

PUBLIC NOTICE - ST. BERNARD PARISH COUNCIL MEETING - AGENDA

Email: radams@sbsp.net

(504) 278-4228

(504) 278-4209 (fax)

Posted 3/15/19

Tuesday, March 19, 2019

3:00 p.m.

Council Chambers

Page 1 of 5

Sign Interpreter will be provided if requested 48 working hours in advance. Should an interpreter be needed, it is advised that the interested person contact the Clerk of Council at 278-4228. All accessible formats are available upon request.

- A. Meeting Called to Order and Roll Call
- B. Remind Public that no food or drink is allowed in the Council Chambers
- C. Remind Public of Cell Phone Ordinance **SBPC #815-02-08**
- D. Invocation by Minister Jerry Troxclair with Peace and Prayer Ministries
- E. Pledge of Allegiance by Councilmember McCloskey
- F. Recognize Elected Officials

APPROVAL OF MINUTES

1. Motion to approve the minutes of the March 6, 2019 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, March 15, 2019. (Council Chair)

RECOGNITION

2. Motion to recognize Donnie Bourgeois with Capital Projects Department for an update on Bluebird Park, Heights/Alexander Park, and Pakenham/Jackson project. (Council)
3. Councilmember's for a District Update
4. **Guy McInnis**, President's Report
5. Recognize the Public

PUBLIC HEARINGS

6. **Summary No. 3689**
Introduced by: Administration on 3/6/19

AN ORDINANCE TO AMEND CHAPTER 17; PERSONNEL, ARTICLE V; DISCIPLINARY ACTIONS, SECTION 17-121; DISCIPLINARY PROCEDURE IN THE ST. BERNARD PARISH CODE OF ORDINANCES.
7. **Summary No. 3690**
Planning Commission recommended **APPROVAL** on 2/26/19
Introduced by: Administration on 3/6/19

AN ORDINANCE TO APPROVE **DOCKET Z-2019-004**, PETITION OF MICHAEL CHIANELLI FOR A ZONING CHANGE FROM R-2 (TWO FAMILY RESIDENTIAL) AND C-1 (NEIGHBORHOOD COMMERCIAL) TO C-2 TO OPERATE A USED CAR LOT. PROPERTY LOCATION: 3737 PARIS RD. CHALMETTE, LA 70043.
8. **Summary No. 3691**
Planning Commission recommended **Vote for Approval w/conditions failed 3-3 vote. No Recommendation** on 2/26/19
Introduced by: Administration on 3/6/19

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AN ORDINANCE TO APPROVE **DOCKET Z-2019-005**, PETITION OF THE DANCE CONNECTION FOR A ZONING CHANGE FROM C-1 (NEIGHBORHOOD COMMERCIAL) TO C-2 (GENERAL COMMERCIAL) AND A CONDITIONAL USE PERMIT TO ALLOW LIGHT MANUFACTURING. PROPERTY LOCATION: 1009 E. JUDGE PEREZ DR. CHALMETTE, LA 70043.

9. Summary No. 3692

Planning Commission recommended **APPOVAL** on 2/26/19

Introduced by: Administration on 3/6/19

AN ORDINANCE TO APPROVE **DOCKET Z-2019-006**, PETITION OF JOHN KAMLADE JR. FOR A ZONING CHANGE FROM R-3 (MULTI-FAMILY RESIDENTIAL AND C-1 (NEIGHBORHOOD COMMERCIAL) TO C-2 (GENERAL COMMERCIAL) AND A CONDITIONAL USE PERMIT TO ALLOW VEHICLE STORAGE LOT. PROPERTY LOCATION: 2025 LICCIARDI LANE VIOLET, LA 70092.

RESOLUTIONS

10. Adopt **Resolution SBPC #1919-03-19**, approving permits as recommended by the Alcohol Beverage and Bingo Department: (Administration)

Beer and/or Liquor Permit(s)

1. Kimberly, Inc. dba Brewster's 8751 W. Judge Perez Dr., Chalmette, La 70043
Owners: Theodore and Kimberly Reab (**Renewal**) (**Beer & Liquor**)

Special Event

- | | |
|--------------------------|---|
| 1. Name of Organization: | S.O.A.R. Strengthening Outcomes with Autism Resources |
| Address: | 39041 Old Sawmill Rd., Ponchatoula, La 70454 |
| Event: | SOARS Autism Crawfish Cookoff |
| Location: | 3809 Paris Rd., Chalmette, La 70043 |
| Date: | May 11 2019 |
| Time: | 10AM-10PM |
| Contact: | Sherri Houin/Desi Romano |
| 2. Name of Organization: | Old Arabi Neighborhood Association |
| Address: | PO Box 112 Arabi, La 70032 |
| Event: | Sippin Into Sunset |
| Location: | 409 Aycock St., Arabi, La 70032 |
| Date: | March 28, 2019 |
| Time: | 6PM-9PM |
| Contact: | Barry Lemoine |

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3. Name of Organization: Tomato Festival Committee
Address: 2320 Paris Rd., Chalmette, La 70043
Event: Tomato Festival
Location: 2320 Paris Rd., Chalmette, La 70043
Date: May 3, 4, &5, 2019
Time: (5/3) 5pm-11pm (5/4) 11am-11pm (5/5) 11am-10pm
Contact: Fr. Marlon Mangubat
4. Name of Organization: Carolyn Park Boosters Inc.
Address: 9 Brittany Pl., Arabi, La 70032
Event: 4th Annual Community Kickball Tournament
Location: 405 Lynx Dr., Arabi, La 70032
Date: Saturday, March 31, 2019
Time: 8AM-10PM
Contact: Duane Deblonde

11. Adopt **Resolution SBPC #1920-03-19**, a resolution authorizing acceptance of a grant from ATMOS Energy in the amount of \$4,500.00 for the Wind Down Wednesdays Concert Series in Torres Park.
(Administration)
12. Adopt **Resolution SBPC #1921-03-19**, a resolution declaring the intention of the Parish of St. Bernard, State of Louisiana, to Issue Taxable Utilities Revenue Bonds, in one or more series, in an amount not to exceed Six Million Dollars (\$6,000,000) for the purpose of paying the cost of constructing, acquiring, extending and improving the sewer portion of the combined Water and Sewer System of said parish; and providing for other matters in connection therewith.
(Administration)
13. Adopt **Resolution SBPC #1922-03-19**, a resolution making application to the State Bond Commission for consent and authority to issue not exceeding Ten Million Dollars (\$10,000,000) of Taxable Sales Tax Bonds, in one or more series, of the Parish of St. Bernard, State of Louisiana; and providing for other matters in connection therewith.
(Administration)
14. Adopt **Resolution SBPC #1923-03-19**, a resolution supporting the approval of a project presented by the District "C" Council Representative on the Parks and Parkways Commission.
(Councilmember Luna)

ADOPTION

15. **Summary No. 3689**
Introduced by: Administration on 3/6/19
Public Hearing held on 3/19/19

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AN ORDINANCE TO AMEND CHAPTER 17; PERSONNEL, ARTICLE V; DISCIPLINARY ACTIONS, SECTION 17-121; DISCIPLINARY PROCEDURE IN THE ST. BERNARD PARISH CODE OF ORDINANCES.

16. **Summary No. 3690**

Planning Commission recommended **APPROVAL** on 2/26/19

Introduced by: Administration on 3/6/19

Public Hearing held on 3/19/19

AN ORDINANCE TO APPROVE **DOCKET Z-2019-004**, PETITION OF MICHAEL CHIANELLI FOR A ZONING CHANGE FROM R-2 (TWO FAMILY RESIDENTIAL) AND C-1 (NEIGHBORHOOD COMMERCIAL) TO C-2 TO OPERATE A USED CAR LOT. PROPERTY LOCATION: 3737 PARIS RD. CHALMETTE, LA 70043.

17. **Summary No. 3691**

Planning Commission recommended **Vote for Approval w/conditions failed 3-3 vote. No Recommendation** on 2/26/19

Introduced by: Administration on 3/6/19

Public Hearing held on 3/19/19

AN ORDINANCE TO APPROVE **DOCKET Z-2019-005**, PETITION OF THE DANCE CONNECTION FOR A ZONING CHANGE FROM C-1 (NEIGHBORHOOD COMMERCIAL) TO C-2 (GENERAL COMMERCIAL) AND A CONDITIONAL USE PERMIT TO ALLOW LIGHT MANUFACTURING. PROPERTY LOCATION: 1009 E. JUDGE PEREZ DR. CHALMETTE, LA 70043.

18. **Summary No. 3692**

Planning Commission recommended **APPROVAL** on 2/26/19

Introduced by: Administration on 3/6/19

Public Hearing held on 3/19/19

AN ORDINANCE TO APPROVE **DOCKET Z-2019-006**, PETITION OF JOHN KAMLADE JR. FOR A ZONING CHANGE FROM R-3 (MULTI-FAMILY RESIDENTIAL) AND C-1 (NEIGHBORHOOD COMMERCIAL) TO C-2 (GENERAL COMMERCIAL) AND A CONDITIONAL USE PERMIT TO ALLOW VEHICLE STORAGE LOT. PROPERTY LOCATION: 2025 LICCIARDI LANE VIOLET, LA 70092.

INTRODUCTION

19. **Summary No. 3694**

Introduced by: Council on 3/19/19

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2119-12-18**, AN ORDINANCE TO ADOPT THE 2019 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

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20. **Summary No. 3695**

Introduced by: Council on 3/19/19

AN ORDINANCE LEVYING AND IMPOSING CERTAIN TAXES FOR 2019 ON ALL THE PROPERTY SUBJECT TO TAXATION IN THE PARISH OF ST. BERNARD, ROAD LIGHTING DISTRICT NO. 1, ROAD DISTRICT NO. 1, GARBAGE DISTRICT NO. 1, FIRE PROTECTION DISTRICT NO. 1 AND FIRE PROTECTION DISTRICT NO. 2.

21. **Summary No. 3696**

Introduced by: Administration on 3/19/19

AN ORDINANCE GRANTING LAKE BORGNE BASIN LEVEE DISTRICT A TEMPORARY ROAD SERVITUDE, AS DESCRIBED IN EXHIBIT "A", FOR FLOOD PROTECTION IMPROVEMENTS.

22. **Summary No. 3697**

Introduced by: Administration on 3/19/19

AN ORDINANCE TO AUTHORIZE THE RESCISSION OF THE SALE OF 2109 ESTEBAN STREET TO PAUL E. HERKES, III AND THE RESCISSION OF THE ACT OF RESUBDIVISION WHICH CREATED LOT 3-A AND TO AUTHORIZE THE PARISH PRESIDENT, THE ST. BERNARD HOUSING, REDEVELOPMENT AND QUALITY OF LIFE COMMISSION, AND THE ROAD HOME CORPORATION TO EXECUTE ANY NECESSARY DOCUMENTS FOR THE RESCISSIONS.

OTHER MATTERS

23. Motion to discuss and take any action as it relates to information received from the Coastal Zone Advisory Committee.

EXECUTIVE SESSION

24. Motion to enter into Executive Session to discuss St. Bernard Parish Government v. Southern Solutions Land Management, LLC, 34th JDC #118-830 E

Next Regular scheduled Council Meeting will be held Tuesday, April 2, 2019 @ 7:00 p.m.

Approved by: *Richard "Richie" Lewis* Time: 2:13 p.m. Date: 3/15/19

#1

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 19, 2019 AT THREE O'CLOCK P.M.

On motion of XXXX, seconded by XXXX, it was moved to approve the minutes of the March 6, 2019 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, March 15, 2019.

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

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Lewis, cast his vote as **XXX**.

And the motion was declared **adopted** on the 19th day of March, 2019.

C E R T I F I C A T E

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, March 19, 2019.

Witness my hand and the seal
of the Parish of St. Bernard on
this 19th day of March, 2019.

ROXANNE ADAMS
CLERK OF COUNCIL

OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A **REGULAR MEETING HELD ON WEDNESDAY, MARCH 6, 2019 AT 7:00 P.M.** IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA.

The St. Bernard Parish Council, the Governing Authority, met in Regular Session on Wednesday, March 6, 2019 at seven o'clock p.m. pursuant to notice given to each member and posted in the manner required by law.

The meeting convened at 7:01 p.m. Members present: Councilmembers: Council Chair, Richard "Richie" Lewis, Gillis McCloskey, Wanda Alcon, Manuel "Monty" Montelongo and Kerri Callais.

