, one of her constituents on Leo Street has a 3" water leak in his yard for the past three years that he wants to cap off but it will impact all the residents all the way down Stardust. She pointed out that the line is not Mr. Aggison's but it is a line that was run by the City through his property. Mayor Alsandor stated that he will send the Public Works Director out there to check it. Alderwoman Roberts also stated that another of her constituents, Ms. Kim Smith, stated that the City came into her yard and tore up her yard last month while repairing a leak from the trailer park near her property and when she asked what there were doing, she was met with utter disrespect and was told to go back to her house but they were on her property. Ms. Smith stated that she would like to meet with the Mayor, the Chief of Police, and the Public Works Director regarding this matter. Mayor Alsandor stated that he would set up that meeting.
- Updates/Presentation by Mayor Julius Alsandor.
- Reading of Public Comments/Questions, if any. None.

REPORTS

Review Monthly Finances. Mr. Stephen Woods presented the financial report for the month of May 2023. On a motion by Alderman Charles Cummings and seconded by Alderman Milton Batiste III, it was resolved to accept the Monthly Financial Report for May 2023 as presented. A roll call vote was taken with the following results:

YEAS: Delita Rubin-Broussard, Charles Cummings, Sherell Roberts, Chasity Davis-Warren, Marvin Richard, and Milton Batiste III.
NAYS: None.
ABSENT: None.

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Engineer's Monthly Status Report and discussion by Alderwoman Chasity Davis-Warren regarding the closed bridges in her district. A copy of the Engineer's Monthly Status Report was provided to the Council members. Mr. Jarrell gave updates on the following items: SIDEWALK IMPROVEMENTS - LANDRY STREET (S#480): Project scope includes the sidewalks on Landry Street between Court & Market Streets only. The bids received were all over budget and additional funds have been obligated by DOTD for the project. City share of cost being paid for by Opelousas Downtown Development District. Contracts have been executed, pre-construction meeting held on April 11, 2023, Notice to proceed has been issued and it is anticipated that work will begin in June.

SANITARY SEWER PUMP STATIONS UPGRADE (SC#261): As of March 2023, pumps at all of the twenty-five pump stations included in the project have been replaced and construction is nearing completion. A substantial completion inspection of the pump station work was performed during the week of April 17-21 and MGA is preparing a list of items to be completed by the contractor. Additionally, the city personnel asked for some additional work to be performed at some of the pump stations and MGA is requesting approval from the OCD (Funding Agency) to include this additional work in the project. Estimated cost was \$2,094,900.00 (\$1,852,650.00 CDBG; \$242,250.00 City). A request has also been made to the OCD (Funding Agency) to utilize available funds in the project to assist the City with the relocation of Bernice Street Pump Station due to issues with the Bernice Street Bridge. Problems with Bernice Street Pump Station cited in LDH Compliance Order and City is mandated to address. The cost is estimated to be \$600,000 and approximately \$400,000 - \$450,000 may be available in CDBG funds, if the request is approved by OCD. The City will have to provide all additional funds above the remaining grant funds to complete the work. The City has not advised that additional funds for this project will be provided. CANDY STREET WWTP REPAIRS & UPGRADES (STP#85): Bids received on December 1, 2022. MGA provided recommendation for award to City and City awarded contract at December council meeting. The bids received were over budget but within funds available for the project. The city share of project cost is reduced from original budget of \$569,000 to \$443,046 due to bids being higher than expected. A substantial amount of the overrun is due to compliance with the "Buy American" provisions required by the DRA grant funds obtained for the project. Notice to proceed has been issued and preliminary construction work (i.e., demolition) has been initiated. It is anticipated that this project will not be completed until early 2024. This project will help to address some of DEQ/LDH Compliance Order requirements.

LCDBG-CV LOVE LOUISIANA OUTDOOR PROGRAM - PARK GRANT (S#573): This project is funded through grant funds provided through the Office of Community Development. Project is for playground equipment and security cameras at the North Park, South Park, Greenwood, and Indian Hills Playgrounds. Plans submitted to OCD for review and authorization to advertise for bids. Authorization to advertise has been received from OCD and bids are to be received on May 23, 2023 at 2:00 pm at city hall. Estimated cost is \$460,000.00 (\$400,000.00 LCDBG; \$60,000.00 City).

REPLACEMENT OF WATER METERS (W#300 CAPITAL OUTLAY): Initial meter change out commenced on December 6, 2022, and additional installation crews have been added in January and February. The number of installation crews has varied during the month for various reasons. Weekly meetings are being held with the contractor, City, MGA, and E Source (city Consultant) to discuss and address outstanding issues. Over the course of the project, there has been very little participation by city management in the weekly meetings. Currently, there is a lack of qualified city personnel to support the field installation work and implementation of the new reading and billing functions. The recent involvement of the Public Works Director and CAO has improved the situation and positive improvements are encouraging, but falling fall short of what is required by City to manage system.

At this time, Alderwoman Davis-Warren, recognized some of her constituents who had comments about the bridges that were still out and the canals that are overgrown and are hazardous. These bridges and canals are located on Augustus, Frilot, and Bernice. Regarding these areas, the Engineer has made the following observations and recommendations:

AUGUSTUS STREET BRIDGE (B#136): This bridge is currently CLOSED. This bridge was scheduled to be replaced by the city during the channel lining project over 15 years ago, but work was not authorized or funded. No action has been taken by City and MGA is not authorized to perform any further services. Ref. Letter dated May 10, 2021). Estimated cost was \$498,250.00 (Replacement); \$330,000.00 (Repair). Cost estimates are out of date and would need to be updated at the time repairs/replacement is anticipated.

FRILLOT STREET CROSSING: Cross drains collapsed, and road closed - Ref. Correspondence dated May 19, 2021. No action has been taken by City and MGA is not authorized to perform any further services. Estimated cost was \$143,000.00 in 2021 and the cost estimate would need to be updated at the time repairs are anticipated.

BERNICE STREET BRIDGE (B#103): This Bridge is currently CLOSED. Issues with existing sewer and water mains and pump station also exist. The sewer pump station is currently in extremely poor condition and possible loss of the entire pump station is possible if not addressed immediately. The problems with the pump station are cited in the LDH compliance order. Most of the problems related to this location are due to the bridge not being replaced by the City during the channel lining project over 15 years ago and not performing required maintenance. The utility repairs/relocation and replacement of bridge is extensive and would require engineering design work to be performed, estimated to take approximately 6 months to complete. No action has been taken by City and MGA is not authorized to perform any further services. Estimated cost for pump station was originally \$619,570.00 over one year ago and is likely substantially more costly due to continued erosion at this location. A rough estimate to address all current problems at this location (i.e., bridge, channel lining, utilities, pump station) is \$1.5M - \$2.0M. A thorough inspection and plan of action would have to be developed in order to provide a more detailed estimate of probable cost.

It was recommended that a Budget Committee Meeting be called to discuss these matters further.

On a motion by Alderman Milton Batiste III and seconded by Alderman Marvin Richard, it was resolved to accept the Engineer's Monthly Status Report as presented. A roll call vote was taken with the following results:

YEAS: Charles Cummings, Sherell Roberts, Chasity Davis-Warren, Marvin Richard, Milton Batiste III, and Delita Rubin-Broussard.

NAYS: None.

ABSENT: None.

Presentation by City Attorney. Attorney Travis Broussard stated that he had no report this month.

OLD BUSINESS

No Items Submitted.

NEW BUSINESS

On a motion by Alderwoman Delita Rubin-Broussard and seconded by Alderman Marvin Richard, it was resolved to grant authority to advertise for a Public Hearing for consideration of condemnation/demolition of the following properties:

- a. Charles G. Savoy & Jamie Lavine Savoy, (Abandoned Wood Frame Structure), 911 E. Sandoz Street
- b. Garman Lafontaine, (Abandoned Wood Frame Structure), 1401 Attakapas Drive
- c. Corey Goodman, (Burned Brick Structure), 322 Academy Street
- d. Helping Hands, (Burned Abandoned Brick/Block Structure), (S/W Corner of Veazie & W. Landry Street), 1205 W. Landry Street
- e. Herbert Columbus Castille, (Abandoned Wood Frame Structure), 622 Joseph Street
- f. Henry Jackson, C/O Carisa Bernard, (Abandoned Wood Frame Structure), 426 S. Liberty Street
- g. Celina Savoie Richard, C/O Raymond Richard, (Abandoned Wood Frame Structure), 833 East Street
- h. Caleb Semien, Barbara J. Donatto Haydel ETALS (T/S), (Abandoned Wood Frame Structure), 637 Planters Street
- i. St. Landry Parish Police Jury, Marva Broussard Allison (T/S), (Abandoned Wood Frame Structure), 619 Joseph Street
- j. Opelousas City of, (Abandoned Concrete Block Structure), 1025 Cross Street

A roll call vote was taken with the following results:

YEAS: Sherell Roberts, Chasity Davis-Warren, Marvin Richard, Milton Batiste III, Delita Rubin-Broussard, and Charles Cummings.

NAYS: None.

ABSENT: None.

