

MINUTES OF THE SPECIAL MEETING OF THE
CADDO PARISH COMMISSION
HELD ON AUGUST 6, 2020

The Caddo Parish Commission met in legal and special session on the above date at 1:00 p.m. via ZOOM teleconference, with President Chavez, presiding, and the following members in attendance, constituting a quorum: Commissioners Atkins, Burrell, Cawthorne, Chavez, Epperson, Hopkins, Jackson, Johnson, Lazarus, Taliaferro, and Young (11). ABSENT: Commissioner Gage-Watts (1).

The invocation was given by Mr. Hopkins, and Mr. Atkins led the Commission in the Pledge of Allegiance.

CERTIFICATE OF TELECONFERENCE

WHEREAS, the Governor of the State of Louisiana has declared a statewide Public Health emergency, inclusive of Caddo Parish, in Proclamation Number 25 JBE 2020; and,

WHEREAS, the Governor, has further extended that declaration via Proclamations Number 96 JBE 2020 and Number 97 JBE 2020; and

WHEREAS, R.S. 42:17.1 allows members of political subdivisions to participate in its meetings electronically under certain limited circumstances.

THEREFORE, in accordance with the Provisions of R.S. 42:17.1, the presiding officer of the Caddo Parish Commission hereby certifies that this meeting is to address matters that are:

- (a) directly related to the public Commission's response to the Coronavirus Pandemic and are critical to the health, safety, or welfare of the public.
- (b) that if they are delayed will cause curtailment of vital public services or severe economic dislocation and hardship.
- (c) critical to continuation of the business of the Commission and that are not able to be postponed to a meeting held in accordance with the other provisions of Open Meetings Law due to a legal requirement or other deadline that cannot be postponed or delayed by the public body.

Date: August 4, 2020

/s/Mario Chavez Caddo
Parish Commission President

NOTICE OF INTENT

At this time, the Commission Clerk read aloud the following Notice of Intent:

Notice is hereby given that the Caddo Parish Commission of Caddo Parish, Louisiana (the "Parish"), plans to consider ordinances to adopt (levy) the Parish's ad valorem tax millages for properties within the Parish of Caddo, at the meeting on Thursday, September 17, 2020 at 3:30 p.m. at the Government Plaza Building, 505 Travis Street, Shreveport, Louisiana or via teleconference in accordance with La R.S. 42:17.1. At this meeting, the Parish will consider adoption of its General Purpose Millages, Special Purpose Millages, and Debt Service Millage. The Parish will also consider adoption of the values fixed or to be fixed by the Louisiana Tax Commission on all assessments for railways and other public service corporations and consider setting the assessments of property classified as timberlands.

ORDINANCES (for intro by title)

- *Ordinance No. 5963 of 2020, an ordinance to set the General Purpose and Special Purpose Millages for providing for millage rate adjustments, as allowed by Article VII, Section 23 of the Louisiana Constitution of 1974 and LA R.S. 47:1705 (B), levying and imposing taxes and assessments for 2020 on all the property subject to taxation in the Parish of Caddo, and to otherwise provide with respect thereto*
- *Ordinance No. 5964 of 2020, an ordinance setting the assessment of property classified as timberlands and to instruct the Assessor to include said assessment on the tax roll of the Parish of Caddo for the year 2020, and to otherwise provide with respect thereto*
- *Ordinance No. 5965 of 2020, an ordinance to adopt the values fixed, or to be fixed, by the Louisiana Tax Commission on all assessments for railways and other public service corporations, and to instruct the Assessor to extend such*

assessments and values on the tax roll of the Parish of Caddo for the year 2020, and to otherwise provide with respect thereto

- *Ordinance No. 5966 of 2020, an ordinance setting the Parish Millage for the purpose of paying principal and interest, due in 2020 on outstanding Parish Bond Issues and to instruct the Assessor to include said millage on the tax roll of the Parish of Caddo for the year 2020, and to otherwise provide with respect thereto*
- *Ordinance No. 5967 of 2020, an ordinance amending the Budget of Estimated Revenues & Expenditures for the General Fund for the year 2020 to provide an appropriation for COVID-19 testing sites and small business support by issuing "COVID Kits" and to otherwise provide with respect thereto.*

NEW BUSINESS

It was **moved by Mr. Epperson**, seconded by Mr. Burrell, *that Resolution No. 58 of 2020, a resolution electing to hold meetings pursuant to Section 17.1 of Title 42 of the Louisiana Revised Statutes, and otherwise providing with respect thereto* be adopted.

