

# PUBLIC NOTICE - ST. BERNARD PARISH COUNCIL MEETING - AGENDA

Email: [radams@sbpg.net](mailto:radams@sbpg.net)

(504) 278-4228

(504) 278-4209 (fax)

Posted 3/11/16

Tuesday, March 15, 2016

3:00 p.m.

Council Chambers

Page 1 of 4

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.

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

## APPROVAL OF MINUTES

1. Motion to approve the minutes from the March 1, 2016 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, March 11, 2016. (Council Chair)

## RECOGNITION

2. **Guy McInnis**, President's Report
3. Councilmember's for a District Update

## RECOGNIZE THE PUBLIC

4. 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

5. **Summary No. 3353**  
Introduced by: Administration on 3/1/16

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

6. **Summary No. 3354**  
Introduced by: Councilmember Callais on 3/1/16

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1301-05-12**, ORDINANCE TO AMEND CHAPTER 5, BUILDINGS, CONSTRUCTION AND RELATED ACTIVITIES; ARTICLE II COASTAL ZONE MANAGEMENT; SECTION 5-33 OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

7. **Summary No. 3356**  
Introduced by: Councilmember Montelongo on 3/1/16

AN ORDINANCE TO **AMEND** CHAPTER 15 OIL, GAS, AND MINERAL EXPLORATION, REMOVAL AND TRANSPORTING; OTHER LAND-DISTURBING AND WATER-DISTURBING ACTIVITIES; ARTICLE II SEISMIC ACTIVITY; SECTION 15-37 OPERATION OF AIR BOATS

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REGULATED OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

## RESOLUTIONS

8. Adopt **Resolution SBPC #1553-03-16**, approving permits as recommended by the Alcohol Beverage and Bingo Department: (Administration)

### Beer and/or Liquor Permit(s)

1. The Kimmy Group, LLC dba The Palms Too 8001-B W. St. Bernard Highway, Arabi, LA 70032 Member: Charles L. Bienvenu Expires: March 31, 2016 **(Renewal) (Beer & Liquor)**
2. M & P Servicios Hispanos, LLC dba M & P Servicios Hispanos 8823 W. Judge Perez Drive, Chalmette, LA 70043 Members: Gary Fischer and Monica Fischer Expired: January 31, 2016 **(Renewal) (Beer & Liquor)**
3. Penny's Café', Inc. dba Penny's Café 5442 E. Judge Perez Drive, Violet, LA 70092 Owners: David and Penny Lepine Expired: February 28, 2016 **(Renewal) (Beer only)**
4. Rick's Veteran's, LLC dba Magnolia Discount 7600 W. Judge Perez Drive, Arabi, LA 70032 Owner: Fouad El Jaouhari Expires: March 31, 2016 **(Renewal)(Beer & Liquor)**
5. Rocky & Carlo's, Inc. dba Rocky & Carlo's Restaurant & Bar 613 W. St. Bernard Highway, Chalmette, LA 70043 Owners: Thomas Tommaseo, Tommoso G. Tommaseo and Leonanda Tommaseo Gioe Expires: March 31, 2016 **(Renewal)(Beer & Liquor)**
6. Nap's Place, LLC dba Speck's Bar 2603 Hopedale Highway, St. Bernard, LA 70085 Members: Craig and Aline Napoli Expires: February 28, 2016 **(Renewal) (Beer & Liquor)**

### Special Event Permit(s)

1. Name of Organization: The Voices Foundation  
Address: 821 Angela Avenue, Arabi, LA 70032  
Contact Person: Barry Lemoine  
Name of Event: Robin Hood  
Location Event: Docville Farm, 5128 E St. Bernard Hwy, Violet, LA 70092  
Date and Time: April 8 and 9, 2016, 7:30-10:00 p.m.
9. Adopt **Resolution SBPC #1554-03-16**, a resolution appointing a new member to the Old Arabi Historic Commission. (Councilmember McCloskey)
10. Adopt **Resolution SBPC #1555-03-16**, a resolution appointing members to the St. Bernard Parish Home Mortgage Authority Board. (Administration)

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11. Adopt **Resolution SBPC #1556-03-16**, a resolution authorizing the Parish President to execute agreements related to Restore Act Funding. (Administration)
12. Adopt **Resolution SBPC #1557-03-16**, a resolution authorizing St. Bernard Parish Government to adopt the latest Citizen Participation Plan Policies set forth by the La Division of Administration, Office of Community Development - Disaster Recovery Unit, in relation to Community Development Block Grant (CDBG) Disaster Recovery Funds. (Administration)
13. Adopt **Resolution SBPC #1558-03-16**, a resolution authorizing St. Bernard Parish Government to adopt the latest procurement policies set forth by the La Division of Administration, Office of Community Development - Disaster Recovery Unit, in relation to Community Development Block Grant (CDBG) Disaster Recovery Funds. (Administration)
14. Adopt **Resolution SBPC #1559-03-16**, a resolution prohibiting the use of the BP Oil money for any and all salaries pertaining to St. Bernard Parish Government employees and any professional services contracts. (Councilmember Gorbaty)

## ADOPTION OF ORDINANCES

### 15. **Summary No. 3353**

Introduced by: Administration on 3/1/16

EFC recommended **APPROVAL** on 3/9/16

Public hearing held on 3/15/16

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

### 16. **Summary No. 3354**

Introduced by: Councilmember Callais on 3/1/16

EFC recommended **APPROVAL** on 3/9/16

Public hearing held on 3/15/16

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1301-05-12**, ORDINANCE TO AMEND CHAPTER 5, BUILDINGS, CONSTRUCTION AND RELATED ACTIVITIES; ARTICLE II COASTAL ZONE MANAGEMENT; SECTION 5-33 OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

### 17. **Summary No. 3356**

Introduced by: Councilmember Montelongo on 3/1/16

EFC made **No Recommendation** on 3/9/16

Public hearing held on 3/15/16

AN ORDINANCE TO **AMEND** CHAPTER 15 OIL, GAS, AND MINERAL EXPLORATION, REMOVAL AND TRANSPORTING; OTHER LAND-DISTURBING AND WATER-DISTURBING ACTIVITIES; ARTICLE II SEISMIC ACTIVITY; SECTION 15-37 OPERATION OF AIR BOATS

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REGULATED OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

## INTRODUCTION

18. **Summary No. 3357**

Introduced by: Councilmember Lewis on 3/15/16

AN ORDINANCE TO DECLARE 620 COUGAR DRIVE SURPLUS, TO REMOVE IT FROM ANY PREVIOUSLY CREATED BUILDER'S BUNDLE AND TO REQUIRE THAT THE PARISH PRESIDENT OR HIS DESIGNEE SELL THE PROPERTY BY A PUBLIC AUCTION.

19. **Summary No. 3358**

Introduced by: Administration on 3/15/16

AN ORDINANCE TO AMEND CHAPTER 10.5; FLOOD DAMAGE PREVENTION, SECTION 10.5-5; DEFINITIONS OF WORKS AND TERMS USED AND SECTION 10.5-32; SPECIFIC STANDARDS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

20. **Summary No. 3359**

Introduced by: Administration on 3/15/16

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

## OTHER MATTERS

21. 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, April 5, 2016 @ 7:00 p.m.

Approved by: *Kerri Callais* Time: 10:42 a.m. Date: 3/11/16

**St. Bernard Parish Government**  
**Proposed 2016 Budget Amendment 3-15-2016**  
**Summary No. 3359**

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		\$ 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 - Hospital & Life		\$ 6,179.75
190	3425	0000	420324	Federal Grants	\$ 80,000.00	
190	3425	0000	505444	Pension Costs	\$ 8,385.00	
190	3425	0000	505456	Salaries	\$ 64,500.00	
190	3425	0000	505466	Taxes - Payroll	\$ 935.25	
190	3425	0000	520434	Insurance - Hospital & Life	\$ 6,179.75	
190	3425	0000	430509	State Reimb-LGAP	\$ 16,142.00	
190	3425	0000	560104	Computer Equipment	\$ 16,142.00	
190	3425	0072	420324	Federal Grants	\$ 70,000.00	
190	3425	0072	545472	Travel & Training	\$ 31,520.00	
190	3425	0072	560104	Computer Equipment	\$ 34,980.00	
190	3425	0072	560495	Grant - RPC	\$ 3,500.00	
			391000	<i>Net Effect on Fund Balance</i>	<i>\$0.00</i>	<i>\$0.00</i>
<i>This Budget Amendment is to move funds previously budgeted for the GIS Manager and related grants from Community Development to the State &amp; Federal Grants Fund and add new fully reimbursable grant revenues and expenditures to this department.</i>						

**#20**

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 15, 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. 3359**

Introduced by: Administration on 3/15/16

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 #20  
March 15, 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 **adopted** on the 15<sup>th</sup> day of March, 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 St. Bernard, Louisiana, on Tuesday, March 15, 2016.

Witness my hand and the seal of the Parish of St. Bernard on this 15<sup>th</sup> day of March, 2016.

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ROXANNE ADAMS  
CLERK OF COUNCIL

**EXHIBIT "A"**  
**SUMMARY NO. 3358**

**Chapter 10.5 – Flood Damage Prevention**

Section 10.5-5. - Definitions of works and terms used.

...Omitted for Brevity...

Floodway. See regulatory floodway.

Freeboard means a factor of safety above the base flood elevation. For purposes of this chapter, freeboard is an additional eighteen (18) inches above the base flood elevation in the areas of special flood hazards, and is eighteen (18) inches above **either: (a) the nearest adjacent base flood elevation or (b) the highest adjacent grade in other areas.**

Functionally dependent use means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

...Omitted for Brevity...

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Section 10.5-32. - Specific standards.