Member Absent: Nathan Gorbaty and Howard Luna

Also present were Roxanne Adams, Clerk of Council, serving as official secretary of the Council, William McCartney and Joe Crifasi were representing Administration.

Pastor Trevor Truitt with Celebration Church delivered the invocation and Councilmember Montelongo led the Pledge of Allegiance.

#1 On motion of Ms. Callais, seconded by Mr. McCloskey, it was moved to approve the minutes of the February 5, 2019 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, March 1, 2019.

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

YEAS: McCloskey, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Gorbaty, Luna

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 6th day of March, 2019.

#2 On joint motion of the Council, without objection and by unanimous consent, it was moved to recognize Deputy Chief Joseph Dullary for 30 years of service with the St. Bernard Parish Fire Department.

#3 Councilmember's District Update
A copy of this update is on file with the minutes of this meeting.

#4 President's Report
A copy of this report is on file with the minutes of this meeting.

#5 Recognize the Public
No one signed up to speak.

#6 Summary No. 3683
Introduced by: Councilmember Gorbaty on 2/5/19
Planning Commission recommend **APPROVAL** on 2/26/19

AN ORDINANCE TO **AMEND** CHAPTER 22, ZONING; SECTION 22-4, GENERAL PROVISIONS; SUBSECTION 22-4-3, EXCEPTIONS AND MODIFICATIONS; SUBSUBSECTION 22-4-

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3.2; EXCEPTIONS TO AREA REGULATIONS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

NO ONE APPEARED TO SPEAK FOR OR AGAINST THE PROPOSED ORDINANCE

#7 Summary No. 3686

Introduced by: Administration on 2/19/19

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2119-12-18**, AN ORDINANCE TO ADOPT THE 2019 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

NO ONE APPEARED TO SPEAK FOR OR AGAINST THE PROPOSED ORDINANCE

#8 Summary No. 3687

Introduced by: Councilmember Luna on 2/19/19

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2119-12-18**, AN ORDINANCE TO ADOPT THE 2019 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

NO ONE APPEARED TO SPEAK FOR OR AGAINST THE PROPOSED ORDINANCE

#9 Summary No. 3688

Introduced by: Administration on 2/19/19

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2119-12-18**, AN ORDINANCE TO ADOPT THE 2019 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

NO ONE APPEARED TO SPEAK FOR OR AGAINST THE PROPOSED ORDINANCE

Councilman Gorbaty is now present

#10 On motion of Mrs. Alcon, seconded by Mr. McCloskey, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1916-03-19

BE IT RESOLVED, that the St. Bernard Parish Council, the Governing Authority, does hereby approve the following permits as recommended by the Alcohol Beverage and Bingo Department:

Beer and/or Liquor Permit(s)

1. Cy's Bar LCC, dba Cy's Bar 817 East St. Bernard Highway., Chalmette, La 70043 Owner: Nicole Matherne **(New) (Beer & Liquor)**
2. Rocky & Carlo's Inc. dba Rocky & Carlo's Restaurant & Bar 613 W. St Bernard Highway, Chalmette, La 70043 Owners: Thomas Tommaseo, Tommoso G. Tommaseo & Leonardo Tommaseo Gioe **(Renewal) (Beer & Liquor)**
3. Tam Hoang, Inc. dba Saints Food Store 8953 W. Judge Perez Dr., Chalmette La 70043 Owners: Minh Van Nguyen & Tan Vu **(Renewal) (Beer & Liquor)**
4. The Kimmy Group, LLC dba The Palms Too 8001-B W. St. Bernard Highway, Arabi, La 70032 Member: Charles L. Bienvenu **(Renewal) (Beer & Liquor)**
5. The Paris Diner, LLA dba The Parish Diner 2401 Paris Road, Chalmette,La 70043 Owner: Chad Blanchard **(Renewal) (Beer & Liquor)**

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6. Rana & Sons, LLC dba Discount Food Mart 7011 St. Claude Avenue, Arabi, La 70032 Members: Rana S. Rasool & Rana M. Rasool **(Renewal) (Beer & Liquor)**
7. Smart Win, LLC dba Discount Food Mart 2, 1800 E. Judge Perez Dr., Chalmette, La 70043 Members: Rana S. Rasool & Rana M. Rasool **(Renewal) (Beer & Liquor)**
8. Pons-A- Pack Inc. dba Ponstein's Food Store 3523 Paris Road, Chalmette, La, 70043 Owner: Neil Ponstein **(Renewal) (Beer & Liquor)**
9. Reminiscence Palace, LLC dba Reminiscence Palace 5009 E. St. Bernard Highway, Meraux, La 70075 Owner: LaDonya Noble-Robinson **(Renewal) (Beer & Liquor)**
10. Nap's Place, LLC dba Speck's Bar 2603 Hopedale Highway, St. Bernard, La, 70085 Members: Craig & Aline Napoli **(Renewal)(Beer & Liquor)**

Special Event

1. Name of Organization: St. Bernard Parish Department of Parks and Recreation, Leisure Department
Address: 1101 Magistrate St. Chalmette, La 70043
Event: Wine Down Wednesdays Concert Series
Location: Torres Park Amphitheater (Rain-outs in the Civic Center Ballroom)
Date: 2019 Dates- March 13th, April 10th, May 8th, September 11th, October 9th, & November 13th
Time: 6:00PM-8:00PM
Contact: Melissa O'Neil or Denise Montalbano
1. Name of Organization: St. Bernard BPW
Address: Po Box 65, Chalmette, La 70043
Event: St. Bernard BPW Fashion Show Luncheon
Location: Docville Farm- 5124 E. St. Bernard Hwy
Date: April 5, 2019
Time: 11AM-1PM
Contact: Joy Lemoine

Discussion ensued;

On motion of Mr. McCloskey, seconded by Mrs. Alcon, it was moved to amend Resolution SBPC #1916-03-19 by adding the following for a Beer and/or Liquor Permit:

11. Zeitgeist Theatre Experiment, Inc. dba Zeitgeist Theatre & Lounge 6621 St. Claude Avenue, Arabi, La 70032 Officers: Rene Broussard, Danny Curtis, Courtney Egan **(New) (Beer & Liquor)**

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

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YEAS: McCloskey, Gorbaty, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Luna

The Council Chair, Mr. Lewis, cast his vote as **ABSTAIN**.

And the motion was declared **adopted** on the 6th day of March, 2019.

On motion of Mrs. Alcon, seconded by Mr. McCloskey, it was moved to **adopt** resolution SBPC #1916-03-19 as amended:

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

YEAS: McCloskey, Gorbaty, Alcon, Montelongo

NAYS: None

ABSENT: Luna

ABSTAIN: Callais

The Council Chair, Mr. Lewis, cast his vote as **ABSTAIN**.

And the motion was declared **adopted** on the 6th day of March, 2019.

#11 On motion of Ms. Callais, seconded by Mr. Montelongo, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1917-03-19

A RESOLUTION SUPPORTING THE PARISH PRESIDENT TO EXECUTE AMENDMENT NO.1 TO THE SUB RECIPIENT AGREEMENT WITH NUNEZ COMMUNITY COLLEGE TO EXTEND THE TERMINATION DATE AND REVISE THE SCOPE AND BUDGET OF THE AGREEMENT.

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

YEAS: McCloskey, Gorbaty, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Luna

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 6th day of March, 2019.

#12 On motion of Mr. McCloskey, seconded by Mr. Montelongo, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1918-03-19

A RESOLUTION AUTHORIZING THE PARISH PRESIDENT TO ENTER INTO A COOPERATIVE ENDEAVOR AGREEMENT (CEA) WITH THE REGIONAL PLANNING COMMISSION (RPC) TO PURCHASE AN ELECTRIC VEHICLE THROUGH THE CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FUNDING CLEAN FUEL TRANSITION FUND FOR PUBLIC FLEETS.

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

YEAS: McCloskey, Alcon, Montelongo, Callais

NAYS: Gorbaty

ABSENT: Luna

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 6th day of March, 2019.

#13 On motion of Mr. Gorbaty, seconded by Mrs. Alcon, it was moved to **adopt** the following ordinance:

Summary No. 3683

Introduced by: Councilmember Gorbaty on 2/5/19

Planning Commission recommended **APPROVAL** on 2/26/19

Public Hearing held on 3/6/19

AN ORDINANCE TO AMEND CHAPTER 22, ZONING; SECTION 22-4, GENERAL PROVISIONS; SUBSECTION 22-4-3, EXCEPTIONS AND MODIFICATIONS; SUBSUBSECTION 22-4-3.2; EXCEPTIONS TO AREA REGULATIONS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

Discussion ensued;

On motion of Mr. Gorbaty, seconded by Ms. Callais, it was moved to amend Summary No. 3683 as follows:

(e) Non-conforming lots in ~~R-2 (Two Family Residential) districts~~ zoning districts where Two-Family Dwellings are permitted: Where a lot or parcel of land has an area less than the minimum requirements for the ~~R-2 (Two Family Residential)~~ district in which it is located, but was a lot of record in separate ownership from adjacent property at the time of the building permit application, such lot, tract or parcel may be used for ~~either single family or two-family residential purposes or for any nonresidential purposes permitted in the district in which the property is located~~, subject to the following:

1. ~~R-2~~ Non-conforming lots shall have a minimum frontage lot width of 40' and a minimum lot area of 4,000 sq. ft.
2. All new or substantially renovated development shall meet the provisions of Section 22-5-3 – Residential zoning districts ~~bulk and area~~ Minimum Yard requirements and Section 22-7-3.2 – Off-street parking and loading requirements (number of parking spaces).

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3. ~~R-2~~ Non-conforming lot width between 40' and 50' shall only be permitted one (1) driveway per lot frontage, adjacent to public right-of-way. Not more than two (2) vehicles shall be allowed per 'stacked' parking area design.

Discussion ensued on the amendment;

On motion of Mr. Gorbaty, seconded by Mrs. Alcon, it was moved to **adopt** the following ordinance as amended:

ORDINANCE SBPC #2140-03-19

Summary No. 3683

Introduced by: Councilmember Gorbaty on 2/5/19

Planning Commission recommended **APPROVAL** on 2/26/19

Public Hearing held on 3/6/19

AN ORDINANCE TO AMEND CHAPTER 22, ZONING; SECTION 22-4, GENERAL PROVISIONS; SUBSECTION 22-4-3, EXCEPTIONS AND MODIFICATIONS; SUBSUBSECTION 22-4-3.2; EXCEPTIONS TO AREA REGULATIONS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

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

YEAS: McCloskey, Gorbaty, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Luna

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 6th day of March, 2019.

- #14 On motion of Mr. Montelongo, seconded by Ms. Callais, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #2141-03-19

Summary No. 3686

Introduced by: Administration on 2/19/19

Public Hearing held on 3/6/19

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2119-12-18**, AN ORDINANCE TO ADOPT THE 2019 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

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

YEAS: McCloskey, Gorbaty, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Luna

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

Minutes of the St. Bernard Parish Council Meeting of March 6, 2019

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And the motion was declared **adopted** on the 6th day of March, 2019.

#15 On motion of Mr. McCloskey, seconded by Mr. Gorbaty, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #2142-03-19

Summary No. 3687

Introduced by: Councilmember Luna on 2/19/19

Public Hearing held on 3/6/19

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2119-12-18**, AN ORDINANCE TO ADOPT THE 2019 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

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

YEAS: McCloskey, Gorbaty, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Luna

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 6th day of March, 2019.

#16 On motion of Ms. Callais seconded by Mr. Montelongo, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #2143-03-19

Summary No. 3688

Introduced by: Administration on 2/19/19

Public Hearing held on 3/6/19

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2119-12-18**, AN ORDINANCE TO ADOPT THE 2019 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

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

YEAS: McCloskey, Gorbaty, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Luna

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 6th day of March, 2019.

Minutes of the St. Bernard Parish Council Meeting of March 6, 2019

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#17 On motion of Ms. Callais, seconded by Mr. McCloskey, it was moved to **introduce** the following ordinance:

Summary No. 3689

Introduced by: Administration on 3/6/19

AN ORDINANCE TO AMEND CHAPTER 17; PERSONNEL, ARTICLE V; DISCIPLINARY ACTIONS, SECTION 17-121; DISCIPLINARY PROCEDURE IN THE ST. BERNARD PARISH CODE OF ORDINANCES.

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

YEAS: McCloskey, Gorbaty, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Luna

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 6th day of March, 2019.