Discussion by Alderwoman Delita Rubin-Broussard regarding the removal of junk cars, appliances, trash, etc., out of yards, streets, and properties. It was recommended that the current ordinances be reviewed. *Discussion only.*

The Planning Commission held a Public Hearing on 05/08/2023 and recommended approval of Hunter Fontenot's request for SITE PLAN approval in a C1 ZONE (COMMERCIAL 1 ZONE) to construct a new business for Hydrographic Printing and Painting Services at Lot #6, Kayla-Jean Boulevard and the following:

- a. VARIANCE APPROVAL for a 12 ft. setback in the rear of the building located at Lot #6, Kayla-Jean Boulevard.
- b. VARIANCE APPROVAL for a 4 ft. allowance extending into public right-of-way at Lot #6, Kayla-Jean Boulevard.

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On a motion by Alderman Milton Batiste III and seconded by Alderwoman Delita Rubin-Broussard, it was resolved to **APPROVE** Hunter Fontenot's request for SITE PLAN approval in a C1 ZONE (COMMERCIAL 1 ZONE) to construct a new business for Hydrographic Printing and Painting Services at Lot #6, Kayla-Jean Boulevard and the following:

- a. VARIANCE APPROVAL for a 12 ft. setback in the rear of the building located at Lot #6, Kayla-Jean Boulevard.
- b. VARIANCE APPROVAL for a 4 ft. allowance extending into public right-of-way at Lot #6, Kayla-Jean Boulevard.

A roll call vote was taken with the following results:

YEAS: Chasity Davis-Warren, Marvin Richard, Milton Batiste III, Delita Rubin-Broussard, Charles Cummings, and Sherell Roberts.

NAYS: None.

ABSENT: None.

The Planning Commission held a Public Hearing on 05/08/2023 and recommended denial of Shannon Touchet – Emilie Rosette's request for the following:

- a. CONDITIONAL USE approval in an NMU ZONE (NEIGHBORHOOD MIXED USE ZONE) to open a Sports Bar at 412 E. Jefferson Street.
- b. CONDITIONAL USE approval in an NMU ZONE (NEIGHBORHOOD MIXED USE ZONE) to sell/serve Alcoholic Beverages in a Sports Bar at 412 E. Jefferson Street.

There was some opposition voiced at the Planning Commission Hearing regarding this matter. A resident of the area stated that he did not want a sports bar near his home. Ms. Touchet stated that she wanted to withdraw her request to open a Sports Bar and wanted to open just a restaurant where her customers could sit down to eat their crawfish. Attorney Broussard recommended that the Council approve the request to open a Restaurant and deny the request to sell/serve Alcoholic beverages. On a motion by Alderman Charles Cummings and seconded by Alderman Marvin Richard, it was resolved to **APPROVE** the request for CONDITIONAL USE in an NMU ZONE (NEIGHBORHOOD MIXED USE ZONE) to open a Restaurant at 412 E. Jefferson Street and **DENY** the request for CONDITIONAL USE in an NMU ZONE (NEIGHBORHOOD MIXED USE ZONE) to sell/serve Alcoholic Beverages in a Sports Bar at 412 E. Jefferson Street. A roll call vote was taken with the following results:

YEAS: Marvin Richard, Milton Batiste III, Delita Rubin-Broussard, Charles Cummings, Sherell Roberts, and Chasity Davis-Warren.

NAYS: None.

ABSENT: None.

INTRODUCTION OF ORDINANCES

INTRODUCTION OF AN ORDINANCE AMENDING ORDINANCE NO. 1 OF 2020, SECTION 3-14 TO PROVIDE FOR FURTHER RESTRICTIONS ON SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES.

ORDINANCE

AN ORDINANCE AMENDING ORDINANCE NO. 1 OF 2020, SECTION 3-14 TO PROVIDE FOR FURTHER RESTRICTIONS ON SALES AND CONSUMPTION OF ALCOHOLIC BEVERAGES

WHEREAS, the Opelousas Police Department has advised the governing authority of the City of Opelousas that it believes further regulation of the sale and consumption of alcoholic beverages in the City of Opelousas would promote greater health and safety for residents and visitors of Opelousas;

WHEREAS, the governing authority desires to accept such recommendation and advice from the Police Department;

WHEREAS, the governing authority desires to amend, reenact, and restate Section 3-14 of Ordinance No. 1 of 2020; and

WHEREAS, this Ordinance was introduced at a council meeting on the 9th of May, 2023 by council member Charles Cummings, and a public hearing was held on the ____ day of _____, 2023. Thereafter, on motion of council member _____ and second by council member _____, a vote was held and the following results were recorded:

Yea:

Nay:

Absent:

NOW THEREFORE, BE IT ORDAINED by the governing authority of the City of Opelousas, that Ordinance No. 1 of 2020, Section 3-14 titled "Restrictions on Sales of Alcoholic Beverages", is hereby amended, reenacted, and restated so that it reads in its entirety as follows:

Section 3-14 Restrictions on Sales of Alcoholic Beverages.

- (a) Except as otherwise provided by this Chapter, it shall be unlawful for anyone to sell or serve alcoholic beverages or beer in any business establishment licensed under this chapter between the hours of 2:00 a.m. and 11:00 a.m. on Sundays, between the hours of 12:00 midnight and 6:00 a.m. on Mondays, and between the hours of 2:00 a.m. and 6:00 a.m. on Tuesdays, Wednesdays, Thursdays, Fridays, and Saturdays. The consumption of any alcohol on such premises is prohibited after 12:30 a.m. on Mondays and after 2:30 a.m. on all other days of the week.
- (b) It shall be unlawful for anyone to sell or serve alcoholic beverages under a special events permit between the hours of 12:00 a.m. and 12:00 p.m.
- (c) In any establishment or part thereof where alcoholic beverages are the principal items sold or handled, the alcoholic beverage permit shall remove all patrons and members of the public from the premises by 12:30 a.m. on Mondays and 2:30 a.m. on all other days. However, the permit holder, and his employees and/or agents may remain on the premises during the aforementioned hours for the purpose of closing operations, taking stock, cleaning up and other legitimately business related to activities. In all other businesses licensed under this chapter, the physical part of the premises where alcoholic beverages or beer are located shall be closed by physical restraints so as to deny access by patrons and to permit reasonable enforcement of these provisions.
- (d) This section shall apply to any business establishment for which the sale of alcoholic beverages constitutes less than fifteen (15) percent of its gross revenue. For purposes of evaluating gross revenue under this section, revenue received from admission to the business establishment or event shall not be considered.
- (e) It shall be unlawful for any person to sell or permit the sale of Alcoholic beverages as herein defined, in any manner or form whatsoever, in any place or building used as a dwelling, boarding, lodging or rooming house, unless there is a clearly defined separation by wall of the place in the said building wherein the business for which to operate herein has been granted; and further provided, that no part of the said business is carried in such dwelling portion; however, this provision shall not prevent the issuance of a permit for such sale by any recognized and duly licensed restaurant or café, in discretion of the governing authority.
- (f) No permit provided for herein shall be issued for any business situated within three hundred (300) feet or less from any church, synagogue, library, school or playground. The measurement of this distance shall be made from the nearest point of the property line of the church, synagogue, library, playground or school to the nearest point of the property line of the premises to be licensed.
- (g) It shall be unlawful for any person operating a business providing for the sale of alcoholic beverages, as defined in this Code of Ordinances, or any place of entertainment or pool hall open to public, conducted [sic] in such a manner as to disturb the public peace and quiet of the neighborhood, particularly permitting consumption of alcoholic beverages outside of the premises of such establishment, within thirty (30) feet thereof, by any person or persons occupying a motor vehicle, standing or sitting thereabout.
- (h) In no way shall this section be enforced in such a manner as to deny any first amendment right to anyone and is not directed against individuals, but is intended to prohibit owners from permitting such places to become dives, hangouts and places of gathering which is inconsistent with maintaining orderly business operations and at the same time maintaining the quiet and dignity of neighborhoods and at the same time preventing gatherings in such places as to constitute a public nuisance.
- (i) It shall be unlawful for any person to perform as an exotic, nude or topless dancer or to otherwise appear in a nude condition, as such is defined in subsection (a) hereof, in or on the premises of an establishment where alcoholic beverages are consumed or sold.

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- (j) It shall be unlawful for any person, firm, partnership or corporation required hold an alcoholic beverage permit to allow exotic, nude, semi-nude or topless dancing in or on the premises of any *establishment*, where alcoholic beverages are sold or consumed. Any violation of this section is hereby declared to be a public nuisance and shall result in the appropriate city authority to initiate proceedings against such alcoholic beverage permits. Such proceedings and remedies may be or not; (1) seek appropriate injunctions, temporary or permanent; (2) to suspend, terminate, or revoke any permit or license issued by the city to such person, firm or partnership or corporation; (3) together with any and all appropriate penalties, fines or other provision to give full effect to this section.
- (k) It shall be unlawful for any person conducting a place of business for the sale of or where consumption of the beverages as herein defined is permitted to exhibit or suffer to be kept in said place of business any immodest, vulgar or obscene pictures, books or papers or any pictures or any mechanical contrivance containing same.
- (l) No intoxicated persons shall be permitted where said beverages are sold and any retailer selling to any person appearing to be intoxicated shall be guilty of an offense against the city.

INTRODUCTION OF AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF OPELOUSAS, STATE OF LOUISIANA (THE "CITY"), TO ISSUE UTILITY REVENUE BONDS, IN ONE OR MORE SERIES, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED MILLION DOLLARS (\$100,000,000) FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF CONSTRUCTING AND ACQUIRING ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE UTILITY SYSTEM OF THE CITY; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. **(ITEM DELETED)**

INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 27, ARTICLE I, II, AND III (PRIVATE AMBULANCES AND NON-EMERGENCY MEDICAL TRANSPORTATION) OF THE CITY OF OPELOUSAS CODE OF ORDINANCES.

