

Terrebonne Parish Recording Page

Theresa A. Robichaux
Clerk Of Court
P.O. Box 1569
Houma, LA 70361-1569
(985) 868-5660

Received From :

TERREBONNE PARISH CONSOLIDATED GOVT
P O BOX 2768
ATTN: LEGAL DEPT/KAYLA DUPRE
HOUMA, LA 70360

First VENDOR

TERREBONNE PARISH CONSOL GOVERNMENT

First VENDEE

-APPOINTMENT OF CONSOLIDATED WATERWORKS DIST #1 BOARD OF COMMISSIONERS IS SUSPENDED AS TO CLIFTON STOUFFLET & CHESTER VOISIN

Index Type : CONVEYANCES

File # : 1649751

Type of Document : STATE OF EMERGENCY

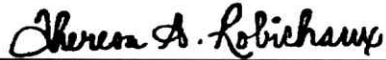
Book : 2671

Page : 769

Recording Pages : 6

Recorded Information

I hereby certify that the attached document was filed for registry and recorded in the Clerk of Court's office for Terrebonne Parish, Louisiana.


Clerk of Court

On (Recorded Date) : 05/04/2022

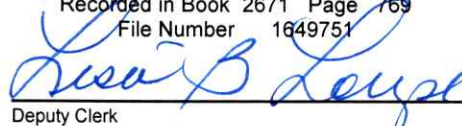
At (Recorded Time) : 3:02:37PM



Doc ID - 015756410006

CLERK OF COURT
THERESA A. ROBICHAUX
Parish of Terrebonne
I certify that this is a true copy of the attached
document that was filed for registry and
Recorded 05/04/2022 at 3:02:37
Recorded in Book 2671 Page 769
File Number 1649751




Deputy Clerk

Additional Index Recordings

<u>Index Type</u>	<u>Book</u>	<u>Page</u>	<u>File #</u>
MTG	3341	433	1649751

Return To : TERREBONNE PARISH CONSOLIDATED GOVT
P O BOX 2768
ATTN: LEGAL DEPT/KAYLA DUPRE
HOUMA, LA 70360

Terrebonne Parish Consolidated Government EMERGENCY EXECUTIVE ORDER

Emergency Operations Center Contact: 985 873-6357

BY ORDER OF THE OFFICE OF THE PARISH PRESIDENT OF TERREBONNE:

WHEREAS, Hurricane Ida made landfall in Terrebonne Parish, Louisiana on August 29, 2021, as one of the worst Hurricanes to enter Louisiana, causing massive infrastructure damage; and

WHEREAS, due to the disaster of Hurricane Ida, the infrastructure of Terrebonne Parish, including the water system, has suffered substantial damage; and

WHEREAS, water and water delivery is critical infrastructure to the economy of Terrebonne Parish as well as the protection of life of the citizens of Terrebonne Parish; and

WHEREAS, water for the citizens and businesses of Terrebonne Parish is provided by Consolidated Waterworks District No. 1 of Terrebonne Parish (“Waterworks”); and

WHEREAS, pursuant to state law and Terrebonne Parish Consolidated Government (“TPCG”) Ordinances, Waterworks operates under a Board of Commissioners that represent each Parish Council district of TPCG; and

WHEREAS, it is necessary for the rapid restoration, repairs, recovery, and rehabilitation of the water system to provide current and future emergency disaster preparedness and prevention; and

WHEREAS, in response to the significant damage to the Waterworks system, federal and/or state funds will be forthcoming to repair, rehabilitate, and recover the water system; and

WHEREAS, in addition to Hurricane Ida relief funds expected from FEMA and insurance claims, Waterworks has also been selected as a recipient of Water Sector Program (“WSP”) funds to be disbursed by the Office of Community Development (“OCD”) for the State of Louisiana for water system rehabilitation and improvement; and

WHEREAS, Clifton Stoufflet and Chester Voisin, Waterworks Board of Director members, have years of experience and intimate knowledge of the Waterworks system; and

WHEREAS, Waterworks Board of Commissioners and Michael Sobert, General Manager for Waterworks, requests that they need the expertise of Clifton Stoufflet and Chester Voisin for the upcoming year to assist in disaster preparation, repair, rehabilitation, and recovery from Hurricane Ida (Exhibit A) and the allocation of WSP funds from OCD and other sources; and

WHEREAS, Governor John Bel Edwards has declared a State of Emergency through 165 JBE 2021, which has been most recently extended through 52 JBE 2022; and

