

MINUTES OF THE MEETING OF THE
CADDO PARISH COMMISSION
HELD ON THE 23RD DAY OF APRIL, 2009

The Caddo Parish Commission met in legal and regular session on the above date at 3:30 p.m. in the Government Chamber with Ms. Stephanie Lynch, President, presiding, and the following members in attendance, constituting a quorum: Commissioners Baker, Cox, Dominick, Epperson, Escude, Jenkins, Linn, Lynch, McCulloch, Pierson, Smith and Thibodeaux (12) ABSENT: None.

The invocation was given by Mr. Eddie Howard, assistant police chief from Vivian, and Mr. Dominick led the Commission in the Pledge of Allegiance.

COMMUNIQUES AND REPORTS

Administrator Woodrow Wilson came forward and stated the previous day he had met with Ms. Brenda Clark from the Coordinating and Development Corporation to talk about provisions for summer jobs through a federal stimulus funds allocation. There will be about 100 jobs available for the youth of the Parish. The City of Shreveport has about 1,000 jobs, and the Parish has 100. Finance Director Erica Bryant will be providing each Commission information on the program, he said. Applicants must be between the ages of 16 and 24 and must reside in the rural area of the Parish.

Mr. Dominick said it is his understanding that these youth can work for private business or industry as well as government. Mr. Wilson concurred; he pointed out that the only restriction of the program is that the youth cannot be put to work cutting grass.

Mrs. Bryant stated that Commissioners can provide her with the names of businesses that may be interested in the program, as well as interested youth, and she will forward those names to the CDC. There is an income requirement, she said; job applicants will have to be from a lower income group.

Mr. Pierson stated that Commissioners had been provided a listing of all swimming pools in the City of Shreveport, and how much it would cost to open each one. He asked Commissioners to keep that list to be prepared for a later discussion of the matter.

Mr. Epperson announced that the Code Enforcement Committee will meet on May 4 at 2 p.m. He said that all ward court officials will be asked to attend. He said he would like to introduce a property standards ordinance in May and have it force by July 1.

Mr. Dominick said that the Parks and Recreation Committee will meet on May 7 at 2 p.m.

Mr. Epperson then stated that on Monday it was stated that the Parish would be billed for its portion of the cost of providing security at the Government Plaza Building. He asked if that invoice has been received.

Mrs. Bryant said that the City has billed the Parish for security 2007 and 2008, and to-date in 2009. The Parish has not been paying its share of the security bills, and there is now an accumulated total of about \$60,000. It is estimated that the Parish's share will be about \$30,000 per year. The Commission will be presented a budget amendment to pay the \$60,000 in arrears, and future payments will be budgeted in 2010.

Answering a question from Mr. Epperson, Mrs. Bryant said that this expense is to pay for three police officers, five days per week, 6 a.m. to 6 p.m.

Mrs. McCulloch said that last year she had presented information about a program called "Project Clean Slate", which is designed to allow first offender lawbreakers to have their record expunged. She asked the Administrator to report on the status of that program.

Mr. Wilson said that there is already existing a statue in Louisiana law that gives that provision, but the individual has to apply. A lot of people do not understand the provision of this law, however. He said he will meet with the Sheriff, the District Attorney and the District Court to see if they have an interest in proceeding with the idea.

Ms. Lynch stated that the previous weekend some 1,600 members of Omega Psi Phi Fraternity met in Shreveport for a conference. Assistant Parks Director Henri Wesley headed up that effort, she said, and Administrator Wilson gave the welcome to the members.

VISITORS

At this time President Lynch stated that she had invited Mr. Jeffrey Goodman, an independent film maker and Shreveport native, to report to the Commission on what he is doing to promote the film industry locally.

Mr. Goodman stated that this appearance is part of a series of speaking engagements leading up to a major launch of his film, "The Last Lullaby". The film was financed and filmed entirely in this area, he said. It is co-written by the writer of "The Road to Perdition" and stars Tom Sizemore and Tasha Alexander.

The film has received tremendous reviews, he said, and one noteworthy award after being screened at festivals all over the world. It will screen on the coming weekend in Memphis before its theatrical launch in Shreveport on May 1.

Mr. Goodman said that he is a native of Shreveport, and he has been living back here for more than four years. He said he would like to remain in this area and be a part of the local film industry, but he will need the community's support to do so. A commercial success of this movie will be a vital factor in sustaining the film industry in this area. Ticket sales for the upcoming screenings have been very strong, he said.

Mr. Linn stated that his restaurant, Columbia Café, was one of the locations at which the movie was filmed, and he thanked Mr. Goodman for utilizing his facility.

Answering a question, Mr. Goodman said that "The Last Lullaby", the story of a "hit man" and a librarian who form an unusual bond, has probably the best chance of any indigenous Louisiana film to establish itself in the larger national and world film market. If it does so, it will help establish Shreveport as an indigenous hub that will help attract other film professionals and develop the industry.

Answering a question from Mrs. Baker, Mr. Goodman said that he has 49 investors in his movie. Unfortunately, film is not the least expensive of artistic ventures—it requires a significant amount of investment funds. He said that he was fortunate to have found investor support in this area, but he realizes that unless he is able to reward these investors he will not be able to continue what he is doing for long. In order to be able to continue to live and work in this area, his film needs to achieve a certain level of financial success to convince investors of his professional capabilities and business acumen.

He said that Shreveport is home; his parents live here, and he is engaged to a Shreveport woman. He is happy here, he said, but he must be able to succeed here in order to remain here.

President Lynch thanked Mr. Goodman for his presentation. She also acknowledged the presence of his mother, Sylvia, in the audience.

Next came Mr. Charles Tutt, who identified himself as an attorney with the firm of Tutt, Stroud and McKay, representing Andrew T. Walker Drilling Company. He said he had come to discuss the issue of drilling units, which is becoming a more pressing issue because of the Haynesville shale discovery in this area. He said that his client, Mr. Walker, is engaged in an ongoing dispute with the Louisiana Office of Conservation about which he would like to inform the Commissioners so they can be able to respond to any constituent inquiries about the matter. The Commission is not being asked to take any action, he said.

Mr. Tutt said that through the years oil and gas discoveries were in the beginning "hit or miss"; there were no regulations, and there was a rush to drill fields in one area or another. People began to feel that there were inequities in the system, so Louisiana decided to enact a mineral code. In 1940 a code was enacted, and one of the components of that code was the concept of drilling units—specifically, forced-pool units.

Mr. Tutt said that this means that if the Office of Conservation establishes a drilling unit, every property owner within that defined unit is stuck in that unit with no ability to get out or control what goes on in the unit. The Constitution allows the government to exercise police power when it is in the common best interest, but the whole idea of the unit in the beginning was to establish fairness and equity in the development of the various oil and gas fields.

The statute when it was adopted in 1940 provided that each unit was to be established at whatever size the Office of Conservation determined one well could economically drain, regardless of acreage, Mr. Tutt continued. However, through the years the Office of Conservation has developed the practice of creating 640-acre units only. Then during the past decade the Office of Conservation began approving numerous wells in each unit, rather than take the time and effort to determine what size a unit should be. This allows an operator to hold rights on an entire section by drilling only one well, allowing him to pick and choose and follow his own timetable in developing a field, often to the detriment of landowners.

The Mineral Code was established not just to develop minerals but also for conservation, Mr. Tutt said. One of the things that is to be conserved is surface use of property—to conserve the surface by preventing the drilling of unnecessary wells. He said that operators can now take advantage of higher oil or gas prices by drilling numerous wells in one proven spot, rather than letting lesser wells diminish over the years, thereby preserving the surface while producing the same amount of gas. Currently the Office of Conservation allows operators to drill as many wells as they wish.

Now that the Haynesville Shale has come into play, Mr. Tutt said, there will be situations where, due to available technology and a sufficiency of drilling rigs and pipelines, some sections will have six or eight wells, while landowners in an adjoining section will not be afforded the opportunity to participate in the bounty. He said that his client, Mr. Walker, is asking the Office of Conservation to re-evaluate the manner in which it creates drilling units, and more specifically, to just follow the law that already exists. To do so would prevent a lot of confusion, avoid a lot of discrimination and different treatment for different landowners and result in a more equitable distribution of production.

The Office of Conservation maintains that Mr. Walker's position is incorrect, Mr. Tutt said, but Title 30, Section 9, cannot be read any way other than "one well per drilling unit". Office of Conservation relies on another section which deals with wells below 15,000 feet, which has an entirely different scheme for setting up units. However, the law is what it is, and if the Office of Conservation is not happy with that law it should work to get it changed, he said.

