

SHELLY HORTON JR  
MAYOR



STEPHANIE SULLIVANT-COLLIER  
CAO/TOWN CLERK

# TOWN OF BENTON LOUISIANA

## REGULAR SESSION MINUTES MAYOR AND BOARD OF ALDERMAN TOWN OF BENTON 105 SIBLEY STREET, BENTON, BOSSIER PARISH, LOUISIANA MONDAY, FEBRUARY 13, 2023, 6:00 PM

The Town of Benton Council met in regular and legal session on the 13th day of February 2023, at 6:00 p.m., in the Benton Council Chambers, Benton Town Hall, Benton, Louisiana. The Mayor, Shelly Horton, called the Regular Session to order. The invocation was given by Alderman Manning, and the pledge of allegiance was led by Alderman Cathcart. Mrs. Stephanie Collier, called the roll, with all members present as follows:

Alderman Jackie Carr – Present

Alderman Tiffany Manning – Present

Alderman Ron Jones - Present

Alderman James Friday - Present

Alderman Wayne Cathcart -Present

Others present were Stephanie Collier, Attorney Neil Erwin, Chief Collier, and members of the public.

Motion was made by Alderman Friday, seconded by Alderman Manning to approve the agenda. The mayor called for public comments. There being none, motion carried with the following votes recorded:

YEAS: Alderman Carr, Alderman Manning, Alderman Jones, Alderman Friday, and Alderman Cathcart.

NAYS: None

ABSTAIN: None

ABSENT: None

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In accordance with the Americans with Disabilities Act, if you need special assistance, please contact Stephanie Collier at (318) 965-2781 describing the assistance that is necessary.

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Motion was made by Alderman Cathcart, seconded by Alderman Friday to approve the minutes of the February meeting. The mayor called for public comments. There being none, motion carried with the following votes recorded:

YEAS: Alderman Carr, Alderman Manning, Alderman Jones, Alderman Friday, and Alderman Cathcart.

NAYS: None

ABSTAIN: None

ABSENT: None

## **OLD BUSINESS**

1. None

## **NEW BUSINESS**

Mayor Horton welcomed the first visitor to come up. Mr. Brooks introduced himself and stated that they are reviving the “Impact Benton” program. They hope to focus more on helping people who are unable to clean their yards. March 25 Impact Benton will be hosting a kick off party at the Simpson Street Park and hopes everyone can come. Alderman Cathcart asked if it is the local churches that are putting it together. Mr. Brooks stated that yes, it is a group of local churches. Alderman Manning stated that their church is involved as well.

Mayor Horton stated that Robert Berry and Gary Wyche are here to give an update on all that has been going on at the Cypress Park. Gary Wyche gave a brief update on the activities in the Park such as the school ag program and how they have provided class space at the park and also an area to house the animals that students will raise. Director Berry spoke to council about the need for an alternate water source after the lengthy outage cause by the winter storm. Director Berry discussed how the Black Bayou reservoir was originally bult for the purpose of supplying the Town of Benton and the surrounding area with water. But not long after the agreement was made with Bossier City to be the supplier of water for Benton and CBB. He stated that he has the original plans and if anyone wanted to review them to contact him at Cypress Black Bayou Park. Mayor Horton thanked them for the update and stated that the Park he has really been impressed by the improvements made to the entire Park.

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Mayor Horton announced that Town Superintendent, Johnnie Wright has retired after 42 years of service. He asked James Jackson who has been with the town for 16 years to be appointed as Town Superintendent. James has worked with Johnnie for 16 years and is knowledgeable in all areas of the maintenance of the Town. A motion was made by Alderman Carr, seconded by Alderman Manning to appoint James Jackson as Town Superintendent. The mayor called for public comments. There being none, motion carried with the following votes recorded:

YEAS: Alderman Carr, Alderman Manning, Alderman Jones, Alderman Friday, and Alderman Cathcart.

NAYS: None

ABSTAIN: None

ABSENT: None

Chief Collier spoke to council and informed them that Officer Joel Faulk has resigned which has left a vacant position. Chief Collier then introduced Mr. Brandon Howard. Mr. Howard is no commissioned at this time but will be enrolled and complete the Police Academy before the end of the year. Mr. Howard is new to law enforcement and is eager to learn. Currently he has completed his firearm training and certification. Alderman Cathcart made a motion, seconded by Alderman Carr to approve the new full-time hire to fill the vacancy, Brandon Howard. The mayor called for public comments. There being none, motion carried with the following votes recorded:

YEAS: Alderman Carr, Alderman Manning, Alderman Jones, Alderman Friday, and Alderman Cathcart.

