

*Council (Persons to Address the Council); Council No. 55*

2004-0364

1.

**PETITION TO ADDRESS THE COUNCIL**

St. Charles Parish Council Chairman Today's Date: August ~~30~~, 2004

P. O. Box 302

Hahnville, LA 70057

(985) 783-5000

*FAX TO 783-2067*

Dear Chairman:

Please place my name to address the Council on:

DATE: September 7, 2004

SPECIFIC TOPIC: St. Charles Parish Council - Council Rules

**one subject only**

St. Charles Parish Council - Council Rules

DOCUMENTS, IF ANY: YES - copies attached - *15* pages *TOTAL*

NAME: Victor L. Buccola

ADDRESS: 105 Burginnes Lane, Destrehan, La 70047

PHONE: 985-764-6411 - Home - 504-310-7728 Office

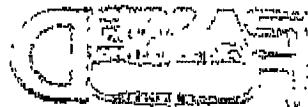
SIGNATURE: \_\_\_\_\_

*Victor L Buccola*

Dear Constituent:

Thank you for your active participation. Your views and comments will be considered by the Council in making our decisions. The Council has a considerable amount of business to conduct in a limited amount of time, therefore, please note the following items that are expected of you:

The Home Rule Charter provides for citizens to address the Council. It makes no provision for initiating debate, discussion, or question and answer sessions with Councilmembers or Administration Officials. Your right is also guaranteed to examine public documents as you prepare your presentation. Should you have any questions for Councilmembers and/or Department Heads as you prepare, please forward such

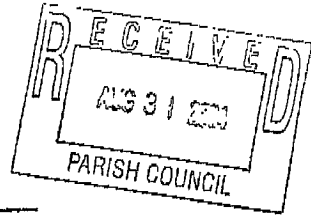


New Page 1

2004-0366

**PETITION TO ADDRESS THE COUNCIL**

St. Charles Parish Council Chairman Today's Date:  
P. O. Box 302  
Hahnville, LA 70057  
(985) 783-5000



Dear Chairman:

Please place my name to address the Council on:

DATE: SEPT. 7 2004  
SPECIFIC TOPIC: I-49

one subject only  
(\*see specific  
guidelines on  
reverse and  
refer to

Parish Charter-  
Article VII., Sec. 1.)

DOCUMENTS, IF ANY: YES  NO  
NAME: MANHNA DUBROCA  
ADDRESS: 13309 RIVER ROAD  
Luling LA 70070  
PHONE: 985 785 6812  
SIGNATURE: Manhna Dubroca

Dear Constituent,

Thank you for your active participation. Your views and comments will be considered by the Council in making our decisions. The Council has a considerable amount of business to conduct in a limited amount of time, therefore, please note the following items that are expected of you:

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Please be brief and limit your comments to the specific subject matter on which you have requested to address the Council.

Please forward supporting documents to the Council Secretary for distribution to the Parish Council before your scheduled appearance in order for the Council to prepare themselves, if necessary.

Upon completion of your allotted time to address the Council, please respect the time given to Councilmembers to respond to your comments by not interrupting or interjecting remarks.

Slandorous remarks and comments will not be tolerated. If slanderous remarks or comments are made, your opportunity to address the Council will end, regardless of the remaining time left to address the Council.

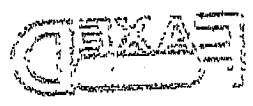
Repetitious comments and subject matter will be strictly limited  
A confirmation letter will follow when your name is placed on the agenda.

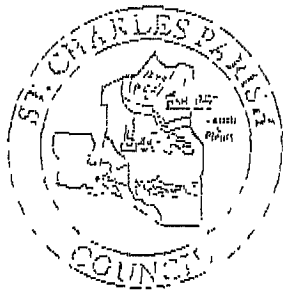
Sincerely,  
LANCE MARINO  
COUNCIL CHAIRMAN

**RIGHT TO DIRECT PARTICIPATION  
COUNCIL GUIDELINES**

No person shall be denied the right to observe and, within Council guidelines, to address the Council provided that the person has submitted a written request containing the

985 783-2067





FARISH OF ST. CHARLES  
OFFICE OF THE COUNCIL SECRETARY

September 1, 2004

Ms. Manina Dubroca  
13309 River Road  
Luling, LA 70070

Dear Ms. Dubroca:

This is to acknowledge receipt of your correspondence asking to address the Parish Council.