- **ARTICLE I. - IN GENERAL**
- **Sec. [insert section] – 1 Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advanced life support (ALS) means prehospital emergency medical care provided under the direction of a licensed physician providing medical control by established medical protocols.

Advanced life support ambulance means any publicly or privately owned vehicle equipped or used for transporting the wounded, injured, sick or dead by stretcher including emergency vehicles used for that purpose, but not including funeral coaches or stretcher vans used exclusively as such. Said vehicle shall provide space for a driver, two attendants and a minimum of two litter patients so positioned that at least one patient, when applicable, can be given advanced life support during transit. The vehicle must be permanently equipped, as part of its regular equipment, with the minimum essential equipment in consistent with the bureau of emergency medical services regulations.

Ambulance means any authorized emergency vehicle, equipped with warning devices, designed and operated as a part of a regular course of conduct or business to transport a sick or injured individual or which is advertised or otherwise held out to the public as such. "Ambulance" shall not mean a hearse or other funeral home vehicle utilized for the transportation of the dead. Said vehicle shall provide space for a driver, two attendants and a minimum of two litter patients so positioned that at least one patient can be given intensive life support during transit.

Basic life support ambulance (BLS) means an ambulance equipped with a level of training that does not involve any advance medical procedures or administration of drugs. BLS units provide basic life saving and life sustaining interventions while transporting a patient to a hospital.

Bureau of emergency medical services (BEMS) means the governing agency for the training and certification of emergency medical service (EMS) instructors and providers.

Care giver shall mean, individually and collectively, an emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic.

Certified emergency medical technician-basic means an individual who has successfully completed an emergency medical technician-basic training program developed and promulgated by the United States Department of Transportation and adopted by the bureau, who is nationally registered, and who is certified by the bureau.

Certified emergency medical technician-intermediate means any individual who has successfully completed an emergency medical technician-intermediate training program developed and promulgated by the United States Department of Transportation and adopted by the bureau, who is nationally registered, and who is certified by the bureau.

Certified emergency medical technician-paramedic means any individual who has successfully completed an emergency medical technician-paramedic training program developed and promulgated by the United States Department of Transportation and adopted by the bureau, who is nationally registered, and who is certified by the bureau.

Certified emergency medical responder means [insert definition]

Customary charge or customary rate means the uniform amount that the provider charges for a specific medical procedure or service in similar localities before the application of any type of federal or contractual write off.

Driver means any person who physically drives an ambulance.

Emergency means a medical condition of recent onset and severity, including severe pain, that would lead a prudent layperson, acting reasonably and possessing an average knowledge of health and medicine, to believe that the absence of immediate medical attention could reasonably be expected to result in: (a) placing the health of the individual, or with respect to a pregnant woman the health of the woman or her unborn child, in serious jeopardy; (b) serious impairment to bodily function; or (c) serious dysfunction of any bodily organ or part.

Emergency patient shall mean an individual who is ill, injured, or otherwise incapacitated and is at risk of needing medical care during transportation by stretcher to or from a health care facility.

Emergency medical service advisory board means the advisory board established pursuant to this chapter which board shall have the primary oversight over the terms and conditions of the provision of ambulance service within the City.

Non-emergency means all prescheduled medical care and transportation that is not emergent in nature as defined above.

Owner or operator means any person who owns, controls, or operates an ambulance for purposes of providing emergency and/or non-emergency medical care and transportation.

City means for purposes of this ordinance, the incorporated areas of the City of Opelousas, Louisiana.

Person includes any person, firm, partnership, association, company or organization of any kind.

Prescheduled means arrangements have been made for transportation at least seventy-two hours in advance of the scheduled pick-up time.

Provider shall mean that person, company and/or legal entity which, under a contractual agreement with the city, provides emergency and non-emergency ambulance service within the jurisdiction of the city.

Sprint unit means any emergency vehicle with fully visual and audible warning signals operated by a certified ambulance service, the primary purpose of which is to respond to the scene of a medical emergency to provide emergency medical stabilization or support, or command, control, and communications, but which is not an ambulance designed or intended for the transport of a patient regardless of its designation.

(Ord. No.)

- **Sec. [insert section]-2. - Territorial applicability.**

The provisions of this chapter apply in the incorporated areas of the City of Opelousas, Louisiana.

- **Sec. [insert section]-3. - Penalties.**

(a) In this chapter, the term *violation of this Code* means:

- (1) Doing an act that is prohibited or made or declared unlawful, an offense or a misdemeanor by ordinance or by rule or regulation authorized by ordinance;
- (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance; or

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(3) Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.

(b) The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise.

(c) Continuous or repeated violations of this Code may be abated by injunctive or other relief, and the imposition of a penalty under this chapter or any other provision of law does not constitute an election of remedies and shall not prevent an award of injunctive or other relief.

(d) It shall be illegal for any person(s) and/or entity to operate and provide service with transport origination in the City of Opelousas or to provide public or private standby service within the City other than a permitted provider in good standing with the City. Any such unauthorized operation of an ambulance service shall result in a fine of not more than \$500.00 or 30 days imprisonment or both, per violation, as well as the impoundment of any vehicle operating in violation thereof.

ARTICLE II. - EMERGENCY MEDICAL SERVICE ADVISORY BOARD

• **Sec. [insert section]-4. - Board established.**

(a) Within sixty days of the adoption of this ordinance, the City Council shall designate a committee of the City Council to serve as the emergency medical service advisory board and shall have a minimum of five members.

(b) *Name.* The board shall be known as the emergency medical service advisory board.

• **Sec. [insert section]-5. - Meetings.**

The board shall meet at any time on the call of the Mayor, the City Council or on the written request of any four members. The board will meet regularly at least semi-annually. All meetings of the board shall be opened to the public as provided by law. The board may make its own rules and regulations concerning the conduct of its meetings.

• **Sec. [insert section]-6. - Organization and quorum of the board.**

The board shall elect, at its first meeting, and annually thereafter, a chairman, a vice chairman and a secretary from its membership. The term of each officer shall be for one year with eligibility for reelection. Four members of the board shall constitute a quorum for all purposes.

• **Sec. [insert section]-7. - Reports.**

The board shall keep an accurate record of all its meetings and shall, at least annually, give the mayor, and City Council a written report of the board's activities for the prior year. The board shall provide the clerk of the city council copies of the minutes of each of its meetings.

• **Sec. [insert section]-8. - Legal representation.**

The City Council attorney or his/her designee shall serve as the legal advisor to the board.

• **Sec. [insert section]-9. - General policy.**

The board shall be subject to the general policy for all boards and commissions as established by the Opelousas City Council.

(Ord. No. O-053-2003, 3-19-03)

• **Sec. [insert section]-10. - Duties and authority of board.**

The board shall have the following duties and authority:

(1) As desired, the board may review and recommend to the city council any changes in this chapter regulating ambulance services.

(2) As desired, the board may review and recommend to the city council any changes in the standards and procedures with reference to the provision of emergency medical services.

(3) The board will respond to any complaint concerning the quality of all emergency medical services provided in the City.

(4) The board will respond to any complaint concerning rates and charges by emergency medical service providers in the City and can make any recommendation concerning the same to the City council.

(5) As desired, the board may review and recommend to the City council any recommendations which it has concerning the provision of any emergency medical service to the citizens of the City beyond the provision of ambulance services including, but not limited to, emergency medical service programs such as the "First responder program", programs for the deployment of automated external defibrillators and the "heart starter" CPR initiative, by way of illustration only and not by way of limitation.

(6) The board will hear any complaint of any citizen of the City with reference to the provision of emergency medical services under this chapter. The hearing of complaints by the board will be conducted under the following procedure:

a. All complaints must be in writing. All written complaints must be directed initially to the clerk of the city council.

b. The clerk of the City council will notify the chairman of the emergency medical service advisory board in writing of the receipt of any written complaint.

c. Upon the receipt of any written complaint by the board, the board will notify the emergency medical service provider in writing of the complaint, will furnish a copy of the written complaint to the provider, and will allow 30 days for the provider to respond in writing to the complaint.

d. The board will furnish a copy of the written response of the emergency medical service provider to the complaining party upon the receipt of same.

e. The board will attempt to mediate and resolve the complaint, if possible. If the complaint is resolved, notice of the resolution will be sent by the board to the complaining party and to the emergency medical service provider.

6. If the complaint is not able to be resolved by the board, the board will refer the complaint, together with the response of the provider, to the Opelousas City Council with any recommendation that the board deems appropriate. The action taken by the City Council, if any, shall be deemed dispositive of any such complaint.

• **ARTICLE III. - TERMS AND CONDITIONS OF A PERMIT FOR THE PROVISION OF AMBULANCE SERVICES**

• **Sec. [insert section] – 11 Limited Permitting.**

Under the provisions of Louisiana law, the Opelousas City Council can limit the number of Ambulance permit holders (both emergency and non-emergency) within the jurisdiction of the City.

• At the time of enactment of this ordinance, there are three current operators of ambulance service within the City, namely Acadian Ambulance Service, Inc., EMS and Global Medical Response dba Med Express Ambulance Service.

• Each of the current operators will be issued a permit so long as they are in compliance with Section [insert section] Conditions of Permitting.