NAYS: None

ABSTAIN: None

ABSENT: None

Mayor Horton requested approval of the 2023 Street Project which will completely rebuild all of Simpson Street from Fifth (Hwy 162) to Sibley, and then Sibley to Hwy 3. When bids are tabulated, it will come back to the council for approval. A motion was made by Alderman Friday, seconded by Alderman Jones to approve the 2023 Street Project. The mayor called for public comments. There being none, motion carried with the following votes recorded:

YEAS: Alderman Carr, Alderman Manning, Alderman Jones, Alderman Friday, and Alderman Cathcart.

NAYS: None

ABSTAIN: None

ABSENT: None

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Resolution 1 of 2023

A RESOLUTION ADOPTING PROCEDURES TO BE UTILIZED FOR PROCUREMENT WITH LOUISIANA COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

WHEREAS, 2 CFR 200.317-326 establishes regulations pertaining to the use of Federal Funds for procurement; and

WHEREAS, each entity using Federal Funds for procurement must, in accordance with 2 CFR 200.317-326, have established Procurement Procedures; and

WHEREAS, any City of Benton, Louisiana Community Development Block Grant (LCDBG) funds are affected by this requirement;

NOW, THEREFORE, BE IT RESOLVED by the Town of Benton that the following Procurement Policy be adopted for use with respect to the utilization of Louisiana Community Development Block Grant Funds:

**PROCUREMENT POLICY**

These procedures are intended to serve as guidelines for the procurement of supplies, equipment, construction services and professional services for the LCDBG Program. These guidelines meet the standards established in 2 CFR 200.317-326 and state requirements.

CODE OF CONDUCT

No employee, officer, or agent of the Town of Benton shall participate in the selection or in the award or administration of a contract supported by LCDBG funds if a conflict of interest, real or apparent, would be involved. Such a conflict could arise if the employee, officer, or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any of the above, has a financial or other interest in the firm selected for award.

No officer, employee or agent of the Town of Benton shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the financial interest is not substantial, or the gift is an unsolicited item of nominal intrinsic value.

Any alleged violations of these standards of conduct shall be referred to the Town of Benton Attorney. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer; where violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.

PROCUREMENT PROCEDURES

The director or supervisor of each department or agency of the Town of Benton responsible for procurement of services, supplies, equipment, or construction obtained with LCDBG funds shall review all proposed procurement actions to avoid the purchase of unnecessary or duplicative items. Such reviews shall consider

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consolidation or breaking out to obtain a more economical purchase. When determined appropriate by the Director or Supervisor, an analysis to determine which approach would be the most economical shall be undertaken.

The Town of Benton shall take affirmative steps to assure that small and minority firms, women's business enterprises, and labor surplus firms are solicited whenever they are potential qualified sources. The Town of Benton shall also consider the feasibility of dividing total requirements into smaller tasks or quantities so as to permit maximum participation by small and minority firms, women's business enterprises, and labor surplus firms. Where permitted by regulations, delivery schedules will be developed which will include participation by such businesses.

The Town of Benton shall assist the prime contractor whenever possible by providing copies of lists which identify qualified small and minority firms, women's business enterprises, and labor surplus area firms.

### SELECTION PROCEDURES

ALL procurement carried out with LCDBG funds, where Town of Benton is a direct party, shall be carried out in a manner that provides maximum free and open competition. Procurement procedures will not restrict or eliminate competition. Town of Benton shall not place unreasonable requirements on firms for them to qualify to do business. Nor will Town of Benton encourage or participate in noncompetitive practices among firms. The Town of Benton is alert to organizational conflicts which would jeopardize the negotiation process and limit competition. Town of Benton will not require unnecessary experience or bonding requirements.

Pursuant to state law, all solicitations of offers shall incorporate a clear accurate description of the technical requirements for the material, service, or product to be procured. In competitive procurements, these descriptions shall not contain features which unduly limit competition. The description may include a statement of the qualitative nature of the material, product, or service and the minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications shall be avoided whenever possible. A "brand name or equal" description may be used to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offerors shall be clearly stated.

