



St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
www.sbp.net

Guy McInnis
Councilman
at Large

George Cavignac
Councilman
at Large

Ray Lauga, Jr.
Councilman
District A

Nathan Gorbaty
Councilman
District B

Richard "Richie" Lewis
Councilman
District C

Casey W. Hunnicutt
Councilman
District D

**Manuel "Monty"
Montelongo III**
Councilman
District E

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 OCTOBER 20, 2015 AT THREE O'CLOCK P.M.

On motion of Mr. Gorbaty, seconded by Mr. Lauga, it was moved to adopt the following ordinance:

ORDINANCE SBPC #1695-10-15

Summary No. 3291

Introduced by: Administration on 10/6/15
Public hearing held on 10/20/15

AN ORDINANCE TO AMEND CHAPTER 2.5; ADMINISTRATIVE ADJUDICATION, SECTION 2.5-10; APPEAL OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

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 amend ordinance amend Chapter 2.5; Administrative Adjudication, Section 2.5-10; Appeal.

SECTION 1. The Parish Council hereby amends Chapter 2.5; Administrative Adjudication, Section 2.5-10; Appeal.

Any party aggrieved by a decision of the hearing officer pursuant to this chapter may appeal this determination to the Thirty-Fourth Judicial District Court of the Parish of St. Bernard. This section shall be the sole method of appeal for administrative hearings.

(b) Filing an appeal.

(i) An appeal shall be instituted by filing, within thirty (30) days of the date the hearing officer mailed the order. A petition for appeal, including requests for the Thirty-Fourth Judicial District Court (34th JDC) to set dates petitioner deems necessary relative to filing briefs, memorandums, oral arguments, motions, and/or a hearing date, with the clerk of the 34th JDC along with payment of costs required by the clerk of court for the filing of the appeal. The return date for the bureau of



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administrative adjudication to file the record including the transcript is thirty (30) days from the date all costs are paid to the clerk of the 34th JDC and the Bureau of Administrative Adjudication.

(ii) The petitioner shall request service of the petition for appeal on the Parish President the parish attorney and the bureau of administrative adjudication through the named hearing officer at the office address.

...

(xi) Should the transcript not be ready for lodging with the record, whether for failure of petitioner to pay transcript costs or other cause, the bureau of administrative adjudication shall file a notice or request for an extension of the return date advising that the record is ready for lodging except for the transcript and the reason for not including the transcript with the record.

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: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, McInnis

NAYS: None

ABSENT: None

The Chairman, Mr. Cavignac, cast his vote as **YEA**.

And the motion was declared **adopted** on the 20th day of October, 2015.



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GEORGE CAVIGNAC
COUNCIL CHAIRMAN

Delivered to the Parish President 10/22/2015 4:00pm
Date and Time

Approved Vetoed

Parish President 
David E. Peralta

Returned to Clerk of the Council 10/23/2015 1:12pm
Date and Time

Received by 