LOUISIANA STATE LAW INSTITUTE

THE MEETING OF THE COUNCIL

October 9-10, 2015

Friday, October 9, 2015

Persons Present:

Adams, Marguerite (Peggy) L.
Bergstedt, Thomas
Braun, Jessica
Burris, William J.
Carriere, Jeanne Louise
Carroll, Andrea
Chatelain, Mallory
Crawford, William E.
Crigler, James C.
Cromwell, L. David
Dampf, Katherine Hand
Dawkins, Robert G.
Di Giulio, John E.
Dimos, Jimmy N.
Doguet, Andre
Forrester, William R.
Freel, Angelique
Garrett, J. David
Gasaway, Grace B.
Gregorie, Isaac M. "Mack"
Hamilton, Leo C.
Hayes, Thomas M., III
Hogan, Lila T.
Holdridge, Guy
Knighten, Arlene D.
Kostelka, Robert "Bob" W.
Landry, Ron J.
Lavergne, Luke
Levy, H. Mark
Little, F. A. Jr.
Medlin, Kay C.
Norman, Rick J.
Odinet, Christopher
Popovich, Claire
Reed, Angelique
Richardson, Sally
Scalise, Ronald J., Jr.
Sharp, Carl Van
Spaht, Katherine
Stuckey, James A.
Tally, Susan G.
Thibaut, Martha
Thibeaux, Robert P.
Tooley-Knoblett, Dian
Trahan, J. Randall
Tucker, Zelda W.
Vance, Shawn
Wallace, Monica Hof
Wilder-Doomes, Erin
Wilson, Evelyn
Woodruff-White, Lisa
Yiannopoulos, A. N.
Ziober, John David

President James C. Crigler, Jr. opened the Friday session of the October 2015 Council meeting at 10:00 AM on October 9, 2015 at the Monteleone Hotel in New Orleans, LA. During today's session, Professor J. Randall Trahan represented the Birth Certificates Committee and presented: Revision of the Vital Statistics Laws that Pertain to Filiation Avant-Projet # 15.

BIRTH CERTIFICATES:

1. The Reporter began by reviewing the history of this project with the Council. After five years, he hopes to complete the project today and have a bill for the 2016 Regular Session of the Legislature. With the regards to a minor housekeeping matter, he asked the Council to approve the comments on pages 1 and 7 of the materials. They were approved with no discussion.

2. The Reporter asked the Council to look at proposed R.S. 9:407. At the direction of the Council, the Committee removed the reference to indispensable parties. The Council wondered if the language covers a situation where a mother is not sure who the biological father is. Could multiple alleged fathers be joined? The Council suggested that this language track the necessary party language in Code of Civil Procedure Articles 641 and 642. The Reporter will draft language at the lunch break for the Council to review.

3. The Reporter proceeded by reviewing the January 2015 Council minutes and explaining where the Committee made corrections to the proposal. First, the Council directed the Committee to break R.S. 40:34 into smaller, easily understandable sections. This begins on page 10. Sections 34, 34.1, 34.2, 34.3, 34.4, 34.5, and 34.6 were all adopted with little discussion. Regarding 34.7 on page 16, the Council was concerned about requiring the birth certificate to list the race of the parents. A representative of the office of vital statistics informed the Council that that information is collected in accordance with the Centers for Disease Control and Prevention rules. That information is not printed on the certified copy of the birth certificate. The Council agreed to require the birth certificate to include the ethnicity of the parents and require the death certificate to include the ethnicity of the deceased. Regarding the inclusion of the parent's social security number on the birth certificate, the representative of the office of vital statistics informed the Council of the current procedure if the parent's do not have social security numbers. The Council next approved changing archaic language on the birth and death certificates regarding an address. Thereafter, the Council approved proposed R.S. 40:34.8, 34.9, 34.10, 34.11, and 34.12. Lastly, the Council instructed the Reporter to draft a comment for proposed R.S. 40:34.13 explaining who files the acknowledgment or adjudication and directed him to reference the federal law in 42 U.S.C. 666(a)(5)(M).

4. At the January 2015 Council meeting, a member mentioned that the phrase "her first husband", as used in proposed R.S. 40:46.2, is confusing and a motion was made and seconded to change the words to "the former husband". Today, the Council considered a hypothetical that included multiple former husbands and debated how to change the language to address this situation. The Council recommitted the proposal to the Reporter until after lunch.

