

**NATCHITOCHEs CITY COUNCIL MEETING
JANUARY 11, 2010 - 7:00 P.M.**

A G E N D A

1. **CALL TO ORDER**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **READING AND APPROVAL OF THE MINUTES OF DECEMBER 14, 2009**
5. **PROCLAMATION:**
#006 Payne Resolution Proclaiming the Month of January, 2009 as Arbor Day Leslie Smith--Accepting Adriana Wohletz, Jr. Senior at Lakeview High School
6. **AUDIT REPORT** Mark Thomas of Johnson, Thomas & Cunningham
7. **BIDS - AWARD:**
#001 Mims Ordinance Authorizing the Mayor to Award the Bid for the Rehabilitation of Water Treatment Plant No. 1 (Bid No. 0495)
Committee: Pat Jones, Edd Lee, Don Mims, Bryan Wimberly, Norman Nassif
8. **BIDS – ADVERTISE:**
#007 Mims Resolution Authorizing the Mayor to Advertise and Accept Bids for Two (2) 69KV Circuit Breakers for the Dixie Street Substation (Bid No. 0496)
Committee: Pat Jones, Edd Lee, Larry Payne, Bryan Wimberly
9. **PLANNING & ZONING – FINAL:**
#086 Mims Ordinance Amending Ordinance No. 64 Of 2001 By Changing Zoning of
of 2009 Classification Of Property Described As Follows:

2.648 Acres – Being Tract “A” & “C” Of A Subdivision Of A Portion Of Lot 5 Of St. Maurice Plantation, N By St. Maurice Lane, E By Dalme, S By Bayou, W By Boydstun, As Shown On Map Slide 539-B, Less Lot To Leach, Less Tract “B” Cont. 0.282 Ac. To Daniel F. Montgomery, Et Ux From R-1 To R-1 Special Exception For Mobile Home Placement (719-A St. Maurice Lane – Brian Benefield)
10. **PLANNING & ZONING – INTRODUCTION:**
#002 Mims Ordinance Amending Ordinance No. 64 Of 2001 By Changing Zoning Classification Of Property Described As Follows:

Lot Containing One Acre, More Or Less, In Sections 74 And 75, Township 9, Range 7, On South Side Highway #3110 As Shown On Plat In Book 319, Page 569 From B-3 To An Additional Zoning Of B-A To Authorize The Sale Of Beverages Of High And Low Alcoholic Content For Consumption On Premises (7244 Highway One By-Pass – James P. Rachal, Jr.)

#003 Mims Ordinance Amending Ordinance No. 64 Of 2001 By Changing Zoning Classification Of Property Described As Follows:

3.55 Acres – That Part Of J. W. Thomas School Property, As Shown On Plat By Brouillette From B-3 To An Additional Zoning Of B-A To Authorize The Sale Of Beverages Of High And Low Alcoholic Content For Consumption On Premises (400 Martin Luther King Drive – Ben Johnson Auditorium – Claire Prymus, c/o Ben Johnson, LLC)

11. **ORDINANCES - FINAL:**

#076 McCain Ordinance Declaring Certain Buildings Unsafe And Recommending That Same Be Demolished Or Put Into Repair To Comply With The Building Code, Authorizing Notice To Be Served, Fixing Hearing Date And Appointing Curator To Represent Absentees

#085 Nielsen Ordinance To Adopt, Amend And Reenact Sections Of The Personnel Policies Manual Of The City Of Natchitoches, Specifically To Amend Those Sections Entitled "Introductory Statement", "Drug And Alcohol Policy", "Overtime Pay" And "Pay Period And Hours", To Adopt A Section Entitled "Employee Status", Providing For Advertising, Further Providing For Severability, And Further Providing For A Repealer And Effective Date Of Ordinance

12. **RESOLUTIONS:**

#001 McCain Resolution Authorizing the Mayor to Execute an Agreement with the Louisiana Department of Transportation and Development for Improvements at the Natchitoches Regional Airport

#002 Morrow Resolution Authorizing the Mayor to Enter Into a Contract with Travelers Casualty and Surety Company of America for the Public Official Schedule Bond for the City of Natchitoches

#003 Payne Resolution in Support of the Louisiana National Guard's Economic Efforts Relating to Camp Minden

#004 Nielsen Resolution Authorizing Settlement Of The Lawsuit Entitled, "City Of Natchitoches V. Crosstech Boiler Services, L.P., Et Al", Number: 75,908 On The Docket Of The Tenth Judicial District Court For The Parish Of Natchitoches, And Authorizing The Mayor To Execute All Appropriate Documents In Connection Therewith

#005 Mims Resolution to Re-Appoint L. J. Melder as a Commissioner for the Housing Authority of the City of Natchitoches

#008 McCain Resolution to Appoint Stanley Salter to Fill the Unexpired Term of Tom Gresham on the Natchitoches Airport Commission for the City of Natchitoches

#009 Nielsen Resolution Appointing Ryan Smith to the Natchitoches Historic District Commission for the City of Natchitoches

13. **OTHER BUSINESS**

14. **ANNOUNCEMENT:** The City of Natchitoches offices will be closed Monday, January 18, 2010 in honor of Martin Luther King

15. **ADJOURNMENT**

NOTICE TO THE PUBLIC

In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the City Clerk's Office at (318) 352-2772 describing the assistance that is necessary.

If you wish to address the Council, please complete the "Request to Address City Council" form located on the entrance table.

The Following Resolution was Introduced by Mr. Payne and Seconded by Ms. Morrow, as follows, to-wit:

RESOLUTION NO. 006 OF 2010

PROCLAMATION

WHEREAS, Arbor Day, was first observed in 1872 when J. Sterling Morton proposed a tree-planting day to the Nebraska Board of Agriculture and on April 10 of that year sponsors estimated that more than a million trees were planted on the first **Arbor Day**; and

WHEREAS, Arbor Day has since become an annual observance throughout the nation and the world celebrating the role of trees in our lives and promoting tree planting, care and conservation; and

WHEREAS, trees can lower our heating and cooling costs, clean the air and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas and beautify our community; and

WHEREAS, the City of Natchitoches understands more than ever the importance of trees to our City and is committed to an effective ongoing program that provides direction, technical assistance, public attention and recognition for ongoing efforts to the value of trees in our community.

NOW, THEREFORE, I, Wayne McCullen, Mayor of the City of Natchitoches do hereby proclaim the month of January, 2010 as

ARBOR MONTH

in the City of Natchitoches, Louisiana and urge all citizens to observe this day.

This Resolution was then presented for a vote, and the vote was recorded as follows:

AYES: Payne, Morrow, Nielsen, Mims, McCain
NAYS: None
ABSENT: None
ABSTAIN: None

THEREUPON, the Mayor, Wayne McCullen, declared the Resolution passed by a vote of 5 ayes to 0 nays, this the 11th day of January, 2010.



WAYNE McCULLEN, MAYOR

Mr. Mark Thomas, Auditor with Johnson, Thomas and Cunningham, presented the annual audit report for the City. He said the only thing that was noted was that the budget should have been amended regarding the utility improvement fund, and it was not. He stated that it was required that this be noted, and other than that, the report is a clean report, and free of material error.

The meeting continued with Bids, as follows:

The following Ordinance was Introduced by Mr. Mims and Seconded by Mr. Nielsen as follows, to-wit:

ORDINANCE NO. 001 OF 2010

ORDINANCE AUTHORIZING THE MAYOR TO AWARD THE BID FOR THE REHABILITATION OF WATER TREATMENT PLANT NO. 1

(BID #0495)

WHEREAS, after due advertisement in the *Natchitoches Times* on November 20, November 27 and December 4, 2009 and in accordance with law, bid proposals were received and opened for the referenced project on Wednesday, December 30, 2009 at the City of Natchitoches Purchasing Department; and

WHEREAS, two (2) qualified bid were received, as follows:

- (1) Cecil D. Gassiott, LLC
Alexandria, LA.\$2,748,000.00

- (2) McInnis Brothers Construction, Inc.
Minden, LA.....\$2,815,600.00

WHEREAS, on January 5, 2010 Pat Jones, Director of Finance; Edd Lee, Director of Purchasing; Don Mims, Councilman-at-Large; and, Bryan Wimberly, Director of Utilities reviewed bids received and the engineer's recommendation letter of January 4, 2010 submitted by Norman Nassif of Nassif Engineering & Architecture, LLC, recommending that the construction contract be awarded to the low bidder, Cecil D. Gassiott, LLC in the amount of \$2,748,000.00

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Natchitoches, in legal session convened, that the Honorable Wayne McCullen, Mayor, be and is hereby authorized, empowered and directed to sign any and all documents necessary for acceptance of this bid.

The above Ordinance having been duly advertised in accordance with law and a public hearing had on same, was put to a vote by the Mayor and the vote was recorded as follows:

AYES: Mims, Nielsen, McCain, Morrow, Payne
NAYS: None
ABSENT: None
ABSTAIN: None

THEREUPON, the Mayor declared the Ordinance **PASSED** this 11th day of January, 2010 by a vote of 5 Ayes to 0 Nays.


WAYNE McCULLEN, MAYOR


DON MIMS, MAYOR PRO TEMPORE

Delivered to the Mayor on the 12th day of January, 2010 at 10:00 A.M.



CITY OF NATCHITOCHES

Oldest Settlement in the Louisiana Purchase

OFFICE OF PURCHASING

Wayne McCullen
Mayor

January 5, 2010

Don Mims, Jr.
Councilman At Large

Mayor Wayne McCullen

Jack McCain, Jr.
Councilman
District 1

City Hall

Natchitoches, LA 71457

Dale Nielsen
Councilman
District 2

Dear Mayor McCullen,

Sylvia Morrow
Councilwoman
District 3

The appointed committee of Pat Jones, Edd Lee, Bryan Wimberly and Don Mims, has reviewed the engineer's recommendation submitted by Mr. Norman Nassif, with Nassif Engineering & Architecture, LLC, on Bid # 0495, - Rehabilitation of Water Treatment Plant #1.

Larry Payne
Councilman
District 4

The committee was unanimous in its decision to award the bid to the low bidder, Cecil D. Gassiott, LLC, Alexandria, LA, with a bid of \$2,748,000.00. The other bid submitted was from McInnis Brothers Construction, Inc., Minden, LA, in the amount of \$2,815,600.00.

All bids are kept at the City Purchasing Department, 1400 Sabine Street, Natchitoches, LA 71457. Anyone desiring to view the bids may do so at that location.

Request ratification of this award at the next City Council meeting on January 11, 2010.

Sincerely,

**Pat Jones
Director of Finance**

**Edd Lee
Director of Purchasing**

**Don Mims
Councilman At Large**

**Bryan Wimberly
Director of Utilities**

Nassif Engineering & Architecture, LLC
Professional Civil Engineering and Architectural Services

January 4, 2009

City of Natchitoches
P.O. Box 37
Natchitoches, Louisiana 71458-0037

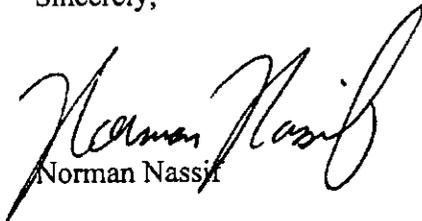
Attention: Mr. Bryan Wimberly, Utility Director
Mr. Edd Lee, Purchasing Director

Re: Rehabilitation of
Water Treatment Plant No. 1
City Bid No. 0495
Reference No. 09-042-B

Dear Bryan & Edd,

The Bids received for the above referenced project have been reviewed and checked for accuracy. A tabulation of the Bids is attached hereto. Accordingly, we recommend that the construction contract be awarded to the low Bidder, Cecil D. Gassiott, LLC in the amount of \$ 2,748,000.00.

Sincerely,


Norman Nassif

NN/nn
Enclosure

City of Natchitoches

**Rehabilitation of
Water Treatment Plant No. 1**

City Bid No. 0495

Tabulation of Bids Received on
Wednesday, December 30, 2009 at 3:00 pm

Name of Bidders				McInnis Brothers Construction, Inc.		Cecil D. Gasslott, LLC	
Item No.	Description	Estimated Quantity	Units	Unit Price	Amount	Unit Price	Amount
1	Water Treatment Plant No. 1 Rehabilitation (Item shall include \$100,000.00 for Miscellaneous Construction Items that will be paid based on the work performed, in any. All work paid under Miscellaneous Construction Items shall be approved by Engineer & Owner prior to Construction.)	1	Lump Sum	\$ 2,554,460.00	\$ 2,554,460.00	\$ 2,485,000.00	\$ 2,485,000.00
2	Purchase of Vertical Turbine Pump & Motor Equipment for Second (Future) Phase of Project Three (3) Each 2500 gpm at 100psi Pumps with Motors Two (2) Each 2000 gpm at 25psi Pumps with Motors	1	Lump Sum	\$ 261,140.00	\$ 261,140.00	\$ 263,000.00	\$ 263,000.00
Total Base Bid					\$ 2,815,600.00	\$ 2,748,000.00	



The following Resolution was Introduced by Mr. Mims and Seconded by Ms. Morrow as follows, to-wit:

RESOLUTION NO. 007 OF 2010

**A RESOLUTION AUTHORIZING THE MAYOR
TO ADVERTISE AND ACCEPT BIDS FOR TWO (2) 69KV CIRCUIT
BREAKERS FOR THE DIXIE STREET SUBSTATION**

(BID NO. 0496)

WHEREAS, the City wishes to advertise for Public Bids for two (2) 69KV Circuit Breakers for the Dixie Street Substation, (Bid No. 0496).

WHEREAS, sealed bid proposals will be received until 4:00 P.M. on February 8, 2010 at the office of Edd Lee, Director of Purchasing, 1400 Sabine Street, Natchitoches, Louisiana 71457 and opened at the City Council meeting at 716 Second Street, Natchitoches, Louisiana 71457 on February 8, 2010 at 7:00 P.M.

WHEREAS, upon receipt of proposals the committee of Pat Jones, Director of Finance; Edd Lee, Director of Purchasing; Larry Payne, Councilman; and Bryan Wimberly, Director of Utilities are to review and make a recommendation of the bids received.

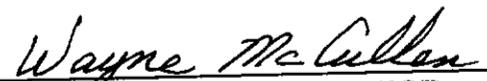
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Natchitoches, in legal session convened, that the Honorable Wayne McCullen, Mayor, be and is hereby authorized, empowered and directed to order the publication of the above bid.

BE IT FURTHER RESOLVED that the above bids will be awarded at a regularly scheduled meeting of the City Council on February 22, 2010.

This Resolution was then presented for a vote, and the vote was recorded as follows:

AYES:	Mims, Morrow, Payne, Nielsen, McCain
NAYS:	None
ABSENT:	None
ABSTAIN:	None

THEREUPON, the Mayor, Wayne McCullen, declared the Resolution passed by a vote of 5 ayes to 0 nays, this the 11th day of January, 2010.



WAYNE McCULLEN, MAYOR

BID INVITATION

DATE: January 11, 2010

FROM: City of Natchitoches
Purchasing Department
1400 Sabine Street
Natchitoches, LA 71457

BID NO. 0496

BID TITLE: (2) 69KV, Circuit Breakers for Dixie Street Substation.

SEALED BID PROPOSALS WILL BE
RECEIVED UNTIL 4PM,

February 8, 2010

AT THE OFFICE OF EDD LEE,
DIRECTOR OF PURCHASING, 1400
SABINE STREET, NATCHITOCHEs, LA
71457

FOR ADDITIONAL INFORMATION
CONTACT THE FOLLOWING:

Edd Lee
DIRECTOR OF PURCHASING
(318) 357-3824

**FOR CONVENIENCE PURPOSES DURING BID OPENING PLEASE
STATE THE COST OF THE CIRCUIT BREAKERS BELOW:**

Unit cost \$ _____ X's 2 = Total Cost \$ _____

**You will also need to complete the cost section of the circuit breakers in
the appropriate place of the bid document.**

The meeting continued with Planning and Zoning, as follows:

The following Ordinance was Introduced by Mr. Mims and Seconded by Mr. McCain as follows, to-wit:

ORDINANCE NO. 086 OF 2009

AN ORDINANCE AMENDING ORDINANCE NO. 64 OF 2001 BY CHANGING ZONING CLASSIFICATION OF PROPERTY DESCRIBED AS FOLLOWS:

2.648 ACRES – BEING TRACT “A” & “C” OF A SUBDIVISION OF A PORTION OF LOT 5 OF ST. MAURICE PLANTATION, N BY ST. MAURICE LANE, E BY DALME, S BY BAYOU, W BY BOYDSTUN, AS SHOWN ON MAP SLIDE 539-B, LESS LOT TO LEACH, LESS TRACT “B” CONT. 0.282 AC. TO DANIEL F. MONTGOMERY, ET UX FROM R-1 TO R-1 SPECIAL EXCEPTION FOR MOBILE HOME PLACEMENT

(719-A ST. MAURICE LANE)

WHEREAS, the Planning Commission of the City of Natchitoches, State of Louisiana, has recommended at their meeting of December 3, 2009 that the request of Brian Benefield to rezone the property described above from **R-1** to **R-1, SPECIAL EXCEPTION**, for mobile home replacement, be **APPROVED**.

This Ordinance was Introduced on December 14, 2009 and advertised in *The Natchitoches Times* on December 18 and December 22, 2009 in accordance with law, and a public hearing had on same, was put to a vote by the Mayor and the vote was recorded as follows:

AYES: Mims, McCain, Morrow, Payne, Nielsen
NAYS: None
ABSENT: None
ABSTAIN: None

THEREUPON, the Mayor declared the Ordinance **PASSED** this 11th day of January, 2010 by a vote of 5 ayes to 0 nays.


WAYNE McCULLEN, MAYOR


DON MIMS, MAYOR PRO TEMPORE

Delivered to the Mayor on the 12th day of January, 2010 at 10:00 A.M.

The following Ordinance was Introduced by Mr. Mims as follows, to-wit:

ORDINANCE NO. 002 OF 2010

AN ORDINANCE AMENDING ORDINANCE NO. 64 OF 2001 BY CHANGING ZONING CLASSIFICATION OF PROPERTY DESCRIBED AS FOLLOWS:

LOT CONTAINING ONE ACRE, MORE OR LESS, IN SECTIONS 74 AND 75, TOWNSHIP 9, RANGE 7, ON SOUTH SIDE HIGHWAY #3110 AS SHOWN ON PLAT IN BOOK 319, PAGE 569 FROM B-3 TO AN ADDITIONAL ZONING OF B-A TO AUTHORIZE THE SALE OF BEVERAGES OF HIGH AND LOW ALCOHOLIC CONTENT FOR CONSUMPTION ON PREMISES

(7244 HIGHWAY ONE BY-PASS)

WHEREAS, the Planning Commission of the City of Natchitoches, State of Louisiana, has recommended at their meeting of January 6, 2010 that the request of James P. Rachal, Jr. to rezone the property described above from **B-3** to an **additional zoning of B-A**, to authorize the sale of beverages of high and low alcoholic content for consumption on premises (7244 Highway One By-Pass), be **APPROVED**.

The following Ordinance was Introduced by Mr. Mims as follows, to-wit:

ORDINANCE NO. 003 OF 2010

AN ORDINANCE AMENDING ORDINANCE NO. 64 OF 2001 BY CHANGING ZONING CLASSIFICATION OF PROPERTY DESCRIBED AS FOLLOWS:

3.55 ACRES – THAT PART OF J. W. THOMAS SCHOOL PROPERTY, AS SHOWN ON PLAT BY BROUILLETTE FROM B-3 TO AN ADDITIONAL ZONING OF B-A TO AUTHORIZE THE SALE OF BEVERAGES OF LOW ALCOHOLIC CONTENT FOR CONSUMPTION ON PREMISES

(400 MARTIN LUTHER KING DRIVE – BEN JOHNSON AUDITORIUM)

WHEREAS, the Planning Commission of the City of Natchitoches, State of Louisiana, has recommended at their meeting of January 5, 2010 that the request of Claire Prymus, c/o Ben Johnson, LLC. to rezone the property described above from **B-3** to **an additional zoning of B-A**, to authorize the sale of beverages of low alcoholic content for consumption on premises (400 Martin Luther King Drive – Ben Johnson Auditorium), be **DENIED**.

Mr. Ed Ward noted an error in the Ordinance, stating that the request had been for beverages of low alcoholic content, only, and not of high alcoholic content. He also noted that there is no intent to sell or operate a nightclub there, but is for special exception when persons come in. Ms. Claire Prymus said her intent is for people who rent the facility for receptions, weddings, reunions, concerts, organizational and college parties so those people will be allowed to bring their beverages in. Ms. Morrow stated that she and Ms. Prymus have met, and she wanted to clarify some things. She said the rumor mill states that the auditorium will be closed, and she wanted to assure everybody that nobody is trying to close the auditorium. She said she is concerned, as a Councilperson, because Ms. Prymus did have somebody coming out there and hosting some events, and based on the police report, that particular person went too far and did too many bad things, and it sent out a bad message. She said the community would like to see weddings, receptions, family reunions, and meetings at the auditorium, but would like for Ms. Prymus to get with the Police Department and work with Mr. Dove to make sure they have everything in proper order so when the leadership is needed, she can get the help she needs from the Police Department. She said if Ms. Prymus is willing to provide a restructuring plan, they want to work with her to host wholesome activities. Mr. Ward advised that a college group has approached Ms. Prymus about renting the auditorium for a social event, and she emphasized that there is absolutely no liquor because it is not licensed at this time for that kind of beverage, and the young ladies said they do not want any, and they will post it in writing.

Mr. McCain asked Mr. Ward if he could tell him what happened at the party held there during Christmas where three people got shot and what precipitated that occasion. Mr. Ward said he did not know because he wasn't there, personally, however, it seems like there had been talk in the street that it was related to drugs or some type of gang activity that had nothing to do with the Ben Johnson Auditorium. He said that would have happened, anyway, at some point in time, probably.

Mr. Nielsen asked if there is a reason they are asking for low versus high/low. Ms. Prymus advised that the auditorium had a license prior to this for low content, so they are just trying to re-establish that. He asked Ms. Juanita Fowler, Director of Planning and Zoning, if this would be beer, only. Ms. Fowler said the decision for having her apply for low basically is because it relates to the city limits. She said the old city limits, as defined by the 1949 referendum is still in effect, so, in essence, applying for high alcoholic consumption would not even be allowed. She confirmed that low is beverages under six percent alcohol, and beer.

The meeting continued with Ordinances, as follows:

The following Ordinance was Introduced by Mr. McCain and Seconded by Mr. Payne follows, to-wit:

ORDINANCE NO. 076 OF 2009

AN ORDINANCE DECLARING CERTAIN BUILDINGS UNSAFE AND RECOMMENDING THAT SAME BE DEMOLISHED OR PUT INTO REPAIR TO COMPLY WITH THE BUILDING CODE, AUTHORIZING NOTICE TO BE SERVED, FIXING HEARING DATE AND APPOINTING CURATOR TO REPRESENT ABSENTEES

WHEREAS, the City Building Inspector and the Director of Planning & Zoning have filed written reports with the City Council declaring that the buildings listed below are in a dangerous and unsanitary condition which makes them unsafe and endangering the public welfare, and recommending that said buildings be demolished or put in repair to comply with the Building Code, to-wit:

1. Richard W. & Myra C. Shaeffer
630 Royal St.
Natchitoches, LA 71457
Lot on W Side Duplex St. Having Front of 65 Ft., N by George Black, Jr. & S By R.C. Wyatt, W by Gibson, et al (310 Duplex St.)
2. Jackson Properties of Natchitoches, LLC
1610 McClelland Dr.
Natchitoches, LA 71457
Lot SW Cor. of Third & Lafayette Sts. Having a Front of 80 Ft. on Third St. by Depth of 121.84 Ft. Along Lafayette St., as Shown on Map Slide 446-B. (750 Third St.)
3. John William Sturman
1735 ½ Washington St.
Natchitoches, LA 71457
Lot 60 Ft. Front by 150 Ft., W Side 2nd St., N & W by Kennon, S by Gilson (304 Second St.)
4. City of Natchitoches
Joseph E. Williams, Jr.
121 Texas St.
Natchitoches, LA 71457
Lot 4 Blk B of Hedges Addition (112 Powell St.)
5. City of Natchitoches
Post Office Box 37
Natchitoches, LA 71458
Lot NW Corner 3rd & Lafayette Streets (800 Third Street – Don Dark Building)

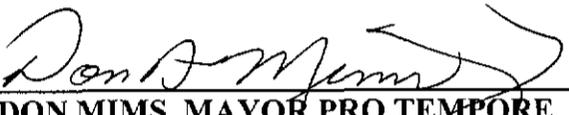
NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Natchitoches, Louisiana, in legal session convened, that notice be served upon the above owners to show cause before the Natchitoches City Council on **Monday, January, 11, 2010 at 7:00 P. M.**, at a Public Hearing, why the above buildings should not be condemned and ordered demolished and removed, or repaired to conform with the Building Code.

This Ordinance was Introduced on Monday, November 23, 2009 and published in the *Natchitoches Times* on November 27, December 4 and 11, 1009, in accordance in accordance with law and a public hearing had on same, was put to a vote by the Mayor and the vote was recorded as follows:

AYES: McCain, Payne, Nielsen, Mims, Morrow
NAYS: None
ABSENT: None
ABSTAIN: None

THEREUPON, the Mayor declared the Ordinance **PASSED** this 11th day of January, 2010 by a vote of 5 ayes to 0 nays.


WAYNE McCULLEN, MAYOR


DON MIMS, MAYOR PRO TEMPORE

Delivered to the Mayor on the 12th day of January, 2010 at 10:00 A.M.

Mr. John Sturman addressed the meeting regarding the property at 304 Second Street, stating that he has no issue with the property needing to be repaired, and bringing it to code, but he is taken aback by saying the property needs to be condemned. He said he has put a lot of effort into the property in the past, but it has sat for the past five to seven years without much being done do it, so he understands the concern, but does not believe the property is so unsafe as to need to be condemned. He said he's willing to work with the City on any kind of a program to repair it properly.

The Mayor called on Ms. Fowler to address this matter. She stated that she has had a discussion with Mr. Sturman and appreciates that he is in attendance. She noted that the property is in the Historic Landmark District, and it is a viable property as it relates to historic properties. She said it's more-so the condition of the property and also the code violations that need to be addressed. She said the only measure available for the City Council to address it is to consider the property up for condemnation which allows the property owner to come and represent to the Council their intent to bring the property up to at least a visible standard, where it appears to be a vital property. She said that the property is very much overgrown, and there is a lot of damage to the exterior. Mr. Sturman said it was just disconcerting, having it addressed that way because he's put a lot of effort into it, and he's had a lot of frustration with it being broken into and having almost all of the windows broken out by vandals, and property stolen inside the house. Ms. Fowler said that she has sent a number of notices regarding grass cutting and things like that, and she has not seen any improvement at all, but there has to be an attempt to bring the property to some standard. She noted that this is the process they follow for properties all over town, and not just in the Historic District.

Mr. McCain asked Ms. Fowler if this is the property he has discussed with her, and she said they had, several times. Mr. McCain asked Mr. Sturman if he was present when the condemnations were introduced at a previous meeting. Mr. Sturman said he was not.

The Mayor asked Mr. Sturman if he has any plans to upgrade the structure. Mr. Sturman said he does, and during the last few months, he's been looking for someone to buy the property to do those things. Mr. Sturman said the major work that needs to be done on the property is the exterior repair on the siding and windows, and this is not the very best time of the year to be doing that job, so it's not something that can happen immediately, but within the next six months or year. The Mayor stated that the property has sat there, dormant, for five to seven years, with very little management or upkeep on it. He asked Mr. Sturman if he had any specific plans within an immediate timeframe to upgrade that property and bring it to standard. Mr. Sturman said that, yes, he does. The Mayor then asked what kind of time frame. Mr. Sturman said he is not in a position to do the work, himself, anymore because his health is not going to let him do that, so he would have to see what kind

of timeframe he can get from a contractor. Mr. McCain said that tonight is the night they condemn the property unless he can come to them with some concrete plan. He asked Ms. Fowler for confirmation, and she said that was correct. She noted that there is a 30-day layover period once the ordinance is adopted to give time to make improvements, but to specify tonight the timeframe in which he will do that. Mr. McCain advised that the Council would have to have some sort of commitment or the place will be condemned. Mr. Sturman asked if selling the property is a commitment. Ms. Morrow asked if 60 days would help him. Mr. Sturman said he doesn't think it's possible to have the work finished in 60 days, no matter who does the job, unless you bring a whole crew of people in there to do it. Mr. Nielsen said he believed what the Council wanted to see is Mr. Sturman to come back to them within the 30 days with a plan that is not six months to a year and that the work will commence in a reasonable amount of time and continue forward continuously where we don't end up this time next year asking when you're going to finish. The Mayor advised that if the Council votes to condemn it tonight, you have 30 days to start something, or present a plan, so the window is about 30 days to make that commitment or say, no, you can't do it. Mr. Sturman said he thought he could do that. The Mayor asked if he was telling Ms. Fowler and the Council that he will come back with a plan to move forward and to have definitive plans within 30 days. Mr. Sturman responded, "yes, sir".

Mr. McCain asked if that meant that piece of property is removed from the condemnation list they are voting on. Ms. Fowler said that they just make a decision to proceed and then follow up.

Ordinances continued, as follows:

The following Ordinance was Introduced by Mr. Nielsen and Seconded by Mr. Mims as follows, to-wit:

ORDINANCE NUMBER 085 OF 2009

AN ORDINANCE TO ADOPT, AMEND AND REENACT SECTIONS OF THE PERSONNEL POLICIES MANUAL OF THE CITY OF NATCHITOCHEs, SPECIFICALLY TO AMEND THOSE SECTIONS ENTITLED “INTRODUCTORY STATEMENT”, “EMPLOYMENT CATEGORIES”, “CAFETERIA PLAN”, “DRUG AND ALCOHOL POLICY”, “OVERTIME PAY” AND “PAY PERIOD AND HOURS”, TO ADOPT A SECTION ENTITLED “EMPLOYEE STATUS”, PROVIDING FOR ADVERTISING, FURTHER PROVIDING FOR SEVERABILITY, AND FURTHER PROVIDING FOR A REPEALER AND EFFECTIVE DATE OF ORDINANCE.

WHEREAS, the City of Natchitoches has adopted a “Personnel Policies Manual” the latest version dated June 1, 2003 as revised September 1, 2006; and

WHEREAS FURTHER, the City Council of the City of Natchitoches desires to amend the Personnel Policies Manual to amend that section entitled “Introductory Statement” and adopt a section entitled “Employee Status”, both of which are located in the preamble of the manual; and

WHEREAS FURTHER, the City Council of the City of Natchitoches desires to amend the Personnel Policies Manual to amend that section entitled “Employment Categories, which is located under Section 1: “Employment”; and

WHEREAS FURTHER, the City Council of the City of Natchitoches desires to amend the Personnel Policies Manual to amend those sections entitled “Overtime Pay” and “Pay Period and Hours”, both of which are under Section 2: “Compensation and Performance”; and

WHEREAS FURTHER, the City Council of the City of Natchitoches further desires to amend the Personnel Policies Manual to amend that section entitled “Cafeteria Plan”, which is under Section 3: “Benefits”; and

WHEREAS FURTHER, the City Council of the City of Natchitoches further desires to amend the Personnel Policies Manual to amend that section entitled “Drug and Alcohol Policy”, which is under Section 4: “Other Policies”; and

WHEREAS FURTHER, the section entitled “Introductory Statement” currently provides as follows:

“INTRODUCTORY STATEMENT

This handbook is designed to acquaint you with the City of Natchitoches and provide you with information about working condition, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by the City of Natchitoches to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

No employee handbook can anticipate every circumstance or question about policy. Because the City of Natchitoches continues to grow, the City of Natchitoches reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, at its sole and absolute discretion. Employees will, of course, be notified of such changes to the handbook as they occur.”

WHEREAS FURTHER, the City Council of the City of Natchitoches desires to amend the section of the Personnel Policies Manual entitled “Introductory Statement” so that the section will read as follows:

“INTRODUCTORY STATEMENT

This handbook is designed to acquaint you with the City of Natchitoches and provide you with information about working condition, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by the City of Natchitoches to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth. **The manual does not constitute an employment contract between the City and its employees.**

No employee handbook can anticipate every circumstance or question about policy. Because the City of Natchitoches continues to grow, the City of Natchitoches reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, at its sole and absolute discretion. Employees will, of course, be notified of such changes to the handbook as they occur.

This version of the Personnel Policies Manual of the City of Natchitoches supersedes and replaces any and all personnel policy memos, handbooks, and/or manuals, which have been previously distributed.”

WHEREAS FURTHER, the section entitled “Introductory Statement” currently provides as follows:

“EMPLOYMENT CATEGORIES

Each employee is designated as “non-exempt” or “exempt” from Federal and State Wage and Hour Laws. “Non-exempt” employees are entitled to overtime pay under the specific provisions of federal and state laws. “Exempt” employees are excluded from specific provisions of Federal and State Wage and Hour Laws. An employee’s “exempt” or “non-exempt” classification may be changed only upon written notification by the City of Natchitoches’ management.

Exempt employees are the Mayor, Department Heads, and others whose duties and responsibilities allow them to be “exempt” from overtime pay provisions as provided by the Federal Fair Labor Standards Act (FLSA) and any applicable state laws. If you are an exempt employee, you will be advised that you are in this classification at the time you are hired, transferred, or promoted. Exempt employees shall receive up to five (5) days annually of administrative leave, not to be taken in increments of more than sixteen (16) hours.

In addition to the above categories, each employee will belong to one other employment category.

REGULAR FULL-TIME employees are those who are not in a temporary or introductory status and who are regularly scheduled to work at least thirty-five (35) hours per week on the City of Natchitoches’ full-time schedule. Generally, they are eligible for the City of Natchitoches’ benefits package, subject to terms, conditions, and limitations of each benefit program.

PART-TIME employees are those who are not assigned to a temporary or introductory status and who are regularly scheduled to work less than thirty-five (35) hours per week. While they do receive all legally mandated benefits (such as Social Security and Workers’ Compensation Insurance), they are **INELIGIBLE** for all the City of Natchitoches’ other benefit programs.

INTRODUCTORY are those whose performance is being evaluated to determine whether further employment in a specific position with the City of Natchitoches is appropriate. Employees who satisfactorily complete the introductory period will be notified of their new employment classification.

TEMPORARY employees are those who are hired as interim replacements to temporarily supplement the work force or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially-stated period does not in any way imply a change in employment status. Temporary employees retain that status unless they are notified of a change. While temporary employees receive all legally mandated benefits (such as Workers’ Compensation Insurance and Social Security), they are **INELIGIBLE** for all of the City of Natchitoches’ other benefit programs.”

WHEREAS FURTHER, the City Council of the City of Natchitoches desires to amend the section of the Personnel Policies Manual entitled "Employment Categories" so that the section will read as follows:

"EMPLOYMENT CATEGORIES"

Each employee is designated as "non-exempt" or "exempt" from Federal and State Wage and Hour Laws. "Non-exempt" employees are entitled to overtime pay under the specific provisions of federal and state laws. "Exempt" employees are excluded from specific provisions of Federal and State Wage and Hour Laws. An employee's "exempt" or "non-exempt" classification may be changed only upon written notification by the City of Natchitoches' management.

Exempt employees are the Mayor, Department Heads, and others whose duties and responsibilities allow them to be "exempt" from overtime pay provisions as provided by the Federal Fair Labor Standards Act (FLSA) and any applicable state laws. If you are an exempt employee, you will be advised that you are in this classification at the time you are hired, transferred, or promoted. Exempt employees shall receive up to five (5) days annually of administrative leave. All administrative leave shall be used by the last payroll date of the calendar year. Please contact the payroll department for a cut-off date.

In addition to the above categories, each employee will belong to one other employment category.

REGULAR FULL-TIME employees are those who are not in a temporary or introductory status and who are regularly scheduled to work at least thirty-five (35) hours per week on the City of Natchitoches' full-time schedule. Generally, they are eligible for the City of Natchitoches' benefits package, subject to terms, conditions, and limitations of each benefit program.

PART-TIME employees are those who are not assigned to a temporary or introductory status and who are regularly scheduled to work less than thirty-five (35) hours per week. While they do receive all legally mandated benefits (such as Social Security and Workers' Compensation Insurance), they are **INELIGIBLE** for all the City of Natchitoches' other benefit programs.

INTRODUCTORY are those whose performance is being evaluated to determine whether further employment in a specific position with the City of Natchitoches is appropriate. Employees who satisfactorily complete the introductory period will be notified of their new employment classification.

TEMPORARY employees are those who are hired as interim replacements to temporarily supplement the work force or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially-stated period does not in any way imply a change in employment status. Temporary employees retain that status unless they are notified of a change. While temporary employees receive all legally mandated benefits (such as Workers' Compensation Insurance and Social Security), they are **INELIGIBLE** for all of the City of Natchitoches' other benefit programs."

WHEREAS FURTHER, the section entitled "Overtime Pay" currently provides as follows:

"OVERTIME PAY"

From time to time, it may be necessary for you to perform overtime work in order to complete a job on time. Your supervisor must approve all overtime work in advance. When it is necessary to work overtime, you are expected to cooperate as a condition of your employment. There are two types of overtime work:

1. **Scheduled Overtime:** Scheduled overtime work is announced in advance and generally will involve an entire department. This type of overtime becomes part of the required workweek of the people who are members of the department. If you need to be excused from performing scheduled overtime, speak with your supervisor. He or she will consider your situation and the requirements of the department in deciding whether you may be excused from performing the scheduled overtime.
2. **Incidental/Call Back Overtime:** Incidental overtime isn't scheduled; it becomes necessary in response to extenuating circumstances. It is extra time needed to complete work normally completed during regular hours. Incidental overtime may become necessary when an illness or emergency keeps co-workers from being at work as anticipated. It may require you to return to the work place for emergency work. The opportunity to perform incidental overtime will be given first to the employee who normally performs the task. If that employee cannot perform the overtime, the supervisor will offer the overtime to a suitably qualified person who is available to perform the overtime work.

Non-exempt employees will be paid their scheduled hours for holiday pay, plus overtime, one and on half (1 ½), for any hours worked on the holiday, unless it is your scheduled day to work, then you will be paid straight time for the holiday and straight time for work. Holiday, vacation and sick time are counted toward you forty (40) hour week."

WHEREAS FURTHER, the City Council of the City of Natchitoches desires to amend the section of the Personnel Policies Manual entitled "Overtime Pay" so that the section will read as follows:

"OVERTIME PAY"

From time to time, it may be necessary for you to perform overtime work in order to complete a job on time. Your supervisor must approve all overtime work in advance. When it is necessary to work overtime, you are expected to cooperate as a condition of your employment. There are two types of overtime work:

1. **Scheduled Overtime:** Scheduled overtime work is announced in advance and generally will involve an entire department. This type of overtime becomes part of the required workweek of the people who are members of the department. If you need to be excused from performing scheduled overtime, speak with your supervisor.

He or she will consider your situation and the requirements of the department in deciding whether you may be excused from performing the scheduled overtime.

2. Incidental/Call Back Overtime: Incidental overtime isn't scheduled; it becomes necessary in response to extenuating circumstances. It is extra time needed to complete work normally completed during regular hours. Incidental overtime may become necessary when an illness or emergency keeps co-workers from being at work as anticipated. It may require you to return to the work place for emergency work. The opportunity to perform incidental overtime will be given first to the employee who normally performs the task. If that employee cannot perform the overtime, the supervisor will offer the overtime to a suitably qualified person who is available to perform the overtime work.

Non-exempt employees will be paid their scheduled hours for holiday pay, plus overtime, one and on half (1 ½), for any hours worked on the holiday, unless it is your scheduled day to work, then you will be paid straight time for the holiday and straight time for work. Holiday, vacation and sick time are not counted toward you forty (40) hour week."

WHEREAS FURTHER, the section entitled "Pay Period and Hours" currently provides as follows:

"PAY PERIOD AND HOURS"

Our payroll workweek begins on Monday at 12:01 a.m. and ends on Sunday at 12:00 midnight."

WHEREAS FURTHER, the City Council of the City of Natchitoches desires to amend the section of the Personnel Policies Manual entitled "Pay Period and Hours" so that the section will read as follows:

"PAY PERIOD AND HOURS"

Our payroll workweek begins on Sunday at 12:01 a.m. and ends on Saturday at 12:00 midnight."

WHEREAS FURTHER, the section entitled "Cafeteria Plan" currently provides as follows:

"CAFETERIA PLAN"

The City has established a Cafeteria Plan under the laws of the State of Louisiana. The purpose of the plan is to provide employees with the choice between cash and benefits maintained by the City. The plan is composed of two separate plans: the Insurance Conversion Plan and the Flexible Spending Accounts. Under the Cafeteria Plan, there are conditions which must be met in order to qualify for reimbursement for dependent care expenses. Contact the Personnel Department for enrollment information."

WHEREAS FURTHER, the City Council of the City of Natchitoches desires to amend the section of the Personnel Policies Manual entitled "Cafeteria Plan" so that the section will read as follows:

"CAFETERIA PLAN

The City has established a Cafeteria Plan under the laws of the State of Louisiana. Under the Cafeteria Plan, there are conditions which must be met in order to qualify. Contact the Personnel Department for enrollment information."

WHEREAS FURTHER, the section entitled "Drug and Alcohol Policy" currently provides as follows:

"DRUG AND ALCOHOL POLICY

I. PURPOSE

The City of Natchitoches (herein referred to as the City) desires to maintain a safe, healthful, and productive environment for all of its employees and the public they serve. The City also recognizes the possible retention of federal and state funds for governmental units that do not make attempts to have a drug and alcohol free work place. To that end, the City will act to eliminate any substance abuse which increases the potential for accidents, absenteeism, substandard performance, poor employee morale, or damage to the community's reputation.

II. APPLIES TO

All employees of the City. This shall include, but is not necessarily limited to; persons employed by the Police Department, Fire Department, and all other employees who operate motor vehicles or equipment.

III. POLICY

- A. Employees of the City shall not possess, sell, or ingest any narcotics, controlled dangerous substances, or designer drugs, unless prescribed by a physician licensed to practice medicine. Any narcotics violation, as defined in the statutes, whether on duty or off duty, will be grounds for disciplinary action, up to and including termination.
- B. Prescription Drugs: No prescription drugs shall be brought upon the City's premises by any person other than the person for whom the drug is prescribed by a licensed medical practitioner, and such drug shall be used only in the manner, combination, and quantity prescribed. No employee shall operate City equipment- including motor vehicles, motor patrols, etc., and other apparatus---while taking prescription drugs, unless the prescribing physician advises the employee's supervisor in writing that the medication will not impair abilities. Any employee whose abuse of prescription drugs which results in: (1) excessive absenteeism or tardiness, (2) accidents, or (3) below-average performance shall be subject to discipline as provided in Section V.

- C. Alcoholic Beverages: Except as otherwise provided for, the use of alcoholic beverages by employees during working hours or on City property is also inconsistent with the objective of working in a safe and efficient manner. Accordingly, no employee shall use alcoholic beverages during working hours or report to work under the influence of alcohol. Any employee who violates this policy will be subject to discipline as provided for in Section V. Duly authorized City functions at which alcoholic beverages are served shall be excepted from this subsection.
- D. All property belonging to the City shall be subject to inspection at any time. There shall be no expectation of privacy on any property belonging to the City.
1. Property belonging to the City shall include but is not limited to police owned vehicles, desks, files, containers, footlockers, etc.
 2. Any employee's locker shall be subject to inspection at any time, in the presence of the employee, by the employee's immediate supervisor.
- E. Any employee who has reasonable suspicion to believe that another employee is involved in the illegal manufacture, possession, or use of a dangerous or illegal substance, or that another employee is abusing the legal use of prescription drugs shall notify the Police Department and Human Resources Department.
- F. Any employee who has reasonable suspicion to believe that another employee is abusing the legal use of prescription drugs shall notify the Mayor/City Councilman and Safety Director.
- G. Any employee required to take prescription drugs that may impair his/her abilities to drive a vehicle or make split-second decisions shall report to his/her immediate supervisor who shall alter the employee's assignment without retribution to the employee.
- H. Failure to comply with provisions of this policy shall result in disciplinary action being taken against the employee or his/her supervisor. Refusal by an employee to submit to a required drug test shall result in relief from duty and possible dismissal.
- I. DRUG TESTING/URINALYSIS
1. Applicants

Anyone who applies or re-applies for any position in City employment shall submit to a drug-screening urinalysis as part of their pre-employment medical exam.

 - a. The positive results of an applicant's drug test shall be grounds for rejection, provided that a physician has not previously issued a prescription for any drugs identified in the test.
 - b. Applicants found to test positively to a particular drug, whether obtained legally or illegally, may be rejected.
 - c. Any applicant refusing to submit to drug testing during the pre-employment exam shall be rejected.

2. Current Employees

All public service employees of the City of Natchitoches shall be required to submit to tests for illegal drugs or controlled dangerous substances as announced by the Department Head of his/her respective department.

Each employee shall be required to complete a medical questionnaire providing a complete list of all prescriptive medicines being taken at the time. As medicines change, the employee is required to update his questionnaire. These questionnaires will be kept in the Human Resources Department and shall remain confidential.

- a. All City employees are subject to random drug screening.
- b. A drug test shall become part of every promotional physical.
- c. Prior to assignment of a specialized unit, a drug test shall be required.
- d. A drug test shall be part of any investigation involving any accident or incident involving an employee of the City of Natchitoches or City property.
- e. A drug test may be given at any time there is a reasonable suspicion that any employee is illegally or abusively using a controlled substance or over-the-counter drug.
- f. A drug test shall be given to each employee returning to work from drug/alcohol rehabilitation.

3. Employees Assigned to Narcotics/vice Units

In addition to Section 2, any employees of the narcotics or vice unit shall be subject to periodic, unannounced drug testing at the direction of his/her supervisor.

4. Pre-disciplinary Hearings

Each employee should have the right to a pre-disciplinary hearing. He/she will have the right to present evidence and to explain the presence of drugs in his/her urine.

IV. PROCEDURES

A. OBTAINING URINE SAMPLES

1. Employees must be positively identified via picture ID prior to obtaining samples.
2. The room or rooms where the samples are taken must be free from any foreign substances.
3. Specimen collection will be witnessed without violating the employee's rights to privacy in a setting that will not demean, embarrass, or cause physical discomfort to the employee.

4. A form will be completed prior to the test to serve to establish current drugs being taken, whether prescription or over-the-counter.
5. The specimen shall be sealed, labeled, and checked against the identity of the employee. Samples shall be handled following appropriate rules of evidence and chain of custody.
6. Each employee or applicant may be required to go to the facility where the lab is located to submit to random testing or pre-employment testing.
7. Any testing done will be on the employer's time, and the employee will be compensated for his/her time spent.

B. PROCESSING URINE SAMPLES

1. The testing methods used shall be capable of identifying marijuana, cocaine, barbiturates, amphetamines, benzodiazepines, opiates, methadone, propoxyphenes, and PCP. Personnel utilized for testing shall be qualified and trained to conduct urinalysis.
2. The test shall consist of a two (2)-step procedure:
 - a. initial screening
 - b. confirmation by G.C./M.S.
3. An initial screening that proves to be positive shall be reported, not as a confirmation pending.
4. The time frame between a confirmation pending and a positive confirmation shall not exceed forty-eight (48) hours.
5. Notification of the confirmation pending or confirmation positive shall be reported initially to the Mayor.
6. Any sample which proves to be positive upon confirmation shall be retained for a period of at least twelve (12) months to allow the employee adequate time for further testing in case of dispute.
7. The laboratory selected for conduction testing shall be certified by the College of American Pathologists, and shall be experienced and capable of quality control, documentation, chain of custody techniques, and be willing to provide testimony in cases that result in adversary hearings.
8. Employees who are found to be drug free will be notified in writing and may, if they choose, have a copy of the notification placed in their personnel file.

C. ALCOHOL TESTING

The City shall implement a saliva test to determine just cause to believe that an employee is under the influence of alcohol. If positive results are obtained therefrom, then the employee shall be taken to the Natchitoches Parish Sheriff's Department where he/she shall submit to the breath test using the procedures established by the Department of Public Safety of the State of Louisiana. Test results shall be made known to the City's designated agent upon completion of the test. In the event the tests are positive (i.e. 0.01% or more), the employee shall be suspended or dismissed immediately as provided for in Section V. Employees who are found to be alcohol free shall be notified in writing and may, if he/she so chooses, have a copy of the notification placed in their personnel file.

V. PENALTIES

- A. Failure to comply with the intent of the policies and procedures contained herein shall result in dismissal or other disciplinary action.
- B. Unexplained positive test results shall be grounds for action by the Department Head and/or Mayor. This action may require the employee to submit to a mandatory substance abuse program, psychological counseling, medical treatment, or dismissal.
- C. Each case may be dealt with on an individual basis with all facts and circumstances being taken into consideration.
- D. Job action may result in cases of illegal drug use or abuse of legal prescriptions. These job actions may be transfer, demotions, or dismissal.
- E. All information received by the City through this program is deemed to be confidential communications.
- F. It is the intention of the City that this standard practice procedure be in conformity with R.S. 23:1601 (10) as enacted by Act 464 of the Regular Session of the Legislature in 1987.
- G. Any employee with a positive alcohol test result shall be subject to suspension, without pay, for a period of five (5) days. A second positive alcohol test shall result in dismissal."

WHEREAS FURTHER, the City Council of the City of Natchitoches desires to amend the section of the Personnel Policies Manual entitled "Drug and Alcohol Policy" so that the section will read as follows:

"DRUG AND ALCOHOL POLICY

I. PURPOSE

The City of Natchitoches (hereinafter referred to as "the City") desires to foster and maintain a safe, healthful and productive environment for all of its employees and the public they serve. The City also recognizes the possible retention of federal and state funds for governmental units that do not make attempts to have a drug and alcohol free workplace. To that end, the City will act to eliminate any substance abuse that increases the potential for accidents, absenteeism, substandard performance, poor employee morale, as well as damage to City property and the community's reputation. The City intends for this to be an expression of its "zero tolerance" policy for drug and alcohol use and/or abuse among City employees to the fullest extent allowable under applicable laws, including but not limited to La. Rev. Stat. § 49:1001, et seq.

II. APPLIES TO

All employees of the City.

III. POLICY

A. Narcotics, Controlled Dangerous Substances, Designer Drugs:

Employees of the City of Natchitoches shall not possess or ingest any narcotics, controlled dangerous substances, or designer drugs, unless prescribed for the employee by a physician duly licensed to practice medicine. Any violation of this policy or any narcotics violation, as defined and prescribed by applicable state or federal law, committed by a City employee while on duty or off duty, will be grounds for disciplinary action up to and including termination of employment.

B. Prescription Drugs: A City employee shall not bring any prescription drug into a City workplace or onto the City's premises unless the employee has a current prescription for said drug issued by a duly licensed medical practitioner in the name of the employee possessing it.

1. Validly possessed prescription drugs shall be used only in the manner, combination and quantity prescribed.
2. No employee shall operate City equipment — including but not limited to motor vehicles, motor patrols, and other apparatus — while taking prescription drugs, unless the prescribing physician advises the employee's supervisor in writing that the medication will not impair the employee's ability to safely operate the equipment.
3. Any employee who violates this policy or whose abuse of prescription drugs results in: (1) excessive absenteeism or tardiness; (2) accidents; or (3) unacceptable performance shall be referred to the appropriate City representative for resolution. Such employee's will also be subject to discipline as provided in paragraph V.

C. Alcoholic Beverages: Except as otherwise provided for herein, the use of alcoholic beverages by employees during working hours or on the City's property is also inconsistent with this policy's objective of fostering and maintaining a safe and efficient working environment. Accordingly, no employee shall use alcoholic beverages during working hours or report to work while under the influence of alcohol. Any employee who violates this policy will be subject to discipline as provided in Paragraph V. Duly authorized City functions at which alcoholic beverages are served shall be excepted from this subsection so long as participating employee's are not on duty or standby at the time of the function, and so long as participation does not violate other provisions of this Policy.

D. In furtherance of this Policy, all property belonging to the City, or provided for employee use by the City, shall be subject to inspection at any time. There shall be no expectation of privacy concerning any property belonging to the City.

1. "Property belonging to the City" shall include, but not be limited to vehicles (including any police-owned vehicles or vehicles belonging to the fire department) City-owned or City- provided computers, software, or peripheral devices, desks, work spaces, files, containers, foot lockers, etc.
2. Any employee's locker shall be subject to inspection at any time, in the presence of the employee, by the employee's immediate supervisor.

- E. Any City employee who has reasonable suspicion to believe that another City employee is in violation of Section III(A) of this Policy or involved in the illegal manufacture, possession or use of a dangerous or illegal substance shall immediately notify the Mayor or the Human Resources Director.
- F. Any City employee who has reason to believe that another employee is abusing the legal use of prescription drugs shall immediately notify the Mayor or the Human Resources Director.
- G. Any City employee required to take prescription drugs that may impair his/her abilities to drive a vehicle or to make split-second decisions shall report this to his/her immediate supervisor, prior to beginning work, who shall alter the employee's assignment without retribution to the employee.
- H. Failure to comply with any provision of this Policy shall result in disciplinary action being taken against the employee. Refusal by an employee to submit to a required drug test subjects the employee to immediate termination of employment.

I. Drug Testing — Urinalysis

1. Applicants

Any person who applies or re-applies for any position in the City employment shall submit to a drug-screening urinalysis, conducted in accordance the standards and methods required by La. Rev. Stat. § 49:1001, et seq., as part of any pre-employment medical exam.

- a. A confirmed positive result on any applicant's drug test shall be grounds for applicant's rejection, unless a prescription for any drug identified in the test has been previously issued to the tested employee by a duly licensed medical practitioner.
- b. Applicants found to test positively for a particular drug, whether obtained legally or illegally, may be rejected.
- c. Any applicant refusing to submit to drug and/or alcohol testing during the pre-employment period shall be rejected.

2. Current Employees

- a. Each employee of the City of Natchitoches who holds a safety-sensitive or security-sensitive position shall be required to submit to random tests for drugs or alcohol, as prohibited by this Policy, as announced by the chief or supervisor of his/her respective department.
- b. Random testing, without prior notification to the employee as to the date and/or time, or scheduled testing of City employees for drugs and/or alcohol as prohibited by this Policy may also be performed under the following circumstances:
 - i. Prior to assignment of a City employee to a specialized unit, a drug test may be required.

- ii. A test for drugs and/or alcohol shall be conducted as a part of any investigation into any serious accident involving any City employee, with this test being conducted as soon as possible following the accident.
- iii. A test for drugs and/or alcohol may be conducted in connection with any accident or incident involving a City employee if the City has a reasonable suspicion that the presence of drugs or alcohol, as prohibited by this policy, was a cause of same.
- iv. A drug test may be given at any time there is a reasonable suspicion that any City employee is illegally or abusively using a controlled substance or over-the-counter drug.
- v. A test for drugs and/or alcohol may be given any time there is reasonable suspicion that the use or abuse of drugs and/or alcohol, as prohibited by this Policy, is inhibiting a City employee's work performance.
- vi. A test for drugs and/or alcohol shall be given to each City employee returning to work from drug/alcoholic rehabilitation or medical care, and may be repeated periodically thereafter for a period of no longer than two (2) years.

3. Employees Assigned to Narcotics / Vice Units

In addition to Section 2, any City employee assigned to a Narcotics or Vice Unit shall be subject to periodic, unannounced drug testing at the direction of his/her supervisor.

4. Medical Review Officer Oversight

In the event any City employee's drug screen is positive, the employee shall have the right to a timely meeting with a Medical Review Officer, and the employee will have the right to present evidence and to explain the presence of drugs in his/her test result.

5. Discipline

If a City employee tests positive for drugs and/or alcohol, as prohibited under this Policy, without an explanation acceptable to a duly authorized Medical Review Officer, the employee is immediately subject to disciplinary action up to and including the termination of employment.

IV. PROCEDURES

The City intends for the procedures set forth and embodied in this Policy to be consistent with, and as prescribed by, La. Rev. Stat. § 49:1001 et seq., as modified by La. Rev. Stat. § 23:1081 et seq. and 23:1601 et seq., which includes adherence to applicable guidelines as published by the National Institute on Drug Abuse ("NIDA") as well as other applicable standards regarding employee testing for drugs and alcohol, including those issued by the state and federal Department of Transportation.

A. Use of Certified Laboratories

All drug testing conducted under or in furtherance of this Policy shall be performed in an NIDA-certified laboratory, or a laboratory certified to conduct urine testing by the College of American Pathologists, utilizing appropriately experienced personnel capable of quality control, documentation, and chain of custody techniques. To be selected to conduct testing in furtherance of this Policy, the laboratory and personnel selected must be willing to provide testimony in cases that result in an adversary hearing.

B. Obtaining Urine Samples

1. Employees must be positively identified via a current, government-issued picture identification card prior to obtaining samples.
2. The room or rooms where the samples are taken must be reasonably clean and free from any foreign / possibly adulterating substances.
3. Specimen collection will be conducted without violating the employee's right to privacy and in a setting that will not demean, embarrass or cause physical discomfort to the employee. In the event that prudence suggests that the collection be monitored, as contemplated by La. Rev. Stat. § 49:1006(B), the City's Human Resources Director must be notified and must concur before monitored collection can be undertaken. If monitored collection is conducted, the monitor shall be of the same gender as the employee from whom the sample is being collected, and the monitor shall abide by all other safeguards afforded to the employee under the law and in this subsection.
4. The specimen taken shall be sealed, labeled and checked against the identity of the employee. Samples shall be properly secured and shall be handled following appropriate rules of evidence and chain of custody.
5. Each employee or applicant may be required to go to the facility where the lab is located to submit to random testing or pre-employment testing.
6. Any testing done will be on the employer's time and, except in the case of pre-employment screening, the employee being tested shall be compensated for his/her time in the same fashion and at the same pay rate as if the employee had been performing his / her normal work duties for the City.
7. If an employee's drug screen is positive, the employee shall meet with a Medical Review Officer who will complete a form that establishes the current drugs being taken by the employee, whether prescription or over-the-counter. If necessary following this procedure, the employee may be re-screened.

C. Processing Urine Samples

1. The testing methods used shall be capable of identifying marijuana, cocaine, barbiturates, amphetamines, benzediazepines, opiates, methadone, propoxyphenes and PCP. Personnel utilized for testing shall be qualified and trained to conduct urinalysis.

2. The test shall consist of a two-step procedure:
 - a. initial screening; and
 - b. confirmation by gas chromatograph and mass spectrometer ("G.C./M.S"), or the recognized equivalent as determined by the laboratory conducting the test and industry standards for confirmation at the time of the testing.
3. An initial screening that proves to be positive shall be reported, not as a positive test, but as a confirmation pending.
4. Notification of the confirmation pending or confirmation positive shall be reported initially to the Mayor of the Human Resources Director.
5. Any sample which proves to be positive upon confirmation shall be retained for a period of at least twelve (12) months to allow the employee adequate time for further testing in case of dispute.
6. Only employees whose drug screens are found to be confirmed positive will be notified.

C. Review by Medical Review Officer

1. All results of drug testing shall be reported directly from the laboratory to a qualified Medical Review Officer ("MRO") as provided in this section.
2. As used herein, an MRO shall be a licensed physician responsible for receiving laboratory results generated by the City who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test result together with his medical history and any other relevant biomedical information.
3. A qualified, impartial MRO shall be appointed by the laboratory that conducted the City employee's test pursuant to this Policy.
4. The MRO shall review all confirmed positive drug testing results of employees and report such results to the City in compliance with NIDA guidelines or pursuant to statutory regulatory authority granted under La. Rev. Stat. § 23:1081, et seq. and/or La. Rev. Stat. § 23:1601 et seq. Negative results need not be reviewed by the MRO, but the negative result must be reported to the appropriate representative of the tested employee.
5. Confirmed positives on pre-employment drug testing may be reviewed by the MRO. The City in its discretion may choose to confirm a positive result of a pre-employment drug screen test, or not. If the City elects not to confirm the positive result, the City shall notify the pre-employment applicant of the positive drug screen result and offer the applicant the opportunity to pay for confirmation of that test and a review of that confirmation by an MRO. At the City's discretion, it may elect to allow the confirmation and review at without cost to the employee.
6. Adulterated specimens shall be reported as such to the MRO, with clarification as to the nature of the adulteration. The MRO shall contact the individual who submitted the specimen as outlined in the NIDA guidelines before making a final decision to verify a positive or report an adulteration.

D. Alcohol Testing

If reasonable suspicion suggests that a City employee is under the influence of alcohol while in the course and scope of his City employment, the employee shall be taken to the Natchitoches Parish Sheriff's Department, or other licensed and authorized alcohol testing facility, where he/she shall submit to a breath test to be administered and judged utilizing the procedures and standards recognized under applicable Louisiana law, as determined by the Sheriff's Department or authorized facility conducting the test. Test results shall be made known to the City's designated agent upon completion of the test. In the event that the results are positive (i.e. 0.01% or more), the employee shall be immediately subject to discipline under Section V of this Policy, up to and including the termination of his/her City employment.

V. PENALTIES

- A. Failure to comply with the intent of the policies and procedures contained herein shall result in disciplinary action up to and including termination of his/her City employment.
- B. Unexplained positive test results shall be grounds for action by the appointing authority, up to and including the termination of employment.
- C. Each case shall be dealt with on an individual basis with all facts and circumstances being taken into consideration.
- D. Any and all disciplinary action taken for violations of this Policy shall be in accordance Civil Service rules or other procedures then in effect to protect civilian employees. Any employee who is qualified under a Civil Service plan and who is disciplined as a result of this Policy shall have the right to appeal to the Municipal Civil Service or to the Municipal Fire and Police Service Board.
- E. All information received by the City through or in furtherance of this Policy is deemed to be a confidential communication and shall so remain unless disclosure is required by law or other validly issued legal process.
- F. It is the intention of the City that this standard practice procedure be in conformity with La. Rev. Stat. § 23:1601(10) as enacted by Act 464 of the Regular Session of the Legislature in 1987."

WHEREAS FURTHER, the City Council of the City of Natchitoches desires to amend the Personnel Policies Manual to add a section to the preamble which section shall be entitled "Employee Status" and said section will read as follows:

"EMPLOYEE STATUS

With the exception of certain employees in the police and fire departments, employment with the City of Natchitoches with any other employee is considered to be 'employment-at-will'."

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Natchitoches, Louisiana, as follows:

SECTION 1. That the section of the Personnel Policies Manual entitled “Introductory Statement” be amended and reenacted to read as follows:

“INTRODUCTORY STATEMENT

This handbook is designed to acquaint you with the City of Natchitoches and provide you with information about working condition, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by the City of Natchitoches to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth. The manual does not constitute an employment contract between the City and its employees.

No employee handbook can anticipate every circumstance or question about policy. Because the City of Natchitoches continues to grow, the City of Natchitoches reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, at its sole and absolute discretion. Employees will, of course, be notified of such changes to the handbook as they occur.

This version of the Personnel Policies Manual of the City of Natchitoches supersedes and replaces any and all personnel policy memos, handbooks, and/or manuals, which have been previously distributed.”

SECTION 2. That the section of the Personnel Policies Manual entitled “Employment Categories” be amended and reenacted to read as follows:

“EMPLOYMENT CATEGORIES

Each employee is designated as “non-exempt” or “exempt” from Federal and State Wage and Hour Laws. “Non-exempt” employees are entitled to overtime pay under the specific provisions of federal and state laws. “Exempt” employees are excluded from specific provisions of Federal and State Wage and Hour Laws. An employee’s “exempt” or “non-exempt” classification may be changed only upon written notification by the City of Natchitoches’ management.

Exempt employees are the Mayor, Department Heads, and others whose duties and responsibilities allow them to be “exempt” from overtime pay provisions as provided by the Federal Fair Labor Standards Act (FLSA) and any applicable state laws. If you are an exempt employee, you will be advised that you are in this classification at the time you are hired, transferred, or promoted. Exempt employees shall receive up to five (5) days annually of administrative leave. All administrative leave shall be used by the last payroll date of the calendar year. Please contact the payroll department for a cut-off date.

In addition to the above categories, each employee will belong to one other employment category.

REGULAR FULL-TIME employees are those who are not in a temporary or introductory status and who are regularly scheduled to work at least thirty-five (35) hours per week on the City of Natchitoches’ full-time schedule. Generally,

they are eligible for the City of Natchitoches' benefits package, subject to terms, conditions, and limitations of each benefit program.

PART-TIME employees are those who are not assigned to a temporary or introductory status and who are regularly scheduled to work less than thirty-five (35) hours per week. While they do receive all legally mandated benefits (such as Social Security and Workers' Compensation Insurance), they are INELIGIBLE for all the City of Natchitoches' other benefit programs.

INTRODUCTORY are those whose performance is being evaluated to determine whether further employment in a specific position with the City of Natchitoches is appropriate. Employees who satisfactorily complete the introductory period will be notified of their new employment classification.

TEMPORARY employees are those who are hired as interim replacements to temporarily supplement the work force or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially-stated period does not in any way imply a change in employment status. Temporary employees retain that status unless they are notified of a change. While temporary employees receive all legally mandated benefits (such as Workers' Compensation Insurance and Social Security), they are INELIGIBLE for all of the City of Natchitoches' other benefit programs."

SECTION 3. That the section of the Personnel Policies Manual entitled "Overtime Pay" be amended and reenacted to read as follows:

"OVERTIME PAY

From time to time, it may be necessary for you to perform overtime work in order to complete a job on time. Your supervisor must approve all overtime work in advance. When it is necessary to work overtime, you are expected to cooperate as a condition of your employment. There are two types of overtime work:

1. **Scheduled Overtime:** Scheduled overtime work is announced in advance and generally will involve an entire department. This type of overtime becomes part of the required workweek of the people who are members of the department. If you need to be excused from performing scheduled overtime, speak with your supervisor. He or she will consider your situation and the requirements of the department in deciding whether you may be excused from performing the scheduled overtime.
2. **Incidental/Call Back Overtime:** Incidental overtime isn't scheduled; it becomes necessary in response to extenuating circumstances. It is extra time needed to complete work normally completed during regular hours. Incidental overtime may become necessary when an illness or emergency keeps co-workers from being at work as anticipated. It may require you to return to the work place for emergency work. The opportunity to perform incidental overtime will be given first to the employee who normally performs the task. If that employee cannot perform the overtime, the supervisor will offer the overtime to a suitably qualified person who is available to perform the overtime work.

Non-exempt employees will be paid their scheduled hours for holiday pay, plus overtime, one and on half (1 ½), for any hours worked on the holiday, unless it is your scheduled day to work, then you will be paid straight time for the holiday and straight time for work. Holiday, vacation and sick time are not counted toward you forty (40) hour week.”

SECTION 4. That the section of the Personnel Policies Manual entitled “Pay Period and Hours” be amended and reenacted to read as follows:

“PAY PERIOD AND HOURS

Our payroll workweek begins on Sunday at 12:01 a.m. and ends on Saturday at 12:00 midnight.”

SECTION 5. That the section of the Personnel Policies Manual entitled “Cafeteria Plan” be amended and reenacted to read as follows:

“CAFETERIA PLAN

The City has established a Cafeteria Plan under the laws of the State of Louisiana. Under the Cafeteria Plan, there are conditions which must be met in order to qualify. Contact the Personnel Department for enrollment information.”

SECTION 6. That the section of the Personnel Policies Manual entitled “Drug and Alcohol Policy” be amended and reenacted to read as follows:

“DRUG AND ALCOHOL POLICY

I. **PURPOSE**

The City of Natchitoches (hereinafter referred to as "the City") desires to foster and maintain a safe, healthful and productive environment for all of its employees and the public they serve. The City also recognizes the possible retention of federal and state funds for governmental units that do not make attempts to have a drug and alcohol free workplace. To that end, the City will act to eliminate any substance abuse that increases the potential for accidents, absenteeism, substandard performance, poor employee morale, as well as damage to City property and the community's reputation. The City intends for this to be an expression of its "zero tolerance" policy for drug and alcohol use and/or abuse among City employees to the fullest extent allowable under applicable laws, including but not limited to La. Rev. Stat. § 49:1001, et seq.

II. **APPLIES TO**

All employees of the City.

III. **POLICY**

A. **Narcotics, Controlled Dangerous Substances, Designer Drugs:**

Employees of the City of Natchitoches shall not possess or ingest any narcotics, controlled dangerous substances, or designer drugs, unless prescribed for the employee by a physician duly licensed to practice medicine. Any violation of this policy or any narcotics violation, as defined and prescribed by applicable state or

federal law, committed by a City employee while on duty or off duty, will be grounds for disciplinary action up to and including termination of employment.

- B. Prescription Drugs: A City employee shall not bring any prescription drug into a City workplace or onto the City's premises unless the employee has a current prescription for said drug issued by a duly licensed medical practitioner in the name of the employee possessing it.
1. Validly possessed prescription drugs shall be used only in the manner, combination and quantity prescribed.
 2. No employee shall operate City equipment — including but not limited to motor vehicles, motor patrols, and other apparatus — while taking prescription drugs, unless the prescribing physician advises the employee's supervisor in writing that the medication will not impair the employee's ability to safely operate the equipment.
 3. Any employee who violates this policy or whose abuse of prescription drugs results in: (1) excessive absenteeism or tardiness; (2) accidents; or (3) unacceptable performance shall be referred to the appropriate City representative for resolution. Such employee's will also be subject to discipline as provided in paragraph V.
- C. Alcoholic Beverages: Except as otherwise provided for herein, the use of alcoholic beverages by employees during working hours or on the City's property is also inconsistent with this policy's objective of fostering and maintaining a safe and efficient working environment. Accordingly, no employee shall use alcoholic beverages during working hours or report to work while under the influence of alcohol. Any employee who violates this policy will be subject to discipline as provided in Paragraph V. Duly authorized City functions at which alcoholic beverages are served shall be excepted from this subsection so long as participating employee's are not on duty or standby at the time of the function, and so long as participation does not violate other provisions of this Policy.
- D. In furtherance of this Policy, all property belonging to the City, or provided for employee use by the City, shall be subject to inspection at any time. There shall be no expectation of privacy concerning any property belonging to the City.
1. "Property belonging to the City" shall include, but not be limited to vehicles (including any police-owned vehicles or vehicles belonging to the fire department) City-owned or City- provided computers, software, or peripheral devices, desks, work spaces, files, containers, foot lockers, etc.
 2. Any employee's locker shall be subject to inspection at any time, in the presence of the employee, by the employee's immediate supervisor.
- E. Any City employee who has reasonable suspicion to believe that another City employee is in violation of Section III(A) of this Policy or involved in the illegal manufacture, possession or use of a dangerous or illegal substance shall immediately notify the Mayor or the Human Resources Director.
- F. Any City employee who has reason to believe that another employee is abusing the legal use of prescription drugs shall immediately notify the Mayor or the Human Resources Director.

- G. Any City employee required to take prescription drugs that may impair his/her abilities to drive a vehicle or to make split-second decisions shall report this to his/her immediate supervisor, prior to beginning work, who shall alter the employee's assignment without retribution to the employee.
- H. Failure to comply with any provision of this Policy shall result in disciplinary action being taken against the employee. Refusal by an employee to submit to a required drug test subjects the employee to immediate termination of employment.

I. Drug Testing — Urinalysis

1. Applicants

Any person who applies or re-applies for any position in the City employment shall submit to a drug-screening urinalysis, conducted in accordance the standards and methods required by La. Rev. Stat. § 49:1001, et seq., as part of any pre-employment medical exam.

- a. A confirmed positive result on any applicant's drug test shall be grounds for applicant's rejection, unless a prescription for any drug identified in the test has been previously issued to the tested employee by a duly licensed medical practitioner.
- b. Applicants found to test positively for a particular drug, whether obtained legally or illegally, may be rejected.
- c. Any applicant refusing to submit to drug and/or alcohol testing during the pre-employment period shall be rejected.

2. Current Employees

- a. Each employee of the City of Natchitoches who holds a safety-sensitive or security-sensitive position shall be required to submit to random tests for drugs or alcohol, as prohibited by this Policy, as announced by the chief or supervisor of his/her respective department.
- b. Random testing, without prior notification to the employee as to the date and/or time, or scheduled testing of City employees for drugs and/or alcohol as prohibited by this Policy may also be performed under the following circumstances:
 - i. Prior to assignment of a City employee to a specialized unit, a drug test may be required.
 - ii. A test for drugs and/or alcohol shall be conducted as a part of any investigation into any serious accident involving any City employee, with this test being conducted as soon as possible following the accident.
 - iii. A test for drugs and/or alcohol may be conducted in connection with any accident or incident involving a City employee if the City has a reasonable suspicion that the presence of drugs or alcohol, as prohibited by this policy, was a cause of same.

- iv. A drug test may be given at any time there is a reasonable suspicion that any City employee is illegally or abusively using a controlled substance or over-the-counter drug.
- v. A test for drugs and/or alcohol may be given any time there is reasonable suspicion that the use or abuse of drugs and/or alcohol, as prohibited by this Policy, is inhibiting a City employee's work performance.
- vi. A test for drugs and/or alcohol shall be given to each City employee returning to work from drug/alcoholic rehabilitation or medical care, and may be repeated periodically thereafter for a period of no longer than two (2) years.

3. Employees Assigned to Narcotics / Vice Units

In addition to Section 2, any City employee assigned to a Narcotics or Vice Unit shall be subject to periodic, unannounced drug testing at the direction of his/her supervisor.

4. Medical Review Officer Oversight

In the event any City employee's drug screen is positive, the employee shall have the right to a timely meeting with a Medical Review Officer, and the employee will have the right to present evidence and to explain the presence of drugs in his/her test result.

5. Discipline

If a City employee tests positive for drugs and/or alcohol, as prohibited under this Policy, without an explanation acceptable to a duly authorized Medical Review Officer, the employee is immediately subject to disciplinary action up to and including the termination of employment.

IV. PROCEDURES

The City intends for the procedures set forth and embodied in this Policy to be consistent with, and as prescribed by, La. Rev. Stat. § 49:1001 et seq., as modified by La. Rev. Stat. § 23:1081 et seq. and 23:1601 et seq., which includes adherence to applicable guidelines as published by the National Institute on Drug Abuse ("NIDA") as well as other applicable standards regarding employee testing for drugs and alcohol, including those issued by the state and federal Department of Transportation.

A. Use of Certified Laboratories

All drug testing conducted under or in furtherance of this Policy shall be performed in an NIDA-certified laboratory, or a laboratory certified to conduct urine testing by the College of American Pathologists, utilizing appropriately experienced personnel capable of quality control, documentation, and chain of custody techniques. To be selected to conduct testing in furtherance of this Policy, the laboratory and personnel selected must be willing to provide testimony in cases that result in an adversary hearing.

B. Obtaining Urine Samples

1. Employees must be positively identified via a current, government-issued picture identification card prior to obtaining samples.
2. The room or rooms where the samples are taken must be reasonably clean and free from any foreign / possibly adulterating substances.
3. Specimen collection will be conducted without violating the employee's right to privacy and in a setting that will not demean, embarrass or cause physical discomfort to the employee. In the event that prudence suggests that the collection be monitored, as contemplated by La. Rev. Stat. § 49:1006(B), the City's Human Resources Director must be notified and must concur before monitored collection can be undertaken. If monitored collection is conducted, the monitor shall be of the same gender as the employee from whom the sample is being collected, and the monitor shall abide by all other safeguards afforded to the employee under the law and in this subsection.
4. The specimen taken shall be sealed, labeled and checked against the identity of the employee. Samples shall be properly secured and shall be handled following appropriate rules of evidence and chain of custody.
5. Each employee or applicant may be required to go to the facility where the lab is located to submit to random testing or pre-employment testing.
6. Any testing done will be on the employer's time and, except in the case of pre-employment screening, the employee being tested shall be compensated for his/her time in the same fashion and at the same pay rate as if the employee had been performing his / her normal work duties for the City.
7. If an employee's drug screen is positive, the employee shall meet with a Medical Review Officer who will complete a form that establishes the current drugs being taken by the employee, whether prescription or over-the-counter. If necessary following this procedure, the employee may be re-screened.

C. Processing Urine Samples

1. The testing methods used shall be capable of identifying marijuana, cocaine, barbiturates, amphetamines, benzediazepines, opiates, methadone, propoxyphenes and PCP. Personnel utilized for testing shall be qualified and trained to conduct urinalysis.
2. The test shall consist of a two-step procedure:
 - a. initial screening; and
 - b. confirmation by gas chromatograph and mass spectrometer ("G.C./M.S"), or the recognized equivalent as determined by the laboratory conducting the test and industry standards for confirmation at the time of the testing.
3. An initial screening that proves to be positive shall be reported, not as a positive test, but as a confirmation pending.

4. Notification of the confirmation pending or confirmation positive shall be reported initially to the Mayor of the Human Resources Director.
5. Any sample which proves to be positive upon confirmation shall be retained for a period of at least twelve (12) months to allow the employee adequate time for further testing in case of dispute.
6. Only employees whose drug screens are found to be confirmed positive will be notified.

C. Review by Medical Review Officer

1. All results of drug testing shall be reported directly from the laboratory to a qualified Medical Review Officer ("MRO") as provided in this section.
2. As used herein, an MRO shall be a licensed physician responsible for receiving laboratory results generated by the City who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test result together with his medical history and any other relevant biomedical information.
3. A qualified, impartial MRO shall be appointed by the laboratory that conducted the City employee's test pursuant to this Policy.
4. The MRO shall review all confirmed positive drug testing results of employees and report such results to the City in compliance with NIDA guidelines or pursuant to statutory regulatory authority granted under La. Rev. Stat. § 23:1081, et seq. and/or La. Rev. Stat. § 23:1601 et seq. Negative results need not be reviewed by the MRO, but the negative result must be reported to the appropriate representative of the tested employee.
5. Confirmed positives on pre-employment drug testing may be reviewed by the MRO. The City in its discretion may choose to confirm a positive result of a pre-employment drug screen test, or not. If the City elects not to confirm the positive result, the City shall notify the pre-employment applicant of the positive drug screen result and offer the applicant the opportunity to pay for confirmation of that test and a review of that confirmation by an MRO. At the City's discretion, it may elect to allow the confirmation and review at without cost to the employee.
6. Adulterated specimens shall be reported as such to the MRO, with clarification as to the nature of the adulteration. The MRO shall contact the individual who submitted the specimen as outlined in the NIDA guidelines before making a final decision to verify a positive or report an adulteration.

D. Alcohol Testing

If reasonable suspicion suggests that a City employee is under the influence of alcohol while in the course and scope of his City employment, the employee shall be taken to the Natchitoches Parish Sheriff's Department, or other licensed and authorized alcohol testing facility, where he/she shall submit to a breath test to be administered and judged utilizing the procedures and standards recognized under applicable Louisiana law, as determined by the Sheriff's Department or authorized facility conducting the test. Test results shall be made known to the City's designated agent upon completion of the test. In the event that the results are positive (i.e. 0.01% or more), the employee shall be immediately subject to

discipline under Section V of this Policy, up to and including the termination of his/her City employment.

V. PENALTIES

- A. Failure to comply with the intent of the policies and procedures contained herein shall result in disciplinary action up to and including termination of his/her City employment.
- B. Unexplained positive test results shall be grounds for action by the appointing authority, up to and including the termination of employment.
- C. Each case shall be dealt with on an individual basis with all facts and circumstances being taken into consideration.
- D. Any and all disciplinary action taken for violations of this Policy shall be in accordance Civil Service rules or other procedures then in effect to protect civilian employees. Any employee who is qualified under a Civil Service plan and who is disciplined as a result of this Policy shall have the right to appeal to the Municipal Civil Service or to the Municipal Fire and Police Service Board.
- E. All information received by the City through or in furtherance of this Policy is deemed to be a confidential communication and shall so remain unless disclosure is required by law or other validly issued legal process.
- F. It is the intention of the City that this standard practice procedure be in conformity with La. Rev. Stat. § 23:1601(10) as enacted by Act 464 of the Regular Session of the Legislature in 1987.”

SECTION 7. That a section shall be added to the Personnel Policies Manual to be entitled “Employee Status” which said section shall read as follows:

“EMPLOYEE STATUS

With the exception of certain employees in the police and fire departments, employment with the City of Natchitoches with any other employee is considered to be ‘employment-at-will’.”

SECTION 8. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 9. If any portion of this Ordinance is declared to be invalid or unconstitutional in any manner, the invalidity shall be limited to that particular section or provision, and shall not affect the remaining portions of the ordinance, which shall remain valid and enforceable, it being the intention of the City Council that each separate provision shall be deemed independent of all other provisions herein.

SECTION 10. This Ordinance shall go into effect upon publication and in accordance with law, but shall become effective no earlier than February 7, 2010.

SECTION 11. It is the Intention of the City Council that the Policy embodied in Section 4 of this Ordinance be entirely consistent with the spirit and intent of all applicable provisions of La. Rev. Stat. § 49:1001, et seq., as modified by La. Rev. Stat. § 23:1601 et seq. and La. Rev. Stat. § 23:1601, et seq., as well as any other applicable state or federal laws, including but not limited to those promulgated by the Department of Transportation. Limited only to the extent that any provision of the above-referenced Policy impermissibly conflicts with any of the referenced enactments, it is the intent of the City Council that the conflicting provisions of said enactments prevail.

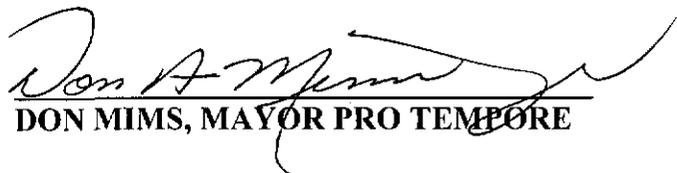
SECTION 12. It is the intention of the City council and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Personnel Policies and Procedures Manual for the City of Natchitoches and the sections of the Ordinance may be numbered or renumbered to accomplish such intention and in particular, it is ordained that it is intended that this be an amendment and restatement of the Personnel Policies and Procedures of the City of Natchitoches.

Said Ordinance having been introduced on December 14, 2009, notice of public hearing having been held, the title having been read and the Ordinance considered, on motion by Mr. Nielsen and seconded by Mr. Mims, to adopt the Ordinance, a record vote was taken and the following result was had:

YEAS: Nielsen, Mims, McCain, Morrow, Payne
NAYS: None
ABSENT: None
ABSTAIN: None

THEREUPON, the Mayor declared the Ordinance **PASSED** this 11th day of January, 2010 by a vote of 5 ayes to 0 nays.


WAYNE McCULLEN, MAYOR


DON MIMS, MAYOR PRO TEMPORE

Delivered to the Mayor on the 12th day of January, 2010 at 10:00 A.M.

Ms. Morrow asked for Mr. Edd Lee, Human Resources Director, to give his analysis concerning the issue of overtime. Mr. Lee advised that this ordinance has numerous things that are just cleanup stuff for the personnel manual, but one item in particular has caused concern, and that deals with the calculation of overtime. He said that currently the City uses vacation, sick leave and holiday pay as hours worked when it comes to calculating overtime. However, he said, due to a recent lawsuit the City has, and in investigating that and defending that lawsuit, it came to light that it is an improper donation of public funds when you use sick leave, vacation, and holiday toward the calculation of overtime. He advised that, in order to get overtime, you now physically have to work 40 hours per week, or, in the case of firefighters, according to their schedule. Mr. Nielsen said, basically, his view on it is, it is a federal labor act, and it is something we must adopt, however, he does not want to ruin the morale of the rank and file, and feels we need to, as a group, continue to look for ways to compensate our employees as we pull them out maybe in an emergency overtime, or that type deal.

The meeting continued with Resolutions, as follows:

RESOLUTION NO. 001 OF 2010

CITY COUNCIL OF THE CITY OF NATCHITOCHEES

January 11, 2009

The City Council of the *City of Natchitoches* of the Parish of Natchitoches met in regular session on this date. The following resolution was offered by Mr. McCain and seconded by Mr. Nielsen.

R E S O L U T I O N

A resolution authorizing the Mayor to execute an Agreement with the Louisiana Department of Transportation and Development (LA DOTD) for improvements at the Natchitoches Regional Airport.

WHEREAS, Act 451 of the 1989 Regular Session of the Louisiana Legislature authorized the financing of certain airport improvements from funds appropriated from the Transportation Trust Fund; and

WHEREAS, the City Council of the City of Natchitoches has requested funding assistance from the LA DOTD for the rehabilitation of the localizer building supporting electronic and visual aids at the airport; and

WHEREAS, the LA DOTD is agreeable to the implementation of this project and desires to cooperate with the City Council of the City of Natchitoches according to the terms and conditions identified in the attached Agreement; and

WHEREAS, the LA DOTD will provide the necessary funding for the rehabilitation of the localizer building and will reimburse the sponsor up to \$8,250.00 of the rehabilitation costs.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Natchitoches that it does hereby authorize the Mayor to execute an Agreement for improvements to the Natchitoches Regional Airport identified as State Project No. 977-99-0098, more fully identified in the Agreement attached hereto.

This resolution shall be in full force and effect from and after its adoption.

The aforesaid resolution, having been submitted to a vote, the vote thereon was as follows:

YEAS:	McCain, Nielsen, Mims, Morrow, Payne
NAYS:	None
ABSENT:	None
ABSTAIN:	None

WHEREUPON, the resolution was declared adopted on the 11th day of January 2010.

City of Natchitoches

BY: Wayne McCullen
Wayne McCullen

TITLE: Mayor

ATTEST: Carol S. Steadman
Carol Steadman

TITLE: Clerk

STATE OF LOUISIANA
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

AGREEMENT

STATE PROJECT NO. 977-99-0098
NAVAID SYSTEMS SUPPORT - STATEWIDE
LOCALIZER BUILDING REHABILITATION
CITY OF NATCHITOCHES
NATCHITOCHES REGIONAL AIRPORT
NATCHITOCHES PARISH

THIS AGREEMENT, made and executed in three (3) original copies on this _____ day of _____, 2009, by and between the Louisiana Department of Transportation and Development, hereinafter referred to as "DOTD", and the City of Natchitoches, a political subdivision of the State of Louisiana, hereinafter referred to as "Airport Owner";

WITNESSETH: That;

WHEREAS, the Airport Owner has requested funding assistance to finance certain improvements at the Natchitoches Regional Airport - "IER" as described herein; and

WHEREAS, Act 451 of the 1989 Regular Session of the Louisiana Legislature, authorized the financing of the certain airport improvements from funds appropriated from the Transportation Trust Fund; and

WHEREAS, the DOTD is agreeable to the implementation of this Project and desires to cooperate with the Airport Owner provided certain requirements are adhered to as hereinafter provided;

NOW, THEREFORE, in consideration of the premises and mutual dependent covenants herein contained, the parties hereto agree as follows:

ARTICLE I - PROJECT DESCRIPTION

The improvement that is to be undertaken under this project will consist generally of rehabilitation of the existing localizer building supporting electronic and visual navaids at the "IER" airport. This work will primarily be supervised by the airport owner's existing airport management to ensure program compliance and certification.

For purposes of identification and record keeping, State Project No. 977-99-0098 has been assigned to this project. This number will be used to identify all costs and correspondence related to the project at "IER".

ARTICLE II - PROJECT RESPONSIBILITY

The DOTD, its officers, engineers and employees will not be required to supervise or perform such other services in connection with the development of this project except as specifically set forth herein; however, the Airport Owner will assume full responsibility for the project after DOTD acceptance and will save harmless the DOTD against any loss or damage of any kind incident to or occasioned by deeds undertaken in pursuance of this agreement.

ARTICLE III - OPERATION & MAINTENANCE RESPONSIBILITY

Upon completion and final acceptance of the project, the Airport Owner shall assume the ownership of the improvement, and shall assume the maintenance, operations, and financial responsibility for the improvement for a period of not less than ten (10) years, and shall maintain the improvement in a manner satisfactory to the DOTD and FAA. Use for non-aviation purposes is prohibited.

ARTICLE IV - FUNDING

The Airport Owner may incorporate items of work into the project not eligible for DOTD participation if it so desires. Funds will be disbursed as provided in Article VI.

ARTICLE V - INCIDENTAL COSTS

Incidental project costs incurred by the Airport Owner in negotiating preliminary engineering contracts, right-of-way settlements, railroad and utility adjustments, contract recordation, and such other costs not provided in Article VI shall be the responsibility of the Airport Owner.

ARTICLE VI - COST REIMBURSEMENTS

DOTD funding assistance as part of the localizer building rehabilitation program at "IER" is limited to reimbursement of funds expended not to exceed \$8,250.00. Any other additional project costs shall be the responsibility of the Airport Owner.

The Airport Owner shall reimburse the DOTD any and all project cost amounts which may be cited by DOTD due to the Airport Owner's noncompliance with Federal / State laws and/or regulations. The cited amounts reimbursed by the Airport Owner will be returned to the Airport Owner upon clearance of the citation(s).

Should the Airport Owner fail to reimburse the DOTD any and all cited amounts within a thirty (30) day period after notification, all future payment requests from the Airport Owner will be held until the cited amount is exceeded at which time only the amount over and above the cited amount will be released for payment. Additionally, no new projects will be approved until such time as the cited amount is reimbursed to the DOTD.

ARTICLE VII - COST RECORDS

The Airport Owner and all others employed by it in connection with this project shall maintain all books, documents, papers, accounting records and other evidence pertaining to costs incurred relative to this project and shall keep such material available at their respective offices at all reasonable times during the contract period and for three years from the date of final payment or equipment delivery under the project, for inspection by the DOTD and/or the Legislative Auditor in accordance with ACT 451 of the 1989 Regular Session of the Louisiana Legislature, or any authorized representative of the Federal Government under State and Federal Regulations effective as of the date of this agreement and copies thereof shall be furnished if requested.

ARTICLE VIII - RECEIPT OF BIDS

The Airport Owner will, at it's expense and at the proper time, prepare equipment purchase specifications based on FAA and DOTD requirements and advertise for and receive bids for the equipment to be furnished in accordance with Airport Owner's normal purchasing requirements.

ARTICLE IX - CONSTRUCTION

The Airport Owner will provide technical administration and inspection including testing during the project construction. In the event a technician provides these services for the Airport Owner, it will be performed under the direct supervision of a designated full time employee of the Airport Owner who will have charge and control of the project at all times.

A deviation must be mutually agreed to, in writing, by the DOTD and the Airport Owner.

The general specifications and procedures of the FAA and DOTD will be used as the basis for all construction. The policies and procedures for maintaining project construction records shall be in accordance with the usual FAA and DOTD standards.

ARTICLE X - FINAL INSPECTION, ACCEPTANCE, & REIMBURSEMENT

FINAL INSPECTION: The DOTD will schedule and conduct a final inspection of the project. Prior to conducting the final inspection, the DOTD will notify the airport owner, contractor, the FAA, and other attendees, as appropriate. If deficiencies are discovered during the inspection, the DOTD will document the deficiencies and coordinate suspense dates with the contractor for correcting the deficiencies. After the contractor has corrected all deficiencies, the contractor will notify the DOTD who will arrange for a second inspection of the deficiencies identified during the final inspection. Once all deficiencies are re-inspected and is determined to have been corrected, the Airport Owner and DOTD will prepare the Letter(s) of Acceptance.

LETTER OF ACCEPTANCE DOCUMENTS & FINAL REIMBURSEMENT:

Acceptance of the project is recorded by the airport owner in the Letter of Acceptance, which shall state the following:

1. The airport owner is satisfied with and accepts the project as completed.
2. The DOTD has satisfactorily completed all of its responsibilities in the sponsor-state agreement.

Title to the equipment shall be vested in the Airport Owner and shall be subject to DOTD, and FAA requirements and regulations concerning maintenance, abandonment, and disposal.

ARTICLE XI - CANCELLATION

The terms of this agreement shall be binding upon the parties hereto until the work has been completed and accepted; but this agreement may be terminated under any or all of the following conditions:

1. By mutual agreement and consent of the parties hereto.
2. By the DOTD due to the lack of available State funding for the project.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their respective officers thereunto duly authorized as of the day and year first above written.

WITNESSES:

Carl S. Sturman
(Witness for First Party)

Stacy M. McCreary
(Witness for First Party)

STATE OF LOUISIANA
CITY OF NATCHITOCHEs

BY: *Wayne McCallen*

Wayne McCallen
Typed or Printed Name

TITLE: *NAVAIL*

726000931
Federal Identification Number

STATE OF LOUISIANA
DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT

(Witness for First Party)

BY: _____
Acting Assistant Secretary
Public Works & Intermodal
Transportation

(Witness for Second Party)

RECOMMENDED FOR APPROVAL

BY: _____
Acting Deputy Assistant Secretary
Intermodal Transportation

APPROVED AS TO FORM

BY: _____
Aviation Division

BY: _____
Aviation Division

RESOLUTION NO. 001 OF 2010

CITY COUNCIL OF THE CITY OF NATCHITOCHE

January 11, 2009

The City Council of the *City of Natchitoches* of the Parish of Natchitoches met in regular session on this date. The following resolution was offered by Mr. McCain and seconded by Mr. Nielsen.

RESOLUTION

A resolution authorizing the Mayor to execute an Agreement with the Louisiana Department of Transportation and Development (LA DOTD) for improvements at the Natchitoches Regional Airport.

WHEREAS, Act 451 of the 1989 Regular Session of the Louisiana Legislature authorized the financing of certain airport improvements from funds appropriated from the Transportation Trust Fund; and

WHEREAS, the City Council of the City of Natchitoches has requested funding assistance from the LA DOTD for the rehabilitation of the *localizer building supporting electronic and visual nav aids* at the airport; and

WHEREAS, the LA DOTD is agreeable to the implementation of this project and desires to cooperate with the City Council of the City of Natchitoches according to the terms and conditions identified in the attached Agreement; and

WHEREAS, the LA DOTD will provide the necessary funding for the rehabilitation of the localizer building and will reimburse the sponsor up to \$8,250.00 of the rehabilitation costs.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Natchitoches that it does hereby authorize the Mayor to execute an Agreement for improvements to the Natchitoches Regional Airport identified as State Project No. 977-99-0098, more fully identified in the Agreement attached hereto.

This resolution shall be in full force and effect from and after its adoption.

The aforesaid resolution, having been submitted to a vote, the vote thereon was as follows:

YEAS:	McCain, Nielsen, Mims, Morrow, Payne
NAYS:	None
ABSENT:	None
ABSTAIN:	None

WHEREUPON, the resolution was declared adopted on the 11th day of January 2010.

City of Natchitoches

BY: Wayne McCullen
Wayne McCullen

TITLE: Mayor

ATTEST: Carol S. Steadman

Carol Steadman

TITLE: Clerk

The following Resolution was Introduced by Ms. Morrow and Seconded by Mr. Payne, as follows, to-wit:

RESOLUTION NO. 002 OF 2010

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER
INTO A CONTRACT WITH TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA FOR THE PUBLIC OFFICIAL SCHEDULE
BOND FOR THE CITY OF NATCHITOCHE**

WHEREAS, the proposals submitted for the Public Officials Bond for the City of Natchitoches have been reviewed and it is recommended the City award the contract to Travelers Casualty and Surety Company of America for the period February 1, 2010 through February 1, 2011 for the bond premium of \$3,500.00.

NOW, THEREFORE, BE IT RESOLVED that the Honorable Wayne McCullen, Mayor, is hereby authorized, empowered and directed to sign any and all documents necessary for the execution of this contract.

This Resolution was then presented for a vote, and the vote was recorded as follows:

AYES: Morrow, Payne, Nielsen, Mims, McCain
NAYS: None
ABSENT: None
ABSTAIN: None

THEREUPON, the Mayor, Wayne McCullen, declared the Resolution passed by a vote of 5 ayes to 0 nays, this the 11th day of January, 2010.


WAYNE McCULLEN, MAYOR



December 16, 2009

Cheryl Boudreaux
GALLAGHERIA JRMS (0EX704)
235 HIGHLANDIA DR STE 200
BATON ROUGE, LA 70810

Gena T Kastner
3900 N. Causeway Blvd.
METAIRIE, LA 70002

Phone: (504) 832-7492
Fax: (504) 832-7493
Email: GKASTNER@travelers.com

This is an Agency Billed Policy.

This is the Renewal for: **CITY OF NATCHITOCHE**
700 SECOND ST.
NATCHITOCHE, LA 71457

Bond Number: **104254196**
Type of Bond: **Public Officials - Other**
Obligee Name: **CITY OF NATCHITOCHE**
Obligee Address: **700 SECOND STREET**
Obligee City, State & Zip: **NATCHITOCHE, LA 71457 USA**
Transaction Effective Date: **February 01, 2010**
Premium Effective Date: **February 01, 2010**
Premium Expiry Date: **February 01, 2011**
Bond Limit: **\$1,000,000.00**
Bond Premium: **\$3,500.00**
Commission - Percentage: **30%**
Special Commission: **\$0.00**
Countersignature Branch:
Countersignature Commission: **\$0.00**
State Tax: **\$0.00**
State Surcharge: **\$0.00**
TOTAL PREMIUM: \$3,500.00

Comments:

Thank you for placing your business with us.

Producer Name: **SMITH, STEVEN C**

The following Resolution was Introduced by Mr. Payne and Seconded by Ms. Morrow as follows, to-wit:

RESOLUTION NO. 003 OF 2010

**RESOLUTION IN SUPPORT OF THE LOUISIANA NATIONAL
GUARD'S ECONOMIC EFFORTS RELATING TO CAMP MINDEN**

WHEREAS, the Louisiana Army Ammunition Plant, formerly known as the Louisiana Ordnance Plant, produced munitions to support the war efforts of the United States of America during World War II, the Korean War and the Vietnam War and, in so doing, provided employment for thousands of workers in northwest Louisiana, south Arkansas and east Texas.

WHEREAS, from 1941 until 1996, the Louisiana Army Ammunition Plant served as a major stimulus to the economy of northwest Louisiana, south Arkansas and east Texas.

WHEREAS, the Louisiana Army Ammunition Plant was placed in an inactive status in 1996 and, in 2005, transferred from the United States Government to the State of Louisiana.

WHEREAS, following the transfer of the Louisiana Army Ammunition Plant became known as the Camp Minden Training Site and the Governor, State of Louisiana charged the Louisiana National Guard with operational control of the installation.

WHEREAS, since the transfer, the Louisiana National Guard has attracted and/or retained 20 businesses and organizations, which, when combined with Louisiana National Guard personnel, account for a total of 650 employees; and

WHEREAS, the Camp Minden military component accounts for a regional direct economic impact of more than \$27 million annually in payroll and vendor sales; and

WHEREAS, the activities of the Louisiana National Guard have been responsible for generating an additional investment of \$14 million for sustainment, restoration, and modernization during the period of FY05 through FY09; and

WHEREAS, during the next three to eight years, construction and continued planning is underway for a Regional Training Institute, Armed Forces Readiness Center, Dining Facilities, Barracks, Military Training Ranges, Unit Training Facilities, and Training Site Support Structures on Camp Minden with a projected cost \$145 million.

WHEREAS, the Regional Training Institute will provide training for more than 8,000 military students annually.

WHEREAS, in Fiscal Year 2009, the Federal Government appropriated \$23.8 million to fund Phase 1 construction of the Regional Training Institute.

WHEREAS, the estimated annual budget for the Regional Training Institute includes \$12 million for purchase of goods and services, \$5 million operating cost and \$8 million payroll, thus infusing a total of \$25 million stimulus into the regional economy.

WHEREAS, during the 2007 Regular Session of the Louisiana Legislature, \$2.6 million was appropriated for Camp Minden infrastructure rehabilitation, planning, design and construction.

WHEREAS, during the 2007 Regular Session of the Louisiana Legislature, \$449,000 was appropriated for fire trucks and fire equipment for the Camp Minden Fire Department.

WHEREAS, in 2008 Governor Bobby Jindal approved the use of \$4 million from the State Mega Fund to construct a Consolidated Dining Facility on Camp Minden.

WHEREAS, the Natchitoches City Council does hereby commend the Louisiana National Guard for contributing to the economic well-being of this region and its citizens, and does hereby recognize and record for posterity that the Louisiana National Guard is the most significant economic development activity located at Camp Minden.

WHEREAS, the Natchitoches City Council pledges support to the Louisiana National Guard economic efforts on Camp Minden and encourages the Louisiana National Guard, The Honorable Governor Bobby Jindal, The Honorable Senator Mary Landrieu, The Honorable Senator David Vitter and The Honorable Congressman John Fleming to obtain all required funding to complete the construction of the Regional Training Institute and Armed Forces Readiness Center on Camp Minden in a timely manner.

NOW, THEREFORE, BE IT RESOLVED, that the Natchitoches City Council in regular session in Natchitoches, Louisiana, Louisiana, on January 11, 2010 does hereby unanimously adopt this resolution.

AND, BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to The Adjutant General, State of Louisiana; The Honorable Governor Bobby Jindal, The Honorable Senator Mary Landrieu, The Honorable Senator David Vitter, The Honorable Congressman John Fleming, The Honorable Congressman Steve Scalise, The Honorable Congressman Joseph Cao, The Honorable Congressman Charlie Melancon, The Honorable Congressman Rodney Alexander, The Honorable Congressman William Cassidy, and the Honorable Congressman Charles Boustany Jr.

This Resolution was then presented for a vote, and the vote was recorded as follows:

AYES: Payne, Morrow, Nielsen, Mims, McCain
NAYS: None
ABSENT: None
ABSTAIN: None

THEREUPON, the Mayor, Wayne McCullen, declared the Resolution passed by a vote of 5 ayes to 0 nays, this the 11th day of January, 2010.


WAYNE McCULLEN, MAYOR

The following Resolution was introduced by Mr. Nielsen and Seconded by Mr. Payne as follows, to-wit:

RESOLUTION NO. 004 OF 2010

A RESOLUTION AUTHORIZING SETTLEMENT OF THE LAWSUIT ENTITLED, "CITY OF NATCHITOCHEES V. CROSSTECH BOILER SERVICES, L.P., ET AL", NUMBER: 75,908 ON THE DOCKET OF THE TENTH JUDICIAL DISTRICT COURT FOR THE PARISH OF NATCHITOCHEES, AND AUTHORIZING THE MAYOR TO EXECUTE ALL APPROPRIATE DOCUMENTS IN CONNECTION THEREWITH

WHEREAS, the City of Natchitoches is the plaintiff in that certain lawsuit entitled, "City of Natchitoches v. Crosstech Boiler Services, L.P., et al", Number: 75,908, on the docket of the Tenth Judicial District Court for the Parish of Natchitoches, Louisiana; and

WHEREAS, the defendants have offered to pay the total sum of One Hundred Fifty Thousand and No/100 (\$150,000.00) Dollars to settle the civil lawsuit, subject to the approval of the City Council; and

WHEREAS, the City Council has reviewed the issues involved in the lawsuit and settlement proposal, and has concluded that the settlement of the civil lawsuit is in the best interest of the City and its citizens;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Natchitoches, Louisiana, is of the opinion that it is in the best interest of the City of Natchitoches and its citizens to approve and accept the sum of One Hundred Fifty Thousand and No/100 (\$150,000.00) Dollars for the settlement of the claims of the City of Natchitoches, Louisiana, against Crosstech Boiler Services, L.P., Lexington Insurance Company, Randal Smoak, and Cothren, Graff, Smoak Engineering, Inc., as set forth and made in the suit entitled, "City of Natchitoches v. Crosstech Boiler Services, L.P., et al", Number: 75,908, on the docket of the Tenth Judicial District Court for the Parish of Natchitoches, and that the settlement is hereby approved and more particularly under the following terms and conditions:

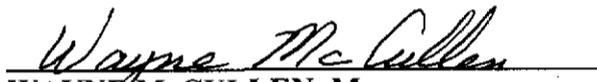
1. The settling defendants shall include Crosstech Boiler Services, L.P.; Lexington Insurance Company; Randal Smoak; and Cothren, Graff, Smoak Engineering, Inc.; and all other individuals and entities for whom said defendants may be responsible or liable for all actions asserted and/or arising out of the pending litigation; and
2. The settling defendants will pay to the City of Natchitoches, within 30 days of the adoption of this Resolution, the total sum of One Hundred Fifty Thousand and No/100 (\$150,000.00) Dollars cash; and
3. The settling defendants will pay Court costs incurred by the City of Natchitoches up to One Thousand and No/100 (\$1,000.00) Dollars, which costs are in addition to the settlement sum stated above; and
4. The City will release the settling defendants from all further liability in premises; and
5. The defendants will be dismissed from the current lawsuit.

BE IT FURTHER RESOLVED, that Wayne McCullen, Mayor of the City of Natchitoches, be and he is hereby authorized to represent the City, and to sign all documents, papers, or other instruments which are necessary to properly conclude the civil litigation as to the settling defendants referred to above, including, but not limited to, a Receipt and Release and a Motion and Order to Dismiss the suit, and he is further authorized to receive and receipt for the cash consideration of One Hundred Fifty Thousand and No/100 (\$150,000.00) Dollars on behalf of the City of Natchitoches.

THIS RESOLUTION was presented at a meeting of the City Council on January 11, 2010, and the vote on said Resolution was recorded as follows:

AYES: Nielsen, Payne, Mims, McCain, Morrow
NAYS: None
ABSENT: None
ABSTAIN: None

THEREUPON, the Mayor declared the Resolution passed by a vote of 5 Ayes to 0 Nays this the 11th day of January, 2010.



WAYNE McCULLEN, Mayor

The following Resolution was Introduced by Mr. Mims and Seconded by Mr. McCain, as follows, to-wit:

RESOLUTION NO. 005 of 2010

RESOLUTION TO RE-APPOINT L. J. MELDER AS A COMMISSIONER FOR THE HOUSING AUTHORITY OF THE CITY OF NATCHITOCHES

WHEREAS, the term of L. J. Melder as a Commissioner for the Housing Authority of the City of Natchitoches will expire on January 27, 2010; and

WHEREAS, the Natchitoches City Council wishes to re-appoint L. J. Melder for a term commencing on January 27, 2010 and ending on January 27, 2015.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Natchitoches does, in legal session convened, hereby re-appoint Mr. L. J. Melder as a Commissioner for the Housing Authority of the City of Natchitoches for a five-year term.

This Resolution was then presented for a vote, and the vote was recorded as follows:

AYES: Mims, McCain, Morrow, Payne, Nielsen
NAYS: None
ABSENT: None
ABSTAIN: None

THEREUPON, the Mayor, Wayne McCullen, declared the Resolution passed by a vote of 5 ayes to 0 nays, this the 11th day of January, 2010.


WAYNE McCULLEN, MAYOR

The following Resolution was Introduced by Mr. McCain and Seconded by Ms. Morrow as follows, to-wit:

RESOLUTION NO. 008 OF 2010

RESOLUTION TO APPOINT STANLEY SALTER TO FILL THE UNEXPIRED TERM OF TOM GRESHAM ON THE NATCHITOCHES AIRPORT COMMISSION FOR THE CITY OF NATCHITOCHES

WHEREAS, due to time constraints in his profession, Tom Gresham has offered his resignation as a Commissioner for the Natchitoches Airport Commission; and

WHEREAS, the City of Natchitoches is sincerely appreciative for the time and dedication Mr. Gresham has generously given while serving on the commission; and

WHEREAS, upon the resignation of Mr. Gresham, the Natchitoches City Council wishes to show its support and approval of Stanley Salter for appointment to the Natchitoches Airport Commission; and

WHEREAS, Stanley Salter has a BBA Degree in accounting from Southern Methodist University and is pilot and aircraft owner.

WHEREAS, Article 3-2 of the Code of Ordinances for the City of Natchitoches states that the Commissioner shall be appointed by the Mayor and the term shall run concurrent with the term of the Mayor; and

NOW, THEREFORE, BE IT RESOLVED that Stanley Salter be and is hereby is appointed as member of the Natchitoches Airport Commission beginning immediately.

This Resolution was then presented for a vote, and the vote was recorded as follows:

AYES: McCain, Morrow, Payne, Nielsen, Mims
NAYS: None
ABSENT: None
ABSTAIN: None

THEREUPON, the Mayor, Wayne McCullen, declared the Resolution passed by a vote of 5 ayes to 0 nays, this the 11th day of January, 2010.


WAYNE McCULLEN, MAYOR

The Following Resolution was Introduced by Mr. Nielsen and Seconded by Mr. Payne as follows, to-wit:

RESOLUTION NO. 009 OF 2010

**A RESOLUTION APPOINTING RYAN SMITH TO THE
NATCHITOCHEHS HISTORIC DISTRICT COMMISSION
FOR THE CITY OF NATCHITOCHEHS**

WHEREAS, the Mayor of the City of Natchitoches has submitted Ryan Smith for appointment to the Natchitoches Historic District Commission as follows, to-wit:

WHEREAS FURTHER, Ordinance No. 31 of 1986 of the Natchitoches Code of Ordinances provides that the members of the Commission shall serve at the pleasure of the Mayor with consent of the Council

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Natchitoches that they hereby acknowledge the appointment of Ryan Smith to the Natchitoches Historic District Commission and hereby approve and consent to same.

This Resolution was then presented for a vote, and the vote was recorded as follows:

AYES: Nielsen, Payne, Mims, McCain, Morrow
NAYS: None
ABSENT: None
ABSTAIN: None

THEREUPON, the Mayor, Wayne McCullen, declared the Resolution passed by a vote of 5 ayes to 0 nays, this the 11th day of January, 2010.



MAYOR WAYNE McCULLEN

The Mayor asked if there was any further business to be brought before the Council.

Ms. Morrow announced the activities scheduled for Martin Luther King, Jr. Day and invited everyone to come out.

Mr. Tommy Ward addressed the Council regarding utility bills, saying that it has been brought to his attention that extensions are no longer given on utility bills. He said he spoke with Ms. Connie, and he asked her if she was going to change the billing cycles of the due dates, and she said, no. He said he advised her that when you work for the school system, and you get paid once a month, you can't pay your bill in the middle of the month because your check comes in the beginning. He said he has always gotten an extension on his bill to the 2nd of every month when the checks would come in. He said he read in one of the budget meetings where the City made \$400,000.00 to \$450,000.00 on extensions. He also asked about cutting off utilities, and said that we have been having extreme weather conditions for the last week, and last week, they were still cutting folks off. He said that state law says that you are not to cut anyone off. He said we don't need one person; we need five people like the Natchitoches Charter says, and that this matter should be brought up before the Council because they were elected to make these types of decisions. The Mayor responded to Mr. Ward's concerns about utilities being cut off during the inclement weather saying that the order was given not to cut anyone off, and from that point, to his knowledge, no one was cut off. He said the only time any utilities were cut off was when there was a water break, and water was spewing everywhere, and they went out and cut off the water. He advised that they do consider extreme conditions.

Ms. Morrow noted that she had had one person that had problems with a utility bill, and she spoke with Ms. Connie, and she worked very well with her with that person. She said Ms. Connie is going to work with people, and if there is a matter that can't be worked out with her, then they will go to Mr. Jones.

Mr. Jones addressed the matter, stating that the position of the person who had been working with the extensions has not been filled, and without that position, it has become very difficult to continue extensions. He noted that extensions were designed to help somebody in a bad situation, but not every month. He said there are customers who call every month for an extension. He stated that they are going to continue to offer extensions, but will limit it to three extensions per year to cover extenuating circumstances, but not continuing to give them month, after month, after month. He said they contacted other cities and other utility companies, and none of them offer an extension every month.

Mr. Ward asked Mr. Jones if he was to understand that in the middle of a recession, they are going to stop it, and also asked how was the public going

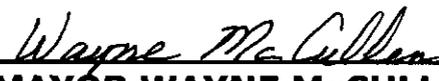
to be advised, because he never got the word on it. He said he believed there needs to be a commission set up, as the Charter says, and it needs to be brought up and approved by the Natchitoches Council. Mr. Jones said that the matter will be coming before the Council, but he was not able to get it on tonight's agenda. Ms. Morrow said that she had never been advised of the three extensions per year, and it was not something she could vote for because she votes, based on the need. She said there are people all across the City with financial problems, and they can't pay the bill, so she couldn't vote on three extensions a year. She said they need to be talking about some other method than three times a year. Ms. Morrow asked if the City could work with the Office of Community Service to work with those people who have ongoing problems with their bills. Mr. Jones said that they have a limit on the number of times they will provide assistance in a year.

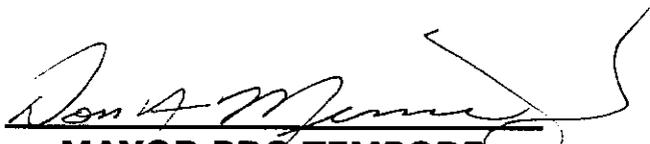
Mr. Edwin Creighton then addressed the Council, and began by commending Mr. Bryan Wimberly, Director of Utilities, on the job that was done during the recent bad weather. He said he believed the rules should be based on where you are living, and what is the income of the people. He stated that there are a lot of poor people in Natchitoches, and a lot of elderly people, on fixed incomes. He said he's concerned that just making rules like this, without considering the fact that there is a lot of hurting people, is insensitive.

Mr. Jones advised that they bend over backward for their customers, and they always have. He said what the ladies do at the Utility Office is a tough job, and routine abuses of calling month after month. He said there has got to be some way to structure your bill payment and not tie up everyone at that office every time bills are sent out.

Ms. Shirley Small Rougeau asked why there are several billing dates and, if you have people consistently calling for extensions, why you can't adjust the billing cycle to fit those person's incomes, or their payment schedule, since there are different billing dates anyway. She asked could a study be made of those persons who call consistently and adjust their billing cycle to the dates they call. Mr. Jones said the billing cycles are based on the routes that the meter readers read the meters.

There being no further business, Mr. Mims made a motion to adjourn the meeting, Mr. Payne seconded the motion, and the meeting was adjourned at 8:45 p.m.


MAYOR WAYNE McCULLEN


MAYOR PRO TEMPORE