



# *St. Bernard Parish Council*

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

**#2**

**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*

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT AN EMERGENCY MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON WEDNESDAY, JULY 15, 2015 AT NINE FIFTEEN A.M.

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

## **EMERGENCY ORDINANCE SBPC #1664-07-15**

### **Summary No. 3266**

AN EMERGENCY BUDGET ORDINANCE TO PRESERVE PROPERTY AND SAFETY OF ST. BERNARD PARISH DATA AND ELECTRONIC SYSTEMS.

**WHEREAS**, the Governing Authority of St. Bernard Parish believes it to be in the best interest of the citizens of St. Bernard Parish and St. Bernard Parish Government to preserve property and safety of St. Bernard parish data and electronic systems given current circumstances.

THE ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council, the Governing Authority, does hereby ordain the following budget amendment:

a. remove all unencumbered professional service line item funds from all general fund budgeted departments and move the total to the general fund balance

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

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.



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Extract #2  
July 15, 2015

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

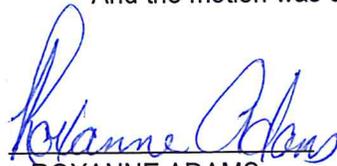
**YEAS:**            Gorbaty, Lewis, Hunnicutt, Montelongo, McInnis

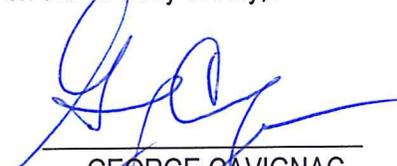
**NAYS:**            None

**ABSENT:**        Lauga

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

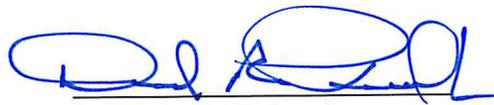
And the motion was declared **adopted** on the 15<sup>th</sup> day of July, 2015.

  
\_\_\_\_\_  
ROXANNE ADAMS  
CLERK OF COUNCIL

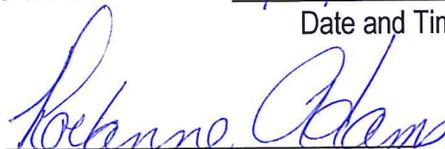
  
\_\_\_\_\_  
GEORGE CAVIGNAC  
COUNCIL CHAIR

Delivered to the Parish President    7-15-15 9:40am  
Date and Time

Approved \_\_\_\_\_                      Vetoed   /  

Parish President                              
David E. Peralta

Returned to Clerk of the Council    7/15/15 4:09pm  
Date and Time

Received by                                



# St. Bernard Parish Government

8201 West Judge Perez Drive  
Phone (504) 278-4200

Chalmette, Louisiana 70043  
Fax (504) 278-4330

**David E. Peralta**  
Parish President

July 15, 2015

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

*Re: VETO of Ordinance No. 1664-07-15*

Dear Madam Clerk:

In accordance with Home Rule Charter Sections 2-14 and 3-05(10), I hereby veto ordinance 1664-07-15 (sometimes referred to herein as "the Ordinance"). In my opinion, the ordinance violates our Home Rule Charter and severely disrupts the daily operations of government.

The ordinance arbitrarily reduces all unencumbered professional services line items from the general fund.<sup>1</sup> This will reduce the operational capacity of government by approximately \$410,224.00. Professional service agreements are contracts for services that require a level of expertise. The Parish contracts with these firms to perform vital services on a per-project or on-call basis. The agreements let my staff utilize the needed expertise of these companies. They save both time and protect the public fisc. Without access to these valuable resources, the daily operations of parish government will be severely impacted and my administration will not be able to provide high-level, quality services to the citizens of St. Bernard Parish. Our Charter requires my office to administer the affairs of this Parish. However, the ordinance makes some of my duties, and the duties of my staff, impossible. Therefore, I hold that this ordinance violates the Home Rule Charter of St. Bernard Parish.

Second, the ordinance is a sparsely-worded sentence that potentially impacts over \$9,000,000.00 dollars of St. Bernard's budget. It attempts to sweep away all professional service line items, in one stroke, and transfer these funds to general fund and eliminate SBPG's ability to deliver these vital services. For example, SBPG has professional service agreements with firms such as: Acadian Ambulance Service, Barowka and Bonura Engineers, numerous engineering and architectural firms that provide design and construction related services for recovery, construction, and road projects throughout the Parish, Foley & Judell (the Parish's Bond counsel), and several law firms representing the Parish in legal matters such as the BP settlement. To separate out all the impacted funds would require hours of work, by trained accountants, and would ultimately harm St. Bernard for the reasons stated above.

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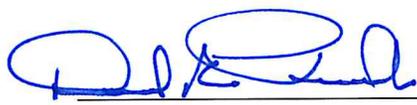
<sup>1</sup> SBPC #1664-07-15

Lastly, the ordinance was passed as an emergency ordinance under Sec. 2-14 of our Charter. This section requires that the ordinance contain a “specific statement of the emergency claimed.” However, the ordinance is devoid of any mention of or description of the impending emergency. In fact, no emergency existed at the time of the passage of the ordinance, and therefore the ordinance should have been enacted through the normal process of the charter. Therefore, this item is procedurally deficient as it does not describe what emergency is present.

I believe that the Council’s adoption of the Ordinance violates the St. Bernard Parish Home Rule Charter. As Parish President, it is my duty to uphold the Charter and the laws of this state. A part of this responsibility is to veto any law that unlawfully curtails the duties or authority of my office. Therefore, I must veto ordinance 1664-07-15 to protect the executive authority of the office of the Parish President.

I would urge the council to sustain my veto.

Sincerely,

 , Signed July 15, 2015 at 4 p.m.

David E. Peralta  
Parish President  
St. Bernard Parish Government