

PUBLIC NOTICE - ST. BERNARD PARISH COUNCIL MEETING - AGENDA

Email: radams@sbpg.net

(504) 278-4228

(504) 278-4209 (fax)

Posted 1/4/24

Tuesday, January 9, 2024

12:00 p.m.

Council Chambers

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Sign Interpreter will be provided if requested 48 working hours in advance. Should an interpreter be needed, it is advised that the interested person contact the Clerk of Council at 278-4228. All accessible formats are available upon request.

- A. Meeting Called to Order and Roll Call
- B. Remind Public that no food or drink is allowed in the Council Chambers
- C. Remind Public of Cell Phone Ordinance **SBPC #815-02-08**
- D. Invocation by Councilmember McCloskey
- E. Pledge of Allegiance by Councilmember Moran

APPROVAL OF MINUTES

1. Motion to approve the minutes of the December 19, 2023 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, December 29, 2023 (Council Chair)

RECOGNIZE THE PUBLIC

2. Recognize the Public

PUBLIC HEARING

3. **Summary No. 4153**
Introduced by: Administration on 12/19/23

AN ORDINANCE TO AUTHORIZE THE RETENTION OF THE LAW-FIRM BLUE WILLIAMS, L.L.P., TO PROVIDE LEGAL REPRESENTATION FOR ST. BERNARD PARISH GOVERNMENT IN THE CASE OF LMB SERVICES, LLC VS. THE PARISH OF ST. BERNARD GOVERNMENT, CIVIL NO. 23-1617, DIV. "D", 34th JUDICIAL DISTRICT COURT.

RESOLUTIONS

4. Adopt **Resolution SBPC #2343-01-24**, a resolution ratifying the following salaries of the CAO and Department Heads as appointed by Parish President, Louis Pomes, in accordance with Section 4-01(b) Article IV of the St. Bernard Parish Home Rule Charter. (Council)
5. Adopt **Resolution SBPC #2344-01-24**, a resolution appointing two Councilmembers and the Parish President to the Regional Planning Commission. (Council)
6. Adopt **Resolution SBPC #2345-01-24**, a resolution appointing new members to the Regional Planning Commission. (Council)

ADOPTION

7. **Summary No. 4153**
Introduced by: Administration on 12/19/23
Public Hearing held on 1/9/24

AN ORDINANCE TO AUTHORIZE THE RETENTION OF THE LAW-FIRM BLUE WILLIAMS, L.L.P., TO PROVIDE LEGAL REPRESENTATION FOR ST. BERNARD PARISH GOVERNMENT IN THE CASE OF LMB SERVICES, LLC VS. THE PARISH OF ST. BERNARD GOVERNMENT, CIVIL NO. 23-1617, DIV. "D", 34th JUDICIAL DISTRICT COURT.

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Posted 1/4/24

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Page 2 of 2

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OTHER MATTERS

8. 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 Monday, January 22, 2024 @ 7:00 p.m.

Approved by: *Richard "Richie" Lewis* Time: 11:45 a.m. Date: 1/4/24

#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, JANUARY 9, 2024 AT TWELVE O'CLOCK P.M.

On motion of XXXX, seconded by XXXX, it was moved to approve the minutes from the December 19, 2023 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, December 29, 2023.

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

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Everhardt, cast his vote as **XXX**.

And the motion was declared **adopted** on the 9th day of January, 2024.

C E R T I F I C A T E

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, January 9, 2024.

Witness my hand and the seal
of the Parish of St. Bernard on
this 9th day of January, 2024.

ROXANNE ADAMS
CLERK OF COUNCIL

OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A **REGULAR MEETING HELD ON TUESDAY, DECEMBER 19, 2023 AT 3:00 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 Session on Tuesday, December 19, 2023 at three o'clock p.m. pursuant to notice given to each member and posted in the manner required by law.