• Hereafter, if one or more the current permit holders, named above, discontinues operation in the City, for any reason whatsoever, voluntary or involuntary, then:

○ Each of the remaining permit holders shall be given written notice by the secretary/ clerk of the Council of the discontinuation of service by the exiting permit holder; and

○ Within sixty (60) days of such notice, each or either of the remaining permit holders shall provide a written plan to the Council on their ability, either jointly or individually, to absorb the transport capacity previously filled by the exiting provider.

• No additional permit(s) shall be issued to a new provider, unless:

○ All existing providers fail to provide a plan to fill the exiting providers transport capacity; or

○ The Council finds that the plan(s) submitted will not provide adequate, high quality, consistent service to the citizens of the City and a new provider proves there exists a public need and necessity to permit an additional provider; and

○ Any new provider wishing to obtain a permit must meet the criteria set forth in Section [insert]-13:

• **Sec. [insert section]-12. - Term of permit**

The term of any permit shall be renewable annually if the following conditions are met:

• Permit fee is paid within thirty (30) days of anniversary date, upon the giving of written notice by the Opelousas City Clerk;

• The permit holder is in good standing with the City and compliant with all terms of this ordinance; and

• The permit holder has not filed for bankruptcy or

• **Sec. [insert]-13. - Conditions of permitting for the provision of ambulance service.**

Any provider of ambulance services for the City must meet the following conditions:

(1) The provision of a full time physician to serve as medical director of ambulance service. The medical director or his/her designee shall be responsible for all quality-of-care issues and shall provide reports to the emergency medical service advisory board regarding response to complaints made to the council, and any other quality of care issue. Those reports shall be sent to the clerk of the city council. By full time it is meant that the medical director

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shall have no other employment other than his/her employment with the ambulance service, which employment shall be a minimum of 40 hours per week.

(2) Rotor wing service: The provider shall have the ability to provide emergency and non-emergency advanced life support ambulance service for the duration of its contract. Additionally, residents within the jurisdiction of the City shall have access to (upon a showing of appropriate need) the provider's medical helicopter and fixed-wing air ambulance aircraft. The provider must agree that for the duration of its permit with the City it shall be obligated to maintain at least one medically configured advanced life support helicopter stationed in or within 40 miles of the City and available on a full-time 24-hour basis. The helicopter shall be staffed at all times by a Federal Aviation Administration ("FAA")-licensed pilot, nationally registered paramedic and/or registered nurse. The provider must also agree that it shall be obligated to maintain a backup advanced life support helicopter (in the event the primary helicopter is not operational) on a full-time 24-hour basis, stationed not more than 75 air miles from the City of Opelousas line.

(3) Insurance required: Prior to commencement of any operations with the City, the provider must file with the emergency medical service advisory board all policies of general liability insurance, automobile liability insurance, workers compensation insurance and medical malpractice insurance which policies must be issued by an insurance company qualified to do business in the state and which policies shall contain the following conditions and stipulations and shall be approved as to form and content by the City attorney:

- a. The term of all such insurance policies shall be for a period of not less than one year. Proof of insurance must be provided on a yearly basis.
- b. The general liability and automobile liability insurance policies shall provide not less than limits of liability for each accident causing bodily injury (including death at any time resulting therefrom), \$5,000,000.00 for each person, \$5,000,000.00 for each accident and \$5,000,000.00 for property damage sustained in any accident.
- c. The medical malpractice insurance policy(ies) shall provide limits of liability for each accident causing bodily injury (including death at any time resulting therefrom) of \$500,000.00 for each person and \$500,000.00 for each accident. Participation in the Patients' Compensation Fund of the state as set forth in LA R.S. 40:1299.44, et seq., shall be deemed to be medical legal liability insurance within the contemplation of this chapter.
- d. The workers' compensation insurance policy(ies) shall provide coverage for statutory benefits up to an aggregate amount for any one claim in the amount of \$1,000,000.00. In the event that provider is self-insured, it shall provide evidence of self-insurance along with proof of adequate excess insurance.
- e. The provider shall furnish the City with a waiver of subrogation against any and all claims for damages or liability arising from their operations within the jurisdiction of the City.

(4) Inspection of ambulances: Before any operations can commence under any permit with the City, all ambulances must have current motor vehicle inspection stickers issued by the Louisiana Department of Motor Vehicles and each ambulance must be equipped in compliance with the standards for ambulance equipment as contained, inspected, and approved yearly by the Louisiana Department of Health and Hospitals and as is set forth in LA R.S. 40:1235.1. Any ambulance owned or operated by provider, which has a mechanical defect or lacks ambulance equipment, as required by law, must be corrected to conform to the requirements of this section.

(5) Emergency medical technicians: With reference to emergency medical technicians, the provider must agree as follows:

- a. No ambulance will transport an emergency patient with the transport originating in or from the city unless it is an advanced life support ambulance capable of providing advanced life support services and staffed in accordance with State and Federal law.
- b. No person shall provide services in any capacity on an emergency medical response vehicle unless he is the holder of a certification by the department of health and hospitals; or a certification of an emergency medical responder, and emergency medical technician issued by the National Registry of Emergency Medical Technicians; or a certificate of licensure as a registered nurse; or is a physician or surgeon licensed to practice medicine by the Louisiana State Board of Medical Examiners. No person shall provide services in any capacity without holding a valid certification of cardiopulmonary resuscitation issued by the American National Red Cross or the American Heart Association.
- c. Provider shall, at all times, under penalty of revocation, certify that all persons serving on said ambulance meets the following qualifications:
 1. The caregiver is a person of at least 18 years of age.
 2. The caregiver is an emergency medical technician who meets all state certification requirements and is in good standing with the Bureau of Emergency Medical Services of Louisiana as memorialized in LA R.S. 40:1231 et seq.
 3. All employees of the provider who shall operate an ambulance within the jurisdiction of the City shall have been issued and be in possession of a valid driver's license for the operation of said vehicle as required by the state. Additionally, the provider shall, at all times, certify, under the penalty of permit revocation, that all drivers of its ambulances meet the following criteria:

- i. The driver is a person of at least 18 years of age; and
- ii.

The driver is a Louisiana certified emergency medical responder, emergency medical technician-basic, certified emergency medical technician - intermediate, or certified emergency medical technician - paramedic.

(6) Standards for ambulance equipment: The provider must warrant that each ambulance will carry at all times, when the ambulance is in use, the minimum essential equipment necessary for either basic or advanced life support including, but not limited to, a space for a driver, two attendants and a minimum of two litter patients so positioned that at least one patient can be given intensive life support during transit. Furthermore, the vehicle must be permanently equipped, as part of its regular equipment, with the minimum essential equipment and appropriate sizes for treating infants, children, and adults consistent with the bureau of emergency medical services protocols.

(7) Ambulance performance standards: The provider must warrant as follows:

- a. That it shall not unreasonably refuse to respond to a request for emergency service within the jurisdiction of the City.
- b. The provider warrants that it shall not refuse to respond to a request for emergency service on the grounds of the patient's inability to pay for such service.

(8) Review of rates and financial information: As to the review of rates, charges and financial information, the provider must agree as follows:

- a. The provider shall submit a schedule of its charge master rates for all services to the emergency medical service advisory board for review, at least once per year at such time and in such format as may be designated by the emergency medical service advisory board. The provider will not exceed the charges for base rate, mileage rate per run, supplies, oxygen and any other services included in the provider's schedule of charge master rates at the time service is provided. A statement of the provider's charge master rates for the initial year of the initial term is attached to the contractual agreement as Exhibit "A." The issuance of a permit to Provider is ipso facto acceptance of the charge master rates provided. The provider acknowledges that it is responsible for billing and collecting for services rendered. All fees for services rendered shall remain the property of provider. The provider will be allowed to add and/or modify items that represent new and/or changing technology, equipment, services and pharmaceuticals and to charge reasonable fees for said new items that are added. The provider shall be entitled to an annual increase in rates in accordance with the provider's schedule of charge master rates, on January 1 of each year that a permit is in effect, which rates shall not exceed the charge master rates charged in other areas of the State of Louisiana without the need for approval by the emergency medical service advisory board or the City council provided that such rates do not exceed the greater of five percent or the Medicare Inflation factor for the year at the time of renewal of the permit. However, should such increase in rates exceed that amount as set forth herein, the increased rates shall not go into effect without first obtaining the written approval of the emergency medical service advisory board and the City council. Approval by the city council shall be by resolution. Notice of any increase in rates shall be reported to the city council and emergency medical service advisory board at least 30 days prior to the effective date of such increase.

b. The provider shall present to the emergency medical service advisory board an annual audit of owner/operator's financial statements and activities. A copy of every such annual audit must be provided to the emergency medical service advisory board. The provider shall have the right to demand that all audited financial statements and any other proprietary information, as deemed proprietary by the provider, be reviewed and discussed in executive session of the emergency medical service advisory board and not be considered a public record, as allowable by Louisiana law.

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(9)

Corporate citizenship: The provider must agree, when available, to provide ambulance stand-by at no charge for high school/college football games within the City. The provider must also agree, when available, to provide such other stand-by service as is requested by the City for similar events at a reasonable charge.

(10)

Maintenance of vehicles: All ambulances shall at all times be adequately maintained, serviced and mechanically sound. The provider shall maintain maintenance records that may be inspected by the emergency medical service advisory board as requested.

(11)

Vehicle locating system: Each ambulance provided must be equipped with global positioning satellite (GPS) or equivalent technology and the provider must maintain all necessary licenses, permits, etc. necessary pursuant to any state, federal, and local laws and regulations to enable the provider to operate said system.