Please be advised that your name has been placed on the Agenda for the meeting to be held Tuesday, September 7, 2004, 6:00 P.M., Council Chambers, Courthouse, Hahnville.

If you have any questions, please feel free to call us.

Sincerely,

BARBARA JACOB-TUCKER  
COUNCIL SECRETARY

BJT/sm

cc: Parish Council

Manina Dubroca, Attorney at Law  
13309 River Road, Luling 70070  
985-785-6831 or 504-785-6812

Good evening: I am Manina Dubroca. I stand before you as a resident of St. Charles parish, a property owner, a business owner, a lawyer, a sister and most importantly, a daughter.

According to the sketch provided by the consultants, link 3B places almost all of my mother's property in the path of I49 as proposed. This includes her home, and major corner businesses at the intersection of Hwy. 90 and Paul Maillard Road from which she derives her income. And from which St. Charles Parish derives taxes, income, and employment for its people.

Not only will this route destroy my family's businesses and home, and other surrounding homes, it will negatively impact many of the businesses along Hwy. 90. Those that are not lost by being directly in the path of I49, will suffer so much from the lengthy construction alone that many of these businesses may close and others will never be able to recoup their losses.

Please support an alternative that does not affect Hwy 90, its businesses and its residences. This is a tax base that St. Charles Parish can ill-afford to lose. Such a united response will also prevent pitting homeowner against homeowner, business owner against business owner, neighborhood against neighborhood..... As our leaders, you **must** be concerned with both the needs of the environment **AND** the people who inhabit it.

I ask that you request from DOTD that they provide specific documentation evidencing which specific regulatory agencies would not allow such a route as proposed by resolution before you tonight. **Do not accept the pat answer** that "regulatory agencies will not allow it" as alleged. As we all know, **they** built The Causeway over Lake Pontchartrain, **they built I55** over swampland, **they built I10** over the Atchafalaya, **they built** over the swamp **for I-310 .... We can build other than over Hwy. 90 from Boutte to Westwego.**

Jara Dubroca Roux  
 10391 River Rd., Ama 70031  
Jara@roux.org 504-431-0399

I come before you tonight to ask you to **support the upcoming resolution** on a southerly route for I-49 as it goes through St. Charles Parish. If **requested by the council**, this route will have to be studied and we will all actually be able to see what is possible. If there are objections, we will be able to see **where compromises are possible**.

The possibility of an **ecologically sensitive route** through marshland south of Highway 90 is currently being disregarded. This route could provide opportunities for **eco-tourism & recreation** such as those developed **along I10 across the Atchafalaya**. And **appropriate connections with Highway 90** would assure the viability of new & future businesses.

In addition, the **beauty of such a route** would make it a favorite with travelers. Such a route could emphasize its special characteristics with its own name. Just as Crescent City Connection makes its New Orleans character known, the **Barataria Basin Byway** could be a signature for the **recreational** opportunities we hope to **grow & market** for St. Charles Parish.

Currently, **the only routes which are on the table** for this area will **adversely impact businesses and communities** on our Westbank. The Federal Highway Administration since 2002 has emphasized **Context Sensitive Design** in the planning of Highways. Unfortunately, other states are far ahead of La. in the use of these concepts. We **can** develop satisfactory solutions, but **only if we require that these options be studied**.

It makes no sense not to include this southerly route in a study. **As we have seen with the oxidation ponds, new views and new technologies make what WAS impossible possible.**

The options that we are being given are **choices for the 1970's**, not the 21<sup>st</sup> century. To be asked to choose between bad choices is **no choice** at all. I **ask you to show your leadership** and **insist that this southerly route be studied**. It will take **your voice** as **our elected council members** to insure that this happens. **Please support the resolution to include this route in the study.**

Inquiries to the Council Office to insure a timely response. Should you wish to speak to any Official or Department personally, a complete list of contact information will be furnished at your request.