5. Discussion moved to the Subsections in proposed R.S. 40:46.2, 46.3, 46.4, and 46.8 that provide a good cause exception to all cases which require the parties to agree on the surname of the child, as instructed by the Council in January. The Council approved the new language and the comments.

6. The Reporter next revisited an issue brought up at the September 2014 Council meeting. The issue is whether the statutory rules regarding changes to birth certificates due to changes in filiation should be directed to the registrar or to judges. The Council was bothered by the perceived ability of the office of vital statistics to ignore a court order regarding the name of a child. The Committee discussed the issue and the Reporter informed the Council that in other states, the procedure for changing the birth certificate depends upon the manner in which filiation is established. If filiation is established without a court order, the law directs the Registrar to make the change.

In Memoriam: Edwin Kennedy Theus, Jr.
Thomas M. Hayes, III presented remarks in memory of Edwin Kennedy Theus, Jr. and members unanimously approved the forwarding of the remarks to the families, and their official publication in the minutes. The memorials are attached:

LUNCH

The Council adjourned for lunch at 12:00 PM.

The Council resumed its consideration of the Birth Certificates material at 1:30 PM.

BIRTH CERTIFICATES

1. Resuming the discussion of proposed R.S. 9:407, the Reporter recommends the following language, "The child's mother, the husband of the mother, and the biological father, if known, shall be joined in a filiation or paternity proceeding, except that joinder is not required of a person whose parental rights have been terminated, or who is deceased, or whose joinder is determined otherwise not to be feasible." The Council approved.

2. Based on previous discussion, the Reporter pointed out to the Council many places in the proposal which use the term "race" and proposed adding the term "ethnicity". The Council approved this addition in globo.

3. The Reporter next asked the Council to turn to proposed R.S. 40:46.9. The Reporter noticed that this proposal does not contain the good cause exception that the Council approved before lunch. The Council approved adding the good faith exception as Paragraph B to this proposal and the comment explaining such.

4. Regarding the recommitment of proposed R.S. 40:46.2 until after lunch, the Reporter recommends changing the words "her former husband" to either "first husband", "earlier husband", or "former of these two men". The Reporter told the Council that he is attempting to capture the essence of Civil Code Article 186 in the proposal. The word "former" is referring to the earlier in time husband. A member suggested using "surname of the presumed father of the child" or "first of the two husbands". The Council discussed changing the sentence structure to accomplish the goal. Ultimately, the Council adopted the following language. "If the adjudged mother was married to one man at the birth of the child, but was married to another man as recently as three hundred days prior to the birth of the child, enter the surname of the latter."

5. Resuming the discussion on the issue of whether changes to birth certificates due to changes in filiation should be directed to the registrar or to judges, the judges who are members of the Council noted that they want something specific in the law. The suggestion was to require the parties to notify the office of vital statistics prior to the signing of a judgment in a filiation action. The judges equated this notice provision to others in existing law for expungement and unconstitutionality. The Reporter agreed to take this issue back to his Committee and return with a proposal.

LESION BEYOND MOIETY

1. Professor J. Randall Trahan represented the Lesion Beyond Moiety Committee and briefly updated the Council on the Committee's first meeting. The Reporter mentioned that the concept of lesion does not seem to create title issues. However, the Committee expressed other problems with lesion. The consensus of the Committee seemed to be against repealing lesion all together. The suggested revisions of the law include repealing lesion and amending the good faith articles to include the policy behind lesion, expanding lesion to movables, expanding lesion to buyers, holding professional buyers to a higher standard, and implementing something similar to the approach in the German

Civil Code. The Committee also briefly discussed where any revisions should be placed in the code. Most other civil code jurisdictions place lesion in the general obligations section. However, if that is done, it was argued that lesion would apply to labor contracts, movables, servitudes, leases--all contracts. The Committee concluded that they would like research regarding the common law doctrine of unconscionability and research regarding what other Latin American and Western European civil law jurisdictions have done with the concept of lesion.

2. The Reporter explained that another issue with lesion involves the applicability of it to the sale of corporeal immovable property that has no value other than the potential for mineral development. The Reporter brought the *Hornsby v. Slade* case to the Council's attention. The dissent seems to suggest that minerals in their natural state cannot be owned separately from the land and lesion would apply to the sale of the land. Once minerals are owned, they are removed from the land, movables, and not subject to lesion under the Mineral Code. The Reporter was asked about reviewing lesion as it applies in the community property context. Several Council members advocated for leaving the law alone in fear that tinkering with it could create more problems.

