ST. LANDRY PARISH COUNCIL

SPECIAL MEETING

**WEDNESDAY, MARCH 29th, 2023 @ 5:45 P.M.**

**OLD CITY MARKET, 131 W BELLEVUE ST**

**OPELOUSAS, LOUISIANA**

**MINUTES**

1. This meeting was called to order by Chairman Jerry Red Jr.
2. Councilwoman Nancy Carriere led the Pledge of Allegiance and Invocation.
3. **Roll Call: PRESENT**: Nancy Carriere, Mildred Thierry, Harold Taylor,

Alvin Stelly, Vivian Olivier, Wayne Ardoin, Timmy Lejeune and Jimmie Edwards.

Ex Officio: Jerry Red Jr. **ABSENT**: Easton Shelvin, Gil Savoy, Dexter Brown and Coby Clavier.

***Councilman Coby Clavier was absent for roll call but later joined the meeting***.

1. **Item for Discussion:**

• **DISCUSS HIRING AN ATTORNEY TO HANDLE ADJUDICATED PROPERTY MATTERS.**

*Parish President Jessie Bellard stated***, “**Mr. Chairman, I got with our DA and ask him to assign

us a ADA to handle Adjudicated Property. Whenever we get the non-warranty cash sale in we would have him/her research the information to make sure that what we are selling is good to go. He found this attorney out of Lafayette who specializes in dealing with Adjudicated Properties.”

*Chairman Jerry Red Jr., questioned*, “What is their name?”

*Parish President Jessie Bellard stated*, “It is in your packet, Patrick McIntire. The way that the law works, Chad is going to be the person he will be contracted with. The fees will be coming from the Parish Government which will be coming from the purchases of the property.”

*Councilwoman Nancy Carriere questioned, “*I have a few questions about that, what is the difference between them and Civic Source? The fees that he is charging is going to go toward the adjudicated purchases. Civic Source Fees went toward the Adjudicated Purchases and that was one of the reasons why we were not moving the property. This is still not going to be a non-warranty title and that attorney is going to have a whole crew or will he be by himself to do over 1000 properties, of course he will be doing one at a time as he pulls them. I was just wondering if the attorney was going to give us some clarity, I think that was one of the issues, that person wasn’t properly trained, we did not have a deadline and we had a lot of errors. I was thinking that is why we would be hiring an attorney to get everything in order so that we could continue to sell. The reason why we started selling was mainly because of all of the fees. I am sure it is going to be at least $1,500.00 dollars. I understand what you are saying about the research because that was one of the things that the people had to have their lawyers do. They incur that fee anyway but they could get an attorney. I know some of them would get an arbitrator that would do it for them and that was like $100.00-$200.00 dollars verses having to pay an attorney for every problem.”

*Parish President Jessie Bellard stated*, “This is different. This attorney is not going to do research. He is going to look at the Non-Warranty Cash Sale to make sure that Parish Government is good on the property. In other words, make sure that every ‘I’ is dotted and every ‘T’ is crossed for the Parish Government portion, not for the person who is buying the property.”

*Councilwoman Nancy Carriere stated*, “I understand that. I was saying that in that process when they get an attorney they usually catch all of these issues.”

*Parish President Jessie Bellard stated*, “You would think so, I beg to differ. I got the report back from the auditors so I know. The auditors will be coming before the council next month to deliver the report. I would love to say that would be the case where their attorney would catch and everything else but it does not work that way.”

*Councilwoman Nancy Carriere stated*, “Compared to the Sheriff’s sale, because all of this is not as technical as when we had it, why they don’t have all of these problems?”

*Parish President Jessie Bellard stated*, “They do have a lot of process in that part. They still have to do the notices and everything else. That laws are different for the Sheriff’s Sale verses Adjudicated Sales. They still have a lot of process to go through.”

*Councilwoman Nancy Carriere stated*, “I understand that and I have done a little research. I want us to do everything right. If you remember I said that I wanted us to sell this property because we had so much and I wanted us to do it right. Do you remember the comment you made to me? You said, ‘I do my job, you do yours.’ I was always trying to watch this to make sure that everything would be done properly to make sure that the laws were being followed. I even have a copy of all of the laws and how it should be sold. I think if we would have followed that law, which is a state law, I think that we would have been okay.”