All new construction or substantial damage or substantial improvement work in St. Bernard Parish regardless of being located in or out of special flood hazard areas is required to meet the following provisions:

- (1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation plus an additional eighteen (18) inches of freeboard. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in article IV, 10.5-23(1)(a), is satisfied. In areas located outside of special flood hazard areas the lowest floor (including basement) must be built at eighteen (18) inches above **either: a) the nearest adjacent base flood elevation or b) the highest adjacent grade.**
- (2) Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood elevation plus an additional eighteen (18) inches of freeboard, or together with attendant utility and sanitary facilities, be designed so that below the base flood elevation plus an additional eighteen (18) inches of freeboard the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. In areas located outside of special flood hazard areas the lowest floor (including basement) must be built at eighteen (18) inches above **either: (a) the nearest adjacent base flood elevation or (b) the highest adjacent grade** or meet the floodproofing requirement herein described to a height of eighteen (18) inches above **either: (a) the nearest adjacent base flood elevation or (b) the highest adjacent grade.** A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific

**EXHIBIT "A"**  
**SUMMARY NO. 3358**

elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

- (3) Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - (a) A minimum of two (2) openings on separate walls having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
  - (b) The bottom of all openings shall be no higher than one (1) foot above grade.
  - (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (4) Manufactured homes.
  - (a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
  - (b) Require that manufactured homes that are placed or substantially improved within the areas of special flood hazard be elevated on a permanent foundation such that the bottom of the longitudinal structural I beam of the manufactured home is elevated to or above the base flood elevation plus an additional eighteen (18) inches of freeboard and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  - (c) Require that manufactured homes that are placed or substantially improved outside the areas of special flood hazard be elevated on a permanent foundation such that the bottom of the longitudinal structural I beam of the manufactured home is elevated to or above eighteen (18) inches above **either: a) the nearest adjacent base flood elevation or (b) the highest adjacent grade**, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (5) Recreational vehicles. Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than one hundred eighty (180) consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of article IV, section 10.5-23(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- (6) Diversionary structures. No new permits shall be issued for diversionary structures.

**#19**

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 15, 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. 3358**

Introduced by: Administration on 3/15/16

AN ORDINANCE TO AMEND CHAPTER 10.5; FLOOD DAMAGE PREVENTION, SECTION 10.5-5; DEFINITIONS OF WORKS AND TERMS USED AND SECTION 10.5-32; SPECIFIC STANDARDS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

**SECTION 1.** That Chapter 10.5; Flood Damage Prevention, Section 10.5-5; Definitions of works and terms used and Section 10.5-32; Specific Standards of the St. Bernard Parish code of ordinances is hereby amended as attached in Exhibit "A"

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

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

Page -2-  
Extract #19  
March 15, 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 **adopted** on the 15<sup>th</sup> day of March, 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 St. Bernard, Louisiana, on Tuesday, March 15, 2016.

Witness my hand and the seal of the Parish of St. Bernard on this 15<sup>th</sup> day of March, 2016.

---

ROXANNE ADAMS  
CLERK OF COUNCIL

## #18

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 15, 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. 3357**

Introduced by: Councilmember Lewis on 3/15/16

AN ORDINANCE TO DECLARE 620 COUGAR DRIVE SURPLUS, TO REMOVE IT FROM ANY PREVIOUSLY CREATED BUILDER'S BUNDLE AND TO REQUIRE THAT THE PARISH PRESIDENT OR HIS DESIGNEE SELL THE PROPERTY BY A PUBLIC AUCTION.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

**WHEREAS**, the Parish considers 620 Cougar Drive, Arabi, Louisiana (hereinafter referred to as "the Property") as surplus and not needed for a public purpose; and

**WHEREAS**, the Parish intends to transfer the Property in compliance with state law.

**SECTION 1.** The Property (620 Cougar Drive, Arabi, Louisiana) is hereby declared surplus and is not needed for any public purpose.

**SECTION 2.** The Property is hereby removed from any previously created Builder's Bundle.

**SECTION 3.** The Parish President or his designee is hereby required to sell the property by public auction in accordance with the laws of Louisiana.

**SECTION 4.** The Parish President is authorized to nominate a designee by use of a power of attorney to auction and sell by quit-claim deed with no warranty of title the Property in accordance with the laws of Louisiana.

**SECTION 5.** Any party to a transaction may rely on the execution of instruments hereunder by the Parish President or designee as conclusive evidence that such instruments are authorized by this ordinance and are consistent with the restrictions contained herein and Louisiana State Law.

Page -2-  
Extract #18 continued  
March 15, 2016

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

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

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

**YEAS:**

**NAYS:**

**ABSENT:**

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

And the motion was declared **adopted** on the 15<sup>th</sup> day of March, 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 Tuesday, March 15, 2016.

Witness my hand and the seal  
of the Parish of St. Bernard on  
this 15<sup>th</sup> day of March, 2016.

---

ROXANNE ADAMS  
CLERK OF COUNCIL

**EXHIBIT "A"**  
**SUMMARY NO. 3356**  
**ORDINANCE SBPC #XXXX-XX-XX**

*Chapter 15 – Oil, Gas, and Mineral Exploration, Removal and Transporting;  
Other Land-Disturbing and Water-Disturbing Activities  
Article II – Seismic Activity  
Section 15-37 – Operation of Air Boats*

Sec. 15-37 - Operation of air boats regulated.

(a) Air boats shall not be launched or operated within ~~one-half (1/2)~~ **two (2)** mile(s) of a populated area during the period beginning one-half (1/2) hour after sunset and ending at sunrise. Airboats may be launched and operated within ~~one-half (1/2)~~ **two (2)** mile(s) of a populated area outside of the prohibited period only if the air boat is propelled at no more than idle speed in any area within a radius of ~~one-half (1/2)~~ **two (2)** mile(s) from the nearest inhabited dwelling. For purposes of this section, an "air boat" shall be defined as any watercraft propelled by means of an air propeller powered by an engine of at least twenty-five (25) horsepower (25 hp) and "idle speed" shall mean that speed attained by the watercraft using only the minimum amount of fuel necessary to keep the engine running. In no case, however, shall idle speed be more than five (5) miles per hour nor shall an engine at idle speed be allowed to turn faster than one thousand (1,000) revolutions per minute for purposes of this section.

(b) The exhaust of any internal combustion engine used on any air boat shall be muffled in such a manner that the noise levels generated by said engine do not exceed levels prohibited by the St. Bernard Parish Noise Ordinance.

(c) Air boats shall at all times be operated in compliance with all parish, state and federal laws and regulations, including any restrictions placed on the use of the air boats in a conditional letter of no objection or other project-specific regulation issued by the department of community development.

(d) ~~No person shall without authority go into or upon or remain in or upon or attempt to go into or upon any immovable property which belongs to another, for the purpose of operating or using an air boat, after having been forbidden to do so, either orally or in writing, including by means of any sign as hereinafter described, by any owner, lessee, or custodian of the property or by any other person authorized by any such persons. For the purposes of this section, "sign" means any sign or signs posted on the immovable property in such place or places where the sign(s) may be reasonably expected to be seen.~~

It shall be unlawful for any commercial or recreational air boat within the boundaries of St. Bernard Parish to commit a trespass on private or public property without the express written permission of the landowner. It shall be unlawful for any commercial or recreational air boat within the boundaries of the parish to operate between 9:30 p.m. and 4:30 a.m. within two (2) miles of any residence on private or public property. It shall be unlawful for any commercial or recreational air boat to operate at more than five (5) mph within one-half (1/2) mile of any residences within the boundaries of the parish.

(e) Spark arresters will be used in lieu of standard automotive mufflers.

- (f) No air boat will be allowed to operate without a Teflon coated bottom or a damaged Teflon bottom.
- (g) A safety flag extending a minimum of four (4) feet above top of the propeller cage. Flag will be a minimum of twenty-four (24) inches in length, twelve (2) inches in width and the color of hunter orange.
- (h) Boat numbers same will be installed in one (1) foot letters on the outside of rudders or grass cage.
- (i) Only biodegradable soap will be used as a bottom lubricant.
- (j) If P.V.C. pipe rope mats shall be used to cross any protection levee in areas where landlocked ponds would open to tidal flow for up and down ramp at quarter boat sites or other sites to be determined by parish inspectors
- (k) Mats will be constructed a minimum of two (2) inches schedule 40 white pipe.

**(l) It shall be unlawful for any person to violate the provisions of this section or any order issued pursuant thereto or to willfully fail or refuse to comply with the orders of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing this article and the orders issued pursuant to this article and, upon conviction thereof, shall be fined:**

- (a) First Offense not less than 250.00 up to 500.00**
- (b) Second Offense not less than 500.00 up to 1,000.00**
- (c) Third and subsequent offense not less than 1,000.00 up to 5,000.00**

**#17**

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 15, 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-03-16**

**Summary No. 3356**

Introduced by: Councilmember Montelongo on 3/1/16

EFC made **No Recommendation** on 3/9/16

Public hearing held on 3/15/16

AN ORDINANCE TO AMEND CHAPTER 15 OIL, GAS, AND MINERAL EXPLORATION, REMOVAL AND TRANSPORTING; OTHER LAND-DISTURBING AND WATER-DISTURBING ACTIVITIES; ARTICLE II SEISMIC ACTIVITY; SECTION 15-37 OPERATION OF AIR BOATS REGULATED OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

**SECTION 1.** The Parish Council hereby amends Chapter 15; Oil, Gas, and Mineral Exploration, Removal and Transporting; Other Land-Disturbing and Water-Disturbing Activities; Article II Seismic Activity; Section 15-37 Operation of Air Boats Regulated of the St. Bernard Parish Code of Ordinances as attached in Exhibit "A".

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

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

Page -2-  
Extract #17 continued  
March 15, 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 **adopted** on the 15<sup>th</sup> day of March, 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 \_\_\_\_\_

**#16**

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 15, 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-03-16**

**Summary No. 3354**

Introduced by: Councilmember Callais on 3/1/16

EFC recommended **APPROVAL** on 3/9/16

Public hearing held on 3/15/16

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1301-05-12**, ORDINANCE TO AMEND CHAPTER 5, BUILDINGS, CONSTRUCTION AND RELATED ACTIVITIES; ARTICLE II COASTAL ZONE MANAGEMENT; SECTION 5-33 OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

**Code language: Bold underlined to be added, ~~Bold strike through to be deleted~~.**

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That Chapter 5, Article II, Section 5-33, Duties of the local coastal program advisory committee, Subsection (d) is amended to read the following:

**Sec. 5-33 Duties of the Local Coastal Program Advisory Committee**

- (d) Be organized by the local administrator ~~chairman who is determined by a vote of the committee; who functions as a non-voting chair of the committee meetings;~~
- ~~(e) — Local administrator functions as the secretary of the committee;~~
- ~~(e) (f)~~ Advise, comment, or make recommendations to the parish council on any coastal project, coastal activity or coastal development;
- ~~(f) (g)~~ Review and comment upon any proposed rules and regulations impacting the coastal zone;
- ~~(g) (h)~~ Recommend to the parish council any modifications to this article;

Page -2-  
Extract #16 continued  
March 15, 2016

(h) ~~(i)~~ Review and comment upon any coastal use permit at the request of the local administrator;

(i) ~~(j)~~ Nominate a representative to hear appeals in accord with this article;

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 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 Council Chair, Ms. Callais, cast her vote as **XXX**.