ADULT GUARDIANSHIP

At 2:53 p.m. Professor J. Randall Trahan began the Adult Guardianship Committee's presentation to the October 9, 2015 meeting of the Council. He informed those present that he wanted to begin with the material that had not been considered yet and then revisit the requests that the January 2015 Council had made of the Committee to ensure that the changes the Committee had made had been done to the Council's satisfaction. The Council agreed to this course of action.

Professor Trahan first asked the Council to turn its attention to Subpart 4 of the UAGPPJA ("Act") —found on page 31 of the materials entitled, "Louisiana State Law Institute Adult Guardianship Committee, Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, Materials in Response to SCR NO. 36 of 2012, Prepared for the Meeting of the Council, October 8, 2015, New Orleans, Louisiana". He introduced Section 401 and its comment. A motion was made to adopt both as presented. This motion was seconded. Thereafter, the floor was opened for questions. A member queried what the process is in Louisiana for "registering" a foreign judgment and whether it is different from that of other states. The Reporter admitted that he was uncertain as to the exact specifications for registering a foreign judgment in Louisiana. Another member asked what the term "register" was intended to mean. Professor Trahan stated that he did not know for sure. Professor Trahan added, however, that he had presented similar questions to an attorney for the Uniform Law Commission on behalf of the Committee and that ULC attorney, in response, had indicated to him that, to his knowledge, all states have general "registration of judgment" laws, so that in Louisiana "registration" of "Adult Guardianship" orders would be governed by Louisiana's general laws on that subject. The member who had raised the first question then expressed his doubts about whether that is in fact so in Louisiana. At that, Professor Trahan stated that he would like to have the Staff Attorney contact the Uniform Law Commission once again to receive further clarification of the entire matter. The Staff Attorney agreed to do so. The motion to adopt the Section was renewed and seconded; however, another member asked the Reporter how the Uniform Recognition of Foreign Judgments Act handles "recognitions." Following some further discussion, the Reporter volunteered to have the Section recommitted to the Committee for consideration of these issues. The Council agreed to this course of action.

Professor Trahan then introduced Sections 402 and 403 to the Council, but admitted that he would like the Committee to reconsider these Sections in

connection with the issues presented by Section 401. The Council agreed that the Committee should reconsider Subpart 4—consisting of Sections 401 through 403.

The Reporter then requested that the Council turn its attention to Subpart 5. The Council did so, and Prof. Trahan gave an introduction to Sections 501 and 502. Shortly thereafter a member moved that the Sections be adopted as presented in the materials. This motion was seconded and approved without dissent. Thus, Sections 501 and 502 were approved to read as follows:

Subpart 5 MISCELLANEOUS PROVISIONS

SECTION 501. Uniformity of application and construction

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

SECTION 502. Relation to electronic signature in global and national commerce act

This Part modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001, et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

Prof. Trahan then introduced Section 503. Immediately, a member of the Council moved that the provision be adopted as presented in the materials. This motion was seconded and passed unanimously. Section 503 and its comments were approved to read as follows:

SECTION 503. Transitional provision

(a) This Act applies to guardianship and protective proceedings begun on or after the effective date.

(b) Subparts 1, 3, and 4 and Sections 501 and 502 apply to proceedings begun before [the effective date], regardless of whether a guardianship or protective order has been issued.

[2016] Louisiana Comments

The first sentence of the comment to Section 503 of the UAGPPJA, which states that "[t]his Act applies retroactively to guardianships and conservatorships in existence on the effective date," has not been reproduced in the "official comment." The statement is overly broad and, for that reason, potentially misleading. Though it is true, as Subsection 2 provides, that Subparts 1, 3, and 4 and Sections 501 and 502 apply to proceedings that have already been commenced before the date on which those provisions will become effective, the application of those provisions to such proceedings will not, in most cases, be truly "retroactive." Most of the provisions in question are

"procedural" in nature. To apply a new procedural law to a phase of litigation that does not occur until after that law takes effect is to apply that law prospectively, not retroactively.