#18 On motion of Ms. Callais, seconded by Mr. Gorbaty, it was moved to **introduce** the following ordinance:

Summary No. 3690

Planning Commission recommended **APPROVAL** on 2/26/19

Introduced by: Administration on 3/6/19

AN ORDINANCE TO APPROVE **DOCKET Z-2019-004**, PETITION OF MICHAEL CHIANELLI FOR A ZONING CHANGE FROM R-2(TWO FAMILY RESIDENTIAL) AND C-1(NEIGHBORHOOD COMMERCIAL) TO C-2 TO OPERATE A USED CAR LOT. PROPERTY LOCATION: 3737 PARIS RD. CHALMETTE, LA 70043.

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

YEAS: McCloskey, Gorbaty, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Luna

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 6th day of March, 2019.

#19 On motion of Mrs. Alcon, seconded by Ms. Callais, it was moved to **introduce** the following ordinance:

Summary No. 3691

Planning Commission recommended **Vote for Approval w/conditions failed 3-3 vote. No Recommendation** on 2/26/19

Minutes of the St. Bernard Parish Council Meeting of March 6, 2019

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Introduced by: Administration on 3/6/19

AN ORDINANCE TO APPROVE **DOCKET Z-2019-005**, PETITION OF THE DANCE CONNECTION FOR A ZONING CHANGE FROM C-1(NEIGHBORHOOD COMMERCIAL) TO C-2(GENERAL COMMERCIAL) AND A CONDITIONAL USE PERMIT TO ALLOW LIGHT MANUFACTURING. PROPERTY LOCATION: 1009 E. JUDGE PEREZ DR. CHALMETTE, LA 70043.

Discussion ensued;

On motion of Mr. Lewis, seconded by Ms. Callais, it was moved to amend Summary No. 3691 by changing C-2(General Commercial) to a C-1 (Neighborhood Commercial) with a conditional use permit and remove the conditions and waivers as submitted by the Planning Commission.

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

YEAS: McCloskey, Gorbaty, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Luna

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 6th day of March, 2019.

On motion of Mrs. Alcon, seconded by Ms. Callais, it was moved to **introduce** the following ordinance as amended:

Summary No. 3691

Planning Commission recommended **Vote for Approval w/conditions failed 3-3 vote. No Recommendation** on 2/26/19

Introduced by: Administration on 3/6/19

AN ORDINANCE TO APPROVE **DOCKET Z-2019-005**, PETITION OF THE DANCE CONNECTION FOR A ZONING CHANGE FROM C-1 (NEIGHBORHOOD COMMERCIAL) TO A C-1 (NEIGHBORHOOD COMMERCIAL) WITH A CONDITIONAL USE PERMIT TO ALLOW LIGHT MANUFACTURING. PROPERTY LOCATION: 1009 E. JUDGE PEREZ DR. CHALMETTE, LA 70043.

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

YEAS: McCloskey, Gorbaty, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Luna

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 6th day of March, 2019.

Minutes of the St. Bernard Parish Council Meeting of March 6, 2019

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#20 On motion of Mr. Montelongo, seconded by Mrs. Alcon, it was moved to **introduce** the following ordinance:

Summary No. 3692

Planning Commission recommended **APPROVAL** on 2/26/19

Introduced by: Administration on 3/6/19

AN ORDINANCE TO APPROVE **DOCKET Z-2019-006**, PETITION OF JOHN KAMLADE JR. FOR A ZONING CHANGE FROM R-3(MULTI-FAMILY RESIDENTIAL AND C-1(NEIGHBORHOOD COMMERCIAL) TO C-2(GENERAL COMMERCIAL) AND A CONDITIONAL USE PERMIT TO ALLOW VEHICLE STORAGE LOT. PROPERTY LOCATION: 2025 LICCIARDI LANE VIOLET, LA 70092.

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

YEAS: McCloskey, Gorbaty, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Luna

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 6th day of March, 2019.

#21 On the motion Ms. Callais, seconded by Mrs. Alcon, it was moved to accept the Monthly Financial Summary Statement of Revenues and Expenditures and Change in Fund Balance for January 2019.

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

YEAS: McCloskey, Gorbaty, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Luna

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 6th day of March, 2019.

#22 **Coastal Zone Advisory Committee**
No action taken.

#23 On motion of Ms. Callais, seconded by Mr. Lewis, it was moved to enter into Executive Session to discuss Ryan Fink v. St. Bernard Parish Government, U.S. E.D. LA #18-5447.

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

YEAS: McCloskey, Gorbaty, Alcon, Montelongo, Callais

Minutes of the St. Bernard Parish Council Meeting of March 6, 2019

Page -11-

NAYS: None

ABSENT: Luna

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 6th day of March, 2019.

On motion of Ms. Callais, seconded by Mr. Lewis, it was moved to **AMEND** the agenda to discuss Angelicare , LLC et al v. St. Bernard Parish, et al, USDC E.D., LA #17-7360 and potential litigation between The United States Government and St. Bernard Parish Government related to HUD Complaint No. 06-17-8597-8 and all related matters in Executive Session.

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

YEAS: McCloskey, Gorbaty, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Luna

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 6th day of March, 2019.

#24 On motion Ms. Callais, seconded by Mrs. Alcon, it was moved to enter into Executive Session to discuss the matter of Angelicare , LLC et al v. St. Bernard Parish, et al, USDC E.D., LA #17-7360 and potential litigation between The United States Government and St. Bernard Parish Government related to HUD Complaint No. 06-17-8597-8 and all related matters.

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

YEAS: McCloskey, Gorbaty, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Luna

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 6th day of March, 2019.

On motion of the Chair, without objection and by unanimous consent, it was moved to return to Regular Session.

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

Minutes of the St. Bernard Parish Council Meeting of March 6, 2019

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YEAS: McCloskey, Gorbaty, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Luna

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 6th day of March, 2019.

#23 On motion of Ms. Callais, seconded by Mr. Gorbaty, it was moved to accept the advice of legal counsel in the matter of Ryan Fink v. St. Bernard Parish Government, U.S. E.D. LA #18-5447.

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

YEAS: McCloskey, Gorbaty, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Luna

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 6th day of March, 2019.

#24 On motion of Ms. Callais, seconded by Mr. Gorbaty, it was moved to accept the advice of legal counsel in the matter of Angelicare , LLC et al v. St. Bernard Parish, et al, USDC E.D., LA #17-7360 and potential litigation between The United States Government and St. Bernard Parish Government related to HUD Complaint No. 06-17-8597-8 and all related matters.

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

YEAS: McCloskey, Gorbaty, Alcon, Montelongo, Callais

NAYS: None

ABSENT: Luna

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 6th day of March, 2019.

There being no further business for discussion, the Council Chair declared the meeting adjourned at 8:31 p.m. on the 6th day of March, 2019.

COPIES OF ALL RESOLUTIONS AND ORDINANCES IN THEIR ENTIRETY ARE ON FILE AT THE CLERK OF COUNCIL'S OFFICE AND ARE AVAILABLE FOR PUBLIC VIEWING.

Roxanne Adams

ROXANNE ADAMS
CLERK OF COUNCIL

Richard "Richie" Lewis

RICHARD "RICHIE" LEWIS
COUNCIL CHAIR

PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **TUESDAY, MARCH 19, 2019 THREE (3:00) O'CLOCK P.M.** AT THE COUNCIL CHAMBERS OF THE GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA TO RECEIVE COMMENTARY ON THE FOLLOWING PROPOSED ORDINANCE INTRODUCED AT THE MARCH 6, 2019 COUNCIL MEETING:

Summary No. 3689

Introduced by: Administration on 3/6/19

AN ORDINANCE TO AMEND CHAPTER 17; PERSONNEL, ARTICLE V; DISCIPLINARY ACTIONS, SECTION 17-121; DISCIPLINARY PROCEDURE IN THE ST. BERNARD PARISH CODE OF ORDINANCES

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

WHEREAS, The St. Bernard Parish Council believes it to be in the best interest of the citizens of St. Bernard Parish and St. Bernard Parish Government to amend Chapter 17; Personnel, Article V; Disciplinary Actions, Section 17-121; Disciplinary Procedure to provide for pre-termination hearings.

SECTION 1. The St. Bernard Parish Council hereby amends Chapter 17; Personnel, Article V; Disciplinary Actions, Section 17-121; Disciplinary Procedure as shown on "Exhibit A".

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

BY DIRECTION OF

Richard "Richie" Lewis

RICHARD "RICHIE" LEWIS
COUNCIL CHAIR

Summary No. 3689
Exhibit "A"
Ordinance SBPC #XXXX-XX-XX

Chapter 17 - Personnel
Article V- Disciplinary Actions
Section 17-121- Disciplinary Procedure

Sec. 17-121. - Disciplinary procedure.

- (a) If an employee is not meeting parish standards of behavior or performance, the employee's supervisor should take the following action:
 - (1) Meet with the employee to discuss the matter;
 - (2) Inform the employee of the nature of the problem and the action necessary to correct it;
 - (3) Consult with the director of human resources;
 - (4) Prepare a memorandum for the supervisor's own records indicating that the meeting has taken place and the reason for the meeting; and
 - (5) Have the employee sign the memorandum, warning, or if deemed appropriate an adverse action of reprimand, suspension or termination. Refusal of the employee to sign any documentation shall not prohibit disciplinary action.
- (b) If there is a second occurrence, the supervisor should hold another meeting with the employee and take the following formal disciplinary action:
 - (1) Issue a written reprimand to the employee;
 - (2) Have employee sign reprimand;
 - (3) Warn the employee that a third incident will result in more severe disciplinary action; and
 - (4) Prepare and forward to the director of human resources, a written report describing the first and second incidents and summarizing the action taken during the meeting with the employee.
- (c) If there are additional occurrences, the supervisor should continue the formal disciplinary procedure and take the following action:
 - (1) Issue a written reprimand or warning;
 - (2) Have employee sign reprimand; and
 - (3) Recommend suspension of the employee without pay for up to five (5) working days; or
 - (4) Recommend suspension of the employee indefinitely and recommend termination.
 - (5) Prepare and forward to the director of human resources a written report describing the occurrences, indicating the time between the occurrences and summarizing the action taken or recommended and its jurisdiction.
- (d) The progressive disciplinary procedures described in this section may be applied to an employee who is experiencing a series of unrelated problems involving job performance and/or behavior.
- (e) In cases involving serious misconduct, such as a violation of law, the procedures outlined in this section may be disregarded. The supervisor should recommend suspension of the employee immediately, and if appropriate, recommend termination of the employee.

Summary No. 3689
Exhibit "A"
Ordinance SBPC #XXXX-XX-XX

(f) If a supervisor recommends and makes a written report to the chief administrative officer that an employee's service be terminated, a complete investigation of the situation should be conducted before the termination decision is made. The chief administrative officer shall approve all terminations or suspensions that last longer than one (1) working day.

(g) In every case of termination of employment of a regular employee, the appointing authority shall conduct a pre-termination hearing and shall notify the employee of the proposed termination at least three (3) days prior to the pre-termination hearing. No termination decision shall be taken prior to a pre-termination hearing unless the employee has refused notice of the pre-termination hearing and/or or has taken steps that prevented the appointing authority from being able to effectuate notice of the pre-termination hearing.

~~(g)~~(h) Employees who believe they have been disciplined too severely or without good cause are encouraged to utilize the grievance procedure as outlined in article II, division 2, section 17-57.

PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **TUESDAY, MARCH 19, 2019 THREE (3:00) O'CLOCK P.M.** AT THE COUNCIL CHAMBERS OF THE GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA TO RECEIVE COMMENTARY ON THE FOLLOWING PROPOSED ORDINANCE INTRODUCED AT THE MARCH 6, 2019 COUNCIL MEETING:

Summary No. 3690

Planning Commission recommended **APPROVAL** on 2/26/19

Introduced by: Administration on 3/6/19

AN ORDINANCE TO APPROVE **DOCKET Z-2019-004**, PETITION OF MICHAEL CHIANELLI FOR A ZONING CHANGE FROM R-2(TWO FAMILY RESIDENTIAL) AND C-1(NEIGHBORHOOD COMMERCIAL) TO C-2 TO OPERATE A USED CAR LOT. PROPERTY LOCATION: 3737 PARIS RD. CHALMETTE, LA 70043.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council does hereby approve **Docket Z-2019-004**, petition of Michael Chianelli for a zoning change from R-2(Two Family Residential) and C-1(Neighborhood Commercial) to C-2 to operate a Used Car Lot.

PROPERTY LOCATION: 3737 PARIS RD. CHALMETTE, LA 70043.