All solicitations of offers shall clearly set forth all requirements which offerors must fulfill and all other factors to be used in evaluating bids, proposals, or statements of qualifications.

Contracts shall be awarded only to responsible contractors/firms that possess the potential ability to perform successfully under the terms and conditions of the proposed procurement.

Consideration shall be given to such factors as the contractor's/firm's capacity, integrity, compliance with public policy, record of past performance, and financial and technical resources.

### METHODS OF PROCUREMENT

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Direct procurement by the Town of Benton shall be made by using one of the following methods depending on the type of service to be procured.

**Procurement by Micro-Purchases.** Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold. To the extent practicable, the non-Federal entity must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.

**Small Purchase Procedures.** Relatively simple, informal procurement procedures will be used where the purchase of materials, supplies, equipment, and/or other property will not cost in the aggregate more than \$30,000, and for construction with a cost of less than \$150,000, except where further limited by state law or LCDBG policy. The small purchase procedure can also be utilized to procure administrative consulting and other professional services costing less than \$150,000. The only exception to professional services is for architectural/engineering services that must be procured through competitive negotiation. The procurement officer must obtain a minimum of three oral or written price or rate quotations from qualified sources. Documentation on all quotations received (whether oral or written) shall be made a part of the file.

**Competitive Sealed Bids/Formal Advertising.** Under this procedure bids are publicly advertised in accordance with the state's Public Bid Law. A firm fixed price contract (either lump sum or unit price) shall be awarded to the responsible bidder whose bid is lowest in price and that conforms to all the material terms and conditions of the advertisement for bids.

Competitive sealed bids can be used ONLY when the following criteria are met: (1) there are complete, adequate, and realistic specifications or purchase descriptions; (2) there are two or more responsible bidders who are willing and able to compete effectively; (3) the procurement can be made on a firm fixed-price contract and selection of the successful bidder can appropriately be made principally on the basis of price.

When formal advertising is used the following conditions shall be met.

- i. The advertisement for bids shall be publicly advertised in accordance with state law.
- ii. The advertisement for bids, including the specifications and pertinent attachments, shall clearly define the items or services needed for the bidders to properly respond to the advertisement.
- iii. All bids shall be opened publicly at the time and place specified in the advertisement for bids.
- iv. A firm fixed-price contract award shall be made by written notice to the lowest responsible bidder whose bid conforms to the advertisement for bids. Where specified in the bid documents, factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts shall only be used to determine low bid when prior experience indicates that such discounts are generally taken.

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- v. Notwithstanding the above, any or all bids may be rejected when there are sound documented business reasons in the best interest of the LCDBG Program.

Competitive Negotiation: Requests for Proposals/Qualification Statements. This method may be used when formal advertising is not appropriate. Architectural and engineering services must be procured via requests for qualification statements; administrative consulting services must be procured via requests for proposals. Other professional services may also be procured by requests for proposals. The following procedures will be used for competitive negotiation:

- i. Requests for proposals or qualification statements must be advertised in a newspaper in the nearest metropolitan area in accordance with the rules of the state's LCDBG Program. All submittals will be honored and entered into the competition.
- ii. The package for proposals or qualification statements shall identify all significant evaluation factors or selection criteria, including the corresponding point system that will be used to rate the proposals/qualification statements.
- iii. The selecting official (or committee, if one is designated) shall review all proposals and statements received and make a technical evaluation of each. This shall also include a written statement that identifies the basis upon which the selection was made.
- iv. Contract award will be made to the responsible offeror whose submission is deemed most appropriate to the Town of Benton with consideration for price, qualifications, and other factors set by the local government. Unsuccessful offerors shall be notified in writing within ten working days of contract award. Documentation of notification shall be maintained in the contract selection file for the individual project.
- v. Following the review of the qualification statements received, the most qualified competitor will be selected to enter contract negotiation. This shall always include negotiation of price to insure cost reasonableness. At the conclusion of successful negotiation, the competitor shall be invited to enter into a contract.

Noncompetitive Negotiation/Sole Source. Noncompetitive negotiation shall be used when small purchase, formal advertising, or competitive negotiation procedures are not feasible. Noncompetitive negotiation will involve solicitations of a proposal from only one source. This can also occur if solicitations under the competitive negotiation procedures result in only one proposal or qualification statement. Noncompetitive negotiation shall only be used when written authorization has been obtained from the state's Office of Community Development, with the one exception noted. To qualify for this type of procurement, one of the following circumstances must apply:

- i. The item or service is available only from a single source.