(12)

Section [insert]-14 City will agree as follows:

a.

Will instruct and inform all interested parties (such as but not limited to 911 director, etc.) that the only permitted providers are allowed to respond to emergency (911 and other) and non-emergency ambulance transportation originating in or from the jurisdiction of the City.

b.

City will obey the terms and conditions of this ordinance and take all steps necessary (including criminal prosecution) to prevent any unauthorized operation of ambulance service within the jurisdiction of the City during the term of any permit. Unauthorized operation of an ambulance service is the situation where both the origin of the service takes place within the jurisdiction of the City without the operator having a permit with city to provide such ambulance service.

c.

City will enforce this ordinance and all laws, rules, regulations and ordinances governing unauthorized ambulance operation within the jurisdiction of the City.

d.

The City will acknowledge that any unauthorized operation (by other than the permitted provider(s)) will cause financial harm to the permitted provider(s) such that any permitted provider may seek any appropriate relief against such other person/entity, including injunctive relief.

(13)

Revocation of a permit: Each of the following acts, omissions or occurrences shall constitute an event of default entitling city to revoke a permit:

a.

Failure by the provider to observe and perform, in any material way, any covenant, warranty, term or provision of this ordinance including in the event of default as specified herein, which failure shall continue for a period of 60 days after notice thereof is given to the provider by city such failure and requesting that it be remedied;

b.

The provider shall cease doing business as a going concern;

c.

The provider's financial reports to city demonstrate financial instability or insolvency;

d.

The provider shall commence a voluntary case or other proceeding in bankruptcy or seek liquidation, reorganization, arrangement, readjustment of its debts or for any other relief under the federal bankruptcy laws, as now existing or as may be amended from time to time, or under any other insolvency act or law, state or federal, now or hereinafter existing, or shall take any other action indicating its consent to, approval, or acquiescence in any such case or proceeding; the provider shall apply for, or consent to or acquiesce in, the appointment of a receiver, liquidator, custodian, sequestration, or a trustee for all or a substantial part of its property; the provider shall make an assignment of a substantial portion of its assets for the benefit of its creditors; the provider shall fail, or shall admit in writing its failure to pay its debts generally as such debts become due or;

e.

There shall be filed against the provider an involuntary petition in bankruptcy or seeking liquidation, reorganization, arrangement, readjustment of its debts or any other relief under the federal bankruptcy laws, as now existing or as may be amended from time to time, or under any other insolvency act or law, state or federal, now or hereafter existing, or a receiver, liquidator, custodian, sequestration, or trustee of the provider for all or a substantial part of its property shall be appointed without the consent or approval of provider or a warrant of attachment, execution or similar process against any substantial part of the property of the provider is issued; and the continuance of any such event or events for 30 days undismissed or undischarged or within such 30 days, the entering of an order for relief under the United States Bankruptcy Code.

(14)

Termination by the provider: The provider will be entitled to terminate any permit concerning the provision of ambulance services upon the occurrence of an event of default as hereinafter set forth:

a.

Failure by the City, by its own fault, to observe or perform any covenant, warranty, term or provision of this ordinance;

(15)

Section [insert]-15

The city council, in accordance with La. R.S. 33:4791.1, does hereby find and declare the following:

a.

The provision of consistent high-quality emergency and non-emergency ambulance service, and any and all aspects attendant to emergency and non-emergency operations provided by qualified personnel with advanced life support equipment, is essential to health, safety and welfare of the citizens and people within the jurisdiction of the City.

b.

Exclusive or limited permitting of ambulance service, for the provision of emergency medical services, to the 911 or other emergency communication dispatcher of the city-city is essential to maintaining quick response time.

c.

It is in the best interest of the citizens within the jurisdiction of the City to limit the permitted providers of emergency and non-emergency ambulance service, in order to demand accountability of the provider as well as to guarantee the stability and access to ambulance service.

CONSIDERATION AND ADOPTION OF AMENDMENTS TO PROPOSED ORDINANCES

AMENDMENTS TO THE PROPOSED ORDINANCE PRESCRIBING THE RATES AND CHARGES, ON WATER AND SEWER SERVICE ACCOUNTS SERVED BY THE CITY OF OPELOUSAS, PARISH OF ST. LANDRY, STATE OF LOUISIANA; AND FURTHER PROVIDING WITH RESPECT THERETO, IF ANY. On a motion by Alderman Charles Cummings and seconded by Alderman Milton Batiste III, it was resolved to approve the AMENDMENT TO THE PROPOSED ORDINANCE PRESCRIBING THE RATES AND CHARGES, ON WATER AND SEWER SERVICE ACCOUNTS SERVED BY THE CITY OF OPELOUSAS, PARISH OF ST. LANDRY, STATE OF LOUISIANA; AND FURTHER PROVIDING WITH RESPECT THERETO, as follows:

SECTION 1. Definitions.

“Commercial Service” means water or sewer service provided for any use which does not constitute Residential Service or Special Service.

“CPI” means the “Consumer Price Index for All Urban Consumers: Water and Sewer and Trash Collection Services in U.S. City Average”, or if such index is no longer published then the “Consumer Price Index for All Urban Consumers: All Items in U.S. City Average”, or if such index is no longer published then a similar index of inflation designated by the Council.

“Fees” means the fees, charges and deposits in effect for Commercial Service, Special Service and Residential Service from time to time which do not constitute Rates.

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"Rates" means the rates pertaining to the base usage and per unit consumption charges in effect for Commercial Service, Special Service, and Residential Service from time to time.

"Residential Service" means the water or sewer service provided for individual use by single family residential properties including single family homes, townhouses, condominiums, travel trailers, mobile homes, and approved home occupations.

"Special Service" means water or sewer service provided for use by religious facilities and educational facilities serving kindergarten through twelfth grade students.

SECTION 3. Water and Sewer Rates.

(i) Rates for Commercial Service and Special Service shall be revised to reflect a one time cumulative increase of 165% above the Rates presently in effect as of the date of this Ordinance, which shall be implemented in three equal, annual installments beginning with the July 1, 2023 billing cycle, as shown in the attached Exhibit A.

(ii) Rates for Residential Service shall be revised to reflect a one time cumulative increase of 50% above the Rates presently in effect as of the date of this Ordinance, which shall be implemented in three equal, annual installments beginning with the July 1, 2023 billing cycle, as shown in the attached Exhibit A.

(iii) Fees for Commercial Service, Special Service, and Residential Service shall be revised to reflect a one time cumulative increase of 50% above the rates presently in effect as of the date of this Ordinance, which shall be implemented in three equal, annual installments beginning with the July 1, 2023 billing cycle, as shown in the attached Exhibit A.

(iv) Beginning with the July 1, 2026 billing cycle and each July 1st thereafter, Rates and Fees for Commercial Service, Special Service and Residential Service shall be increased by the percentage increase in CPI over the 12 month period ending on the prior December 31st.

(v) On or before July 1 of each year, the Mayor shall publish a schedule of Rates and Fees for Residential Service, Special Service and Commercial Service, which shall be entered into the official records of the Council.

On a motion by Alderman Charles Cummings and seconded by Alderman Milton Batiste III, it was resolved to approve the amendments as presented. A roll call vote was taken with the following results:

YEAS: Milton Batiste III, Charles Cummings, Sherell Roberts, Chasity Davis-Warren, and Marvin Richard.

NAYS: Delita Rubin-Broussard.

ABSENT: None.

AMENDMENTS TO THE PROPOSED ORDINANCE AMENDING THE CITY OF OPELOUSAS CODE OF ORDINANCES TO PROVIDE FOR THE ENFORCEMENT OF CERTAIN TRAFFIC VIOLATIONS BY AUTOMATED MEANS AND FOR CIVIL PENALTIES FOR THOSE CERTAIN TRAFFIC VIOLATIONS, IF ANY. *No Amendments.*

PUBLIC HEARINGS

Pursuant to an advertisement in the *Daily World*, a Public Hearing was opened at 6:59 p.m. for the following items:

A PUBLIC HEARING TO DISCUSS AND CONSIDER ADOPTION OF AN ORDINANCE PRESCRIBING THE RATES AND CHARGES, ON WATER AND SEWER SERVICE ACCOUNTS SERVED BY THE CITY OF OPELOUSAS, PARISH OF ST. LANDRY, STATE OF LOUISIANA; AND FURTHER PROVIDING WITH RESPECT THERETO. *Mr. Eric LaFleur, bond attorney explained the rate increase to the public and informed them that the increases in water/sewer rates would be different for each customer because they are based on individual consumption. The increases on fees/deposits would be a fixed rate based on the amount of the service. No opposition.*

A PUBLIC HEARING TO DISCUSS AND CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE CITY OF OPELOUSAS CODE OF ORDINANCES TO PROVIDE FOR THE ENFORCEMENT OF CERTAIN TRAFFIC VIOLATIONS BY AUTOMATED MEANS AND FOR CIVIL PENALTIES FOR THOSE CERTAIN TRAFFIC VIOLATIONS. *Chief Graig LeBlanc and a representation from the agency providing the automated equipment explained the process of the automated cameras to the public and informed them that this would free up a lot of his officers because they would not have to make traffic stops for speeding since the automated camera would capture a photo of the offenders' license plate and the tickets for the violations would be mailed to the offenders. No opposition.*

The Public Hearing was closed at 8:14 p.m.