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

BY DIRECTION OF

Richard "Richie" Lewis

RICHARD "RICHIE" LEWIS
COUNCIL CHAIR

PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **TUESDAY, MARCH 19, 2019 THREE (3:00) O'CLOCK P.M.** AT THE COUNCIL CHAMBERS OF THE GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA TO RECEIVE COMMENTARY ON THE FOLLOWING PROPOSED ORDINANCE INTRODUCED AT THE MARCH 6, 2019 COUNCIL MEETING:

Summary No. 3691

Planning Commission recommended **Vote for Approval w/conditions failed 3-3 vote. No Recommendation** on 2/26/19

Introduced by: Administration on 3/6/19

AN ORDINANCE TO APPROVE **DOCKET Z-2019-005**, PETITION OF THE DANCE CONNECTION FOR A ZONING CHANGE FROM C-1 (NEIGHBORHOOD COMMERCIAL) TO A C-1 (NEIGHBORHOOD COMMERCIAL) WITH A CONDITIONAL USE PERMIT TO ALLOW LIGHT MANUFACTURING. PROPERTY LOCATION: 1009 E. JUDGE PEREZ DR. CHALMETTE, LA 70043.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council does hereby approve **Docket Z-2019-005**, petition of The Dance Connection for a zoning change from C-1 (Neighborhood Commercial) to a C-1 (Neighborhood Commercial) with a Conditional Use Permit to allow Light Manufacturing.

PROPERTY LOCATION: 1009 E. JUDGE PEREZ DR. CHALMETTE, LA 70043.

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

BY DIRECTION OF

Richard "Richie" Lewis

RICHARD "RICHIE" LEWIS
COUNCIL CHAIR

PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **TUESDAY, MARCH 19, 2019 THREE (3:00) O'CLOCK P.M.** AT THE COUNCIL CHAMBERS OF THE GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA TO RECEIVE COMMENTARY ON THE FOLLOWING PROPOSED ORDINANCE INTRODUCED AT THE MARCH 6, 2019 COUNCIL MEETING:

Summary No. 3692

Planning Commission recommended **APPROVAL** on 2/26/19

Introduced by: Administration on 3/6/19

AN ORDINANCE TO APPROVE **DOCKET Z-2019-006**, PETITION OF JOHN KAMLADE JR. FOR A ZONING CHANGE FROM R-3(MULTI-FAMILY RESIDENTIAL AND C-1(NEIGHBORHOOD COMMERCIAL) TO C-2(GENERAL COMMERCIAL) AND A CONDITIONAL USE PERMIT TO ALLOW VEHICLE STORAGE LOT. PROPERTY LOCATION: 2025 LICCIARDI LANE VIOLET, LA 70092

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council does hereby approve **Docket Z-2019-006**, petition of John Kamlade Jr. for a Zoning Change from R-3 (Multi-Family Residential) and C-1 (Neighborhood Commercial) to C-2 (General Commercial) and a Conditional Use Permit to allow vehicle storage lot.

PROPERTY LOCATION: 2025 LICCIARDI LANE VIOLET, LA 70092

Planning Commission recommends APPROVAL with the following CONDITIONS:

CONDITIONS:

- The property owner shall repair or erect perimeter fencing along the extent of the property lines.
- The property owner shall provide a 10' in width landscaped buffer along the side and rear property lines beyond the front facing façade of the existing structure.

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

BY DIRECTION OF

Richard "Richie" Lewis

RICHARD "RICHIE" LEWIS
COUNCIL CHAIR

#10

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 19, 2019 AT THREE O'CLOCK P.M.

On motion of XXXX, seconded by XXXX, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1919-03-19

BE IT RESOLVED, that the St. Bernard Parish Council, the Governing Authority, does hereby approve the following permits as recommended by the Alcohol Beverage and Bingo Department:

Beer and/or Liquor Permit(s)

1. Kimberly, Inc. dba Brewster's 8751 W. Judge Perez Dr., Chalmette, La 70043 Owners: Theodore and Kimberly Reab (**Renewal**) (**Beer & Liquor**)

Special Event

1. Name of Organization: S.O.A.R. Strengthening Outcomes with Autism Resources
Address: 39041 Old Sawmill Rd., Ponchatoula, La 70454
Event: SOARS Autism Crawfish Cookoff
Location: 3809 Paris Rd., Chalmette, La 70043
Date: May 11 2019
Time: 10AM-10PM
Contact: Sherri Houin/Desi Romano
2. Name of Organization: Old Arabi Neighborhood Association
Address: PO Box 112 Arabi, La 70032
Event: Sippin Into Sunset
Location: 409 Aycock St., Arabi, La 70032
Date: March 28, 2019
Time: 6PM-9PM
Contact: Barry Lemoine
3. Name of Organization: Tomato Fesitval Committee
Address: 2320 Paris Rd., Chalmette, La 70043
Event: Tomato Festival
Location: 2320 Paris Rd., Chalmette, La 70043
Date: May 3, 4, &5, 2019

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Extract #10 continued
March 19, 2019

Time: (5/3) 5pm-11pm (5/4) 11am-11pm (5/5)
11am-10pm

Contact: Fr. Marlon Mangubat

4. Name of Organization: Carolyn Park Boosters Inc.
Address: 9 Brittany Pl., Arabi, La 70032
Event: 4th Annual Community Kickball
Tournament
Location: 405 Lynx Dr., Arabi, La 70032
Date: Saturday, March 31, 2019
Time: 8AM-10PM
Contact: Duane Deblonde

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

YEAS:

NAYS:

ABSENT:

ABSTAIN:

The Council Chair, Mr. Lewis, cast his vote as **XXX**.

And the motion was declared **adopted** on the 19th day of March, 2019.

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Extract #10 continued
March 19, 2019

C E R T I F I C A T E

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, March 19, 2019.

Witness my hand and the seal of the Parish of St. Bernard on this 19th day of March, 2019.

ROXANNE ADAMS
CLERK OF COUNCIL

#11

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 19, 2019 AT THREE O'CLOCK P.M.

On motion of XXXX, seconded by XXXX, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1920-03-19

A RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM ATMOS ENERGY IN THE AMOUNT OF \$4,500.00 FOR THE WIND DOWN WEDNESDAYS CONCERT SERIES IN TORRES PARK.

WHEREAS, St. Bernard Parish submitted a grant application in the amount of \$7,500.00 to the Louisiana Department of Culture, Recreation and Tourism, Division of the Arts' Decentralized Arts Funding Program to fund the Wind Down Wednesday's Concert Series; and

WHEREAS, the Louisiana Decentralized Arts Funding Program notified the Parish it was awarding a grant of \$1,000.00 for this program which the Parish accepted in December, 2018; and,

WHEREAS, ATMOS Energy has provided funding support for this project in the past and was contacted again to request their funding consideration.

NOW THEREFORE BE IT RESOLVED, the St. Bernard Parish Council does hereby authorize acceptance of a grant from ATMOS Energy in the amount of \$4,500.00 for sponsorship of the Wind Down Wednesdays concert series in Torres Park.

BE IT FURTHER RESOLVED, the St. Bernard Parish Council, does hereby authorize the President of St. Bernard Parish Government to sign and execute all required documents in connection with this grant.

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

YEAS:

NAYS:

ABSENT:

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Extract #11 continued
March 19, 2019

The Council Chair, Mr. Lewis, cast his vote as **XXX**.

And the motion was declared **adopted** on the 19th day of March, 2019.

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, March 19, 2019.

Witness my hand and the seal
of the Parish of St. Bernard on
this 19th day of March, 2019.

ROXANNE ADAMS
CLERK OF COUNCIL

#12

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 19, 2019 AT THREE O'CLOCK P.M.

On motion of XXXX, seconded by XXXX, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1921-03-19

A RESOLUTION DECLARING THE INTENTION OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TO ISSUE TAXABLE UTILITIES REVENUE BONDS, IN ONE OR MORE SERIES, IN AN AMOUNT NOT TO EXCEED SIX MILLION DOLLARS (\$6,000,000) FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING, ACQUIRING, EXTENDING AND IMPROVING THE SEWER PORTION OF THE COMBINED WATER AND SEWER SYSTEM OF SAID PARISH; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Parish of St. Bernard, State of Louisiana (the "Issuer") now owns and operates a combined waterworks plant system and sewer system (the "System") as a revenue-producing work of public improvement; and

WHEREAS, the Parish Council of the Parish of St. Bernard, State of Louisiana, as governing authority of the Issuer, proposes that bonds, or other evidence of indebtedness, will be issued by the Issuer in the manner prescribed by and under the authority of Part II of Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 39:501, et seq.), and other constitutional and statutory authority (collectively, the "Act"), payable solely from the income and revenues to be derived from the operation of the System, subject to the prior payment of the reasonable and necessary expenses of operating and maintaining the System; and

WHEREAS, the Issuer has heretofore issued not exceeding \$11,000,000 of Taxable Utilities Revenue Bonds, Series 2015, not exceeding \$10,000,000 of Taxable Utilities Revenue Bonds, Series 2015A and not exceeding \$13,000,000 of Taxable Utilities Revenue Bonds, Series 2017 (collectively, the "Outstanding Bonds"); and

WHEREAS, this governing authority now desires to give notice of intention pursuant to the Act to issue not exceeding \$6,000,000 of bonds or other indebtedness to finance improvements to the sewer portion of the System; and

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Extract #12 continued
March 19, 2019

NOW, THEREFORE, BE IT RESOLVED by the Parish Council of the Parish of St. Bernard, State of Louisiana (the "Parish Council"), acting as the governing authority of the Parish of St. Bernard, State of Louisiana (the "Issuer"), that:

SECTION 1. Intent to Issue Revenue Bonds. Pursuant to and in compliance with the provisions of the Act, this Parish Council does hereby declare its intention to issue not exceeding Six Million Dollars (\$6,000,000) of Taxable Utilities Revenue Bonds, or other evidences of indebtedness (collectively, the "Bonds"), in the name of the Issuer, in one or more series, the proceeds of which, will be used to pay the cost of constructing, acquiring, extending and improving the sewer portion of the System and paying costs of issuance of the Bonds.

The Bonds shall be limited and special revenue bonds of the Issuer, which, together with the Outstanding Bonds, shall be secured by and payable in principal and interest solely from the income and revenues derived or to be derived by the Issuer from the operation of the System, after paying the reasonable and necessary expenses of operating and maintaining the System. The Bonds shall not be a charge on the other income and revenues of the Issuer, nor shall they constitute an indebtedness or pledge of the general credit of the Issuer. The Bonds shall be of such series, bear such dates, mature at such time or times, not to exceed twenty-two (22) years from their date of issuance, bear interest at such rate or rates not exceeding ninety-five hundredths percent (0.95%) per annum, be sold at such price or prices, be in such denomination or denominations, be in fully registered form, carry such registration privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption and be entitled to such priorities on the income and revenues of the System as the Issuer may provide by ordinance(s) adopted at the time or times of issuance of the Bonds.

The Issuer will, in such ordinance(s), enter into such covenants with the future owner or owners of the Bonds as to the management and operation of the System, the imposition and collection of fees and charges for the products, commodities or services furnished thereby, the disposition of such fees and revenues, the issuance of future bonds and the creation of future liens and encumbrances against the System and the revenues thereof, the carrying of insurance on the properties constituting the System, the disposition of the proceeds of insurance and other pertinent matters as may be deemed necessary by this Parish Council to assure the marketability of the Bonds, consistent with the provisions of the Act and other applicable laws and regulations. Such ordinance(s) will also include remedies in case of default, provision for the issuance of parity bonds, and such additional covenants, agreements and provisions as are judged advisable or necessary by the Issuer for the security of the registered owners of the

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Extract #12 continued
March 19, 2019

Bonds, including sinking funds and reserves for the payment of principal and interest on the Bonds and an adequate depreciation fund for those repairs, extensions and improvements to the System as may be necessary to assure adequate and efficient service to the public, all as provided by the Act.

SECTION 2. Sale of Bonds. The Bonds will be sold at a private sale to the Clean Water State Revolving Loan Fund, and may be issued and sold in installments as needed, all as provided for in the Act and other statutory authority.

