

PUBLIC NOTICE - ST. BERNARD PARISH COUNCIL MEETING - AGENDA

Email: radams@sbgg.net

(504) 278-4228

(504) 278-4209 (fax)

Posted 2/16/16

Thursday, February 18, 2016 3:00 p.m.

Council Chambers

Page 1 of 7

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 Father Lance Campo with Our Lady of Prompt Succor Catholic Church
- E. Pledge of Allegiance by Councilmember Alcon
- F. Recognize Elected Officials

APPROVAL OF MINUTES

1. Motion to approve the minutes from the January 26, 2016 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, February 5, 2016 and the February 2, 2016 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, February 12, 2016. (Council Chair)

RECOGNITION

2. Motion to proclaim February 29, 2016 – March 4, 2016 as “Severe Weather Awareness Week” in St. Bernard Parish. (Administration)
3. **Guy McInnis**, President's Report
4. Councilmember's for a District Update

RECOGNIZE THE PUBLIC

5. Recognize the Public (Those wishing to speak must sign in prior to the start of the meeting. Speakers will be given 2 minutes.)

PUBLIC HEARINGS

6. **Summary No. 3335**
Introduced by: Councilman Lewis on 1/26/16
Public hearing held on 2/18/16

AN ORDINANCE TO AMEND **ORDINANCE SBPC #1605-01-15**, TO DECLARE AS SURPLUS 2201 PECAN DRIVE, WHICH HAS BEEN ADJUDICATED TO THE PARISH AND TO AUTHORIZE THE SALE OF SAID PROPERTY TO THOMAS A. NUNEZ AND KATHRYN J. NUNEZ.

7. **Summary No. 3336**
Introduced by: Councilman Montelongo on 1/26/16
Public hearing held on 2/18/16

AN ORDINANCE NAMING LOS ISLENOS MUSEUM COMPLEX MULTI – PURPOSE BUILDING THE “FRANK M. FERNANDEZ, JR. ISLENO CENTER.”

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8. **Summary No. 3338**

Introduced by: Administration on 1/26/16

Public hearing held on 2/18/16

AN ORDINANCE TO REVOKE THE STREET DEDICATION OF ROMAN STREET IN ACCORDANCE WITH THE ATTACHED SURVEY: EXHIBIT "A."

9. **Summary No. 3339**

Introduced by: Administration on 1/26/16

Public hearing held on 2/18/16

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1713-12-15**, AN ORDINANCE TO ADOPT THE 2016 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

10. **Summary No. 3340**

Introduced by: Administration on 1/26/16

Public hearing held on 2/18/16

AN ORDINANCE TO PURCHASE LOT 1-A-7, ARABI, LOUISIANA 70032.

11. **Summary No. 3341**

Introduced by: Administration on 1/26/16

Public hearing held on 2/18/16

AN ORDINANCE TO PURCHASE 5609 E. ST. BERNARD HIGHWAY, VIOLET, LA 70092.

12. **Summary No. 3342**

Introduced by: Administration on 1/26/16

Public hearing held on 2/18/16

AN ORDINANCE TO REVOKE THE STREET DEDICATION OF BARBARA DRIVE IN ACCORDANCE WITH THE ATTACHED SURVEY: EXHIBIT "A."

13. **Summary No. 3343**

Introduced by: Administration on 1/26/16

Public hearing held on 2/18/16

AN ORDINANCE TO DECLARE AS SURPLUS 1719 SCHNELL DR., WHICH HAS BEEN ADJUDICATED TO THE PARISH, AND TO AUTHORIZE THE SALE OF SAID PROPERTY ACCORDING TO LAW.

14. **Summary No. 3346**

Planning Commission recommended **APPROVAL** on 1/26/16

Introduced by: Administration on 2/2/16

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Public hearing held on 2/18/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-002**, PETITION OF AYCOCK STREET PROPERTIES, LLC FOR A ZONING CHANGE FROM "C-1, (NEIGHBORHOOD COMMERCIAL)" TO "C-2, (GENERAL COMMERCIAL)" FOR THE PROPERTY LOCATED AT 3624 DELILLE ST. CHALMETTE, LA 70043.

RESOLUTIONS

15. Adopt **Resolution SBPC #1440-02-16**, approving permits as recommended by the Alcohol Beverage and Bingo Department: (Administration)

Beer and/or Liquor Permit(s)

1. Hiren & Jatin, Inc. dba Super Discount Store 3235 Paris Road, Chalmette, LA 70043 Owners: Jatin Desai and Hiren Shah Expired: November 30, 2015 **(Renewal) (Beer & Liquor)**
 2. M & A Cheema, LLC dba AAA Shell 2601 Paris Road, Chalmette, LA 70043 Owners: Muhammed Cheema & Asia Cheema Expired: January 31, 2016 **(Renewal) (Beer & Liquor)**
 3. Moran Foods, LLC dba Save-A-Lot #355 8700 W. Judge Perez Drive, Chalmette, LA 70043 Manager: Will Espionosa Expired: January 31, 2016 **(Renewal) (Beer & Liquor)**
 4. Murphy Oil USA, Inc. dba Murphy USA #7217 8001 A. W. Judge Perez Drive, Chalmette, LA 70043 Manager: Shariff Hassan Expired: January 31, 2016 **(Renewal) (Beer & Liquor)**
 5. Parish Buds, LLC dba Bud's Broiler 2800 Paris Road, Chalmette, LA 70043 Owner: Justin D. Palmer Expires: February 28, 2016 **(NEW)(Beer only)**
 6. QC Discount, LLC dba QC Discount 4725 E. Judge Pere Drive, Violet, LA 70092 Owner: Abdallah A. Jaber Expires: February 28, 2016 **(Renewal) (Beer & Liquor)**
16. Adopt **Resolution SBPC #1441-02-16**, a resolution to request reimbursement for travel expenses incurred by Councilmember Nathan Gorbaty during the month of January while in attendance at meetings in Washington, DC and the Police Jury Association meetings in Baton Rouge, LA. (Councilman Gorbaty)
17. Adopt **Resolution SBPC #1442-02-16**, a resolution declaring that the St. Bernard Parish Council has read and understands that the Riverbend Wastewater Treatment Pond located at Judge Perez at Southlake Blvd. is meeting the treatment effluent requirements that are that are set forth by the Louisiana Department of Environmental Quality. (Administration)
18. Adopt **Resolution SBPC #1443-02-16**, a resolution appointing Sean Warner to The St. Bernard Parish Redevelopment, LLC Board, as a governing representative. (Administration)

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19. Adopt **Resolution SBPC #1444-02-16**, a resolution appointing Andrew Becker to The St. Bernard Parish Redevelopment, LLC Board, as a governing representative. (Administration)
20. Adopt **Resolution SBPC #1445-02-16**, a resolution to appoint Ronald J. Alonzo, Jr., Chief Administrative Officer, to the St. Bernard Parish 911 Communications District. (Administration)
21. Adopt **Resolution SBPC #1446-02-16**, a resolution to re-appoint Colonel John Vickers, Jr., St. Bernard Parish Sheriff's Office, to the St. Bernard Parish 911 Communications District. (Administration)
22. Adopt **Resolution SBPC #1447-02-16**, a resolution to appoint Master Trooper Steve Volante, La State Trooper Association, to the St. Bernard Parish 911 Communications District. (Administration)
23. Adopt **Resolution SBPC #1448-02-16**, a resolution authorizing two grant applications to Walmart Foundation's Community Giving Program in the amount of \$2,500.00 each for Recreation Department Equipment. (Administration)

INTRODUCTION

24. **Summary No. 3344**
Removed prior to Introduction on 1/26/16
Introduced by: Councilmember Gorbaty on 2/18/16

AN ORDINANCE TO REPEAL IN ITS ENTIRETY, **ORDINANCE SBPC #1465-12-13**, AN ORDINANCE AUTHORIZING DAVID E. PERALTA, PRESIDENT, ST. BERNARD PARISH, LOUISIANA, TO HIRE LEGAL REPRESENTATION TO PROVIDE LEGAL SERVICES RELATED TO THE INVESTIGATION, PREPARATION, FILING AND HANDLING OF SUCH INJUNCTIVE, DECLARATORY, OR OTHER ACTIONS AS ARE NECESSARY TO ENSURE COMPLIANCE WITH COASTAL ZONE LAWS, STATUTES AND REGULATIONS FOR ST. BERNARD PARISH, THE ST. BERNARD PARISH COUNCIL AND THE ST. BERNARD PARISH COASTAL ZONE MANAGEMENT PROGRAM.

25. **Summary No. 3348**
Introduced by: Administration on 2/18/16

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1713-12-15**, AN ORDINANCE TO ADOPT THE 2016 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

26. **Summary No. 3349**
Introduced by: Councilmember Lewis on 2/18/16

AN ORDINANCE APPOINTING SCOTT M. SMITH AS THE HEARING OFFICER FOR THE BUREAU OF ADMINISTRATIVE ADJUDICATION.

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27. **Summary No. 3350**

Introduced by: Councilmember Lewis on 2/18/16

AN ORDINANCE AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH SCOTT M. SMITH SETTING FORTH THE COMPENSATION FOR HIS SERVICES AS HEARING OFFICER FOR THE BUREAU OF ADMINISTRATIVE ADJUDICATION.

ADOPTION OF ORDINANCES

28. **Summary No. 3351**

Introduced by: Councilmember Lewis on 2/18/16

AN EMERGENCY ORDINANCE APPOINTING SCOTT M. SMITH AS THE HEARING OFFICER FOR THE BUREAU OF ADMINISTRATIVE ADJUDICATION.

29. **Summary No. 3352**

Introduced by: Councilmember Lewis on 2/18/16

AN EMERGENCY ORDINANCE AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH SCOTT M. SMITH SETTING FORTH THE COMPENSATION FOR HIS SERVICES AS HEARING OFFICER FOR THE BUREAU OF ADMINISTRATIVE ADJUDICATION.

30. **Summary No. 3314**

Planning Commission recommended **APPROVAL** on 10/27/15

Introduced by: Administration on 11/4/15

Public hearing held on 11/17/15

Tabled on 11/17/15

Tabled on 1/26/16 until 2/18/16

AN ORDINANCE TO AMEND CHAPTER 22; ZONING, SECTION 2; INTERPRETATION, SUBSECTION 4; DEFINITIONS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

31. **Summary No. 3328**

Introduced by: Administration on 12/1/15

Public hearing held on 12/15/15

Tabled on 12/15/15

AN ORDINANCE TO RETAIN PRIVATE OUTSIDE LEGAL COUNSEL TO REPRESENT ST. BERNARD PARISH GOVERNMENT HEREINAFTER "SBPG"), IN MAKING ITS LEGAL CLAIM FOR PAYMENTS AGAINST ENTERGY, LOUISIANA, LLC AND ANY RELATED COMPANIES, PREDECESSORS, SUCCESSORS AND ASSIGNS, AND IN ANY NEGOTIATIONS, LITIGATION OR OTHER MATTERS RELATED THERETO.

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32. **Summary No. 3334**

Introduced by: Administration on 1/12/16

Public Hearing held on 1/26/16

AN ORDINANCE TO RETAIN PRIVATE OUTSIDE LEGAL COUNSEL TO REPRESENT ST. BERNARD PARISH GOVERNMENT, IN MAKING ITS LEGAL CLAIM FOR PAYMENTS AGAINST ATMOS ENERGY CORPORATION, LOUISIANA, LLC AND ANY RELATED COMPANIES, PREDECESSORS, SUCCESSORS AND ASSIGNS, AND IN ANY NEGOTIATIONS, LITIGATION OR OTHER MATTERS RELATED THERETO.

33. **Summary No. 3335**

Introduced by: Councilman Lewis on 1/26/16

Public hearing held on 2/18/16

AN ORDINANCE TO AMEND **ORDINANCE SBPC #1605-01-15**, TO DECLARE AS SURPLUS 2201 PECAN DRIVE, WHICH HAS BEEN ADJUDICATED TO THE PARISH AND TO AUTHORIZE THE SALE OF SAID PROPERTY TO THOMAS A. NUNEZ AND KATHRYN J. NUNEZ.

34. **Summary No. 3336**

Introduced by: Councilman Montelongo on 1/26/16

Public hearing held on 2/18/16

AN ORDINANCE NAMING LOS ISLENOS MUSEUM COMPLEX MULTI – PURPOSE BUILDING THE “FRANK M. FERNANDEZ, JR. ISLENO CENTER.”

35. **Summary No. 3338**

Introduced by: Administration on 1/26/16

Public hearing held on 2/18/16

AN ORDINANCE TO REVOKE THE STREET DEDICATION OF ROMAN STREET IN ACCORDANCE WITH THE ATTACHED SURVEY: EXHIBIT “A.”

36. **Summary No. 3339**

Introduced by: Administration on 1/26/16

Public hearing held on 2/18/16

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1713-12-15**, AN ORDINANCE TO ADOPT THE 2016 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

37. **Summary No. 3340**

Introduced by: Administration on 1/26/16

Public hearing held on 2/18/16

AN ORDINANCE TO PURCHASE LOT 1-A-7, ARABI, LOUISIANA 70032.

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38. **Summary No. 3341**

Introduced by: Administration on 1/26/16

Public hearing held on 2/18/16

AN ORDINANCE TO PURCHASE 5609 E. ST. BERNARD HIGHWAY, VIOLET, LA 70092.

39. **Summary No. 3342**

Introduced by: Administration on 1/26/16

Public hearing held on 2/18/16

AN ORDINANCE TO REVOKE THE STREET DEDICATION OF BARBARA DRIVE IN ACCORDANCE WITH THE ATTACHED SURVEY: EXHIBIT "A."

40. **Summary No. 3343**

Introduced by: Administration on 1/26/16

Public hearing held on 2/18/16

AN ORDINANCE TO DECLARE AS SURPLUS 1719 SCHNELL DR., WHICH HAS BEEN ADJUDICATED TO THE PARISH, AND TO AUTHORIZE THE SALE OF SAID PROPERTY ACCORDING TO LAW.

41. **Summary No. 3346**

Planning Commission recommended **APPROVAL** on 1/26/16

Introduced by: Administration on 2/2/16

Public hearing held on 2/18/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-002**, PETITION OF AYCOCK STREET PROPERTIES, LLC FOR A ZONING CHANGE FROM "C-1, (NEIGHBORHOOD COMMERCIAL)" TO "C-2, (GENERAL COMMERCIAL)" FOR THE PROPERTY LOCATED AT 3624 DELILLE ST. CHALMETTE, LA 70043.

OTHER MATTERS

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

Next Regular scheduled Council Meeting will be held Tuesday, March 1, 2016 @ 7:00 p.m.

Approved by: *Kerri Callais* Time: 2:58 p.m. Date: 2/16/16

St. Bernard Parish Government

*Department of Community Development
8201 West Judge Perez Drive
Chalmette, La, 70043*

Office: 278-4310 Fax: 278-4298



TO: ST. BERNARD PARISH PLANNING COMMISSION

FROM: ERIC TOLLE, RECOVERY PLANNER

DATE: JANUARY 26, 2016

ZONING CHANGE REPORT

Case Number: Z- 2016-002

Owner/Representative: Aycock Street Properties

Property Address: 3624 Delille Street, Chalmette, LA 70043

Property Location: The property is located on Lots 18 & 19, Jackson Park Addition, Square 192

Current Site Area: 5,668 sq. ft. or 0.13 acres

Present Use: Undeveloped

Present Comprehensive Plan Designation: Commercial

Present Zoning: C-1 (Neighborhood Commercial) District

Proposed Zoning: C-2 (General Commercial) District

Reason For Request: A zoning change to allow for the construction of a building to store electrical supplies (warehouse storage)

I. Executive Summary:

Zoning Docket Z-2016-002 is a request for a zoning change from a C-1 (Neighborhood Commercial) district to a C-2 (General Commercial) district. The site is located at the northwest corner of Delille Street and W. Liberaux Street in Chalmette. The lots have a total area of 5,638 sq. ft. or 0.13 acres. The applicant is petitioning for the zoning change in order to construct a building primarily used to store electrical supplies (warehouse storage).

The request is **consistent** with the Land Use/Density description of Commercial in the Comprehensive Plan. The request would be considered a spot zone as it is surrounded by C-1 (Neighborhood Commercial) and R-2 (Two-Family Residential); however, staff believes the development would not significantly impact the surrounding areas. For these reasons, staff recommends **APPROVAL** of the request.

II. Project Analysis:

A. Images

Image #1: Aerial Photography of Petitioned Property



Source: Google Maps (Image Date 2015)

Image #2: Street View of Petitioned Property



Source: Google Street View (05/2011)

B. Site Description:

The subject site consists of two (2) lots of record located at northwest corner of Delille Street and W. Liberaux Street. The two (2) individual lots measure approximately 25' and 31.68' respectively in width by 100' in depth for a total area of 5,638 sq. ft. or 0.13 acres when combined as a parcel. As shown in Image #2 above, the site is currently undeveloped.

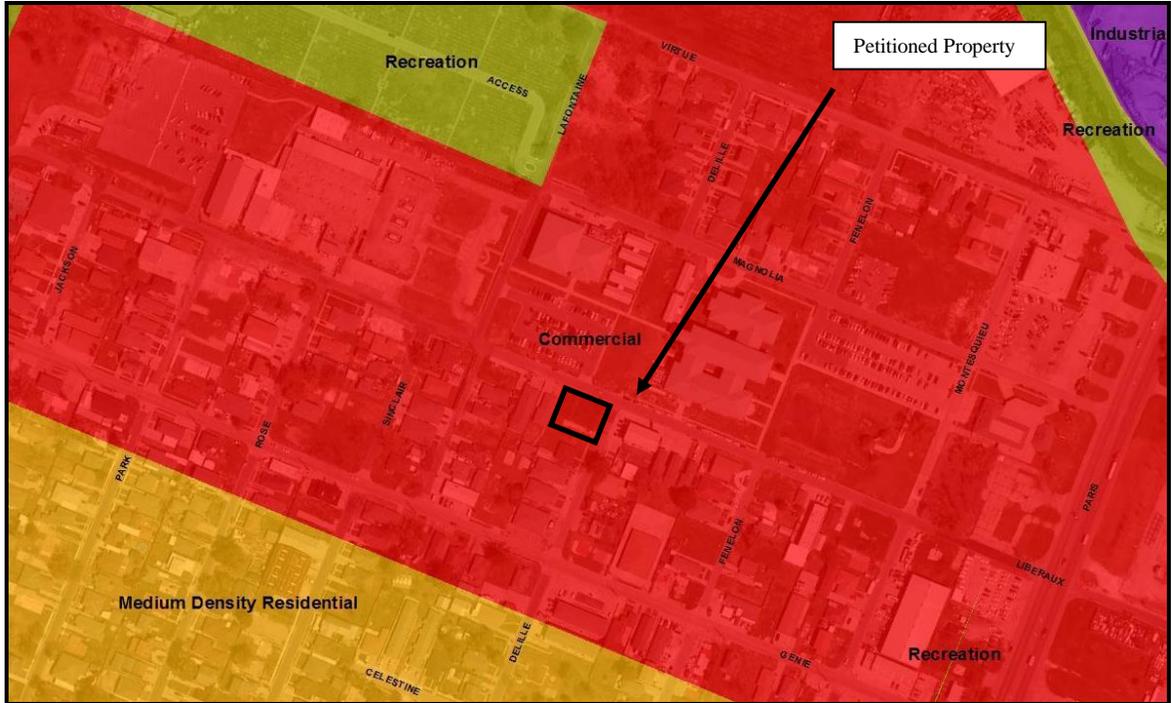
C. Surrounding Land Uses and Zoning

As shown in Image #3 below, the petitioned property is located within a C-1 (Neighborhood Commercial) district. The proposed lots abut an R-2 (Two-Family Residential) district that runs along the north side of W. Liberaux Street. The area is developed with mostly single-family residential dwellings, a commercial building located at the northeast corner of Delille Street and W. Liberaux Street, and Nunez Community College campus and parking lot across the street (W. Liberaux Street).

1. Proximity to Nunez Community College
2. On W. Libereaux Street, many legally nonconforming uses are present in the existing C-1 (Neighborhood Commercial) that would be permitted in a C-2 (General Commercial) zone district.

III. Comprehensive Plan:

Image #4: Future Land Use Map per Comprehensive Plan



Source: Arc GIS Parish Map (unofficial)

The Future Land Use Map of the Comprehensive Plan designates this area as Commercial. The proposed rezoning is **consistent** with this designation. The land use and density definitions for this designation are shown below:

COMMERCIAL

Land Use: General commercial, retail, office, and multi-family residential

Density: 36 units/acre and 24 – 50 units/development

The applicant is requesting a zoning change from a C-1 (Neighborhood Commercial) district to a C-2 (General Commercial) district. Specifically listed, the proposed zoning change to allow warehouse storage would be included within the Land Use/Density description for the Commercial designation.

The requested C-2 (General Commercial) zone district aligns with the Comprehensive Plan's Future Land Use Map designation; therefore, the petitioned zoning change is **consistent** with the Comprehensive Plan.

IV. Summary:

Zoning Docket Z-2016-002 is a request for a zoning change from a C-1 (Neighborhood Commercial) district to a C-2 (General Commercial) district. The site is located at the northwest corner of Delille Street and W. Liberaux Street in Chalmette. The lots have a total area of 5,638 sq. ft. or 0.13 acres. The applicant is petitioning for the zoning change to allow warehouse storage.

The zoning request is **consistent** with the Land Use/Density description of Commercial in the Comprehensive Plan.

And although the proposal qualifies as a spot zone, staff believes it would not have a significant impact on the surrounding areas due to the conditions already present.

Due to these reasons, staff recommends **APPROVAL** of the request.

V. Staff Recommendation:

The staff recommends **APPROVAL** of Z-2016-002, a request for a zoning change from C-1 (Neighborhood Commercial) district to a C-2 (General Commercial) district.

VI. Reason for Recommendation:

The request is consistent with the Land Use/Density description of Commercial in the Comprehensive Plan.

And although the proposal qualifies as a spot zone, staff believes it would not have a significant impact on the surrounding areas due to the conditions already present.