Adult Guardianship and Protective Proceedings Jurisdiction Act Official Comments

The guardian or conservator appointed prior to the effective date of the Act may petition to transfer the proceeding to another state under Part 3 and register and enforce the order in other states pursuant to Part 4. The jurisdictional provisions of Part 2 also apply to proceedings begun on or after the effective date. What the Act does not do is change the jurisdictional rules midstream for petitions filed prior to the effective date for which an appointment has not been made or order issued as of the effective date. Jurisdiction in such cases is governed by prior law. Nor does the Act affect the validity of already existing appointments even though the court might not have had jurisdiction had this Act been in effect at the time the appointment was made.

The approval of Section 503 marked the conclusion of the Council's consideration of the entirety of the Act. At this point Prof. Trahan asked the Council to turn their attention to Section 102 of the Act. A member of the Council then asked Prof. Trahan whether the title of the official uniform act comments should include the word "uniform." He agreed that they should and asked the Staff Attorney to make the necessary changes. She agreed to do so.

The Council also re-approved the format of the comments for the Act, i.e. where there are Louisiana-specific comments they precede any official uniform comments. They also re-approved the removal of the word "laborious" from the text of the Act that was formerly found in the Louisiana comment to Section 105.

Professor Trahan then asked the Council to consider the comment that he had drafted for Section 202. He succinctly introduced the Section and informed those assembled that Code of Civil Procedure Article 10 was modified in order to accommodate Section 202. He also informed the Council that he will draft an exposé to accompany the Act that will stress that the Act does not present a "third way" to legally provide care to adults in need of care. He promised to make this point in the Louisiana comment to Section 202. A motion was made to approve the comment. This motion was seconded and passed without opposition.

Next, Prof. Trahan asked the members of the Council to turn their attention to Section 203. The Council re-approved the addition of the phrase "if any of the following apply" to the end of line 19 on page 13. The Council approved the changes that the Committee made to Section 203 as was directed by the Council during its January 2015 meeting.

The Reporter then asked the Council to consider the comment he drafted for Section 205. He alerted the Council that the word "interstate," as found on lines 29 and 30 on page 17, should be changed to the word "intrastate." The Council agreed with this change. Professor Trahan also reassured the Council that there was no conflict between proposed Section 205 and Code of Civil Procedure Article 4553 as he had previously feared, inasmuch as the former concerns exclusively "interstate" disputes. With this news a member of the Council moved that the Louisiana comment to Section 205 be approved as modified. This motion was seconded and unanimously adopted. Thus, the comment to Section 205 was approved to read as follows:

SECTION 205. Exclusive and continuing jurisdiction

[***]

[2016] Louisiana Comments

This Section is concerned exclusively with what might be called "interstate" disputes regarding continuing jurisdiction in guardianship or conservatorship matters, that is, cases in which, after a court in some other state has already assumed jurisdiction over such a matter, a court of this state is petitioned to take some action with respect to the person or the property (or both), as the case may be, of the person to whom that matter pertains. This Section has no application to "intrastate" disputes of this kind, that is, cases in which the question of which court has jurisdiction involves two different Louisiana courts. To the contrary, such intrastate disputes are governed by other Louisiana legislation, for example, in the case of continuing jurisdiction in interdiction matters, by Code of Civil Procedure Article 4553.

Upon the urging of a council member, the Reporter had the Council examine Section 207. It was moved that the phrase "do any of the following" be added to the end of line 17 of page 20 and the phrase be deleted from after the word "jurisdiction," as is found on line 23 of page 20. A motion was made to approve the Section as modified. This motion was seconded and approved without opposition. Thus, Section 207 was approved to read as follows:

SECTION 207. Jurisdiction declined by reason of conduct

(a) If at any time a court of this state determines that it acquired jurisdiction to appoint a guardian or issue a protective order because of unjustifiable conduct, the court may do any of the following:

(1) decline to exercise jurisdiction;

(2) exercise jurisdiction for the limited purpose of fashioning an appropriate remedy to ensure the health, safety, and welfare of the respondent or the protection of the respondent's property or prevent a repetition of the unjustifiable conduct, including staying the proceeding until a petition for the appointment of a guardian or issuance of a protective order is filed in a court of another state having jurisdiction;

(3) continue to exercise jurisdiction after considering:

(A) the extent to which the respondent and all persons required to be notified of the proceedings have acquiesced in the exercise of the court's jurisdiction;

(B) whether it is a more appropriate forum than the court of any other state under the factors set forth in Subsection 206(c); and

(C) whether the court of any other state would have jurisdiction under factual circumstances in substantial conformity with the jurisdictional standards of Section 203.