Mr. Epperson considers this to be relevant in dealing with the COVID-19 issue.

Mr. Atkins stated that he is not checking the resolution's relevancy. He just wanted to ensure that the resolution is appropriate with respect to some of the legal issues regarding when the Commission can and cannot do teleconference meetings.

Attorney Frazier said that it is her understanding that this resolution declares the Commission is meeting under La RS 42:17.1, under the teleconference agenda with the three categories for items to be placed on the agenda. She also said that this would be for the remainder of the month. Mr. Atkins said that he does not have an issue with it, as long as it is legal to do so. Attorney Frazier said that it would be a meeting pursuant to the statute similar to this one.

Mr. Young said that Legal has alerted us to a new rule that governs our online meetings, and the new rule has specifications. He further explained that the Commission would just meet online with a limited agenda. He also said that the Commission could utilize the Communiqués section to discuss plans and issues that they are facing. Mr. Young said that they would have an unrestricted agenda when they start meeting in the Chambers again.

Mr. Young also said that there is a clause in the act that advises them on how to challenge the rule, if they choose to do so. He said that there are other organizations who have objected this act to the Governor. He said that there are other plaintiffs, and if the Commission wishes, they could participate in a lawsuit. In the meantime I think it would be fine for us to restrict ourselves to the legal topics, he said.

Mr. Young also pointed out that the law says that the President has the authority to name an agenda item as appropriate under the Emergency Video Meeting Rule.

Mr. Jackson said that he will be voting no on this resolution. He said that it confines the Commission. He also thinks that the definitions are subjective and allows one person to be subjective. If you tell me that the items that are put on the agenda, are not of emerging issues, who is to define what is emerging issue for District 3, he said, I represent District 3. Mr. Jackson does not see where the state law that was enacted creates this restriction. He believes that it was interpreted incorrectly. He also said that it is Legal's responsibility to give the Commissioners the black and white letter of the law, but it is up to the Commission body to determine what goes on the agenda. He does not believe that the agenda should be restricted.

Mr. Jackson gave examples of different organizations who are meeting via Zoom and considering items which are not COVID related, i.e. Orleans Parish, Baton Rouge School Board, etc.

Mr. Burrell gave the Commission an example of a man in Alexandria who is 98 years old serving on a board. He said that there was a federal ruling saying that they could not force that individual to meet in person due to his underlying conditions and age. Mr. Burrell feels that some of the Commissioners would meet these guidelines due to being over the age of 65. He also feels that the situation in Alexandria could apply to the Commission meetings. Mr. Burrell is concerned with possibly catching the virus if they are to meet in person. He requested that the Legal department file a lawsuit. Mr. Johnson suggested that Mr. Burrell get back on the board to form a motion.

Substitute motion by Mr. Jackson, seconded by Mr. Burrell, *to continue meeting via Zoom with a full agenda and have the Legal Department research avenues for legal means to challenge Act 302.*

Mr. Jackson explained that the agenda items would not include special resolutions or special proclamation, but ordinances that the Commission would normally consider that deal with the day to day aspects of Caddo Parish that is done on a normal basis. He reiterated that the agenda would not include the special proclamations or special resolutions.

Mr. Young mentioned that there is a 60-day window in which an agenda could be challenged. He also believes that it is too early to file a lawsuit. He suggested that the Legal Department have discussions with other organizations to see if there is an interest in a group filing a lawsuit. He also believes that the next meeting would be a better time to decide whether or not the Commission should sue.

Mr. Taliaferro wanted to know if a lawsuit is pursued, would it be for the Commissioners who wish not to attend an in-person meeting. Attorney Frazier pointed out that the directive is not a directive from the Governor's Office, but a change in the law. She also cautioned that the Commission should follow the law according to items being placed on the agenda within those three categories while simultaneously filing a legal action. Mr. Taliaferro agreed. He said that it is safe to go along with it and challenge it later. Attorney Frazier advised that the Commission continue their meetings per the directives of the statute until a legal opinion or legal ruling is rendered otherwise.

Mr. Burrell referred back to the example he gave earlier with a councilman in Alexandria being allowed to meet via Zoom due to underlying conditions and age. He said that due to the federal judge saying it was a special exception, the councilman is allowed to participate via teleconference. He explained that it should be the same for the Commission because some of the Commissioners are over the age of 65, have underlying conditions, and are minorities. He pointed out that the data being released to the public states that African-Americans are 70% more affected than others, which adds another concern.