And the motion was declared **adopted** on the 15<sup>th</sup> day of March, 2016.

---

ROXANNE ADAMS  
CLERK OF COUNCIL

---

KERRI CALLAIS  
COUNCIL CHAIR

Delivered to the Parish President

---

Date and Time

Page -3-  
Extract #16 continued  
March 15, 2016

Approved \_\_\_\_\_

Vetoed \_\_\_\_\_

Parish President

\_\_\_\_\_  
Guy McInnis

Returned to Clerk of the Council

\_\_\_\_\_  
Date and Time

Received by \_\_\_\_\_



**#15**

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 15, 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-03-16**

**Summary No. 3353**

Introduced by: Administration on 3/1/16  
EFC recommended **APPROVAL** on 3/9/16  
Public hearing held on 3/15/16

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 #15 continued  
March 15, 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 **adopted** on the 15<sup>th</sup> day of March, 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 \_\_\_\_\_

**#14**

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 15, 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 #1559-03-16**

A RESOLUTION PROHIBITING THE USE OF THE BP OIL MONEY FOR ANY AND ALL SALARIES PERTAINING TO ST. BERNARD PARISH GOVERNMENT EMPLOYEES AND ANY PROFESSIONAL SERVICES CONTRACTS.

**WHEREAS**, St. Bernard Parish Council is desirous in ensuring that no BP Oil money is used to pay for salaries of St. Bernard Parish Government employees and any professional services contracts.

**THEREFOR BE IT RESOLVED** that the St. Bernard Parish Council does hereby prohibit the use of the BP Oil money for any and all salaries pertaining to St. Bernard Parish Government employees and any professional services contracts.

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 **adopted** on the 15<sup>th</sup> day of March, 2016.

Page -2-  
Extract #14 continued  
March 15, 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 St. Bernard, Louisiana, on Tuesday, March 15, 2016.

Witness my hand and the seal of the Parish of St. Bernard on this 15<sup>th</sup> day of March, 2016.

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ROXANNE ADAMS  
CLERK OF COUNCIL

## **SAMPLE ST. BERNARD PARISH PROCUREMENT POLICY PROCEDURE RELATIVE TO THE LCDBG PROGRAM**

These procedures are intended to serve as guidelines for the procurement of supplies, equipment, construction services and professional services for the Louisiana Disaster Recovery Community Development Block Grant (CDBG) Program. These guidelines meet the standards established in 24 CFR 85.36 and state requirements.

### **CODE OF CONDUCT**

No employee, officer, or agent of the St. Bernard Parish Government (GRANTEE NAME) shall participate in the selection or in the award or administration of a contract supported by Disaster Recovery CDBG funds if a conflict of interest, real or apparent, would be involved. Such a conflict could arise if the employee, officer or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any of the above, has a financial or other interest in the firm selected for award.

No officer, employee or agent of the St. Bernard Parish Government (GRANTEE NAME) shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

Any alleged violations of these standards of conduct shall be referred to the (GRANTE St. Bernard Parish Government E-NAME) Attorney. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer; where violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.

### **PROCUREMENT PROCEDURES**

The director or supervisor of each department or agency of the St. Bernard Parish Government (GRANTEE NAME) responsible for procurement of services, supplies, equipment, or construction obtained with Disaster Recovery CDBG funds shall review all proposed procurement actions to avoid the purchase of unnecessary or duplicative items. Such reviews shall consider consolidation or breaking out to obtain a more economical purchase. When determined appropriate by the Director or Supervisor, an analysis to determine which approach would be the most economical shall be undertaken.

The St. Bernard Parish Government (GRANTEE NAME) shall take affirmative steps to assure that small and minority firms, women's business enterprises, and labor surplus firms are solicited whenever they are potential qualified sources. The St. Bernard Parish Government (GRANTEE NAME) shall also consider the feasibility of dividing total requirements into smaller tasks or quantities so as to permit maximum participation by small and minority firms, women's business enterprises, and labor surplus firms. Where permitted by regulations, delivery schedules will be developed which will include participation by such businesses.

*(This is a sample only. It includes the minimum Federal requirements. Each local governing body should revise the Policy to reflect its own specific needs/criteria...)*

The St. Bernard Parish Government (GRANTEE NAME) shall assist the prime contractor whenever possible by providing copies of lists which identify qualified small and minority firms, women's business enterprises, and labor surplus area firms.

## SELECTION PROCEDURES

ALL procurement carried out with Disaster Recovery CDBG funds, where St. Bernard Parish Government (GRANTEE NAME) is a direct party, shall be carried out in a manner that provides maximum free and open competition. Procurement procedures will not restrict or eliminate competition. The St. Bernard Parish Government (GRANTEE NAME) shall not place unreasonable requirements on firms in order for them to qualify to do business. Nor will St. Bernard Parish Government (GRANTEE NAME) encourage or participate in noncompetitive practices among firms. The St. Bernard Parish Government (GRANTEE NAME) is alert to organizational conflicts which would jeopardize the negotiation process and limit competition. St. Bernard Parish Government (GRANTEE NAME) will not require unnecessary experience or bonding requirements.

Pursuant to state law and federal regulations (24 CFR 85.36(b)), all solicitations of offers shall incorporate a clear accurate description of the technical requirements for the material, service, or product to be procured. In competitive procurements, these descriptions shall not contain features which unduly limit competition. The description may include a statement of the qualitative nature of the material, product, or service and the minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications shall be avoided whenever possible. A "brand name or equal" description may be used to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offerors shall be clearly stated.

All solicitations of offers shall clearly set forth all requirements which offerors must fulfill and all other factors to be used in evaluating bids, proposals, or statements of qualifications.

Contracts shall be awarded only to responsible contractors/firms that possess the potential ability to perform successfully under the terms and conditions of the proposed procurement.

Consideration shall be given to such factors as the contractor's/firm's capacity, integrity, compliance with public policy, record of past performance, and financial and technical resources.

## METHODS OF PROCUREMENT

Direct procurement by the St. Bernard Parish Government (GRANTEE NAME) shall be made by using one of the following methods depending on the type of service to be procured.

Small Purchase Procedures. Relatively simple, informal procurement procedures will be used where the purchase of materials, single task services, supplies, equipment, and/or other property will not cost in the aggregate more than \$100,000, except where further limited by state law or Disaster Recovery CDBG policy. The procurement officer must obtain a minimum of three oral or written price or rate quotations from qualified sources. Documentation on all quotations received (whether oral or written) shall be made

a part of the file. Selections shall be made principally on price. Payment shall be made upon delivery or completion.

Competitive Sealed Bids/Formal Advertising. Under this procedure bids are publicly advertised in accordance with the state's Public Bid Law. A firm fixed price contract (either lump sum or unit price) shall be awarded to the responsible bidder whose bid is lowest in price and that conforms to all the material terms and conditions of the advertisement for bids.

Competitive sealed bids can be used ONLY when the following criteria are met: (1) there are complete, adequate, and realistic specifications or purchase descriptions; (2) there are two or more responsible bidders who are willing and able to compete effectively; (3) the procurement can be made on a firm fixed-price contract and selection of the successful bidder can appropriately be made principally on the basis of price.

When formal advertising is used the following conditions shall be met.

- i. The advertisement for bids shall be publicly advertised in accord with state law.
- ii. The advertisement for bids, including the specifications and pertinent attachments, shall clearly define the items or services needed in order for the bidders to properly respond to the advertisement.
- iii. All bids shall be opened publicly at the time and place specified in the advertisement for bids.
- iv. A firm fixed-price contract award shall be made by written notice to the lowest responsible bidder whose bid conforms to the advertisement for bids. Where specified in the bid documents, factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts shall only be used to determine low bid when prior experience indicates that such discounts are generally taken.
- v. Notwithstanding the above, any or all bids may be rejected when there are sound documented business reasons in the best interest of the Disaster Recovery CDBG Program.

Competitive Negotiation: Requests for Proposals/Qualification Statements. The technique of competitive proposals is normally conducted with more than one source submitting an offer. All competitive proposals shall be conducted using a formal RFP/RFQ containing at least the minimum items in the attached RFP/RFQ Outline (See Attachment A). It is generally used when conditions are not appropriate for the use of sealed bids. Architectural and engineering services must be procured via requests for qualification statements; administrative consulting services must be procured via requests for proposals. Other professional services may also be procured by requests for proposals. The following procedures will be used for competitive negotiation:

- i. Requests for proposals or qualification statements must be advertised in a newspaper in the nearest metropolitan area in accordance with the rules of the state's Disaster Recovery CDBG Program. All submittals will be honored and entered into the competition.
- ii. Request for proposals or qualification statements shall contain a detailed list of tasks in the proposed scope of work that is expected to be accomplished.

*(This is a sample only. It includes the minimum Federal requirements. Each local governing body should revise the Policy to reflect its own specific needs/criteria...)*

- iii. The request for proposals or qualification statements shall identify all significant evaluation factors or selection criteria, including the corresponding point system that will be used to rate the proposals/qualification statements. Requests for proposals shall always include cost and at least one non-cost evaluation factor.
- iv. The selecting official (or committee, if one is designated) shall review all proposals and statements received and make a technical evaluation of each. This shall also include a written statement that identifies the basis upon which the selection was made; including the importance of cost (for RFPs).
- v. Contract award will be made to the responsible offeror whose submission is deemed most appropriate to the St. Bernard Parish Government ~~\_\_\_\_\_~~ (GRANTEE NAME) with consideration for price, qualifications, and other factors set by the local governing body. Unsuccessful offerors shall be notified in writing within ten working days of contract award. Documentation of notification shall be maintained in the contract selection file for the individual project.

For qualifications-based procurement of architectural/engineering (A/E) -professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, at least three firms will be solicited. Following the review of the qualification statements received, the most qualified competitor will be selected to enter into contract negotiation. This shall always include negotiation of price to insure cost reasonableness. At the conclusion of successful negotiation, the competitor shall be invited to enter into a contract.

Noncompetitive Negotiation/Sole Source. Noncompetitive negotiation shall be used when small purchase, formal advertising, or competitive negotiation procedures are not feasible. Noncompetitive negotiation will involve solicitations of a proposal from only one source. This can also occur if solicitations under the competitive negotiation procedures result in only one proposal or qualification statement. Noncompetitive negotiation shall only be used when written authorization has been obtained from the state's Office of Community Development/Disaster Recovery Unit (OCD/DRU). In order to qualify for this type of procurement, one of the following circumstances must apply:

- i. The item or service is available only from a single source;
- ii. It is determined that a public urgency or emergency exists and the urgency will not permit the delay beyond the time needed to employ one of the other three methods of procurement.
- iii. After solicitation of a number of sources, competition is determined to be inadequate.