Please be brief and limit your comments to the specific subject matter on which you have requested to address the Council.

Please forward supporting documents to the Council Secretary for distribution to the Parish Council before your scheduled appearance in order for the Council to prepare themselves, if necessary.

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Repetitious comments and subject matter will be strictly limited.

A confirmation letter will follow when your name is placed on the agenda.

Sincerely,

LANCE MARINO

COUNCIL CHAIRMAN

## RIGHT TO DIRECT PARTICIPATION

### COUNCIL GUIDELINES

No person shall be denied the right to observe and, within Council guidelines, to address the Council, provided that the person has submitted a written request containing the nature of the subject to be discussed. All requests and pertinent information must be received by the Council Secretary at least one (1) week prior to the scheduled meeting. (Home Rule Charter, Article VII., Section I.)

Each person may speak once no longer than five (5) minutes except, with two-thirds (2/3)

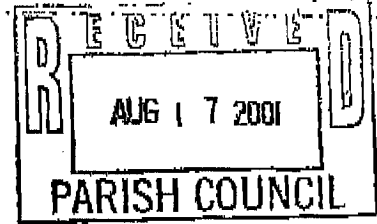
consent of the Council, an additional three (3) minutes may be granted to either individuals or groups. Any representative of a group addressing the Council shall state the complete name of the group in the letter request. A letter signed by a simple majority of the members of the Board of Directors of the group, organization or association stating permission to address the Council; the date and time that meeting was held giving said permission and the subject to be addressed. A bonafide charter of the organization certified (ratified) by the State of Louisiana shall be filed with the Council Secretary. A current list of Executive Officers and/or Board Members shall be submitted to the Council Secretary annually or when changes occur.

PETITION TO ADDRESS THE COUNCIL

2001-0314

St. Charles Parish Council Chairman  
P.O. Box 302  
Hahnville, LA 70057

Today's Date:



Dear Chairman:

Please place my name to address the Council on:

DATE: \_\_\_\_\_

SPECIFIC TOPIC: \_\_\_\_\_

DOCUMENTS, IF ANY: YES /  NO

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

COPY

COPY FOR YOUR INFORMATION

Dear Constituent:

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Sincerely,

*Barry Minnich*  
BARRY MINNICH  
COUNCIL CHAIRMAN

2001

(OVER)



# RIGHT TO DIRECT PARTICIPATION

## COUNCIL GUIDELINES

**COPY**

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fc:pe ✓ 2001

**PETITION TO ADDRESS THE COUNCIL**

Charles Parish Council Chairman

P. O. Box 302

Hahnville, LA 70057

Dear Chairman:

Please place my name to address the Council on:

DATE: 10-21-02

SPECIFIC TOPIC: DRAINAGE (ACT OF DEDICATION); UNANSWERED QUESTIONS ABOUT A WATER COURSE

DOCUMENTS, IF ANY: YES / NO

NAME: VICTOR L BUCCOLA

ADDRESS: 123 BURGUIERES LN  
DESTREHAN LA 70047

PHONE: 985-764-6411

SIGNATURE: Victor L Buccola

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A confirmation letter will follow when your name is placed on the agenda.

Sincerely,

CLAYTON FAUCHEUX  
COUNCIL CHAIRMAN

FAX TO 985-783-2067

2002

Today's Date

**COPY**

**COPY FOR YOUR INFORMATION**

**RIGHT TO DIRECT PARTICIPATION**

**COUNCIL GUIDELINES**

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**COPY FOR YOUR INFORMATION**

**COPY**

**REVISED  
2-2-04**

**PUBLIC HEARING  
PARTICIPATION**

Persons wishing to speak in *favor of* or in *opposition* to ordinances and/or resolutions (including Planning and Zoning petitions) scheduled for public hearing shall be allowed three (3) minutes.

**REVISED  
2-2-04**

Questions for the St. Charles Parish Council and the Administration (to be answered jointly, but preferably separately so the thoughts, beliefs and answers of the separate branches of local government can be compared).