#41

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 THURSDAY, FEBRUARY 18, 2016 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #XXXX-XX-XX

Summary No. 3346

Planning Commission recommended **APPROVAL** on 1/26/16

Introduced by: Administration on 2/2/16

Public hearing held on 2/18/16

AN ORDINANCE TO APPROVE **DOCKET Z-2016-002**, PETITION OF AYCOCK STREET PROPERTIES, LLC FOR A ZONING CHANGE FROM "C-1, (NEIGHBORHOOD COMMERCIAL)" TO "C-2, (GENERAL COMMERCIAL)" FOR THE PROPERTY LOCATED AT 3624 DELILLE ST. CHALMETTE, LA 70043.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That **DOCKET Z-2016-002**, Petition of Aycock Street Properties, LLC for a Zoning Change from "C-1, (Neighborhood Commercial)" to "C-2, (General Commercial)" for the following described property:

Two certain lots of ground situated in the Parish of St. Bernard, Jackson Park Addition, Sq. 192, designated as lots 18 and 19.

Property Location: 3624 Delille St. 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.

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Extract #41 continued
February 18, 2016

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

YEAS:

NAYS:

ABSENT:

The Chairman, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 26th day of January, 2016

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

ADJUDICATED PROPERTY
FEES OWED:

BUYER: Stefan N. Jeanfreau & Pamela J. Williams-Clarkston
PAID \$650.00 APPLICATION FEE (GRASSCUTTER)
PROPERTY ADDRESS: 1719 Schnell

		CHANGES:	Initial:
GRASS FEES/LIENS	\$		
TRASH REMOVAL/LIENS			
TOTAL	\$0.00		
**SHERIFF'S OFFICE TAXES: thru December 2013. Goes up 1 percent for each following month	\$0.00		
June 2013			
July 2013			
August 2013			
September 2013			
October 2013			
November 2013			
December 2013			
TOTAL	\$0.00		
COUNCIL MINIMUM PRICE	\$1,000.00		
TOTAL MINIMUM PRICE	\$1,000.00		

GUY MCINNIS, PARISH PRESIDENT

HEAD COUNCIL

#40

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 THURSDAY, FEBRUARY 18, 2016 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #XXXX-XX-XX

Summary No. 3343

Introduced by: Administration on 1/26/16

Public hearing held on 2/18/16

AN ORDINANCE TO DECLARE AS SURPLUS 1719 SCHNELL DR., WHICH HAS BEEN ADJUDICATED TO THE PARISH, AND TO AUTHORIZE THE SALE OF SAID PROPERTY ACCORDING TO LAW.

ST. BERNARD PARISH COUNCIL, THE GOVERNING AUTHORITY, DOES HEREBY FIND IT NECESSARY AND IN THE PUBLIC INTEREST TO ORDAIN:

WHEREAS, the property located at 1719 Schnell Dr. was adjudicated to the Parish on July 19, 2010.

WHEREAS, the Parish considers this property surplus and it is not needed for a public purpose.

WHEREAS, the Parish has received a qualifying offer to purchase the property.

SECTION 1. The following adjudicated property is surplus and is not needed for any public purpose:

1719 Schnell Dr.

Arabi, Louisiana 70032

LOT 10 SQ. J RIDGELAND TERRACE SUB. 50X118=5900

This property will be referred to hereinafter in this ordinance as "1719 Schnell Dr."

SECTION 2. 1719 Schnell Dr. shall be sold in accordance with law (La.R.S. 47:2201 et seq., specifically, La.R.S. 47:2202A & La.R.S. 47:2206, as well as the St. Bernard Parish Adjudicated Surplus Properties Program (Ordinance SBPC# 1378-03-13).

SECTION 3. The President of St. Bernard Parish Government is hereby authorized to sell 212 Cougar Dr. to Stefan N. Jeanfreau & Pamela J. Williams-Clarkston for the purchase price of **\$1,000**, plus closing costs.

SECTION 4. 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 5. 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 Chairman, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 26th day of January, 2016

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Approved _____ Vetoed _____

Page -3-
Extract #40 continued
February 18, 2016

Parish President

Guy McInnis

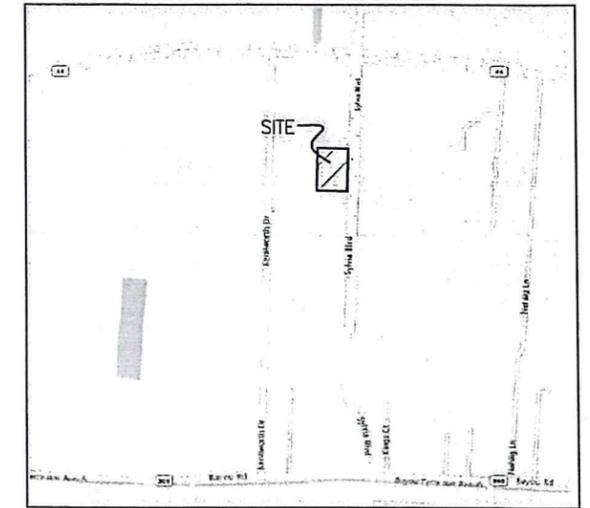
Returned to Clerk of the Council

Date and Time

Received by

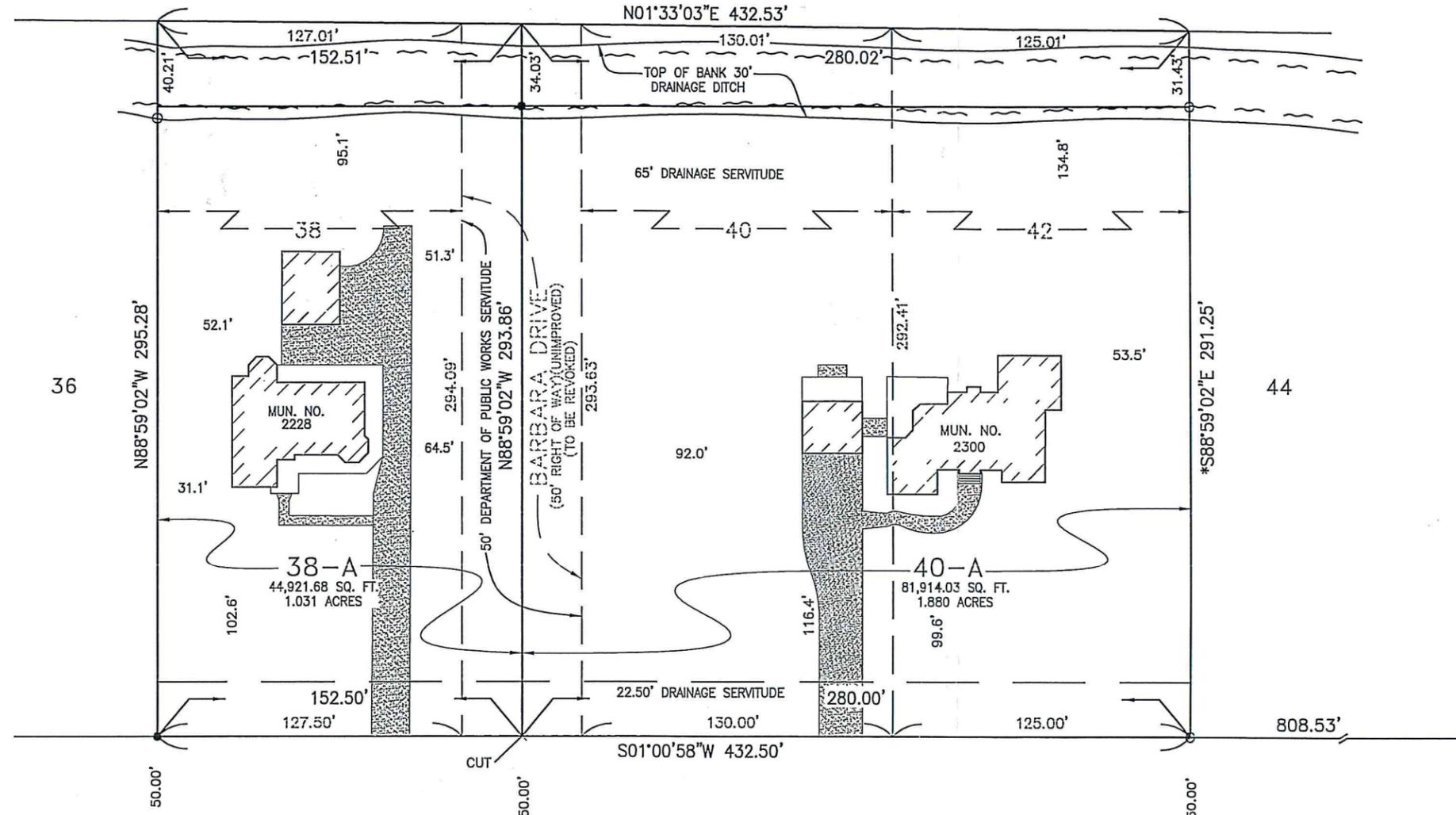


KENILWORTH DRIVE (SIDE)
NOW OR FORMERLY A.J. CROVETTO



VICINITY MAP
NOT TO SCALE

BAYOU ROAD (SIDE)



NEW LA. STATE HWY NO. 46

SYLVIA BOULEVARD

NOTE:
Improvements may not be to scale for clarity. The dimensions shown prevail over scale.

SURVEY REFERENCE: SYLVIA PARK, PHASE II BY STEPHEN V. ESTOPINAL, P.L.S. DATED 8/12/1998, LAST REVISED 11/18/1998.

BASIS OF BEARING: * THE NORTH LINE OF LOT 42 TAKEN FROM THE REFERENCED SURVEY PLAT.

FOUND — X

CUT — X

FOUND — X

LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET
- × CROSS (NOTED FOUND OR CUT)

APPROVAL DATE _____

DIRECTOR OF ST. BERNARD PARISH PLANNING COMMISSION

THE SERVITUDES AND RESTRICTIONS SHOWN ON THIS SURVEY ARE LIMITED TO THOSE SET FORTH IN THE DESCRIPTION FURNISHED US AND THERE IS NO REPRESENTATION THAT ALL APPLICABLE SERVITUDES AND RESTRICTIONS ARE SHOWN HEREON THE SURVEYOR HAS MADE NO TITLE SEARCH OR PUBLIC RECORD SEARCH IN COMPILING THE DATA FOR THIS SURVEY.

THIS PLAT IS CORRECT AND IN ACCORDANCE WITH A PHYSICAL SURVEY MADE ON THE GROUND UNDER THE DIRECTION OF THE UNDERSIGNED AND COMPLIES WITH THE REQUIREMENTS OF LOUISIANA'S "STANDARDS OF PRACTICE FOR BOUNDARY SURVEYS" FOR A CLASS "C" SURVEY

<p>SURVEY PLAT AND RESUBDIVISION OF LOTS 38, 40, 42, SYLVIA PARK SUBDIVISION, PHASE II & BARBARA DRIVE INTO LOTS HEREIN DESIGNATED AS LOTS 38-A & 40-A, SYLVIA PARK SUBDIVISION, PHASE II, ST. BERNARD PARISH, LOUISIANA</p>	<p>DADING, MARQUES & ASSOCIATES, LLC</p>  <p>P.O. BOX 790 METAIRIE, LA. 70004 (504) 834-0200</p>	<p>_____ SURVEYOR</p>
<p>I CERTIFY THAT THIS SURVEY AND PLAT WAS PREPARED BY ME OR BY THOSE UNDER MY DIRECT SUPERVISION. MADE AT THE REQUEST OF:</p> <p style="text-align: center;">EDWARD ESTOPINAL</p>		

DATE:	SCALE:	DRAWN BY:	CHECKED BY:	JOB NO.:	PLAT No.:
7-31-2015	1" = 60'	B.D.	C.A.D.	53160	M-2712

#39

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 THURSDAY, FEBRUARY 18, 2016 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #XXXX-XX-XX

Summary No. 3342

Introduced by: Administration on 1/26/16

Public hearing held on 2/18/16

AN ORDINANCE TO REVOKE THE STREET DEDICATION OF BARBARA DRIVE IN ACCORDANCE WITH THE ATTACHED SURVEY: EXHIBIT "A."

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 revoke the dedication of Barbara Drive in accordance with the attached survey: Exhibit "A."

WHEREAS, Barbara Drive is no longer needed for a public purpose.

SECTION 1. The St. Bernard Parish Council hereby revokes the dedication of Barbara Drive in accordance with the attached Exhibit "A" survey.

SECTION 2. This revocation shall NOT revoke any servitude, right of way, easement, or any utility servitude in the revocation. St. Bernard Parish explicitly retains all servitudes and easements on the property and any and all rights of access that is provided in law to maintain these servitudes. Further, the parish retains all utility servitudes and any right of access and repair that accompanies these rights in the general law. The parish retains all servitudes and easements both shown on the attached exhibit "A" survey and those servitudes and easements documented in the public record or currently used by the parish or any utility company. This ordinance shall not be interpreted to limit the rights of the parish in access or maintenance of any servitude or easement presently on the property.

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 Chairman, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 26th day of January, 2016

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

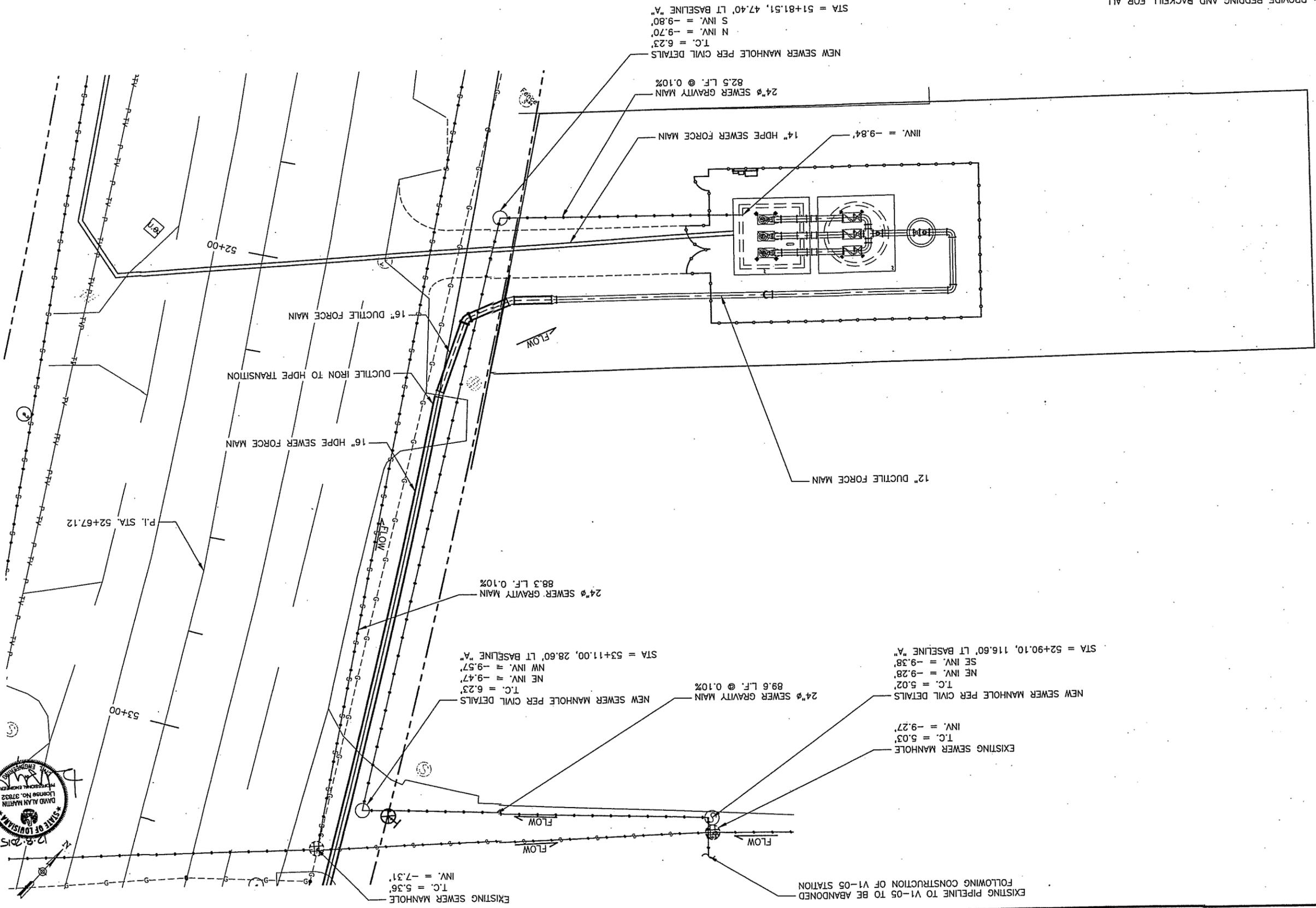
Returned to Clerk of the Council _____
Date and Time

Received by _____

GRAVITY SEWER PLAN VIEW: LIFT STATION V1-05

SCALE: 1" = 10'-0"

NOTE: PROVIDE BEDDING AND BACKFILL FOR ALL GRAVITY SEWER AND OPEN CUT FORCE MAIN PIPE PER CIVIL DETAILS.



NO.	DATE	REVISION DESCRIPTION	BY

DESIGNED	D.A.M.
CHECKED	D.A.M.
DATE	4/2015
DESIGNED	M.A.S.
CHECKED	D.A.M.
DATE	4/2015

BKI BURK-KLEINPETER, INC.
 ENGINEERS, ARCHITECTS, PLANNERS, ENVIRONMENTAL SCIENTISTS
 501 PINE ST. SUITE 1000 NEW ORLEANS, LA 70119-5994
 Phone: (504)486-5901 • FAX: (504)486-1714

HPC
 H. David Cole & Associates, LLC
 Consulting Engineers

VIOLET AREA SEWER SYSTEM IMPROVEMENTS
 GRAVITY SEWER PLAN VIEW
 LIFT STATION V1-05

NO. 14.007

STATE OF LOUISIANA
 PROFESSIONAL ENGINEER
 DAVID ALAN MARTIN
 License No. 07822
 12.8.2015

1
 ST. BRUNO
 CO. MISSOURI

SHEET NUMBER 05-C8

#38

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 THURSDAY, FEBRUARY 18, 2016 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #XXXX-XX-XX

Summary No. 3341

Introduced by: Administration on 1/26/16

Public hearing held on 2/18/16

AN ORDINANCE TO PURCHASE 5609 E. ST. BERNARD HIGHWAY, VIOLET, LA 70092.

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 purchase 5609 E. St. Bernard Highway, Violet, LA 70092 (hereinafter referred to as "the Property").

WHEREAS, the property is a HMGP funded acquisition.

WHEREAS, the property is needed for the governmental purpose of a gravity lift sewer station improvement.

SECTION 1. The St. Bernard Parish Council hereby approves the acquisition of 5609 E. St. Bernard Highway, Violet, LA 70092 for an amount not to exceed seven thousand five hundred dollars and zero cents.

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 #38 continued
February 18, 2016

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

YEAS:

NAYS:

ABSENT:

The Chairman, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 26th day of January, 2016

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

St. Bernard Parish
Old Arabi Revitalization
Lot 1-A-7, Hernandez Street owned by Starting Point, LLC
October 10, 2015

Page No. 1

MICHAEL J. DEFELICE, MAI, SRA
REAL ESTATE APPRAISER AND ANALYST
LOUISIANA STATE CERTIFIED GENERAL APPRAISER -
CERTIFICATE #0123

22820 OLD SCENIC HIGHWAY
ZACHARY, LA 70791
PHONE 225-658-2790

APPRAISAL REVIEW-
APPRAISAL REPORT ON
VACANT LOT 1-A-7, HERNANDEZ STREET, ARABI,
ST. BERNARD PARISH, LA.

Project: Old Arabi Revitalization

Inspection: July 27, 2015

Effective Date of Review: July 27, 2015

Client: St. Bernard Parish Government Disaster Recovery, Andrew Becker, Director of Recovery

Intended User: Same

One appraiser and one reviewer were engaged for this assignment as follows:

Appraiser: Gayle H. Boudousquie, MAI

Reviewer: Michael J. DeFelice, MAI

Estimated Market Value: \$31,500.00

Type/Purpose of Review:

As per your request, I have completed a Technical Field Review of the referenced appraisal report. The purpose of this review is to form an opinion as to the adequacy and appropriateness of the respective report **and to recommend the appraisal report if, in my opinion, it reasonably and accurately supports the final market value presented in the report.** I understand that the reported value estimate will be considered for internal decision making regarding the possible acquisition of this property by the parish government.

The appraisal report in question is a written document reflecting a supported estimate of the Market Value of the identified property by the named appraiser. The function of the Review Appraisal Report is to satisfy requirements (as noted above) with respect to the potential acquisition of the referenced property for public use. The review included a field inspection of the appraised property and the comparables utilized by the appraiser. I have performed appraisal work in the Greater New Orleans area and I am familiar with property values in the general market. **However, the work assignment does not require the Review Appraiser to concur with the market value estimate or to provide a separate value estimate.**

Summary: Ms. Boudousquie completed a narrative report using a format that appears to meet the requirements of the client; i.e., adherence to the Uniform Appraisal Standards for Federal Land Acquisitions and to the Uniform Standards of Professional Appraisal Practice (“USPAP”). The final estimate of Market Value for this property is as follows:

Appraiser	Valuation Date	Property	Estimated Market Value
Gayle H. Boudousquie	July 27, 2015	Lot 1-A-7	\$31,500.00

If acquired by the Parish, this would be a total acquisition with no remainder.

Note: This is an adequately documented report. The Reviewer questioned several items but, in the final analysis, concluded that they would not impact the Market Value estimate reflected in the report.

Item 1: The Highest and Best Use analysis is adequate but the Reviewer is of the opinion that the appraiser should have placed more emphasis on the fact that the Highest and Best Use could best be accomplished by assemblage with an adjoining property. The appraised site is somewhat limited in utility as a “stand-alone” property for development purposes. This is stated in a limited fashion and is acceptable.