#### CONTRACT PRICING

Cost plus a percentage of cost and percentage of construction cost methods of contracting MUST NOT be used. St. Bernard Parish Government ~~\_\_\_\_\_~~ (GRANTEE NAME) shall perform cost or pricing analysis in connection with EVERY procurement action including contract modifications in accordance with the requirements of "Cost and Price Analysis for HUD Grantees and Funding Recipients". Costs or prices based on estimated costs for Disaster Recovery CDBG projects shall be allowed only to the extent that the costs incurred or the cost estimates included in negotiated prices are consistent with federal cost principals[ 48 CFR Part 31]. Lump sum prices will only be utilized when there is a definable work product and the quantity to be provided is certain and the contractor assumes all the risk for costs incurred. Unit prices can be utilized when there is a definable work product and the

contractor assume all the risk for costs incurred, but the quantity is estimated. Cost reimbursement will be utilized when the task does not result in a definable work product or the contractor will not assume the risk of incurring the cost to complete the task. Cost reimbursement, unit or lump sum price, or a combination thereof may be utilized as appropriate.

A cost reimbursement type contract is most appropriate when the scope and extent of the work to be performed are not clearly defined, such as a professional services contract. A cost reimbursement contract MUST clearly establish a cost ceiling which may not be exceeded without formally amending the contract, and must identify a fixed dollar profit that may not be increased unless there is a contract amendment that increases the scope of the work.

A fixed price contract is appropriate when the scope of work is very well defined and product oriented. A fixed price contract can only be awarded when fair and reasonable prices can be established through adequate price competition and the solicitation is based principally on price. A fixed price contract MUST establish a guaranteed price that may not increase unless there is a contract amendment that increases the scope of the work.

## PROCUREMENT RECORDS

The St. Bernard Parish Government (GRANTEE NAME) shall maintain records sufficient to detail the history of the procurement. The records shall include the following contract provisions and conditions:

- i. Contracts other than small purchase shall contain provisions that allow for administrative, contractual, or legal remedies if contractors violate or breach contract terms, and provide for sanctions and penalties as appropriate.
- ii. All contracts in excess of \$10,000 shall provide for termination for cause and for convenience by the St. Bernard Parish Government (GRANTEE NAME) including the manner in which it will be done and the basis for settlement.
- iii. All construction contracts and subcontracts in excess of \$10,000 shall include provisions which require compliance with Executive Order 11246, Equal Employment Opportunity, as amended by Executive Order 11375, and as supplemented in DOL regulations (41 CFR Part 60).
- iv. All contracts and subcontracts for construction or repair shall include a provision for compliance with the Copeland "Anti-Kick-Back" Act (18 USC 874) as supplemented by DOL regulations (29 CFR Part 3).
- v. All contracts or subcontracts in excess of \$2,000 for construction or repair shall include a provision for compliance with the Davis-Bacon Act (40 USC 276a to a-7) as supplemented by DOL regulations (29 CFR Part 5).
- vi. All construction or repair contracts or subcontracts in excess of \$2,000, and in excess of \$2,500 for other contracts which involve the employment or mechanics or laborers, shall include a provision for compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 USC 327-330) as supplemented by DOL regulations (29 CFR Part 5).
- vii. Each contract shall include a notice of OCD/DRU requirements and regulations pertaining to reporting and patent rights under any contract involving respect to any discovery or invention

*(This is a sample only. It includes the minimum Federal requirements. Each local governing body should revise the Policy to reflect its own specific needs/criteria...)*

which arises or is developed in the course of or under such contract, and of the state requirements pertaining to copyrights and rights in data.

- viii. All negotiated contracts shall include a provision that makes it possible for the OCD/DRU, HUD, the Comptroller General of the United States, or any of their duly authorized representatives, to have access to any books, documents, papers, or records of the contractor/firm that are directly pertinent to the contract, for the purpose of making audit examination excerpts and transcriptions. Further, the contract must include a provision that all required records will be maintained by the contractor/firm for a period of five years after the St. Bernard Parish Government (GRANTEE NAME) formally closes out each Disaster Recovery CDBG program.
- ix. All contracts, subcontracts, and subgrants in amounts in excess of \$100,000 shall contain a provision which requires compliance with the requirements of Section 306 of the Clean Air Act (42 USC 1857 h), Section 508 of the Clean Water Act (33 USC 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15).
- x. Contracts shall recognize mandatory standards and policies relating to energy efficiency that are contained in the State Energy Conservation Plan issued in compliance with the Energy Policy and Conservation Act (P.L. 94-163).
- xi. The St. Bernard Parish Government (GRANTEE NAME) will be permitted to require changes, remedies, changed conditions, access and record retention, and suspension of work clauses approved by the OCD/DRU.

#### CONTRACT ADMINISTRATION

The St. Bernard Parish Government (GRANTEE NAME) shall maintain contract administration systems that insure contractors/firms perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. The accepted performance of contractors/ firms will be a factor in subsequent contract negotiations and award. Remedial action by the St. Bernard Parish Government (GRANTEE NAME) through legal processes shall be considered in instances of identified significant nonperformance.

#### DISPUTE/RESOLUTION CLAUSE

Any person who is aggrieved in connection with the solicitation or award of a contract shall protest to the St. Bernard Parish Government. Protest with respect to a solicitation shall be submitted in writing at least two days prior to the opening of bids. Protest with respect to the award of a contract shall be submitted in writing within fourteen days after the contract award. If a timely protest is received, the bids must be impounded and cannot be opened until the protest has been resolved. Specifications cannot be protested after bids are opened. An award protest is brought about because an aggrieved party feels that the award was made to a company that did not meet or is not performing in accordance with all of the specifications. If a timely protest is received, the award must be stayed until the protest has been resolved (unless it is declared as an emergency).

*(This is a sample only. It includes the minimum Federal requirements. Each local governing body should revise the Policy to reflect its own specific needs/criteria..)*

# 6-1

## **PROCUREMENT POLICY ATTACHMENT A – RFP/RFQ OUTLINE**

A well-written RFP or RFQ will contain all of the information the proposers need to know in a manner that captures interest and is easy to follow. The RFP or RFQ should consist of an introduction and five sections, each of which is summarized briefly on this page:

1. **Advertisement/Purpose (Introduction)** - Cover letter to summarize the services being solicited and the due date for proposals.
2. **Program Information** - Include an overview of the grant/project status and a summary of the roles and responsibilities of all involved parties to provide the context for the solicited services and capture the interest of potential respondents.
3. **Scope of Services** - Start with an overview of the solicited services, summarize general expectations, specify the anticipated role of the selected firm, and provide a detailed list of tasks to be accomplished. Should be connected to the fee proposal and be detailed enough to be in the final contract.
  - **Statement of Work (RFP only):** List in detail the tasks the selected consultant will be expected to perform. List must be detailed enough for consultant to provide price or estimated cost for the services.
4. **Submission and Evaluation Requirements** - Describe what sections should be included in the proposal (e.g. approach, organization chart or staffing plan, fee proposal (RFP only), etc.) and what information each of those sections should contain. Also describe the criteria the Committee will use to evaluate the proposal and the weights for each criterion. Submission requirements and evaluation criteria should be linked.
  - **Approach section (RFP):** For each task identified in the scope of work, respondent is to describe how they would accomplish the task(s).
  - **Project staffing:** Include an organization chart, names and roles of principal staff members, time commitments for principal staff members, and attach resumes.
  - **Qualifications:** Include project summaries for your team's relevant experience, organized by firm or by type of experience.
  - **Fee proposal (RFP only):** Price for services described in the approach, broken out by task.
  - **Evaluation Criteria:** List the criteria on which the proposals will be evaluated (e.g. creativity of approach, reasonableness of fee, quality of relevant qualifications, previous experience, etc.) and give the weighting for each criteria.
5. **Schedule and Required Information** - Provide information about the procurement not related to the actual project. This includes a schedule/timetable for the procurement, information on written questions and pre-proposal conference, contractual obligations, information on conflict of interest, and all other required clauses.
6. **Attachments** - Provide any required forms (e.g. form for fee proposal or Certifications/Assurances), further clarify the expectations by including a sample contract, copies of the roles/ responsibilities checklist, and/or scopes of work for other consultants, and include more detailed information on the project (e.g. application or project summary).

**#13**

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 15, 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 #1558-03-16**

A RESOLUTION AUTHORIZING ST. BERNARD PARISH GOVERNMENT TO ADOPT THE LATEST PROCUREMENT POLICIES SET FORTH BY THE LA DIVISION OF ADMINISTRATION, OFFICE OF COMMUNITY DEVELOPMENT - DISASTER RECOVERY UNIT, IN RELATION TO COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) DISASTER RECOVERY FUNDS.

**WHEREAS**, St. Bernard Parish Government has been afforded the opportunity to apply and participate in the Community Development Block Grant – Disaster Recovery Program administered by the Division of Administration; and,

**WHEREAS**, the STATE requires Grantees to establish uniform procedures in compliance with OMB Circular A-102.

**SECTION 1.** NOW, THEREFORE BE IT RESOLVED by the St. Bernard Parish Council, that the attached policy titled “Procurement Procedures of the St. Bernard Parish Government Relative to the LCDBG Program” is hereby adopted and affirmed on this 15<sup>th</sup> day of March, 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 **adopted** on the 15<sup>th</sup> day of March, 2016.

Page -2-  
Extract #13 continued  
March 15, 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 St. Bernard, Louisiana, on Tuesday, March 15, 2016.

Witness my hand and the seal of the Parish of St. Bernard on this 15<sup>th</sup> day of March, 2016.

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ROXANNE ADAMS  
CLERK OF COUNCIL

## **CITIZEN PARTICIPATION PLAN**

The St. Bernard Parish Government has adopted the following Citizen Participation Plan to meet the citizen participation requirements of Section 508 of the Housing and Community Development Act of 1974, as amended. The St. Bernard Parish Government is committed through adoption of this plan to full and total involvement of all residents of the community in the composition, implementation and assessment of its Louisiana Disaster Recovery Community Development Block Grant (DR CDBG) Program. Attempts will be made to reach all citizens, with particular emphasis on participation by persons of low and moderate income, residents of slum and blighted areas and of areas in which funds are proposed to be used. A copy of this plan will be made available to the public upon request.