ADOPTION OF ORDINANCES (VOTE REQUIRED)

ADOPT AN ORDINANCE PRESCRIBING THE RATES AND CHARGES, ON WATER AND SEWER SERVICE ACCOUNTS SERVED BY THE CITY OF OPELOUSAS, PARISH OF ST. LANDRY, STATE OF LOUISIANA; AND FURTHER PROVIDING WITH RESPECT THERETO.

On a motion by Alderman Charles Cummings and seconded by Alderman Milton Batiste III, the following Ordinance was offered for adoption:

ORDINANCE NO. 04 OF 2023

AN ORDINANCE PRESCRIBING THE RATES AND CHARGES, ON WATER AND SEWER SERVICE ACCOUNTS SERVED BY THE CITY OF OPELOUSAS, PARISH OF ST. LANDRY, STATE OF LOUISIANA; AND FURTHER PROVIDING WITH RESPECT THERETO.

WHEREAS, the City of Opelousas, Parish of St. Landry, State of Louisiana (the "City") now owns and operates a combined sewer system and waterworks plant ("System"), and seeks to maintain it in a stable, sustainable, and financially healthy condition; and

WHEREAS, the City must collect sufficient service revenue to pay for major upgrades and replacement of the System and offset the costs of operation and maintenance of the System in order to make the system self-sufficient and to allow the continued support of other City services; and

WHEREAS, Ordinance No. 04 of 2020 presently governs the rates the City charges for water and sewer service; and

WHEREAS, LaFleur & Laborde and Sisung Securities Corporation have reviewed the City's capital improvement plans for the System and provided a comprehensive plan for financing such improvements and the revenue requirements necessary to pay for such improvements and maintain the financial health of the System; and

WHEREAS, the City has reviewed such plans and desires to establish and periodically adjust the charges for utility services provided by the City.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City, acting through its governing authority, the Opelousas City Council that:

SECTION 1. Definitions.

"Commercial Service" means water or sewer service provided for any use which does not constitute Residential Service or Special Service.

"CPI" means the "Consumer Price Index for All Urban Consumers: Water and Sewer and Trash Collection Services in U.S. City Average", or if such index is no longer published then the "Consumer Price Index for All Urban Consumers: All Items in U.S. City Average", or if such index is no longer published then a similar index of inflation designated by the Council.

"Fees" means the fees, charges and deposits in effect for Commercial Service, Special Service and Residential Service from time to time which do not constitute Rates.

"Rates" means the rates pertaining to the base usage and per unit consumption charges in effect for Commercial Service, Special Service, and Residential Service from time to time.

"Residential Service" means the water or sewer service provided for individual use by single family residential properties including single family homes, townhouses, condominiums, travel trailers, mobile homes, and approved home occupations.

"Special Service" means water or sewer service provided for use by religious facilities and educational facilities serving kindergarten through twelfth grade students.

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SECTION 2. Rates Charged Pursuant to this Ordinance Only. Rates and Fees for water and sewer service shall be established and periodically updated by the City pursuant to this Ordinance and shall not be changed from those prescribed herein without the prior approval of the City Council.

SECTION 3. Water and Sewer Rates.

(i) Rates for Commercial Service and Special Service shall be revised to reflect a one time cumulative increase of 165% above the Rates presently in effect as of the date of this Ordinance, which shall be implemented in three equal, annual installments beginning with the July 1, 2023 billing cycle, as shown in the attached Exhibit A.

(ii) Rates for Residential Service shall be revised to reflect a one time cumulative increase of 50% above the Rates presently in effect as of the date of this Ordinance, which shall be implemented in three equal, annual installments beginning with the July 1, 2023 billing cycle, as shown in the attached Exhibit A.

(iii) Fees for Commercial Service, Special Service, and Residential Service shall be revised to reflect a one time cumulative increase of 50% above the rates presently in effect as of the date of this Ordinance, which shall be implemented in three equal, annual installments beginning with the July 1, 2023 billing cycle, as shown in the attached Exhibit A.

(iv) Beginning with the July 1, 2026 billing cycle and each July 1st thereafter, Rates and Fees for Commercial Service, Special Service and Residential Service shall be increased by the percentage increase in CPI over the 12 month period ending on the prior December 31st.

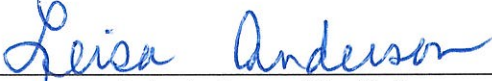
(v) On or before July 1 of each year, the Mayor shall publish a schedule of Rates and Fees for Residential Service, Special Service and Commercial Service, which shall be entered into the official records of the Council.

SECTION 4. Miscellaneous. Any ordinance or parts thereof in conflict herewith are hereby repealed.

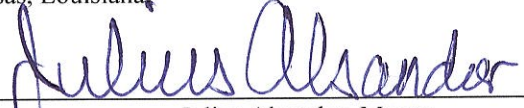
The foregoing Ordinance having been submitted to a vote, the vote thereon was as follows:

Name	Yea	Nay	Abstaining	Absent
Batiste, Milton III (District A)	X			
Rubin-Broussard, Delita (District B)		X		
Cummings, Charles W. (District C)	X			
Roberts, Sherell (District D)	X			
Davis-Warren, Chasity (District E)	X			
Richard, Marvin (Alderman at Large)	X			
TOTALS	5	1	0	0

And the Ordinance was adopted on the **9th day of May, 2023**, in Opelousas, Louisiana.


Leisa Anderson, City Clerk

CERTIFICATE OF AUTHENTICITY



Julius Alsandor, Mayor

**STATE OF LOUISIANA
PARISH OF ST. LANDRY**

I, the undersigned Clerk of the City Council of Opelousas, the governing authority for the City of Opelousas, St. Landry Parish, State of Louisiana (the "City"), do hereby certify that the foregoing pages constitute a true and correct copy of the Ordinance adopted by City Council of Opelousas on the **9th day of May, 2023**:

AN ORDINANCE PRESCRIBING THE RATES AND CHARGES, ON WATER AND SEWER SERVICE ACCOUNTS SERVED BY THE CITY OF OPELOUSAS, PARISH OF ST. LANDRY, STATE OF LOUISIANA; AND FURTHER PROVIDING WITH RESPECT THERETO.

IN FAITH WHEREOF, witness my official signature and the impress of the official seal of said City on the **9th day of May, 2023**.


Leisa Anderson, City Clerk

ADOPT ORDINANCE AMENDING THE CITY OF OPELOUSAS CODE OF ORDINANCES TO PROVIDE FOR THE ENFORCEMENT OF CERTAIN TRAFFIC VIOLATIONS BY AUTOMATED MEANS AND FOR CIVIL PENALTIES FOR THOSE CERTAIN TRAFFIC VIOLATIONS.

ORDINANCE NO. 05 OF 2023

AN ORDINANCE AMENDING THE CITY OF OPELOUSAS CODE OF ORDINANCES TO PROVIDE FOR THE ENFORCEMENT OF CERTAIN TRAFFIC VIOLATIONS BY AUTOMATED MEANS AND CIVIL PENALTIES FOR THOSE CERTAIN TRAFFIC VIOLATIONS ENFORCED BY AUTOMATED MEANS, AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, data collected on behalf of the Opelousas Police Department indicates a high incidence of drivers disregarding speeding laws on the streets and in the school zones of the City of Opelousas (City); and

WHEREAS, the City Council finds controlling speed on the streets of the city of Opelousas through a program utilizing photographic evidence and enforcement through the imposition of civil penalties will help promote and protect the health, safety, and welfare of the children and all citizens of Opelousas; and

WHEREAS, at council meeting on April 11, 2023, this Ordinance was duly introduced by council member Charles Cummings. Thereafter, the ordinance was advertised in the Opelousas Daily World, and a public hearing was held on May 9, 2023. Upon closing the public meeting, on Motion of council member Delita Rubin-Broussard and second by council member Marvin Richard, a vote was held and the following results were recorded: Yay: Delita Rubin-Broussard, Charles Cummings, Sherell Roberts, Chasity Davis-Warren, Marvin Richard, and Milton Batiste III.

Nay: None.

Absent: None.

NOW, THEREFORE, be it ordained that the electronic traffic enforcement procedure is adopted as follows:

Section 1: The Opelousas City Council (Council) now finds it necessary and expedient to amend the City of Opelousas Code of Ordinances (Code), Chapter 90 – Traffic and Vehicles, by adding Article XIII. Electronic Traffic Enforcement.

Section 2: In consideration of Section 1 above, the Council hereby amends Chapter 90 – Traffic and Vehicles, by adding to said Chapter Article XIII, Electronic Traffic Enforcement, which said Article shall follow immediately after Article XII, Traffic Regulations on Private Streets, and shall hereafter read as follows:

ARTICLE XIII. ELECTRONIC TRAFFIC ENFORCEMENT

Sec. 90-601 - Definitions.

The following definitions shall apply:

Administrative Adjudication Hearing shall mean an administrative hearing of violations conducted by the Opelousas City Court.

City Court Judge shall mean the City Court Judge of the City of Opelousas.

Department shall mean the Opelousas Police Department, or an authorized representative as determined by the Chief.

Mayor shall mean the City of Opelousas Mayor.

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Owner shall mean the owner of a vehicle as shown on the vehicle registration records of the Louisiana Office of Public Safety, Office of Motor Vehicles, or the analogous office or agency of another state or county.

Photographic vehicle speed enforcement system or system shall mean a system consisting of an electronic process which is capable of producing one or more recorded images depicting the license plate attached to the rear of a vehicle being operated at a speed in excess of the speed limit. The speed measurement component of the system shall be properly calibrated on a regular basis as determined by the Chief and the records of such calibration shall be maintained with the Opelousas Police Department.