Item 2: The Uniform Appraisal Standards for Federal Land Acquisitions state that all sales be verified with someone having knowledge of the price, terms, and conditions of the sale. Ms. Boudousquie does not list a specific person under the Verification heading on her sales data sheet. This could be the vendor, vendee, real estate agent for the sale, attorney, etc. However, she does list the Parish Assessor’s office and she has a contact in that office that is familiar with the sale transactions. This is a relatively small market with a limited number of transactions. It would be possible (and probably necessary) for someone associated with the Assessor’s office to be aware of the transactions.

Item 3: The report is somewhat abbreviated with a somewhat limited description of the market area and the appraisal process. However, this is considered to be an uncomplicated appraisal (i.e., vacant land) and the information provided is deemed adequate.

This report is acceptable. Reviewer recommends that the appraisal report by Ms. Boudousquie be utilized as the basis of the establishment of Market Value for the referenced property.

Reviewer’s Scope of Work:

The undersigned completed a Technical Field Review of the real estate appraisal report submitted for this parcel by the identified appraiser. This review included:

1. A visit to the property and to the comparables considered by the appraiser(s).
2. An analysis of the entire report for adherence to USPAP and other controlling standards.
3. A written review report to be submitted to the referenced client.

Purpose of the Review: Develop a credible opinion of the quality of the work completed by the appraiser(s) assigned to this project.

Property Owner: Starting Point, LLC

- Appraisal Format:** The appraiser utilizes a narrative format that, in my opinion would be acceptable for the LADOTD and other state agencies. This format incorporates the Uniform Standards of Professional Appraisal Practice (USPAP) requirements. It is the opinion of the review appraiser that the format is acceptable.
- Client, Intended User:** The appraiser adequately identifies the Client and the Intended User of the report.
- Letter of Transmittal:** The appraiser provides a letter of transmittal which summarizes items such as Purpose of the Appraisal, Location of the Property, zoning, and other important items. The letter of transmittal presents the date of value and the Market Value.
- Identification of the Property:** Appraiser provides a legal description, survey, photographs, and other items which adequately identify the property being valued.
- Location:** Hernandez Road, Community of Arabi, Louisiana; the location is adequately identified in the report by maps and a narrative description. Characteristics of the general and immediate neighborhood are included.
- Type Property:** This is a level, mostly cleared, “U” shaped tract wrapping around a masonry building once utilized as a jail facility. Controlling factors such as zoning, utilities, restrictions, etc. are adequately discussed in the report.
- Purpose of Appraisal:** To estimate the Market Value of the referenced property. The “purpose” is adequately stated in the report.
- Function of Appraisal:** Report was prepared for internal decision making regarding the possible acquisition this property by the named client for the referenced project. **The intent is for this to be a full acquisition of all rights to the property.**
- Areas:** The dimensions and overall site area are adequately presented/described in the report.
- Appraisal Procedure:** This ownership consists of the “U” shaped tract described in the report. **The valuation is of the total land area as though vacant.** The overall ownership is adequately identified in the report by narrative discussion, a legal description, maps, and photographs. The appraiser concluded that the Sales Comparison Approach for Vacant Land was the only applicable approach for the valuation of the appraised property. I am in agreement with her reasoning for this approach.

A brief review of the report is presented as follows:

Report by Gayle H. Boudousquie:

The appraiser utilized a narrative format with sufficient explanations, photographs, definitions, and so forth for a relatively uncomplicated appraisal problem. For valuation purposes, she relied on the Sales Comparison Approach for vacant land. For this process, the appraiser compiled a number of comparable sales in the general neighborhood of the appraised property. These sales, after consideration of adjustments for differences, were estimated by the appraiser to adequately bracket the current market value of appraised site. In the application of the Sales Comparison Approach, the appraiser discussed the reasoning behind each applicable adjustment. After completion of the adjustment process, the appraiser correlated to a Market Value estimate for Lot 1-A-7.

The combination of the narrative report and my discussions with the appraiser provides, in my opinion, adequate supporting information (comparable data sheets, photographs, maps, etc.) for the appraisal. Comparable sales used are in the same (or similar) neighborhood(s) and are estimated to adequately reflect the market for a property with the features of the appraised property.

It is the opinion of the reviewer that this report is adequate for the purposes stated herein.

NEIGHBORHOOD DATA:

Does the neighborhood data provide an adequate explanation of: location factors, growth rates, economic trends, value range, life cycle, compatibility, appearance, detrimental features, and marketability -

Yes No

Does the appraiser adequately explain all positive and/or negative factors related to neighborhood characteristics, supply/demand, and marketing time - Yes No

Reviewer's Comments: This section has been completed in an adequate manner.

SITE DATA:

Adequate description of site in respect to size, adequacy, zoning, flooding, dimensions, shape, compatibility, utilities (who provides, type, adequacy), site improvements, offsite improvements, easements, encroachments, detrimental features - Yes No

Reviewer's Comments: A "Site Data" section is included.

Does the appraiser provide sufficient support for estimate of Highest and Best Use - Yes No

DESCRIPTION OF IMPROVEMENTS: N/A

VALUATION SECTION:

Does appraiser adequately explain reasoning for any approach not used - Yes No

COST APPROACH:

Reviewer's Comments: N/A

INCOME APPROACH:

Reviewer's Comments: N/A

St. Bernard Parish
 Old Arabi Revitalization
 Lot 1-A-7, Hernandez Street owned by Starting Point, LLC
 October 10, 2015

SALES COMPARISON APPROACH: (For vacant land only)

Is the comparable data sufficient in respect to the following:

	Yes	No
Number of comparables analyzed	xx	
Details/verification of comparables	xx	
Does the appraiser reflect good reasoning and consistency in respect to:	Yes	No
Selection of comparables (location, date of sale, overall compatibility)	xx	
Financing/time adjustments (consistent with neighborhood data, economic trends, available financing)	xx	
Location adjustment (comparable neighborhood, off-site improvements, locational amenities)	xx	
Age, condition, living area adjustments		Not applicable
Contributory value of site improvements (landscaping, swimming pools, etc.)		Not applicable
Contributory value of extra features (ceiling fans, window A/C, wall paper, built-ins, etc.)		Not applicable
Number and gross/net percentage of adjustments	xx	
Explanation of adjustments	xx	

CONCLUSION:

Is the correlation reasonable and convincing (most relevant comparable, within the value range, consistent with data presented) **Yes**

COMMENTS: Appraiser explains the reasoning behind each applicable adjustment and is consistent with the use and interpretation of market data.

St. Bernard Parish
Old Arabi Revitalization
Lot 1-A-7, Hernandez Street owned by Starting Point, LLC
October 10, 2015

COMMENTS, CONDITIONS, AND FINAL RECONCILIATION:

	Yes	No
Is the data presented in a consistent manner throughout the report	xx	
Does the report lead to a reasonable conclusion	xx	
Are there any special conditions	xx	

CHECKLIST:

- Signatures Math Dates Photographs
- Floor and/or Site plan Maps Survey Certification
- Legal Description Limiting Conditions Qualifications

All necessary/applicable items are in the report.

FINAL COMMENTS OF REVIEWER:

Acceptable report

Action taken: Recommended Report; Submitted to client

Sincerely,



Michael J. DeFelice, MAI
Louisiana State Certified
General Appraiser,
Certificate No. 0123

The following is based on the USPAP and LADOTD regulations for reviewing an appraisal report (and further defines the review appraiser's scope of work):

REQUIREMENT: A qualified review appraiser shall examine all appraisals to assure that they meet applicable appraisal requirements and shall, prior to acceptance, seek necessary corrections or revisions. These requirements include adherence to all laws, regulations, policies and procedures, including, but not limited to those of USPAP and the State of Louisiana including the Handbook for Fee Appraisers, Title 70, Part XVII Louisiana Administrative Code, 501 et seq, and the requirements for the Contract for Appraisal Services.

RESPONSE: The report is estimated to meet applicable appraisal requirements.

REQUIREMENT: The review appraiser will field inspect the property appraised and the comparable sales considered by the appraiser(s), etc.

RESPONSE: The reviewer has made a field inspection as required.

REQUIREMENT: The Review Appraiser must verify the data used in the appraisal reports with the appraiser providing the report.

RESPONSE: The Review Appraiser was in contact with the appraiser and discussed the content of the reports with the appraiser.

REQUIREMENT: Reviewer is to insure that all parties are aware that the purpose of the appraisal is to estimate fair market value of the property, as of a specific date of valuation, for the proposed acquisition of the property rights specified (i.e., full ownership).

RESPONSE: The appraiser was made aware of these requirements.

REQUIREMENT: The review appraiser will examine the appraisal(s) to determine that they:

(1) Are complete in accordance with USPAP and LADOTD Regulations governing such appraisals

RESPONSE: This report is estimated to be in accordance with USPAP and LADOTD regulations

(2) Follow accepted appraisal principles and techniques in the valuation of real property in accordance with existing state law.

RESPONSE: The report is estimated to meet this requirement.

(3) Contain or make reference to the information necessary to explain, substantiate, and thereby document the conclusions and estimates of value/and or just compensation identified therein.

RESPONSE: The appraiser provided documentation and support for his conclusions. Report is, for the most part, self-contained, with detailed information on sources of market data.

- (4) Include consideration of compensable items, damages, and benefits, but do not include compensation for items, damages, and benefits noncompensable under state law.

RESPONSE: Not applicable.

- (5) Contain an identification or listing of buildings, structures, and other improvements on the land as well as fixtures which the appraiser(s) considered to be part of the real property to be acquired including a separate valuation for the specialty items.

RESPONSE: Not applicable.

- (6) Contain the estimated fair market value for or resulting from the acquisition and, where appropriate in the case of a partial acquisition, either in the appraisal or in a separate statement, a reasonable allocation of the estimate of the fair market value for the real property acquired and for damages to remaining real property.

RESPONSE: Not applicable.

- (7) Prior to finalizing the estimate of just compensation, the reviewing appraiser will request and obtain corrections or revisions of the appraisal(s) that do not substantially meet the requirements set forth by USPAP and LADOTD regulations governing such appraisals and the Contract for Appraisal Services.

RESPONSE: No corrections were deemed necessary.

- (8) Appraisal practices and procedures:

RESPONSE: The appraiser followed accepted appraisal practice with respect to such categories as identifying the property to be appraised, the purpose of the appraisal, the definition of market value, etc. This appraisal report is estimate to meet the requirements of USPAP and LADOTD regulations governing such appraisal and the Contract for Appraisal Services. The appraiser arrived at a single estimate of Market Value. The report is dated as of a specific date and all necessary certifications, limiting conditions, etc., have been signed and dated.

- (9) The Review Appraiser shall recommend the appraisal report that should be used as a basis for the establishment of an offer of just compensation.

RESPONSE: Reviewer recommends the appraisal report by **Ms. Boudousquie** as the basis of the establishment of Market Value for this property.

Assumptions, Limiting Conditions, and Certifications

As a guide for reviewing the submitted appraisal reports, the Review Appraiser utilized **those sections of the Uniform Standards for Professional Appraisal Practice (USPAP) that address Review Appraisal Procedures**. It is my express opinion that both appraisal reports meet the standards required for the referenced project.

The Review Appraiser further certifies that:

1. Review Appraiser personally made an inspection of the property subject to the review appraisal report and the comparables used in the appraisal reports under review;
2. To the best of the Review Appraiser's knowledge and belief, everything contained in the review appraisal report is true and correct, and no relevant and/or important fact has been omitted;
3. The reported analysis, opinions, and conclusions in this review appraisal report are limited only by the reported assumptions and limiting conditions stated in this review appraisal report, and Review Appraiser's personal, impartial, and unbiased professional analyses, opinions, and conclusions;
4. Review Appraiser's employment was not contingent upon developing or reporting pre-determined results;
5. Review Appraiser's compensation is not contingent on the development of or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result or the occurrence of a subsequent event directly related to the intended use of the appraisal;
6. Review Appraiser has no past, present, or prospective interest (including that of real estate agent or broker) in the property that is the subject of this review appraisal report, the parties involved, or any other interest that would conflict in any way with the services performed or the making of an impartial report;
7. That no one provided significant real property review appraisal assistance to the Review Appraiser;
8. Review Appraiser's analyses, opinions, and conclusions were developed, and this report has been prepared in conformity with both USPAP and the Appraisal Handbook for Fee Appraisers, Title 70, XVII Louisiana Administrative Code 501, et. seq.
9. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the review appraiser, and in any event, only with the proper written qualification and only in its entirety.
10. This report is for the exclusive use of St. Bernard Parish and any governmental agencies having direct involvement with this project.



Michael J. DeFelice

STATEMENT OF QUALIFICATIONS

Michael J. DeFelice, MAI, SRA

22820 Old Scenic Highway

Zachary, Louisiana 70791

Phone 225-658-2790

EXPERIENCE:

Over twenty-five years experience in real estate to include employment as a commercial/residential loan officer; staff and review appraiser with the State of Louisiana Department of Transportation and Development; and self-employment as a Fee Appraiser/Fee Review Appraiser. I am an approved Review Appraiser for the State of Louisiana Division of Administration.

PROFESSIONAL DESIGNATIONS, LICENSES, AND ORGANIZATIONS:

Designated Member of the Appraisal Institute (MAI Designation since February of 1994)

Louisiana State Certified General Real Estate Appraiser (Certificate No. 0123 – currently certified)

Licensed Real Estate Broker – State of Louisiana (currently inactive)

Member – Louisiana Chapter 43 of the International Right of Way Association (IRWA)

EDUCATION AND TECHNICAL TRAINING:

Louisiana State University, 1968 – BS Degree, Business Administration

Required Appraisal Institute Courses for MAI Designation

Required Continuing Education courses (currently certified)

PARTIAL CLIENT LIST:

State of Louisiana:

Department of Transportation and Development

Department of Risk Management

Division of Administration (Facility Planning)

Corporations:

Shaw Group

Pyburn & Odom Engineers

URS Corporation

City/Parish East Baton Rouge

Department of Public Works

Metropolitan Airport Commission

East Baton Rouge Parish Library System

Recreation and Parks Commission

Long Law Firm

Shell Pipeline Company

General Health Foundation

W. D. Schock Company

Entegy GSU & Entergy La.

Other: St. Tammany Parish, City of Zachary, City of Lake Charles

United States Government:

Federal Aviation Administration

Federal Bureau of Investigation

Small Business Administration

Numerous banks, financial

agencies, attorneys, and

individuals

COURT TESTIMONY: Qualified as an expert witness on real estate valuation in State of Louisiana District Courts.

PROJECT :	OLD ARABI REVITALIZATION
OWNER:	STARTING POINT, LLC
STREET ADDRESS:	VACANT LOT 1-A-7 HERNANDEZ STREET
PARISH:	ST. BERNARD PARISH, LA

**APPRAISAL OF THE ABOVE CAPTIONED
PROPERTY
For
ST. BERNARD PARISH GOVERNMENT
DISASTER RECOVERY
ANDREW BECKER
DIRECTOR OF RECOVERY
1125 EAST ST. BERNARD HIGHWAY
CHALMETTE, LA**

**PREPARED BY
GAYLE H. BOUDOUSQUIE AND ASSOCIATES
228 ST. CHARLES AVENUE, SUITE 1331
NEW ORLEANS LA 70130**

**APPRAISER
GAYLE H. BOUDOUSQUIE, MAI
LOUISIANA CERTIFIED GENERAL
REAL ESTATE APPRAISER LICENSE NO G0125**

**AS OF
JULY 27, 2015**

Gayle H. Boudousquie & Associates
228 St. Charles Avenue Suite 1331
New Orleans, LA. 70130

(504) 525-5700 Fax (504) 525-5705 Cell (504) 495-2772 E-mail gaylehb@bellsouth.net

August 24, 2015

St. Bernard Parish Government
Disaster Recovery
Andrew Becker
Director of Recovery
1125 East St. Bernard Highway
Chalmette, LA 70043

Re: Lot 1-A-7 fronting Hernandez Street

Location: Vacant lot fronting Hernandez Street
Bounded by Hernandez Street, Pontalba Street, Bienvenue Street and Aycock Street
Arabi, St. Bernard Parish, LA

Owner **Starting Point, LLC**

Project .: Old Arabi Revitalization

Our File No. 2015 Starting Point, LLC Old Arabi Revitalization

Dear Mr. Becker:

As per your request, the undersigned appraiser has made a personal and careful inspection of the property identified by above noted lot number and ownership, and has thoroughly investigated and analyzed matters pertinent to the estimation of fee simple market value. **The purpose of this appraisal is to estimate the market value as of July 27, 2015 (the most recent date of inspection) for possible purchase by the Parish to be utilized in the revitalization of Old Arabi Project.**

The Parent Ownership is an irregular shaped lot containing 9,720 square feet. The lot wraps around the Parish owned "Old Arabi Jail" with 40.42 feet of frontage on the River side (Pontalba Street) of the "Old Arabi Jail" and 24.5 feet of frontage on the Bienvenue Street side. The site is grass covered and has some mature trees. The "Old Arabi Jail" building currently encroaches 8.66± feet into the subject site. **The lot is valued as if vacant, as per client instructions.**

The land is zoned I-2 Industrial District. The Parent Ownership is in an area of single family residential development, industrial development, trailers, and vacant land. The Lot is adjacent to vacant land on each side, industrial development to the rear and wraps around the "Old Arabi Jail" site under Parish ownership.

The Parish of St. Bernard provided all information for the Parent Ownership Lot. This letter of transmittal is accompanied by a self-contained appraisal report.

This appraisal report follows the guidelines of the Uniform Appraisal Standards for Federal Land Acquisitions, 2000, the Uniform Standards of Professional Appraisal Practice of the Appraisal Standards Board of the Appraisal Foundation, and the guidelines and ethics of the Appraisal Institute.

Assumptions are as follows:

- Market value is not linked to a specific exposure time (A jurisdictional exception)
- No information has been provided to the appraiser with respect to hazardous substances. It is assumed that no environmental contamination exists in the subject property. (An extraordinary assumption)
- Value excludes any value of the minerals.
- Market value utilizes sales of vacant land in the subject's marketing area with a similar highest and best use.
- The appraiser has been engaged to value the property. The appraiser has not been engaged to set just compensation.
- The land is valued as if vacant. No value is taken from or added to the land for the presence of the building encroachment as per client request.

The appraisal report is not limited to the information found herein. The reader may consult with Appraiser's project files to find more comprehensive definitions; broad area analysis; and comparable factual data. This appraiser considers such additional information a part of this analysis and is available upon request.

Based on the quality and quantity of data, as well as current economic conditions, it is my opinion, That the fee simple market value as July 27, 2015 is estimated as follows:

Before Value:	\$31,500.00 (R)
After Value:	\$ <u>0.00</u> (R)
Difference:	\$31,500.00 (R)

Respectfully submitted,



Gayle H. Boudousquie, MAI
Louisiana Certified General
Real Estate Appraiser License No.G0125

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ADDENDA

Vicinity Map	Exhibit A
Notification Letter	Exhibit B
Appraiser’s Qualifications	Exhibit C

Appraiser's Certification

- The statements of fact contained in the report are true and correct;
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions, limiting conditions, and legal instructions, and are the personal, unbiased professional analysis, opinions, and conclusions of the appraiser;
- The appraiser has no present or prospective interest in the property appraised and no personal interest or bias with respect to the parties involved;
- The compensation received by the appraiser for the appraisal is not contingent on the analyses, opinions, or conclusions reached or reported;
- The appraisal was made and the appraisal reported prepared in conformity with the *Uniform Appraisal Standards for Federal Land Acquisitions*;
- The appraisal was made and the appraisal report prepared in conformity with the Appraisal Foundation's *Uniform Standards for Professional Appraisal Practice*, except to the extent that the *Uniform Appraisal Standards for Federal Land Acquisitions* required invocation of USPAP's Jurisdictional Exception Rule, as described in Section D-1 of the *Uniform Appraisal Standards for Federal Land Acquisitions*;
- The appraiser has made a personal inspection of the property appraised and that the property owner, or his/her designated representative, was given the opportunity to accompany the appraiser on the property inspections;
- No one provided significant professional assistance to the appraiser. The appraiser's opinion of the market value of the property appraised as of the effective date of the appraisal.
- The appraiser has not provided appraisal, consulting or review services within the last three years for the subject of this report.

Appraiser's opinion of the Market Value of the property appraised as of July 27, 2015 is:

Before Value:	\$31,500.00 (R)
After Value:	\$ <u>0.00</u> (R)
Difference:	\$31,500.00 (R)



8/24/2015

GAYLE H. BOUDOUSQUIE, MAI
LOUISIANA CERTIFIED GENERAL
REAL ESTATE APPRAISER LICENSE NO. G0125

Date

SUMMARY OF SALIENT FACTS AND CONCLUSIONS

Address of Subject:	Vacant Lot Hernandez Street Arabi, St. Bernard Parish, LA
Date of Value:	July 27, 2015- most recent date of inspection and date of photographs.
Type of Appraisal:	Self-Contained Appraisal Report
Property Rights Appraised:	Fee Simple, excluding minerals
Zoning:	I-2 Industrial District
Lot Area:	9,720 Square Feet
Property Type:	Vacant Lot
Improvements:	Small encroachment of "Old Arabi Jail" building, not a part of this report assignment.
Highest and Best Use:	Land would most likely be developed into some type of residential or public benefit use to the development occurring in the immediate area.
Market Value Indications:	
Cost Approach:	N/A
Sales Comparison Approach:	\$31,500
Income Approach:	N/A
Final Value:	\$31,500
Before Value:	\$31,500.00 (R)
After Value:	\$ <u>0.00</u> (R)
Difference:	\$31,500.00 (R)
Appraiser:	Gayle H. Boudousquie, MAI Louisiana Certified General Real Estate Appraiser License, No.
G0125	

PHOTOS OF SUBJECT PROPERTY



Photo taken 7-27-2015 By: Gayle H. Boudousquie	1. View of Hernandez St. Looking toward the Mississippi River and Pontalba Street. Subject Lot is to the right.
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Photo taken 7-27-2015 By: Gayle H. Boudousquie	2. View of Hernandez Street looking North toward Bienvenue Street. Subject is to the left. Hernandez Street dead ends at Benvenue Street.
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PHOTOS OF SUBJECT PROPERTY



Photo taken 7-27-2015
By: Gayle H. Boudousquie

3. Subject Lot Wraps around the 44.98 foot by 51.50 foot lot the "jail" is constructed on. The amount of side lot area between the building and the subject lot is 10.63 ft. on the River side and 13.23 ft. on the Bienvenue St. side.