WHEREAS, Parish President Gordon Dove signed an emergency declaration which was signed on August 26, 2021, for Hurricane Ida response and was recorded in the Terrebonne Parish Courthouse under COB 2646, page 676, entry No. 1634123; and

WHEREAS, in accordance with La. R.S. 29:722 and 727 et seq, TPCG, through Gordon E. Dove, as Parish President, is empowered to take all necessary measures to ensure the safety, health and welfare of the citizens of Terrebonne Parish, which includes prevention, preparation, repairing, recovery, and rehabilitation from disasters such as Hurricane Ida; and

WHEREAS, Clifton Stoufflet and Chester Voisin are long term members of the Board of Commissioners for Waterworks whose terms of service will end June 30, 2022; and

WHEREAS, Waterworks is a local political subdivision pursuant to La. R.S. 33:7712. The legislature has delegated to the governing authority the appointment of its board members by adoption of ordinances that set the terms of the board members:

- A. (3) Notwithstanding any other provision of law to the contrary, effective on and after July 1, 1998, the governing authority of Consolidated Waterworks District No. 1 of the parish of Terrebonne shall consist of nine members, one member to be appointed from each of the nine councilmanic districts of the parish by the parish governing authority. The terms of the board members shall be four years, except that one of the members shall serve initial terms of one year, three shall serve initial terms of two years, two shall serve initial terms of three years, and three shall serve initial terms of four years, all as determined by lot. No person shall be appointed to serve more than three four-year terms. The governing authority of the parish may adopt ordinances, rules, and regulations to implement the provisions of this Subparagraph; and

WHEREAS, La. R.S. 29:722 A(8) authorizes the Parish President to conduct the management of systems and provide for disaster prevention, preparedness, repair, rehabilitation, and recovery by use of agencies, political subdivisions, and its officers; and

WHEREAS, pursuant to La. R.S. 29:727F(1), the Parish President, Gordon Dove, is empowered to suspend any Parish Ordinance prescribing the procedures for conduct that can cause delay, prevent, or hinder necessary action in coping with a local emergency and/or disaster such as Hurricane Ida; and

WHEREAS, pursuant to La. R.S. 29:727 F(3), the Parish President, Gordon Dove, is authorized to do as follows:

- (3) Transfer the direction, personnel, or functions of local departments and agencies or units thereof for the purpose of performing or facilitating emergency services; and

WHEREAS, Terrebonne Parish Code of Ordinances Chapter 27, Article 2, 27-28 Board of Commissioners states that no person shall be appointed to serve more than three four-year terms. This was all done pursuant to Ordinance Nos. 5951, 5668, 5206; and

WHEREAS, Parish President Gordon Dove has the authority to suspend Chapter 27, Article 2, 27-28 of the Terrebonne Parish Code of Ordinances and designate that Clifton Stoufflet and Chester Voisin remain on the Board of Commissioners of Waterworks to assist in Waterworks emergency repair, rehabilitation, and recovery as a result of Hurricane Ida; and

NOW, LET IT BE ORDERED, UNDER MY EMERGENCY POWERS TO PROTECT THE CITIZENS AND ECONOMY OF TERREBONNE PARISH, THE FOLLOWING IS HEREBY ORDERED:

IT IS ORDERED, that the effect of Terrebonne Parish Code of Ordinances Chapter 27, Article 2, 27-28, concerning the appointment of the Consolidated Waterworks District No. 1 of

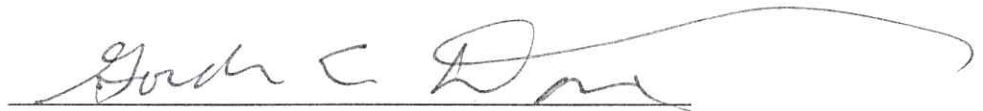
Terrebonne Parish Board of Commissioners is suspended as it applies to Clifton Stoufflet and Chester Voisin; and

IT IS FURTHER ORDERED, that I, Parish President Gordon Dove, pursuant to the powers granted to me under La. R.S. 29:727 F(1), (2), and (3), and to preserve the management integrity of the Consolidated Waterworks District No. 1 of Terrebonne Parish, through its Board of Commissioners, hereby order that Clifton Stoufflet and Chester Voisin shall remain on the Consolidated Waterworks District No. 1 of Terrebonne Parish Board of Commissioners until June 30, 2023; and

IT IS FURTHER ORDERED, that the Office of the Parish President invokes all rights and remedies afforded it under all the laws and constitutions of the United States and State of Louisiana; and

IT IS FURTHER ORDERED, that this order be recorded with the Terrebonne Parish Clerk of Court and given prompt and general publicity and filed with the Office of Emergency Preparedness, all in accordance with La. R.S. 29:727.

