STATE OF LOUISIANA
PARISH OF WASHINGTON

WASHINGTON PARISH COUNCIL
ORDINANCE No. 20-663

Introduced on February 10, 2020
Introduced by Chairman Fornea
Public hearing held on February 24, 2020

AN ORDINANCE AUTHORIZING THE TERMINATION
OF THE CHOCTAW ROAD LANDFILL JOINT VENTURE;
ACQUIRING THE UNDIVIDED 41.9% INTEREST
OF THE CITY OF BOGALUSA IN THE CHOCTAW ROAD LANDFILL;
ENTERING INTO AN AGREEMENT WITH THE CITY OF BOGALUSA
FOR DISPOSAL OF RESIDENTIAL SOLID WASTE
AT THE CHOCTAW ROAD LANDFILL
AND PROVIDING FOR MATTERS RELATED THERETO

WHEREAS, the Washington Parish Government, hereinafter referred to as “the Parish”
and the City of Bogalusa, hereinafter referred to as “Bogalusa” are owners of a joint
venture known as the Choctaw Road Landfill, hereinafter referred to as the “Landfill”;
and

WHEREAS, the Parish and Bogalusa acquired, constructed, operated and maintained a
landfill for the disposal of solid waste with the agreed upon percentages for sharing of
acquisition costs, construction costs, operating costs and revenue being 58.1% for the
Parish and 41.9% for Bogalusa all in accordance with an intergovernmental agreement;
and

WHEREAS, the Parish and Bogalusa purchased from Gaylord Container Corporation by
act dated June 3, 4 and 18, 1987 of record in COB 378, Page 17, Washington Parish,
Louisiana, the immovable property described therein in the proportion of an undivided
58.1% interest to the Parish and an undivided 41.9% interest to Bogalusa; and

WHEREAS, Bogalusa lacks sufficient revenue sources to fulfill its financial obligations
to the joint venture as set forth in the intergovernmental agreement with the balance due
the Choctaw Road Landfill Joint Venture Fund by Bogalusa having accumulated over an
extended period of time dating back to at least 2004; and

WHEREAS, in order to fulfill its statutory obligation to provide for solid waste disposal
for the health, safety and welfare of its citizens, the Parish has funded since at least 2004
the full amount due the Choctaw Road Landfill Joint Venture Fund which include
amounts due by Bogalusa, in excess of their contributions from a dedicated millage; and

WHEREAS, the continued operation of the Landfill under the present intergovernmental
agreement is fiscally detrimental to the Landfill, Parish and Bogalusa, and does not serve
the interests of the health, safety and welfare of the residents of Washington Parish, Louisiana; and

WHEREAS, a resolution of the matter would be an intergovernmental agreement terminating the joint venture with Bogalusa transferring its ownership interest in the Landfill to the Parish and containing provisions for Bogalusa for disposal of solid waste at a reasonable rate to Bogalusa and under such terms and conditions contained herein so that there will be no gratuitous benefit to either Bogalusa or the Parish.

BE IT ORDAINED, that the Parish President, Richard Ned Thomas, is authorized to take any action and to execute any and all documents, including, but not limited to, executing an intergovernmental agreement, and/or any other agreement with the Bogalusa to dissolve or terminate the Choctaw Road Landfill Joint Venture; acquiring the undivided 41.9% interest of the Bogalusa in all of the assets, including immovable property with all improvements thereon described in act of record in COB 378, Page 17, Washington Parish, Louisiana, and liabilities with the following terms and conditions, to-wit:

1. Transferring Bogalusa’s 41.9% undivided interest in all of the assets, including the immovable property with all improvements thereon described in act of record in COB 378, Page 17, Washington Parish, Louisiana, and liabilities of the Choctaw Road Landfill Joint Venture to the Parish effective December 31, 2019, for a sum equal to a minimum of the amount due from Bogalusa on December 31, 2019, to the Joint Venture less the estimated amount of the payment to be made from Bogalusa’s Landfill Fund in 2020 (estimated at $384,500.00) provided said amount does not exceed Bogalusa’s projected 2019 ad valorem tax collection.

2. Taking all actions and executing all documents necessary to effectuate the transfer of permits issued to the Joint Venture by Louisiana Department of Environmental Quality for operation of the Choctaw Road Landfill to the Parish.

3. Requiring the Choctaw Road Landfill Joint Venture fund to adjust the capital accounts of Bogalusa and the Parish to reflect an amount due to the Parish from Bogalusa for the capital cost shortfalls as agreed between Bogalusa and the Parish totaling $194,158.00.

4. Requiring Bogalusa to begin paying the $194,158.00 outstanding capital costs no later than March 31, 2021 from Bogalusa’s Landfill Fund in the amount of the excess of the dedicated ad valorem taxes collected in the Landfill Fund over the charges for residential landfill charges paid under the proposed intergovernmental agreement for residential disposal. The balance of the capital costs shall become due on December 31, 2023 and shall be payable in full to the Parish no later than March 31, 2024.

5. Providing for a term of ten (10) years for disposition of Bogalusa’s residential solid waste as well as the City of Bogalusa’s solid waste in Choctaw Road Landfill at a rate of $37.50 per ton through December 31, 2029 for garbage, residential construction debris, sludge, tree limbs, yard trash and other noncommercial categories as historically provided to the residents of Bogalusa by the Choctaw Road Landfill with the rate to be adjusted annually by the amount of the increase in the consumer price index for the prior calendar year end of
December 31st as published by the United States government beginning January 1, 2021. Said rates shall be applicable to all residential solid waste disposal as of January 1, 2020. Bogalusa will, in addition to tonnage fees previously described, pay to the Landfill cost incurred regarding the disposal of tires or other goods delivered to the landfill for further disposal through third parties.

BE IT FURTHER ORDAINED, that the Parish President is authorized to execute any and all documents necessary to accomplish the provisions of this Ordinance.

BE IT FURTHER ORDAINED, that the effective date of this Ordinance shall be upon the date of the signature by the Parish President.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: (6) Harry, Fornea, McMasters, Culpepper, Rice and Wagner

NAYS: (0)

ABSENT: (1) King

The ordinance was declared adopted on the 24th day of February 2020.

WASHINGTON PARISH COUNCIL

By: [Signature]
Thomas R. Fornea, Chairman

WASHINGTON PARISH GOVERNMENT

By: [Signature]
Richard N. Thomas, Jr., President
CERTIFICATION

I, SARAH COOK, CLERK TO THE WASHINGTON PARISH COUNCIL, do hereby certify that this is a true and correct copy of the Ordinance adopted by the Washington Parish Council, in regular session convened on the 24th day of February, 2020, at which meeting a quorum was present.

GIVEN UNDER MY OFFICIAL SIGNATURE AND SEAL OF OFFICE, this 24th day of February 2020, Franklinton, Louisiana.

[Signature]
Clerk
Washington Parish Council

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