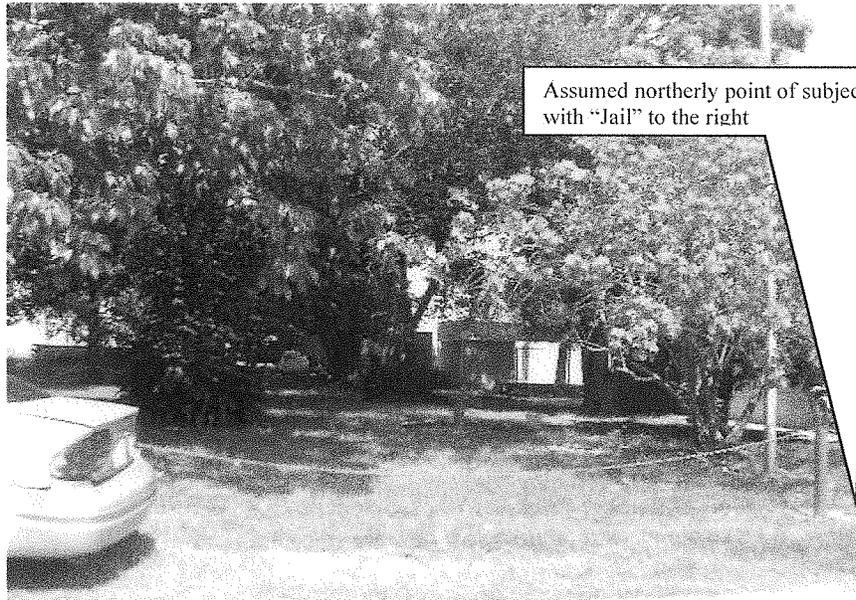


Photo taken 7-27-2015
By: Gayle H. Boudousquie

4. View from Hernandez Street on the Pontalba Side of the Lot. This portion of the lot frontage is 40.42 feet. Total lot frontage is 64.92 feet.

PHOTOS OF SUBJECT PROPERTY



Photo taken 7-27-1015
By: Gayle H. Boudousquie

5 View across Hernandez Street. This block is 100% residential and has the front of the residence facing Friscoville Ave. and the rear of the residence facing Hernandez Street. Residential development is an allowable use in I-1 industrial zoning.



Photo taken 7-27-2015
By: Gayle H. Boudousquie

6 View from the Bienvenue Street side of the Subject Lot Looking toward Hernandez Street. The "Jail" is to the right. This frontage is 24,50 feet in width.

PHOTOS OF SUBJECT PROPERTY



Photo taken 7-27-2015
By: Gayle H. Boudousquie

5 View across the rear of the lot looking toward Pontalba Street. Lot depth is approximately 59 feet. The encroachment area appears to have a depth of 8.66 feet and is the width of the building. Industrial development is adjacent to the property to the rear along Aycock Street

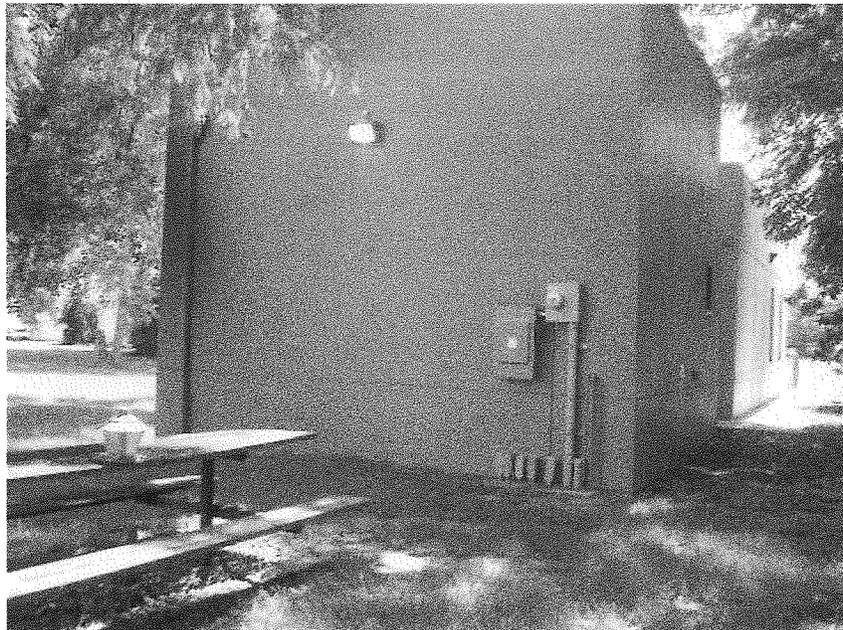


Photo taken 7-27-2015
By: Gayle H. Boudousquie

6 Building encroachment. No value is given to nor is any value deducted due to this encroachment. Value is of Land only as per client request..

PHOTOS OF SUBJECT PROPERTY



Aerial from Google Earth – Date 10-31-2014 most recent

Numbers show the direction of the Photographs

Google Earth Aerial dated 3-5-2013 below shows encroachment. Land is valued as vacant



ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal is made under the following assumptions and limiting conditions:

1. Title to the property is free and clear, unencumbered and there are no easements, liens or other encumbrances on the property.
2. The information contained in this report as furnished by others is believed to be correct, but the appraiser assumes no responsibility for its accuracy. Included in this information is title information, measurements, survey, and other information furnished by you as likewise comparable sales data furnished by the court records and the principals involved in the various transactions.
3. No responsibility is hereby assumed for any matters that are legal or political in nature. No responsibility is assumed for political, social or economic changed conditions, which could have an effect on real estate values which changes take place after the date of this valuation.
4. All engineering is assumed to be correct. The plot plans and illustrative material in this report are included only to assist the reader in visualizing the property.
5. It is assumed that there are no hidden or non-apparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.
6. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless noncompliance is stated, defined, and considered in the appraisal report.
7. Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property, were not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The value estimate is predicated upon the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.
8. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraiser, and in any event only with proper written qualification and only in its entirety.
9. The appraiser herein by reason of this appraisal is not required to give testimony, or be in attendance in court with reference to the property in question unless arrangements have been previously made.

10. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the appraiser.
11. This appraisal is prepared in anticipation of possible litigation, in as much as, it may become the basis for a compensation estimate in an expropriation suit.

Additional Assumptions are as follows:

- As per instructions, the value is of vacant land.
- Market value is not linked to a specific exposure time. (A jurisdictional exception)
- No information has been provided to the appraiser with respect to hazardous substances. It is assumed that no environmental contamination exists in the subject property. (An extraordinary assumption)
- Value excluded any value of the minerals.
- Market value utilizes sales of vacant land in the subject's marketing area with a similar highest and best use.
- The appraiser has been engaged to value the property. The appraiser has not been engaged to set just compensation.

SCOPE OF THE APPRAISAL

The subject is a small irregularly shaped lot with industrial zoning in an area with residential and industrial development working in harmony. The Parish has some public facilities in the immediate vicinity.

The appraiser has done the following:

- Inspected the subject site. Any aerial photographs are from Google Earth.
- Researched sales activity in the subject's neighborhood for vacant sites with similar highest and best use.
- Chose the most representative sales to value the subject at highest and best use.
- Used the sales comparison approach to estimate the fee simple market value of land as of the date of value..
- This report does not conform to USPAP in two areas, exposure time and consideration of anticipated public projects. Because this appraisal is to conform to the Uniform Appraisal Standards for Federal Land Acquisitions, the estimate of market value cannot be linked to a specific exposure time (Section B-2, pg 31). Likewise the appraiser must disregard any enhancement or diminution in value of the property due to the project (Section B-10, pg 45)

In the appraisal of the subject property, the appraiser obtained data from the following sources:

- Ownership Title Data
 - Right of Way Maps
 - Onsite inspection of the subject property and real estate market areas
 - Gathering and investigating real estate market data:
 - Public records, real estate agents, real estate appraisers, sellers and purchasers
 - FEMA Flood Zone Data
 - Analysis of land use trends
 - Analysis of local area demographic data
 - Parish government:
 - Clerk of Court Records
 - Assessor's Records
 - Local real estate agents and appraisers
 - The University of New Orleans Market Data Center, Metropolitan New Orleans Real Estate Market Analysis, Rebuilding and Recovery Edition, March 2015 (Volume 46)
- Uniform Standards of Professional Appraisal Practice, Appraisal Foundation, 2015 edition*

PURPOSE OF THE APPRAISAL

The purpose of the appraisal is to estimate the market value of the property as of the date of inspection.

The intended user of the report is the Parish of St. Bernard, and the intended use of the appraisal report is to assist the client in the determination of the amount paid for the property rights acquired or conveyed.

Date of Value: July 27, 2015

FEE, RESERVING TO THE LANDOWNER ALL RIGHT, TITLE AND INTEREST TO THE UNDERLYING MINERALS WITHOUT RESTRICTION

The *fee* simple title to the land, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines; excepting and excluding *from* the taking all oil, gas, and other minerals in and under said land and all appurtenant rights for the exploration, development, production, and removal of said oil, gas, and other minerals.

Defintion of Fee Simple

Fee simple estate is described as absolute ownership unencumbered by any other interest or estate subject only to the governmental powers of taxation, eminent domain, police power, and escheat.¹

Definition of Market Value

“Market value is the amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would have sold on the effective date of the appraisal, after a reasonable exposure time on the open competitive market, from a willingly and reasonably knowledgeable seller to a willing and reasonably knowledgeable buyer, with neither acting under any compulsion to buy or sell, giving due consideration to all available economic uses of the property at the time of the appraisal.”

Section A-9, page 13, Uniform Appraisal Standards for Federal Land Acquisitions , dated 2000

SUMMARY OF APPRAISAL PROBLEMS

NONE

¹The Dictionary of Real Estate Appraisal, 5th Edition 2010, Page 113.

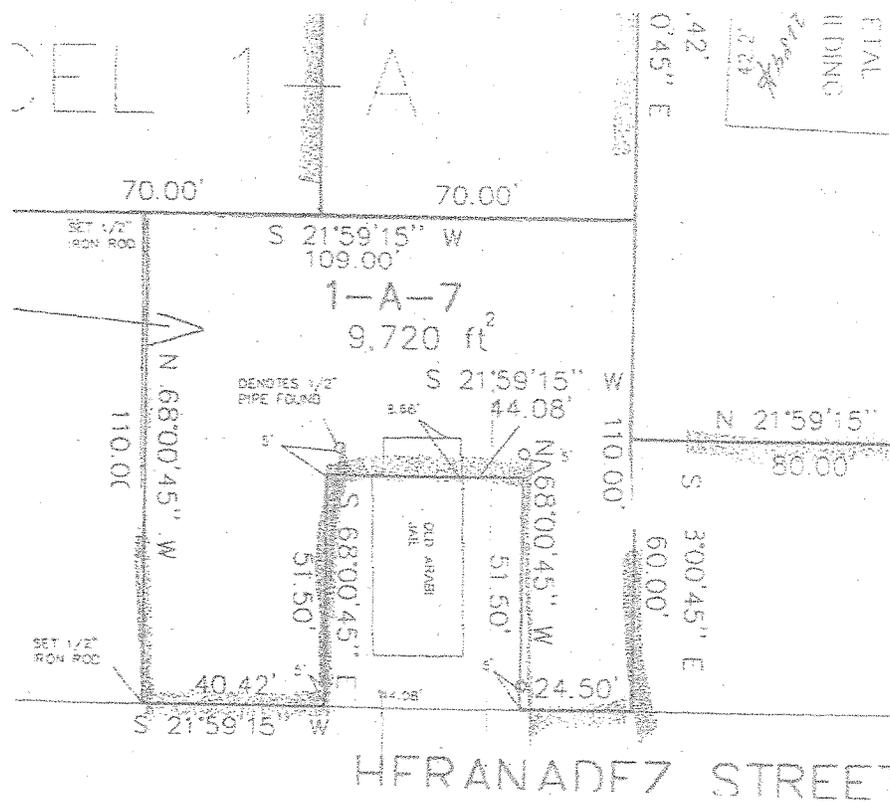
LEGAL DESCRIPTION-

The following legal description has been provided by the client

LOT 1-A-7
(BRING RESUB OF LOT 1-A OF TRACT E) SQ. D ARABI
LOT 1-A-7 MEAS. 24.50' FRT. ON HERNANDEZ ST. X DEPTH OF 52' ON
LINE OF OLD ARABI JAIL X WIDTH OF 44' X DEPTH OF 52'
ON OPPOSITE LINE OF OLD JAIL (ARABI) X 40' FRT. ON
HERNANDEZ ST. X DEPTH 110' X WIDTH IN REAR OF 109'
X OPPOSITE DEPTH OF 110' CONTAINS 9,720 SQ. FT.

This is the legal description of the property on the tax roll and includes the entire Parent Tract.

A Plot of the Parent Ownership appears below.



NEIGHBORHOOD DATA

The Subject is in the town of Arabi between the lower 9th ward of New Orleans and Chalmette within the Greater New Orleans Metropolitan in St. Bernard Parish. Arabi is on the eastern bank of the Mississippi River

Arabi was established in the 19th Century as a suburb of New Orleans known as Stockyard Landing. The major industry was stockyards and slaughterhouses. In the 1880's New Orleans passed a law banning stockyards and slaughterhouses in the city. At that point the town of Arabi was created.

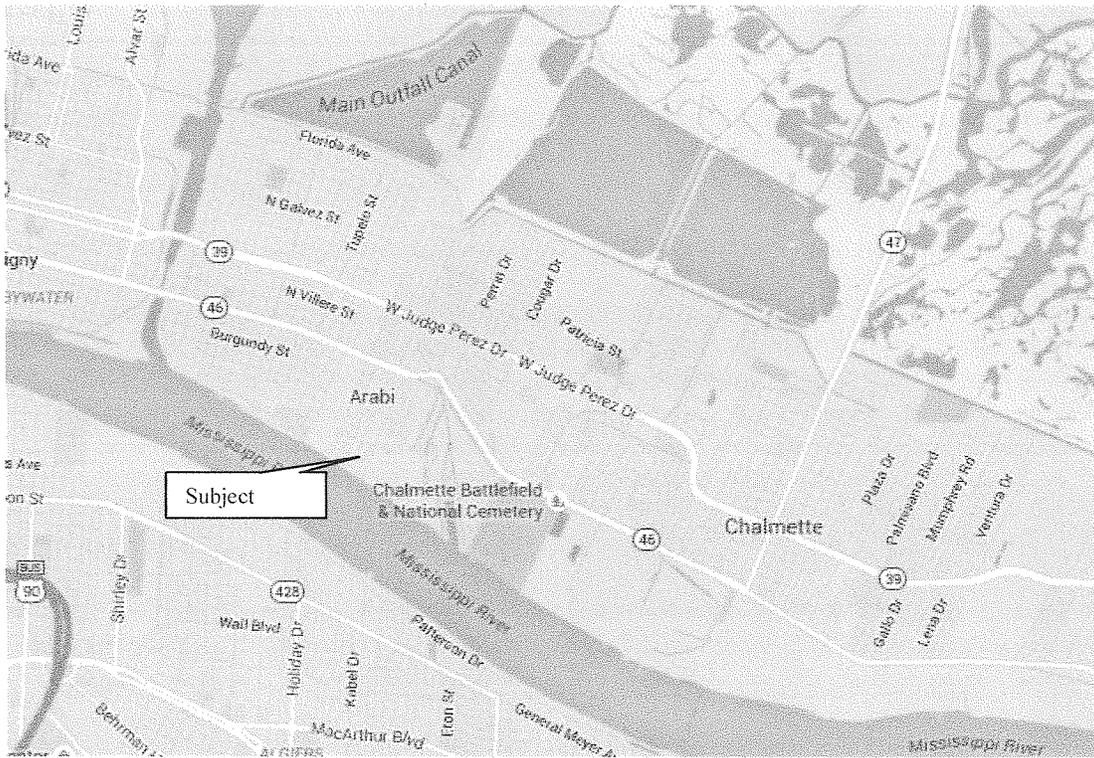
The subject's neighborhood is known as The Old Arabi Historic District and is basically bounded by St. Bernard Highway, the Mississippi River, the Domino Sugar Refinery, and Jackson Barracks at the Orleans Parish Line.

The St. Bernard Parish Visitor's Center is located in Old Arabi as well as a sugar museum, a new planetarium, a children's science center and a wetland's museum. Development is a combination of residential and industrial existing in harmony. Residential development with new construction is seen along N. Peters Street. These lots allow construction of homes that have a view of the Mississippi River.

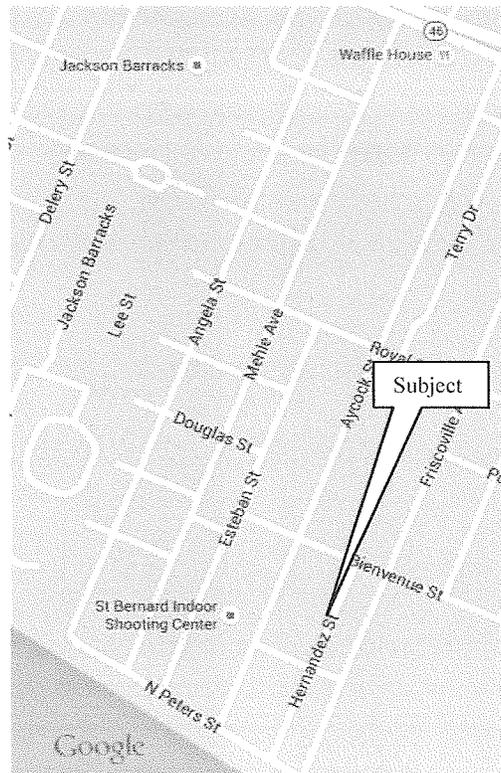


New Construction on N. Peters Street and Mehle Street.
Two lots have sold here between \$8.22 and \$10.00/ sq. ft.

AREA MAP



VICINITY MAP



SITE DATA

Lot 1-A-7 is irregular in shape. The lot wraps around the "Old Arabi Jail" a Parish owned building. The site is irregular in shape with two frontages on Hernandez Street on each side of the "Old Arabi Jail" lot (Known as the Old Jail site Tract E.). Based on the survey of Tract e, dated March 27, 1998 by Estopinal Surveying and Engineering, the subject site is 10.63 feet away from the River side of the building and 13.23 feet from the Bienvenue St. side of the buiding.

The rear line is 109 feet in width, with sidelines of 110 feet. The central lines follow the Old Jail site Tract E and are 51.5 feet on the sidelines and 44.08 ft. in width at the rear of the building site.

The land is zoned I-2 Heavy Industrial District. The Parent ownership is in an area of single family residential development, older industrial uses, a small trailer park and vacant land. The land is adjacent to vacant land on each side and small industrial users to the rear.

Hernandez Street is a single lanetwo-way asphalt street that runs from N. Peters Street, along the Mississippi River, and deadends at Bienvenue Street. Water, gas, electricity and sewerage is available to the lot.

The subject is in Flood Zone B, Map Number 225040290B dated May 1, 1985. Outside Flood Hazard Areas. The Flood Map appears on the following page.

FLOOD ZONE MAP

InterFlood by a la mode

Prepared for: Gayle Boudousque & Associates
Hernandez st and N Peters



HISTORY OF THE PROPERTY

The property is owned by Starting Point, LLC acquired this lot and additional land in 1998 as follows:

Date: May 5, 1998
Vendor: Joseph M. Jones Enterprises
Vendee: Starting Point, LLC
Recordation: Book 644 Folio 53
Sale Price: \$160,000
Remarks: Land re-subdivision occurred in 1998 and again in 2000. The subject lot was created by re-subdivision.

TAXES

The subject tax bill assessment is as follows:

Tax Bill Number		Assessment
2-899-000-0-0234	Land	\$ 2,702
	Improvements	\$ 0
	Total	\$ 2,702

Tax is based on \$140.59 per \$1,000 of assessed value. 2014 taxes were \$379.89. 2015 taxes are paid in arrears and are due at the end of 2015.

ZONING

Zoning is the public regulation of the character and extent of real estate use through police power; accomplished by the establishing districts or areas with uniform restrictions relating to improvements, structure heights, areas, bulk, density of population, and other limitations on the use and development of private property.²

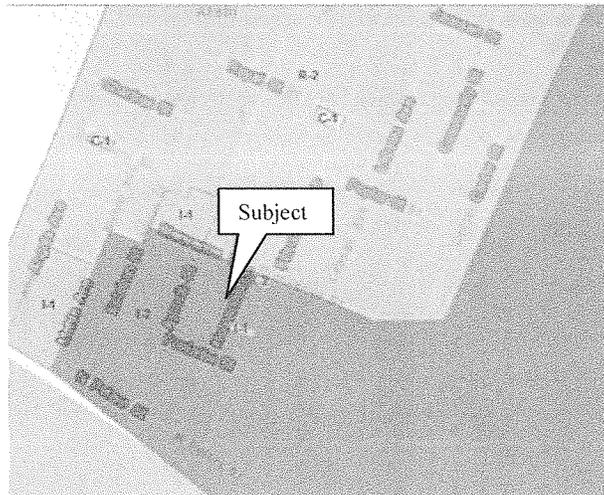
I-2 Industrial District

The district allows multiple industrial and commercial uses under Section 22-6-4 including offices, contractor's office and storage yard. Light and heavy industrial uses, farming, Caretaker's dwellings, farm buildings, animal raising, kennels and mini-warehouses, churches, recreation developments.

Minimum Lot Size:	none.
Maximum Height :	none
Front Yard:	none
Side Yard:	none
Rear yard	none

Development in I-1 Light Industrial District requires a lot with 60 feet of street frontage.

ZONING MAP



²The Dictionary of Real Estate Appraisal, 5th Edition, Appraisal Institute, 2010, Page 399.