*Parish President Jessie Bellard stated*, “I completely agree.”

*Councilwoman Nancy Carriere stated*, “I am trying to think about the fee that we will have to pay the attorney. We would want to get that from that bidder. We need to also change our minimum bid, it cannot be $500.00.”

*Parish President Jessie Bellard stated*, “The minimum bid could be $500.00 but the deposit is going to be $500.00 and any and all legal fees incurred. It has to be paid before the Non-Warranty Cash Sale is done before they get the property.”

*Councilwoman Nancy Carriere stated, “*That is why I asked if the attorney is going to be writing up different process rules.”

*Parish President Jessie Bellard stated*, “Everything is the same, the process.”

*Councilwoman Nancy Carriere stated, “*I want to make you realize something that you all said that is not going to change. I don’t know if you realize that a person have to put a $500.00 deposit, one person, can people bid on that one property?”

*Parish President Jessie Bellard stated*, “That is correct.”

*Councilwoman Nancy Carriere stated, “*If one person put $500.00 down and does not win the bid, Parish Government does not get anything. If I only have to put $500.00 down to pull the property, everybody else on this panel could have bid and they did not have to put $500.00 down. If I did not get the property, the $500.00 that I put down is pulled. If I did not win that bid, if you want the bid and you did not place nothing down, you said that was not going to change.”

*Parish President Jessie Bellard stated*, “Ms. Carriere, the procedures in place, if they are followed, that happens. You may not win the bid, you will get your $500.00 back but it also states if the person that wins the bid puts the $500.00 up. Our procedures that we have in place are fine. There is nothing in there to change other than a step further that I will go to place a mail box in the front office on the front of the camera. Whenever somebody comes in to put a bid for some property they will have to come in and put it in the box. That box is going to be open on the night of the sale by me and either an attorney or our maybe the Chair of the Council. We open it up together and get the bid out and open them at that time where nobody is handling the envelopes. They go straight into the box. It is on the camera so it should be no issue. That is the only thing that I want to change.”

*Councilwoman Nancy Carriere stated, “*I don’t have a problem with that. With the money we still have not determine the time, we did not approve the time limit so that needs to be addressed. We also had another situation and I sort of got involved in it. You can accept a bid up to 7 o’clock.”

*Parish President Jessie Bellard stated*, “Up until the time of the sale.”

*Councilwoman Nancy Carriere stated*, “Up until the time of the sale. There was another issue, another thing that we changed was that you had to have a bid sheet. We did not have that at first. That was changed in the middle of it and a lot of people bided and did not have it on the bid sheet and lost their bids because it was not on the proper form because they were not informed that it had to be. You don’t have the fee amount that we have to pay the attorney?”

*Parish President Jessie Bellard stated*, “We have it. It is in the resolution. The rate per hour is decided by the Attorney General’s Office.”

*Councilman Timmy Lejeune questioned*, “My question that I have and I am good with anything that we have to change but can we create a bid packet.”

*Parish President Jessie Bellard stated*, “We have that.”

*Councilman Timmy Lejeune stated*, “They get the packet and all of the lineout is in the packet?”

*Parish President Jessie Bellard stated*, “Yes sir.”

*Councilman Timmy Lejeune stated*, “So you cannot bid unless you fill out the packet?

*Parish President Jessie Bellard stated*, “That is correct. You have to fill out the form with the proper envelop and everything, correct.”

*Chairman Jerry Red Jr., stated*, “Let me get this straight before we go any further. This is not doing with the ordinance. This is just dealing with this resolution.

*Parish President Jessie Bellard stated*, “Right tonight it is just about the Resolution of hiring that attorney.

*Chairman Jerry Red Jr., stated*, “This does not have anything to do with the ordinance that we are trying to change.

*Parish President Jessie Bellard stated*, “We are not changing anything tonight, no.”

*Councilman Timmy Lejeune stated*, “I was going back to what Ms. Nancy was concerned with people did not have the proper form and the $500.00 but it is only about the attorney. I just wanted to get clarity on that.”

*Councilman Coby Clavier stated,* “Excuse me, I came in a little late, I may have missed this part but how much do we expect this attorney to cost us?”

*Parish President Jessie Bellard stated*, “Whatever the cost comes it as it goes onto the purchase of the property. So we will not incur any cost as Parish Government. We are just going to pass that on to the person buying the property. The rate is set by the Attorney General’s Office. It is at the mercy of what the Attorney General has which is the rate for the state and I am not sure what it is. It is per hour.”

*Councilman Wayne Ardoin questioned,* “Let me ask this question. Why do we have to go through the District Attorney’s Office? Is that Law.”

*Parish President Jessie Bellard stated*, “No we don’t have to go through the District Attorney. I went to his to see if he had an ADA that he could assign to help us with this.”

*Councilman Wayne Ardoin questioned*, “Let me ask you this question Mr. Bellard. We have a firm in Grand Coteau. I brought some paper to them to get notarized. They have a Title Company that is next door. Let’s just say that attorney would want to take on what we have here and he has a title company that is involved where we will get a clear title. Didn’t we have some properties that had some leans on them? I will go back to Ivory Drive, I hate to keep bring Ivory Drive back up. We spent some money on it by cleaning it up but there is a lean on that house. So the gentleman that bid on it, that lean has to get cleared before he can even buy that property.”

*Parish President Jessie Bellard stated*, “What we are doing is selling the Non-Warranty Cash Sale. We are not giving no titles or anything. It is just Non-Warranty Cash Sale.”

*Councilman Wayne Ardoin stated*, “I totally understand that. They don’t have any guarantee but we are not going to have all of that bickering back and forth or even another lawsuit between Mr. Lee and Mr. Thomas, both people that bought the same property, correct. Isn’t it a fact that we had some employees that maybe their daughter or their son bought some property?”

*Parish President Jessie Bellard stated*, “That is correct.”

*Councilman Wayne Ardoin stated*, “Maybe some employees.”

*Parish President Jessie Bellard stated*, “I don’t know about employees but I know one that the son could have bid.”

*Councilman Wayne Ardoin stated*, “We had some shenanigans to go down. I am just asking why do we have to use the District Attorney’s Office, I am not saying that there is something wrong there but the thing about it is you should get another person, another attorney and have a title company attached to it where as these things are all going to be on the up and up.”

*Parish President Jessie Bellard stated*, “We are not guaranteed no sales so we not giving no titles. All we are asking that attorney to do is to look at the Non-Warranty Cash Sale and make sure that Parish Government is protected.”

*Councilman Wayne Ardoin stated*, “Right now, don’t you have a gentleman that is on leave? I don’t know if he is on paid or unpaid leave and there is suppose to be an investigation about some of the sales.”

*Parish President Jessie Bellard stated*, “You all are aware of that already.”

*Councilman Wayne Ardoin stated*, “That is what I am trying to keep from us having. It just makes us look bad.”

*Parish President Jessie Bellard stated*, “Which is the reason why I am coming tonight to get an attorney that specializes in Adjudicated Property so it protects Parish Government. That is all that I am asking from the council tonight. That is it.”

*Councilman Wayne Ardoin stated*, “But if we have a firm that is local here instead of someone in Lafayette.”

*Parish President Jessie Bellard stated*, “I agree with that. If we have a local firm that wants to do it.”

*Councilman Wayne Ardoin stated*, “I think that we need to reach out and see if anyone would be interested in doing this. Is it pressing that we have to have this right now? Does this Resolution have to be done right now?”

*Parish President Jessie Bellard stated*, “I would love for it to get done tonight, yes.”

*Councilman Harold Taylor stated*, “As a follow up to Nancy’s question, do you have an estimate of how many hours it would take to do this per lot or per property.”

*Parish President Jessie Bellard stated*, “He really did not know other than maybe 3 hours, it depends. The documents will be basically the same. The affidavit that proves that everything was taken care of is the key piece that needs to be done and it needs to be followed up in the Clerk of Court’s Office. I really don’t know, he could not give me a definite answer as to how long it would take per piece of property.”

*Councilman Harold Taylor stated*, “Can we obtain that information. I am a numbers guy. I would like to know what we are spending. My second follow up question is referring to Mr. Ardoin’s question. Since the DA had to recuse himself from representing any lawsuit, will the DA’s Office also have to recuse himself if we would go to court on some of this Mr. Duplechain?”

*Legal Counsel Garett Duplechain stated*, “If we go to court on what?”

*Councilman Harold Taylor stated*, “We are about to hire a lawyer to tweak the Adjudicated Property Bids or whatever he is asking tonight. You had to recuse yourself from representing this council when you sit in that chair and represent us every meeting, you had to recuse yourself because of a conflict of interest. Will the DA’s Office have a conflict of interest if they oversee the hiring of this firm?”

*Legal Counsel Garett Duplechain stated, “*You are talking about the lawsuit that you just received?”

*Councilman Harold Taylor stated*, “No, I am talking about the issue we are talking about right now which is the resolution to hire an attorney to review the adjudicated property stuff that you had been doing but don’t have time to do now. I withdraw the question. Mr. Chairman, It is almost time for our next meeting.”

*Chairman Jerry Red Jr., stated*, “Go ahead and finish with your question.”

*Councilman Harold Taylor stated*, “I can’t get an answer to my question. I withdraw my question.”

*Legal Counsel Garett Duplechain stated*, “Let me answer Mr. Taylor’s question. The District Attorney’s Office does not have to recuse itself from the Adjudicated Property that we are talking about right now in regards to this resolution.”

*Councilman Harold Taylor stated*, “Thank you. The question remains, why we are having the District Attorney’s Office do this instead of the Administrative Office doing it like we do everything else. Why do we have another layer of Bureaucracy in this is my point?”

*Legal Counsel Garett Duplechain stated, “*Because we have to make sure that going forward from today is done right.”

*Councilman Harold Taylor stated, “*I am all for that. Don’t you think that an independent attorney not working for the District Attorney can handle this for us? Is there anybody that smart in this parish that can do it beside someone from Lafayette?”

*Legal Counsel Garett Duplechain stated*, “As I understand it this is an Independent Attorney. By statutory law they have to be working for the District Attorney and contracted by the District Attorney. This is all going according to statue.”

*Councilman Harold Taylor stated*, “What statue are you talking about?”

*Legal Counsel Garett Duplechain stated, “*I don’t have it with me. Thank you Madam Clerk. It is Title 42:261 and 263-A. That would be the statue there which requires when the legal work is contracted out, they are contracted by the District Attorney and basically working for the District Attorney so whatever Independent Attorney that you hire, of course you can do, they have to be contracted by the District Attorney and working for the District Attorney according to statue. So to answer your question, the Council or the Parish President can hire an Independent Attorney, which they are called a ‘Special Counsel’ and they are contracted and they are working for the District Attorney. That is the way it has to be done by statue. I have discussed this with the District Attorney last week and today.”

*Councilman Harold Taylor stated*, “That is clear enough, thank you.”

*Councilman Timmy Lejeune stated*, “No questions. Thank you.”

*Councilman Coby Clavier questioned*, “So what you are saying Garett, there is no one within your department already that cannot do what we are wanting to do?”

*Legal Counsel Garett Duplechain stated, “*Sometimes Legal work is contracted out. We contract very little legal work out but sometimes it is necessary as in this case. Sometimes there are certain areas or skills that have to be contracted out. Example of that is our Opioid Lawsuit which is scheduled for next week with an update on it. Another example is the Environmental Lawsuit that we have against Exxon which is contracted out to Bill Goodell and that is on your agenda for the Committee Meeting next week, so those are examples right there. Specialized areas which are contracted out by our government as all parish and city government do.”

*Councilman Wayne Ardoin stated*, “Let’s go back to the Opioid Lawsuit. We did not get involved with the District Attorney’s Office with that. I think we took that upon ourselves as a Parish Council and hired Morrow, Morrow & Morrow to represent us. We did not go through the District Attorney’s Office. You did not have anything to do with that. Morrow and Jeff Bassett came here and brought the film and showed us everything and what they were going to do. I just think that we need to stand on our own two feet in hiring a firm. Not nothing against the District Attorney’s Office but we need to socialite and see about getting a firm to where they are going to have a title company that is involved and we will get some clearance on everything. It won’t be no questions asked, if there are too many questions being asked and questions get asked right here in this meeting about some of the sales and the way that they went down, am I correct, didn’t they put you in a spot a couple of times?”

*Legal Counsel Garett Duplechain stated*, “Possibly.”

*Councilman Wayne Ardoin stated*, “Possibly, no probably. I think that we went a little too fast.”

*Councilman Alvin Stelly questioned*, “Maybe I misunderstood or I did not hear right, everybody that bids on those properties have to put $500.00 down right off?”

*Parish President Jessie Bellard stated*, “That is correct. Everybody that bids and starts the process have to. Whenever they come in and put a bid in they don’t as long as we start the process with a deposit down.”

Councilman Alvin Stelly stated, “Let’s say I bid on a piece of property. How many days do I have to put the $500.00 down to start the process?”

*Parish President Jessie Bellard stated*, “Whenever you come into the office that is when you start the process. When the money comes in on the Adjudicated Piece of property that is whenever the process starts. That is when we start making our list to bring to the council to sell that property.”

*Councilman Alvin Stelly stated*, “That is what I mean. Everybody have to put $500.00 down when they bid on the property?”

*Parish President Jessie Bellard stated*, “No, as long as we have one to start the process.”

*Councilwoman Nancy Carriere stated,* “You all wrote the policies up, I have a copy of it, I was there, I saw how it was ran, people came in that night and bid and they did not have $500.00 and they did not put it down, they did not win it, they did not worry about it. People are still waiting for their money now that bid on 5 properties. I know someone that is waiting on $1,000.00 - $2,000.00. My only thing is this, all monies have not been returned to the people who did not get the bid. They did put their money down to bid.”

*Councilman Harold Taylor questioned*, “Is that accurate Mr. Bellard?”

*Parish President Jessie Bellard stated*, “Those who came and requested their money got their money unless you know something that I don’t know.”

*Councilwoman Nancy Carriere stated*, “I know 100% that everybody did not get their money back. I got a call today and they are still waiting on their money.”

*Parish President Jessie Bellard stated*, “If you have knowledge of that then I need to know about it.”

*Councilwoman Nancy Carriere stated, “*I will have them to call you. They are still waiting on their money, they have asked for it back and they never got it. I know that for a fact because they called me yesterday. The reason why they did not push it is because they were waiting on their money to go toward the next bid. This is what I want to say, Mr. Taylor, you asked about the fees, it is in here, he did say that they were in here and they are. For a Senior Attorney I think that it is $275-250 per hour. This is what I want to say. It is $1,500.00 with Civic Source. I know that Mr. Bellard says that it takes a couple of hours to do the research, our attorney is sitting right there, Garett, I don’t want to put you on the spot but let’s just keep this real, you have done property sales and you have had to do research on those property sales. It takes more than 3 hours. We are looking at close to $1,000.00 or more. My question is: If we are going to pay a firm it should be someone that we look into and we decide on the fees that we are going to pay. I understand what Garett said about the statue and that is the normal process but if we are going to get an attorney outside we go through the district attorney. I am asking you on average are we looking at $200.00 - $300.00 or do you think this can go up to $1,500.00 - $1,800.00. You have done this before.”

*Legal Counsel Garett Duplechain stated,* “I can’t say how much money. I do know that the fees are set by the Attorney General’s Office.”

*Councilwoman Nancy Carriere stated*, “Garett, at $200.00 per hour have you completed any research on property sales in less than 1 day or 8 hours?”

*Legal Counsel Garett Duplechain stated*, “You are talking about doing a Title Search. If you are going to do a Title Search.”

*Councilwoman Nancy Carriere stated*, “No, not a Title Search because that is not what they are going to be doing. They are doing the research on any leans or if we can sell this property.

*Parish President Jessie Bellard stated*, “No that is not what they are doing it is apples and oranges.

*Chairman Jerry Red Jr., stated*, “We are off the subject of what this is really about. This is about the Resolution. We are not talking about the Resolution right now. I need to read this and make sure that you all understand what we are voting on.

*The following Motion and Resolution was Offered* by: Your Parish President who moved for a Resolution and seconded by: We did not do that yet: In the meeting of the St. Landry Parish Council:

**WHEREAS**, the Parish has in place a program for the sale of properties that have

been adjudicated to the Parish for failure to pay **ad valorem** taxes; and

**WHEREAS**, the program requires prospective purchasers to undertake certain

steps, such as notification of prior owners, that are required to perfect a sale; and

**WHEREAS**, prior to any sale of adjudicated property, all steps leading up to the

sale must be reviewed for compliance with the law on the sale of adjudicated

properties; and

**WHEREAS,** the District Attorney has advised that due to the specialized nature of

sales of adjudicated properties, the time required for the review of each proposed

sale, and the many other demands, such as the prosecution of criminal cases, that

his regular staff must meet, he is unable to provide the required review of each

proposed sale with his regular staff; and

**WHEREA**S, the District Attorney proposes to retain outside counsel, at rates

approved by the Attorney General, to conduct the review of proposed sales of

adjudicated properties, and to bill the Parish Government for the fees and

expenses of such review; and

**WHEREAS**, there is a real necessity for such legal services because it is vital to get

adjudicated properties back on the tax rolls and into commerce where they may

be developed as a benefit to the community rather than neglected; and

**WHEREAS**, there is attached hereto a proposed engagement letter between the

District Attorney and the Law Firm of Oats & Marino, A Partnership of Professional

Corporations, setting forth the rates and terms of service for the provision of such

review of proposed sales of adjudicated properties, and it is anticipated that total

compensation for one (1) year should not exceed $18,000.00; and

**WHEREAS,** this engagement shall be effective from March 30, 2023 to March 30, 2024;

and

**WHEREAS,** the scope of this legal representation does not involve federal claims;

and

**WHEREAS,** this resolution shall take effect immediately; and

**NOW, THEREFORE, BE lT RESOLVED**, pursuant to La. R.S. 42:263, that St. Landry

Parish Government agrees to reimburse the District Attorney for the reasonable fees and expenses incurred to retain outside counsel to conduct the review of each proposed sale of adjudicated property by the St. Landry Parish Government and to advise the Parish President regarding the propriety of such proposed sales; and

*Councilman Wayne Ardoin stated, “*Mr. Chairman, if I am in order I am going to ask that before we make any decision on this, let this Law Firm present themselves here. My motion still stands.”

*Harlan Kirgan, Editor, Eunice News* *addressed the council*. He stated, “I probably should not be saying this but I feel a need to say this. The District Attorney is your representative in your state. Recently I tried to get comments from the DA about Criminal Cases and no response. I would hate for it to be a problem with this process and you need him and you cannot go to the DA and get an answer about property issues. So that might be the case.”

*Councilman Harold Taylor questioned*, “What is the motion.”

*Councilman Wayne Ardoin stated.* “My motion is to Table this thing until we get that law firm to come and present itself here on what they are going to do. I still firmly believe that and I am going on what Mr. Kirgan said, it is nothing against the District Attorney’s Office. I think that we need to stand as a council and put it out that we are looking to hire someone. We have a local company right there in Grand Coteau with a title company and an attorney that does sales. Why are we not looking at them? They may not be interested in working for us but possibly somebody will want some work from us. I will rephrase my motion. I will ask that we table this whole item until we talk to some other firms that are local here.”

A motion was made by Councilman Wayne Ardoin seconded by Councilwoman Nancy Carriere to **Table Resolution 014-2023** until we talk to some other firms that are local on how to handle Adjudicated Property Sales in the Parish.

**On roll call vote**: YEAS: Nancy Carriere, Mildred Thierry, Harold Taylor, Alvin Stelly,

Vivian Olivier, Wayne Ardoin, Dexter Brown, Timmy Lejeune, Jimmie Edwards and Coby Clavier. NAYS: None. ABSENT: Easton Shelvin and Gil Savoy. ABSTAINED: None.

WHEREUPON, this motion was adopted on this, the 29th, day of March, 2023.

*Chairman Jerry Red Jr., stated*, “We will take a five minute recess and then we will start our next meeting.”

1. **ADJOURN:**

A motion was made by Councilman Harold Taylor, seconded by Councilman Wayne Ardoin to adjourn the Special Meeting.

On roll call vote: YEAS: Nancy Carriere, Mildred Thierry, Harold Taylor, Alvin Stelly,

Vivian Olivier, Wayne Ardoin, Dexter Brown, Timmy Lejeune, Jimmie Edwards, and Coby Clavier. NAYS: None. ABSENT: Easton Shelvin and Gil Savoy. ABSTAINED: None.

WHEREUPON, this motion was adopted on this, the 29th, day of March, 2023.

**I HEREBY CERTIFY THE FOREGOING TO BE EXACT AND TRUE**

**KAREN BARLOW, ASSISTANT COUNCIL CLERK**