Mr. Thibodeaux asked if the depth of a well has any bearing on the size of a unit. Mr. Tutt said that it does not necessarily have any bearing; the Office of Conservation can set up whatever size unit it wants, but most are 640 acres. Office of Conservation says that one well cannot produce all the gas in 640 acres; Mr. Walker's position is that if that is the case, the size of the units should be reduced.

Answering another question from Mr. Thibodeaux, Mr. Tutt said that his client has initiated a suit against the Office of Conservation relative to this issue.

Mr. Cox said that he has a friend who is being victimized by the situation described by Mr. Tutt: these person's land has only one well on it, but its production is being held back. However, at the same time, other wells are being drilled in adjoining sections. Mr. Tutt agreed that so long as that one well exists, no further drilling has to be done in the section until the producer is ready to do so.

Mr. Cox said it has been demonstrated that energy companies observe few rules or boundaries; even written regulations are often ignored with impunity. He asked what an individual landowner can do to protect himself. Mr. Tutt replied that the landowner can contact his client, Mr. Walker, for guidance. Mr. Walker has been in contact with Sen. Sherri Cheek, who reports that the Office of Conservation has said it will review how they establish the Haynesville Shale. Otherwise, he said, he has no suggestions for the individual landowner.

Mr. Escude said that Mr. Tutt has presented two issues: the contention that the State is not following State law, and a separate issue of fairness and equity to landowners. Mr. Tutt responded that the issues are related, in that a unit is supposed to be set up in such a size as to fairly develop the entire field.

Answering a question from Mr. Escude, Mr. Tutt said that before about 1995 one would never see more than one well in a 640-acre unit. That is when the idea of an alternate well proposal came into being, and it is his client's contention that the size of the units should have been changed at that time to fit the law, rather than allow multiple wells within a unit. The advent of the Haynesville Shale has merely magnified an existing problem, he said.

Mr. Escude asked who makes the State enforce its own laws. Mr. Tutt said he hopes the answer to that question will be answered as a result of the suit filed by his client in East Baton Rouge Parish. He pointed out, however, that the energy industry lobby constitutes a very powerful adversary.

Mr. Escude said that though the court will ultimately decide the matter, his position is that now that he and his fellow Commissioners are aware that the citizens they all collectively represent could be being taken advantage of because the law is not being followed. The Commission has an interest to see that the citizens of the Parish are protected.

Mr. Epperson agreed, pointing out that that is the reason he had asked Mr. Tutt to appear at this meeting. The Commissioners are in a learning mode where the Haynesville Shale is concerned, and they need to educate themselves as much as possible on the subject. The Commission is now painfully aware that the greater part of what can happen in the oil and gas industry lies in the hands of the Department of Natural Resources in Baton Rouge, beyond local control.

President Lynch thanked Mr. Tutt for his presentation.

PUBLIC HEARING ON ZONING CASES

- ZONING CASE P-3-09 (5999 Jefferson Paige Road) property located on the southwest side of Jefferson-Paige Road 475 feet southeast of Pines Road; DOLLAR GENERAL – JEFFERSON

PAIGE ROAD, APPLICANT/APPELLANT.

Request for approval of a proposed site plan for property located in a B-2 District on the southwest side of Jefferson-Paige Road 475 feet southeast of Pines Road. The Metropolitan Planning Commission denied the applicant's request. The applicant is appealing that decision.

The President asked if there was anyone present to speak in support of or in opposition to this case, and Mr. Colby Nix, 7711 Mary Eve Road, Shreveport, came forward. He stated that he is a real estate broker representing the landowners in this case. He said that this and the next case on the agenda, SP-6-09, are both in reference to the same property and application.

Mr. Nix said that the original applications were handled by the developer, Dollar General, but when the MPC denied the original application Dollar General decided it would allow the landowner to proceed with any appeal. He said he was not directly involved with the preparation or the application initially.

There is one major issue identified by the MPC staff in the site plan application, he said, but his client believes that issue, congestion created by deliveries from delivery trucks, can be corrected by enlarging the site and enlarging the parking area and driveways. He then asked that the Commission delay action on this case until its next meeting.

There being no others to speak in support of this zoning case, the President asked if there was anyone present to speak in opposition.

Mr. Clifton Starks, 3529 Milky Way, Shreveport, came forward and expressed the hope that the Commission will uphold the decision of the Metropolitan Planning Commission in denying this application. The MPC carefully considered its ruling, he said, which determined that this proposed Dollar General store would not be an asset to the community.

Mr. Sparks said that the community already has a Dollar General store that is closed, and another one further down the Greenwood Road. He said that usually when a company goes into business its motive is to make money, but he can see no way they can in this instance because all the citizens in the area are opposed to this store. With Walmart in the vicinity, and with no community support, there is no way this store can be profitable, he said.

Next came Ms. Joyce Lawrence, 4107 Phoenix Drive, Shreveport, who identified herself as president of the Western Hills Estates Neighborhood Association, which collectively represents more than 1,300 acres of property in the area of the proposed Dollar Store. She said she and her neighbors presented information at the MPC meeting to the effect that the area is overwhelmed with Dollar Stores. A computer search will produce a list of some 350 to 450 Dollar Stores in Shreveport, and particularly in her neighborhood, she said.

Ms. Lawrence asked that the Commission not delay this case, but rather, to uphold the MPC's denial of it and then work with the City and the Planning Commission to develop a master plan and do some serious economic development work in this community to keep it viable and safe. The Dollar Store that is there already has become an eyesore due to parking lot trash, and another would become a likely generator of degradation and blight.

Mr. Lewis Brooks came forward and identified himself as president of the Twilight Meadow Community Civic Club. He agreed with the remarks made by Ms. Lawrence to the effect that there are enough Dollar Stores in this community. He urged the Commission to deny, not delay, this application.

There being no other speakers, the President directed the Clerk to present the next case.

- ZONING CASE SP-6-09 property located 360 feet southeast of the intersection of Jefferson Paige and Pines Road, JAMES AND SARAH PRICE, APPLICANT/APPELLANT.
Request for approval for property located 360 feet southeast of the intersection of Jefferson Paige and Pines Roads for a proposed Dollar General Store. The Metropolitan Planning Commission denied the applicant's request. The applicant is appealing that decision.

The President asked if there was anyone present to speak in support of this case, and Mr. Colby Nix returned and stated that this case is related to the previous case. He pointed out that this is not a change of zoning case but a subdivision case. The property is already zoned B-2, and that zoning was in place when the church next door decided to locate there.

Mr. Nix said that the Dollar Stores provide a service to the citizens of the area, reducing costs and providing convenience to them. He repeated his request for a two-week delay on the appeal.

The President asked if there was anyone present to speak in support of this case. Ms. Lawrence returned and asked that Commission affirm the MPC's decision on this case as well, and deny it. She said that she and her neighbors are concerned that this case is being presented as two separate

elements, raising their suspicions as to what underlying intentions might be.

She said that the Dollar Stores cannot compete with Walmart. The community is still suffering from the building and development of Walmart. There are still vacant buildings in the area, remnants of the time when small “mom and pop” businesses thrived until they succumbed to the competition of Walmart, which can price the average small business out of existence.

Mr. Brooks returned and reiterated his opposition.

There being no other speakers, the President directed the Clerk to present the next case.

- ZONING CASE P-4-09 in regard to Ordinance No. 4873 of 2009(10400 block Norris Ferry Road) property located on the east side of Norris Ferry Road at its intersection with the Southern Loop; ARAMCO, INC, APPLICANT.
Request to amend the Code of Ordinances by rezoning property located on the east side of Norris Ferry Road at its intersection with Southern Loop, **from** R-A, Residence/Agriculture District **to** B-2, Neighborhood District for a proposed B-2 Development

The President asked if there was anyone present to speak in support of or in opposition to this zoning case, and there was no one.

- ZONING CASE P-5-09 in regard to Ordinance No. 4874 (9200 block of Linwood Avenue) property located on the southeast corner of Linwood and McCary, CALVARY BAPTIST CHURCH, APPLICANT.
Request to amend the Code of Ordinances by rezoning property located on the southeast corner of Linwood Avenue and McCary **from** R-A, Residence/Agriculture District **to** R-3, Urban, Multi-Family Residence District for a proposed adult living facility

The President asked if there was anyone present to speak in support of or in opposition to this zoning case, and there was no one. She declared the public hearing on zoning case to be concluded.

PUBLIC HEARING ON ORDINANCES

- Ordinance No. 4876 of 2009 to relocate the polling place for Precinct No. 146 (District 1) from Deep South Gift Shop, 17558 Hwy, 71, Mira, LA to Ida Community Center, 6955 Cedar Lane, Ida, LA
- Ordinance No. 4878 of 2009 declaring certain adjudicated properties to be surplus and to authorize the Parish Administrator or a designee to sell the Parish of Caddo's tax interest therein

The President asked if there was anyone present to speak in support of or in opposition to either of the above ordinances, and there was no one.

