

Minutes of Meeting
Louisiana Cemetery Board
February 21, 2013

A meeting of the Louisiana Cemetery Board was held February 21, 2013, at 1885 North Third Street, First Floor Main Conference Room, Baton Rouge, Louisiana, pursuant to notice. The meeting was called to order at 9:08 A.M.

Present were: Gerald W. Melancon, Chairman
Marilyn Leufroy, Vice-Chairman
Shelly M. Holloway, Secretary/Treasurer
F. Anton Wilbert, Board Member
Stacey L. Patin, Board Member
Richard C. Briede, Board Member
Louise F. Saenz, At-Large Board Member
Lucy L. McCann, Director
Sharon C. Mize, Special Counsel to the Board
Ryan M. Seidemann, Assistant Attorney General

Also present at the meeting was Harry Drew, Nikki Dicapò Deville, and Stephen Boudreaux, Legacy Funeral Holdings, LLC d/b/a Resthaven Gardens of Memory, Baton Rouge, Louisiana; Debbie Holmes, Argent Trust, Ruston, Louisiana; and L. Paul Raymond, Acme Mausoleum, New Orleans, Louisiana;

Mr. Seidemann stated while public comment is encouraged and welcomed, in order to streamline the rules process, the Board may want to consider adopting a policy regarding time limits for public comment.

Ms. Leufroy made a motion to amend the Agenda to include a discussion regarding the time allowed for public comments. The motion was seconded by Mr. Briede and a roll call vote was taken: Ms. Leufroy – yea; Mr. Wilbert – yea; Ms. Saenz – yea; Mr. Briede – yea Ms. Holloway – yea; and Ms. Patin – yea.

A proposed policy was disseminated to the Board Members and read into the record by Mr. Seidemann as follows:

“Members of the public attending meetings of the Louisiana Cemetery Board have the right to be recognized and heard as commenting on agenda items. However, an unlimited exercise of public comment will disrupt the public meeting. For this reason, the Board finds that it is appropriate to set certain parameters for public comment that both honor and permit the public’s right to be heard and to participate in the public meeting as well as allowing the Board to timely conduct its business and to maintain an orderly and timely agenda.

For these reasons, the Board adopts the following policy regarding public comment during its meetings:

1. For each agenda item for which public comment is requested, it shall be the general policy of the Board to allow each individual desiring to make public comment relevant to that agenda item a total five (5) minutes comment time.
2. The Chair shall have the sole discretion to grant a public comment speaker's request to loan, cede, defer, or yield his allotted time to another public comment speaker who has not yet addressed the Board.
3. The Chair may grant or deny speakers additional time to comment over and above the allotted time set forth herein.
4. However, under no circumstances, whether additional time is granted by the Chair or public comment speakers' allotted times are loaned, ceded, deferred or yielded and combined with other public comment speakers' allotted times, the **TOTAL ALLOTTED TIME FOR ALL PUBLIC COMMENT FOR EACH AGENDA ITEM SHALL NOT EXCEED TWENTY (20) MINUTES.**
5. Should the remarks of the public comment speaker be deemed not germane to the particular agenda item being discussed, or should the public comment speaker exceed his allotted time, the Chair may, in his discretion, end that public comment."

After discussion, Ms. Holloway made a motion to adopt the proposed policy as presented. The motion was seconded by Ms. Saenz and a roll call vote was taken: Ms. Holloway – yea; Ms. Patin – yea; Ms. Leufroy – yea; Mr. Wilbert – yea; Ms. Saenz – yea; and Mr. Briede – yea.

Mr. Seidemann advised the materials before the Board today are the draft versions of the proposed rules changes and are not public record. The draft is a work in progress. Once approved by the Board, they will be published in the Louisiana Register and subject to public comment. Public comment at today's meeting is certainly welcomed and will be allowed. In terms of formal review and comments, the appropriate time for that under the Administrative Procedure Act is after the publication of the rules in the Louisiana Register. At that time the board will accept formal written and oral comments to be considered as part of the final rule making process.

Each section of the proposed rules was read aloud by Mr. Seidemann. The Director provided a brief explanation for each section indicating if the section was new, moved, or revised. Time was allowed after each section for discussion by the board and after each chapter for discussion and comments by anyone in attendance at the meeting. Technical revisions and amendments were made to the draft based on discussions and comments.

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The meeting recessed for lunch at 11:45 A.M. and resumed at 12:45 P.M.

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At the conclusion of the review and discussion, Mr. Briede made a motion to accept the proposed rules as presented and amended and authorize the Director and Legal Counsel to make any necessary technical changes needed to conform with the Louisiana Register's requirement for publication and to move forward with the publication and promulgation of the rules. The motion was seconded by Ms. Leufroy and unanimously approved.

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There was a discussion regarding the time line for publication and promulgation. The Director advised time frame from initial publication until promulgation of the rules is at minimum four months. Mr. Seidemann stated, at best, we anticipate the rules to be published in the April issue of the Louisiana Register.

There was a discussion regarding the possibility of holding a public hearing to receive oral comments on the proposed rules once they are published. Mr. Seidemann advised a hearing would be for the purpose of accepting oral comment and the comment would be documented, we do have an obligation to respond to comments but no response is required at the public hearing.


After discussion, Ms. Leufroy made a motion to hold a public hearing, at a time and place to be determined after the rules have been published in accordance with the Administrative Procedure Act, for the purpose of accepting oral comments. The motion was seconded by Mr. Briede and unanimously approved.

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The Chairman thanked the Rules Committee Chair, Ms. Leufroy, the members of the committee, Ms. Patin and Ms. Holloway, the Director, and Legal Counsel, for the time and effort spent on the proposed changes to the rules.


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Since there was no further business, Ms. Saenz made a motion to adjourn at 3:10 P.M. The motion was seconded by Mr. Briede and unanimously approved.



Shelly M. Holloway, Secretary/Treasurer

Attested To:



Gerald W. Melancon, Chairman