HIGHEST AND BEST USE – BEFORE

The subject site has broken frontage. Development of the site would most likely come from acquisition by an adjoining owner. The frontage on Hernandez would create additional access for the industrial development on Aycock Street. A purchase by the Parish would enlarge the “Old Arabi Jail” Site. A third possible purchaser would be someone who would want to construct an office or a residence that would enjoy a large rear side yard access driveways on each side of the “Jail” site. Although the zoning is I-2 Heavy industrial, there are many residences in this zoning, and the subject is in a block with only one building improvement on Hernandez Street on the west side and 100% residential development of good quality home sites to the east side of Hernandez Street. The appraiser is assuming down zoning would be an acceptable request by any purchaser. Although the subject has a broken frontage, there is over 60 feet total in street frontage.

The Highest and Best Use is for some type of residential, office or public benefit development in keeping with the surrounding development.

HIGHEST AND BEST USE AS IMPROVED

Not Applicable

LAND VALUE

The market was researched over the recent past for residential land sales in the subject's immediate Old Arabie neighborhood. The Historic area of Arabi is an older neighborhood that has few vacant lots. Land for development must come from demolition or redevelopment of land formerly in industrial use near the Mississippi. The Subject is two blocks from the Mississippi River. Activity is slow, but there is enough data to value the subject lot.

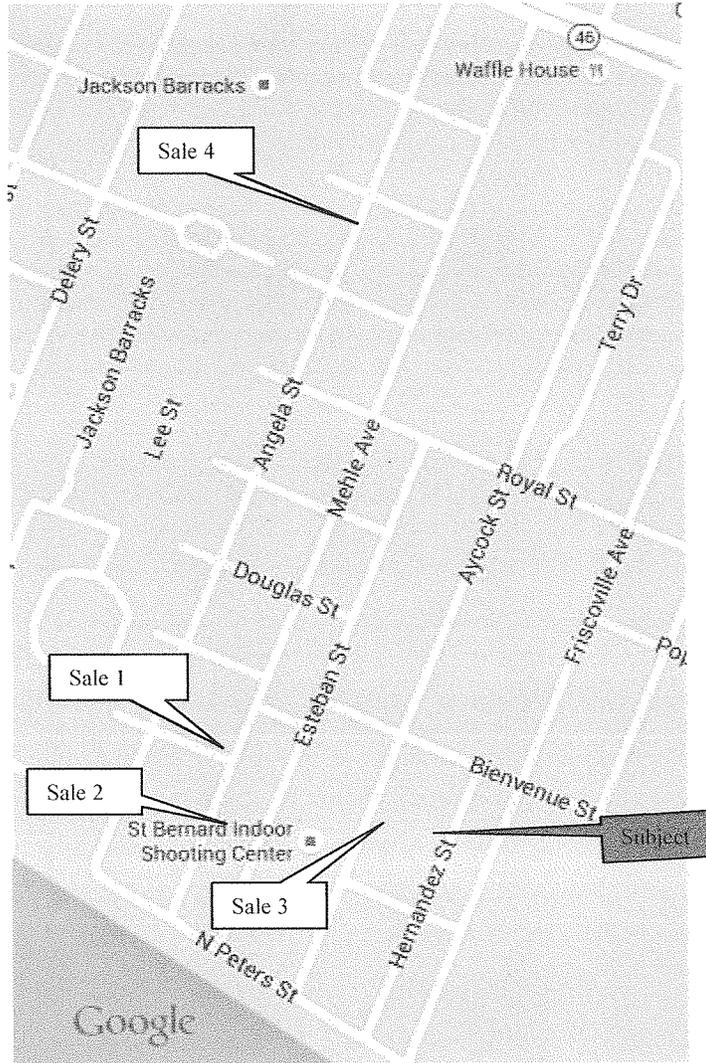
There is vacant land fronting the Mississippi River at Mehle St. and N. Peters St. There is current a single family residence under construction. Construction will allow a view of the River and River traffic. There have been two lot sales fronting N. Peters with unit prices of \$8.22/ sq. ft. for a 13,000 sq. ft. site and \$10.00/ sq. ft. for an 8,000 sq. ft. lot. These sales are not considered comparable to the subject due to the location on N. Peters with a River view. The Sale of a leased site improved with an industrial building fronting Aycock Street containing 15,148 sq. ft. sold at \$2.64 per sq. ft. of land. Since the site was the sale of a land leased fee, the sale does not appear in the report.

The most comparable 4 sales appear in this analysis. Sale dates range from February 2011 to July 2014. Unit sale prices ranged from \$0.93 per sq. ft. to \$4.16 per square foot. Sizes ranged from 6,016.34 sq. ft. to 37,315.18 sq. ft.

The unit of comparison is price per square foot. Adjustments are made for market conditions, (time), condition of sale (motivation), location, flood zone, size, shape, streets and corners, zoning, and topography.

Individual comparable sheets, location map, and photographs are on the following pages.

COMPARABLE SALE MAP



Comparable Land Sale No. 1



Location:	Mehle Street corner Pontalba Street Lots 11, 12, 13 and 14, Block 95 Arabi, St. Bernard Parish ,LA
Date:	July 15, 2014
Price:	\$45,000.00
Terms:	Cash
Cash Equivalent:	Yes
Vendor:	Ricky J. Zimmer, et ux
Vendee:	Alexandra Marie Lapres and William, F. Schneider
Recordation:	NA# 583489
Zoning:	I-1 Light Industrial
Dimensions:	120 x 100 feet There are 120 feet of frontage on Mehle Street and 100 feet of frontage on Pontalba Street

Appraisal Report Starting Point, LLC Lot 1-A-7 Arabi, St. Bernard Parish, LA

Comparable Land Sale No. 1 cont.

Land Area:	12,000 sq. ft. (each lot measures 30 ft on Mehle Street x 100 ft. in depth)
Shape:	Rectangular
Flood Zone:	B.
Unit Price:	\$3.75 per Square Foot
Utilities:	All available
Remarks:	Four lots each containing 3,000 sq. ft. Cleared and filled to street grade. Mehle is a two way, two lane paved roadway that links St. Bernard Highway to N. Peters Street.
Verification:	Courthouse records, Assessor's Office and visual inspection

Comparable Land Sale No. 2



Location: Mehle Street and Esteban Street
Lots A-3-4 and A-3-5 Sq. A
Arabi, St. Bernard Parish, LA

Date: April 12, 2011

Price: \$65,000.

Terms: Cash

Cash Equivalent: Yes

Vendor: Yvonne Bulot Ledet

Vendee: Carl John Doescher

Recordation: NA# 551088

Zoning: I-2 Heavy Industrial

Dimensions: 162.24 x 141 feet.

Appraisal Report Starting Point, LLC Lot 1-A-7 Arabi, St. Bernard Parish, LA

Comparable Land Sale No. 2 cont.

Land Area:	22,890 sq. ft. (each lot is 81.17 ft x 141 ft. and contains 11,445 sq. ft.)
Shape:	Rectangular
Flood Zone:	B
Unit Price:	\$2.84 per Square Foot
Utilities:	All available
Remarks:	Property is currently fenced and in use as a construction storage yard. Mehle St. is a main route from St. Bernard Highway to the River. Esteban is a secondary roadway that was originally utilized as a railroad switch track to service the industrial users. Surrounding uses are industrial, commercial and residential.
Verification:	Courthouse records, Assessor and visual inspection

Comparable Land Sale No. 3



Location: Aycock Street and Hernandez Street
Lots F-2 and F-3 Square C
Arabi, St. Bernard, LA

Date: February 25, 2011

Price: \$34,500.

Terms: Cash

Cash Equivalent: Yes

Vendor: Gulf Coast Bank and Trust (Albert J. Wiebelt, Assistant Vice President)

Vendee: TRIPL-EEE, LLC (William P. Schick, representative)

Recordation: NA# 549737

Zoning: I-2 Heavy Industrial

Dimensions: Irregular in shape. 193.31 feet of frontage on Aycock and 95.72 feet of frontage on Hernandez.

Land Area: F-2 contains 23,564.84 sq. ft. and Lot F-3 contains 13,750.34 sq. ft.± sq. ft. as per re-subdivision survey dated Jan. 15, 2001.
Total Area 37,315.18 sq. ft.

Comparable Land Sale No. 4



Location: Angela Street
Lot 16-B Square 312
Arabi, St. Bernard Parish, LA

Date: October 8, 2012

Price: \$25,000

Terms: Cash

Cash Equivalent: Yes

Vendor: Rene Dauterive, Jr., et al

Vendee: P & P Builders, LLC (Norman Parent, managing member)

Recordation: NA# 584848

Zoning: R-2 Residential

Dimensions: 47.25 feet x 127.33 feet

Land Area: 6,016.34 sq. ft. as per survey dated August 6, 2014

ADJUSTMENTS -

In analyzing sales activity of vacant land within the subject's general neighborhood, the appraiser found 4 comparable sales.

Comparable No.	Date	No. of Lots	Size (sq. ft.)	Av. Lot Size	Price Per S/F
1	7/15/2014	4	12,000	3,000 sq. ft	\$ 3.75
2	4/12/2011	2	22,890	11,445 sq. ft.	\$ 2.84
3	2/25/2011	2	10,193	19,657 sq. ft.	\$ 0.93
4	10/8/2012	1	7,250	6,016 sq. ft.	\$ 4.16

In reviewing the comparable sales, the sale prices per square foot ranged from \$0.93 to \$4.16. All of the comparables are adjusted on grid based on a quantitative analysis. This allows a reasonable person to analyze the data and feel comfortable with the adjusted range of value.

Financing Terms

All sales were cash or cash equivalent sales, without special financing. Therefore, all sales are cash equivalent.

Conditions of Sale

All transactions are arm's-length transactions. Sale 3 is a sale after foreclosure. The property was sold immediately after the foreclosure. An upward adjustment is required for motivation on the part of the vendor and +15% appears in the grid for motivation.

Market Conditions (Time)

The sales have taken place between February 2011 and July 2014. There is limited data available to estimate the amount of increase in the Post-Katrina marketplace. The subject's neighborhood, Historic Old Arabie, is showing signs of residential development that were not seen in 2011. Although there is no definite way to measure an increase using a sale and resale of the same property, a slight upward adjustment of +5% is utilized in the grid for the 2011 sales. No upward adjustment is required for the October 2012 sale or the 2014 sale..

Location

All of the Sales are in the Historic Old Arabi neighborhood. No adjustment for location is required.

Size:

The subject contains 9,720 sq. ft.± sq. ft. This is considered similar to Sales 1 and 4. Sale 2 contains 22,890 sq. ft. An upward adjustment is required and +15% appears in the grid for size. Sale 3 contains 37,315 sq. ft., and a +20% upward adjustment appears in the grid for Sale 3.

Flood Zone:

All comparables are in Flood Zone B. No adjustment is required.

Shape

The subject is very irregular in shape with broken frontage on Hernandez Street. Sales 1, 2 and 4 are rectangular. A downward adjustment is necessary and -20% appears in the grid. Sale 3 is somewhat irregular in shape, but does not have the problem with placement of improvements as does the subject. A downward adjustment of -10% appears in the grid.

Streets and Corners

The subject fronts one street with no corners as does Sale 4. Sale 1 fronts two streets with one corner. Sales 2 and 3 front two streets with no corners. Sales 2 and 3 require a downward adjustment and -5% appears in the grid. Sale 1 with two streets and one corner requires a downward -10% in the grid. No adjustment is required for Sale 1.

Zoning –Sales 1-3 have Industrial zoning and are in the Historic Old Arabi District. No adjustment is required.. Sale 4 is zoned R-2, which excludes additional uses that are allowed under Industrial zoning . Therefore, an upward adjustment is required for Sale 4 and +10% appears in the grid.

Topography-

All of the Sales are cleared and filled. No adjustment is required.

ADJUSTMENT GRID					
	Subject	Sale #1	Sale #2	Sale #3	Sale #4
Location	Hernandez St.	Mehle St Corner Pontalba St.	Mehle St. and Esteban St.	Aycock St. and Hernandez St.	Angela St
	Arabi, LA	Arabi, LA	Arabi, LA	Arabi, LA	Arabi, LA
Sale Date	N/A	7/15/2014	4/12/2011	2/25/2011	10/8/2012
Sale Price	N/A	\$45,000	\$65,000	\$34,500	\$25,000
Site Size S/F	9,720 sq. ft.	12,000 sq. ft.	22,890 sq. ft.	37,315 sq. ft.	6,016 sq. ft.
Street Frontage – Linear Feet	40.42 and 24.5 ft. Broken frontage	120	162	193	47
Streets and Corners	1/0	2/1	2/0	2/0	1/0
Topography	Grass covered with mature trees	Grass Covered	Gravel Covered	Grass Covered	Grass Covered
Flood Zone	B	B	B	B	B
Zoning	I-2 Industrial	I-1 Industrial	I-2 Industrial	I-2 Industrial	R-2 Residential
Price per S/F	N/A	\$3.75	\$2.84	\$0.93	\$4.16
Condition of Sale		0%	0%	+15%	0%
Market Condition (Time)		0%	+5%	+5%	0%
Adj. For Cond. & Time		\$3.75	\$2.98	\$1.12	\$4.16
Location		0%	0%	0%	0%
Size		0%	+15%	+30%	0%
Shape		-10%	-10%	-5%	-10%
Flood Zone		0%	0%	0%	0%
Streets and Corners		-10%	-5%	-5%	0%
Zoning		0%	0%	0%	+10%
Topography		0%	0%	0%	0%
Total Adjustment		-20%	-0%	+20%	0%
Subject By Comparison		\$3.00/ sq. ft.	\$2.98/ sq. ft.	\$1.35/ sq. ft.	\$4.16/ sq. ft.

COST APPROACH

Not Applicable

INCOME APPROACH

Not Applicable

CORRELATION AND INDICATION OF LAND VALUE

Cost Approach	Not Applicable
Sales Comparison Approach	\$31,500.00 (R)
Income Approach	Not Applicable

The most appropriate approach to value is the Sales Comparison Approach.

Therefore, based on the quality and quantity of data as well as economic conditions in July 2015, it is my opinion that market value, as of the date of appraisal, July 27, 2015 is reasonable at **\$31,500.00 (R)**

The acquisition analysis is therefore calculated as follows:

The property is required 100%. There is no remainder. Therefore the acquisition analysis is calculated as follows:

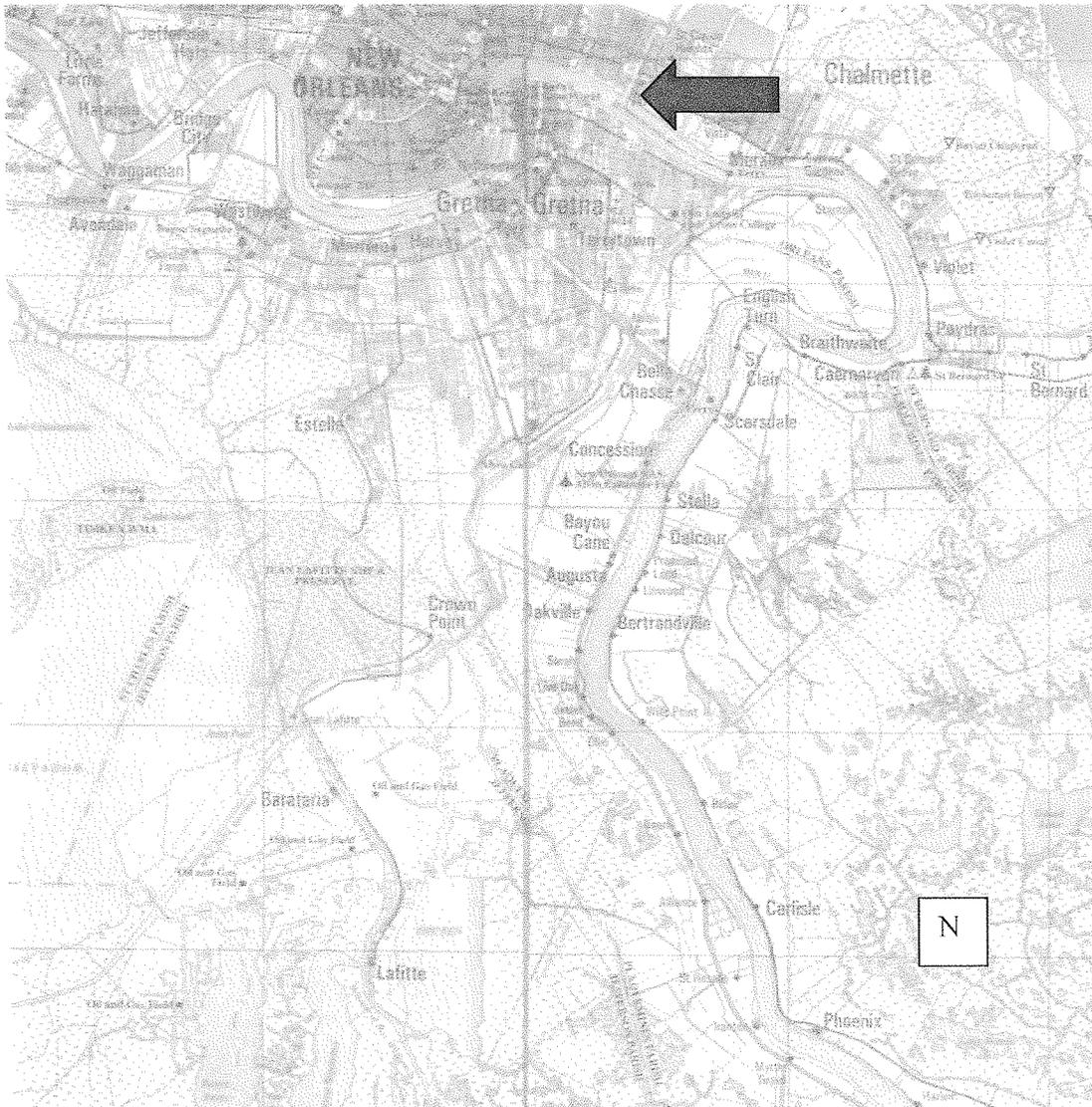
ACQUISITION ANALYSIS

Before Value:	\$31,500.00 (R)
After Value:	\$ <u>00.00 (R)</u>
Difference:	\$31,500.00 (R)

ADDENDA

VICINITY MAP

EXHIBIT A



OWNER NOTIFICATION LETTER

EXHIBIT B

Gayle Boudousquie & Associates
228 St. Charles Ave. Suite 1331
New Orleans, LA. 70130

(504) 525-5700 Fax (504) 525-5705 Cell (504) 495-2772 E-mail gb@bba.com

July 13, 2015

Starting Point LLP
2115 Brianwood Circle
Panama, Florida 32405

RE: St. Bernard Parish Government- Disaster Recovery-
Old Arabi Revitalization Project

Parcel No. Lot 1-A-7

Dear Sirs:

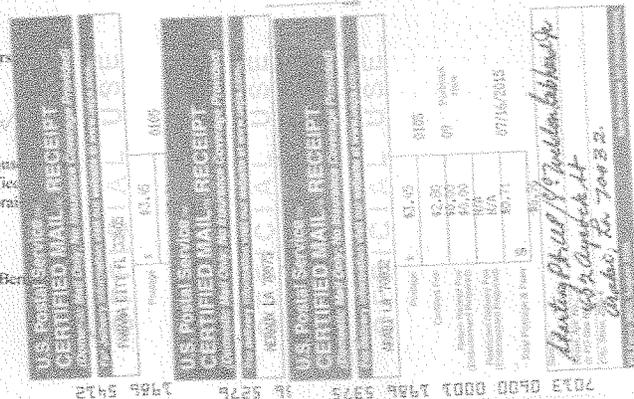
The Parish of St. Bernard will be acquiring land within Square D fronting Hernandez Street in St. Bernard Parish for public use for the Old Arabi Revitalization Project. My office has been employed to appraise the vacant land required under your ownership. On site inspection is scheduled for Thursday, July 23, 2015 between 9:00 AM and 10:00 AM. Please call me at 504-495-2772 if you have a question or would like to have a representative meet me at the site so we can arrange a specific meeting time. It is not necessary for you or your representative to be present at the inspection.

The appraiser does not know when the project will be completed, nor can the appraiser convey to you any value conclusions. Valuation is of land only.

Very Truly Yours

Gayle H. Boudousquie
Gayle H. Boudousquie
Louisiana Certified
Real Estate Appraiser

C. Parish of St. Ber



Letter sent to all agents registered with the Sec. of State

Starting Point, LLP
C/O
Weldon H. Gebhard, Jr.
402 Aycock St.
Arabi, La 70032

Starting Point, LLP
C/O
Kenny L. Rhodes
4532 St. Bernard Highway
Meraux, LA 70075

APPRAISERS QUALIFICATIONS

EXHIBIT C

APPRAISER: GAYLE H. BOUDOUSQUIE, MAI
LOUISIANA CERTIFIED GENERAL
REAL ESTATE APPRAISER LICENSE NO. G0125

BUSINESS ADDRESS: 228 St. Charles Ave.
Suite 1331
New Orleans, LA 70130

BUSINESS TELEPHONE: (504) 525-5700 FAX (504) 525-5705 CELL (504) 495-2772
e-mail gaylehb@bellsouth.net

EDUCATION

Master of Business Administration, Concentration in Economics, Finance, and Management, University of New Orleans
Bachelor of Science in Economics, Statistics Minor, Louisiana State University in New Orleans

REAL ESTATE EDUCATION

Various College Level Commercial Real Estate Courses in Financing and Investment Decisions. The American Institute of Real Estate Appraisers, Courses 1A-1, 1A-2, 1B-A, 1B-B, 2-1, 2-2, and Standards of Professional Practice

Seminars Include:

- Market Analysis
- Hazardous Materials Institute
- Real Estate Risk Analysis
- Subdivision Analysis
- Business Valuation
- The Appraiser's Legal Liability
- Standards of Professional Practice – 2014 Update**
- Developments in Income Property Valuation - 2001
- Tax Laws - 2001
- Partial Interests - Divided - 2000
- Easement Valuation - 2000
- Analyzing Commercial Lease Clauses - 2002
- DOTD Policies and Procedures - 2003
- Appraisal Institute Course 420 – 2004
- Uniform Standards for Federal Land Acquisitions 2009**
- Scope of Work – 2007**
- Valuation of Office Buildings 2008**
- Spot Light on USPAP 2008**
- Course 901 IRWA Engineering Plan Development and Application 2008**
- Appraising Historic Preservation Easements Course 805 Appraisal Institute 2009**
- Form 1004MC- Appraisal Institute 2009**
- Appraising Distressed Commercial Real Estate Appraisal Institute 2009**
- Analyzing the Effects of Environmental Contamination on Real Property Appraisal Institute 2010**
- Practice of Appraisal Review-FHA Protocol No. 145 2011**
- Fundamentals of Separating Real, Personal Property, and Intangible Business Assets 2012 Course 833**
- Complex Litigation Appraisal Case Studies Appraisal Institute 2013**
- Review Theory – Commercial 2014 Appraisal Institute**
- Appraisal Institute- Litigation Appraising: Specialized Topics and Applications- 2015**
- Appraising Non-Profit Properties
- Contemporary Appraisal Practice
- Understanding Limited Appraisals
- The New URAR Form
- Future of Appraising
- The Internet and Appraisal
- Various seminars given by the Louisiana Real Estate Commission
- Attacking & Defending Appraisals in Litigation - 1999
- Attacking & Defending Appraisals in Litigation Part II - 2000
- Valuation of Partial Interests in Real Estate - 2003
- Appraisal Institute Course 540 – 2003
- Valuation of Detrimental Conditions in Real Estate - 12/05
- Forecasting Revenue 2007**
- Analyzing Distressed Real Estate 2008**
- Confidentiality and Hypothetical Conditions**

QUALIFICATIONS OF THE APPRAISER – GAYLE H. BOUDOUSQUIE, MAI – Page 2

PROFESSIONAL EXPERIENCE

Real Estate Valuation and Consulting

1995 - Present	Gayle H. Boudousquie and Associates (Owner) Commercial Real Estate and Counseling firm
1992 - 1995	Vice President, Stephen L. Guice & Co., Inc., Real Estate Brokers, Appraisers, and Counselors
1983 - 1991	Vice President, Dupree, Felts and Young, Inc. (Real Estate Appraisers, Analysts, and Counselors with Offices in New Orleans and Shreveport)

Appraisal Review

1991 - Present	Independent Fee Appraisal Review Service to Lending Institutions and Government Agencies. Currently consultant to the State of Louisiana for real estate tax appeals.
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Brokerage

Real Estate Brokerage experience in evaluating
and selling investment properties and in
commercial leasing since 1975

Teaching Experience

1993 - Present	Instructor - Tulane University - University College. Real Estate Principles and Practice. REAL 232-01 and Advanced Real Estate Principles REAL 332-01 Real Estate Instructor Certified by the Louisiana Real Estate Commission, Certificate No. 659 Seminar given April, 2006 to the Real Estate Commission Appraisers "Valuation of Property After a Natural Disaster- The Randall Bell Matrix" Appraisal Institute Approved.
----------------	--

SCOPE OF ASSIGNMENTS

Market value analysis for apartment complexes, motels, hotels, office buildings, warehouses, industrial, shopping centers, medical clinics, residential and office condominiums, land at highest and best use, eminent domain, unimproved acreage, mixed-use developments, subdivision analysis, feasibility studies, special purpose property, valuation of property affected by hazardous materials. Expert witness testimony, review of market and fair value appraisals. Real estate counseling problems.

Consultant to the New Orleans Board of Review for over 350 Commercial Assessment Appeals for the Tax year 2008.

QUALIFICATIONS OF THE APPRAISER – GAYLE H. BOUDOUSQUIE, MAI – Page 3**LITIGATION ASSIGNMENTS:**

Includes Eminent Domain in the Parish of Orleans for the Sewerage and Water Board., Parish of St. Tammany for the Department of Transportation and Development and private clients, Parish of Jefferson, and in Ascension Parish against the Ascension Parish Drainage District for a private client. Please call for more specific details.
Most current assignment includes Lake Pontchartrain, Louisiana and vicinity Hurricane Protection Project Orleans Parish, Louisiana Orleans East Bank 17th Street Canal Levee System. Expert witness testimony in Orleans, Jefferson, St. Tammany Parish and in Federal District Court.

PROFESSIONAL AFFILIATIONS

Louisiana Real Estate Appraisers State Board of Certification – Member 2003- present
Appraisal Institute (formerly American Institute of Real Estate Appraisers (MAI), Certificate No. 8304
Regional Ethics and Counseling Panel 1990-1996
Non-Residential Demonstration Report Grader Panel 1990-Present
Louisiana State Government Relations Subcommittee 1992-1993
Review & Counseling Division - Assistant Regional Member 1993 - 1995
General Guidance Subcommittee Region IX 1995-1998
General Demonstration Report Subcommittee, Region IX, 1998 - 2003
National Screener – Admissions, 1999 – Present
Admissions Chair, Louisiana Chapter- General –2002
National Experience Panel – 2005
National Demonstration Report Panel – 2005
Appraisal Institute- Mentor Program

DISADVANTAGED BUSINESS CERTIFICATIONS

Louisiana Department of Transportation and Development
City of New Orleans
New Orleans Aviation Board
Sewerage and Water Board of New Orleans

CLIENTS INCLUDE

Bank One	Omni Bank
Barclays Bank International, Ltd.	Parish of Jefferson
Board of Review – Orleans Parish	Parish of Orleans
Baldwin and Haspel	Parish of St. Tammany
DRG Financial Corporation	Prudential Realty Group
E. I. DuPont de Nemours, Inc.	Regions Bank
Federal Deposit Insurance Corporation	Sewerage & Water Board New Orleans
Federal Reserve Bank of Atlanta	Salmen Company
First Asset Realty Advisors	Scottsdale Insurance Company
GMAC Mortgage	G. T. S. Corporation
CN/Illinois Railroad	Stachan Shipping Company
Gulf Coast Bank & Trust	The Center Companies
Capital One/Hibernia National Bank	Touro Infirmary
Humana, Inc.	Whitney National Bank
InerFirst Bank, Dallas	Williams, Inc.
Louisiana Dept. of Transportation & Devel.	Wink Engineering
Manufacturers Hanover	Norfolk & Southern Railroad
Many and LoCoco	Aviation Board
Department of HUD	Dutell and Tranchina

References provided upon request

#37

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 THURSDAY, FEBRUARY 18, 2016 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #XXXX-XX-XX

Summary No. 3340

Introduced by: Administration on 1/26/16

Public hearing held on 2/18/16

AN ORDINANCE TO PURCHASE LOT 1-A-7 ARABI, LOUISIANA 70032.

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 purchase LOT 1-A-7 ARABI LOUISIANA 70032 (hereinafter referred to as "the Property").

WHEREAS, the property is a CDBG funded acquisition.

WHEREAS, the property has been appraised and then the appraisal has been reviewed by licensed appraisers for the state of Louisiana.

SECTION 1. The St. Bernard Parish Council hereby approves the acquisition of LOT 1-A-7 ARABI LOUISIANA 70032 for an amount not to exceed thirty one thousand five hundred dollars and zero cents.

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

Page -2-
Extract #37 continued
February 18, 2016

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

YEAS:

NAYS:

ABSENT:

The Chairman, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 26th day of January, 2016

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

St. Bernard Parish Government						
Summary No. 3339						
Ordinance SBPC # XXXX-XX-XX						
Proposed 2016 Budget Amendment 1-26-2016						
G/L ACCOUNT CODE				ACCOUNT TITLE	ENTRY AMOUNT	
<u>FUND</u>	<u>COST CENTER</u>	<u>PROJECT</u>	<u>LEDGER CODE</u>		<u>INCREASE</u>	<u>DECREASE</u>
060	3425	2006	420324	Federal Grants Revenue	\$ 80,000.00	
060	3425	2006	505444	Pension Costs	\$ 8,385.00	
060	3425	2006	505456	Salaries	\$ 64,500.00	
060	3425	2006	505466	Taxes - Payroll	\$ 935.25	
060	3425	2006	520434	Insurance - Hosp. & Life	\$ 6,179.75	
			391000	<i>Net Effect on Fund Balance</i>	\$0.00	\$0.00
<p><i>This Budget Amendment is to create the position of GIS Manager in the Department of Community Development to be fully reimbursed through a CDBG grant.</i></p>						

#36

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 THURSDAY, FEBRUARY 18, 2016 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #XXXX-XX-XX

Summary No. 3339

Introduced by: Administration on 1/26/16

Public hearing held on 2/18/16

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1713-12-15**, AN ORDINANCE TO ADOPT THE 2016 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 2016 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 #36 continued
February 18, 2016

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

YEAS:

NAYS:

ABSENT:

The Chairman, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 26th day of January, 2016

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

#35

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 THURSDAY, FEBRUARY 18, 2016 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #XXXX-XX-XX

Summary No. 3338

Introduced by: Administration on 1/26/16

Public hearing held on 2/18/16

AN ORDINANCE TO REVOKE THE STREET DEDICATION OF ROMAN STREET IN ACCORDANCE WITH THE ATTACHED SURVEY: EXHIBIT "A."

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 revoke the dedication of Roman Street in accordance with the attached survey: Exhibit "A."

WHEREAS, Barbara Drive is no longer needed for a public purpose.

SECTION 1. The St. Bernard Parish Council hereby revokes the dedication of Roman Street in accordance with the attached Exhibit "A" survey.

SECTION 2. This revocation shall NOT revoke any servitude, right of way, easement, or any utility servitude in the revocation. St. Bernard Parish explicitly retains all servitudes and easements on the property and any and all rights of access that is provided in law to maintain these servitudes. Further, the parish retains all utility servitudes and any right of access and repair that accompanies these rights in the general law. The parish retains all servitudes and easements both shown on the attached exhibit "A" survey and those servitudes and easements documented in the public record or currently used by the parish or any utility company. This ordinance shall not be interpreted to limit the rights of the parish in access or maintenance of any servitude or easement presently on the property.

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 Chairman, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 26th day of January, 2016

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

#34

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 THURSDAY, FEBRUARY 18, 2016 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #XXXX-XX-XX

Summary No. 3336

Introduced by: Councilman Montelongo on 1/26/16

Public hearing held on 2/18/16

AN ORDINANCE NAMING LOS ISLENOS MUSEUM COMPLEX MULTI – PURPOSE BUILDING THE “FRANK M. FERNANDEZ, JR. ISLENO CENTER.”

WHEREAS, the Parish Council believes it to be in the best interest of the citizens of the citizens of St. Bernard Parish to formally memorialize the distinguished public service of Frank Fernandez; and,

WHEREAS, Mr. Fernandez served as the first parish historian of St. Bernard Parish from 1967 to 1985 and as historian emeritus from 1985 until his death in 2001; and,

WHEREAS, Mr. Fernandez arranged for the donation to St. Bernard Parish Government of several parcels of land and two historic houses, thus founding Los Islenos Museum Complex; and,

WHEREAS, Mr. Fernandez conceived the concept of constructing a multi-purpose center at Los Islenos Museum Complex to serve as a gathering place for the Isleno Descendants' Community and the people of St. Bernard Parish.

ST BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council, the governing authority for St. Bernard Parish, does hereby ordain and decree that the multi-purpose building at Los Islenos Museum Complex shall be named and hereinafter forever known as the “FRANK FERNANDEZ ISLENO CENTER.”

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 #34 continued
February 18, 2016

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 Chairman, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 26th day of January, 2016

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____



St. Bernard Parish Council

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

#18

Guy McInnis
*Councilman
at Large*

George Cavnag
*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

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JANUARY 20, 2015 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1605-01-15

Summary No. 3176

Introduced by: Administration on 12/2/14

Executive/Finance Committee made no recommendation on 12/11/14

Public hearing held on 12/16/14

Tabled on 12/16/14 until 1/20/15

AN ORDINANCE TO DECLARE AS SURPLUS 2201 PECAN DRIVE, WHICH HAS BEEN ADJUDICATED TO THE PARISH AND TO AUTHORIZE THE SALE OF SAID PROPERTY TO THOMAS A. NUNEZ AND KATHRYN J. NUNEZ.

ST. BERNARD PARISH COUNCIL, THE GOVERNING AUTHORITY, DOES HEREBY FIND IT NECESSARY AND IN THE PUBLIC INTEREST TO ORDAIN:

WHEREAS, the property located at 2201 Pecan Drive was adjudicated to the Parish on June 25, 2008; and,

WHEREAS, the Parish considers this property surplus and it is not needed for a public purpose; and,

WHEREAS, the Parish has received a qualifying offer to purchase the property.

SECTION 1. The following adjudicated property is surplus and is not needed for any public purpose:

2201 PECAN DRIVE

CHALMETTE, LA 70043

LOT 1 SQ. 8 RIVERLAND PK. SUB. 71X120 = 8520

This property will be referred to hereinafter in this ordinance as "2201 Pecan Drive".

SECTION 2. 2201 Pecan Drive shall be sold in accordance with law (La.R.S. 47:2201 et seq., specifically, La.R.S. 47:2202A & La.R.S. 47:2206, as well as the St. Bernard Parish Adjudicated Surplus Properties Program (Ordinance SBPC# 1378-03-13).



St. Bernard Parish Council

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

Page -2-
Extract #18 continued
January 20, 2015

Guy McInnis
Councilman
at Large

George Cavnac
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

SECTION 3. The President of St. Bernard Parish Government is hereby authorized to sell 2201 Pecan Drive to Thomas A. Nunez and Kathryn J. Nunez for the purchase price of \$1,209.82, plus closing costs.

SECTION 4. 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 5. 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 Council Chair, Mr. Cavnac, cast his vote as **YEA**.

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



St. Bernard Parish Council

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

Page -3-
Extract #18 continued
January 20, 2015

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

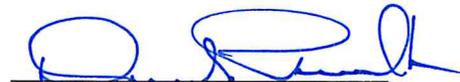

ROXANNE ADAMS
CLERK OF COUNCIL


GUY MCINNIS
COUNCIL VICE-CHAIR

Delivered to the Parish President 1/22/2015 9:45am
Date and Time

Approved Vetoed

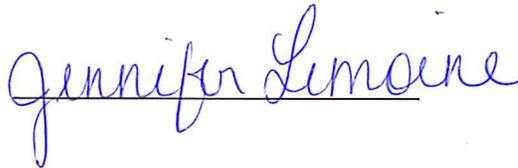
Parish President


David E. Peralta

Returned to Clerk of the Council

1/22/2015 4:03pm
Date and Time

Received by



#33

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 THURSDAY, FEBRUARY 18, 2016 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #XXXX-XX-XX

Summary No. 3335

Introduced by: Councilman Lewis on 1/26/16

Public hearing held on 2/18/16

AN ORDINANCE TO AMEND ORDINANCE SBPC #1605-01-15- TO DECLARE AS SURPLUS 2201 PECAN DRIVE, WHICH HAS BEEN ADJUDICATED TO THE PARISH AND TO AUTHORIZE THE SALE OF SAID PROPERTY TO THOMAS A. NUNEZ AND KATHRYN J. NUNEZ.

ST. BERNARD PARISH COUNCIL, THE GOVERNING AUTHORITY, DOES HEREBY FIND IT NECESSARY AND IN THE PUBLIC INTEREST TO ORDAIN:

WHEREAS, the property located at 2201 Pecan Drive was adjudicated to the Parish on June 25, 2008.

WHEREAS, the Parish considers this property surplus and it is not needed for a public purpose.

WHEREAS, the Parish has received a qualifying offer to purchase the property.

SECTION 1. The following adjudicated property is surplus and is not needed for any public purpose:

2201 PECAN DRIVE

CHALMETTE, LA 70043

LOT 1 SQ. 8 RIVERLAND PK. SUB. 71X120 = 8520

This property will be referred to hereinafter in this ordinance as "2201 Pecan Drive".

SECTION 2. 2201 Pecan Drive shall be sold in accordance with law (La.R.S. 47:2201 et seq., specifically, La.R.S. 47:2202A & La.R.S. 47:2206, as well as the St. Bernard Parish Adjudicated Surplus Properties Program (Ordinance SBPC# 1378-03-13).

Page -2-
Extract #33 continued
February 18, 2016

SECTION 3. The President of St. Bernard Parish Government is hereby authorized to sell 2201 Pecan Drive to Thomas A. Nunez and Kathryn J. Nunez for the purchase price of \$3,891.50.

SECTION 4. 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 5. 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 Chairman, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 26th day of January, 2016

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President _____

Date and Time

Page -3-
Extract # continued
February 18, 2016

Approved _____

Vetoed _____

Parish President

Guy McInnis

Returned to Clerk of the Council

Date and Time

Received by

LAW OFFICES OF
**SHER GARNER CAHILL RICHTER
KLEIN & HILBERT, L.L.C.**

TWENTY-EIGHTH FLOOR
909 POYDRAS STREET
NEW ORLEANS, LOUISIANA 70112-4046
<http://www.shergarner.com>

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ELWOOD F. CAHILL, JR.
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STEVEN I. KLEIN^{1,7}
PETER L. HILBERT, JR.
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STEPHANIE E. HOLDEN
BRANDON W. KEAY
ELIZABETH B. MCINTOSH

SPECIAL COUNSEL:
MATTHEW M. COMAN

OF COUNSEL:
TIMOTHY B. FRANCIS
DAVID A. MARCELLO

¹ LAW CORPORATION
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³ MEMBER OF LOUISIANA AND ALABAMA BARS
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⁵ MEMBER OF LOUISIANA AND MISSISSIPPI BARS
⁶ MEMBER OF LOUISIANA AND NEW YORK BARS
⁷ BOARD CERTIFIED TAX ATTORNEY LOUISIANA
BOARD OF LEGAL SPECIALIZATION

ALL OTHERS LOUISIANA BAR

jgarner@shergarner.com
Direct Dial: (504) 299-2102
Direct Fax: (504) 299-2302

(504) 299-2100
FAX (504) 299-2300

July 1, 2016

St. Bernard Parish Government
8201 West Judge Perez Drive
Chalmette, LA 70043
Attention: Mr. Michael A. Gorbaty

Re: **Contingency Fee Engagement Agreement**
St. Bernard Parish Government – Franchise Agreement with Atmos
Energy
Our file: 22241.0003

Dear Mike:

We are pleased that you have requested Sher Garner Cahill Richter Klein & Hilbert, L.L.C. (“Sher Garner”) to provide counsel and legal representation for St. Bernard Parish Government (the “Parish”) in connection with various disputes the franchise rights granted by the Parish, through its predecessor-in-interest, the Police Jury for the Parish of St. Bernard, State of Louisiana, by ordinance to Atmos Energy and any of their affiliates, subsidiaries, successors and assigns (collectively, “Entergy”), through its predecessor-in-interest, Frank A. Reid, his successors and assigns, authorizing the manufacture, vending and/or distributing of artificial or natural gas throughout the Parish of St. Bernard (the “Franchise Rights”), and that certain Acceptance of Gas Franchise before Louis M. Vinsanau, Clerk of Court and ex-officio Notary Public, on March 24, 1926 (the “Agreement”; collectively, the Franchise Rights and the Agreement, together with all related rights and obligations, are the “Franchise”; collectively, the disputes related to the Franchise are the “Disputes”). We want the Parish to have a clear understanding of our policies regarding legal services and fees from the inception of our relationship; this Engagement Agreement sets forth the terms of our relationship.

The terms of our relationship to be as follows:

LAW OFFICES OF
**SHER GARNER CAHILL RICHTER
KLEIN & HILBERT, L.L.C.**

St. Bernard Parish Government
July 1, 2016
Page - 2 -

1. As Compensation for legal services related to the Disputes the Client agrees to pay Sher Garner 15% of Gross Recovery prior to a lawsuit being filed. If there is a Gross Recovery after a lawsuit is filed, the contingency fee will be 20% of the Gross Recovery. If there is a Gross Recovery after commencement of a Pre-Trial Conference, the contingency fee will be 25% of the Gross Recovery. If there is a Gross Recovery after the trial is commenced, either by being called by a judge for a judge trial or commencement of void dire for a jury trial, the contingency fee will be 33% of the Gross Recovery. "Gross Recovery" means, collectively, any and all of the foregoing, whether by suit, settlement, judgment, contract or otherwise and whether arising before or after the resolution of the Disputes:

- (i) principal, interest, penalties, litigation costs and expenses, statutory attorneys' fees (if any) and any and all other amounts recovered or to be recovered, including the value of any structured settlement, future payments, future franchise fees, in-kind payments, or type of non-pecuniary benefits; and/or
- (ii) any payment, other financial benefit of any type, or anything of value received by the Parish relating to the Franchise, including any amounts paid pursuant to any renewal of the Agreement or any replacement agreement.

2. The Parish will be solely responsible for the following "out-of-pocket costs": deposition transcripts, copy fees for documents production and exhibits, expert fees, filing and recordation fees, and other expenses approved by client in writing. Sher Garner is not required to advance or pay any costs, but generally may do so when the expenditure is a small amount. Consequently, clients may be called upon on occasion to pay for such costs directly.

3. At monthly intervals, we will provide you with a statement of our costs incurred on your behalf during the billing period described in each statement. Our invoices are payable in full not later than 30 days from the date of the statement. You will be required to remit full payment within that period.

4. You have the right at any time to terminate our services hereunder upon notice to us to that effect. Concomitantly, we shall have the right, consistent with our professional and ethical duties, to terminate our services hereunder upon notice to you to that effect. Termination by you or by us will not affect your obligation to pay for any legal services rendered and for any costs incurred prior to the effective date of termination. Upon termination, we will handle disposition of clients file materials in accordance with the record retention policy of the firm in effect at that time.

As you know, we are a medium size law firm and currently represent clients in a wide area of commerce and industry. It, therefore, is possible that a conflict could arise if the Parish's interest becomes adverse, commercially or in a litigation context, with another client of the firm. We screen each piece of legal work to determine whether an actual or potential conflict of interest exists. If any possible conflict of interest is detected, we will bring it to the Parish's attention and attempt to resolve it in an open and ethical matter. We occasionally have to refuse acceptance or continuation of a particular undertaking for a client due to conflict.