ZONING ORDINANCES: (For final passage)

It was **moved by Ms. Lynch**, seconded by Mr. Epperson, *that the Metropolitan Planning Commission's denial of Zoning Appeal Case P-3-09, Dollar General, applicant/appellant, requesting approval of a proposed site plan for property located on the southwest side of Jefferson-Paige Road, 475 feet southeast of Pines Road, be upheld.*

Mr. Escude asked upon what grounds did the MPC base its decision to deny this case. Mr. Charles Kirkland, executive director of the MPC, said that the MPC heard the same objections from residents of the neighborhood as were heard by the Commission. In addition, he said, there is some truth to allegation that these stores seem to come and go, and they are not, for the most part, adding to the value of a neighborhood. MPC has to spend a lot of time trying to keep these stores in compliance with ordinances regarding such things as landscaping.

That aside, Mr. Escude said, it is not the role of the MPC or the Commission to attempt to predetermine which businesses might fail. If the sentiments of the residents are overwhelmingly opposed, that in itself is sufficient, he said, but government crosses a line whenever it presumes to determine whether or not a business will be viable.

Mr. Kirkland said that the MPC does not get into economics, but it does take into consideration a company's past business practices. He pointed out that in this case, the operator, Dollar General, withdrew after MPC's initial denial; it is not here appealing this case.

At this time Ms. Lynch's motion to uphold the MPC decision and deny Zoning Case P-3-09 carried, as shown by the following roll call vote: AYES: Commissioners Baker, Cox, Dominick, Epperson, Escude, Jenkins, Linn, Lynch, McCulloch, Pierson, Smith and Thibodeaux (12). NAYS: None. ABSTAINING: None. ABSENT: None.

It was **moved by Ms. Lynch**, seconded by Mr. Epperson, *that the Metropolitan Planning Commission's denial of Zoning Appeal Case SP-6-09, James and Sarah Price, applicant/appellant, requesting approval for property located 360 feet southeast of the intersection of Jefferson Paige and Pines Road, for a proposed Dollar General Store, be upheld. That motion carried*, as shown by the following roll call vote: AYES: Commissioners Baker, Cox, Dominick, Epperson, Escude, Jenkins, Linn, Lynch, McCulloch, Pierson, Smith and Thibodeaux (12). NAYS: None. ABSTAINING: None. ABSENT: None.

ORDINANCE NO. 4873 OF 2009

BY THE CADDO PARISH COMMISSION:

AN ORDINANCE TO AMEND CHAPTER 51 OF THE CODE OF ORDINANCES OF THE PARISH OF CADDO, AS AMENDED, THE CADDO PARISH ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE EAST SIDE OF NORRIS FERRY ROAD AT ITS INTERSECTION WITH SOUTHERN LOOP, CADDO PARISH, LOUISIANA, **FROM R-A, RESIDENCE/AGRICULTURE DISTRICT, TO B-2, NEIGHBORHOOD DISTRICT** AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

BE IT ORDAINED by the Caddo Parish Commission in due, legal and regular session convened, that Chapter 51 of the Code of Ordinances of the Parish of Caddo is hereby amended and re-enacted to read as follows, to wit:

The official Zoning Map of the Shreveport Metropolitan Planning Area of Caddo Parish, Louisiana, be amended by rezoning property legally described as: A tract of land located in the S/2 of Sect. 21, T16N, R13W, Caddo Parish, LA, said tract more fully described as: Beginning at the point of intersection of the south line of Sect. 21, with the east R/W line of Norris Ferry Road, proceed N0°50'27"E along said east R/W line 581.80 feet, thence run S89°12'54"E 1078.03 feet, thence run S25°34'59"E 440.61 feet, thence run S0°43'32"W 187.03 feet thence run N89°12'54"W 1,274.48 feet returning to the POB. Said tract containing 16.13 acres located on the east side of Norris Ferry Road at its intersection with Southern Loop, Caddo Parish, Louisiana, be and the same is hereby changed from R-A, Residence/Agriculture District, to B-2, Neighborhood Business District.

BE IT FURTHER ORDAINED that the rezoning of the property described herein is subject to compliance with the following stipulations:

1. **Site development plan shall be submitted to and approved by the Planning Commission prior to the issuance of any permits.**
2. **Development of the property shall begin within a period of two (2) years from the date of the adoption of this ordinance and the failure to comply with such stipulation will cause the rezoning herein described to become null and void, and the zoning classification will automatically revert to R-A.**

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

BE IT FURTHER ORDAINED, that this ordinance shall become effective ten (10) days after publication in the official journal.

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

It was **moved by Mr. Thibodeaux**, seconded by Mr. Smith, *that Ordinance No. 4873 of 2009, in regard to Zoning Case P-4-09, Aramco, Inc., applicant, rezoning property located on the east side of Norris Ferry Road at its intersection with Southern Loop, from R-A to B-2 for a proposed B-2 Development, be adopted. That motion carried*, as shown by the following roll call vote: AYES: Commissioners Baker, Cox, Dominick, Epperson, Escude, Jenkins, Linn, Lynch, McCulloch, Pierson, Smith and Thibodeaux (12). NAYS: None. ABSTAINING: None. ABSENT: None.

It was **moved by Mr. Cox**, seconded by Mr. Smith, *that Ordinance No. 4874 of 2009, in regard to Zoning Case P-5-09, Calvary Baptist Church, applicant, rezoning property located on the southeast corner of Linwood Avenue and McCary from R-A to R-3 for a proposed adult living facility, be adopted.*

Mr. Escude asked if this property is owned by the church. Mr. Kirkland stated that he is reasonably certain the church owns the property.

Mr. Escude asked if the church will be the operator of the living facility. Mr. Kirkland said that a private group, in partnership with Calvary, will build run the facility, with Calvary remaining the landowner.

Mr. Escude pointed out that this rezoning will allow another non-profit entity to go into competition with the private sector without the burden of ad valorem taxes. Mr. Kirkland replied that inasmuch as MPC does not concern itself with the economics of a venture, or as to who does what. This is not unlike what Willis-Kingston Hospital is proposing to do off the Industrial Loop—a major retirement village. If there was not a market for them these firms would not want to come in and build them; there is an aging citizenry that needs these services, he said.

Mr. Escude said that the point that concerns him is the fact that there are becoming more and more non-profits performing functions traditionally furnished by for-profits. They set up stores or other businesses to compete with for-profit businesses, but they pay no taxes. The Shreveport Country Club is now owned by a church, therefore all that property is now off the tax roll.

Mr. Kirkland said that Calvary Baptist is listed as the applicant and owner, but a partnership of some sort was clearly referenced. A representative of Calvary Baptist would have to answer Mr. Escude's questions specifically, he said, but churches all over the City have become involved in all sorts of investments and commercial ventures.

Mr. Escude said that is because the churches have found every angle possible to compete in the private and not have to pay the same taxes that private entrepreneurs must pay. They damage private businesses while their businesses are being subsidized by the taxpayers through loss of tax revenues, he said. Individual business owners are not on a level playing field; for example, he said, private gym owners are competing against Willis-Kingston and the Sisters of Charity.

Mr. Linn pointed out that Willis-Kingston now owns the Portico Shopping Center, which contains health care offices as well as commercial establishments. He asked if these commercial businesses pay taxes. Mr. Kirkland said that the for-profit businesses within the complex do pay taxes. Properties converted to a medical use go into another taxing status, he said, much of which is exempt.

In the other local instance of where a church owns a shopping center, Mr. Kirkland said that about three-fourths of the site is taxed at normal rates, while the part used by the church is taxed at the more favorable rate.

Mr. Linn asked Mr. Kirkland to explain the difference between that and the situation where the City of Shreveport owns the downtown Hilton Hotel, which operates as a for-profit hotel, but the Parish gets no taxes from that property. Mr. Kirkland replied that it would be prudent for him to not comment on that situation.

At this time **Mr. Cox stated that he would withdraw his motion** and allow someone to make a motion to delay. In the interim, he said, he could contact the church and ask them to come to the next meeting.

Mr. Linn moved, seconded by Mr. Escude, *that action on Ordinance No. 4874 in regard to Zoning Case P-5-09 be delayed until the Commission's next meeting.*

Mr. Epperson said that since it appears the Commission may be considering new criteria to be imposed by the MPC, he would ask Mr. Kirkland to direct applicants to state their tax-paying status. Mr. Kirkland said that MPC's role is land use, not competitive advantages. Even so, Mr. Epperson said, questions such as tax-status should be asked at the beginning of the process, if not by the MPC then by the Commission.