SECTION 3. Public Hearing. This Parish Council will meet in open and public session, on TUESDAY, APRIL 16, 2019 at THREE O'CLOCK (3:00) P.M., at the Council Chambers of the St. Bernard Parish Government Complex, 8201 West Judge Perez Drive, Chalmette, Louisiana, or at an earlier or later regular or special meeting of the Parish Council to be determined by the Parish Council, in consultation with bond counsel and duly advertised in the manner provided by law, to hear any objections to the proposed issuance of the Bonds; provided, however, if at such hearing a petition or petitions duly signed by the electors of the Issuer in an aggregate number not less than five percent (5%) of the number of the electors of the Issuer voting in the last election held in the Issuer object to the issuance of the Bonds, then the Bonds shall not be issued until approved by a vote of a majority of the qualified electors of the Issuer who vote at a special election held for that purpose in the manner provided by Chapter 6-A, Title 18 of the Louisiana Revised Statutes of 1950. Any such petition shall be accompanied by a certificate of the St. Bernard Parish Registrar of Voters certifying that the signers of the petition are registered electors of the Issuer and the number of signers amounts to not less than five percent (5%) of the registered voters that voted in the last election held in the Issuer, all as provided by the Act.

SECTION 4. Notice of Intention. The Issuer is hereby authorized, empowered and directed to publish an appropriate notice of the intention of the Issuer to issue the Bonds in accordance with the provisions of this resolution and the Act. Such notice of intention shall be published in four (4) consecutive weekly issues of the official journal of the Issuer or of a newspaper of general circulation in St. Bernard Parish, and shall be in substantially the following form, with any such changes as may be necessary upon the advice of bond counsel:

* * * * *

**NOTICE OF INTENTION TO ISSUE
NOT EXCEEDING \$6,000,000 OF
TAXABLE UTILITIES REVENUE BONDS OF THE
PARISH OF ST. BERNARD, STATE OF LOUISIANA**

As provided by a resolution adopted by the Parish Council of the Parish of St. Bernard, State of Louisiana, acting as the governing authority of the Parish of St. Bernard, State of Louisiana (the "Issuer"), on March 19, 2019, the Issuer HEREBY DECLARES ITS INTENTION to issue up to Six Million Dollars (\$6,000,000) of Taxable Utilities Revenue Bonds (the "Bonds"), for the purpose of paying the cost of constructing, acquiring, extending and improving the sewer portion of the combined water and sewer system of the Issuer (the "System") and paying the costs of issuance of the Bonds.

The Bonds shall be limited and special revenue bonds of the Issuer, which, together with the Issuer's (i) Taxable Utilities Revenue Bonds, Series 2015, (ii) Taxable Utilities Revenue Bonds, Series 2015A and (iii) Taxable Utilities Revenue Bonds, Series 2017, shall be secured by and payable solely from the income and revenues to be derived from the operation of the System, subject to the prior payment of the reasonable and necessary expenses of operating and maintaining the System. The Bonds will not be a charge on the other income and revenues of the Issuer, nor shall they constitute an indebtedness or pledge of the general credit of the Issuer. The Bonds will be issued pursuant to Part II of Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 39:501, et seq.), and other constitutional and statutory authority (collectively, the "Act").

The Bonds will be issued and authorized by ordinance(s) adopted by the governing authority of the Issuer, in one or more series, will mature up to twenty-two (22) years from their date of issuance, will bear interest at rates up to ninety-five hundredths percent (0.95%), and will be subject to prepayment anytime without penalty.

As provided by the Act, all of the other details of the Bonds will be set forth in the ordinance(s) authorizing their issuance, including the following: covenants relating to the management and operation of the System, the imposition and collection of fees and charges from the System's customers, the expenditure of such fees and charges, the issuance of future bonds and the creation of future liens and encumbrances against the System and all other pertinent matters as may be necessary to the authorization and issuance of the Bonds.

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The Bonds are expected to be sold at a private sale, as provided for in the Act, to the Clean Water State Revolving Loan Fund, and the Bonds will also be approved by the State Bond Commission prior to their delivery.

THE PUBLIC IS HEREBY NOTIFIED that the governing authority of the Issuer will meet in open and public session on TUESDAY, APRIL 16, 2019 at THREE O'CLOCK (3:00) P.M., at the Council Chambers of the St. Bernard Parish Government Complex, 8201 West Judge Perez Drive, Chalmette, Louisiana, or at another regular or special meeting of the governing authority as may be determined by the Parish Council of the Issuer in consultation with bond counsel and duly advertised in the manner provided by law, to hear any objections to the proposed issuance of the Bonds. If at such hearing a petition duly signed by electors of the Issuer in a number not less than five percent (5%) of the number of such electors voting in the last election object to the issuance of the Bonds, then the Bonds shall not be issued until approved at an election held for that purpose. Any such petition must be accompanied by a certificate of the St. Bernard Parish Registrar of Voters certifying that the signers of the petition(s) are registered electors of the Issuer and the number of signers amounts to not less than five percent (5%) of the registered voters that voted in the last election held in the Issuer, all as provided by the Act.

PARISH OF ST. BERNARD, STATE OF LOUISIANA

* * * * *

SECTION 5. State Bond Commission. Application is hereby made to the State Bond Commission, Baton Rouge, Louisiana, for approval of not to exceed \$6,000,000 of Taxable Utilities Revenue Bonds of the Issuer (or such lesser amount as may be determined by the Parish Council), to mature on or before twenty-two (22) years from the date thereof and to bear interest at a rate not to exceed ninety-five hundredths percent (0.95%) per annum, as described above. A certified copy of this resolution shall be submitted to the State Bond Commission, together with a request for prompt consideration and approval of this application.

By virtue of the Issuer's application for, acceptance and utilization of the benefits of the Louisiana State Bond Commission's approval(s) resolved and set forth herein, it resolves that the Issuer understands and agrees that such approval(s) are expressly conditioned upon, and it further resolves that it understands, agrees and binds itself, its successors and assigns, to full and continuing compliance with the "State Bond Commission Policy on Approval of Proposed Use of Swaps, or other forms of Derivative Products Hedges, Etc.", adopted by the State Bond Commission on July 20, 2006, as to the borrowing(s) and other matter(s) subject to the approval(s), including subsequent application and

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approval under said Policy of the implementation or use of any swap(s) or other product(s) or enhancement(s) covered thereby.

SECTION 6. Employment of Bond Counsel. This Parish Council finds and determines that a real necessity exists for the employment of special counsel in connection with the issuance of the Bonds, and accordingly, Foley & Judell, L.L.P., of New Orleans, Louisiana, as Bond Counsel, is hereby employed to do and perform work of a traditional legal nature as bond counsel with respect to the issuance and sale of said Bonds. Said Bond Counsel shall prepare and submit to this Parish Council for adoption all of the proceedings incidental to the authorization, issuance, sale and delivery of such Bonds, shall counsel and advise this Parish Council as to the issuance and sale thereof and shall furnish its opinions covering the legality of the issuance of the Bonds. The fee of Bond Counsel for each series of bonds shall be fixed at a sum not exceeding the fee allowed by the Attorney General's fee guidelines for such bond counsel work in connection with the issuance of revenue bonds and based on the amount of said Bonds actually issued, sold, delivered and paid for, plus "out-of-pocket" expenses, said fees to be contingent upon the issuance, sale and delivery of said Bonds. The Director of Finance is hereby authorized and directed to execute, and this Parish Council hereby agrees to and accepts the terms of, the engagement letter of Bond Counsel appended hereto. A certified copy of this resolution shall be submitted to the Attorney General of the State of Louisiana for his written approval of said employment and of the fees herein designated, and the Director of Finance is hereby empowered and directed to provide for payment of the work herein specified upon completion thereof and under the conditions herein enumerated without further approval of this Parish Council.

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

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Lewis, cast his vote as **XXX**.

And the motion was declared **adopted** on the 19th day of March, 2019.

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CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, March 19, 2019.

Witness my hand and the seal of the Parish of St. Bernard on this 19th day of March, 2019.

ROXANNE ADAMS
CLERK OF COUNCIL

March 19, 2019

Ms. Blair Ellinwood, Director of Finance
St. Bernard Parish
8201 W. Judge Perez Drive
Chalmette, Louisiana 70043

Re: Not exceeding \$6,000,000 of Taxable Utilities
Revenue Bonds of the Parish of St. Bernard,
State of Louisiana

Dear Blair:

The purpose of this engagement letter is to set forth certain matters concerning the role we will serve and the legal services we will provide as bond counsel to the Parish of St. Bernard, State of Louisiana (the "Issuer") in connection with the issuance of the captioned bonds (the "Bonds"). We understand that the Bonds will be issued for the purpose (the "Project") described in the resolution adopted by the Parish Council of the Parish of St. Bernard, State of Louisiana (the "Governing Authority"), acting as the governing authority of the Issuer, on March 19, 2019.

As bond counsel, we will prepare and submit to the Governing Authority for adoption all of the legal proceedings required for the authorization, issuance, sale and delivery of the Bonds and provide advice of a traditional legal nature as to the issuance and sale of the Bonds. Our job is principally to render certain opinions to the Issuer regarding (i) the validity of the Bonds under applicable Louisiana law and (ii) other matters as may be applicable. The bond opinion will be based on facts and law existing as of its date. In rendering such opinion, we will rely upon the certified proceedings and other certifications of public officials and other persons furnished to our firm without undertaking to verify the same by independent investigation, and we will assume continuing compliance by the Issuer with applicable laws and other resolutions relating to the Bonds. During the course of this engagement, we will rely upon the staff of the Issuer and the members of the Governing Authority to provide us with complete and timely information on all developments pertaining to any aspect of the Bonds.

In our engagement as bond counsel, we will:

- Confer with members of the working group, including you and other officials of the Issuer, relating to the Project and review legal issues relating to the structure of the Bond issue;
- Prepare the Issuing Bond Ordinance and all related financing documents (collectively, the "Bond Documents");
- Attend meetings of the Governing Authority at which the Bond Documents are adopted;
- Prepare the application for approval of the issuance of the Bonds by the State Bond Commission and attend the State Bond Commission meeting at which such approval will be considered;

- Prepare the closing index and various closing certificates and supervise the execution of certain closing documents by the various parties thereto;
- Prepare the Bonds and supervise their execution and authentication;
- Prepare complete transcripts of record covering the issuance of the Bonds and furnishing the transcripts to various parties in connection therewith; and
- Submit applicable post-closing reports to the State Bond Commission.

Our fee as bond counsel is based upon the terms, structure, size and schedule of the financing, the services provided, and the responsibilities assumed; however, our fee will not exceed that permitted by guidelines set forth by the Attorney General of the State of Louisiana and is subject to his approval. Our fee as bond counsel is a “contingent fee,” meaning you are required to pay for our legal services only in the event the Bonds are actually sold and delivered. Other vendors or members of the working group may charge additional fees or costs for their services.

We will continue to serve as bond counsel until the delivery of the Bonds; however, the Issuer and our firm each have the right to terminate this engagement at any time after providing reasonable advanced written notice, subject to the applicable rules of professional responsibility. Upon conclusion or termination of our representation of the Issuer, papers and property furnished by the Issuer will be returned promptly upon request.

Please note that we are not municipal advisors, and we do not render financial advice or other financial services to the Issuer; however, in the course of providing traditional legal services, we may provide factual information to the Issuer that is not specifically tailored to the Bonds or that does not rise to the level of a recommendation concerning a course of action. We will, however, analyze and advise the Issuer regarding the legal ramifications of the structure, timing, terms and other provisions of the Bonds, as these functions are essential to developing a plan of finance.

Applicable ethical rules in Louisiana prohibit us from undertaking this representation if we represent another party that is directly adverse to the Issuer or if there is a significant risk that other considerations will materially limit our representation of the Issuer. As you are aware, our firm represents the State of Louisiana and many other political subdivisions, including others in St. Bernard Parish. At this time, we do not believe any other current or past engagement of our firm adversely affects our ability to represent the Issuer as provided in this letter; however, we invite you to discuss any concerns you have with us.

In the interest of facilitating our services to you, we may (i) send documents, information or data electronically or via the Internet or (ii) store electronic documents or data via computer software applications hosted remotely or utilize cloud-based storage. Confidential electronic documents or data of the Issuer may be transmitted or stored using these methods. We may use third party service providers to store or transmit these documents or data. In using these electronic communication and storage methods, we employ reasonable efforts to keep such communications, documents and data secure in accordance with our obligations under applicable laws, regulations, and professional standards; however, the Issuer recognizes and accepts that we have no control over the unauthorized

interception or breach of any communications, documents or data once it has been transmitted or if it has been subject to unauthorized access while stored, notwithstanding all reasonable security measures employed by us or by our third party service providers. By acceptance of this letter, the Issuer consents to our use of these electronic devices and applications and submission of confidential client information to or through third party service providers during this engagement.

