



St. Bernard Parish Council

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

Guy McInnis
Councilman
at Large

George Cavignac
Councilman
at Large

Ray Lauga, Jr.
Councilman
District A

Nathan Gorbaty
Councilman
District B

Richard "Richie" Lewis
Councilman
District C

Casey W. Hunnicutt
Councilman
District D

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

Roxanne Adams
Clerk of Council

#3

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A SPECIAL MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON FRIDAY, JUNE 19, 2015 AT FOUR O'CLOCK P.M.

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

ORDINANCE SBPC #1654-06-15

Summary No. 3245

Introduced by: Council on 6/5/15

Public hearing held on 6/16/15

AN ORDINANCE TO REQUIRE THE PARISH PRESIDENT TO TERMINATE THE AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN ST. BERNARD PARISH GOVERNMENT AND PARATECH, LLC.

WHEREAS, St. Bernard Parish Government (sometimes referred to herein as "SBPG") entered into an Agreement for Professional Services with Paratech, LLC, effective January 16, 2014 and Addendum signed May 5, 2014 (referred to collectively herein as "the Agreement"). The Agreement is attached as Exhibit A; and,

WHEREAS, the Agreement provides in Article IX Section 2 that SBPG has the right to terminate this agreement without cause immediately upon giving Paratech, LLC written notice of its intent to terminate at least ten (10) days prior to the date of termination; and,

WHEREAS, it is in the best interests of the citizens of St. Bernard Parish to terminate the Agreement.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish President is hereby directed to, within twenty-four hours of the effective date of this ordinance, give Paratech, LLC notice that St. Bernard Parish Government intends to terminate the agreement for professional services between St. Bernard Parish Government and Paratech, LLC for convenience pursuant to Article IX, Section 2 of the agreement. Said notice is to be sent via certified mail, return receipt requested and via hand delivery.



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Page -2-
Extract #3, continued
June 19, 2015

SECTION 2. The St. Bernard Parish President is hereby directed to terminate the agreement ten days after Paratech, LLC receives notice of St. Bernard Parish Government's intent to terminate the agreement.

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

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

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

YEAS: Lauga, Gorbaty, McInnis

NAYS: None

ABSENT: Lewis, Hunnicutt, Montelongo

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

And the motion was declared **adopted** on the 19th day of June, 2015.



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Page -3-
Extract #3, continued
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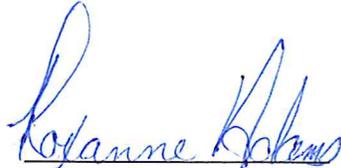
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ROXANNE ADAMS
CLERK OF COUNCIL


GEORGE CAVIGNAC
COUNCIL CHAIRMAN

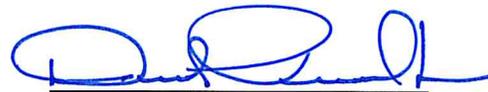
Delivered to the Parish President

6/22/2015 10:15AM
Date and Time

Approved _____

Vetoed _____

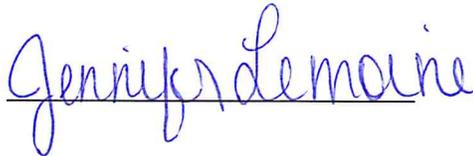
Parish President


David E. Peralta

Returned to Clerk of the Council

6/30/2015 1:40pm
Date and Time

Received by



June 30, 2015

Roxanne Adams
Clerk of Council
8201 W. Judge Perez Drive
Chalmette, Louisiana 70043

Re: VETO of Ordinances 1654-06-15 & 1655-06-15

Dear Madam Clerk:

In accordance with the Home Rule Charter Sections 2-13 and 3-05(10), I hereby veto ordinances 1654-06-15 & 1655-06-15 (sometimes referred to herein as “the Ordinances”). In my opinion, the ordinances violate our Home Rule Charter and pertinent Louisiana Attorney General Opinions.

I will first address ordinance 1654-06-15. The ordinance, in substance, attempts to improperly usurp the executive’s power to contractually bind the Parish. The Home Rule Charter endows my office with the “general executive and administrative authority” of St. Bernard Parish Government.¹ Within this authority is the *exclusive* right to contractually bind the Parish.² It is the executive branch that has the “sole authority to select firms to provide non-legal professional services to the Parish.”³ Commensurate with the right to select firms is the right to terminate agreements. Therefore, any attempt by the Parish Council to terminate a publicly bid contract is outside their realm of authority and is null *ab initio*.

I will next address Ordinance 1655-06-15. This ordinance also improperly usurps the executive’s power to contractually bind the Parish. Ordinance 1655-06-15, in substance, eviscerates the Information Technology Office (“IT”) budget. It eliminates encumbered funds, necessary to pay for services provided under the contract that was lawfully signed. Our IT department is critical to the operations of government. IT provides excellent services not only to SBPG’s facilities but also assists the courthouse and the sheriff’s office. With such a breadth of responsibilities it is imperative to keep IT properly funded and able to function. It should be noted that during the budgeting process last year my administration submitted a request for funding of IT. The budget was then approved and put into law by the Council. The Council is

¹ H.R.C Sec. 3-01.

² La. Ag. Op. 10-0156

³ *Id.*

now attempting to overturn its own decision to fund IT. This significant defunding endangers not only our IT services but puts our electronically stored data at risk. I believe that the Council's adoption of the Ordinances violates the St. Bernard Parish Home Rule Charter and state law. As Parish President, it is my duty to uphold the Charter and the laws of this state. A part of this responsibility is to strike down any law that unlawfully curtails the duties or authority of my office. Therefore, I must also veto ordinance 1655-06-15 to protect the executive authority of the office of the Parish President.

In conclusion, I would urge the council to sustain my vetoes.

Sincerely,

, Signed June 30, 2015 at 1:35 p.m.

David E. Peralta
Parish President
St. Bernard Parish Government



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On motion of Mr. Lauga, seconded by Mr. Montelongo, it was moved to **OVERRIDE** the Parish Presidential Veto of **Ordinance SBPC #1654-06-15**, an ordinance to require the Parish President to terminate the agreement for professional services between St. Bernard Parish Government and ParaTech, LLC.

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

YEAS: Lauga, Lewis, Hunnicutt, Montelongo, McInnis

NAYS: None

ABSENT: Gorbaty

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

And the motion was declared **adopted** on the 15th day of July, 2015.

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Special Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Wednesday, July 15, 2015.

Witness my hand and the seal
of the Parish of St. Bernard on
this 15th day of July, 2015.

ROXANNE ADAMS
CLERK OF COUNCIL