(b) If a court of this state determines that it acquired

jurisdiction to appoint a guardian or issue a protective order because a party seeking to invoke its jurisdiction engaged in unjustifiable conduct, it may assess against that party necessary and reasonable expenses, including attorney's fees, investigative fees, court costs, communication expenses, witness fees and expenses, and travel expenses. The court may not assess fees, costs, or expenses of any kind against this state or a governmental subdivision, agency, or instrumentality of this state unless authorized by law other than this Subpart.

Subsequently, Prof. Trahan asked the Council to consider the new comments that the Committee had drafted for Section 302, comments b and c. Shortly thereafter a member of the Council moved that the comments be approved. This motion was seconded and approved unanimously. He then asked the members for clarification as to a request they made of him during the January 2015 Council regarding "injunctions." After some discussion the Council agreed that comment a to Section 302 should not be changed. Thus, the comments to Section 302 were approved to read as follows:

SECTION 302. Accepting guardianship or conservatorship transferred from another state

[***]

[2016] Louisiana Comments

(a) The provisional order contemplated by Subsection D is interlocutory. Because there is no legislation that provides for the appeal of such an order, it is not an "appealable judgment" for purposes of Code of Civil Procedure Article 2083. To obtain review of such an order, a party must apply for supervisory writs in accordance with Code of Civil Procedure Article 2201.

(b) The determination of whether "the guardian or conservator is ineligible for appointment in this state", as is required by Subsection D(2), is governed solely by Louisiana law. Thus, in making that determination, the court must consider, first, whether the guardian or conservator in question, had he been appointed in Louisiana originally, would have been a "curator" of an interdict or a "continuing tutor" of a "person with intellectual disabilities", as those terms are defined in Louisiana law, and, second, whether the guardian or conservator meets the eligibility requirements, as established by Louisiana law, for that office.

(c) In the part of the final order contemplated by Subsection E in which the court purports to "appoint[ ] the guardian or conservator as guardian or conservator in this state", the court should refer to the person so appointed not as "guardian" or "conservator", but rather as "curator" or "continuing tutor", as the case may be. As is explained in the Exposé des Motifs and in numerous comments to other Sections of the Act, this Act does *not* change the "domestic" substantive or procedural law of Louisiana regarding the protection of adults in need of care, to be more precise, it does not establish any new or additional mode of protecting adults in need of care alongside those of curatorship (interdiction) and continuing tutorship. Consequently, any orders issued by a Louisiana court under this Act must use terms drawn from one or the other of those two domestic legal institutions.

(d) The expression "modified to conform to the law of this state" as used in Subsection F must be understood expansively. The modifications envisioned may be as minor as changing the out-of-state order so that it uses Louisiana legal terminology, for example, changing the terms of a "limited guardianship" to "limited interdiction" or re-naming the former "guardian" as "curator." Likewise possible are more substantive modifications, such as changing a limited guardianship or conservatorship to a full interdiction (or vice versa) if warranted or naming a different person as the guardian or curator if the person in the out-of-state order does not qualify for that post under Louisiana law.

(e) The ninety-day deadline established in Subsection F of this section is intended to serve merely as a "prompt" to encourage interested parties, sooner rather than later, to examine the guardianship or conservatorship to determine whether it needs to be modified to conform to Louisiana law. The deadline is not intended to serve as some sort of "prescriptive period" past which such modifications may no longer be made. Once a Louisiana court finally accepts a transfer of a guardianship or conservatorship, the court has full discretion to make any modifications necessary to bring it into line with Louisiana law, just as it would in a "local" case of interdiction or continuing tutorship. This is true whether the problem is discovered within the initial ninety-day period or later.

(f) The term "recognize," as used in Subsection G of this Section, has its everyday, ordinary meaning, that is, "take cognizance of." It follows that the "recognition" of a foreign judgment of guardianship or conservatorship does not require any "formal" court action, such as a judgment or even a minute entry.

Following this action, a Council member asked whether Code of Civil Procedure Article 684 should be modified in light of the terms and procedures of the UAGPPJA. The Reporter responded that that would be unnecessary as an adult in need of care who is in Louisiana should not be labeled with common law terms.