Mr. Kirkland said that what he is seeing, as was referenced in a previous case, is a demonstration of planning, or lack of. He pointed out that when Walmart stores were being approved, no one gave a thought to the possibility that small businesses might be jeopardized. Such considerations are now being recognized, he said. Mr. Escude and Mr. Epperson are correct to question what standards will be imposed, and as work continues on the Master Plan, such distinctions need to be defined and what rationale will be employed in making land-use decisions.

Mr. Linn's motion to delay then carried.

ORDINANCES: (For final passage)

ORDINANCE NO. 4876 OF 2009

BY THE CADDO PARISH COMMISSION:

AN ORDINANCE TO RELOCATE THE POLLING PLACE FOR PRECINCT #146 (DISTRICT 1) FROM DEEP SOUTH GIFT SHOP, 17558 HWY. 71, MIRA, LA TO IDA COMMUNITY CENTER, 6955 CEDAR LANE, IDA, LA, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, Deep South Gift Shop, 17558 Hwy. 71, Mira, Louisiana, is the current location of the polling place for Precinct #146; and

WHEREAS, this polling location is the only building suitable in Mira, Louisiana, for a polling location; however the owner of the building is closing the shop and has advised he will no longer provide the location for the polling place for Precinct #146; and

WHEREAS, currently there is no suitable building site within the precinct's borders to establish a polling place; and

WHEREAS, the nearest and most suitable location for the polling location of Precinct No. 146 is the Ida Community Center, 6955 Cedar Lane, Ida, Louisiana 71044, which is 4.4 miles from the existing location; and

WHEREAS, Precinct No. 150 is currently using the Ida Community Center, 6955 Cedar Lane, Ida, Louisiana 71044; and

WHEREAS, the Ida Community Center can accommodate the additional precinct as a polling location; and

WHEREAS, the Caddo Parish Commission finds that it is in the best interests of the citizens of the Parish of Caddo to relocate Precinct #146 from the Deep South Gift Shop, 17558 Hwy. 71, Mira, Louisiana 71059 to the Ida Community Center, 6955 Cedar Lane, Ida, Louisiana 71044; and

WHEREAS, this action represents a change in polling precinct locations from previous submittals to the U.S. Department of Justice; and

WHEREAS, this action is required to be submitted to the U.S. Department of Justice under Section 5 of the Voting Rights Act and in accordance with 28 CFR §51.27; and

WHEREAS, La. R.S. 18:534 and 18:536 are relevant to the changes being made herein.

NOW, THEREFORE, BE IT ORDAINED by the Caddo Parish Commission in due, regular and legal session convened that:

Precinct #146 be relocated from the Precinct #146 from the Deep South Gift Shop, 17558 Hwy. 71, Mira, Louisiana 71059 to the Ida Community Center, 6955 Cedar Lane, Ida, Louisiana 71044; and

BE IT FURTHER ORDAINED that this ordinance and copies of La. R.S. 18:534 and La. R.S. 18:536 be submitted to the U.S. Department of Justice in accordance with 28 CFR §51.27.

BE IT FURTHER ORDAINED that the following minority group contacts be, and the same are hereby, made available to the U.S. Department of Justice:

Ms. Stephanie Lynch
c/o Caddo Parish Commission
505 Travis Street
Shreveport, LA 71101
(318) 226-6596

Mr. Robert Piper
Attorney at Law
624 Pierre Avenue
Shreveport, LA 71103
(318) 226-0826

BE IT FURTHER ORDAINED that a copy of this ordinance shall be mailed to the following:

Secretary of the Senate of the State of Louisiana
Clerk of the House of Representatives of the State of Louisiana
Secretary of State of the State of Louisiana
Commissioner of Elections of the State of Louisiana
Parish of Caddo Registrar of Voters
Parish of Caddo Clerk of Court
Parish of Caddo Voting Machine Warehouse Supervisor
Parish of Caddo Director of Facilities and Maintenance

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

BE IT FURTHER ORDAINED that this ordinance shall become effective on July 1, 2009.

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

It was **moved by Mr. Dominick**, seconded by Mr. Cox, *that Ordinance No. 4876 of 2009, to relocate the polling place for Precinct No. 146 (District 1) from Deep South Gift Shop, 17558 Hwy, 71, Mira, to Ida Community Center, 6955 Cedar Lane, Ida, be adopted. That motion carried*, as shown by the following roll call vote: AYES: Commissioners Baker, Cox, Dominick, Epperson, Escude, Jenkins, Linn, Lynch, McCulloch, Pierson, Smith and Thibodeaux (12). NAYS: None. ABSTAINING: None. ABSENT: None.

ORDINANCE NO. 4878 OF 2009

BY THE CADDO PARISH COMMISSION:

AN ORDINANCE DECLARING CERTAIN ADJUDICATED PROPERTIES TO BE SURPLUS AND TO AUTHORIZE THE PARISH ADMINISTRATOR, OR A DESIGNEE, TO SELL THE PARISH OF CADDO'S TAX INTEREST IN CERTAIN SURPLUS ADJUDICATED PROPERTIES, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

WHEREAS, the hereinbelow described properties are no longer needed for public purposes and should be declared surplus properties; and

WHEREAS, the Parish of Caddo has received offers to purchase its tax interest in the hereinbelow described properties as indicated below.

NOW, THEREFORE, BE IT ORDAINED by the Caddo Parish Commission in due, legal and regular session convened, that the hereinbelow described properties are no longer needed for public purposes and are surplus properties.

WHEREAS, the Parish of Caddo has a tax interest in the hereinbelow described properties which have been adjudicated for the non-payment of Parish property taxes; and

BE IT FURTHER ORDAINED, that the Caddo Parish Commission does hereby authorize the sale of its tax interest in the hereinbelow described properties for an amount not less than the offer as indicated below.

Property No. 1: Lot B, Corrected Replat of Lots 16 to 24 & 45 to 48, Blk 3, Lakeshore Heights, U1; Minimum Bid - \$3,000.00 (GEO #171404-004-0005)

PURCHASE PRICE: \$16,200.00 APPRAISED VALUE: \$4,500.00

Property No. 2: Lot 12, Macks Park, a subdivision containing 27 lots, located in the N/E Qtr of Sec 5 Town 18N R14 West, Caddo Parish, LA, as per map recorded in Book 700, Page 537 of the conveyance records of Caddo Parish, LA (GEO #181405-004-0012)

PURCHASE PRICE: \$16,200.00 APPRAISED VALUE: \$4,500.00

Property No. 3: Lot Six (6), Ira Ray Subd., a subdivision of Caddo Parish, LA as per map recorded in Book 300, Page 102 of the Conveyance Records of Caddo Parish, LA (GEO 181411-001-0006)

PURCHASE PRICE: \$867.00 APPRAISED VALUE: \$1,300.00

Property No. 4: East 50 feet of West 183 feet of North 155 feet of Lot 250, Jones-Mabry Subd., Unit 3, Caddo Parish, Louisiana as per plat filed for record in Conveyance Records of Caddo Parish, Louisiana (GEO #181416-014-0303)

PURCHASE PRICE: \$666.00 APPRAISED VALUE: \$1,000.00

Property No. 5: Lots 0001 thru 0008, Lombardino Subd.; Minimum Bid: \$300.00 per lot; (GEO Nos.: 181417-006-0001, 181417-006-0002, 181417-006-0003, 181417-006-0004, 181417-006-0005, 181417-006-0006, 181417-006-0007 and 181417-006-0008)

PURCHASE PRICE: \$2,400.00 APPRAISED VALUE: \$300.00 (per lot)

Property No. 6: LOT D, PARTITION OF LOT 485, JONES-MABRY SUBD., U8; Minimum Bid - \$525.00 (GEO #181420-013-0005)

PURCHASE PRICE: \$525.00 APPRAISED VALUE: \$525.00

Property No. 7: LOT E, PARTITION OF LOT 485, JONES-MABRY SUBD., U8; Minimum Bid - \$525.00; (GEO #181420-013-0006)

PURCHASE PRICE: \$525.00 APPRAISED VALUE: \$525.00

Property No. 8: Lots 6 and 7 Blk 6, Ingleside Subd., as per map recorded in the conveyance records of Caddo Parish, LA (GEO #171410-121-0046)

PURCHASE PRICE: \$475.00 APPRAISED VALUE: \$700.00

Property No. 9: Lot 1318, Cedar Grove Subd., a subdivision in the City of Shreveport, Caddo Parish, LA, as per plat recorded in Conveyance Book 50, Page 389 of the records of Caddo Parish, LA (GEO #171424-113-1318)