As part of the citizen participation requirements and to maximize citizen interaction, the St. Bernard Parish Government shall:

1. Provide citizens with reasonable and timely access to local meetings, information and records relating to the State's proposed method of distribution, as required by the Secretary, and relating to the actual use of funds under Title I of the Housing and Community Development Act of 1974, as amended;
2. Provide for public hearings to obtain views and respond to proposals and questions at all stages of the community development program. These hearings will consist of the development of needs and proposed activities and review of program performance. These hearings will be held after adequate notice, a minimum of five calendar days, at times and locations convenient to potential or actual beneficiaries with accommodations for persons with disabilities;
3. Provide for and encourage citizen participation with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used;
4. Provide for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals;
5. Where applicable, identify how the needs of non-English speaking residents will be met in the case of public hearings; and
6. Provide for a formal written procedure which will accommodate a timely written response, within fifteen days where practicable, to written complaints and grievances.

Written minutes of the hearings and an attendance roster will be maintained by the St. Bernard Parish Government.

## PUBLIC HEARINGS

Notices informing citizens of any public hearings will appear in the official journal of the St. Bernard Parish Government a minimum of five calendar days prior to the hearing. In addition, notices will also be posted in (parish office buildings/town hall) and the hearing will be publicized through local community organizations, i.e., churches, clubs, etc., and/or dissemination of leaflets in the target area. Hearings will be held at times and locations convenient to potential or actual beneficiaries with accommodations for individuals with disabilities and non-English speaking persons. Whenever possible these hearings will be held within or near the target areas, at times affording participation by the most affected residents.

### **I. APPLICATION**

#### First Notice/Public Hearing

1. The public hearing to address the Disaster Recovery CDBG application submittal will be held approximately 5 calendar days prior to the deadline for submission of the application for the current funding cycle. The Citizen Participation Plan will be available at the hearing. The public notice for this hearing will state that the following will be discussed:
  - a. The amount of funds available for proposed community development;
  - b. The range of activities that may be undertaken, including the estimated amount proposed to be used for activities that will benefit persons of low and moderate income;
  - c. The plans of the for minimizing displacement of persons as a result of activities assisted with such funds and the benefits to be provided by the persons actually displaced as a result of such activities; and
  - d. The prior performance of Disaster Recovery CDBG programs funded by the State of Louisiana.

In addition, the notice shall state that all citizens, particularly low and moderate income residents of slum and blighted areas, are encouraged to submit their views and proposals regarding community development and housing needs. Those citizens unable to attend this hearing may submit their views and proposals to:

St. Bernard Parish Government  
8201 West Judge Perez Drive  
Chalmette, Louisiana 70043

The notice will also state that accommodations will be made for disabled and non-English speaking individuals provided a 5 day notice is received by the St. Bernard Parish Government.

#### Second Notice

1. Seven calendar days, at a minimum, prior to the deadline for submittal of the application, a second notice shall appear in the official journal informing the citizens of the following:
  - a. Proposed submittal date of the application;
  - b. Proposed objectives;
  - c. Proposed activities;

- d. Location of proposed activities;
- e. Dollar amount of proposed activities; and
- f. Location and hours available for application review.

In addition, the notice shall state "all citizens, particularly those affected by the proposed project, are encouraged to review the proposed application and submit any written comments on the application to:

St. Bernard Parish Government  
8201 West Judge Perez Drive  
Chalmette, Louisiana 70043

Negative comments received will be forwarded immediately to the State's Office of Community Development, Disaster Recovery Unit or the application will be withdrawn if necessary.

**II. AMENDMENTS**

Program amendments, which substantially alter the Disaster Recovery CDBG project from that approved in the original application, shall not be submitted to the State without holding one public hearing in accordance with the procedures outlined within this Citizen Participation Plan. Minutes of the hearing will be submitted with the request for the amendment. All interested citizens, particularly the low and moderate income, elderly, handicapped, and residents of the project area, shall be made aware and have the opportunity to comment on proposed amendments and/or submit alternative measures.

**III. CONSIDERATION OF OBJECTION TO APPLICATION OR AMENDMENT**

Persons wishing to object to approval of an application by the State may make such objection known to:

Division of Administration  
Office of Community Development, Disaster Recovery Unit  
Post Office Box 94095  
Baton Rouge, Louisiana 70804-9095

The State will consider objections made only on the following grounds:

1. The application description of needs and objectives is plainly inconsistent with available facts and data;
2. The activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the applicant; and
3. The application does not comply with the requirements set forth in the Final Statement or other applicable laws.

Such objections should include both an identification of the requirements not met and, in the case of objections relative to (1) above, the complainant must supply the data upon which he/she relied upon to support his/her objection.

## **IV. BILINGUAL**

Whenever a significant number of persons and/or residents of blighted neighborhoods communicate with a primary language other than English attend public hearings, the St. Bernard Parish Government will provide an interpreter for dissemination of information to them providing the St. Bernard Parish Government is given sufficient notification of 5 day(s).

## **V. TECHNICAL ASSISTANCE**

Technical assistance may be provided directly by the St. Bernard Parish Government to any citizen, particularly to low and moderate income persons, residents of blighted neighborhoods and minorities, who request assistance in the development of proposals and statement of views concerning the Disaster Recovery CDBG Program. The local officials, administrator and engineer will conduct informational meetings with the residents of the low to moderate income areas if a written request is received by the St. Bernard Parish Government with at least a one week notification. The persons who conduct the technical assistance meetings will disseminate information on the program and answer all pertinent questions.

## **VI. TIMELY ACCESS AND ADEQUATE INFORMATION**

The St. Bernard Parish Government shall provide timely disclosure of records, information and documents related to the Disaster Recovery CDBG program activities. Documents will be made available for copying upon request at the St. Bernard Parish Government Office, Monday thru Friday, 8:30 a.m. to 4:30 p.m. Such documents may include the following:

1. All meetings and promotional materials.
2. Records of hearings and meetings.
3. All key documents, including prior applications, letters, grant agreements, citizen participation plans, and proposed applications.
4. Copies of the regulations (final statements) concerning the program.
5. Documents regarding other important requirements, such as Procurement Procedures, Fair Housing, Equal Employment Opportunity, Uniform Act, Labor Provisions and Environmental Procedures.

## VII. CITIZEN COMPLAINT PROCEDURE

### SECTION 1

It is the policy of the St. Bernard Parish Government to review all complaints received by the St. Bernard Parish Government.

### SECTION 2

The following procedures will be followed on all complaints received by the St. Bernard Parish Government:

1. The complainant shall notify the SBPG's Office of the CAO of the complaint. The initial complaint may be expressed orally or by written correspondence.
2. The SBPG's Office of the CAO will notify the President or designated representative of the complaint within 10 working days.
3. The President or designated representative will investigate the complaint and will report the findings to the SBPG's Office of the CAO within 10 working days.
4. The SBPG's Office of the CAO will notify the complainant of the findings of the President or designated representative in writing or by telephone within 10 working days.
5. If the complainant is aggrieved by the decision, he must forward the complaint in writing (if previously submitted orally) to the SBPG's Office of the CAO who will forward the complaint and all actions taken by the President or designated representative to the appropriate council committee for their review. This will be accomplished within 10 working days of receipt of the written complaint.
6. The reviewing council committee will have 10 working days to review the complaint and forward their decision to the complainant in writing.
7. If the complainant is aggrieved with the decision of the Committee, he must notify the SBPG's Office of the CAO in writing that he desires to be afforded a hearing by the St. Bernard Parish Government Council. The complainant will be placed on the next regularly scheduled council meeting agenda. The SBPG's Office of the CAO will notify the complainant in writing of the date of the hearing.
8. The complainant must bring all relevant data, witnesses, etc., to the hearing. A representative of SBPG's Office of the CAO, at the hearing, will review the complaint and forward within 10 days a certified copy of the minutes of the meeting at which the hearing was conducted and a decision was rendered to the complainant. If a decision is not reached at the hearing, a representative of SBPG's Office of the CAO will inform complainant of an appropriate date to expect a response. Within 10 working days of reaching a decision, the complainant will be notified in writing of the decision.

Complaints concerning the general administration of the DISASTER RECOVERY CDBG Program may be submitted in writing directly to the:

Division of Administration  
Office of Community Development, Disaster Recovery Unit  
Post Office Box 94095  
Baton Rouge, Louisiana 70804-9095

SECTION 3

All citizen complaints relative to Fair Housing/Equal Opportunity violations alleging discrimination shall be forwarded for disposition to the:

Louisiana Department of Justice  
Public Protection Division  
Post Office Box 94095  
Baton Rouge, Louisiana 70804-9095

The complainant will be notified in writing within 10 days that, due to the nature of the complaint, it has been forwarded to the Louisiana Department of Justice.

or

Complainant may contact the Louisiana Department of Justice Division directly at the Toll Free Telephone number 1-800-273-5718 or 225-342-7900.

SECTION 4

The SBPG's Office of the CAO will maintain a file for the purpose of keeping reports of complaints.

SECTION 5

This policy does not invalidate nor supersede the personnel or other policies of the St. Bernard Parish Government which are currently adopted, but is intended to serve as a guide for complaints.

SECTION 6

This policy may be amended by a majority vote at any of the St. Bernard Parish Government regularly scheduled meetings.

ADOPTION

This Citizen Participation Plan is hereby adopted by St. Bernard Parish Government in regular session on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
GUY MCINNIS  
PARISH PRESIDENT

## #12

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 15, 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 #1557-03-16**

A RESOLUTION AUTHORIZING ST. BERNARD PARISH GOVERNMENT TO ADOPT THE LATEST CITIZEN PARTICIPATION PLAN POLICIES SET FORTH BY THE LA DIVISION OF ADMINISTRATION, OFFICE OF COMMUNITY DEVELOPMENT - DISASTER RECOVERY UNIT, IN RELATION TO COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) DISASTER RECOVERY FUNDS.

**WHEREAS**, St. Bernard Parish Government has been afforded the opportunity to apply and participate in the Community Development Block Grant – Disaster Recovery Program administered by the Division of Administration; and,

**WHEREAS**, the STATE requires Grantees to establish procedures to ensure adequate citizen participation with the program.

**SECTION 1.** NOW, THEREFORE BE IT RESOLVED by the St. Bernard Parish Council, that the attached policy titled “Citizen Participation Plan” is hereby adopted and affirmed on this 15th day of March, 2016.

**SECTION 2.** Severability. If any section, clause, paragraph, provision or portion of this resolution 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 resolution, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this resolution with the invalid portions omitted.

Page -2-  
Extract #12 continued  
March 15, 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 **adopted** on the 15<sup>th</sup> day of March, 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 Tuesday, March 15, 2016.