LAW OFFICES OF
**SHER GARNER CAHILL RICHTER
KLEIN & HILBERT, L.L.C.**

St. Bernard Parish Government
July 1, 2016
Page - 3 -

To avoid any errors in communication and our incurring any unauthorized expenses on your behalf, we will accept instructions concerning this engagement or any additional work in connection with other matters only from you and from other persons identified by you in writing.

It is important that the client and attorney understand the scope of the representation and the method of billing and payment obligations. If this Engagement Agreement correctly sets forth your understanding of the scope of the services to be rendered to the Parish by Sher Garner and if all of the terms set forth in this Engagement Agreement are satisfactory, please sign and date a copy of this Engagement Agreement where indicated below and return it to me as soon as possible. If you have any questions or concerns, please do not hesitate to call.

It is our pleasure to represent you in this matter and we look forward to working with you.

Cordially,

James M. Garner

**ACKNOWLEDGED AND AGREED AS OF
THE ____ DAY OF _____, 2015:**

ST. BERNARD PARISH GOVERNMENT

By: _____
Name:
Title:

#32

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 THURSDAY, FEBRUARY 18, 2016 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #XXXX-XX-XX

Summary No. 3334

Introduced by: Administration on 1/12/16

Public hearing held on 1/26/16

AN ORDINANCE TO RETAIN PRIVATE OUTSIDE LEGAL COUNSEL TO REPRESENT ST. BERNARD PARISH GOVERNMENT, IN MAKING ITS LEGAL CLAIM FOR PAYMENTS AGAINST ATMOS ENERGY CORPORATION, LOUISIANA, LLC AND ANY RELATED COMPANIES, PREDECESSORS, SUCCESSORS AND ASSIGNS, AND IN ANY NEGOTIATIONS, LITIGATION OR OTHER MATTERS RELATED THERETO

WHEREAS, St. Bernard parish government's has a legal claim for payments against Atmos energy corporation, Louisiana, LLC, and any related companies, predecessors, successors and assigns;

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council, the governing authority, does hereby approve and authorize the employment of private outside legal counsel to represent St. Bernard Parish Government (hereinafter "SBPG") in making its legal claim for payments against Atmos Energy corporation, Louisiana, LLC and any related companies, predecessors, successors and assigns and in any negotiations, litigation or other matters related thereto.

SECTION 2. Compensation. The compensation shall be pursuant to the contract attached as Exhibit A.

SECTION 3. The Parish President is hereby authorized to enter into a contract for legal services as provided in the attached contract and in accordance with section 4-02 (b) of the Home Rule Charter. Said contract is attached hereto as attachment "A".

SECTION 4. 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 #32 continued
February 18, 2016

SECTION 5. 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:

The Chairman, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 26th day of January, 2016

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

Draft

LAW OFFICES OF
SHER GARNER CAHILL RICHTER
KLEIN & HILBERT, L.L.C.

TWENTY-EIGHTH FLOOR
909 POYDRAS STREET
NEW ORLEANS, LOUISIANA 70112-4046
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SPECIAL COUNSEL:
MATTHEW M. COMAN

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(504) 299-2100
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November 14, 2015

St. Bernard Parish Government
8201 West Judge Perez Drive
Chalmette, LA 70043
Attention: Mr. Michael A. Gorbaty

Re: **Contingency Fee Engagement Agreement**
St. Bernard Parish Government – Franchise Agreement with Entergy
Our file: 22241.0001

Dear Mike:

We are pleased that you have requested Sher Garner Cahill Richter Klein & Hilbert, L.L.C. (“Sher Garner”) to provide counsel and legal representation for St. Bernard Parish Government (the “Parish”) in connection with various disputes the franchise rights granted by the Parish, through its predecessor-in-interest, the Police Jury for the Parish of St. Bernard, State of Louisiana, by ordinance to Entergy Louisiana, LLC and any of their affiliates, subsidiaries, successors and assigns (collectively, “Entergy”), through its predecessor-in-interest, Frank A. Reid, his successors and assigns, authorizing the manufacture, vending and/or distributing of electrical energy throughout the Parish of St. Bernard (the “Franchise Rights”), and that certain Acceptance of Electric Franchise before Louis M. Vinsanau, Clerk of Court and ex-officio Notary Public, on March 24, 1926, recorded on March 25, 1926, in COB 34, folio 59 and in MOB 24, folio 101 of the records of St. Bernard Parish, Louisiana (the “Agreement”; collectively, the Franchise Rights and the Agreement, together with all related rights and obligations, are the “Franchise”; collectively, the disputes related to the Franchise are the “Disputes”). We want the Parish to have a clear understanding of our policies regarding legal services and fees from the inception of our relationship; this Engagement Agreement sets forth the terms of our relationship.

Exhibit A

Draft

LAW OFFICES OF

SHER GARNER CAHILL RICHTER
KLEIN & HILBERT, L.L.C.

St. Bernard Parish Government

November 14, 2015

Page - 2 -

The terms of our relationship to be as follows:

1. As compensation for legal services related to the Disputes, the client agrees to pay Sher Garner a contingency fee equal to thirty-three and one-third percent (33- $\frac{1}{3}$ %) of any Gross Recovery (as hereinafter defined) received by the Parish with respect to any aspect of the Disputes. If a lawsuit is filed, the contingency fee percentage will increase to 37%; if the matter proceeds to a pretrial conference, the contingency fee percentage increases to 40%; if trial commences either by being called by a judge for a judge trial or commencement of voir dire of a jury trial, the contingency fee shall be 45%. "Gross Recovery" means, collectively, any and all of the foregoing, whether by suit, settlement, judgment, contract or otherwise and whether arising before or after the resolution of the Disputes:
 - (i) principal, interest, penalties, litigation costs and expenses, statutory attorneys' fees (if any) and any and all other amounts recovered or to be recovered, including the value of any structured settlement, future payments, future franchise fees, in-kind payments, or type of non-pecuniary benefits; and/or
 - (ii) any payment, other financial benefit of any type, or anything of value received by the Parish relating to the Franchise, including any amounts paid pursuant to any renewal of the Agreement or any replacement agreement.
2. The Parish will be solely responsible for all "hard costs" or "out-of-pocket costs." These may include, but will not be necessarily limited to, expert fees, long distance telephone calls, computer research expenses, courier service, photocopying, secretarial overtime, all travel costs and related expenses, filing and recordation fees, and other vendor expenses. Sher Garner is not required to advance or pay any costs, but generally may do so when the expenditure is a small amount. Consequently, clients may be called upon on occasion to pay for such costs directly.
3. At monthly intervals, we will provide you with a statement of our costs incurred on your behalf during the billing period described in each statement. Our invoices are payable in full not later than 30 days from the date of the statement. You will be required to remit full payment within that period.
4. You have the right at any time to terminate our services hereunder upon notice to us to that effect. Concomitantly, we shall have the right, consistent with our professional and ethical duties, to terminate our services hereunder upon notice to you to that effect. Termination by you or by us will not affect your obligation to pay for any legal services rendered and for any costs incurred prior to the effective date of termination. Upon termination, we will handle disposition of clients file materials in accordance with the record retention policy of the firm in effect at that time.

As you know, we are a medium size law firm and currently represent clients in a wide area of commerce and industry. It, therefore, is possible that a conflict could arise if the Parish's interest

Draft

LAW OFFICES OF

SHER GARNER CAHILL RICHTER
KLEIN & HILBERT, L.L.C.

St. Bernard Parish Government

November 14, 2015

Page - 3 -

becomes adverse, commercially or in a litigation context, with another client of the firm. We screen each piece of legal work to determine whether an actual or potential conflict of interest exists. If any possible conflict of interest is detected, we will bring it to the Parish's attention and attempt to resolve it in an open and ethical matter. We occasionally have to refuse acceptance or continuation of a particular undertaking for a client due to conflict.

To avoid any errors in communication and our incurring any unauthorized expenses on your behalf, we will accept instructions concerning this engagement or any additional work in connection with other matters only from you and from other persons identified by you in writing.

It is important that the client and attorney understand the scope of the representation and the method of billing and payment obligations. If this Engagement Agreement correctly sets forth your understanding of the scope of the services to be rendered to the Parish by Sher Garner and if all of the terms set forth in this Engagement Agreement are satisfactory, please sign and date a copy of this Engagement Agreement where indicated below and return it to me as soon as possible. If you have any questions or concerns, please do not hesitate to call.

It is our pleasure to represent you in this matter and we look forward to working with you.

Cordially,

s/ James M. Garner

James M. Garner

**ACKNOWLEDGED AND AGREED AS OF
THE ____ DAY OF _____, 2015:**

ST. BERNARD PARISH GOVERNMENT

By: Draft
Name:
Title:

#31

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 THURSDAY, FEBRUARY 18, 2016 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #XXXX-XX-XX

Summary No. 3328

Introduced by: Administration on 12/1/15

Public hearing held on 12/15/15

Tabled on 12/15/15

AN ORDINANCE TO RETAIN PRIVATE OUTSIDE LEGAL COUNSEL TO REPRESENT ST. BERNARD PARISH GOVERNMENT HEREINAFTER "SBPG"), IN MAKING ITS LEGAL CLAIM FOR PAYMENTS AGAINST ENTERGY, LOUISIANA, LLC AND ANY RELATED COMPANIES, PREDECESSORS, SUCCESSORS AND ASSIGNS, AND IN ANY NEGOTIATIONS, LITIGATION OR OTHER MATTERS RELATED THERETO.

WHEREAS, St. Bernard Parish Government's has a legal claim for payments against Entergy, Louisiana, LLC, and any related companies, predecessors, successors and assigns;

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council, the Governing Authority, does hereby approve and authorize the employment of private outside legal counsel to represent St Bernard Parish Government (hereinafter "SBPG") in making its legal claim for payments against Entergy, Louisiana, LLC and any related companies, predecessors, successors and assigns and in any negotiations, litigation or other matters related thereto.

SECTION 2. Compensation. The compensation shall be pursuant to the contract attached as Exhibit "A".

SECTION 3. The Parish President is hereby authorized to enter into a contract for legal services as provided in the attached contract and in accordance with section 4-02 (b) of the Home Rule Charter. Said contract is attached hereto as attachment "A".

SECTION 4. 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 5. 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:

The Chairman, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 26th day of January, 2016

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Approved _____ Vetoed _____

Page -3-
Extract #31 continued
February 18, 2016

Parish President

Guy McInnis

Returned to Clerk of the Council

Date and Time

Received by

**EXHIBIT “A”
SUMMARY NO. 3314
ORDINANCE SBPC #XXXX-XX-XX**

Chapter 22 – Zoning
Section 2 – Interpretation
Subsection 4 – Definitions

22-2-4. Definitions.

Accessory building and accessory uses:

(a) Accessory building. A structurally detached building, except by roof, subordinate to the principal building on a lot, the use of which is customarily incidental to that of the principal building and not used as a place of habitation.

(b) Accessory use. A subordinate use which is incidental to and customary or necessary in connection with the principally permitted use of a building or a principally permitted use, and which is located on the same lot with such principal building or use.

.... *Omitted for brevity*....

District: Any section of the Parish of St. Bernard in which these zoning regulations are uniform.

Dock: A structure built over or floating upon the water and used as a landing place for both commercial and non-commercial boats and other marine transport, fishing, swimming and other recreational uses.

Dockside Stand (Seafood): A temporary, open-air stand or place for the immediate retail sale or display of fresh seafood. A dockside stand is located directly adjacent to public water ways and operate on the dock for which the marine vessel is moored. Structures associated with dockside sales shall be portable and capable of being dismantled or removed from the sales site.

Dwelling: Any structure or portion thereof, which is designed or used for residential purposes.

.... *Omitted for brevity*....

Institution: A building or group of buildings designed or used for the nonprofit, charitable or public service purposes of providing board, lodging or health care for persons aged, indigent or infirm, or for the purpose of performing educational or religious services and offering board and lodging to persons in residence.

Itinerant Market (Seasonal): The retail sale of any products (including seafood, farmers and pop-up markets as well as snoball/ice-cream stands etc.) for a period of not more than six (6) months of any one (1) calendar year that are not housed in permanent structures (building with permanent foundations or pilings); [excluding produce.](#)

Junkyard (Automobile): The use of more than two hundred (200) square feet of the area of any lot, whether inside or outside a building, or the use of any portion of that half of any lot that joins any street for the

storage of dismantled, demolished or abandoned automobiles or other vehicles or machinery or parts thereof. Junkyards can be used for commercial or non-commercial purposes on a non-temporary basis.

.... *Omitted for brevity*....

Lodginghouse: A building other than a hotel or apartment hotel where lodging for three (3) but not more than twenty (20) persons is provided for definite periods for compensation pursuant to previous arrangement.

Lot: ~~A parcel of land occupied or intended for occupancy by a use permitted in this chapter, including permitted buildings together with accessory buildings, the yard area and parking spaces required by this chapter~~ **A portion of land with fixed boundaries, that is developed or that may be developed with a main building and any accessory structures, together with open space and parking areas, and having its principal frontage upon an officially approved street or access servitude.**

Lot lines: The lines bounding a lot.

.... *Omitted for brevity*....

Mobile home park: See "trailer park."

Mobile Vendor (Temporary): The retail sale of any products for a period not to exceed five (5) days (with option for one (1) five (5) day extension) for any one (1) calendar year from a mobile vehicle. Permissible food products shall be limited to pre-packaged, non-perishable food items such as popcorn, packaged snacks, confections or other foods not prepared at the mobile vending site.

Motel: See "tourist court."

.... *Omitted for brevity*....

Outdoor advertising signs: See section 22-7-4.

Parcel: A contiguous group of lots in single ownership or under single control.

Parking lot: An open, hard-surfaced area, other than a street or public way, used for the storage of operable passenger or commercial motor vehicles for limited periods of time. Parking may be available for residents, visitors, employees, clients, customers, or similar users whether for compensation or at no charge.

.... *Omitted for brevity*....

Riverboat gaming establishment: Water craft licensed and/or authorized by the State of Louisiana to be used for gaming operations.

Roadside: Privately owned property located adjacent to a roadway but not including any or all parts of a public rights-of-way.

Roadside Stand (Produce): A temporary, open-air stand or place for the retail sale or display of and limited to fresh produce. A produce stand is portable and capable of being dismantled or removed

from the sales site. The retail sale of produce may occur on a seasonal or semi-seasonal basis, not within public rights-of-way and the produce is generally grown off-premises from which the stand is located.

Roominghouse: See "lodginghouse."

.... *Omitted for brevity*....

Scrap or salvage yard: Outdoor establishment primarily engaged in assembling, breaking up, sorting, and temporary storage and distribution of recyclable or reusable scrap and waste materials.

Seafood Market: The offering for sale of raw, processed, packaged, or prepared seafood (fish, shellfish, edible crustacean) on pre-established dates directly to retail customers in a covered or uncovered open-air setting. The individual sellers need not be the same each time the market is in operation.

#30

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 THURSDAY, FEBRUARY 18, 2016 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #XXXX-XX-XX

Summary No. 3314

Planning Commission recommended **APPROVAL** on 10/27/15

Introduced by: Administration on 11/4/15

Public hearing held on 11/17/15

Tabled on 11/17/15

Tabled on 1/26/16 until 2/18/16

AN ORDINANCE TO AMEND CHAPTER 22; ZONING, SECTION 2; INTERPRETATION, SUBSECTION 4; DEFINITIONS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The Parish Council hereby amends Chapter 22; Zoning, Section 2; Interpretation, Subsection 4; Definitions of the St. Bernard Parish Code of Ordinances.

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.

SECTION 4. 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 5. 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:

The Chairman, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 26th day of January, 2016

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Approved _____ Vetoed _____

Page -3-
Extract #30 continued
February 18, 2016

Parish President

Guy McInnis

Returned to Clerk of the Council

Date and Time

Received by

#29

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 THURSDAY, FEBRUARY 18, 2016 AT THREE O'CLOCK P.M.

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

EMERGENCY ORDINANCE SBPC #XXXX-XX-XX

Summary No. 3352

Introduced by: Councilmember Lewis on 2/18/16

AN EMERGENCY ORDINANCE AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH SCOTT M. SMITH SETTING FORTH THE COMPENSATION FOR HIS SERVICES AS HEARING OFFICER FOR THE BUREAU OF ADMINISTRATIVE ADJUDICATION

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

WHEREAS, St. Bernard Parish Council, the governing authority for St. Bernard Parish, deems it to be an emergency affecting the health and public safety that a hearing officer for the Bureau of Administrative Adjudication be appointed in time to hear the Bureau of Administrative Adjudication hearings that are set for February 24, 2016.

WHEREAS, It is in the best interest of the Parish for the Hearing Officer to be engaged pursuant to an independent contractor/professional services agreement.

SECTION 1. The Parish President is hereby authorized to execute an independent contractor/professional services agreement with Scott M. Smith for him to serve as the Hearing Officer for the Bureau of Administrative Adjudication. The agreement shall stipulate that the compensation is \$27,000.00 per year, with no other compensation or benefits payable for performing the services of Hearing Officer.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon authorizing signature by the Parish President. If the proposed ordinance is not signed or vetoed by the Parish President within Twelve (12) hours after receipt it shall be considered adopted. As an emergency ordinance the provisions shall remain valid for a time period of sixty (60) days.

Page -2-
Extract #29 continued
February 18, 2016

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 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:

The Chairman, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 26th day of January, 2016

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

#28

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 THURSDAY, FEBRUARY 18, 2016 AT THREE O'CLOCK P.M.

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

EMERGENCY ORDINANCE SBPC #XXXX-XX-XX

Summary No. 3351

Introduced by: Administration on 2/18/16

AN EMERGENCY ORDINANCE APPOINTING SCOTT M. SMITH AS THE HEARING OFFICER FOR THE BUREAU OF ADMINISTRATIVE ADJUDICATION.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

WHEREAS, St. Bernard Parish Council, the governing authority for St. Bernard Parish, deems it to be an emergency affecting the health and public safety that a Hearing Officer for the Bureau of Administrative Adjudication be appointed in time to hear the Bureau of Administrative Adjudication hearings that are currently set for hearing.

SECTION 1. The St. Bernard Parish Council hereby appoints Scott M. Smith as Hearing Officer of the Bureau of Administrative Adjudication pursuant to Chapter 2.5, Section 2.5-3 of the St. Bernard Parish Code of Ordinances.

SECTION 2. The compensation for Scott M. Smith shall be \$27,000.00 per year, pursuant to an independent contractor/professional services agreement. No other compensation or benefits shall be paid to Scott M. Smith for serving as Hearing Officer.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon authorizing signature by the Parish President. If the proposed ordinance is not signed or vetoed by the Parish President within Twelve (12) hours after receipt it shall be considered adopted. As an emergency ordinance the provisions shall remain valid for a time period of sixty (60) days.

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 of this Ordinance with the invalid portions omitted.

Page -2-
Extract #28 continued
February 18, 2016

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

YEAS:

NAYS:

ABSENT:

The Chairman, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 26th day of January, 2016

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

#27

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 THURSDAY, FEBRUARY 18, 2016 AT THREE O'CLOCK P.M.

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

Summary No. 3350

Introduced by: Councilmember Lewis on 2/18/16

AN ORDINANCE AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH SCOTT M. SMITH SETTING FORTH THE COMPENSATION FOR HIS SERVICES AS HEARING OFFICER FOR THE BUREAU OF ADMINISTRATIVE ADJUDICATION.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

WHEREAS, St. Bernard Parish Council, the governing authority for St. Bernard Parish, deems it to be an emergency affecting the health and public safety that a hearing officer for the Bureau of Administrative Adjudication be appointed in time to hear the Bureau of Administrative Adjudication hearings that are set for February 24, 2016.

WHEREAS, It is in the best interest of the Parish for the Hearing Officer to be engaged pursuant to an independent contractor/professional services agreement.

SECTION 1. The Parish President is hereby authorized to execute an independent contractor/professional services agreement with Scott M. Smith for him to serve as the Hearing Officer for the Bureau of Administrative Adjudication. The agreement shall stipulate that the compensation is \$27,000.00 per year, with no other compensation or benefits payable for performing the services of Hearing Officer.

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 #27 continued
February 18, 2016

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 Chairman, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 26th day of January, 2016

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 Thursday, February 18, 2016.

Witness my hand and the seal
of the Parish of St. Bernard on
this 18th day of February, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

#26

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 THURSDAY, FEBRUARY 18, 2016 AT THREE O'CLOCK P.M.

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

Summary No. 3349

Introduced by: Administration on 2/18/16

AN ORDINANCE APPOINTING SCOTT M. SMITH AS THE HEARING OFFICER FOR THE BUREAU OF ADMINISTRATIVE ADJUDICATION.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

WHEREAS, St. Bernard Parish Council, the governing authority for St. Bernard Parish, deems it to be an emergency affecting the health and public safety that a Hearing Officer for the Bureau of Administrative Adjudication be appointed in time to hear the Bureau of Administrative Adjudication hearings that are currently set for hearing.

SECTION 1. The St. Bernard Parish Council hereby appoints Scott M. Smith as Hearing Officer of the Bureau of Administrative Adjudication pursuant to Chapter 2.5, Section 2.5-3 of the St. Bernard Parish Code of Ordinances.

SECTION 2. The compensation for Scott M. Smith shall be \$27,000.00 per year, pursuant to an independent contractor/professional services agreement. No other compensation or benefits shall be paid to Scott M. Smith for serving as Hearing Officer.

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.

Page -2-
Extract #26 continued
February 18, 2016

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

YEAS:

NAYS:

ABSENT:

The Chairman, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 26th day of January, 2016

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 Thursday, February 18, 2016.

Witness my hand and the seal
of the Parish of St. Bernard on
this 18th day of February, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

#25

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 THURSDAY, FEBRUARY 18, 2016 AT THREE O'CLOCK P.M.

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

Summary No. 3348

Introduced by: Administration on 2/18/16

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1713-12-15**, AN ORDINANCE TO ADOPT THE 2016 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 2016 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 #25 continued
February 18, 2016

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

YEAS:

NAYS:

ABSENT:

The Council Chair, Ms. Callais, cast her vote as **xxx**.