PURCHASE PRICE: \$1,402.00 APPRAISED VALUE: \$2,100.00

Property No. 10: Lot 987, Cedar Grove Addition, Caddo Parish, Louisiana as per plat recorded in Book 50, Page 389 of the Conveyance Records of Caddo Parish, Louisiana (GEO #171425-081-0987)

PURCHASE PRICE: \$10,600.00 APPRAISED VALUE: \$3,500.00

Property No. 11: Property – Lot Six (5), WEST MORNINGSIDE SUBD; Minimum Bid – \$2,000.00; (GEO #171415-012-0005)

PURCHASE PRICE: \$2,100.00 APPRAISED VALUE: \$3,000.00

Property No. 12: Begins 9.8 chains E. of NW corner of S/W Qtr of Sec 32 T16 R14 South, 231 ft West 132 ft North 231 ft East 132 ft to point of beginning in the NW Qtr of the SW Qtr of Sec 32 T16 R14 of Caddo Parish, Louisiana, as per plat filed for record in Conveyance Records of Caddo Parish, Louisiana (GEO #161432-000-0014)

PURCHASE PRICE: \$6,000.00 APPRAISED VALUE: \$8,500.00

Property No. 13: Lot 52, Meadowwood Estates, as per plat filed in the conveyance records of Caddo, Parish, Louisiana (GEO #161525-010-0052)

PURCHASE PRICE: \$2,667.00 APPRAISED VALUE: \$4,000.00

Property No. 14: Lot 30, Colworth Place, U2,, as per plat filed in the conveyance records of Caddo, Parish, Louisiana (GEO #161527-007-0030)

PURCHASE PRICE: \$4,888.87 APPRAISED VALUE: \$4,887.87

Property No. 15: 2.00 Acres located in the E/2 of NE/4, Sec 30-17-15, as per plat filed for record in Conveyance Records of Caddo Parish, Louisiana (GEO #171530-000-0062)

PURCHASE PRICE: \$100,200.00 APPRAISED VALUE: \$60,000.00

Property No. 16: 13.17 Acres – M/L that part of Lot 9, Sec 33-1815 Lying South of Page Bayou Subd., Caddo Parish, Louisiana as per plat filed for record in Conveyance Records of Caddo Parish, Louisiana (GEO #181533-000-0042)

PURCHASE PRICE: \$25,501.00 APPRAISED VALUE: \$2,200.00

BE IT FURTHER ORDAINED, that the Caddo Parish Administrator, or his designee, shall be authorized to do any and all things and to sign any and all documents, including Acts of Cash Sale, in a form acceptable to the Caddo Parish Attorney necessary to effectuate the purposes set forth herein.

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

BE IT FURTHER ORDAINED, that this ordinance shall become effective ten (10) days after publication in the official journal.

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

It was **moved by Mr. Pierson**, seconded by Mrs. McCulloch, *that Ordinance No. 4878 of 2009, declaring certain adjudicated properties to be surplus and authorizing the Parish Administrator to sell the Parish's tax interest therein, be adopted. That motion carried*, as shown by the following roll call vote: AYES: Commissioners Baker, Cox, Dominick, Epperson, Escude, Jenkins, Linn, Lynch, McCulloch, Pierson, Smith and Thibodeaux (12). NAYS: None. ABSTAINING: None. ABSENT: None.

ORDINANCES: (For introduction, by title)

- Ordinance No. 4879 of 2009 amending the Budget of Estimated Revenues and Expenditures for the Juvenile Justice Fund for 'Family in Need-Services' in the amount of \$15,000 for the year 2009
- Ordinance No. 4880 of 2009 declaring certain adjudicated properties to be surplus and to authorize the Parish Administrator or a designee to sell the Parish of Caddo's tax interest therein

RESOLUTIONS

RESOLUTION NO. 10 OF 2009

BY THE CADDO PARISH COMMISSION:

A RESOLUTION AUTHORIZING THE PARISH ADMINISTRATOR TO RETAIN SPECIAL LEGAL COUNSEL AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, as a result of increased oil and gas exploration activity Caddo Parish is confronted with a number of legal issues both as the owner of significant mineral interests itself and as a governmental entity it is responsible for the well-being of its citizens;

WHEREAS, Resolution No. 23 of 2008 authorized the Parish Administrator to retain Malcolm Muchison as special counsel to provide advice and counsel to the Commission as it fulfills the aforesaid responsibilities, however at times conflicts arise and an alternate attorney with experience in the field of oil and gas law is needed;

WHEREAS, the Parish Attorney has recommended to the Commission that it would be in the best interest of Caddo Parish for it to retain the services of John M. Frazier with the firm of Wiener, Weiss & Madison, APC as Special Counsel to provide advice and counsel to the Commission as it fulfills the aforesaid responsibilities;

WHEREAS, Mr. Frazier is a highly competent and experience attorney whose practice is concentrated in the field of oil and gas law;

WHEREAS, the Commission does hereby concur the Parish Attorney's recommendation to retain John M. Frazier and the firm of Wiener, Weiss & Madison, APC in the aforesaid matters.

NOW, THEREFORE BE IT RESOLVED, by the Caddo Parish Commission in due, regular and legal session concerned that the Caddo Parish Commission does hereby authorize the Parish Administrator or his designee to retain on behalf of Caddo Parish Mr. John M. Frazier and the firm of

Wiener, Weiss & Madison, APC at an hourly rate not to exceed \$175.00, with other terms of the engagement being set for and a retainer agreement to be negotiated between the Parish Attorney and Mr. Frazier.

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

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

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

It was **moved by Mr. Smith**, seconded by Mr. Jenkins, *that Resolution No. 10 of 2009, authorizing the Parish Administrator to retain special legal counsel in regard to matters relative to mineral leasing and development, be adopted.*

Mr. Smith commended Parish Attorney Charles Grubb for the many hours of work that he has devoted to this matter in recent months, but he pointed out that the complexity and sheer volume of the work is more than can reasonably be expected of one attorney.

Mr. Smith's motion then carried, as shown by the following roll call vote: AYES: Commissioners Baker, Cox, Dominick, Epperson, Escude, Jenkins, Linn, Lynch, McCulloch, Pierson, Smith and Thibodeaux (12). NAYS: None. ABSTAINING: None. ABSENT: None.

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RESOLUTION NO. 12 OF 2009

BY THE CADDO PARISH COMMISSION:

A RESOLUTION TO AUTHORIZE THE CADDO PARISH ADMINISTRATOR TO REQUEST THE LOUISIANA DEPARTMENT OF NATURAL RESOURCES, OFFICE OF THE STATE MINERAL BOARD, TO LEASE CERTAIN MINERAL INTERESTS OWNED BY THE PARISH OF CADDO, AND OTHERWISE PROVIDING WITH RESPECT THERETO

WHEREAS, the Parish of Caddo may own certain mineral rights underlying the following described property, to-wit:

Certain tracts of land and tracts of adjudicated property owned by the Caddo Parish Commission, and all that portion of the dedicated highways, roads, streets, alleys and rights-of-way located in Section 14, T16N, R14W, containing 34.06 acres, more or less; Section 15, T16N, R14W, containing 5.87 acres, more or less; Section 22, T16N, R14W, containing 12.65 acres, more or less; Section 23, T16N, R14W, containing 22.97 acres, more or less; Section 26, T16N, R14W, containing 20.57 acres, more or less and Section 27, T16N, R14W, containing 13.47 acres, more or less, total of roads being 109.59 acres, more or less. Also those certain tracts of land owned by the Parish of Caddo more specifically described as Lot 23, Kingston Farms, Unit 1 subdivision, 5.1 acres, Geo.#1614220060023; Lot 1, TRI-L Acres subdivision, 1.1 acres, Geo.#1614220100001; Lot 13, Kingston Farms, Unit 1 subdivision, 5.61 acres, Geo.#1614220050013; Lot 15, Kingston Farms, Unit 1 subdivision, 5.37 acres, Geo.#1614220050015; and a portion of Lot 37, Southern Estates, Unit 2 subdivision, 3.72 acres, Geo.#1614220020037, all located in Section 22, T16N, R14W and containing a total of 20.9 acres, more or less, and the West 217.8 feet of the East 1145 feet of the South 300 feet of the North 330 feet of the S/2 of SE/4 of NE/4 of Section 23 containing 1.22 acres, Geo.#1614230000034 and the West 322.08 feet of the North 165 feet of the South 330 feet of the N/2 of SE/4 of NE/4 of Section 23 containing 1.5 acres, Geo.#1614230000039, all located in Section 23, T16N, R14W and containing 2.72 acres, more or less, and Lot 57, Lavon Acres subdivision less the North 900 feet thereof, Geo.#1614270030082, located in Section 26, T16N, R14W and containing 1.91 acres, more or less, and Lot 37, Southern Estates subdivision, 2.35 acres, Geo.#1614220020037 and the South 363 feet of the North 780.54 feet of the West 120 feet of Lot 94, Lavon Acres, Unit 2 subdivision, 1 acre, Geo.#1614270040114, all located in Section 27, T16N, R14W and containing a total of 3.35 acres, more or less, total of Parish owned tract being 28.88 acres, more or less. Also those certain tracts of adjudicated property more specifically described as the S/2 of Lot 4, Kingston Farms, Unit 1 subdivision, Geo.#1614220040011, located in Section 22, T16N, R14W and containing 1 acre, more or less, the West 322.7 feet of the South 165 feet of the North 660 feet of the SE/4 of NE/4 of Section 23, containing 1 acre, Geo.#1614230000037 and the West 290.4 feet of East 927.2 feet of South 300 feet of North 330 feet of S/2 of SE/4 of NE/4 of Section 23, containing 2 acres, Geo.#1614230000033, all located in Section 23, T16N, R14W and containing a total of 3 acres, more or less, the North 183 feet measured on the East line of Lot 56, Lavon Acres subdivision, .92 acres, Geo.#1614270030075 and that part of the S/2 of SE/4 of Section 26 lying North of Cypress Bayou, 3.44 acres, Geo.#1614260000007, all located in Section 26, T16N, R14W and containing 4.36 acres, more or less, total of adjudicated property being 8.36 acres, more or less, all the above described property being located in Caddo Parish, Louisiana and containing a total of 146.83 acres, more or less

WHEREAS, the Parish of Caddo has received a written request from Clark Energy

Company, Inc., that the Parish seek public bids for an oil, gas and mineral lease covering said property; and

WHEREAS, the Parish of Caddo does not have the knowledge or resources available to determine if it owns the mineral rights and the Parish of Caddo will rely on the expertise and experience of the lessee in determining ownership; and

WHEREAS, it is expressly agreed that any lease granted by the Parish of Caddo and accepted by lessee is without any warranty of title and without any recourse against the Parish of Caddo whatsoever, either express or implied, and it is expressly agreed that the Parish of Caddo shall not be required to return any payments received or be otherwise responsible to lessee therefore; and

WHEREAS, the Louisiana Department of Natural Resources, State Mineral Board, is available upon the request of Caddo Parish to lease the aforesaid property for oil, gas and other minerals if requested to do so by Caddo Parish.

NOW, THEREFORE, BE IT RESOLVED by the Caddo Parish Commission in due, regular and legal session convened, that the Louisiana Department of Natural Resources, State Mineral Board, be and it is hereby requested and authorized to seek public bids for an oil, gas and mineral lease covering the property described hereinabove.

BE IT FURTHER RESOLVED that any such lease contain a no surface operations provision as follows: Lessee, its successors or assigns, may produce oil, gas and other minerals from the leased premises by drilling from a surface location on other lands, but notwithstanding any other provision of this lease, Lessee, its successors or assigns, shall not use the surface of the Lessor's property for drilling or any other operations without prior written permission of Lessor, which permission may be withheld at Lessor's discretion.

BE IT FURTHER RESOLVED that any such lease contain a horizontal pugh provision as follows: Notwithstanding anything to the contrary herein contained, at the end of the primary term or any extension thereof by operations, if the Commission of Conservation of the State of Louisiana establishes a drilling unit which includes a part of the land herein leased, the production of oil, gas and other minerals from such unit shall maintain this lease in full force and effect only as to such portions of the leased land embraced in said pooled unit; and this lease shall expire as to that part of the land herein leased not included in such unit; and lessee, its successors and assigns agrees to relinquish by formal instrument any portion of the leased land not included in a unit created by the Commission of Conservation while this lease is in effect.

BE IT FURTHER RESOLVED that any such lease contain a vertical pugh provision as follows: Upon the expiration of the primary term hereof or any extension thereof by operations, this lease shall automatically terminate and be of no further force or effect except as to all that part of the leased premises then included within the geographical boundaries of a producing unit duly established by governmental agency or authority having jurisdiction, from the surface of the earth to a depth of 100 feet below the deepest depth from which any well commenced during the primary term hereof on the leased premises or on lands pooled therewith is completed and from which there is production in paying quantities, such depth determination to be made on a unit by unit basis. In the absence of units so established, this lease shall terminate except as to 40 acres around each producing oil well and 160 acres around each producing or shut-in gas well located on the leased premises, in as near the form of a square as is practicable, from the surface of the earth down to a depth of 100 feet below the deepest depth from which said well or wells are completed and from which there is production in paying quantities, such depth determination to be made on a well by well basis.

BE IT FURTHER RESOLVED that any such lease contain a minimum royalty provision as follows: Royalty of not less than 1/4th or 25%.

BE IT FURTHER RESOLVED that any such lease contain a minimum bonus provision as follows: Bonus of not less than \$1,500.00 per acre.

BE IT FURTHER RESOLVED that any such lease contain a hard or solid mineral exclusion provision as follows: This lease shall exclude free sulphur, potash, lignite, salt and any other hard or solid mineral. Lessee shall not have any rights to explore, drill for, mine, produce or take any action whatsoever in regard to any such hard or solid mineral deposits.

BE IT FURTHER RESOLVED that any such lease contain a maximum term provision as follows: Primary term of lease shall not exceed three (3) years.

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

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

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

It was **moved by Mr. Smith**, seconded by Mr. Dominick, *that Resolution No. 12 of 2009, authorizing Parish Administrator to request the Louisiana Department of Natural Resources, Office of the State Mineral Board, to lease certain mineral interests owned by the Parish of Caddo as requested by Clark Energy, be adopted.* That motion carried, as shown by the following roll call vote: AYES:

Commissioners Baker, Cox, Dominick, Epperson, Escude, Jenkins, Linn, Lynch, McCulloch, Pierson, Smith and Thibodeaux (12). NAYS: None. ABSTAINING: None. ABSENT: None.

RESOLUTION NO. 13 OF 2009

BY THE CADDO PARISH COMMISSION:

A RESOLUTION TO AUTHORIZE THE CADDO PARISH ADMINISTRATOR TO REQUEST THE LOUISIANA DEPARTMENT OF NATURAL RESOURCES, OFFICE OF THE STATE MINERAL BOARD, TO LEASE CERTAIN MINERAL INTERESTS OWNED BY THE PARISH OF CADDO, AND OTHERWISE PROVIDING WITH RESPECT THERETO

WHEREAS, the Parish of Caddo may own certain mineral rights underlying the following described property, to-wit:

Certain tracts of land and tracts of adjudicated property owned by the Caddo Parish Commission, and all that portion of the dedicated highways, roads, streets, alleys and rights-of-way located in Section 2, T16N, R14W, containing 38.81 acres, more or less, Section 5, T16N, R14W, containing 18.444 acres, more or less, Section 6, T16N, R14W, containing 21.45 acres, more or less, Section 7, T16N, R14W, containing 12.82 acres, more or less, Section 8, T16N, R14W, containing 42.9 acres, more or less, Section 11, T16N, R14W, containing 61.57 acres, more or less, Section 12, T16N, R14W, containing 38.48 acres, more or less, Section 16, T16N, R14W, containing 27.05 acres, more or less, Section 17, T16N, R14W, containing 3.02 acres, more or less, Section 18, T16N, R14W, containing 12.116 acres, more or less, and Section 24, T16N, R14W, containing 3.19 acres, more or less, total of roads being 279.85 acres, more or less. Also those certain tracts of land owned by the Parish of Caddo more specifically described as that part of the North 1105 feet of South 1375 feet of East 200 of West 2607 feet of the NW/4 of Section 7, T16N, R14W, and containing 5.07 acres, more or less, Geo.#1614070000028, and a tract located in Lots 24 and 25, Linwood Park, Unit 1 subdivision, Section 11, T16N, W14W and containing 3.25 acres, more or less, Geo.#1614110030038, total of Parish owned tracts being 8.32 acres, more or less. Also those certain tracts of adjudicated property more specifically described as the Westerly 2 feet of Lot 18, The Cedars, Unit 10 subdivision, Section 5, T16N, R14W and containing .006 acres, more or less, Geo.#1614050180023, Lot 3, Westside Commercial subdivision, 4.21 acres, Geo.#1614060150003, Lot 120, Edgewood Village Townhouses subdivision, .26 acres, Geo.#1614060140120, Lot 47, Pine Forest South, Unit 1 subdivision, .20 acres, Geo.#1614060060047, all located in Section 6, T16N, R14W, and containing 4.67 acres, more or less, the West 903.9 feet of South 20 feet of the SE/4 or NW/4 of Section 8, .42 acres, Geo.#1614080000088, the South 20 feet of that part of SW/4 of NE/4 lying West of Colquitt Road and the South 20 feet of the SE/4 of NW/4 less the West 903.9 feet thereof in Section 8, .48 acres, Geo.31614080000075, the Easterly 20 feet of Lot 53, Briarcliff subdivision, .08 acres, Geo.#1614080100063, Lot 6-A, Briarcliff Unit 5 subdivision, .04 acres, Geo.#1614080270046, Lot 1, Walker Road Townhomes, .03 acres, Geo.#1614080300001, Lot 2, Walker Road Townhomes, .03 acres, Geo.#1614080300002, Lot 4, Walker Road Townhomes, .03 acres, Geo.#1614080300004, Lot 7, Walker Road Townhomes, .03 acres, Geo.#1614080300007, Lot 13, Walker Road Townhomes, .03 acres, Geo.#1614080300013, Lot 14, Walker Road Townhomes, .03 acres, Geo.#1614080300014, Lot 15, Walker Road Townhomes, .03 acres, Geo.#1614080300015, Lot 16, Walker Road Townhomes, .03 acres, Geo.#1614080300016 and the Northwesterly 2 feet of Lot 108, Southern Oaks subdivision, .04 acres, Geo.#1614080180125, all being located in Section 8, T16N, R14W and containing 1.3 acres, more or less. Lot 42, Carriage Manor subdivision, located in Section 11, T16N, R14W, and containing .23 acres, more or less, 3.84 acres in the S/2 of S/2 of Section 17, Geo.#1614170000020 all in Section 17, T16N, R14W, containing 3.84 acres, more or less, the East 5 feet of Lot 17, Colquitt Road Estates Unit 1 subdivision, .016 acres, Geo.#1614070080084, a tract of land adjoining Lots 24, 25 & 26, Colquitt Road Estates Unit 5, .86 acres, Geo.#1614070180044 and the South 5 feet of Lot 19, Colquitt Road Estates Unit 3, .018 acres, Geo.#1614070140108, all located in Section 18m T16N, R14W, and containing .894 acres, more or less, total of adjudicated property being 10.94 acres, more or less, all the above described property being located in Caddo Parish, Louisiana and containing a total of 299.11 acres, more or less

WHEREAS, the Parish of Caddo has received a written request from Classic Petroleum, Inc., that the Parish seek public bids for an oil, gas and mineral lease covering said property; and

WHEREAS, the Parish of Caddo does not have the knowledge or resources available to determine if it owns the mineral rights and the Parish of Caddo will rely on the expertise and experience of the lessee in determining ownership; and

WHEREAS, it is expressly agreed that any lease granted by the Parish of Caddo and accepted by lessee is without any warranty of title and without any recourse against the Parish of Caddo whatsoever, either express or implied, and it is expressly agreed that the Parish of Caddo shall not be required to return any payments received or be otherwise responsible to lessee therefore; and

WHEREAS, the Louisiana Department of Natural Resources, State Mineral Board, is available upon the request of Caddo Parish to lease the aforesaid property for oil, gas and other minerals

if requested to do so by Caddo Parish.

NOW, THEREFORE, BE IT RESOLVED by the Caddo Parish Commission in due, regular and legal session convened, that the Louisiana Department of Natural Resources, State Mineral Board, be and it is hereby requested and authorized to seek public bids for an oil, gas and mineral lease covering the property described hereinabove.

BE IT FURTHER RESOLVED that any such lease contain a no surface operations provision as follows: Lessee, its successors or assigns, may produce oil, gas and other minerals from the leased premises by drilling from a surface location on other lands, but notwithstanding any other provision of this lease, Lessee, its successors or assigns, shall not use the surface of the Lessor's property for drilling or any other operations without prior written permission of Lessor, which permission may be withheld at Lessor's discretion.

BE IT FURTHER RESOLVED that any such lease contain a horizontal pugh provision as follows: Notwithstanding anything to the contrary herein contained, at the end of the primary term or any extension thereof by operations, if the Commission of Conservation of the State of Louisiana establishes a drilling unit which includes a part of the land herein leased, the production of oil, gas and other minerals from such unit shall maintain this lease in full force and effect only as to such portions of the leased land embraced in said pooled unit; and this lease shall expire as to that part of the land herein leased not included in such unit; and lessee, its successors and assigns agrees to relinquish by formal instrument any portion of the leased land not included in a unit created by the Commission of Conservation while this lease is in effect.

BE IT FURTHER RESOLVED that any such lease contain a vertical pugh provision as follows: Upon the expiration of the primary term hereof or any extension thereof by operations, this lease shall automatically terminate and be of no further force or effect except as to all that part of the leased premises then included within the geographical boundaries of a producing unit duly established by governmental agency or authority having jurisdiction, from the surface of the earth to a depth of 100 feet below the deepest depth from which any well commenced during the primary term hereof on the leased premises or on lands pooled therewith is completed and from which there is production in paying quantities, such depth determination to be made on a unit by unit basis. In the absence of units so established, this lease shall terminate except as to 40 acres around each producing oil well and 160 acres around each producing or shut-in gas well located on the leased premises, in as near the form of a square as is practicable, from the surface of the earth down to a depth of 100 feet below the deepest depth from which said well or wells are completed and from which there is production in paying quantities, such depth determination to be made on a well by well basis.

BE IT FURTHER RESOLVED that any such lease contain a minimum royalty provision as follows: Royalty of not less than 1/4th or 25%.

BE IT FURTHER RESOLVED that any such lease contain a minimum bonus provision as follows: Bonus of not less than \$1,500.00 per acre.

BE IT FURTHER RESOLVED that any such lease contain a hard or solid mineral exclusion provision as follows: This lease shall exclude free sulphur, potash, lignite, salt and any other hard or solid mineral. Lessee shall not have any rights to explore, drill for, mine, produce or take any action whatsoever in regard to any such hard or solid mineral deposits.

BE IT FURTHER RESOLVED that any such lease contain a maximum term provision as follows: Primary term of lease shall not exceed three (3) years.

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

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

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

It was **moved by Mr. Smith**, seconded by Mr. Dominick, *that Resolution No. 13 of 2009, authorizing Parish Administrator to request the Louisiana Department of Natural Resources, Office of the State Mineral Board, to lease certain mineral interests owned by the Parish of Caddo as requested by Classic Petroleum, be adopted.*

Answering a question from Mr. Jenkins, Mr. Robert Glass, Director of Public Works, stated that the Parish lands being addressed by this resolution and in Resolution No. 12 are primarily rights-of-way and a few small tracts of adjudicated property. There will be no drilling on any of the tracts.

Mr. Smith's motion then carried, as shown by the following roll call vote: AYES: Commissioners Baker, Cox, Dominick, Epperson, Escude, Jenkins, Linn, Lynch, McCulloch, Pierson, Smith and Thibodeaux (12). NAYS: None. ABSTAINING: None. ABSENT: None.

RESOLUTION NO. 14 OF 2009

BY THE CADDO PARISH COMMISSION:

A RESOLUTION IN SUPPORT OF AN APPLICATION FOR FUNDING THROUGH THE RECREATIONAL TRAILS GRANT PROGRAM FOR EARL G. WILLIAMSON PARK TRAIL, AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the Transportation Equity Act For the 21st Century provides funds to the State of Louisiana for grants to federal, state, local government agencies, non-profit organizations and commercial entities to acquire, develop and/or maintain motorized and non-motorized trails; and

WHEREAS, the Louisiana Recreational Trails Program has been delegated the responsibility for the administration of the program within the state and setting up necessary procedures governing project application under the program; and

WHEREAS, these regulations require an application to have a resolution of support from the local governmental body of the jurisdiction in which the proposed project is located.

NOW, THEREFORE, BE IT RESOLVED by the Caddo Parish Commission in due, regular and legal session convened, that the Caddo Parish Commission does hereby endorse and support an application be submitted to the Louisiana Recreational Trails Program for the Earl G. Williamson Park Trail project.

BE IT FURTHER RESOLVED that the Administrator or his designated representative for the Parish of Caddo is hereby authorized to execute any and all documents pertaining to the grant application.