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- ii. It is determined that a public urgency or emergency exists and the urgency will not permit the delay beyond the time needed to employ one of the other three methods of procurement.
- iii. The state expressly authorizes noncompetitive proposes in response to a written request from the Town of Benton.
- iv. After solicitation of a number of sources, competition is determined to be inadequate.

### CONTRACT PRICING

Cost plus percentage of cost and percentage of construction cost methods of contracting MUST NOT be used. Town of Benton shall perform cost or pricing analysis in connection with EVERY procurement action including contract modifications. Costs or prices based on estimated costs for LCDBG projects shall be allowed only to the extent that the costs incurred, or the cost estimates included in negotiated prices are consistent with federal cost principals. Cost reimbursement, fixed price, per diem contracts, or a combination thereof may be utilized as appropriate.

A cost reimbursement type contract is most appropriate when the scope and extent of the work to be performed are not clearly defined. A cost reimbursement contract MUST clearly establish a cost ceiling which may not be exceeded without formally amending the contract and must identify a fixed dollar profit that may not be increased unless there is a contract amendment that increases the scope of the work.

A fixed price contract is appropriate when the scope of work is very well defined and product oriented. A fixed price contract MUST establish a guaranteed price that may not increase unless there is a contract amendment that increases the scope of the work.

A per diem contract expected to exceed \$10,000 will not be considered unless Town of Benton has determined that a cost reimbursable or fixed price contract is not appropriate. Cost and profit included in the per diem rate MUST be specifically negotiated and shown separately in the proposal. The contract must clearly establish a ceiling price that may not be exceeded without formally amending the contract.

The Town of Benton may use a multiplier type of compensation under either the cost reimbursement or fixed price contract. The multiplier and the portions of the multiplier applicable to overhead and profit must be specifically negotiated and separately identified in the contract.

### PROCUREMENT RECORDS

The Town of Benton shall maintain records sufficient to detail the history of the procurement. The records shall include the following contract provisions and conditions, as applicable for construction contracts.

(A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or

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legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be affected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

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(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See §200.322 Procurement of recovered materials.

(K) Pursuant to LRS 38:2227, public entities are required to obtain an attestation regarding past criminal convictions, if any, from the lowest bidder responding to advertisements and letting for bids for public works contracts. The Past Criminal Convictions of Bidders form must be included in all contracts for public works.

(L) Pursuant to LRS 38:2212.10, all bidders and contractors performing physical services with public entities must be registered and participate in a status verification system to verify that all employees in the state are legal citizens of the United States or are legal aliens. The bidder/contractor must sign an attestation that they are complying with this law, and that all subcontractors will comply with this law.

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(M) Pursuant to LRS 23:1726 bidders and contractors must certify that they are not being assessed penalties regarding unpaid worker's compensation insurance.

### CONTRACT ADMINISTRATION

The Town of Benton shall maintain contract administration systems that ensure contractors/firms perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. The accepted performance of contractors/ firms will be a factor in subsequent contract negotiations and award. Remedial action by the Town of Benton through legal processes shall be considered in instances of identified significant nonperformance.

A motion was made by Alderman Friday, seconded by Alderman Carr to adopt Resolution 1 of 2023. The mayor called for public comments. There being none, motion carried with the following votes recorded:

YEAS: Alderman Carr, Alderman Manning, Alderman Jones, Alderman Friday, and Alderman Cathcart.

NAYS: None

ABSTAIN: None

ABSENT: None

### RESOLUTION 2 of 2023

#### A RESOLUTION ADOPTING A COMMUNICATIONS POLICY FOR PERSONS WITH SENSORY IMPAIRMENTS

BE IT RESOLVED that the Town of Benton will use the Louisiana Relay Service (LRS) for communicating with the hearing impaired. This is a text to voice/voice to text service, in the general category of Telecommunications Relay Services (TRS). Communication Assistants (CAs) facilitate communication between TTY and voice telephones by voicing everything typed on TTY and typing everything voiced on the conventional telephone.