If this letter is acceptable to the Issuer, please so indicate by executing below and returning a copy to us, retaining an original for your files. We appreciate the opportunity to serve the Issuer and look forward to working with you.

FOLEY & JUDELL, L.L.P.

BY: _____
C. GRANT SCHLUETER, PARTNER

ACCEPTED AND APPROVED:
PARISH OF ST. BERNARD, ST. OF LOUISIANA

BY: _____
NAME: BLAIR ELLINWOOD
TITLE: DIRECTOR OF FINANCE

DATED: MARCH 19, 2019

STATE OF LOUISIANA
PARISH OF ST. BERNARD

I, the undersigned Clerk of the Council of the Parish of St. Bernard, State of Louisiana (the "Issuer"), do hereby certify that the foregoing pages constitute a true and correct copy of a resolution adopted by the Parish Council of the Issuer on March 19, 2019, declaring the intention of the Parish of St. Bernard, State of Louisiana, to issue Taxable Utilities Revenue Bonds, in one or more series, in an amount not to exceed Six Million Dollars (\$6,000,000) for the purpose of paying the cost of constructing and acquiring additions, extensions and improvements to the sewer portion of the combined water and sewer system of said Parish; and providing for other matters in connection therewith.

IN FAITH WHEREOF, witness my official signature on this, the 19th day of March, 2019.

Clerk of the Council

#13

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 19, 2019 AT THREE O'CLOCK P.M.

On motion of XXXX, seconded by XXXX, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1922-03-19

A RESOLUTION MAKING APPLICATION TO THE STATE BOND COMMISSION FOR CONSENT AND AUTHORITY TO ISSUE NOT EXCEEDING TEN MILLION DOLLARS (\$10,000,000) OF TAXABLE SALES TAX BONDS, IN ONE OR MORE SERIES, OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Parish of St. Bernard, State of Louisiana (the "Issuer") now owns and operates a combined waterworks plant system and sewer system (the "System") and desires to construct and acquire improvements and replacements to the drinking water portion of the System; and

WHEREAS, the Parish Council of the Parish of St. Bernard, State of Louisiana, as governing authority of the Issuer, proposes that bonds, or other evidence of indebtedness, will be issued by the Issuer in the manner prescribed by and under the authority of Part II of Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 39:501, et seq.), and other constitutional and statutory authority (collectively, the "Act"); and

WHEREAS, pursuant to the Act, and subject to the approval of the State Bond Commission, the Issuer desires to issue not exceeding Ten Million Dollars (\$10,000,000) of its Taxable Sales Tax Bonds, in one or more series (the "Bonds"), to be payable from and secured by an irrevocable pledge and dedication of the net avails or proceeds of the Issuer's special one-half of one percent (½%) sales and use tax now being levied and collected by the Issuer (the "Tax"), pursuant to Article VI, Section 29 of the Louisiana Constitution of 1974 and pursuant to an election held in the Issuer on November 3, 1998, subject only to the prior payment of the reasonable and necessary costs and expenses of collecting and administering the sales tax (the "Net Revenues of the Tax"); and

WHEREAS, the Issuer has no outstanding bonds or other obligations of any kind or nature payable from or enjoying a lien on the Net Revenues of the Tax herein pledged, except the Issuer's outstanding Sales Tax Refunding Bonds, Series 2008 (the "Outstanding Bonds"); and

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Extract #13 continued
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WHEREAS, the Issuer desires to prepay the Outstanding Bonds prior to the issuance of the Bonds; and

WHEREAS, the Issuer wishes to make application to the State Bond Commission for consent and authority to issue the Bonds;

NOW, THEREFORE, BE IT RESOLVED by the Parish Council of the Parish of St. Bernard, State of Louisiana (the "Parish Council"), acting as the governing authority of the Parish of St. Bernard, State of Louisiana (the "Issuer"), that:

SECTION 1. Preliminary Approval of the Bonds. Preliminary approval is given to the issuance of not exceeding Ten Million Dollars (\$10,000,000) of Taxable Sales Tax Bonds, in one or more series, of the Parish of St. Bernard, State of Louisiana, for the purpose of paying the cost of constructing, acquiring, extending and improving the drinking water portion of the combined water and sewer system of the Issuer (the "System") and paying the costs of issuance of the Bonds, all in accordance with the provisions of the Act. The Bonds, together with the Outstanding Bonds (unless said Outstanding Bonds are prepaid prior to the delivery of the Bonds), shall be payable from and secured by an irrevocable pledge and dedication of the net avails or proceeds of the Issuer's special one-half of one percent ($\frac{1}{2}\%$) sales and use tax now being levied and collected by the Issuer, pursuant to Article VI, Section 29 of the Louisiana Constitution of 1974 and pursuant to an election held in the Issuer on November 3, 1998, -subject only to the prior payment of the reasonable and necessary costs and expenses of collecting and administering the sales tax. The Bonds shall bear interest at a rate or rates not to exceed 2.45% per annum (which figure includes an administrative fee of not exceeding $\frac{1}{2}\%$ per annum on the outstanding principal balance of the Bonds), shall mature over a period not to exceed twenty-two (22) years from the date thereof and shall be sold at a price of par.

SECTION 2. Sale of Bonds. The Bonds will be sold at a private sale to the Drinking Water Revolving Loan Fund, and may be issued and sold in installments as needed, all as provided for in the Act and other statutory authority.

SECTION 3. State Bond Commission. Application is hereby made to the State Bond Commission, Baton Rouge, Louisiana, for approval of not to exceed \$10,000,000 of Taxable Sales Tax Bonds of the Issuer (or such lesser amount as may be determined by the Parish Council), to mature on or before twenty-two (22) years from the date thereof and to bear interest at a rate not to exceed 2.45% per annum, as described above. A certified copy of this resolution shall be submitted to

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Extract #13 continued
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the State Bond Commission, together with a request for prompt consideration and approval of this application.

By virtue of the Issuer's application for, acceptance and utilization of the benefits of the Louisiana State Bond Commission's approval(s) resolved and set forth herein, it resolves that the Issuer understands and agrees that such approval(s) are expressly conditioned upon, and it further resolves that it understands, agrees and binds itself, its successors and assigns, to full and continuing compliance with the "State Bond Commission Policy on Approval of Proposed Use of Swaps, or other forms of Derivative Products Hedges, Etc.", adopted by the State Bond Commission on July 20, 2006, as to the borrowing(s) and other matter(s) subject to the approval(s), including subsequent application and approval under said Policy of the implementation or use of any swap(s) or other product(s) or enhancement(s) covered thereby.

SECTION 4. Employment of Bond Counsel. This Parish Council finds and determines that a real necessity exists for the employment of special counsel in connection with the issuance of the Bonds, and accordingly, Foley & Judell, L.L.P., of New Orleans, Louisiana, as Bond Counsel, is hereby employed to do and perform work of a traditional legal nature as bond counsel with respect to the issuance and sale of said Bonds. Said Bond Counsel shall prepare and submit to this Parish Council for adoption all of the proceedings incidental to the authorization, issuance, sale and delivery of such Bonds, shall counsel and advise this Parish Council as to the issuance and sale thereof and shall furnish its opinions covering the legality of the issuance of the Bonds. The fee of Bond Counsel for each series of bonds shall be fixed at a sum not exceeding the fee allowed by the Attorney General's fee guidelines for such bond counsel work in connection with the issuance of revenue bonds and based on the amount of said Bonds actually issued, sold, delivered and paid for, plus "out-of-pocket" expenses, said fees to be contingent upon the issuance, sale and delivery of said Bonds. The Director of Finance is hereby authorized and directed to execute, and this Parish Council hereby agrees to and accepts the terms of, the engagement letter of Bond Counsel appended hereto. A certified copy of this resolution shall be submitted to the Attorney General of the State of Louisiana for his written approval of said employment and of the fees herein designated, and the Director of Finance is hereby empowered and directed to provide for payment of the work herein specified upon completion thereof and under the conditions herein enumerated without further approval of this Parish Council.

SECTION 5. Prepayment of Outstanding Bonds. The Director of Finance is hereby authorized to take any and all actions necessary to prepay the Outstanding Bonds with monies currently available for the payment of the

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Extract #13 continued
March 19, 2019

Outstanding Bonds, provided that Capital One, N.A., the owner of the Outstanding Bonds, consents to said prepayment.

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

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Lewis, cast his vote as **XXX**.

And the motion was declared **adopted** on the 19th day of March, 2019.

C E R T I F I C A T E

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, March 19, 2019.

Witness my hand and the seal
of the Parish of St. Bernard on
this 19th day of March, 2019.

ROXANNE ADAMS
CLERK OF COUNCIL

March 19, 2019

Ms. Blair Ellinwood, Director of Finance
St. Bernard Parish
8201 W. Judge Perez Drive
Chalmette, Louisiana 70043

Re: Not exceeding \$10,000,000 of Taxable Sales
Tax Bonds of the Parish of St. Bernard,
State of Louisiana

Dear Blair:

The purpose of this engagement letter is to set forth certain matters concerning the role we will serve and the legal services we will provide as bond counsel to the Parish of St. Bernard, State of Louisiana (the "Issuer") in connection with the issuance of the captioned bonds (the "Bonds"). We understand that the Bonds will be issued for the purpose (the "Project") described in the resolution adopted by the Parish Council of the Parish of St. Bernard, State of Louisiana (the "Governing Authority"), acting as the governing authority of the Issuer, on March 19, 2019.

As bond counsel, we will prepare and submit to the Governing Authority for adoption all of the legal proceedings required for the authorization, issuance, sale and delivery of the Bonds and provide advice of a traditional legal nature as to the issuance and sale of the Bonds. Our job is principally to render certain opinions to the Issuer regarding (i) the validity of the Bonds under applicable Louisiana law and (ii) other matters as may be applicable. The bond opinion will be based on facts and law existing as of its date. In rendering such opinion, we will rely upon the certified proceedings and other certifications of public officials and other persons furnished to our firm without undertaking to verify the same by independent investigation, and we will assume continuing compliance by the Issuer with applicable laws and other resolutions relating to the Bonds. During the course of this engagement, we will rely upon the staff of the Issuer and the members of the Governing Authority to provide us with complete and timely information on all developments pertaining to any aspect of the Bonds.

In our engagement as bond counsel, we will:

- Confer with members of the working group, including you and other officials of the Issuer, relating to the Project and review legal issues relating to the structure of the Bond issue;
- Prepare the Issuing Bond Ordinance and all related financing documents (collectively, the "Bond Documents");
- Attend meetings of the Governing Authority at which the Bond Documents are adopted;

- Prepare the application for approval of the issuance of the Bonds by the State Bond Commission and attend the State Bond Commission meeting at which such approval will be considered;
- Prepare the closing index and various closing certificates and supervise the execution of certain closing documents by the various parties thereto;
- Prepare the Bonds and supervise their execution and authentication;
- Prepare complete transcripts of record covering the issuance of the Bonds and furnishing the transcripts to various parties in connection therewith; and
- Submit applicable post-closing reports to the State Bond Commission.

Our fee as bond counsel is based upon the terms, structure, size and schedule of the financing, the services provided, and the responsibilities assumed; however, our fee will not exceed that permitted by guidelines set forth by the Attorney General of the State of Louisiana and is subject to his approval. Our fee as bond counsel is a “contingent fee,” meaning you are required to pay for our legal services only in the event the Bonds are actually sold and delivered. Other vendors or members of the working group may charge additional fees or costs for their services.

We will continue to serve as bond counsel until the delivery of the Bonds; however, the Issuer and our firm each have the right to terminate this engagement at any time after providing reasonable advanced written notice, subject to the applicable rules of professional responsibility. Upon conclusion or termination of our representation of the Issuer, papers and property furnished by the Issuer will be returned promptly upon request.

Please note that we are not municipal advisors, and we do not render financial advice or other financial services to the Issuer; however, in the course of providing traditional legal services, we may provide factual information to the Issuer that is not specifically tailored to the Bonds or that does not rise to the level of a recommendation concerning a course of action. We will, however, analyze and advise the Issuer regarding the legal ramifications of the structure, timing, terms and other provisions of the Bonds, as these functions are essential to developing a plan of finance.