Witness my hand and the seal of the Parish of St. Bernard on this 15<sup>th</sup> day of March, 2016.

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ROXANNE ADAMS  
CLERK OF COUNCIL

**#11**

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 15, 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 #1556-03-16**

A RESOLUTION AUTHORIZING THE PARISH PRESIDENT TO EXECUTE AGREEMENTS RELATED TO RESTORE ACT FUNDING.

**WHEREAS**, the U.S. Congress has passed The Resources and Ecosystem Sustainability Tourism Opportunities and Revived Economy of the Gulf Coast Act of 2011 known as the RESTORE Act; and

**WHEREAS**, this Act establishes the Gulf Coast Restoration Trust Fund, a new subsection in Section 311 of the Federal Water Pollution Control Act, and other administrative arrangements for the receipt and distribution of monies generated from administrative, civil and criminal penalties paid by a responsible party in connection with the Deepwater Horizon oil spill; and

**WHEREAS**, the program regulations require St. Bernard Parish authorize its senior official to sign and execute documents on behalf of the Parish for the RESTORE program.

**NOW THEREFORE BE IT RESOLVED**, the St. Bernard Parish Council, does hereby authorize the President of St. Bernard Parish Government to sign and submit the Direct Component Certification by Authorized Senior Official form, 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 RESTORE Act Program.

Page -2-  
Extract #11 continued  
March 15, 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 **adopted** on the 15<sup>th</sup> day of March, 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 St. Bernard, Louisiana, on Tuesday, March 15, 2016.

Witness my hand and the seal of the Parish of St. Bernard on this 15<sup>th</sup> day of March, 2016.

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ROXANNE ADAMS  
CLERK OF COUNCIL

## #10

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 15, 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 #1555-03-16**

A RESOLUTION TO APPOINT MEMBERS TO THE ST. BERNARD PARISH HOME MORTGAGE AUTHORITY BOARD.

**WHEREAS**, vacancies exists on the St. Bernard Parish Home Mortgage Authority Board due to expiring terms on March 6, 2016; and,

**WHEREAS**, the Council is desirous of filling the aforementioned vacancies.

**NOW, THEREFORE, BE IT RESOLVED**, that the St. Bernard Parish Council, the governing authority, does hereby appoint the following as Members of the St. Bernard Parish Home Mortgage Authority Board:

<b>NAME</b>	<b>EXPIRATION DATE</b>
Guy McInnis	March 15, 2020
Wanda Alcon	March 15, 2020

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 **adopted** on the 15<sup>th</sup> day of March, 2016.

Page -2-  
Extract #10 continued  
March 15, 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 St. Bernard, Louisiana, on Tuesday, March 15, 2016.

Witness my hand and the seal of the Parish of St. Bernard on this 15<sup>th</sup> day of March, 2016.

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ROXANNE ADAMS  
CLERK OF COUNCIL

**#9**

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 15, 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 #1554-03-16**

A RESOLUTION APPOINTING NEW MEMBERS TO THE OLD ARABI HISTORIC COMMISSION.

**WHEREAS**, St. Bernard Parish Council adopted **Ordinance SBPC #1374-02-13** on February 5, 2013 which established an Old Arabi Neighborhood Commission, and;

**WHEREAS**, this Council is desirous to seat this commission; and

**NOW THEREFORE, BE IT RESOLVED**, that the St. Bernard Parish Council, the Governing Authority, does hereby appoint the following members to the Old Arabi Neighborhood Commission; and

**BE IT FURTHER RESOLVED**, that these terms shall be effective as of March 15, 2016 and terminate as follows:

<b><u>Member</u></b>	<b><u>Expiration Date</u></b>	<b><u>Appointee From</u></b>
Ray Lauga Jr.	06/18/17	Old Arabi Neighborhood Association
Col. Tim Chastin	03/15/18	Jackson Barracks Commandant

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 **adopted** on the 15<sup>th</sup> day of March, 2016.

Page -2-  
Extract #9 continued  
March 15, 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 St. Bernard, Louisiana, on Tuesday, March 15, 2016.

Witness my hand and the seal of the Parish of St. Bernard on this 15<sup>th</sup> day of March, 2016.

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ROXANNE ADAMS  
CLERK OF COUNCIL

**#8**

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 15, 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 #1553-03-16**

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

<u>Establishment</u>	<u>Beer</u>	<u>Liquor</u>
1. The Kimmy Group, LLC dba The Palms Too 8001-B W. St. Bernard Highway, Arabi, LA 70032 Member: Charles L. Bienvenu Expires: March 31, 2016	X	X
2. M & P Servicios Hispanos, LLC dba M & P Servicios Hispanos 8823 W. Judge Perez Drive, Chalmette, LA 70043 Members: Gary Fischer and Monica Fischer Expired: January 31, 2016	X	X
3. Penny's Café', Inc. dba Penny's Café' 5442 E. Judge Perez Drive, Violet, LA 70092 Owners: David and Penny Lepine Expired: February 28, 2016	X	
4. Rick's Veteran's, LLC dba Magnolia Discount 7600 W. Judge Perez Drive, Arabi, LA 70032 Owner: Fouad El Jaouhari Expires: March 31, 2016	X	X
5. Rocky & Carlo's, Inc. dba Rocky & Carlo's Restaurant & Bar 613 W. St. Bernard Highway, Chalmette, LA 70043 Owners: Thomas Tommaseo, Tommoso G. Tommaseo and Leonanda Tommaseo Gio Expires: March 31, 2016	X	X
6. Nap's Place, LLC dba Speck's Bar 2603 Hopedale Highway, St. Bernard, LA 70085 Members: Craig and Aline Napoli Expires: February 28, 2016	X	X

Page -2-  
Extract #8 continued  
March 15, 2016

**Special Event Permit(s)**

1. Name of Organization: The Voices Foundation  
Address: 821 Angela Avenue, Arabi, LA 70032  
Contact Person: Barry Lemoine  
Name of Event: Robin Hood  
Location Event: Docville Farm  
5128 E. St. Bernard Hwy., Violet, LA 70092  
Date and Time: April 8 and 9, 2016, 7:30-10:00 p.m.

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 **adopted** on the 15<sup>th</sup> day of March, 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 Tuesday, March 15, 2016.

Witness my hand and the seal of the Parish of St. Bernard on this 15<sup>th</sup> day of March, 2016.

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ROXANNE ADAMS  
CLERK OF COUNCIL

**EXHIBIT "A"**  
**SUMMARY NO. 3356**  
**ORDINANCE SBPC #XXXX-XX-XX**

*Chapter 15 – Oil, Gas, and Mineral Exploration, Removal and Transporting;  
Other Land-Disturbing and Water-Disturbing Activities  
Article II – Seismic Activity  
Section 15-37 – Operation of Air Boats*

Sec. 15-37 - Operation of air boats regulated.

(a) Air boats shall not be launched or operated within ~~one-half (1/2)~~ two (2) mile(s) of a populated area during the period beginning one-half (1/2) hour after sunset and ending at sunrise. Airboats may be launched and operated within ~~one-half (1/2)~~ two (2) mile(s) of a populated area outside of the prohibited period only if the air boat is propelled at no more than idle speed in any area within a radius of ~~one-half (1/2)~~ two (2) mile(s) from the nearest inhabited dwelling. For purposes of this section, an "air boat" shall be defined as any watercraft propelled by means of an air propeller powered by an engine of at least twenty-five (25) horsepower (25 hp) and "idle speed" shall mean that speed attained by the watercraft using only the minimum amount of fuel necessary to keep the engine running. In no case, however, shall idle speed be more than five (5) miles per hour nor shall an engine at idle speed be allowed to turn faster than one thousand (1,000) revolutions per minute for purposes of this section.

(b) The exhaust of any internal combustion engine used on any air boat shall be muffled in such a manner that the noise levels generated by said engine do not exceed levels prohibited by the St. Bernard Parish Noise Ordinance.

(c) Air boats shall at all times be operated in compliance with all parish, state and federal laws and regulations, including any restrictions placed on the use of the air boats in a conditional letter of no objection or other project-specific regulation issued by the department of community development.

(d) ~~No person shall without authority go into or upon or remain in or upon or attempt to go into or upon any immovable property which belongs to another, for the purpose of operating or using an air boat, after having been forbidden to do so, either orally or in writing, including by means of any sign as hereinafter described, by any owner, lessee, or custodian of the property or by any other person authorized by any such persons. For the purposes of this section, "sign" means any sign or signs posted on the immovable property in such place or places where the sign(s) may be reasonably expected to be seen.~~

It shall be unlawful for any commercial or recreational air boat within the boundaries of St. Bernard Parish to commit a trespass on private or public property without the express written permission of the landowner. It shall be unlawful for any commercial or recreational air boat within the boundaries of the parish to operate between 9:30 p.m. and 4:30 a.m. within two (2) miles of any residence on private or public property. It shall be unlawful for any commercial or recreational air boat to operate at more than five (5) mph within one-half (1/2) mile of any residences within the boundaries of the parish.

(e) Spark arresters will be used in lieu of standard automotive mufflers.

- (f) No air boat will be allowed to operate without a Teflon coated bottom or a damaged Teflon bottom.
- (g) A safety flag extending a minimum of four (4) feet above top of the propeller cage. Flag will be a minimum of twenty-four (24) inches in length, twelve (2) inches in width and the color of hunter orange.
- (h) Boat numbers same will be installed in one (1) foot letters on the outside of rudders or grass cage.
- (i) Only biodegradable soap will be used as a bottom lubricant.
- (j) If P.V.C. pipe rope mats shall be used to cross any protection levee in areas where landlocked ponds would open to tidal flow for up and down ramp at quarter boat sites or other sites to be determined by parish inspectors
- (k) Mats will be constructed a minimum of two (2) inches schedule 40 white pipe.

**(l) It shall be unlawful for any person to violate the provisions of this section or any order issued pursuant thereto or to willfully fail or refuse to comply with the orders of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing this article and the orders issued pursuant to this article and, upon conviction thereof, shall be fined:**

- (a) First Offense not less than 250.00 up to 500.00**
- (b) Second Offense not less than 500.00 up to 1,000.00**
- (c) Third and subsequent offense not less than 1,000.00 up to 5,000.00**

## PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **TUESDAY, MARCH 15, 2016 AT THREE (3:00) O'CLOCK P.M.** AT THE COUNCIL CHAMBERS OF THE GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA TO RECEIVE COMMENTARY ON THE FOLLOWING PROPOSED ORDINANCE INTRODUCED AT THE MARCH 1, 2016 COUNCIL MEETING:

### **Summary No. 3356**

Introduced by: Councilmember Montelongo

AN ORDINANCE TO AMEND CHAPTER 15 OIL, GAS, AND MINERAL EXPLORATION, REMOVAL AND TRANSPORTING; OTHER LAND-DISTURBING AND WATER-DISTURBING ACTIVITIES; ARTICLE II SEISMIC ACTIVITY; SECTION 15-37 OPERATION OF AIR BOATS REGULATED OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

**SECTION 1.** The Parish Council hereby amends Chapter 15; Oil, Gas, and Mineral Exploration, Removal and Transporting; Other Land-Disturbing and Water-Disturbing Activities; Article II Seismic Activity; Section 15-37 Operation of Air Boats Regulated of the St. Bernard Parish Code of Ordinances as attached in Exhibit "A".