The meeting convened at 3:00 p.m. Members present: Council Chair Richard "Richie" Lewis, Gillis McCloskey, Joshua "Josh" Moran, Howard Luna, Wanda Alcon, Fred Everhardt, Jr., and Kerri Callais.

Also present were Roxanne Adams, Deputy Clerk of Council, serving as official secretary of the Council and Guy McInnis, Parish President and John Lane, CAO were representing Administration.

Councilmember Lewis delivered the invocation and Councilmember Alcon led the Pledge of Allegiance.

Elected Officials present were Patrice Cusimano – Council Elect District A, Cindi Meyer – Council Elect District C, Louis Pomes – Parish President Elect, Tony "Te-Ton" Jeansonne – Constable Ward J, Ray Lauga – Former Councilmember District A, Nathan Gorbaty – Former Councilmember District B, Casey Hunnicutt – Former Councilmember District D, Manuel "Monty" Montelongo – Former Councilmember District E, and Jeff Southerland, Justice of the Peace Ward "H".

#1 On motion of Mr. McCloskey, seconded by Ms. Callais, it was moved to approve the minutes from the December 5, 2023 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, December 15, 2023.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 19th day of December, 2023.

#2 On motion of the Council Chair, without objection and by unanimous consent, it was moved to recognize Smitty's Tire for 50 years in business in St. Bernard Parish.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 19th day of December, 2023.

On motion of the Council Chair, without objection and by unanimous consent, it was moved to take items #3, #4, and #5 in globo.

#3 Motion to recognize Raelynn Prestenbach for being named the 2023-2024 St. Bernard Parish District-Wide Elementary School Student of the Year.

#4 Motion to recognize Kinlee Pohlmann for being named the 2023-2024 St. Bernard Parish District- Wide Middle School Student of the Year.

#5 Motion to recognize Aniya Harris for being named the 2023-2024 St. Bernard Parish District-Wide High School Student of the Year.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

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ABSENT: None

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

And the motion was declared **adopted** on the 19th day of December, 2023.

#3 On joint motion of the Council Chair, without objection and by unanimous consent, it was moved to recognize Raelynn Prestenbach for being named the 2023-2024 St. Bernard Parish District-Wide Elementary School Student of the Year.

#4 On joint motion of the Council Chair, without objection and by unanimous consent, it was moved to recognize Kinlee Pohlmann for being named the 2023-2024 St. Bernard Parish District-Wide Middle School Student of the Year.

#5 On joint motion of the Council Chair, without objection and by unanimous consent, it was moved to recognize Aniya Harris for being named the 2023-2024 St. Bernard Parish District-Wide High School Student of the Year.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 19th day of December, 2023.

On motion of the Council Chair, without objection and by unanimous consent, it was moved to address item #6 after item #26.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 19th day of December, 2023.

#7 President's Report

No action taken on this item.

#8 Recognize the Public

- Tommy Nunez – Chalmette – LA

On motion of the Council Chair, without objection and by unanimous consent, it was moved to address item #17 at this time.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 19th day of December, 2023.

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

RESOLUTION SBPC #2344-12-23

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A RESOLUTION ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD IN THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TO AUTHORIZE THE LEVY OF A SPECIAL TAX THEREIN; MAKING APPLICATION TO THE STATE BOND COMMISSION AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

Council Chair recognized Fire Chief Borden.

Discussion ensued;

On motion of Mr. Everhardt, seconded by Mr. Luna, it was moved to **table** Resolution SBPC #2344-12-23 to the February 6, 2024 Council Meeting

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

YEAS: Luna, Everhardt, Callais

NAYS: McCloskey, Moran, Alcon

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **NAY**.

And the motion was declared **failed** on the 19th day of December, 2023.

Vote on item as originally presented.

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

YEAS: McCloskey, Moran, Alcon

NAYS: Luna, Everhardt, Callais

ABSENT: None

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

And the motion was declared **adopted** on the 19th day of December, 2023.