The St. Charles Parish Council routinely accepts and approves Acts of Dedication and the Parish President routinely allows them to become law. Question: Once any Act of Dedication becomes law, is it mandatory for the proper public officials, e.g. code enforcement officials, to enforce all of the provisions contained within the Statement of Dedication (which is contained within an Act of Dedication)? If No, a detailed explanation is warranted and please cite specific state and/or local laws which allow for the selective, non-enforcement of code provisions which seemingly indicate that the enforcement of these code provisions is mandatory.

Question: Because any Act of Dedication is mandatory and includes a Statement of Dedication which is printed on every survey as is required by parish code, isn't it true that the enforcement of the Act of Dedication, including the provisions of the Statement of Dedication, are therefore ministerial duties? Yes or No.

Question: If the enforcement of all provisions and stipulations found in the Act of Dedication are ministerial duties, then enforcement is mandatory unless the Council votes to waive the requirements and/or to do otherwise. True or False? If False, please elaborate why.

Ministerial duties are required by law. Question: Are there any penalties (civil or criminal) or other consequences for parish officials not enforcing ministerial duties? If Yes, please elaborate. If no, there should be.

Our Parish Attorney has gone on record (4/21/03) to state the Act of Dedication is mandatory because it is required in our Code, however its enforcement is left to the discretion of the Administration and/or the public officials responsible for protecting and enforcing the provisions which are designed to protect the general welfare, safety and well being of all parish citizens. Question: Is it the intent (belief) of the Council (please poll each Councilperson for his/her response) that the enforcement of any Act of Dedication is mandatory (ministerial) or discretionary?

Question: If enforcement of any of the mandatory provisions required in an Act of Dedication are discretionary, please explain what part of local code or State law authorizes the Administration to designate any Act of Dedication as a discretionary duty? Please explain why and cite legal authority why their enforcement is left up to the discretion of any public official other than the St. Charles Parish Council.

Note: state and local law allows the use of discretion, but within guidelines and specific limits of authority granted by the governing authority. Question: What are the specific limits of any discretionary power which any code enforcement official, or the Administration may wield when faced with the decision to enforce, or not enforce, any provision of an Act of Dedication?

Comment: If the act of enforcement of any part of the Act of Dedication is subject to the discretion of those responsible for enforcing the code, then the Act of Dedication, which includes the Statement of Dedication is a big joke and all the people of St. Charles Parish are the big losers. Question: True or False? If False, a detailed explanation is warranted.

An ACT OF DEDICATION is a living, legal document which is required by and made to St. Charles Parish. Question: Who is St. Charles Parish? Answer: St. Charles Parish is every legal citizen and/or resident within this parish. True or False? If False, then please clearly explain, who is St. Charles Parish?

An Act of Dedication is a mandatory, legal document which developers are required to prepare and submit to the people of St. Charles Parish wherein the developer declares that his dedications and grants shall be used for the benefit of St. Charles Parish or any successor government body of St. Charles Parish, which shall be bound by all the terms and conditions contained within the Act of Dedication. Question: Isn't this provision of the agreement a mandatory obligation, and

therefore a ministerial duty of all parish employees to enforce?

**Question:** Can the Council or the Administration cite any example in the history of St. Charles Parish when a legal public servitude has been abandoned without Council approval? If Yes, please cite a recent example. If No, please cite any example in the history of St. Charles Parish when a legal public servitude has been abandoned with Council approval.

**Question:** Can the St. Charles Parish Administration, by omission or commission, convey property rights (assigned to the general public) without an ordinance by the council? If Yes, please provide specific legal authority of state and /or local law which authorizes the exercise of such power by anyone other than the governing authority. If No, is the mere conveyance (to an individual property owner) of property rights dedicated by ordinance to the public use (e.g., a drainage servitude) a legal option or a use of unauthorized power, or an abuse of authorized power? Please explain in detail.