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

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

BY DIRECTION OF

*Kerri Callais*

KERRI CALLAIS  
COUNCIL CHAIR

## PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **TUESDAY, MARCH 15, 2016 AT THREE (3:00) O'CLOCK P.M.** AT THE COUNCIL CHAMBERS OF THE GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA TO RECEIVE COMMENTARY ON THE FOLLOWING PROPOSED ORDINANCE INTRODUCED AT THE MARCH 1, 2016 COUNCIL MEETING:

### **Summary No. 3354**

Introduced by: Councilmember Callais

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1301-05-12**, ORDINANCE TO AMEND CHAPTER 5, BUILDINGS, CONSTRUCTION AND RELATED ACTIVITIES; ARTICLE II COASTAL ZONE MANAGEMENT; SECTION 5-33 OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

**Code language: Bold underlined to be added, ~~Bold strike through to be deleted~~.**

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That Chapter 5, Article II, Section 5-33, Duties of the local coastal program advisory committee, Subsection (d) is amended to read the following:

#### **Sec. 5-33 Duties of the Local Coastal Program Advisory Committee**

- (d) Be organized by the local administrator ~~chairman who is determined by a vote of the committee~~; who functions as a non-voting chair of the committee meetings;
- ~~(e) Local administrator functions as the secretary of the committee;~~
- (f) Advise, comment, or make recommendations to the parish council on any coastal project, coastal activity or coastal development;
- ~~(f)~~ (g) Review and comment upon any proposed rules and regulations impacting the coastal zone;
- ~~(g)~~ (h) Recommend to the parish council any modifications to this article;
- ~~(h)~~ (i) Review and comment upon any coastal use permit at the request of the local administrator;
- ~~(i)~~ (j) Nominate a representative to hear appeals in accord with this article;

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 of this Ordinance with the invalid portions omitted.

BY DIRECTION OF

*Kerri Callais*

KERRI CALLAIS  
COUNCIL CHAIR

**St. Bernard Parish Government**

**Summary No. 3353**

**Proposed 2016 Budget Amendment 3-1-2016**

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**\$50MIL BOND 9.3MILLION DOLLARS DEDICATED**

<u>FUND</u>	<u>COST CENTER</u>	<u>PROJECT</u>	Current Funding Obligations	Original Estimated Cost	Budget Amendment	New Estimated Cost
157	4310	0000	Munster Treatment Plant Retainage	\$ 1,600,000.00	-	\$ 1,600,000.00
157	4310	4239	DRAVO Force Main	\$ 580,048.28	-	\$ 580,048.28
157	4310	7820	Water Treatment Plant	\$ 800,000.00	-	\$ 800,000.00
157	4310	0000	Jackson/Pakenham Project	\$ 540,000.00	-	\$ 540,000.00
			<b>Total</b>	\$ 3,520,048.28	\$ -	\$ 3,520,048.28

<u>FUND</u>	<u>COST CENTER</u>	<u>PROJECT</u>	Current Projects Requiring Funding	Original Estimated Cost	Adjustments	New Estimated Cost
157	6200	6010	Boat House Allocation	\$ 500,000.00	-	\$ 500,000.00
157	3425	8812	MS River Bike Path Phase I, II, III & Trailheads	\$ 400,000.00		\$ 400,000.00
157	6110	8813	Val Riess Bike Path	\$ 6,000.00		\$ 6,000.00
157	2311	0000	Litigation Settlement - CIP Governemnt Complex	\$ 30,000.00		\$ 30,000.00
157	4310	0768	Water & Sewer Warehouse	\$ 551,000.00		\$ 551,000.00
157	4310	0000	Wet Well Lining Bypass Pump	\$ 50,000.00		\$ 50,000.00
157	2161	0000	Courthouse (Isaac Deductible)	\$ 726,000.00	(453,967.00)	\$ 272,033.00
157	3310	0000	Fire Station #3 (Isaac Deductible)	\$ 48,758.77		\$ 48,758.77
157	3310	0000	Fire Station #12 (Isaac Damage)	\$ 500,000.00		\$ 500,000.00
157	6110	0000	Val Riess Turf (4 Fields - Phase 1)	\$ 607,091.00		\$ 607,091.00
157	6110	0000	Val Riess Turf (Phase 2)	\$ 600,000.00		\$ 600,000.00
157	3495	0000	Misc Debt	\$ 161,101.95		\$ 161,101.95
157	3495	0000	Isaac 25% Match (ineligible)	\$ 500,000.00	(200,000.00)	\$ 300,000.00
157	3495	8862	Master Drainage Plan	\$ 40,000.00	653,967.00	\$ 693,967.00
157	3425	4505	GIS Mapping	\$ 52,023.00		\$ 52,023.00
157	3495	8866	Submerged Roads	\$ 1,007,977.00		\$ 1,007,977.00
			<b>Total</b>	\$ 5,779,951.72	\$ -	\$ 5,779,951.72
				\$ <b>9,300,000.00</b>	\$ -	\$ <b>9,300,000.00</b>

*This Budget Amendment is to reallocate remaining the dedication of \$50Million Bond Proceeds to the Master Drainage Plan Project by reducing the dedication of these funds to Hurricane Isaac Deductibles as it is reasonable assumed these funds will no longer be owed as deductible payments.*

## PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **TUESDAY, MARCH 15, 2016 AT THREE (3:00) O'CLOCK P.M.** AT THE COUNCIL CHAMBERS OF THE GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA TO RECEIVE COMMENTARY ON THE FOLLOWING PROPOSED ORDINANCE INTRODUCED AT THE MARCH 1, 2016 COUNCIL MEETING:

### **Summary No. 3353**

Introduced by: Administration on 3/1/16

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.

BY DIRECTION OF

*Kerri Callais*

KERRI CALLAIS  
COUNCIL CHAIR

OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A **REGULAR MEETING** HELD ON TUESDAY, **MARCH 1, 2016 AT 7:00 P.M.** IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA.

The St. Bernard Parish Council, the Governing Authority, met in Regular in the Council Chambers of the St. Bernard Parish Government Complex, Chalmette, Louisiana on March 1, 2016 at seven o'clock p.m. pursuant to notice given to each member and posted in the manner required by law.

The meeting convened at 7:06 p.m. Members present: Council Chair, Kerri Callais, Councilmembers Gillis McCloskey, Nathan Gorbaty, Howard Luna, Wanda Alcon, Manuel "Monty" Montelongo and Richard "Richie" Lewis.

Members absent: None

Also present were Roxanne Adams, Clerk of Council, serving as official secretary of the Council and CAO, Ronnie Alonzo was present representing Administration.

Reverend Jeff Duke delivered the invocation and Councilmember Montelongo led the Pledge of Allegiance.

**#1** On motion of Mr. Lewis, seconded by Mr. Montelongo, it was moved to approve the minutes from the February 18, 2016 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, February 26, 2016.

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

**YEAS:** McCloskey, Gorbaty, Luna, Alcon, Montelongo, Lewis

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 1<sup>st</sup> day of March, 2016.

**#2** On joint motion of the Council, without objection and by unanimous consent, it was moved to proclaim March 5, 2016 as "Relay for Life" in St. Bernard Parish.

**#3** On joint motion of the Council, without objection and by unanimous consent, it was moved to proclaim March 7, 2016 as "Realtor Day" in St. Bernard Parish.

**#4 President's Report**

A copy of this report is on file with the minutes of this meeting.

**#5 Councilmember's District Update**

A copy of this update is on file with the minutes of this meeting.

**#6 Recognize the Public**

- Judge Gorbaty – Chalmette, LA
- Catherine Serpas – St. Bernard, LA
- David Delise – Chalmette, LA

On motion of the Chair, without objection and by unanimous consent, it was moved to address item #23.

**#23** On motion of Mr. Lewis, seconded by Mr. Gorbaty, it was moved to discuss and take any action necessary as it relates to 3105 Plaza Drive.

Discussion ensued; Address is to be corrected as 3104.  
No official action taken.

**#7 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.

**NO ONE APPEARED TO SPEAK FOR OR AGAINST THE PROPOSED ORDINANCE**

**#8 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.

**NO ONE APPEARED TO SPEAK FOR OR AGAINST THE PROPOSED ORDINANCE**

**#9 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.

**NO ONE APPEARED TO SPEAK FOR OR AGAINST THE PROPOSED ORDINANCE**

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

**RESOLUTION SBPC #1449-03-16**

**Beer and/or Liquor Permit(s)**

1. Jaber and Son's, Inc. dba Quick Check #6 5815 E. Judge Perez Drive Violet, LA 70092 Owner: Abdallah A. Jaber **(Renewal) (Beer and Liquor)**
2. The Palms Casino & Truck Stop, Inc. dba The Palms Casino 8001-C W. St. Bernard Highway Arabi, LA 70032 Owners: Charles L. Bienvenu and John R. Bienvenu, Jr **(Renewal) (Beer and Liquor)**
3. The Palms Casino & Truck Stop, Inc. dba The Palms Truck Stop 8001-A W. St. Bernard Highway Arabi, LA 70032 **(Renewal) (Beer and Liquor)**

# Minutes of the St. Bernard Parish Council Meeting of March 1, 2016

## Page -3-

4. Par 3 Restaurant, LLC dba Par 3 Restaurant 1530 E. Judge Perez Drive Chalmette, LA 70043  
Member: Dorothy Z. LaBrosse **(Renewal) (Beer and Liquor)**
5. Pons-A-Pack, Inc. dba Ponstein's Food Store 3523 Paris Road Chalmette, LA 70043  
**(Renewal) (Beer and Liquor)**
6. QC Discount, LLC dba Meraux Food Store Chalmette, LA 70043 Owner: Abdallah A. Jaber  
**(Renewal) (Beer and Liquor)**
7. QC Pit Lane, LLC dba QC Pit Lane 3225 E. Judge Perez Drive Meraux, LA 70075 Members:  
Abdallah A. Jaber & Ahmed Jaber **(Renewal) (Beer and Liquor)**
8. Quick Check, Inc. dba Quick Check #4 617 Bayou Road St. Bernard, LA 70085 Owner:  
Abdallah A. Jaber **(Renewal) (Beer and Liquor)**