Applicable ethical rules in Louisiana prohibit us from undertaking this representation if we represent another party that is directly adverse to the Issuer or if there is a significant risk that other considerations will materially limit our representation of the Issuer. As you are aware, our firm represents the State of Louisiana and many other political subdivisions, including others in St. Bernard Parish. At this time, we do not believe any other current or past engagement of our firm adversely affects our ability to represent the Issuer as provided in this letter; however, we invite you to discuss any concerns you have with us.

In the interest of facilitating our services to you, we may (i) send documents, information or data electronically or via the Internet or (ii) store electronic documents or data via computer software applications hosted remotely or utilize cloud-based storage. Confidential electronic documents or data of the Issuer may be transmitted or stored using these methods. We may use third party service providers to store or transmit these documents or data. In using these electronic communication and storage methods, we employ reasonable efforts to keep such communications, documents and data secure in accordance with our obligations under applicable laws, regulations, and professional standards; however, the Issuer recognizes and accepts that we have no control over the unauthorized interception or breach of any communications, documents or data once it has been transmitted or if it has been subject to unauthorized access while stored, notwithstanding all reasonable security measures employed by us or by our third party service providers. By acceptance of this letter, the Issuer consents to our use of these electronic devices and applications and submission of confidential client information to or through third party service providers during this engagement.

If this letter is acceptable to the Issuer, please so indicate by executing below and returning a copy to us, retaining an original for your files. We appreciate the opportunity to serve the Issuer and look forward to working with you.

FOLEY & JUDELL, L.L.P.

BY: _____
C. GRANT SCHLUETER, PARTNER

ACCEPTED AND APPROVED:
PARISH OF ST. BERNARD, ST. OF LOUISIANA

BY: _____
NAME: BLAIR ELLINWOOD
TITLE: DIRECTOR OF FINANCE

DATED: MARCH 19, 2019

STATE OF LOUISIANA
PARISH OF ST. BERNARD

I, the undersigned Clerk of the Council of the Parish of St. Bernard, State of Louisiana (the "Issuer"), do hereby certify that the foregoing pages constitute a true and correct copy of a resolution adopted by the Parish Council of the Issuer on March 19, 2019, making application to the State Bond Commission for consent and authority to issue not exceeding Ten Million Dollars (\$10,000,000) of Taxable Sales Tax Bonds, in one or more series, of the Parish of St. Bernard, State of Louisiana; and providing for other matters in connection therewith.

IN FAITH WHEREOF, witness my official signature on this, the 19th day of March, 2019.

Clerk of the Council

#14

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 19, 2019 AT SEVEN O'CLOCK P.M.

On motion of XXXX, seconded by XXXX, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1923-03-19

A RESOLUTION SUPPORTING THE APPROVAL OF A PROJECT PRESENTED BY THE DISTRICT "C" COUNCIL REPRESENTATIVE ON THE PARKS AND PARKWAYS COMMISSION.

WHEREAS, the District "C" Goodchildren Playground landscaping of grass is estimated to cost up to \$XXX.XX for 9 pallets of St. Augustine grass.

NOW THEREFORE BE IT RESOLVED, the St. Bernard Parish Council, does hereby support the approval of the landscaping project at the Goodchildren Playground presented by the District C Council Representative on the Parks and Parkways Commission.

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

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Lewis, cast his vote as **XXX**.

And the motion was declared **adopted** on the 19th day of March, 2019.

Page -2-
Extract #14 continued
March 19, 2019

C E R T I F I C A T E

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, March 19, 2019.

Witness my hand and the seal
of the Parish of St. Bernard on
this 19th day of March, 2019.

ROXANNE ADAMS
CLERK OF COUNCIL

#15

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 19, 2019 AT THREE O'CLOCK P.M.

On motion of XXXX, seconded by XXXX, it was moved to **adopt** the following ordinance:

Summary No. 3689

Introduced by: Administration on 3/6/19

Public Hearing held on 3/19/19

AN ORDINANCE TO AMEND CHAPTER 17; PERSONNEL, ARTICLE V; DISCIPLINARY ACTIONS, SECTION 17-121; DISCIPLINARY PROCEDURE IN THE ST. BERNARD PARISH CODE OF ORDINANCES

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

WHEREAS, The St. Bernard Parish Council believes it to be in the best interest of the citizens of St. Bernard Parish and St. Bernard Parish Government to amend Chapter 17; Personnel, Article V; Disciplinary Actions, Section 17-121; Disciplinary Procedure to provide for pre-termination hearings.

SECTION 1. The St. Bernard Parish Council hereby amends Chapter 17; Personnel, Article V; Disciplinary Actions, Section 17-121; Disciplinary Procedure as shown on "Exhibit A".

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

Page -2-
Extract #15 continued
March 19, 2019

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

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Lewis, cast his vote as **XXX**.

And the motion was declared **adopted** on the 19th day of March, 2019.

ROXANNE ADAMS
CLERK OF COUNCIL

RICHARD "RICHIE" LEWIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Received by _____

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

Summary No. 3689
Exhibit "A"
Ordinance SBPC #XXXX-XX-XX

Chapter 17 - Personnel
Article V- Disciplinary Actions
Section 17-121- Disciplinary Procedure

Sec. 17-121. - Disciplinary procedure.

- (a) If an employee is not meeting parish standards of behavior or performance, the employee's supervisor should take the following action:
 - (1) Meet with the employee to discuss the matter;
 - (2) Inform the employee of the nature of the problem and the action necessary to correct it;
 - (3) Consult with the director of human resources;
 - (4) Prepare a memorandum for the supervisor's own records indicating that the meeting has taken place and the reason for the meeting; and
 - (5) Have the employee sign the memorandum, warning, or if deemed appropriate an adverse action of reprimand, suspension or termination. Refusal of the employee to sign any documentation shall not prohibit disciplinary action.
- (b) If there is a second occurrence, the supervisor should hold another meeting with the employee and take the following formal disciplinary action:
 - (1) Issue a written reprimand to the employee;
 - (2) Have employee sign reprimand;
 - (3) Warn the employee that a third incident will result in more severe disciplinary action; and
 - (4) Prepare and forward to the director of human resources, a written report describing the first and second incidents and summarizing the action taken during the meeting with the employee.
- (c) If there are additional occurrences, the supervisor should continue the formal disciplinary procedure and take the following action:
 - (1) Issue a written reprimand or warning;
 - (2) Have employee sign reprimand; and
 - (3) Recommend suspension of the employee without pay for up to five (5) working days; or
 - (4) Recommend suspension of the employee indefinitely and recommend termination.
 - (5) Prepare and forward to the director of human resources a written report describing the occurrences, indicating the time between the occurrences and summarizing the action taken or recommended and its jurisdiction.
- (d) The progressive disciplinary procedures described in this section may be applied to an employee who is experiencing a series of unrelated problems involving job performance and/or behavior.
- (e) In cases involving serious misconduct, such as a violation of law, the procedures outlined in this section may be disregarded. The supervisor should recommend suspension of the employee immediately, and if appropriate, recommend termination of the employee.

Summary No. 3689
Exhibit "A"
Ordinance SBPC #XXXX-XX-XX

(f) If a supervisor recommends and makes a written report to the chief administrative officer that an employee's service be terminated, a complete investigation of the situation should be conducted before the termination decision is made. The chief administrative officer shall approve all terminations or suspensions that last longer than one (1) working day.

(g) In every case of termination of employment of a regular employee, the appointing authority shall conduct a pre-termination hearing and shall notify the employee of the proposed termination at least three (3) days prior to the pre-termination hearing. No termination decision shall be taken prior to a pre-termination hearing unless the employee has refused notice of the pre-termination hearing and/or or has taken steps that prevented the appointing authority from being able to effectuate notice of the pre-termination hearing.

~~(g)~~(h) Employees who believe they have been disciplined too severely or without good cause are encouraged to utilize the grievance procedure as outlined in article II, division 2, section 17-57.

#16

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 19, 2019 AT THREE O'CLOCK P.M.

On motion of XXXX, seconded by XXXX, it was moved to **adopt** the following ordinance:

Summary No. 3690

Planning Commission recommended **APPROVAL** on 2/26/19

Introduced by: Administration on 3/6/19

Public Hearing held on 3/19/19

AN ORDINANCE TO APPROVE **DOCKET Z-2019-004**, PETITION OF MICHAEL CHIANELLI FOR A ZONING CHANGE FROM R-2(TWO FAMILY RESIDENTIAL) AND C-1(NEIGHBORHOOD COMMERCIAL) TO C-2 TO OPERATE A USED CAR LOT. PROPERTY LOCATION: 3737 PARIS RD. CHALMETTE, LA 70043.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council does hereby approve **Docket Z-2019-004**, petition of Michael Chianelli for a zoning change from R-2(Two Family Residential) and C-1(Neighborhood Commercial) to C-2 to operate a Used Car Lot.

PROPERTY LOCATION: 3737 PARIS RD. CHALMETTE, LA 70043.

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

Page -2-
Extract #16 continued
March 19, 2019

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

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Lewis, cast his vote as **XXX**.

And the motion was declared **adopted** on the 19th day of March, 2019.

ROXANNE ADAMS
CLERK OF COUNCIL

RICHARD "RICHIE" LEWIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Received by _____

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

#17

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 19, 2019 AT THREE O'CLOCK P.M.

On motion of XXXX, seconded by XXXX, it was moved to **adopt** the following ordinance:

Summary No. 3691

Planning Commission recommended **Vote for Approval w/conditions failed 3-3 vote. No Recommendation** on 2/26/19

Introduced by: Administration on 3/6/19

Public Hearing held on 3/19/19

AN ORDINANCE TO APPROVE **DOCKET Z-2019-005**, PETITION OF THE DANCE CONNECTION FOR A ZONING CHANGE FROM C-1 (NEIGHBORHOOD COMMERCIAL) TO A C-1 (NEIGHBORHOOD COMMERCIAL) WITH A CONDITIONAL USE PERMIT TO ALLOW LIGHT MANUFACTURING. PROPERTY LOCATION: 1009 E. JUDGE PEREZ DR. CHALMETTE, LA 70043.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council does hereby approve **Docket Z-2019-005**, petition of The Dance Connection for a zoning change from C-1 (Neighborhood Commercial) to a C-1 (Neighborhood Commercial) with a Conditional Use Permit to allow Light Manufacturing.

PROPERTY LOCATION: 1009 E. JUDGE PEREZ DR. CHALMETTE, LA 70043.

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

Page -2-
Extract #17 continued
March 19, 2019

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

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Lewis, cast his vote as **XXX**.

And the motion was declared **adopted** on the 19th day of March, 2019.

ROXANNE ADAMS
CLERK OF COUNCIL

RICHARD "RICHIE" LEWIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Received by _____

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

#18

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 19, 2019 AT THREE O'CLOCK P.M.

On motion of XXXX, seconded by XXXX, it was moved to **adopt** the following ordinance:

Summary No. 3692

Planning Commission recommended **APPROVAL** on 2/26/19

Introduced by: Administration on 3/6/19

Public Hearing held on 3/19/19

AN ORDINANCE TO APPROVE **DOCKET Z-2019-006**, PETITION OF JOHN KAMLADE JR. FOR A ZONING CHANGE FROM R-3(MULTI-FAMILY RESIDENTIAL AND C-1(NEIGHBORHOOD COMMERCIAL) TO C-2(GENERAL COMMERCIAL) AND A CONDITIONAL USE PERMIT TO ALLOW VEHICLE STORAGE LOT. PROPERTY LOCATION: 2025 LICCIARDI LANE VIOLET, LA 70092

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council does hereby approve **Docket Z-2019-006**, petition of John Kamlade Jr. for a Zoning Change from R-3 (Multi-Family Residential) and C-1 (Neighborhood Commercial) to C-2 (General Commercial) and a Conditional Use Permit to allow vehicle storage lot.

PROPERTY LOCATION: 2025 LICCIARDI LANE VIOLET, LA 70092

Planning Commission recommends APPROVAL with the following CONDITIONS:

CONDITIONS:

- The property owner shall repair or erect perimeter fencing along the extent of the property lines.
- The property owner shall provide a 10' in width landscaped buffer along the side and rear property lines beyond the front facing façade of the existing structure.

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

Page -2-
Extract #18 continued
March 19, 2019

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

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

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Lewis, cast his vote as **XXX**.

And the motion was declared **adopted** on the 19th day of March, 2019.

ROXANNE ADAMS
CLERK OF COUNCIL

RICHARD "RICHIE" LEWIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Received by _____

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

#19

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 19, 2019 AT THREE O'CLOCK P.M.