#9 **Summary No. 4128**

Planning Commission recommended **DENIAL** on 9/26/23

Introduced by: Administration on 10/3/23

Removed from the agenda by request of applicant on 10/3/23

Introduced by: Administration on 11/21/23

Removed from the agenda on 11/21/23

Introduced by Administration on 12/5/23

AN ORDINANCE TO APPROVE **DOCKET Z-2023-008**, PETITION OF SHELL BEACH PARTNERS LLC FOR A ZONING CHANGE/CONDITIONAL USE FROM A-1 (RURAL DISTRICT) TO I-2 (HEAVY INDUSTRIAL) FOR A PROPOSED NATURAL GAS COMPRESSOR STATION. SITE LOCATION: 1651 FLORISSANT HWY, ST. BERNARD LA 70085.

A COPY OF THIS PUBLIC HEARING IS ON FILE AT THE CLERK OF COUNCIL'S OFFICE.

On motion of the Council Chair, without objection and by unanimous consent, it was moved to address item #18 at this time.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 19th day of December, 2023.

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

Summary No. 4128

Planning Commission recommended **DENIAL** on 9/26/23

Introduced by: Administration on 10/3/23

Removed from the agenda by request of applicant on 10/3/23

Introduced by Administration on 11/21/23

Removed from the agenda on 11/21/23

Introduced by Administration on 12/5/23

Public Hearing held on 12/19/23

AN ORDINANCE TO APPROVE **DOCKET Z-2023-008**, PETITION OF SHELL BEACH PARTNERS LLC FOR A ZONING CHANGE/CONDITIONAL USE FROM A-1 (RURAL DISTRICT) TO I-2 (HEAVY INDUSTRIAL) FOR A PROPOSED NATURAL GAS COMPRESSOR STATION. SITE LOCATION: 1651 FLORISSANT HWY, ST. BERNARD LA 70085.

On motion of Mr. Luna, seconded by Mr. Everhardt, it was moved to amend Summary No. 4128 to add conditions in globo.

1. Resub divide the 40 acres tract identified in this project into a single parcel.
2. The approval of all state, federal and local permits.
3. The compressor station identified in this project must be substantially completed within five years of the zoning change. If the project does not materialize within 5 years of the zoning change, the 40-acre parcel reverts back to A1.

Discussion on the proposed amendments;

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 19th day of December, 2023.

On motion of Mr. Moran, seconded by Mr. McCloskey, it was moved to **adopt** the following ordinance as amended:

ORDINANCE SBPC #2552-12-23

Summary No. 4128

Planning Commission recommended **DENIAL** on 9/26/23

Introduced by: Administration on 10/3/23

Removed from the agenda by request of applicant on 10/3/23

Introduced by: Administration on 11/21/23

Removed from the agenda on 11/21/23

Introduced by: Administration on 12/5/23

Public Hearing held on 12/19/23

AN ORDINANCE TO APPROVE **DOCKET Z-2023-008**, PETITION OF SHELL BEACH PARTNERS LLC FOR A ZONING CHANGE/CONDITIONAL USE FROM A-1 (RURAL DISTRICT) TO I-2 (HEAVY INDUSTRIAL) FOR A PROPOSED NATURAL GAS COMPRESSOR STATION. SITE LOCATION: 1651 FLORISSANT HWY, ST. BERNARD LA 70085.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 19th day of December, 2023.

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#10 Summary No. 4146

Introduced by: Administration on 12/5/23

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2469-12-22**, AN ORDINANCE TO ADOPT THE 2023 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

NO ONE APPEARED TO SPEAK FOR OR AGAINST THIS ITEM

#11 Summary No. 4147

Planning Commission recommended **APPROVAL** on 11/28/23

Introduced by: Administration on 12/5/23

AN ORDINANCE TO APPROVE **DOCKET Z-2023-018**, PETITION OF MIKE FERNANDEZ FOR A ZONING CHANGE FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO C-1 (NEIGHBORHOOD COMMERCIAL) FOR A PROPOSED OFFICE. SITE LOCATION: 2 W. CHALMETTE CIRCLE, CHALMETTE LA 70043.

