

REGULAR MEETING
SEPTEMBER 25, 2023
4:30 P.M.

The Mayor and Councilmen of the Town of Jean Lafitte met in a Regular Meeting with the following members present: Mayor Kerner Jr. Councilman Bartholomew, Councilman Kerner Jr. and Councilman Smith. Absent: Councilman Creppel and Councilman Darda. Mayor Kerner presided calling the meeting to order at 4:32 p.m. asking everyone to rise and pledge allegiance to the flag of the United States of America.

Budget to Actual Comparisons was given to the Mayor and Council.

On a motion by Councilman Smith and seconded by Councilman Bartholomew the following was offered:

A motion to accept the minutes of the Regular Meeting of August 9, 2023.

YEAS: 3 NAYS: 0 ABSENT: 2

On a motion by Councilman Smith and seconded by Councilman Bartholomew the following was offered:

A motion to accept the minutes of the Special Meeting of August 28, 2023.

YEAS: 3 NAYS: 0 ABSENT: 2

SUMMARY RESUBDIVISION ORDINANCE #415

On a motion by Councilman Smith the following ordinance was offered:

An ordinance approving the plan of resubdivision of Lots H-3-C, H-3-D and H-3-A1, Fleming Plantation, being a portion of Berthoud Plantation, Town of Jean Lafitte, into Lots H-3-C1 and H-3-A3 in accordance with a plan by Tildon J. Dufrene, Jr. L.S., dated July 19, 2023,

WHEREAS, Richard A. Powajbo and Kathleen Clement Powajbo are the owners of Lot H-3-C and H-3-D and Katie Judice Ochello and Dominick Joseph Ochello are the owners of Lot H-3-A1, Fleming Plantation, being a Portion of Berthoud Plantation, Town of Jean Lafitte, Parish of Jefferson,

WHEREAS, said owners desires to resubdivide said lots H-3-C, H-3-D and H-3-A1 into lots H-3-C1 and H-3-A3 all in accordance with a plan of survey and resubdivision by Tildon J. Dufrene, Jr. dated July 19, 2023,

SUMMARY RESUBDIVISION ORDINANCE #416

On a motion by Councilman Smith the following ordinance was offered:

An ordinance approving the plan of resubdivision of Lot 40 and a part of Lot 41, Rosethorne Subdivision, being a portion of Berry Subdivision, Town of Jean Lafitte, into Lots 1 - 12 in accordance with a plan by Tildon J. Dufrene, Jr. L.S., dated February 7, 2019 and revised January 14, 2021.

WHEREAS, Richard Berry is the owner of Lot 40 and a part of Lot 41, Rosethorne Subdivision, Town of Jean Lafitte, Parish of Jefferson,

WHEREAS, said owners desires to resubdivide said lot 40 and a part of Lot 41, Rosethorne Subdivision into lots 1 – 12 all in accordance with a plan of survey and resubdivision by Tildon J. Dufrene, Jr. dated February 7, 2019 and revised January 14, 2021.

WHEREAS, said owner will provide public sewer and utilities including road and drainage improvements necessary for this resubdivision,

RESOLUTION #2305

On a motion by Councilman Kerner, Jr. and seconded by Councilman Bartholomew the following resolution was adopted:

A Resolution adopting a Public Records Request Policy for the Town of Jean Lafitte and a related Cost/Fee Schedule for producing copies of documents;

WHEREAS, Act 247 of 2023 amended LRS 44:32(C)(1)(a) relative to the examination of public records whereby it provides that the custodian of records may establish and collect reasonable fees for making copies of public records (including the transmission of electronic copies) and that any custodian who elects to establish and collect such fees shall establish a reasonable fee schedule and post the schedule where it can easily be readily accessed by the public, and that the custodian may request payment of fees in advance of production,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Councilmen of the Town of Jean Lafitte, Louisiana, acting as the governing authority of said Town, in response to Act 247 of 2023, hereby adopt the following Public Records Request Policy and related Cost/Fees Schedule, effective immediately:

Public Records Request Policy and Cost/Fees Schedule

SECTION 1. The Town of Jean Lafitte hereby adopts a Public Records Request (PRR) policy, in accordance with the Louisiana Public Records Law (LRS 44:1-44:41), whereby any person making a request of the Town for a public record shall first submit a "Public Records Request Form" to the Town's Custodian of Records (the Custodian) along with an official photo ID showing the date of birth of the requestor in order to show that the requestor is of age (in accordance with LRS 44:31.1). Said form shall be made available from the Custodian upon request and shall also be posted to the Town's website.

SECTION 2. The "Public Records Request Form" shall be completed in full and should include the date and time of the request, the name of the person making the request, the address and contact information of the person making the request (to include phone #, fax #, and/or email address), a specific description of what public records are being requested, and a time period that the record in question would likely exist (or a time period if the request is asking for a record over time – e.g., list of payments from January 1, 2000 to June 30, 2000).

SECTION 3. The "Public Records Request Form" and copy of photo ID can be submitted to the Custodian via mail, fax or email. Upon receipt, the Custodian shall note the date and time received and either begin a search for the public records themselves or forward the request to the appropriate party to search for the public record being requested.

SECTION 4. Once the search for the public record is made, a determination by the Custodian shall be made as to whether the public record exists or not, and, if it does exist, and is available and not in use. If the public record exists and is not in use, then it should be made available to the requestor at an appropriate date, time and location. If the public record exists but is not available (i.e., it is in active use at the time of the application requesting it), the custodian shall promptly certify the unavailability of the record to the requestor in writing, and in this certificate fix a day and hour within three (3) working days, exclusive of Saturdays, Sundays, or legal holidays, for the exercise of the requestor's right to examine or receive a copy of the record. It should be noted that the Town will NOT generate reports or other lists that do not already exist at the request of a person making a public records request. They must ask for a public record that already exists in a form of some sort in order for it to be produced.

SECTION 5. Once a public record is located, the Custodian must review it to determine if the information in the document is "public" or "non-public" and to determine whether any of the exceptions to the public records law apply (see LRS 44:1 to 44:23.1). It is the duty of the Custodian to segregate, if possible, the public from the non-public data and to release what is called for under the law.

SECTION 6. If the public records request asks for a copy of the public record up front (either in paper format or electronic format), the custodian shall first follow the steps outlined in Section 4 above, but will also be allowed to respond to the requestor within three (3) working days that the public record is being located, copied and/or scanned in the format requested, and then fix a day and time within a "reasonable time frame" afterwards for the exercise of the requestor's right to examine or receive a copy of the record. This time frame shall under no circumstances exceed 30 days from the original request. The Custodian should make every effort to respond as quickly as possible; however, this

provides time for the Custodian and/or their staff to locate, review, and copy/scan the public record(s) in the format requested, as well as to determine the cost to charge under the Cost/Fee Schedule.

SECTION 7. The Custodian shall typically make the public record available to the requestor for examination or review at the Town Hall during normal working hours (Monday through Friday, between 8:30 am and 4:30 pm).

SECTION 8. If it is determined that a requested public record is currently not in the possession of the Custodian or does not exist, the Custodian shall promptly certify in writing to the requestor the absence or non-existence of the record, stating that the record does not exist or citing the reason for the absence of the record from the custodian’s custody or control, the current location of the record (if it exists), the person who has current custody and control of the record, and the exact time at which the record was taken from the custodian’s custody or control, to the best of his/her knowledge and belief.

SECTION 9. The Custodian may deny access to a public record, if the custodian reasonably determines that the request would substantially disrupt required operations and after reasonable attempts to narrow or specify the request with the requestor.

SECTION 10. The Custodian shall make the public records available for the examination or viewing “at no cost” to the requestor; however, if copies of any kind are requested, the Town will notify the requestor in advance that fees will be charged in accordance with its adopted Cost/Fee Schedule for providing these copies (see Section 11). An estimated cost will also be provided in advance. In accordance with LRS 44:32(C)(1)(a), the Town will require payment of these fees in advance by cash or credit card (i.e., prior to the release of any copies). The Custodian has the right to withhold the release of any public records request if the requestor fails to pay the applicable copying fees after being notified of the amount in advance of production or if the requestor has an outstanding balance from a prior request. The Custodian may furnish copies without charges or at a reduced charge to indigent citizens of the state.

SECTION 11. The Cost/Fees Schedule shall include the following amounts to be charged on requests for public records, unless waived or reduced by the Custodian:

Type of Reproduction	Unit Cost
<u>Black and White Copies - Paper</u>	
Single sided 8 ½” x 11” or 8 ½” x 14”	\$.50 per page, charge from page 1
Double sided 8 ½ “ x 11” or 8 ½” x 14”	Repeat single sided price for each side of paper
Single sided 11” x 17”	\$2.00 per page
<u>Color Copies - Paper</u>	
Single sided 8 ½” x 11” or 8 ½” x 14”	\$2.00 per page, charge from page 1
Single sided 11” x 17”	\$3.00 per page
<u>Electronic Copies</u>	
Compact Disc or DVD	\$.50 per page, PLUS \$20.00 per CD/DVD to cover overhead (labor and equipment usage and the cost of the CD or DVD)
USB/Thumb Drive (up to 64GB)	\$.50 per page, PLUS \$20.00 per USB Drive to cover overhead (labor and equipment usage and the cost of the USB drive)
Pdf (scanned documents) via email	\$.50 per page, charge from page 1, PLUS \$10.00 per image to cover overhead (labor and equipment usage)
Fax Response	\$1.00 per page

The above noted Cost/Fee Schedule shall be made available from the Custodian upon request, it shall be posted at the Town Hall and readily accessible to citizens, and shall also be posted to the Town’s website.

SECTION 12. It should be noted that any payments received via credit card shall be collected in accordance with the Town’s credit card policy and all transaction fees shall be borne by the payor (i.e., the requestor) at the established rates set by the credit card processing company.

SECTION 13. It should also be noted that due to IT security concerns, no outside USB drives or drives of any kind will be allowed to be plugged into the Town's network/computers. If electronic copies are requested to be copied down to a CD, DVD, or USB drive, the Town will provide the storage disc/device and will charge the applicable fee in accordance with Section 11.

YEAS: 3
Councilman Bartholomew
Councilman Kerner, Jr.
Councilman Smith

NAYS: 0

ABSENT: 2
Councilman Creppel
Councilman Darda

RESOLUTION #2306

On a motion by Councilman Smith and seconded by Councilman Bartholomew the following resolution was adopted:

A resolution designating Mayor Timothy Kerner Jr., to act on behalf of the Town of Jean Lafitte, in all matters pertaining to 50-ME1-23-01 Manila Village, Planning and Construction, including certifying request for State disbursements.

SECTION 1. The Mayor of the Town of Jean Lafitte is hereby authorized to sign and approve any and all documents necessary to give full force and effect to this resolution.

YEAS: 3
Councilman Bartholomew
Councilman Kerner, Jr.
Councilman Smith

NAYS: 0

ABSENT: 2
Councilman Creppel
Councilman Darda

RESOLUTION #2307

On a motion by Councilman Bartholomew and seconded by Councilman Smith the following resolution was adopted:

A resolution accepting the HB 560 appropriation from the State of Louisiana for the Jean Lafitte Seafood Festival.

SECTION 1. The Mayor of the Town of Jean Lafitte is hereby authorized to sign and approve any and all documents necessary to give full force and effect to this resolution.

YEAS: 3
Councilman Bartholomew
Councilman Kerner, Jr.
Councilman Smith

NAYS: 0

ABSENT: 2
Councilman Creppel
Councilman Darda

RESOLUTION #2308

On a motion by Councilman Bartholomew and seconded by Councilman Smith the following resolution was adopted:

A resolution accepting the HB 560 appropriation from the State of Louisiana for the Jean Lafitte Hurricane Equipment.

SECTION 1. The Mayor of the Town of Jean Lafitte is hereby authorized to sign and approve any and all documents necessary to give full force and effect to this resolution.

YEAS: 3
Councilman Bartholomew
Councilman Kerner, Jr.
Councilman Smith

NAYS: 0

ABSENT: 2
Councilman Creppel
Councilman Darda

RESOLUTION #2309

On a motion by Councilman Kerner, Jr. and seconded by Councilman Bartholomew the following resolution was adopted:

A resolution accepting the HB 560 appropriation from the State of Louisiana for the Jean Lafitte Police Vehicles and Equipment.

SECTION 1. The Mayor of the Town of Jean Lafitte is hereby authorized to sign and approve any and all documents necessary to give full force and effect to this resolution.

YEAS: 3
Councilman Bartholomew
Councilman Kerner, Jr.
Councilman Smith

NAYS: 0

ABSENT: 2
Councilman Creppel
Councilman Darda

RESOLUTION #2310

On a motion by Councilman Smith and seconded by Councilman Kerner the following resolution was adopted:

A resolution accepting the HB 560 appropriation from the State of Louisiana for the Jean Lafitte Senior Bus.

SECTION 1. The Mayor of the Town of Jean Lafitte is hereby authorized to sign and approve any and all documents necessary to give full force and effect to this resolution.

YEAS: 3
Councilman Bartholomew
Councilman Kerner, Jr.
Councilman Smith

NAYS: 0

ABSENT: 2
Councilman Creppel
Councilman Darda

RESOLUTION #2311

On a motion by Councilman Kerner and seconded by Councilman Bartholomew the following resolution was adopted:

A resolution approving the Trick or Treat event that will be held on Tuesday, October 31, 2023.

WHEREAS, the town budget for this event will not exceed \$5,000.00.

WHEREAS, the event will be held at the Town Hall at 2654 Jean Lafitte Blvd, Lafitte.

This resolution was submitted to a vote and the vote was thereon as follow:

YEAS: 3
Councilman Bartholomew
Councilman Kerner, Jr.
Councilman Smith

NAYS: 0

ABSENT: 2
Councilman Creppel
Councilman Darda

RESOLUTION #2312

On a motion by Councilman Bartholomew and seconded by Councilman Kerner the following resolution was adopted:

A resolution approving the Fisher Middle-High School Homecoming Parade on Thursday, October 19, 2023 at 5:30 p.m.

WHEREAS, the parade will begin on Gloria Drive (KC Hall) to Jean Lafitte Blvd. and continue down making the loop around the Swamp Tour on Texas Street and disburse at the St. Anthony Church Parking Lot.

YEAS: 3
Councilman Bartholomew
Councilman Kerner, Jr.
Councilman Smith

NAYS: 0

ABSENT: 2
Councilman Creppel
Councilman Darda

No further business was discussed. On a motion by Councilman Smith and seconded by Councilman Bartholomew the meeting was adjourned at 4:59 p.m.

Town Clerk