### Special Events

1. Name of Organization: Slow Food New Orleans  
Address: 2819 Orchid Street, New Orleans, LA 70119  
Contact Person: Cisco Gonzales  
Name of Event: **Slow Food Seafood Boil & Boucherie**  
Location of Event: Docville Farm  
5128 E. St. Bernard Hwy., Violet, LA 70092  
Date and Time: March 13<sup>th</sup> – 7:00 a.m. – 3:00 p.m.
2. Name of Organization: Louisiana Crawfish Festival, Inc.  
Address: 2107 Paris Road, Chalmette, LA 70043  
Contact person: Gary Granata  
Name of Event: **Louisiana Crawfish Festival**  
Location of Event: 8245 W. Judge Perez Drive, Chalmette, LA  
Date and Time: March 31 – April 3, 2016  
March 31<sup>st</sup> 2-10 p.m.  
April 1<sup>st</sup> 2-Midnight  
April 2<sup>nd</sup> 11a.m. – Midnight  
April 3<sup>rd</sup> 11 a.m. -10 p.m.
3. Name of Organization: Our Lady of Prompt Succor Catholic Church  
Address: 2320 Paris Road, Chalmette, LA 70043  
Contact Person: Reverend Lance J. Campo  
Name of Event: **OLPS Tomato Festival**  
Location of Event: 2320 Paris Road, Chalmette, LA 70043  
Date and Time: April 29, 30 and May 1, 2016

Discussion ensued;

On motion of Mr. Montelongo, seconded by Mr. Luna, it was moved to amend this item to add the following additional special event permit:

4. Name of Organization: Old Arabi Neighborhood Association  
Address: 843 Angela Avenue, Arabi, LA 70032  
Contact Person: Maegan Dobson

# Minutes of the St. Bernard Parish Council Meeting of March 1, 2016

Page -4-

Name of Event: **Sippin' in the Sunset**  
Location of Event: Aycock Barn, 409 Aycock Street, Arabi, LA 70032  
Date and Time: March 3, 2016, 6:00 – 8:00 p.m.  
April 7, 2016, 6:00 – 8:00 p.m.  
May 5, 2016, 6:00 – 8:00 p.m.

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

**YEAS:** McCloskey, Gorbaty, Luna, Alcon, Montelongo

**NAYS:** None

**ABSENT:** None

**ABSTAINED:** Lewis

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

And the motion was declared **adopted** on the 1<sup>st</sup> day of March, 2016.

On motion of Mr. Montelongo, seconded by Mr. Luna, it was moved to **adopt** Resolution SBPC #1449-03-16, as amended.

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

**YEAS:** McCloskey, Gorbaty, Luna, Alcon, Montelongo

**NAYS:** None

**ABSENT:** None

**ABSTAINED:** Lewis

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

And the motion was declared **adopted** on the 1<sup>st</sup> day of March, 2016.

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

## **RESOLUTION SBPC #1550-03-16**

A RESOLUTION TO RE-APPOINT RUTH BERTUCCI AS THE GOVERNING AUTHORITY'S BOARD MEMBER OF THE ST. BERNARD FIRE PROTECTION DISTRICTS NO. 1 -2, FIRE CIVIL SERVICE BOARD.

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

**YEAS:** McCloskey, Gorbaty, Luna, Alcon, Montelongo, Lewis

**NAYS:** None

**ABSENT:** None

**Minutes of the St. Bernard Parish Council Meeting of March 1, 2016**

**Page -5-**

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

And the motion was declared **adopted** on the 1<sup>st</sup> day of March, 2016.

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

**RESOLUTION SBPC #1551-03-16**

A RESOLUTION ENDORSING PBF ENERGY PARTICIPATION IN THE LA ENTERPRISE ZONE PROGRAM ADVANCE NOTIFICATION #20160619.

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

**YEAS:** McCloskey, Gorbaty, Luna, Alcon, Montelongo, Lewis

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 1<sup>st</sup> day of March, 2016.

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

**RESOLUTION SBPC #1552-03-16**

A RESOLUTION APPOINTING NEW MEMBERS TO THE OLD ARABI HISTORIC COMMISSION.

<u>Member</u>	<u>Expiration Date</u>	<u>Appointee From</u>
Michael Doody	03/01/18	Old Arabi Neighborhood Association
Clinton Trahant	06/18/16	Planning Commission

Discussion ensued;

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

**YEAS:** McCloskey, Gorbaty, Luna, Alcon, Montelongo, Lewis

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 1<sup>st</sup> day of March, 2016.

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

**ORDINANCE SBPC #1741-03-16**

**Summary No. 3342**

Introduced by: Administration on 1/26/16

Public hearing held on 2/18/16

Tabled on 2/18/16 until 3/1/16

EFC made **No Recommendation** on 2/25/16

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

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

**YEAS:** McCloskey, Gorbaty, Luna, Alcon, Montelongo, Lewis

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 1<sup>st</sup> day of March, 2016.

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

**Summary No. 3344**

Removed prior to Introduction on 1/26/16

Introduced by: Councilmember Gorbaty on 2/18/16

Public hearing held on 3/1/16

EFC made **No Recommendation** on 2/25/16

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.

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

**YEAS:** Gorbaty, Luna, Montelongo

**NAYS:** McCloskey, Alcon, Lewis

**ABSENT:** None

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

And the motion was declared **failed** on the 1<sup>st</sup> day of March, 2016.

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

**ORDINANCE SBPC #1742-03-16**

**Summary No. 3348**

Introduced by: Administration on 2/18/16

Public hearing held on 3/1/16

EFC made **No Recommendation** on 2/25/16

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

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

**YEAS:** McCloskey, Gorbaty, Luna, Alcon, Montelongo, Lewis

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 1<sup>st</sup> day of March, 2016.

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

**ORDINANCE SBPC #1743-03-16**

**Summary No. 3349**

Introduced by: Administration on 2/18/16

Public hearing held on 3/1/16

EFC recommended **APPROVAL** on 2/25/16

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

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

**YEAS:** McCloskey, Gorbaty, Luna, Alcon, Montelongo, Lewis

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 1<sup>st</sup> day of March, 2016.

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

**Summary No. 3353**

Introduced by: Administration on 3/1/16

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1713-12-15**, AN ORDINANCE TO ADOPT THE 2016 ST.

**Minutes of the St. Bernard Parish Council Meeting of March 1, 2016**

**Page -8-**

BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

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

**YEAS:** McCloskey, Gorbaty, Luna, Alcon, Montelongo, Lewis

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 1<sup>st</sup> day of March, 2016.

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

**Summary No. 3354**

Introduced by: Councilmember Callais

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1301-05-12**, ORDINANCE TO AMEND CHAPTER 5, BUILDINGS, CONSTRUCTION AND RELATED ACTIVITIES; ARTICLE II COASTAL ZONE MANAGEMENT; SECTION 5-33 OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

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

**YEAS:** McCloskey, Gorbaty, Luna, Alcon, Montelongo, Lewis

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 1<sup>st</sup> day of March, 2016.

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

**Summary No. 3355**

Introduced by: Administration on 3/1/16

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

Discussion ensued;

On motion of Mr. Lewis, seconded by Mr. McCloskey, it was moved to table this item for three (3) meetings.

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

**YEAS:** McCloskey, Luna, Alcon, Montelongo, Lewis

**Minutes of the St. Bernard Parish Council Meeting of March 1, 2016**

**Page -9-**

**NAYS:** Gorbaty

**ABSENT:** None

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

And the motion was declared **adopted** on the 1<sup>st</sup> day of March, 2016.

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

**Summary No. 3356**

Introduced by: Councilmember Montelongo

AN ORDINANCE TO AMEND CHAPTER 15 OIL, GAS, AND MINERAL EXPLORATION, REMOVAL AND TRANSPORTING; OTHER LAND-DISTURBING AND WATER-DISTURBING ACTIVITIES; ARTICLE II SEISMIC ACTIVITY; SECTION 15-37 OPERATION OF AIR BOATS REGULATED OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

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

**YEAS:** McCloskey, Gorbaty, Luna, Alcon, Montelongo

**NAYS:** None

**ABSENT:** None

**DID NOT VOTE:** Lewis

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

And the motion was declared **adopted** on the 1<sup>st</sup> day of March, 2016.

**#22 Coastal Zone Advisory Committee**

No official action taken

**#24** On motion of Mr. Luna, seconded by Mrs. Alcon it was moved to enter into Executive Session to discuss Katrina Nash vs. Jose E. Calderon et al. 34<sup>th</sup> JDC #15-1267.

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

**YEAS:** McCloskey, Gorbaty, Luna, Alcon, Montelongo, Lewis

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 1<sup>st</sup> day of March, 2016.

**Minutes of the St. Bernard Parish Council Meeting of March 1, 2016**

**Page -10-**

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

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

**YEAS:** McCloskey, Gorbaty, Luna, Alcon, Montelongo, Lewis

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 1<sup>st</sup> day of March, 2016.

On motion of Mrs. Alcon, seconded by Mr. McCloskey, it was moved to accept the advice of legal counsel.

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

**YEAS:** McCloskey, Gorbaty, Luna, Alcon, Montelongo, Lewis

**NAYS:** None

**ABSENT:** None

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

And the motion was declared **adopted** on the 1<sup>st</sup> day of March, 2016.

There being no further business for discussion, the Council Chair declared the meeting adjourned at 8:22 p.m. on the 1<sup>st</sup> day of March, 2016.

Next Regular scheduled Council Meeting will be held Tuesday, March 15, 2016 @ 3:00 p.m.

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

*Roxanne Adams*

ROXANNE ADAMS  
CLERK OF COUNCIL

*Kerri Callais*

KERRI CALLAIS  
COUNCIL CHAIR

**#1**

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 15, 2016 AT THREE O'CLOCK P.M.

On motion of Mr. XXX, seconded by Mr. XXX, it was moved to approve the minutes from the March 1, 2016 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, March 11, 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 **adopted** on the 15<sup>th</sup> day of March, 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 St. Bernard, Louisiana, on Tuesday, March 15, 2016.

Witness my hand and the seal of the Parish of St. Bernard on this 15<sup>th</sup> day of March, 2016.

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ROXANNE ADAMS  
CLERK OF COUNCIL