And the motion was declared **xxxxx** on the 18th day of February, 2016.

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 St. Bernard, Louisiana, on Thursday, February 18, 2016.

Witness my hand and the seal
of the Parish of St. Bernard on
this 18th day of February, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL



St. Bernard Parish Council

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

Guy McInnis
*Councilman
at Large*

#32

George Cavignac
*Councilman
at Large*

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, DECEMBER 3, 2013 AT SEVEN O'CLOCK P.M.

Ray Lauga, Jr.
*Councilman
District A*

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

Nathan Gorbaty
*Councilman
District B*

ORDINANCE SBPC # 1465-12-13

Richard "Richie" Lewis
*Councilman
District C*

Summary No. 3023

Introduced by: Administration on 11/19/13

Public hearing held on 12/3/13

Casey W. Hunnicutt
*Councilman
District D*

AN ORDINANCE AUTHORIZING DAVID E. PERALTA, PRESIDENT, ST. BERNARD PARISH, LOUISIANA, TO HIRE LEGAL REPRESENTATION TO PROVIDE LEGAL SERVICES RELATED TO THE INVESTIGATION, PREPARATION, FILING AND HANDLING OF SUCH INJUNCTIVE, DECLARATORY, OR OTHER ACTIONS AS ARE NECESSARY TO ENSURE COMPLIANCE WITH COASTAL ZONE LAWS, STATUTES AND REGULATIONS FOR ST. BERNARD PARISH, THE ST. BARNARD PARISH COUNCIL AND THE ST. BERNARD PARISH COASTAL ZONE MANAGEMENT PROGRAM.

Manuel "Monty" Montelongo III
*Councilman
District E*

Roxanne Adams
Clerk of Council

THE ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Government will enter into a reasonable attorneys fee contract with the Law Firm of Carmouche and Associates, LLC D/B/A Talbot, Carmouche and Marcello; Cossich, Sumich, Parisola, & Taylor, LLC and Connick and Connick, LLC to represent St. Bernard Parish Government to provide legal services related to the investigation, preparation, filing and handling of such injunctive, declaratory, or other actions as are necessary to ensure compliance with Coastal Zone Laws, Statutes and Regulations for St. Bernard Parish, the St. Bernard Parish Council and the St. Bernard Parish Coastal Zone Management Program.

SECTION 2. That the services of the aforesaid law firm be retained through a reasonable attorneys fee contract for legal services that shall be provided pursuant to a reasonable attorneys fee contract that compiles with all applicable statutes, rules and regulations.



St. Bernard Parish Council

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

Page -2-
Extract #32 continued
December 3, 2013

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

SECTION 3. That the Parish President is hereby authorized to sign a contract for legal services as set forth in Section I through III of this ordinance.

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 of this Ordinance with the invalid portions omitted.

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

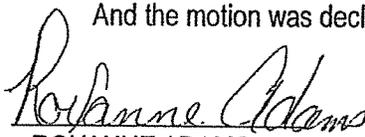
YEAS: Lauga, Lewis, Montelongo, McInnis

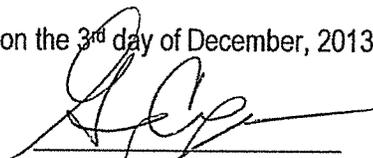
NAYS: None

ABSENT: Gorbaty, Hunnicutt

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

And the motion was declared adopted on the 3rd day of December, 2013.


ROXANNE ADAMS
CLERK OF COUNCIL


GEORGE CAVIGNAC
COUNCIL CHAIR

Delivered to the Parish President 12/10/2013 2:15pm
Date and Time

Approved

Vetoed

Parish President


David E. Peralta



St. Bernard Parish Council

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

Guy McInnis
*Councilman
at Large*

Page -3-
Extract #32 continued
December 3, 2013

George Cavnac
*Councilman
at Large*

Ray Lauga, Jr.
*Councilman
District A*

Returned to Clerk of the Council

12/9/13 10:53 am
Date and Time

Nathan Gorbaty
*Councilman
District B*

Received by

Wesley Oehlmann

Richard "Richie" Lewis
*Councilman
District C*

Casey W. Hunnicutt
*Councilman
District D*

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

Roxanne Adams
Clerk of Council

LEGAL SERVICES CONTRACT

THIS CONTRACT OF EMPLOYMENT is made and entered into this _____ day of August, 2013 by and between,

ST. BERNARD PARISH, THE ST. BERNARD PARISH COUNCIL AND ST. BERNARD PARISH COASTAL ZONE MANAGEMENT PROGRAM (collectively referred to herein as "Client"), herein represented by DAVID E. PERALTA, PRESIDENT, ST. BERNARD PARISH, LOUISIANA.

And

CARMOUCHE AND ASSOCIATES, L.L.C. D/B/A TALBOT, CARMOUCHE & MARCELLO; COSSICH, SUMICH, PARSIOLO & TAYLOR, L.L.C.; and CONNICK and CONNICK, L.L.C.; (hereinafter collectively referred to as "Attorneys")

WITNESSETH:

- (1) **Nature of Legal Services.** Client has engaged Attorneys to represent Client, and those parties Client is allowed to represent under the provisions of La. R.S. 49:214.21 *et seq.*, in connection with potential claims for recovery of damages, restoration costs, and injunctive and other appropriate relief under the provisions of the State and Local Coastal Resources Management Act of 1978 (La. R.S. 49:214.21 *et seq.*), including any claim related to La. R.S. 49:214.21 *et seq.* that Client has the right and cause of action to assert. Attorneys shall conduct an investigation for the purpose of determining whether any persons or legal entities have violated any of the provisions of La. R.S. 49:214.21, *et seq.* If it is determined by Attorneys that there is sufficient evidence to support claims by Clients under the provisions of La. R.S. 49:214.21, *et seq.*, Attorneys shall make recommendations to Client as to the appropriate legal action or actions to be taken to pursue such claims. After consultation with Client, Attorneys are authorized to file suit in a court of appropriate jurisdiction against any persons or legal entities who are potentially responsible for damages or any other remedies provided in La. R.S. 49:214.21 *et seq.*, including any claim related to La. R.S. 49:214.21 *et seq.* that Client has the right and cause of action to assert.
- (2) **Filing of Suit or Negotiation of Settlement.** If Attorneys are successful in obtaining relief via judgment, settlement, or arbitration award, the following shall provide the nature and method of payment of fees, costs and expenses:

If any claim covered by this contract is concluded by means of settlement, Attorneys are entitled to payment of all fees, costs, and expenses from the settling defendants in an amount determined by the court or agreed by the defendants. If any claim covered by this contract is concluded by litigation or arbitration resulting in a judgment or arbitration award, Attorneys shall be paid those attorneys' fees, costs and expenses awarded by the court or arbitration panel under the provisions of La. R.S. 49:214.36

(E), or any other applicable fee shifting statute. Attorneys assume full responsibility for advancing any costs or expenses necessary to prosecute the claims covered by this contract. Client acknowledges that in seeking payment of attorneys' fees under R.S. 49:214.36 (E), or any other applicable fee shifting statute, Attorneys may base their claims on one or more the following non-exclusive factors: (1) the ultimate result obtained; (2) the responsibility incurred; (3) the importance of the litigation; (4) the amount of money involved; (5) the legal knowledge, attainment, and skill of the attorneys; (6) the number of appearances involved; (7) the intricacies of the facts involved; (8) the diligence and skill of counsel; (9) the financial risks assumed by Attorneys; (10) the time and labor required; (11) the novelty and difficulty of the questions involved; (12) the preclusion of other employment by the attorney due to acceptance of the case; (13) the customary fees charged in similar litigation; (14) the time limitations imposed by the circumstances; (15) awards in similar cases; and (16) contingency contracts customarily used in similar cases. Attorneys acknowledge that this contract is not a contingency fee contract, and that this contract shall not be construed to create a right in Attorneys to claim as a fee any portion of any cash recovery for the Client's damages or losses.

- (3) **Termination.** Client, and those parties Client is allowed to represent under the provisions of La. R.S. 49:214.21 *et seq.*, shall have the sole and exclusive right to accept or reject any offers for settlement of any claim or claims. However, Client, and those parties Client is allowed to represent under the provisions of La. R.S. 49:214.21 *et seq.*, shall have an obligation to weigh fully the opinions and recommendations of Attorneys and shall not unreasonably withhold consent to any settlement proposal which, in the judgment of Attorneys, is fair and reasonable.

Client may terminate Attorneys' representation at any time by providing written notice to Attorneys. Should Client elect to terminate Attorneys representation prior to the full conclusion of Attorneys' services under this contract, Client understands and agrees that Attorneys may petition the Court for an award of attorney fees under the terms of this contract, and may file a claim and lien for expenses, costs, and Attorneys' fees in accordance with applicable law, provided, however, that any claim for Attorneys' fees, costs and expenses under the provisions of this paragraph shall be limited to the fees, costs and expenses provided for in paragraph (2) of this contract, and provided further that under no circumstances shall Attorneys file any claim directly against Client for attorney fees, costs, or expenses.

- (4) **No Guarantees.** Client hereby acknowledges that Attorneys have made no guarantees regarding a successful outcome, and that all representations concerning the likely outcome of the claim or claims are merely opinions.
- (5) **Severability.** If any part of this contract is determined to be unenforceable, the parties agree that all other parts of this contract shall nevertheless remain valid and enforceable.

- (9) **Integration.** This contract represents the final and mutual understanding of the parties. It replaces and supersedes any prior contracts, agreements, or understandings, whether written or oral. This contract may not be modified, amended, or replaced except by written agreement.

CLIENT

BY: _____
DAVID E. PERALTA,
PARISH PRESIDENT

ATTORNEYS

CARMOUCHE AND ASSOCIATES, L.L.C.

DONALD T. CARMOUCHE

BY: _____

COSSICH, SUMICH, PARSIOLA & TAYLOR, L.L.C.

BY: _____
PHILIP F. COSSICH, JR.

CONNICK AND CONNICK, L.L.C.

BY: _____
WILLIAM P. CONNICK

#24

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 THURSDAY, FEBRUARY 18, 2016 AT THREE O'CLOCK P.M.

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

Summary No. 3344

Removed prior to Introduction on 1/26/16

Introduced by: Councilmember Gorbaty on 2/18/16

AN ORDINANCE TO REPEAL IN ITS ENTIRETY, **ORDINANCE SBPC #1465-12-13**, AN ORDINANCE AUTHORIZING DAVID E. PERALTA, PRESIDENT, ST. BERNARD PARISH, LOUISIANA, TO HIRE LEGAL REPRESENTATION TO PROVIDE LEGAL SERVICES RELATED TO THE INVESTIGATION, PREPARATION, FILING AND HANDLING OF SUCH INJUNCTIVE, DECLARATORY, OR OTHER ACTIONS AS ARE NECESSARY TO ENSURE COMPLIANCE WITH COASTAL ZONE LAWS, STATUTES AND REGULATIONS FOR ST. BERNARD PARISH, THE ST. BERNARD PARISH COUNCIL AND THE ST. BERNARD PARISH COASTAL ZONE MANAGEMENT PROGRAM.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That Ordinance SBPC #1465-12-13 was adopted on December 3, 2013, which authorized the Parish President to hire legal representation to ensure compliance with Coastal Zone laws is hereby repealed in its entirety.

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.

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Extract #24 continued
February 18, 2016

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

YEAS:

NAYS:

ABSENT:

The Chairman, Ms. Callais, cast her vote as **XXX**.

And the motion was declared **xxxxxxx** on the 18th day of February, 2016.

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 Thursday, February 18, 2016.

Witness my hand and the seal of the Parish of St. Bernard on this 18th day of February, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL



Department of Parks and Recreation
1101 Magistrate Street, Chalmette, LA 70043
(504)278-4295

ST. BERNARD PARISH SUMMER SPORTS EQUIPMENT GRANT

Overview and Purpose

St. Bernard Parish Parks and Recreation Department serves all of the recreation needs of this southeastern Louisiana Parish with over 45,000 residents. Prior to Katrina, St. Bernard Parish had approximately 20 local parks in its system. During the initial hurricane recovery phase, a decision was made to concentrate recovery resources at Val Reiss Park creating a regional park that could serve the needs of all Parish residents.

The park has been beautifully restored thanks to \$23,000,000 in recovery and other state and federal grants. The park serves the entire St. Bernard Parish community including the new Walmart Neighborhood Market area. Over 50,000 children and adults enjoy Val Riess Park annually through organized sports and recreation programs. Hundreds of others enjoy park amenities daily such as the new community walking and bicycling trail.

The Recreation Department has over 1200 local children involved in baseball leagues, two adult softball leagues operating twice annually, and over 35 tournaments bringing in visiting teams from Louisiana and out-of-state. A new administration has taken over and is looking to improve these services especially for the upcoming sports season.

The purpose of this application is to request funding to directly support the summer leagues by providing funds for baseball and softball equipment which is sorely needed.

Meeting Walmart Foundation Goals

Strengthening our local community through the re-establishment of community services, facilities, and programs is critical for St. Bernard Parish as we continue with hurricane recovery efforts. Recreating the quality of life residents enjoyed before nature destroyed the community is essential. While we work to build a more resilient St. Bernard Parish for the future, we work to re-establish and expand the family-friendly community that has always been the backbone of this close knit community.

Eligibility

St. Bernard Parish meets the Walmart Foundation eligibility guidelines to apply for this funding assistance as a recognized local public governmental entity. The St. Bernard Parish Parks and Recreation Department is a department under St. Bernard Parish Government with its Parish (county) executive offices located in Chalmette, Louisiana. Please see attached authorization letter from St. Bernard Parish Government.

Grant Funding Request

Product	Color	SKU	Qty	Price	Estimated Cost
MacGregor #56 Official Tee-Balls	White	MCB56TBX	14 doz	\$31.99/dz	\$447.86
MacGregor 11" Softballs	Yellow	MCSB11LLY	9 doz	\$58.99/dz	\$530.91
MacGregor 12" Softballs	Yellow	MCSB12LLY	9 doz	\$62.99/dz	\$566.91
MacGregor Safe Soft Baseballs	White	MCB5SV05	10 doz	\$47.99/dz	\$479.90
MacGregor #79 Practice Baseballs	White	MCB79PYX	15 doz	\$21.99/dz	\$329.85
Peterson Scoremaster Scorebook	N/A	MSPTRBOK	2 doz	\$8.99/dz	\$ 17.98
Delivery charges					\$150.00
Total					\$2,523.41

Contact Information

For further information on the proposed use of grant funds, please contact:

Loni Banks-Thomas, Director
St. Bernard Parish Parks and Recreation Department
1101 Magistrate Street
Chalmette, Louisiana 70043
(504) 352-8841

For questions or further information needed on the grant application document, please contact:

Deborah Jan Fagan, Grants Coordinator Consultant
St. Bernard Parish Grants Department
8201 W. Judge Perez Drive
Chalmette, Louisiana 70043
(504) 957-1375

#23

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 THURSDAY, FEBRUARY 18, 2016 AT THREE O'CLOCK P.M.

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

RESOLUTION SBPC #1448-02-16

A RESOLUTION AUTHORIZING TWO GRANT APPLICATIONS TO WALMART FOUNDATION'S COMMUNITY GIVING PROGRAM IN THE AMOUNT OF \$2,500.00 EACH FOR RECREATION DEPARTMENT EQUIPMENT.

WHEREAS, the Walmart Foundation's offers a Community Grant Program which provides grants to support and strengthen local communities; and,

WHEREAS, the manager of the new Walmart Neighborhood Market in Meraux and the manager of Walmart Chalmette have expressed an interest in assisting the Parks and Recreation Department with funding from this program; and

WHEREAS, local organizations, including St. Bernard Parish Government, are eligible to apply for grants up to \$2,500.00 and

WHEREAS, the grant, if awarded, is 100% funding with no local matching costs required; and

WHEREAS, the St. Bernard Parish Parks and Recreation Department has a great need for new sporting equipment for the upcoming baseball and softball seasons.

NOW THEREFORE BE IT RESOLVED that the St. Bernard Parish Council, does hereby authorize the submission of two grant applications to the Walmart Foundation's Community Grant Program in the amount of \$2,500.00 each to help meet the Parks and Recreation Department's sports equipment needs for the upcoming season; and

BE IT FURTHER RESOLVED, that the St. Bernard Parish Council does hereby authorize the President of St. Bernard Parish Government to sign and submit all required grant applications, Cooperative Endeavor Agreements and any amendments thereof, and all of the necessary reports, assurances, contracts and any other documents required in connection with the Walmart Foundation's application process.

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Extract #23 continued
February 18, 2016

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

YEAS:

NAYS:

ABSENT:

The Chairman, Ms. Callais, cast her vote as **XXX**.

And the motion was declared **adopted** on the 18th day of February, 2016.

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 Thursday, February 18, 2016.

Witness my hand and the seal
of the Parish of St. Bernard on
this 18th day of February, 2016.

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 THURSDAY, FEBRUARY 18, 2016 AT THREE O'CLOCK P.M.

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

RESOLUTION SBPC #1447-02-16

A RESOLUTION TO RE-APPOINT MASTER TROOPER STEVE VOLANTE, LA STATE TROOPER ASSOCIATION TO THE ST. BERNARD PARISH 911 COMMUNICATIONS DISTRICT.

WHEREAS, Master Trooper Steve Volante presently serves on the 911 Communications District; and

WHEREAS, Master Trooper Steve Volante present term expires April 3, 2016; and

WHEREAS, the Council is desirous of Master Trooper Steve Volante continued service to the District.

NOW THEREFORE, BE IT RESOLVED, that the St. Bernard Parish Council, the governing authority, does hereby re-appoint Master Trooper Steve Volante.

BE IT FURTHER RESOLVED, that this appointment shall be effective as of April 3, 2016 and shall terminate on April 3, 2020.

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

YEAS:

NAYS:

ABSENT:

The Chairman, Ms. Callais, cast her vote as **XXX**.

And the motion was declared **adopted** on the 18th day of February, 2016.

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Extract #22 continued
February 18, 2016

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 Thursday, February 18, 2016.

Witness my hand and the seal
of the Parish of St. Bernard on
this 18th day of February, 2016.

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 THURSDAY, FEBRUARY 18, 2016 AT THREE O'CLOCK P.M.

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

RESOLUTION SBPC #1446-02-16

A RESOLUTION TO RE-APPOINT COLONEL JOHN VICKERS, JR., ST. BERNARD PARISH SHERIFF'S OFFICE TO THE ST. BERNARD PARISH 911 COMMUNICATIONS DISTRICT.

WHEREAS, Colonel John Vickers presently serves on the 911 Communications District; and

WHEREAS, Colonel John Vickers present term expires April 3, 2016; and

WHEREAS, the Council is desirous of Colonel John Vickers continued service to the District.

NOW THEREFORE, BE IT RESOLVED, that the St. Bernard Parish Council, the governing authority, does hereby re-appoint Colonel John Vickers.

BE IT FURTHER RESOLVED, that this appointment shall be effective as of April 3, 2016 and shall terminate on April 3, 2020.

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

YEAS:

NAYS:

ABSENT:

The Chairman, Ms. Callais, cast her vote as **XXX**.

And the motion was declared **adopted** on the 18th day of February, 2016.

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Extract #21 continued
February 18, 2016

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 Thursday, February 18, 2016.

Witness my hand and the seal
of the Parish of St. Bernard on
this 18th day of February, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

#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 THURSDAY, FEBRUARY 18, 2016 AT THREE O'CLOCK P.M.

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

RESOLUTION SBPC #1445-02-16

A RESOLUTION TO APPOINT RONALD J. ALONZO, JR., CHIEF ADMINISTRATIVE OFFICER, TO THE ST. BERNARD PARISH 911 COMMUNICATIONS DISTRICT.

WHEREAS, a vacancy exists on the 911 Communications District due to the resignation of Michael A. Gorbaty on January 12, 2016; and

WHEREAS, the Council is desirous of filling the aforementioned vacancy.

NOW THEREFORE, BE IT RESOLVED, that the St. Bernard Parish Council, the governing authority, does hereby appoint Ronald J. Alonzo, Jr. to fill the unexpired term of Mr. Gorbaty; and

BE IT FURTHER RESOLVED, that this appointment shall be effective as of February 18, 2016 and shall terminate on April 3, 2020.

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

YEAS:

NAYS:

ABSENT:

The Chairman, Ms. Callais, cast her vote as **XXX**.

And the motion was declared **adopted** on the 18th day of February, 2016.

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Extract #20 continued
February 18, 2016

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 Thursday, February 18, 2016.

Witness my hand and the seal
of the Parish of St. Bernard on
this 18th day of February, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL

#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 THURSDAY, FEBRUARY 18, 2016 AT THREE O'CLOCK P.M.

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

RESOLUTION SBPC #1444-02-16

A RESOLUTION APPOINTING ANDREW BECKER TO THE ST. BERNARD PARISH REDEVELOPMENT, LLC BOARD, AS A GOVERNING REPRESENTATIVE.

WHEREAS, the Governing Authority of St. Bernard Parish is desirous of the progression of economic development within the St. Bernard Parish community; and

WHEREAS, The St. Bernard Redevelopment, LLC Board applies for and distributes New Market Tax Credits to eligible St. Bernard Parish businesses; and

WHEREAS, the Governing Authority of St. Bernard Parish desires to appoint Andrew Becker to the St. Bernard Parish Redevelopment, LLC Board as a representative of the St. Bernard Parish Council.

NOW THEREFORE, BE IT RESOLVED, that the Governing Authority of St. Bernard Parish, does hereby appoint Andrew Becker to the St. Bernard Parish Redevelopment, LLC Board.

BE IT FURTHER RESOLVED, the above terms shall be effective as of February 18, 2016 and the member shall have full authority and voting privileges.

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

YEAS:

NAYS:

ABSENT:

The Chairman, Ms. Callais, cast her vote as **XXX**.

And the motion was declared **adopted** on the 18th day of February, 2016.

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Extract #19 continued
February 18, 2016

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 Thursday, February 18, 2016.

Witness my hand and the seal
of the Parish of St. Bernard on
this 18th day of February, 2016.

ROXANNE ADAMS
CLERK OF COUNCIL