Lastly, Prof. Trahan offered to expand comment a to Section 302 to include the fact that if a court denies a petition for transfer such a result would be appealable. The Council agreed with this suggestion. Following this action the President of the Louisiana State Law Institute Council adjourned the October 9, 2015 meeting of the Council.

LOUISIANA STATE LAW INSTITUTE

THE MEETING OF THE COUNCIL

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President James Crigler, Jr., opened the Saturday session of the October 2015 Council meeting at 9:00 AM on Saturday, October 10, 2015 at the Hotel Monteleone in New Orleans, Louisiana. The President called on Ms. Kay Medlin, Reporter of the HCR 162 – Expropriation Committee, to present the Committee's response to HCR 162 of 2014 to the Law Institute Council.

The Reporter began by providing background on the Committee's composition and the passage of HCR 162 of the 2014 Legislative Session, which authorized and directed the Louisiana State Law Institute "to study and make recommendations for the inclusion of information in a disclosure notice to landowners whose property is subject to expropriation by public or private entities." Ms. Medlin reported to the Council that the Committee ultimately decided to limit its proposed legislation to private rather than public expropriating authorities, but to require these authorities to provide a much shorter but earlier notice to landowners whose property is subject to expropriation. The Reporter also informed the Council that the Committee decided that the notice should set out basic rights in simple language rather than in a complicated, adversarial manner.

The Reporter then began presenting the Committee's proposal to enact R.S. 19:2.2(D). The Reporter suggested changing the Committee's proposed enactment from Subsection (D) to Subsection (B) and redesignating the remaining provisions of R.S. 19:2.2 accordingly. After discussion, one Council member suggested replacing "landowner" with "property owner" throughout the proposal in order to be consistent. Another Council member suggested replacing "expropriating entity" with "expropriating authority" throughout the proposal.

It was suggested that Paragraph (1) be amended, on page 1, line 8, by replacing "adequate compensation" with "just compensation" in accordance with the Constitution of Louisiana. It was suggested that Paragraph (1) also be amended, on page 1, line 9, by inserting "to the fullest extent allowed by law" after "acquired."

A Council member suggested amending Paragraph (2), on page 1, line 10, by removing "governmental entity or a private" and inserting "an" after "by." It was also suggested that Paragraph (3) be amended, on page 2, line 2, by inserting "receive from the expropriating authority" after "to." Another Council member suggested amending Paragraph (4), on page 2, lines 4 and 5, by inserting "agent or" after "an" on line 4 and by inserting "an attorney" after "and" on line 5.

Finally, it was suggested that Paragraphs (4) through (7) on page 2 be renumbered as follows: Paragraph (6) becomes Paragraph (4), Paragraph (7) becomes Paragraph (5), Paragraph (5) becomes Paragraph (6), and Paragraph (4) becomes Paragraph (7).

It was moved and seconded to adopt the proposal as amended, and with no objection, the motion to adopt passed.

The adopted proposal reads as follows:

§19:2.2. Expropriation by expropriating authorities referred to in R.S. 19:2

* * *

B. Before making an offer to acquire an interest in property, each expropriating authority identified in R.S. 19:2, other than the State or its political corporations or subdivisions, shall provide notice to the property owner that includes the following:

(1) The property owner is entitled to receive just compensation for the property to be acquired to the fullest extent allowed by law;

(2) The property may only be acquired by an authority authorized by law to do so;

(3) The property owner is entitled to receive from the expropriating authority a written appraisal or evaluation of the amount of compensation due;

(4) A statement identifying the website of the expropriating authority where the property owner can read the expropriation statutes upon which the expropriating authority relies;

(5) A statement offering to provide a copy of the expropriation statutes upon which the expropriating authority relies upon the request of the property owner;

(6) A statement identifying the agency or agencies responsible for regulating the expropriating authority, including the name, website, and telephone number for the agency or agencies; and

(7) The property owner may hire an agent or attorney to negotiate with the expropriating authority and an attorney to represent the property owner in any legal proceedings involving the expropriation.

* * *

Ms. Medlin concluded her presentation, and there being no additional business, the October 2015 Council meeting was adjourned.

Jessica Braun — Date: 1-19-16

Mallory Chatelain — Date: 1/19/2016

Claire Popovich — Date: 1/20/2016