NO ONE APPEARED TO SPEAK FOR OR AGAINST THIS ITEM.

#12 Summary No. 4149

Planning Commission recommended **APPROVAL** on 11/28/23

Introduced by: Administration on 12/5/23

AN ORDINANCE TO APPROVE **DOCKET Z-2023-020**, PETITION OF PATRICK TURNER FOR A CONDITIONAL USE FOR A PROPOSED FOOD TRUCK. SITE LOCATION: 7601 HOPEDALE HWY, ST. BERNARD LA 70085.

NO ONE APPEARED TO SPEAK FOR OR AGAINST THIS ITEM.

#13 Summary No. 4150

Planning Commission recommended **APPROVAL** on 11/28/23

Introduced by: Administration on 12/5/23

AN ORDINANCE TO APPROVE **DOCKET Z-2023-022**, PETITION OF 42 W. CHALMETTE CIRCLE, LLC FOR A ZONING CHANGE FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO R-2 (TWO-FAMILY RESIDENTIAL) FOR A PROPOSED TWO-FAMILY RESIDENCE. SITE LOCATION: 3201 DELAMBERT, CHALMETTE LA 70043.

NO ONE APPEARED TO SPEAK FOR OR AGAINST THIS ITEM.

#14 Summary No. 4151

Introduced by: Administration on 12/5/23

AN ORDINANCE TO AUTHORIZE THE ENTRY INTO A COOPERATIVE ENDEAVOR AGREEMENT WITH ELAINE P. NUNEZ COMMUNITY COLLEGE WITH RESPECT TO THE DEVELOPMENT OF A COLLEGIATE BASEBALL PROGRAM FACILITY IN ST. BERNARD PARISH.

NO ONE APPEARED TO SPEAK FOR OR AGAINST THIS ITEM.

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

RESOLUTION SBPC #2340-12-23

A RESOLUTION TO REAPPOINT A MEMBER TO THE ST. BERNARD PARISH LIBRARY BOARD.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 19th day of December, 2023.

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

RESOLUTION SBPC #2341-12-23

A RESOLUTION TO APPOINT A MEMBER TO THE ST. BERNARD PARISH LIBRARY BOARD.

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On motion of Mr. McCloskey, seconded by Mr. Moran, it was moved to appoint Chad Kelley to the Library Board.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 19th day of December, 2023.

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

ORDINANCE SBPC #2553-12-23

Summary No. 4146

Introduced by: Administration on 12/5/23

Public Hearing held on 12/19/23

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2469-12-22**, AN ORDINANCE TO ADOPT THE **2023** 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, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 19th day of December, 2023.

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

ORDINANCE SBPC #2554-12-23

Summary No. 4147

Planning Commission recommended **APPROVAL** on 11/28/23

Introduced by: Administration on 12/5/23

Public Hearing held on 12/19/23

AN ORDINANCE TO APPROVE **DOCKET Z-2023-018**, PETITION OF MIKE FERNANDEZ FOR A ZONING CHANGE FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO C-1 (NEIGHBORHOOD COMMERCIAL) FOR A PROPOSED OFFICE. SITE LOCATION: 2 W. CHALMETTE CIRCLE, CHALMETTE LA 70043.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 19th day of December, 2023.

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

ORDINANCE SBPC #2555-12-23

Summary No. 4149

Planning Commission recommended **APPROVAL** on 11/28/23

Introduced by: Administration on 12/5/23

Public Hearing held on 12/19/23

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AN ORDINANCE TO APPROVE **DOCKET Z-2023-020**, PETITION OF PATRICK TURNER FOR A CONDITIONAL USE FOR A PROPOSED FOOD TRUCK. SITE LOCATION: 7601 HOPEDALE HWY, ST. BERNARD LA 70085.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 19th day of December, 2023.