Attorney Frazier explained that the Silver Opinion is because Mr. Silver filed a personal action against his council saying that they were not allowing him accommodations under the American Disabilities Act & Rehabilitation Act. She also pointed out that lawsuit was filed prior to the Governor's proclamation regarding the pandemic and Zoom meetings. It had not considered Act 302, except to mention that Act 302 passed after the lawsuit began. She further explained that Mr. Silver's lawsuit is not regarding Act 302. The very first paragraph of the opinion, before the court is a motion for preliminary injunction filed by Harris Silver, Alexandria City Councilmember, who represents District 4 for Alexandria, Louisiana. Mr. Silver is 98 years old and suffers from significant inoperable aortic valve disease and systolic heart failure and has a permanent pacemaker. He contends that these medical conditions which substantially limit the operation of his cardiovascular system, and his reliance on a pacemaker to regulate his cardiovascular system render him disabled as defined by title two of the American with Disabilities Act, and section 504 of the Rehabilitation Act. That's what that lawsuit is about, she said. Attorney Frazier also pointed out that if any Commissioner has a disability that they can certify, then they would be able to rely on Silver, certifying a disability for a Commissioner to participate in any kind of meeting via electronic means.

Attorney Frazier pointed out that Act 302 has three different categories an item must meet in order to be placed on the agenda for a teleconference meeting. She said that the Commission can do the day to day business, and that business has to have a deadline that needs to be met. The presiding officer has to certify that the agenda items meet one of the three categories as defined by statute. If it does not meet one of those categories, it may end up for the courts to decide. Nobody is going to be hauled off to jail, she said, but there are simple penalties, such as actions taken can be void.

Mr. Burrell understood what Attorney Frazier explained, but pointed out that Act 302 does not say anything about a Commissioner needing to certify that they were disabled. He also mentioned that the CDC Guidelines does not say that either, but it does state that if a person is over 65 and has an underlying condition. Attorney Frazier agreed with this statement, but explained that based on what Mr. Silver filed a suit on says that an individual would have to certify that they are to be able to get unlimited telephonic communications in a meeting, no matter the subject. Mr. Burrell wanted to know how that would apply to Act 302. Attorney Frazier explained that it is not codified in that, but is codified in the American Disabilities Act.

Call for the Question by Mr. Epperson, seconded by Mr. Jackson. Motion carried, as shown by the following roll call votes: AYES: Commissioners Atkins, Burrell, Cawthorne, Chavez, Epperson, Gage-Watts, Hopkins, Jackson, Johnson, Lazarus, Taliaferro, and Young (12). NAYS: None (0). ABSENT: None (0). ABSTAIN: None (0).

At this time, Mr. Jackson's substitute motion failed, as shown by the following roll call votes: AYES: Commissioners Burrell, Cawthorne, Epperson, Gage-Watts, Jackson, and Johnson (6). NAYS: Commissioners Atkins, Chavez, Hopkins, Lazarus, Taliaferro, and Young (6). ABSENT: None (0). ABSTAIN: None (0).

At this time, Mr. Epperson's original motion failed, as shown by the following roll call votes: AYES: Commissioners Epperson and Young (2). NAYS: Commissioners Atkins, Burrell, Cawthorne, Chavez, Gage-Watts, Hopkins, Jackson, Johnson, Lazarus, and Taliaferro (10). ABSENT: None (0). ABSTAIN: None (0).

CITIZENS COMMENTS

Mr. Joseph Notcha called in with the following comment:

I'm just curious as to why y'all cannot meet in person. And also, what have y'all done for the community besides [inaudible] of things. And why don't I have recycling pick up here for a few weeks.

Is that because of Republic? Or is that because of y'all failed to do it? I think it'd be a great idea for you all to all just quit your jobs. And the little salary y'all are getting combined would fix at least one street at year. Y'all could start around Peach Street area, then work your way towards downtown. I mean just one street a year. Y'all this is [inaudible] avenue. Downtown is about to be a mess. You got the DOTD diverting traffic to Bossier. I don't see why we keep electing all of y'all into office, and y'all are literally getting nothing done.

There being no further business to come before the body, the meeting was adjourned at 2:08 p.m.


Michelle Nations
Assistant Commission Clerk


Mario Chavez
President