

From: Michael Hebert mhebert@lawbecker.com
Subject: Public Records Request dated July 21, 2022
Date: July 27, 2022 at 5:34 PM
To: exec.com@lafayettedemocrats.org
Cc: Lauren Sylvest lsylvest@lawbecker.com, Stephanie Hanks smhanks@lawbecker.com

MH

Ms. Pritchard, in my capacity as Assistant City-Parish Attorney for Lafayette City-Parish Consolidated Government (“LCG”), your public records request dated July 21, 2022 sent to the public records request portal of Lafayette City-Parish Consolidated Government (reproduced below) has been assigned to me for review and response.

I take note of the fact that you have addressed this request directly to me, likely because your prior public records requests were also assigned to me. To be clear, I am not the custodian of any of the requested records, nor was I the custodian of any of the records that were the subject of your prior public records requests. Your request has been assigned to me not because I am the custodian of any potentially responsive documents, but because your request will require extensive inquiry, investigation, and collection among numerous potential custodians.

I first address the questions posed in your request, specifically the following:

“The four documents provided do not answer the fundamental questions, which were implicit in our original request.”

“[W]e are interested in internal and external correspondence, studies, or documents that answer the question: Were federal funds used in the planning or construction of the spoil bank project?”

While your request does not explicitly seek an answer to these questions, we must make it clear nevertheless that the Louisiana Public Records Law does not require LCG to answer questions or inquiries or create records to respond to a public records request, and LCG routinely, as here, declines to do so. *See, e.g., Stevens v. St. Tammany Parish Govt.*, 2017-0959 (La. App. 1st Cir. 7/18/18), 264 So.3d 456; *Lacour v. City of Alexandria*, 2018-151 (La. App. 3rd Cir. 10/3/18), 2018 WL 4778203; *Cox v. Bello*, 2014-0759 (La. App. 1st Cir. 12/23/14), 2014 WL 7332041; *Williams Law Firm v. Board of Supervisors of Louisiana State University*, 2003-0079 (La. App. 1st Cir. 04/02/04), 878 So.2d 557, *citing Nungesser v. Brown*, 95-3005 (La. 2/16/96), 667 So.2d 1036, 1037.

LCG does not organize or maintain records in the categories suggested by your request. Your request does not contain any specific search terms, and most of your request does not ask for a defined document or set of documents known to exist, but instead calls for categories of documents that are subjectively “related to” certain specified subjects. There are numerous other subjective terms in your request, such as “especial to,” “especially to,” “especially in relation to,” and “documents which allow tracking and distribution.” Your request also asks for a document “mentioned” by a third-party newspaper reporter in a news article, requiring us to interpret the reporter’s story in order to respond.

Thus, in addition to the extensive inquiry and investigation required to address each category of your request, your request requires substantial subjective interpretation on our part, and on the part of the potential custodians of responsive documents, in order to respond.

Considering the foregoing, my preliminary estimate is that it will take an additional forty-five (45) working days to complete our collection, segregation, examination, review, and redaction of the documents potentially responsive to your request. I will make a supplemental response to your request, either with a complete or partial production of non-exempt responsive documents, or with a revised estimate of any additional time necessary to fulfill your request, no later than September 29, 2022. We reserve at all times the right to assert any and all exemptions that may be applicable under the Louisiana Public Records Law.

Michael D. Hebert
Becker & Hebert
201 Rue Beauregard
Lafayette, LA 70508
(337) 233-1987
(337) 235-1748 (fax)
mhebert@lawbecker.com

From: exec.com@lafayettedemocrats.org <exec.com@lafayettedemocrats.org>

Sent: Thursday, July 21, 2022 9:28 AM

To: Michael Hebert <mhebert@lawbecker.com>; publicrecords@lafayettela.gov

Subject: Technical Public Records Request for Bayou Vermilion Spoil Bank Removal Project - 2nd Request

CAUTION: EXTERNAL SENDER. Use extra care!

Mr. Michael D. Hebert
Becker & Hebert Attorneys
201 Rue Beauregard
Lafayette, LA 70508

Copy by email to mhebert@lawbecker.com and publicrecords@lafayettela.gov

RE: Technical Public Records Request for Bayou Vermilion Spoil Bank Removal Project

Dear Mr Hebert:

On behalf of the Lafayette Parish Democratic Party Executive Committee, we thank you for your prompt reply of July 13, 2022 to our request of June 30, 2022.

The four documents provided do not answer the fundamental questions, which were implicit in our original request.

The four documents are:

- 1- Phase I Environmental Site Assessment of the Blanchet Site dated December 13, 2021
- 2- Wetland and Stream Delineation, Vermilion River Spoil Bank Restoration Project St. Martin Parish, Louisiana dated January 22, 2021
- 3- Lafayette Consolidated Government (LCG) Council Ordinance 062-2021 dated May 24, 2021
- 4- Lafayette Consolidated Government (LCG) Council Ordinance 080-2021 dated on or about August 4, 2021

In particular, we are interested in internal and external correspondence, studies, or documents that answer the question: Were federal funds used in the planning or construction of the spoil bank project?

In order to answer that question, please provide internal and external correspondence, studies, or documents that are related to:

- 1- the Phase I Environmental Site Assessment was discussed or attached, especially in relation to regulatory bodies regulatory bodies;
- 2- the Wetland and Stream Delineation Report was discussed or attached, especial to regulatory bodies;
- 3- the Corps of Engineers Wetland Section 404 permit application # MVN-2021-00165-WQQ or other permit(s) was discussed or attached, especially to regulatory bodies;
- 4- a Section 106 permit of the National Historic Preservation Act was discussed or attached, especially to regulatory bodies;
- 5- a Federal Emergency Management Administration (FEMA) conditional letter of map revision (CLOMR) or other letter was discussed or attached, especially to regulatory bodies and the LCG and St. Martin Parish Floodplain administrator;
- 6- the authorization for budgetary revision forms for ordinance 080-021 similar to the document attached to ordinance 062-2021;
- 7- Federal agency's letter(s) of award totaling the \$86,000,000 mentioned in an article by Andrew Capps, Lafayette Advertiser dated July 20, 2021 entitled: Josh Guillory plans 70-project budget for LCG's \$86M in federal funding;
- 8- documents which allow tracking and distribution of the \$86,000,000 within LCG internal accounting accounts, particularly Fund 101 and Fund 401 listed in the title of Ordinance 062-2022;
- 9- a listing of drainage projects which were funded by the \$86,000,000, particularly the Spoil Bank project;
- 10- a PDF copy of the map cited in Ordinance 080-2021 as 24" x 36" map available for viewing at the council office; and
- 11- the requirements of the National Environmental Protection Act (NEPA) and the drainage projects funded by the \$86,000,000.

Some of the document requests may be exempt from a public records request. If document are indeed being withheld, then please list the following information for each document:

- 1- the date of the document;
- 2- the author of the document;
- 3- the intended recipient of the document;
- 4- the category in which the document is classified as exempt; and
- 5- a description of the document's subject (if possible without violating the public review exemptions).

If a fee is required for the records, please consult the Lafayette Parish DPEC before undertaking document preparation, but note that these records are requested for public review, which traditionally no charges transpire for such requests. The records received will be posted on our website at LafayetteDemocrats.org/blog

Yours Sincerely on behalf of the unanimous vote of the Lafayette Parish Democratic Party Executive Committee,

.. . . .

Mary Pritchard, Chairperson
and publicrecords@lafayettela.gov

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Mary Pritchard, Chairperson