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

ORDINANCE SBPC #2556-12-23

Summary No. 4150

Planning Commission recommended **APPROVAL** on 11/28/23

Introduced by: Administration on 12/5/23

Public Hearing held on 12/19/23

AN ORDINANCE TO APPROVE **DOCKET Z-2023-022**, PETITION OF 42 W. CHALMETTE CIRCLE LLC FOR A ZONING CHANGE FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO R-2 (TWO-FAMILY RESIDENTIAL) FOR A PROPOSED TWO-FAMILY RESIDENCE. SITE LOCATION: 3201 DELAMBERT, CHALMETTE LA 70043.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 19th day of December, 2023.

#23 On motion of Mrs. Alcon, seconded by Mr. Moran, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #2557-12-23

Summary No. 4151

Introduced by: Administration on 12/5/23

Public Hearing held on 12/19/23

AN ORDINANCE TO AUTHORIZE THE ENTRY INTO A COOPERATIVE ENDEAVOR AGREEMENT WITH ELAINE P. NUNEZ COMMUNITY COLLEGE WITH RESPECT TO THE DEVELOPMENT OF A COLLEGIATE BASEBALL PROGRAM FACILITY IN ST. BERNARD PARISH.

Discussion ensued;

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 19th day of December, 2023.

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

EMERGENCY ORDINANCE SBPC #2551-12-23

Summary No. 4152

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Administration on 12/19/23

AN **EMERGENCY ORDINANCE** TO AUTHORIZE THE RETENTION OF BLUE WILLIAMS, L.L.P., TO PROVIDE LEGAL REPRESENTATION FOR ST. BERNARD PARISH GOVERNMENT IN THE CASE OF DONALD BOURGEOIS, JR. V ST. BERNARD PARISH GOVERNMENT, 34th JDC 23-1254, DIVISION "E".

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 19th day of December, 2023.

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

Summary No. 4153

Introduced by: Administration on 12/19/23

AN ORDINANCE TO AUTHORIZE THE RETENTION OF THE LAW-FIRM BLUE WILLIAMS, L.L.P., TO PROVIDE LEGAL REPRESENTATION FOR ST. BERNARD PARISH GOVERNMENT IN THE CASE OF LMB SERVICES, LLC VS. THE PARISH OF ST. BERNARD GOVERNMENT, CIVIL NO. 23-1617, DIV. "D", 34th JUDICIAL DISTRICT COURT.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 19th day of December, 2023.

#26 Coastal Zone Advisory Committee

No action taken on this item.

On motion of the Council Chair, without objection and by unanimous consent, it was moved to take a 5 minute recess.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 19th day of December, 2023.

On motion of the Council 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, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 19th day of December, 2023.

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#6 Councilmember's District Update

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

#27 On motion of the Council Chair, without objection and by unanimous consent, it was moved to enter into Executive Session to discuss the status of suit bearing the caption Hope Held v. St. Bernard Parish Government, Civil No. 20-0386, Div. "E" 34th JDC.

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 19th day of December, 2023.

On motion of the Council 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, Moran, Luna, Alcon, Everhardt, Callais

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 19th day of December, 2023.

#27 No action taken on this item.

There being no further business for discussion, the Council Chair declared the meeting adjourned at 6:21 p.m. on the 19th day of December, 2023.

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

Richard "Richie" Lewis

RICHARD "RICHIE" LEWIS
COUNCIL CHAIR

PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **TUESDAY, JANUARY 9, 2024 TWELVE (12:00) 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 DECEMBER 19, 2023 COUNCIL MEETING:

Summary No. 4153

Introduced by: Administration on 12/19/23

AN ORDINANCE TO AUTHORIZE THE RETENTION OF THE LAW-FIRM BLUE WILLIAMS, L.L.P., TO PROVIDE LEGAL REPRESENTATION FOR ST. BERNARD PARISH GOVERNMENT IN THE CASE OF LMB SERVICES, LLC VS. THE PARISH OF ST. BERNARD GOVERNMENT, CIVIL NO. 23-1617, DIV. "D", 34th JUDICIAL DISTRICT COURT.