AT HOUMA, LOUISIANA, THIS 4 DAY OF MAY,
2022 AT 1:35 O'CLOCK P.M.



Gordon E. Dove
Parish President

NOTICE POSTED AT:

Terrebonne Parish web-page: tpcg.org

and

8026 Main Street, Suite 700

Houma, LA 70360

NOTICE SENT TO:

Houma Courier

Official News Journal for Terrebonne Parish Consolidated Government



CHESTER P. VOISIN
President
JOHN PIZZOLATTO
Vice-President
CLIFTON J. STOUFFLET
Secretary

MICHAEL A. SOBERT
General Manager

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TERI CHATAGNIER
WILBERT THOMAS
KENNETH ELLENDER

CECILIA PRADO NORMAN
Chief Administrative Officer

May 3, 2022

Parish President Gordon Dove
Parish Council Chairman Darrin Guidry
TPCG Tower, 8026 Main Street
Houma, Louisiana, 70360

Re: Request for Extension of Expiring
Terms of Board Members

Dear Sirs:

As the General Manager of Consolidated Waterworks District No. 1 of Terrebonne Parish (Waterworks), my job is to administer Waterworks' day-to-day operations along with focusing on the long-term health and viability of the system.

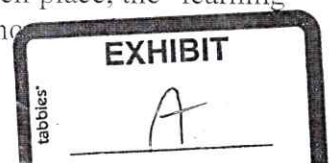
Waterworks' governing body is the Board of Commissioners, and I send this letter on their behalf.

Hurricane Ida caused severe damage to private and public property throughout the Parish, and Waterworks was not spared. From water towers to buildings to machinery to water lines and their appurtenances, Waterworks' damages were significant. FEMA funds are being sought and insurance claims have been made which should bring the financial means to repair and replace what has been lost or damaged.

Furthermore, the multi-year Covid pandemic caused setbacks to the economy which have resulted in stimulus and infrastructure federal aid monies being allocated to Waterworks, chief among them a grant through the Water Sector Program (WSP), administered by the Office of Community Development.

Both state law and the Parish Code state that it is the parish governing authority's role to appoint all Waterworks' board members, and that one member is to be appointed from each of the nine councilmanic districts. Those laws also say that "no person shall be appointed to serve more than three four-year terms", and that the Parish governing authority may adopt ordinances, rules and regulations to implement the law's provisions. See La. R.S. 33:7712 and Section 27-28 of the Parish Code.

Two current Board members, President Chester Voisin and Secretary Clifton J. Stoufflet, are serving their third consecutive term, set to expire on June 30, 2022. Their experience and expertise are needed to help the Board decide how to allocate and administer the significant funds set to be received, and their absence would be detrimental to those decisions. Moreover, should two new members be appointed to take their place, the "learning curve" for them would coincide with this crucial period when learned wisdom is what is most



Both Mr. Voisin and Mr. Stoufflet desire to stay on the Board for a while longer to aid the Board, and the Board as a whole also welcomes that. They believe that the Parish President has the power to suspend local ordinances under the emergency powers granted to him pursuant to disaster response and the Covid pandemic, and that the Parish Council has the ability to interpret its own rules, regulations and ordinances as stated in state law.

Rather than reappointing both these members to another term, we are requesting only that their current terms or positions be *extended* for one additional year (or that you hold off on appointing their successors), so that they would stay on the Board until June 30, 2023. As we know, state law found in R.S. 42:2 says that public officers (such as appointed board members) shall continue to discharge the duties of their offices until their successors are inducted. Furthermore, there is a precedent for extending the terms of Waterworks Board members, as two members whose terms were set to expire in June, 2012 were allowed to remain in office a short while longer during the hiring process for a new general manager (on the occasion of my hiring).

We realize that this request is out of the ordinary, but we believe that these times are extraordinary. The request is clearly in the best interests of the Waterworks and the Parish as a whole. It would not set any kind of binding precedent but rather be seen as a sensible and practical response to uniquely trying circumstances.

Thank you for your attention to this matter, and should any more information be needed, we are here to provide it to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Sobert". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Michael A. Sobert
General Manager

Cc: Julius Hebert, Hebert & Marceaux