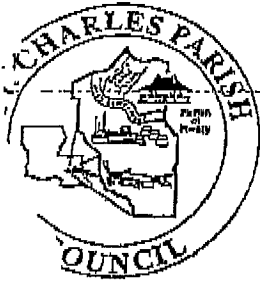
**Question:** Is a legal public servitude for drainage subject to prescriptive use? If yes, please cite legal authority and provide an example of any such situation in St. Charles Parish. If No, is the Parish Administration required to ensure (maintain and police) that the legal public servitude for drainage is not used in any manner by any person or persons which is inconsistent with the purpose for which the servitude was initially dedicated to the general public?

Please cite references to all provisions in local code and state law which apply specifically to situations which allow the Administration to use any measure of discretion when determining when to enforce, or not enforce, any and all provisions of an Act of Dedication.

**NOTE:** The decision of the Council and the Administration to provide answers to some or all of these questions is not mandatory, i.e. it is not a ministerial duty. If any of the submitted questions can not, or will not, be satisfactorily answered for whatever reasons, please explain those reasons thoroughly and indicate at which time and date the questions will be answered for the benefit of the citizens of St. Charles Parish.

These questions were handed to the Council and the Administration during the Persons to Address the Council session on Monday, May 3, 2003.

FILE



# PARISH OF ST. CHARLES

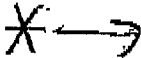
**LANCE MARINO**  
COUNCILMAN, DISTRICT VI

## MEMORANDUM

DATE: FEBRUARY 14, 2003

TO: MR. BOBBY RAYMOND  
LEGAL SERVICES DIRECTOR

FROM: LANCE MARINO, CHAIRMAN  
(COUNCILMAN, DISTRICT VI)



Please address the questions on the attached sheet before the Monday, February 17, 2003, Council Meeting.

Please send response to Ms. Barbara Jacob so she can supply copies for all Council Members.

Mr. Victor Buccola will address the Parish Council on February 17, 2003, requesting answers.

LM/BJJ:ag

attachment

Office  
St. Charles Parish  
P.O. Box 302  
Mahnville, LA 70057  
Phone: (85) 783-5000  
Fax: (85) 783-2067  
<http://www.st-charles.la.us>

Residence:  
660 Pine Street  
Norco, LA 70079  
Phone: (85) 764-4095  
Fax: (85) 764-0989

1/21/03 Parish Council Meeting

Transcript of Questions made during  
Council Address by Victor Buccola

Mr. Victor Buccola: Comments regarding statements and comments made during public hearing on summary number 2002-0529 on 1/6/03

RE: Public Hearing two weeks ago about drainage servitudes, discussion between Councilman Ramchandran and Legal Services Director Bobby Raymond

Mr. Buccola suggested that someone should ask the following questions:

\* → Q- Ask Mr. Raymond about the Parish allowing property owners to install fences or any type construction in an open swale ditch or ask about Parish allowing property owners to pave driveways or parking lots over drainage servitudes without first having installed culverts or catch basins every 40 feet and in such a manner to allow all surrounding property owners to benefit from the intended dedicated use of that drainage servitude.

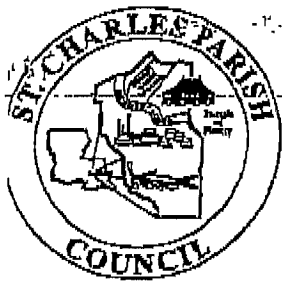
\* → Q- Why does this administration allow some property owners whose land is legally set aside for drainage purposes to use their drainage servitude as their personal back yard dump for tree limbs and other debris

Referring to LA Revised Statutes (State Law on exercising police power) 33.4:773.A Scope of Building Codes - there was conflict of what State Law allows

Q- Someone should ask Mr. Raymond to offer additional advice – It is incumbent upon this Council to insist on higher standards from these so-called professionals, whether it be engineers or architects, whatever the case may be, by strengthening or increasing the minimum requirements or standards expected from any of them who want to do or now do business with the Parish or in the Parish.

Q- Ask Legal Services Dept. – if this section of State Law applies, and if he finds it does not apply, then please ask him why it does not apply to St. Charles Parish.