On motion of Mr. Gorbaty, seconded by Mr. McCloskey, it was moved to **introduce** the following ordinance:

Summary No. 3694

Introduced by: Council on 3/19/19

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2119-12-18**, AN ORDINANCE TO ADOPT THE 2019 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Annual Operating and Capital Budget for 2019 is hereby amended as per attached in Exhibit "A".

WHEREAS, each department shall be treated as a separate fund for the purpose of the five percent (5%) budgetary compliance in accordance with the state law; and,

WHEREAS, no monies shall be moved from one fund or department without official action taken by the Parish Council; and,

WHEREAS, all revenues generated by a specific department shall be budgeted as a revenue within that department's specific budget.

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted

Page -2-
Extract #19 continued
March 19, 2019

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

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Lewis, cast his vote as **XXX**.

And the motion was declared **adopted** on the 19th day of March, 2019.

C E R T I F I C A T E

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, March 19, 2019.

Witness my hand and the seal of the Parish of St. Bernard on this 19th day of March, 2019.

ROXANNE ADAMS
CLERK OF COUNCIL

St. Bernard Parish Government
Proposed 2019 Budget Amendment 4-2-2019
Summary No. 3694
Ordinance SBPC #XXXX-XX-XX

<u>Object</u>	<u>Account Code</u>	<u>Project</u>	<u>Account Title</u>	<u>Account Type</u>	<u>Entry Amount</u>	
	<u>Org</u>				<u>Increase</u>	<u>Decrease</u>
2626540	571001	4524	Construction in Progress	Expenditure	\$ 685,000	
<i>Net Effect on Fund Balance</i>					<u>\$ -</u>	<u>\$ 685,000</u>

This Budget Amendment is to budget additional funding needed to complete the Jackson/Pakenham project.

**St. Bernard Parish
Repayment Schedule**

	685,000
2020	50,000
2021	50,000
2022	50,000
2023	50,000
2024	50,000
2025	50,000
2026	50,000
2027	50,000
2028	50,000
2029	50,000
2030	50,000
2031	50,000
2032	85,000
	<u>685,000</u>

Balance Sheet Transaction:

		<u>Debit</u>	<u>Credit</u>
500	100000 Cash		685,000
500	140100 Due from GF	685,000	
462	270500 Due to W&S		685,000
462	109000 Cash	685,000	

#20

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 19, 2019 AT THREE O'CLOCK P.M.

On motion of Mr. xxxx, seconded by Mr. xxxx, it was moved to **introduce** the following ordinance:

Summary No. 3695

Introduced by: Council on 3/19/19

AN ORDINANCE LEVYING AND IMPOSING CERTAIN TAXES FOR 2019 ON ALL THE PROPERTY SUBJECT TO TAXATION IN THE PARISH OF ST. BERNARD, ROAD LIGHTING DISTRICT NO. 1, ROAD DISTRICT NO. 1, GARBAGE DISTRICT NO. 1, FIRE PROTECTION DISTRICT NO. 1 AND FIRE PROTECTION DISTRICT NO. 2.

WHEREAS, it is necessary for the Parish Council of the Parish of St. Bernard, State of Louisiana, acting as the governing authority of said Parish and the hereinafter described districts, to levy all the maintenance and operating taxes for the year 2019; and,

WHEREAS, it is also necessary for the said Parish Council, acting as the Governing Authority of said Parish, to levy taxes for the year 2019 for the payment of general obligation bonds thereof.

NOW, THEREFORE, BE IT ORDAINED by the St. Bernard Parish Council, acting as the Governing Authority of the following political subdivisions,

1. Parish of St. Bernard, State of Louisiana
2. Road Lighting District No. 1 of the Parish of St. Bernard, State of Louisiana
3. Road District No. 1 of the Parish of St. Bernard, State of Louisiana
4. Garbage District No. 1 of the Parish of St. Bernard, State of Louisiana
5. Fire Protection District No. 1 of the Parish of St. Bernard, State of Louisiana
6. Fire Protection District No. 2 of the Parish of St. Bernard, State of Louisiana

SECTION 1. Parish Taxes. Under the authority of the Constitution and Laws of the State of Louisiana, the following special taxes are hereby levied, assessed and imposed on all the property in said Parish for the year 2019, for the respective purposes described below:

Page -2-
 Extract #20 continued
 March 19, 2019

<u>2019 Millage Rate</u>	<u>Election Date</u>	<u>Years Authorized</u>	<u>Purpose</u>
2.810	N/A	N/A	Parish Constitutional Tax
1.230	April 9, 2016	2017-2026	Constructing, maintaining, improving and operating public libraries in the Parish.
2.520	Nov. 7, 2006	2010-2019	Constructing, maintaining, improving and operating public libraries in the Parish and purchasing books and other library materials.
2.170	April 9, 2016	2017-2026	Acquiring or improving lands, buildings and equipment for recreation purposes, title to which shall be in the public, and maintaining and operating such recreation facilities in the Parish.
0.620	April 9, 2016	2017-2026	Constructing, maintaining, improving and operating public health units in the Parish.
0.940	Nov. 21, 2015	2017-2026	Providing funding for Senior Citizens programs, activities and services operated by the St. Bernard Parish Council on Aging.
<u>2019 Millage Rate</u>	<u>Election Date</u>	<u>Years Authorized</u>	<u>Purpose</u>
20.410	Dec. 8, 2012	2012-2022	Acquiring, constructing, maintaining, improving and operating fire protection facilities and purchasing fire trucks and other firefighting equipment.

SECTION 2. Parishwide District Taxes. Under the authority of the Constitution and Laws of the State of Louisiana, the following special taxes are hereby levied, assessed and imposed on all the property in said Parish for the year 2019, for the respective parish wide districts and purposes described below:

<u>2019 Millage Rate</u>	<u>Election Date</u>	<u>Years Authorized</u>	<u>Parishwide District and Purpose</u>
3.050	April 9, 2016	2017-2026	<u>Garbage District No. 1</u> - providing and maintaining garbage collection and disposal services in Garbage District No. 1.
3.050	April 9, 2016	2017-2026	<u>Road District No. 1</u> - constructing, improving and maintaining public roads and highways in Road District No. 1
1.220	April 9, 2016	2017-2026	<u>Road Lighting District No. 1</u> - providing and maintaining electric lights on the streets, roads, highways, alleys and public places in Road Lighting District No. 1.

SECTION 3. Non-parishwide District Taxes. Under the authority of the Constitution and Laws of the State of Louisiana, the following special taxes are hereby levied, assessed and imposed on all the property in the respective non-parishwide districts described below for the year 2019, for the respective districts and purposes described below:

<u>2019 Millage Rate</u>	<u>Election Date</u>	<u>Years Authorized</u>	<u>Non-parishwide District and Purpose</u>
2.730	April 9, 2016	2017-2026	<u>Fire Protection District No. 1</u> maintaining and operating said Fire Protection District's fire protection facilities and paying the cost of obtaining water for fire protection purposes, including charges for fire hydrant rentals and services in Fire Protection District No. 1.

Page -4-
Extract #20 continued
March 19, 2019

4.690	Apr. 28, 2018	2019-2028	<u>Fire Protection District No. 1</u> - acquiring, constructing, maintaining, improving and operating fire protection facilities and purchasing fire trucks and other fire fighting equipment in Fire District No.1.
8.350	Apr. 28, 2018	2019-2028	<u>Fire Protection District No. 2</u> - acquiring, constructing, maintaining, improving and operating fire protection facilities and purchasing fire trucks and other fire fighting equipment in Fire District No. 2.

SECTION 4. Collection of Taxes. The proper administrative officials of the Parish of St. Bernard, State of Louisiana, are hereby empowered, authorized and directed to spread said taxes, as hereinabove set forth, upon the assessment roll of said Parish for the year 2019, and to make the collection of the taxes imposed for and on behalf of said Parish and said respective districts, according to law, and the taxes herein levied shall become a permanent lien and privilege on all the property subject to taxation as herein set forth, and the collection thereof shall be enforceable in the manner provided by law.

Specifically, the Assessor of the Parish of St. Bernard shall extend said taxes and assessment on said assessment roll as required by law, and the Sheriff and ex officio tax collector of the Parish of St. Bernard shall collect said taxes.

Certified copies of this ordinance shall be forwarded to the St. Bernard Parish Assessor and to the St. Bernard Parish Sheriff and ex officio tax collector as complete authority to levy and collect the taxes herein provided.

Page -5-
Extract #20 continued
March 19, 2019

SECTION 5. Publication. This ordinance shall be published one time in the official journal of this Parish Council in the manner provided by law.

SECTION 6. Effective Date. This ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto this ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 7. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted

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

YEAS:

NAYS:

ABSENT:

ABSTAIN:

The Council Chair, Mr. Lewis, cast his vote as **xxx**.

And the motion was declared **xxxxx** on the 19th day of March, 2019.

C E R T I F I C A T E

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, March 19, 2019.

Witness my hand and the seal
of the Parish of St. Bernard on
this 19th day of March, 2019.

ROXANNE ADAMS
CLERK OF COUNCIL

#21

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 19, 2019 AT THREE O'CLOCK P.M.

On motion of XXXX, seconded by XXXX, it was moved to **introduce** the following ordinance:

Summary No. 3696

Introduced by: Administration on 3/19/19

AN ORDINANCE GRANTING LAKE BORGNE BASIN LEVEE DISTRICT A TEMPORARY ROAD SERVITUDE, AS DESCRIBED IN EXHIBIT "A", FOR FLOOD PROTECTION IMPROVEMENTS.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

WHEREAS, The Parish Council believes it to be in the best interest of the citizens of St. Bernard Parish and St. Bernard Parish Government to grant a temporary road servitude to Lake Borgne Basin Levee District for flood protection improvements.

SECTION 1. The St. Bernard Parish Council hereby grants Lake Borgne Basin Levee District a temporary road servitude as described in attachment "A."

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

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

YEAS:

NAYS:

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Extract #21 continued
March 19, 2019

ABSENT:

The Council Chair, Mr. Lewis, cast his vote as **XXX**.

And the motion was declared **adopted** on the 19th day of March, 2019.

C E R T I F I C A T E

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, March 19, 2019.

Witness my hand and the seal
of the Parish of St. Bernard on
this 19th day of March, 2019.

ROXANNE ADAMS
CLERK OF COUNCIL

#22

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 19, 2019 AT THREE O'CLOCK P.M.

On motion of XXXX, seconded by XXXX, it was moved to **introduce** the following ordinance:

Summary No. XXXX

Introduced by: Administration on 3/19/19

AN ORDINANCE TO AUTHORIZE THE RESCISSION OF THE SALE OF 2109 ESTEBAN STREET TO PAUL E. HERKES, III AND THE RESCISSION OF THE ACT OF RESUBDIVISION WHICH CREATED LOT 3-A AND TO AUTHORIZE THE PARISH PRESIDENT, THE ST. BERNARD HOUSING, REDEVELOPMENT AND QUALITY OF LIFE COMMISSION, AND THE ROAD HOME CORPORATION TO EXECUTE ANY NECESSARY DOCUMENTS FOR THE RESCISSIONS

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

WHEREAS, Paul E. Herkes, III purchased 2109 Esteban Street, a "rear" lot located in Arabi, Louisiana, from the Road Home Corporation, as part of the Lot Next Door Program.

WHEREAS, Paul E. Herkes, III desires to rescind the sale and the Act of Resubdivision, which created Lot 3-A in exchange for a refund of the purchase price, so that ownership of 2109 Esteban can revert to the Road Home Corporation and/or ultimately be transferred to St. Bernard Parish Government and returned to commerce.

WHEREAS, it is in the best interest of St. Bernard Parish and the redevelopment of 2109 Esteban for these rescissions to occur.

SECTION 1. The rescission of the act of sale of 2019 Esteban to Paul E. Herkes, III and the rescission of the Act of Resubdivision, which created Lot 3-A are hereby authorized in exchange for the return of the purchase price to Paul E. Herkes, III.

SECTION 2. The Parish President, the St. Bernard Housing, Redevelopment and Quality of Life Commission, and/or The Road Home Corporation are authorized to execute any necessary documents for the rescissions.

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Extract #22 continued
March 19, 2019

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 4. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

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

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Lewis, cast his vote as **XXX**.

And the motion was declared **adopted** on the 19th day of March, 2019.

C E R T I F I C A T E

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, March 19, 2019.

Witness my hand and the seal
of the Parish of St. Bernard on
this 19th day of March, 2019.

ROXANNE ADAMS
CLERK OF COUNCIL