WHEREAS the Telecommunications Relay Service (TRS) is a free, 24-hour service that allows people who are Deaf, Hard of Hearing, Deaf-Blind or Speech Disabled to communicate via the telephone. Through the use of specialized equipment, relay users can communicate freely with hearing friends, family and businesses—or with other relay users. This is a service that hearing, or speech disabled customers can rely on for assistance with creating a personal communication solution at home or work. For Louisiana Relay Service dial 800-846-5277 (TDD) or 800-947-5277 (voice), or for quick access dial 711.

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SECTION 1:

- a. the Town will ensure that the Louisiana Relay Service is publicized in the next edition of *The Bossier Press Tribune*.
- b. The Town will take steps to ensure that all appropriate employees are trained and practiced in using the Louisiana telephone relay service to make and receive calls.
- c. Qualified sign language interpreters or other auxiliary aids and services shall be made available upon request for Town Council meetings/work sessions and other public meetings; advance agendas carry contact information for the submission of such requests.
- d. Posted on all Public Notices: A person with a disability who requires an accommodation or an auxiliary aid or service such as an assistive listening device or a sign language interpreter, to participate in a public meeting should contact the Town Clerk's Office at (318) 965-2781 as far in advance as possible, but no later than forty-eight (48) hours prior to the scheduled time of the meeting.
- e. Town Council Minutes and other Town printed materials are available in large print upon request.
- f. In simple transactions such as bill paying at the Town's utilities department or filing applications with the Town Clerk, employees will communicate with individuals who have hearing impairments through written materials and exchange of written notes.

A motion was made by Alderman Carr, seconded by Alderman Cathcart to adopt Resolution 2 of 2023. The mayor called for public comments. There being none, motion carried with the following votes recorded:

YEAS: Alderman Carr, Alderman Manning, Alderman Jones, Alderman Friday, and Alderman Cathcart.

NAYS: None

ABSTAIN: None

ABSENT: None

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## Resolution 3 of 2023

2023 State of Louisiana  
Town of Benton

### A RESOLUTION ADOPTING A LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENCY PERSONS

WHEREAS the Board of Aldermen does hereby agree with and approve of the implementation of the Language Access Plan for Limited English Proficiency Persons as follows:

#### I. Introduction

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) and Executive Order 13166 require that recipients of federal funds take responsible steps to ensure meaningful access by persons with Limited English Proficiency (LEP persons). The Town of Benton is a recipient of federal funds for a portion of its programs and, thus obligated to reduce language barriers that can preclude meaningful access by LEP persons to Benton's Programs. The Town of Benton has prepared this Language Access Plan (LAP), which defines the actions to be taken to ensure meaningful access to agency services, programs, and activities on the part of persons who have limited English proficiency.

In preparing this LAP, the Town of Benton conducted a four-factor analysis, considering (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the Town of Benton or its federally funded programs, (2) frequency with which LEP persons come into contact with Benton's programs, (3) nature and importance of the program, activity, or service to people's lives, and (4) resources available and costs. The Town of Benton will review and update, on an annual basis, this LAP in order to ensure continued responsiveness to community needs.

#### II. Description of Covered Program(s)

The Town of Benton administers the following federal and state grant program(s):

##### A. Louisiana Community Development Block Grant Program (LCDBG)

The LCDBG Program is a federally funded (HUD) program which provides grants to units of local government in non-entitlement areas for the development of viable communities by providing a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. Grants are made to these communities for primary needs such as potable water, water for fire protection, sewer, streets, and economic development activities.

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B. Local Government Assistance Program (LGAP)

LGAP funds are used to assist units of local government for needed infrastructure and long-term capital improvements in rural areas. The LGAP Program is designed to fill the gaps where there are no federal or other funds available to assist a unit of local government with an identified high priority need. Priority is given to those projects which identify and resolve basic human health and safety needs.

III. Four-factor Analysis

The following four-factor analysis will serve as the guide for determining which, if any, language assistance measures the Town of Benton will undertake to provide access to the covered programs for LEP persons.

- A. Number or proportion of LEP persons eligible to be served or likely to be encountered by the Town of Benton or its federally funded programs. Per the 2016-2020 American Community Survey 5-Year estimates, Benton’s population is 2,470. Approximately 95.7% of Benton’s population speaks English, and 4.3% speak a language other than English. 2.3% of Benton’s population speaks Spanish or Spanish Creole, and 1.9% speak other Indo-European languages and 0% speak Asian and Pacific Island Languages. No other ethnicity has a sizeable limited English proficiency. The table below shows the LEP percentages for each of the above mentioned languages.