# PARISH OF ST. CHARLES

## CLAYTON "SNOOKIE" FAUCHEUX

COUNCILMAN AT LARGE, DIVISION B

### MEMORANDUM

DATE: NOVEMBER 7, 2002

TO: PARISH COUNCIL MEMBERS

FROM: CLAYTON "SNOOKIE" FAUCHEUX  
 CHAIRMAN  
 (AT LARGE, DIVISION B)

\* → At the July 22, 2002, Council Meeting, Mr. Victor Buccola directed several questions to the Council. Attached are the answers to these questions from Mr. Bush.

Please contact me if you feel additional information is needed.

SF/BBJ:ppd

attachment

*Office*  
 St. Charles Parish  
 P.O. Box 302  
 Hahnville, LA 70057  
 (504) 783-5000  
 Fax: (504) 783-2057  
<http://www.st-charles.la.us>

*Residence:*  
 P.O. Box 1342  
 140 N. Oak Court  
 Luling, LA 70070  
 (504) 785-8588  
 Fax: (504) 785-0347



# ST. CHARLES PARISH

## DEPARTMENT OF PUBLIC WORKS

P.O. BOX 705 • LULING, LOUISIANA 70070  
(985) 783-5100 • (985) 783-5102 • FAX (985) 785-2207

ALBERT D. LAQUE  
Parish President

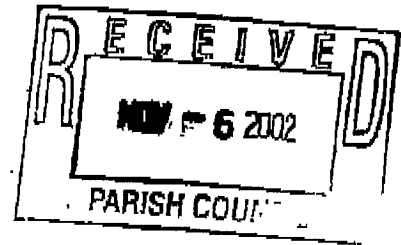
GREGORY E. BUSH, LTC, USA, Retired  
Director

November 4, 2002

TO: Mr. Clayton "Snookie" Faucheux  
Councilman-at-Large, Division B

FROM: Gregory E. Bush, LTC, USA, Retired  
Director of Public Works/Wastewater

SUBJECT: Ormond Center Canal - Drainage - Victor Buccola



Reference the eleven questions from the July 22, 2002 Council Meeting. Mr. Buccola has an outstanding lawsuit against the Parish; therefore, some of the questions cannot be answered because of this pending litigation. The questions that can be answered are:

*\* LITIGATION IS NO LONGER PENDING - ANSWERS PLEASE*

1. Who will be responsible for and pay for excavation of this property, including the utilities (gas, electric and infrastructure therein) when the 5' culvert proves to be inadequate?

Answer: The developer incurs all costs until final dedication to the Parish.

- \* 2. If this major drainage canal was not public ownership, why did the developer first ask to install 2-60' culverts then inexplicitly ask to install 1-60' culvert?

Answer: The first part of this question cannot be answered due to pending litigation. The second part of this question should be directed to the developer.

3. Why was he given permission by Public Works on exactly the same date to do both?

Answer: The previous Director would have to answer this question.

4. Who is responsible for preparing the 2 drainage studies that first required 2 culverts than only one 60' culvert?

Answer: J. Michael Dixon was the engineer for the developer.

5. Where are the copies of the drainage studies for this area?

Answer: The Department of Public Works.

6. Does the Parish have another related drainage study – one which recommends 2-70" culverts upstream from the area we are discussing?

Answer: No.

7. If these conflicting drainage studies do exist the drainage that has been recommended and partially installed is equivalent to putting a hose nozzle on a funnel.

Answer: This question is not applicable.

- \* 8. Why does the Parish need servitude to maintain a drainage servitude it already owns?

Answer: This question cannot be answered due to pending litigation.

- \* 9. Why does the section of state law which pertains to expropriation of land or improvements for drainage canals or drainage projects not apply to St. Charles Parish or to the canal that is the subject of this moratorium?

Answer: This question cannot be answered due to pending litigation.

- \* 10. Why do the various sections of state law, which prohibits the interference, and obstruction of drainage channels not apply to St. Charles Parish and the canal, which is the subject of this moratorium?

Answer: This question cannot be answered due to pending litigation.

- \* 11. Why is the major drainage canal that was recently covered over <sup>NOT</sup> subject to prescriptive use by the Parish?  
<sub>W/E</sub>

Answer: This question cannot be answered due to pending litigation.

GEB:red