

PUBLIC NOTICE - ST. BERNARD PARISH COUNCIL MEETING - AGENDA

Email: radams@sbpgg.net

(504) 278-4228

(504) 278-4209 (fax)

Posted 2/23/22

Wednesday, March 2, 2022

7:00 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.

- 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 Alcon
- E. Pledge of Allegiance by Councilmember Everhardt
- F. Recognize Elected Officials

APPROVAL OF MINUTES

1. Motion to approve the minutes from the February 15, 2022 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, February 25, 2022. (Council Chair)

RECOGNITION

2. Motion to recognize the St. Bernard Parish Redfish Festival for being named Festival Division I New Event of the Year and Miss St. Bernard Redfish Festival Queen Alayna Robichaux for placing in the Top 15 at the Louisiana Association of Fairs and Festivals Convention Annual Pageant. (Councilmember Moran)
3. Councilmember's for a District Update
4. **Guy McInnis**, President's Report
5. Recognize the Public

PUBLIC HEARINGS

6. **Summary No. 3994**

Introduced by: Councilmember Moran on 2/15/22

AN ORDINANCE TO **AMEND** CHAPTER 11, HEALTH AND SANITATION; ARTICLE II, SOLID WASTE DISPOSAL; JUNK; DIVISION 1, GENERALLY; SECTION 11-25, GARBAGE CONTAINERS – MULTIFAMILY DWELLINGS OF FOUR-PLEX AND LARGER AND COMMERCIAL ESTABLISHMENTS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

7. **Summary No. 3995**

Introduced by: Administration on 2/15/22

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2172-06-19**, AN ORDINANCE OUTLINING GROUP HEALTH, LIFE AND DENTAL INSURANCE BENEFITS FOR ELIGIBLE EMPLOYEES AND RETIREES OF THE ST. BERNARD PARISH GOVERNMENT.

8. **Summary No. 3996**

Introduced by: Administration on 2/15/22

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2385-12-21**, AN ORDINANCE TO ADOPT THE 2022 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

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9. **Summary No. 3997**

Introduced by: Administration on 2/15/22

AN ORDINANCE TO DECLARE THE PROPERTIES ON THE ATTACHED EXHIBIT "A" AS SURPLUS AND TO AUTHORIZE THE PARISH PRESIDENT TO EXECUTE ALL NECESSARY DOCUMENTS TO TRANSFER SAID PROPERTIES.

10. **Summary No. 3998**

Introduced by: Administration on 2/15/22

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2385-12-21**, AN ORDINANCE TO ADOPT THE 2022 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

RESOLUTIONS

11. Adopt **Resolution SBPC #2215-03-22**, approving permits as recommended by the Alcohol Beverage and Bingo Department: (Administration)

Beer and/or Liquor Permit(s)

1. Family Cajun Kitchen, LLC., dba Family Cajun Kitchen 5351 Paris Road, Chalmette, LA 70043
Member(s): Nathaniel Washington, Jr. (**New**) (**Beer and Liquor**)
 2. Lacy's Cue, LLC., dba Lacy's Cue 701 West Judge Perez Drive, Chalmette, LA 70043.
Member(s): Frank Haines. (**Renewal**) (**Beer and Liquor**)
 3. Rocky & