

PROCEEDINGS OF THE NATCHITOCHE PARISH COUNCIL
PARISH OF NATCHITOCHE, STATE OF LOUISIANA
TAKEN A SPECIAL MEETING HELD, Thursday
January 3, 2019
5:00 p.m.

The Natchitoches Parish Council met in special and legal session in the Parish Council Board Room of the Natchitoches Parish Courthouse, on Thursday, January 3, 2019 for a special Natchitoches Parish Council meeting at five-o'clock (5:00) o'clock p.m.

The Parish of Natchitoches was then convened as the governing authority by -Chairman Rodney Bedgood who stated that the Parish was ready for the transaction of business.

The invocation was given by Vice-Chairman Doug de Graffenried and the Pledge of Allegiance led by Councilman Russell Rachal.

After the roll call there were present Chairman Rodney Bedgood and Council: Chris Paige, Doug de Graffenried, Patsy Hoover and Russell Rachal.

Absent: None.

Chairman Bedgood, asked the new Parish Attorney to introduce himself the Council. The new Parish Council is Mr. Steven P. Mansour, he gave a brief introduction, so the Council would know who he was, and he was looking forward to working with them.

Chairman Bedgood, said we need to get a motion to enter an Executive Session.

Councilman Russell Rachal wanted to ask some questions before the Council enters an Executive Session. His first question was, "Mr. President do you feel disenfranchise by this procedure?" Parish President, asked, "The procedure that's going on tonight?" Councilman, Rachal, replied, "Yes" Parish President, then replied, "Yes" Councilman Rachal, then asked, "Did you make your feelings known to the DA office?" Parish President, replied, "Yes." Councilman, Rachal, responded, "At this time I'll make a motion that we asks the DA Office to recuse themselves from this, because they are appointed to represent us, the Parish Government, and apparently there's a disagreement in the way it's been handled between the Council and the Parish President, How can the DA's Office proper represent us and you effectively if we're on two different thought patterns. So, I make a motion for the DA Office to recuse themselves from the procedures. And Councilman, Doug de Graffenried secondly the motion.

Councilman Paige, asked to be recognized, and he begins, "Just as you say disenfranchised, I would say the process that has been started without this Council and keeping us aware on the selection process and the actions taken last month trying to hire an individual it's just not incumbent on in this body, it's an appointment by the Council, that's what it should be, a Parish Council appointment, if it's not a Department Head, I've seen many days when we're about to go into Executive Session, Mr. Nowlin ran out here so quick, it made your head turn, I don't know what the whole process been like many people have called my phone and talked about how unfair this process has been, because it look like it was only one individual that was targeted to hire, this has to stop somewhere, now we can proceed with whatever you put on the table that you and Mr. de Graffenried, but there's many angles that the community is looking at and they are very not pleased with none of this that's been transpiring because in the past if the Registrar's Voters was leaving office, what has happened for many, many years they would come right to that podium and said, "I've appreciate the time, I've served in this Parish and I'm retiring." The Community would be on recognition that this appointment would start the process that didn't occur." Councilman Doug de Graffenried, replied, "That was under the Police Jury." Councilman Paige, replied,

"The newspaper..." and during Councilman Paige talking, Councilman de Graffenried, was saying about Councilman Paige, history lessons, and then Councilman Paige, told Councilman de Graffenried that he had the floor and he could talk after he's finished. Councilman Paige, continued by saying, "I'm telling you that when this process started, we knew nothing of this, now you and Mr. Rachal may have known, because you probably got a phone call saying so, we didn't know, I didn't know, now when we come to the meeting, we in the process starting the hiring of an individual to replace Mrs. Waskom, you're welcome to express your opinion and I'm welcome to express mine."

Doug de Graffenried, replied, "I appreciate your history lesson, the Home Rule Charter does not address this specific issue, it's a hole in the Charter, it doesn't give us the power to appoint to hire, it doesn't give Mr. Nowlin, the power to appoint or hire, but what was done, I think was done in good faith and it was done with an Executive making a nomination to Legislative Body and what we agree on is the process, which I hope we're going to discuss is flawed, what I think the motion represents is that the District Attorney's Office has co-opted the process by not looking at the whole of the Governing Authority, which is the Parish President and the Parish Council it's a bicameral form of Government and we've going to work on some kind of process that doesn't leave anyone out, I also think the process has been a little flawed we might need our own Council, someone we obtain, to represent this body."

Councilwoman Hoover, replied, "If that's the case we have Counsel here tonight, we have Mr. Mansour, here tonight, the Council can vote to keep him here or not, if you think that's the case. He's here he's a Governmental Lawyer, that what he does, and we have the right to vote, now all this other time, the DA has been doing everything, and everybody went along with it, now all of a sudden everything change, and talking about good faith, he didn't even include the Council." Councilman, de Graffenried, replied, "He did." Councilman Rachal, responded, "The purpose of my motion was and Councilwoman, Hoover, replied, "I know the purpose of your motion." Councilman, Rachal, replied, "I have the floor now." Councilwoman, replied, "No, you don't you interrupted between me and de Graffenried." Councilman, Rachal continued by saying, "The purpose of my motion was the DA Office is our legal Counsel at this moment, they represent the Parish Government as a whole, this particular issue there's a division on how this particular issue is supposed to be handled, so how if the DA doesn't recuse themselves in this particular matter, I'm not saying all the time, How they fairly represent the Present and the Council on the like of the matter, that's why I'm asking for the motion and it's been seconded that they recuse themselves from this particular matter because, I don't think it will be a fair judgement issued."

Councilwoman Hoover, replied, "Mr. Rachal, we all know what's going on, we're not dumb on this Council to understand what is going on." Councilman Rachal, I called for a vote and question."

On motion by Councilman Russell Rachal, duly seconded by Councilman Doug de Graffenried that the Natchitoches Parish Council, in special and legal session, does hereby asked that The Office of District Attorney accused themselves from this issue because of non-agreement between the DA office and the Parish President on the issue concerning the appointment of the Registrar of Voters.

On a roll call vote thereon was as follows:

Ayes:	Councilman Rachal	
Ayes:	Councilman de Graffenried	
Nayes:	Councilwoman Hoover	
Nayes:	Councilman Paige	
Nayes:	Councilman Bedgood	Motion Didn't Pass

Chairman Bedgood, responded, "Before you go any further, I thought we was coming in here tonight be sensible with this and try to elect the best one for this job, but I knew in my heart before I came, that you-all had got together, so whatever it is it's fine with me."

Councilman Rachal, asked, "Did the whole Council asked for a legal opinion, or the majority of the Council?" Parish Attorney replied, "Mr. Rachal, I just got sworn in by an hour ago, I don't know if the Council asked for an opinion by going into an Executive Session from me or anybody at the DA's office. I don't know that, I'm sorry."

Councilman Rachal, wanted to know who was the author of the questions that was given out, the Clerk was the Author of the questions. The Clerk asked the DA's Office if those questions was legal questions to be asked of the Candidates. Mr. Mansour, replied, "I reviewed the questions, she emails me the questions, I reviewed the questions to determine if anything was illegal about the questions, I didn't formulate the questions, I didn't tell her about grammatical or spelling, or I didn't tell her whether they were appropriate or inappropriate, I did suggest in addition to the questions that she sent me that they'll be a series of questions that followed the Statute to deliberate the qualifications for the Registrar Voters in the Statute that be added to those questions, I copy verbatim the Statute, as far as the law." Councilman, Rachal wanted to know if there was a scoring sheet to objectively evaluate the applicant to the Clerk. The clerk responded, "I done the same thing that was done in the Interview with Mr. Nowlin. Is there a process of rating the Candidates?" Councilwoman, Hoover started to say why you haven't asked these questions, when the President did his interviews, now you're asking these questions. The Clerk begins, to say, "Mr. Nowlin, is here, he can correct me if I'm wrong." Councilman Rachal, replied, "Keep him out of this, yawl didn't include him at first." The Clerk, replied, "He's here right, now, it's not yawl." Chairman, Bedgood, replied, "Where you're getting this yawl from?" Councilman, Chris Paige, responded, "When you go into Executive Session, it's for the Council, not for the President, not for any other individual, it's who the Council wants in here." Councilman, Rachal said "Whatever happens tonight would be made by Ordinance and not Resolution. I make a motion whoever is named tonight must be done by Ordinance and not Resolution." Councilman de Graffenried seconded it. Councilman Paige, replied, "What are you talking about?"

On motion by Councilman Russell Rachal, duly seconded by Councilman Doug de Graffenried that the Natchitoches Parish Council, in special and legal session, does hereby asked that whoever is named tonight must be done by Ordinance and not Resolution.

On a roll call vote thereon was as follows:

Ayes:	Councilman Rachal	
Ayes:	Councilman de Graffenried	
Nayes:	Councilman Bedgood	
Nayes:	Councilwoman Hoover	
Nayes:	Councilman Paige	Motion Didn't Pass

Councilman de Graffenried, replied, "You're going to make a financial decision by Resolution?" Councilman Paige, we're here tonight apparently they are here to obstruct something and I don't know what they're going to obstruct, but we here tonight for the District, this type of Government would work if you had five individuals who represented their District and come in those doors to represent their District, but when you have two individuals night after night and day after day has conspired and having their vote before we even get in

here, you got a problem and that's where we're at in this community." Now I'm ready to make a motion to interview the individuals that are here all that we need to spend an hour, point 3 or 5, this is nothing new, we need to interview these people and be fair about the process not locking in for one individual and then we need to move forward in this Parish, Now the bottom line of this is I would say, as far as I'm concern, I would like to see the Council, the Clerk, and our Attorney be in this meeting because we're not here to hinder for one individual to get this position; so let's move forward, I would like to make a motion that start the process of interviewing the Candidates that we have tonight and that I'll say we have the Council only, the Clerk, and the District Attorney's Office. This is not a Parish employee, this is a State employee, it's doesn't pertain to Mrs. Creamer per say, so that's where we're at the selection process and it should begin tonight."

Councilman, Rachal, wanted to ask how many applicants were out there and it was four. "Were you notified in writing for tonight that we're going into Executive Session to discuss your name?" The applicants said they were notified by a phone call. Councilman Rachal, replied, "Article 47:15 said they must be notified in writing and if they weren't notified, it's not legal." Councilman Paige, replied, "It's up to the individual if they would like to or not go into Executive Session, all this malarkey he's throwing out here is just trying to obstruct for one individual, bas and we need to stop this." Councilman Rachal replied, "Doesn't the law 47.15 states they must be notified in writing 24 hours prior to before going into Executive Session, if you do this is illegal and we're going to end up in court." Chairman Bedgood, then let's go, because I'm tired of your bull anyway." Councilman Paige, replied, "Trying to obstruct to let so many days run out to make an appointment to whomever, this must stop."

Chairman, Bedgood, replied we're going to let the Attorney Speak and then we're going to vote to go into Executive Session. While waiting on the Parish Attorney, Councilman Paige, said, "Those that do want to go into Executive Session, you don't have too and if a letter needs to be sent then send it to the others and they can receive a letter with the next five, the following date that can be done, so." Councilman, Rachal, If they wanted to go into Executive Session, they wasn't notified correctly, right?" Councilwoman, Hoover, replied, "If they want to go into it themselves they can if they choose to go into it."

The Parish Attorney, begins "The paper he gave me does state the Executive body may hold an Executive Session pursuant to 42.16 for one or more of the following reasons, discussion of character, professional confident, physical or mental health, provided that such person notified in writing at least 24 hours exclusive Saturdays, Sundays, and legal holidays, before the schedule time before the Executive Session takes place and that such person may be required if such discussion be held in an open meeting." So, Councilman Paige, responded, "So, it's up to the individual to choose to go into it if they want to or not, you're not playing with somebody who doesn't know, one thing for sure, I've got several phones calls this week on individuals we've voted on and their name shouldn't appear again."

Councilman Rachal, replies, "It also say in open meeting laws that anything relating to the public body in form of discussion or, appointments. So that's saying we can't go into Executive Session to appoint anyone either." Councilman Paige, replied, "We're not appointing anybody, we're just interviewing?" Councilman Rachal, responded, "To discuss." Councilwoman, replied, "If those who wants to do it openly, then we can do it openly, so it's up to the applicants."

Councilman Rachal, "Yawl do what you want to do, I stated my opposition to it."

Chairman, Bedgood, asked Mrs. Holden, does she want to do it openly or in Executive Session, and Mrs. Holden, replied, "I'm here, I can, I can do it in an open meeting?" Councilwoman, Hoover, said, "This just a suggestion, you can have asked all of them, if they would like open or closed."

Mrs. Vance, replied, "At this time, I asked for a point of clarification, have it been determined that all interviews has to be conducted in open meeting?"

Councilwoman Hoover, told her to ask the Attorney.

Mrs. Vance, repeated her question, "I'm asking have it been determined that all interviews has to be conducted in open meeting, it's not fair to the rest of us."

Councilman de Graffenried, "You have a fairness issue going on right here, you can't have candidates listening to questions and answers, you have to... And at this time Councilman Paige was talking also."

Ms. Kecia McConthay, replied, "You really don't want personal information to come out and if it's in open meeting, then it's public record. We might be comfortable telling you information, but not in open meeting."

Councilman Doug de Graffenried, replied, "You can't do interviews in Executive Session."

The Attorney replied, "Yes, you can conduct interviews in Executive Session, you can discuss the Interviews in Executive Session, but you can't vote on anything in Executive Session. The applicant can choose not to have their interview done in Executive Session."

Councilwoman Hoover made the motion to go in Executive Session and Chris Paige seconded the motion to go.

On motion by Councilwoman Hoover, duly seconded by Councilman Chris Paige that the Natchitoches Parish Council, in special and legal session, does hereby go into an Executive Session

Then a question was raised how many need to go into Executive Session, some said majority and others said 2/3 votes. There was a discussion about that too.

On a roll call vote thereon was as follows:

Ayes:	Councilwoman Hoover
Ayes:	Councilman Paige
Ayes:	Councilman Bedgood
Nayes:	Councilman de Graffenried
Nayes:	Councilman Rachal

Motion Didn't Pass if it needs 2/3 votes.

Then there was a discussion who was going to stay in the Executive Session.

At this time Parish President was recognized and he wanted to say something, "Mr. Chairman, thank you for recognizing me, I sat here and listened to certain individual that attacked me, make statements that I run out of Executive Sessions and other General statements, that this process conducted by my office was intended for one individual according to a certain position, there was intended to get one individual, but that individual wasn't identified until the completion

of the process, and the people on the Evaluation Committee was poled to who they favored, and the consistency favored the one who was appointed or rejected by the Council. I would like to read a very brief statement to enter on record to the Council before I leave. The Parish Council has issued cause for two separate meetings held on January 3 and 7 of 2019 for interviewing applicants for the position of Parish Registrar of Voters, please except this statement of my continued problem with the path of the procedures of the Council that decided to follow. The primary reason includes but not limited to the following:

The primary reasons for my concern about the Council process include, but are not limited to, the following:

1. As I stated at the Council meeting on December 17th, the elimination of any role by the Parish President in the appointment process results in the President not being able to perform his lawful role under the home rule charter form of government.
2. The appointment of a ROV by a resolution rather than an ordinance violates the home rule charter provisions that all operating budget expenditures must be approved by ordinances duly enacted by the Parish. The appointment of a ROV by a resolution includes the commitment of financial resources from future Parish budgets without the proper authorization provided by an ordinance.
3. The language in one section of the constitution that defines the parish governing authority as the legislative body of the parish does not consider the recent creation of home rule charter governments wherein an elected president is a part of the local governing authority. That language must be taken in context of the entire constitution, state laws and the authority granted to home rule charter governments.
4. At the meeting on December 17th, I offered to work with the Parish Council to reach a mutually-agreeable resolution to the conflict regarding the process by which the new registrar of voters would be appointed. The announced Council process does not appear to be aimed at reaching an amicable resolution of the conflict.

While we have respect for the staff of the District Attorney office and appreciate the work of the office on behalf of the Parish, we respectfully hold a different opinion in this matter as outlined above.

Councilman Rachal wanted the Parish Attorney to explain what he had given him according to Open Meeting Law. The Open Meeting Law state it needs 2/3 to go into Executive Session. It must be approved by 2/3 of the members present. Councilman Rachal, stated, "2/3 of 5 is 3.33 and that mean we can't go into Executive Session. I will not be part of this Executive Session, I will be seating in the hall with the rest of the public, I will not be part of something illegal and if we get sued, I'll go for a legal opinion."

Chairman, Bedgood stated the best thing we need to do is close this meeting out tonight and the DA will get us the decision, we'll get a hearing from him. And at that time Councilman Paige, wanted to know because people has been calling him saying since the Council has already voted on Mrs. Vance does she have to be interviewed again and to see her name removed from this list.

Since there was no other business the meeting was adjourn:

On motion by Councilman Russell Rachal, duly seconded by Councilman Doug de Graffenried, that the Natchitoches Parish Council, in regular and legal session, does hereby adjourn.

On a roll call vote, the vote thereon was as follows:

Ayes:	Councilman Rachal	
Ayes:	Councilman de Graffenried	
Ayes:	Councilwoman Hoover	
Ayes:	Councilman Bedgood	
Ayes:	Councilman Paige	Motion Passed

Attest:

Rodney Bedgood, Chairman

Sheryl Frederick,
Council Clerk