WHEREAS, St. Bernard Parish Government believes it to be in the best interest of the citizens of St. Bernard Parish and St. Bernard Parish Government to retain the law-firm Blue Williams, L.L.P. to represent their interests in the above matter.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council, the Governing Authority, does hereby approve and authorize the hiring of private counsel to represent St. Bernard Parish Government solely in the case LMB Services, LLC vs. The Parish of St. Bernard Government, Civil No. 23-1617, Div. "D", 34th Judicial District Court, and any matters related thereto.

SECTION 2. Compensation. The compensation shall be made pursuant to the Louisiana Attorney General Billing Rates in connection with legal services performed on behalf of public entities, parishes, and political subdivisions.

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.

SECTION 5. The Parish President is hereby authorized to enter into a contract for legal services as provided in the attached retention letter and in accordance with section 4-02 (b) of the Home Rule Charter.

BY DIRECTION OF

Richard Lewis

RICHARD LEWIS
COUNCIL CHAIR



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METAIRIE, LA 70002
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GUICE A. GIAMBRONE, III | PARTNER

December 14, 2023

Via email: jstephens@stbda.org

Mr. Justin Stephens
Assistant District Attorney
St. Bernard Parish District Attorney's Office
1101 W. St. Bernard Highway
Chalmette, LA 70043

RE: LMB Services, LLC v. St. Bernard Parish Government
34th JDC Parish of St. Bernard, Docket No. 23-1617
Our File: 5252-23-TBA

Dear Justin:

Please allow this letter to acknowledge receipt of the above-referenced claim. This letter will also confirm that Blue Williams agrees to represent the St. Bernard Parish Government in this matter for the rates set forth in the most recent Attorney General Hourly Fee Schedule.

If you have any questions, please feel free to contact my office.

Sincerely,



GUICE A. GIAMBRONE, III

GAG/tc

cc: Craig R. Watson (via email)
Amanda M. Plaiscia (via email)

#4

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, JANUARY 9, 2024 AT TWELVE O'CLOCK P.M.

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

RESOLUTION SBPC #2343-01-24

BE IT RESOLVED, that the St. Bernard Parish Council, the Governing Authority, does hereby ratify the following salaries for the C.A.O. and Department Heads of St Bernard Parish Government as recommended by Parish President, Louis Pomes, in accordance with Section 4-01(b) Article IV of the St. Bernard Parish Home Rule Charter.

Donald Bourgeois III	Chief Administrative Officer	\$135,000.00
Vacant	Director of Human Resources	\$ 86,972.50
Earl Borden	Fire Chief	\$122,824.08
Hillary Nunez	Director of Public Works	\$142,762.00
Jason Stopa	Director of Community Development	\$ 94,302.38
Vacant	Director of Finance	\$115,000.00
Yolanda Banks Thomas	Director of Parks & Recreation	\$ 93,967.97

BE IT FURTHER RESOLVED, that this term shall be effective immediately upon adoption of this Resolution.

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

YEAS:

NAYS:

ABSENT:

ABSTAIN:

The Council Chair, Mr. Everhardt, cast his vote as **XXX**.

And the motion was declared **adopted** on the 9th day of January, 2024.

Page -2-
Extract #4 continued
January 9, 2024

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, January 9, 2024

Witness my hand and the seal
of the Parish of St. Bernard on
this 9th day of January, 2024.

ROXANNE ADAMS
CLERK OF COUNCIL

#5

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, JANUARY 9, 2024 AT TWELVE O’CLOCK P.M.

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

RESOLUTION SBPC #2344-01-24

A RESOLUTION APPOINTING TWO COUNCILMEMBERS AND THE PARISH PRESIDENT TO THE REGIONAL PLANNING COMMISSION.