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

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

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

It was **moved by Mr. Dominick**, seconded by Mr. Thibodeaux, *that Resolution No. 14 of 2009, supporting an application for funding through the Recreational Trails Grant Program for an Earl G. Williamson Park trail, be adopted.* That motion carried, as shown by the following roll call vote: AYES: Commissioners Baker, Cox, Dominick, Epperson, Escude, Jenkins, Linn, Lynch, McCulloch, Pierson, Smith and Thibodeaux (12). NAYS: None. ABSTAINING: None. ABSENT: None.

RESOLUTION NO. 15 OF 2009

BY THE CADDO PARISH COMMISSION:

A RESOLUTION TO SUPPORT CADDO PARISH'S APPLICATION FOR A COMMUNITY WATER ENRICHMENT GRANT FOR THE PURPOSE OF DRILLING TWO TEST WELLS FOR CITIZENS BEING SERVED BY THE CADDO PARISH WATER DISTRICT NO. 7 WATER IN CADDO PARISH, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

WHEREAS, the Parish of Caddo has an application for a Community Water Enrichment grant in the amount of \$40,000 to be submitted to the State of Louisiana, Office of Community Development; and

WHEREAS, this water enrichment grant would allow Water District No. 7 to drill two test wells in the area of the parish where there is currently a water shortage in the rural area in the vicinity of Caddo Parish Water District No. 7 in Keithville, Louisiana in Caddo Parish.

NOW, THEREFORE, BE IT RESOLVED by the Caddo Parish Commission in due, regular and legal session convened, that the Caddo Parish Commission does hereby support the Parish of Caddo's application for a Community Water Enrichment grant in the amount of \$40,000 from the Office of Community Development for Caddo Parish Water District No. 7 in Caddo Parish.

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

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

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

It was **moved by Mr. Smith**, seconded by Ms. Lynch, *that Resolution No. 15 of 2009, supporting Caddo Parish's application for a community water enrichment grant for the purpose of drilling two test wells for citizens being served by Caddo Parish Water District No. 7, be adopted.* That motion carried, as shown by the following roll call vote: AYES: Commissioners Baker, Cox, Dominick, Epperson, Escude, Jenkins, Linn, Lynch, McCulloch, Pierson, Smith and Thibodeaux (12). NAYS: None. ABSTAINING: None. ABSENT: None.

RESOLUTION NO. 16 OF 2009

A RESOLUTION TO SUPPORT CADDO PARISH'S APPLICATION FOR A COMMUNITY WATER ENRICHMENT GRANT FOR THE PURPOSE

OF ACQUIRING LAND AND DRILLING A WATER WELL FOR
CITIZENS BEING SERVED BY THE VILLAGE OF IDA WATER
SYSTEM IN CADDO PARISH, AND TO OTHERWISE PROVIDE WITH
RESPECT THERETO

WHEREAS, the Parish of Caddo has an application for a Community Water Enrichment grant in the amount of \$60,000 to be submitted to the State of Louisiana, Office of Community Development; and

WHEREAS, this water enrichment grant would allow the Village of Ida to purchase a one acre site and drill a new water well to serve the rural area in the vicinity of Ida, Louisiana in Caddo Parish.

NOW, THEREFORE, BE IT RESOLVED by the Caddo Parish Commission in due, regular and legal session convened, that the Caddo Parish Commission does hereby support the Parish of Caddo's application for a Community Water Enrichment grant in the amount of \$60,000 from the Office of Community Development for the Village of Ida in Caddo Parish.

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

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

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

It was **moved by Mr. Dominick**, seconded by Mrs. McCulloch, *that Resolution No. 16 of 2009, supporting Caddo Parish's application for a community water enrichment grant for the purpose of acquiring land and drilling a water well for citizens being served by the Village of Ida water system, be adopted. That motion carried*, as shown by the following roll call vote: AYES: Commissioners Baker, Cox, Dominick, Epperson, Escude, Jenkins, Linn, Lynch, McCulloch, Pierson, Smith and Thibodeaux (12). NAYS: None. ABSTAINING: None. ABSENT: None.

RESOLUTION NO. 17 OF 2009

BY THE CADDO PARISH COMMISSION:

A RESOLUTION IN SUPPORT OF AN APPLICATION FOR FUNDING
THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT
OF 2009 FOR THE RED BAYOU WATERSHED PROJECT, AND
OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, President Obama and the Congress of the United States has appropriated 3.2 million dollars through the American Recovery and Reinvestment Act of 2009; and

WHEREAS, the Twin Valley Resource Conservation & Development Area Inc. recommends funding from American Recovery and Reinvestment Act of 2009 be used for the Red Bayou Watershed Project in Caddo Parish, State of Louisiana; and

WHEREAS, the Red River Watershed Project will create 75 plus temporary jobs, will improve water supplies for producers within the project area, will reduce energy and water demands for farmers, will improve habitat for fish and aquatic species; and

WHEREAS, an estimate of forty (40) farms plus, with an average size of 350 acres will directly or indirectly benefit from the Red River Watershed Project; and

WHEREAS, the project will require a match of funds from any non-federal agencies other than the Caddo Parish Commission in the amount of approximately one million dollars (\$1,000,000); and

NOW, THEREFORE, BE IT RESOLVED by the Caddo Parish Commission in due, regular and legal session convened, that the Caddo Parish Commission does hereby endorse and support the Red Bayou Watershed Project in Caddo Parish, State of Louisiana, as funded by the American Recovery and Reinvestment Act of 2009.

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

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

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

It was **moved by Mr. Dominick**, seconded by Mr. Thibodeaux, *that Resolution No. 17 of 2009, supporting an application for funding through the American Recovery and Reinvestment Act of 2009 for the Red Bayou Watershed, be adopted. That motion carried*, as shown by the following roll call vote: AYES: Commissioners Baker, Cox, Dominick, Epperson, Escude, Jenkins, Linn, Lynch, McCulloch, Pierson, Smith and Thibodeaux (12). NAYS: None. ABSTAINING: None. ABSENT: None.

NEW BUSINESS

It was **moved by Mr. Linn**, seconded by Mr. Epperson, *that the name "Goody, Clancy" replace the name "Nellison Associates" on a previous Commission motion regarding revised fee schedule for Parish permits.* Motion carried.

It was **moved by Mr. Epperson**, seconded by Mrs. McCulloch, *that Mrs. Josie Harris be appointed to serve as Caddo Parish's representative on the board of Human Service District.* Motion carried.

It was **moved by Mr. Cox**, seconded by Mr. Escude, that the rules be suspended to allow Mr. Sandy Davis, director of the Office of Emergency Management, be allowed to address the Commission relative to hurricane evacuee shelters in Caddo Parish. Motion carried.

Mr. Davis came forward and said that the critical transportation need shelters are the ones that historically have created the most local concern. These shelters are for those people who do not have their own transportation and have no way on their own to get to a shelter during an evacuation.

The Department of Social Services has advised that the Sam's Club building on Jewella will this year have sufficient shower, toilet and hand-washing facilities in the event of an evacuation, using local vendors. The old Sports Outlet Mall off of Bert Kouns and Greenwood Road presents more of a problem: there has not been sufficient attention paid to that structure to eliminate problems. The property owner has now agreed to a three-phase program whereby there will be partial completion of the shelter by June 1; additional completion by July 1, and full completion by August 1.

Another property, owned by a former supplier to General Motors, is also being considered as a shelter, and it may be placed in the inventory rather than the Outlets Mall, Mr. Davis said. The State of Oklahoma, a partner with the State of Louisiana for sheltering critical transportation needs, has announced that it may lease Hirsch Coliseum at the Fair Grounds, rather than taking Louisiana residents to Oklahoma.

LSUS will continue to be used for Red Cross, he said, and Southern University for general population. In Bossier, critical transportation needs will be met at CenturyTel Center and Bossier Civic Center. Pets will be housed at the Fair Grounds.

These arrangements will allow about 10,000 Louisiana residents to be sheltered locally, Mr. Davis said, or 62 percent of all the critical transportation needs for the State.

Also, he said, his office, along with Mr. Todd Hopkins of the Caddo Parish Fleet Services Department, is working on obtaining a grant for emergency generators which will provide generators for Greenwood's water system and for Water District No. 7 in Keithville.

During the 2008 hurricanes emergency communications was problematic, Mr. Davis said, so since that time three communications towers have been purchased that will allow emergency services providers to talk to each other, as well as provide video surveillance. They are 106-foot, military-grade stand-alone towers that can withstand 100-mile-per-hour winds with no guy wires.

The OEP now has a metropolitan medical response trailer that is essentially hospital equipment that can be used at shelters, or in the event of a large health issue such as a flu pandemic.

The President thanked Mr. Davis for his presentation.

There being no further business to come before the Commission, the meeting adjourned at 5:40 p.m.

Stephanie Lynch
President

Jerry C. Spears
Commission Clerk