Language 1 (name)	Population That Speaks a Language Other Than English	LEP Number	LEP % of Total Benton Population
Spanish/Spanish Creole	52	26	2.3%
Other Indo-European	43	0	1.9%
Asian and Pacific Island	0	0	0%

1. LCDBG – Eligible applicants to the LCDBG program are non-entitlement communities in Louisiana, which includes the Town of Benton.

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2. LGAP – All Louisiana municipalities and parishes are eligible to apply for funds excluding the HUD entitlement cities: Alexandria, Baton Rouge, Bossier City, Kenner, Lafayette, Lake Charles, Monroe, New Orleans, and Shreveport.
- B. Frequency with which LEP persons come into contact with the programs.
1. LCDBG – Throughout the history of the LCDBG Program the Town of Benton has not encountered a LEP person.
  1. LGAP – There are no direct beneficiaries of the LGAP; all funds are granted to local governments.
- C. Nature and importance of the program, activity, or service provided by the program:
1. LCDBG – While LCDBG programs deal mostly with public infrastructure, there is some direct benefit to the beneficiaries of sewer and water hook-ups on private property. Gathering of income data in order to determine income level can result in contacting a LEP person(s). Also, CDBG has a Citizen Participation requirement in order for the Town of Benton to identify the community development needs and priorities. It will be necessary to ensure proper communication in order to complete these tasks.
  2. LGAP – There is no direct benefit in this program.
- D. Resources available and costs to the recipient
1. LCDBG – Documents determined to be a vital will be translated when contact is made with an LEP person and a language is identified. If necessary, the document will be faxed or emailed to a telephone interpreter for immediate translation by phone. Language assistance measures will be determined as needed upon initial contact and language identification. Also, written translation is available through computer software.
  2. LGAP – No resources are needed, as there are not documents produced which are necessary for public viewing.

#### IV. Actions to be taken by the Town of Benton

After careful consideration of the four-factors identified above, the Town of Benton will take the following actions:

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- A. The Town of Benton has appointed the following Language Access Coordinator to serve for all programs:
  - 1. Stephanie Sullivant-Collier, Town Clerk, 105 Sibley Street, Benton, LA 71006.
- B. The Town of Benton LAP will be distributed to all Town of Benton office employees.
- C. All Benton office employees and the Language Access Coordinator will maintain and be trained to use an I Speak Language Identification Document for use during encounters with LEP persons. After the appropriate language has been identified, the Benton Receptionist will contact the Language Access Coordinator for further instructions. If the need to access services is identified either by phone or email, Benton staff shall immediately contact their Language Access Coordinator who will take appropriate action to ensure meaningful communication.

A motion was made by Alderman Jones, seconded by Alderman Manning to adopt Resolution 3 of 2023. The mayor called for public comments. There being none, motion carried with the following votes recorded:

YEAS: Alderman Carr, Alderman Manning, Alderman Jones, Alderman Friday, and Alderman Cathcart.

NAYS: None

ABSTAIN: None

ABSENT: None

Motion was made by Alderman Cathcart seconded by Alderman Carr to approve the following permit renewals:

Dixie Mart

Flash Market

The mayor called for public comments. There being none, motion carried with the following votes recorded:

YEAS: Alderman Carr, Alderman Manning, Alderman Jones, Alderman Friday, and Alderman Cathcart.

NAYS: None

ABSTAIN: None

ABSENT: None

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Motion was made by Alderman Jones, seconded by Alderman Manning to approve the January financials and year to date budget. The mayor called for public comments. There being none, motion carried with the following votes recorded:

YEAS: Alderman Carr, Alderman Manning, Alderman Jones, Alderman Friday, and Alderman Cathcart.

NAYS: None

ABSTAIN: None

ABSENT: None

Motion was made by Alderman Friday, seconded by Alderman Manning to adjourn the meeting. The mayor called for public comments. There being none, motion carried with the following votes recorded:

YEAS: Alderman Carr, Alderman Manning, Alderman Jones, Alderman Friday, and Alderman Cathcart.

NAYS: None

ABSTAIN: None

ABSENT: None

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