Recorded image means an image recorded by the system depicting the rear of a vehicle which is automatically recorded on a photograph or digital image, which also depicts the recorded speed, date, location, and time of the recorded image.

System location means the highway location toward which a photographic vehicle speed enforcement system is directed and in operation or a segment of roadway on which a vehicle speed enforcement system is in operation.

Speed limit shall mean the established regulatory speed limit on the subject roadway.

Violation shall mean the notice of civil violation for speeding for this Chapter.

Sec. 90-602 – Imposition of civil violation penalty for violations enforced by a photographic speed enforcement system.

a. The Council finds and determines a vehicle traveling over the speed limit for the vehicle’s direction of travel damages the public by endangering vehicle operators, passengers and pedestrians alike, by increasing the number of serious traffic crashes, and causing public safety agencies to respond at the expense of the taxpayers thereby decreasing the efficiency of traffic control and traffic flow efforts.

b. Except as provided in subsections (c) and (d) below, the owner of a vehicle is responsible for a civil violation penalty as shown in the following tables if the vehicle is traveling at a speed in miles per hour (mph) greater than the speed limit as shown when captured by the system in accordance with the vehicle’s recorded speed and the corresponding speed limit of the roadway where the notice of civil violation was issued.

MPH OVER SPEED LIMIT	FINE
6 MPH to 10 MPH	\$ 140.00
11 MPH to 20 MPH	\$ 150.00
21 MPH to 30 MPH	\$ 160.00
31 MPH to 100+ MPH	\$ 170.00

MPH OVER SPEED LIMIT IN SCHOOL ZONE	FINE
6 MPH to 10 MPH	\$ 170.00
11 MPH to 15 MPH	\$ 170.00
15 MPH to 20 MPH	\$ 170.00
Over 21 MPH	\$ 170.00

Following the guidelines as established by DOTD, the following thresholds shall be established:

Posted Speed Limit (Miles Per Hour)	Minimum Speed for Violation to be Issued in a School Zone (Miles Per Hour)	Minimum Speed for Violation to be Issued (Miles Per Hour)
15	≥21	≥21
20	≥26	≥26
25	≥31	≥30
30	≥36	≥36
35	≥41	≥43
40	≥46	≥48
45	≥51	≥55
50	≥58	≥60
55	≥63	≥65
60		≥70
65		≥75
70		≥80
75		≥85

c. Any photographic vehicle speed enforcement system which is hand-held, mounted in or on a trailer or in a fixed position shall be deployed at the discretion of the Chief of Police, who shall deploy such systems in his discretion within the City of Opelousas.

Sec. 90-603 - Late Payments.

An owner who fails to pay a civil violation penalty beyond 30 calendar days from the date of mailing the civil notice of violation, inclusive of weekends and legal holidays, shall be subject to a late payment penalty of \$30.00 (e.g., original civil violation + 30 = total civil violation amount including late payment penalty). A notice of civil violation under this article is presumed to have been received on the tenth calendar day, inclusive of weekends and legal holidays, after the date the notice of civil violation is mailed.

Sec. 90-604 – Enforcement; procedures.

a. The Department is responsible for the enforcement and administration of this ordinance, or the Department may enforce and administer this ordinance in part or in whole, through one or more contractors selected in accordance with applicable law. The actions which can be used to enforce the payment of this civil penalty and related fees include, but are not limited to: referring the debt to collection agencies; and/or initiating actions through a court of competent jurisdiction, or any other lawful means, all in accordance with applicable authority, laws, and procedure.

b. In order to impose a civil violation penalty under this article, the Department shall mail a notice of civil violation to the owner of the vehicle responsible for the civil violation penalty not later than the 30th calendar day, inclusive of weekends and legal holidays, after the date the Department reviews and inspects the recorded images, and an alleged civil violation is determined by the Department to have occurred.

c. A notice of civil violation issued under this article shall contain the following:

- (1) A description of the violation alleged;
- (2) The date, time, and location of the violation;
- (3) A copy of a recorded image of the vehicle involved in the violation;
- (4) The amount of the civil violation penalty to be imposed for the violation;
- (5) The date by which the civil violation penalty must be paid;
- (6) A statement indicating the person named in the notice of civil violation may pay the civil violation penalty in lieu of appearing at an administrative adjudication hearing;
- (7) Information informing the person named in the notice of civil violation:
 - (a) Of the right to contest the imposition of the civil violation penalty in an administrative adjudication hearing;
 - (b) Of the manner and time in which to contest the imposition of the civil violation penalty; and
 - (c) Failure to pay the civil violation penalty or to contest liability within 40 calendar days from the date of receipt of the civil notice of violation, inclusive of weekends and legal holidays, is a waiver of the right to appeal.
- (8) A statement that a recorded image is evidence in a proceeding for the imposition of a civil violation penalty; and
- (9) A statement indicating failure to pay the civil violation penalty within the time allowed shall result in the imposition of an additional late penalty for each such violation.

d. A notice of civil violation under this article is presumed to have been received on the tenth calendar day, inclusive of weekends and legal holidays, after the date the notice of civil violation is mailed.

Sec. 90-605 – Administrative Adjudication hearing.

a. A person who receives a notice of civil violation may contest the imposition of the civil violation penalty by a request in writing for an administrative adjudication of the notice of civil violation penalty within 30 calendar days, inclusive of weekends and legal holidays, after date of mailing of the notice of civil violation and posting a hearing request and cash bond of \$50.00. Upon receipt of a request and cash bond within the prescribed time period

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within this paragraph, the office shall notify the person requesting such hearing of the date and time of the administrative adjudication hearing. If, after the adjudication hearing, the person is found not liable by the adjudication officer, the cash bond of \$50.00 will be refunded to that person. If that person is found liable, he or she may ask that the cash bond of \$50.00 be used towards the payment of the civil violation.

b. A person who is found liable after an administrative adjudication hearing or who requests an administrative adjudication hearing and thereafter fails to appear at the time and place of the hearing shall forfeit their cash bond amount.

c. Administrative adjudications of violations shall be conducted by the City Judge. In conducting administrative adjudications of violations, the Judge shall have the following functions, powers, and duties:

- (1) To administer oaths, to accept admissions to, and to hear and determine contests of, violations herein.
- (2) To require the attendance of persons to give testimony at hearings, and to require the production of data and information, to the extent permitted by law.
- (3) To adjudicate violations for which a notice of civil violation has been issued herein.
- (4) To compile and maintain accurate records relating to notice of civil violations, violations and/or dispositions of violations and notice of civil violations.
- (5) Upon request of the Department or a person charged with a violation, or his attorney, to prepare or provide transcripts or audio records of hearings conducted by the City Court Judge and to furnish such transcripts or audio records to the requesting person at a reasonable cost.
- (6) To designate an individual or individuals with the responsibility to answer, within a reasonable period of time, relevant and reasonable inquiries made by a person charged with a violation, or his attorney, concerning the violation.
- (7) The functions and duties in (4), (5), and (6) identified herein may be performed by representatives of the Department, as directed by the Judge.
- (8) To prescribe regulations for the presentation and the conduct of hearings which need not necessarily be in strict conformity with the usual rules of evidence and technical rules of procedure, however, the fundamental principles governing a fair and impartial hearing or trial and due process of law must be reasonably and substantially adhered to.

d. Except as provided in subsection (h), failure to pay a civil violation penalty or to contest liability beyond 30 calendar days from the date of mailing of the notice of civil violation, inclusive of weekends and legal holidays, constitutes a waiver of the right to contest under subsection (a).

e. The civil violation penalty shall not be assessed if after a hearing, the Judge enters a finding of no liability.

f. In an administrative adjudication hearing, the issues must be proved at the hearing by a preponderance of the evidence. The reliability of the system used to produce the recorded image of the violation may be attested to in an administrative adjudication hearing by affidavit of a law enforcement officer or a representative of the Department, or by actual testimony by either of them. An affidavit of a sworn law enforcement officer or representative of the Department, or actual testimony by either of them, that alleges a civil violation occurred based on an inspection of the pertinent recorded image is admissible in a proceeding under this article and is prima facie evidence of those facts contained in the affidavit or testified to. Testimony by any person shall be taken under oath or by affirmation, except to the extent such testimony is allowed by affidavit as provided above. The person charged with the ordinance violation may present any relevant evidence and testimony at such hearing.

g. It shall be an affirmative defense to the imposition of civil liability under this article, to be proven by a preponderance of the evidence, that:

- (1) The operator of the vehicle was acting in compliance with the lawful order direction of a law enforcement or public safety officer;
- (2) The operator of the vehicle violated the speed limit so as to move out of the way or an immediately approaching authorized emergency vehicle;
- (3) The vehicle was being operated as an authorized emergency vehicle under La. R.S. 32:24, and the operator was acting in compliance with La. R.S. 32:24;
- (4) The vehicle was being operated in accordance with La. R.S. 32:300.3 – Funeral Processions; however, the operators are not exempt if they fail to comply with division 2, vehicle speed;
- (5) The vehicle was being operated by a commissioned law enforcement officer performing authorized/assigned tasks;
- (6) The vehicle was being operated during a bona fide medical emergency which is documented with adequate and sufficient evidence from a medical care facility, as determined by the Department;
- (7) At the time of the violation, the vehicle was in the care, custody, or control of another person:
 - (a) As set forth in the owner's written statement identifying the name and correct mailing address of the person or entity who had the care, custody, and control of the vehicle at the time of the violation.
 - (b) As set forth in a document, or "Transfer of Liability," signed and dated by the person, or a representative of the entity, who had the care, custody, and control of the vehicle at the time of the violation, indicating his/her responsibility for the violation and listing his/her name and mailing address. Responsibility for the violation shall in such a case be transferred to the person identified in the "Transfer of Liability."
 - (c) The tender of a statement of "Transfer of Liability" shall be for the sole purpose of identifying the person who is assuming responsibility for the violation identified in the notice of civil violation, but all defenses that may be asserted by the person alleged to be responsible are reserved and are not waived by the tender of such document.
 - (d) As set forth in a lease, rental contract or other agreement listing the name and mailing address of the person or entity who had the care, custody, or control of the leased or rented vehicle at the time of the violation. Responsibility for the violation shall in such case be transferred to the lessee.

h. Notwithstanding anything in this article to the contrary, a person who fails to pay the amount of a civil violation penalty or to contest liability is entitled to an administrative adjudication hearing on the violation if:

- (1) The person files an affidavit with the office stating the date on which the person received the notice of civil violation mailed to the person; and
- (2) The person files a request for an administrative hearing within 30 days from the date of receipt of the notice of civil violation, as stated in the affidavit. The decision of the Judge shall be the final decision in the hearing.

Sec. 90-606 – Orders of the Judge

(1) The Judge at administrative adjudication hearings under this article shall issue an order stating:

- (a) Whether the person charged with the violation is responsible for the violation; and
- (b) The amount of any civil violation penalty, late penalty, and administrative adjudication costs assessed against the person.

(2) The orders issued under subsection (1) may be filed with the Department. The Department shall maintain the City Court Judge orders/determination.

Sec. 90-607- Effect of liability; exclusion of civil remedy.

a. The imposition of a civil violation penalty under this article shall not be considered a criminal conviction.

b. A civil violation penalty may not be imposed under this article upon the owner of a vehicle if the operator of the vehicle was arrested or was issued a speeding citation and notice to appear by a law enforcement or public safety officer as a violation of any of the provisions of Subpart A, Part IV, Chapter 1 of Title 32 of the Louisiana Revised Statutes if such violation was captured by the system.

c. Upon receipt of all documents supplied to the contractor, the City Court Judge may enforce collection of all unpaid fines, fees, penalties, late payment penalties and administrative adjudication fees in a court of competent jurisdiction for vehicles registered through a filing with the Louisiana Office of Revenue and the Federal Offset Program.

d. The Chief or contractor, as applicable, shall supply to the City Court Judge, or outside counsel bringing suit, all materials and/or testimony necessary to support enforcement.

e. Defendants in enforcement suits authorized by this section have, until rendition of final judgment, the option of settlement by payment of all outstanding fines, fees, penalties, late payment penalties and administrative adjudication fees, as well as court costs and filing fees incurred (whether prepaid or otherwise) in enforcement. No defendant in such suit shall be required to pay attorney's fees in connection with such settlement.

f. Any money judgment obtained in a suit to enforce fines levied for violation of this division shall be recorded in the mortgage records of Franklin Parish, and/or any other parish, as a judicial mortgage against the property of the defendant.

Sec. 90-608 – Collections Fees and Costs.

In the event a fine or penalty is assessed pursuant to any provision of this Code, a default in the payment of a fine, penalty or any installment of a fine or penalty may be collected by any means authorized for the collection of monetary judgments. The Department may retain attorneys and private

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collection agents for the purpose of collecting any default in payment of any fine or penalty imposed by the Code, or any installment of a fine or penalty. The Department shall add a 35% cost of collections to any outstanding balance that requires the Department to retain the services of a collection agency. This 35% cost includes any default in a fine, penalty or any installment of a fine or penalty that was previously referred to an attorney or private agency and the payment of which remains outstanding.

Section 3: EFFECTIVE DATE OF ORDINANCE:

This ordinance shall become effective immediately upon return of the ordinance to the City Clerk (after execution by the Mayor), on the tenth (10th) day after receipt of the ordinance by the Mayor without signature or veto, or upon an override of a veto, whichever occurs first.

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

BE IT FURTHER RESOLVED that all ordinances or parts thereof in conflict herewith are hereby repealed.

Opelousas, Louisiana this 9th day of May, 2023.

ATTEST:



LEISA ANDERSON, CITY CLERK



HON. JULIUS ALSANDOR, MAYOR

ADOPTION OF RESOLUTIONS

ADOPT A RESOLUTION AUTHORIZING EXPENDITURE OF FUNDS RECEIVED UNDER THE AMERICAN RESCUE PLAN ACT OF THE SECOND DISBURSEMENT OF THE ARPA FUNDING. On a motion by Alderman Charles Cummings and seconded by Aldermen Charles Cummings and Marvin Richard and seconded by Alderwoman Delita Rubin-Broussard, it was resolved to table the Resolution and forward to the Budget Committee for further review. A roll call vote was taken with the following results:

YEAS: Charles Cummings, Sherell Roberts, Chasity Davis-Warren, Marvin Richard, and Delita Rubin-Broussard.

NAYS: Milton Batiste III.

ABSENT: None.

ADOPT A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A JOINT CONTRACT WITH AMERICAN BANK AS THE LEAD FISCAL AGENT FOR THE CITY OF OPELOUSAS FOR A TWO-YEAR PERIOD (2023-2025) ALONG WITH THE LOUISIANA ASSET MANAGEMENT POOL, INC. (LAMP).

On a motion by Alderman Milton Batiste III and seconded by Alderman Marvin Richard, the following Resolution was offered for adoption:

RESOLUTION NO. 15 OF 2023

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A JOINT CONTRACT WITH AMERICAN BANK AS THE LEAD FISCAL AGENT FOR THE CITY OF OPELOUSAS FOR A TWO-YEAR PERIOD (2023-2025) ALONG WITH THE LOUISIANA ASSET MANAGEMENT POOL, INC. (LAMP)

WHEREAS, the City of Opelousas ("Corporation"), Federal Employer I.D. Number 72-6001035, has entered into a fiscal agent contract with American Bank & Trust Company ("Financial Institution"), for the period of two years (2023–2025); and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Board of Aldermen do hereby adopt this Corporate Authorization Resolution for the Fiscal Agent Contract with American Bank & Trust Company and Louisiana Asset Management Pool, Inc. (LAMP) as defined in the Fiscal Agent Contract for the period commencing from July 1, 2023 to June 30, 2025.

The above Resolution having been submitted to a roll call vote was adopted on the 9th day of May 2023 as follows:

YEAS: Sherell Roberts, Chasity Davis-Warren, Marvin Richard, Milton Batiste III, Delita Rubin-Broussard, and Charles Cummings.

NAYS: None.

ABSENT: None.

ATTEST:



CITY CLERK



MAYOR

CONSENT AGENDA (PERSONNEL)

On a motion by Alderman Marvin Richard and seconded by Alderwoman Delita Rubin-Broussard, it was resolved to approve the following Personnel items:

- Accept Fire Captain Brody Venable's Resignation, effective 05/08/2023, and approve payment in the amount of \$5,463.04 for two hundred sixteen (216) Vacation Hours and forty (40) Bonus Hours, pending verification from the Opelousas Fire & Police Civil Service Board.
- Accept Fire Operator Carson Ray's Resignation, effective 05/13/2023.
- Approve Permanent Fire Captain Joseph Shawn Brown's Promotion to Probational Assistant Fire Chief, effective 04/16/2023.
- Approve Permanent Fire Lieutenant Justin Brown's Promotion to Probational Fire Captain, effective 04/16/2023.
- Approve Permanent Fire Operator Jake Marks's Promotion to Probational Fire Lieutenant, effective 04/16/2023.
- Approve Permanent Fire Captain Dwayne Frank's Suspension for Three (3) Calendar Days with a loss of Three (3) Days of Seniority and 24 Hours of Pay, effective 06/01/2023 for violation of Opelousas Fire Department Policy VI-D.1.A, Failure to Report to Duty by 7:00 a.m. at Assigned Fire Station (Second Violation in one Calendar Year).
- Approve Police Officer Recruit Sarah Winbush's change of status to Probational Police Officer, effective 04/20/2023.
- Approve the Police Chief's Recommendation of Hire for Kendall Griffin as a Police Officer Recruit, effective 05/10/2023.
- Approve the Police Chief's Recommendation of Hire for Alexis Hammond as a Provisional Police Communications Officer, effective 05/14/2023.
- Approve the Police Chief's Recommendation of Hire for Anissa Yates as a Probational Police Communications Officer, effective 05/20/2023.
- Approve the Police Chief's Recommendation of Hire for Dawn Daigle as a Provisional Police Communications Officer, effective 06/01/2023.

A roll call vote was taken with the following results:

YEAS: Chasity Davis-Warren, Marvin Richard, Milton Batiste III, Delita Rubin-Broussard, Charles Cummings, and Sherell Roberts.

NAYS: None.

ABSENT: None.

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EXECUTIVE SESSION

No Items Submitted.

There being nothing further to come before the Council, on a motion by Alderman Milton Batiste III, seconded by Alderwomen Chasity Davis-Warren and Sherell Roberts and unanimously carried, it was resolved that the meeting be adjourned. The meeting was adjourned at 8:48 p.m.

ATTEST:



CITY CLERK



MAYOR