BE IT RESOLVED, the St. Bernard Parish Council, the Governing Authority, does hereby make the following appointments to the vacant positions on the Regional Planning Commission, effective January 9, 2024, in accordance with Chapter 18, Article II, Section 18-21, Subsection (f) of the St. Bernard Parish Code of Ordinances.

<u>Name</u>	<u>Date Appointed</u>	<u>Length of Term</u>
Louis Pomes Parish President	January 9, 2024	Term of office
Joshua “Josh” Moran Councilmember District B	January 9, 2024	Term of office
Ryan Randall Councilmember District D	January 9, 2024	Term of office

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

YEAS:

NAYS:

ABSENT:

ABSTAINED:

The Council Chair, Mr. Everhardt, cast his vote as **XXX**.

And the motion was declared **adopted** on the 9th day of January, 2024.

Page -2-
Extract #5 continued
January 9, 2024

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, January 9, 2024.

Witness my hand and the seal
of the Parish of St. Bernard on
this 9th day of January, 2024.

ROXANNE ADAMS
CLERK OF COUNCIL

#6

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, JANUARY 9, 2024 AT TWELVE O’CLOCK P.M.

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

RESOLUTION SBPC #2345-01-24

A RESOLUTION APPOINTING NEW MEMBERS TO THE REGIONAL PLANNING COMMISSION.

BE IT RESOLVED, the St. Bernard Parish Council, the Governing Authority, does hereby make the following appointments to the vacant positions on the Regional Planning Commission, effective January 9, 2024, in accordance with Chapter 18, Article II, Section 18-21, Subsection (f) of the St. Bernard Parish Code of Ordinances.

<u>Name</u>	<u>Date Appointed</u>	<u>Length of Term</u>
Roxanne Adams	January 9, 2024	January 11, 2028
Susan Kleese	January 9, 2024	January 11, 2028

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

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Everhardt, cast his vote as **XXX**.

And the motion was declared **adopted** on the 9th day of January, 2024.

Page -2-
Extract #6 continued
January 9, 2024

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, January 9, 2024.

Witness my hand and the seal
of the Parish of St. Bernard on
this 9th day of January, 2024.

ROXANNE ADAMS
CLERK OF COUNCIL

#7

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, JANUARY 9, 2024 AT TWELVE O'CLOCK P.M.

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

Summary No. 4153

Introduced by: Administration on 12/19/23

Public Hearing held on 1/9/24

AN ORDINANCE TO AUTHORIZE THE RETENTION OF THE LAW-FIRM BLUE WILLIAMS, L.L.P., TO PROVIDE LEGAL REPRESENTATION FOR ST. BERNARD PARISH GOVERNMENT IN THE CASE OF LMB SERVICES, LLC VS. THE PARISH OF ST. BERNARD GOVERNMENT, CIVIL NO. 23-1617, DIV. "D", 34th JUDICIAL DISTRICT COURT.

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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.

Page -2-
Extract #7, continued
January 9, 2024

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.

SECTION 5. The Parish President is hereby authorized to enter into a contract for legal services as provided in the attached retention letter and in accordance with section 4-02 (b) of the Home Rule Charter.

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

YEAS:

NAYS:

ABSENT:

The Council Chair, Mr. Everhardt, cast his vote as **XXX**.

And the motion was declared **adopted** on the 9th day of January, 2024.

ROXANNE ADAMS
CLERK OF COUNCIL

FRED EVERHARDT, JR.
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Received by _____

Page -3-
Extract #7, continued
January 9, 2024

Approved _____

Vetoed _____

Parish President

Guy McInnis

Returned to Clerk of the Council

Date and Time

Received by



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GUICE A. GIAMBRONE, III | PARTNER

December 14, 2023

Via email: jstephens@stbda.org

Mr. Justin Stephens
Assistant District Attorney
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RE: LMB Services, LLC v. St. Bernard Parish Government
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Our File: 5252-23-TBA

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Sincerely,



GUICE A. GIAMBRONE, III

GAG/tc

cc: Craig R. Watson (via email)
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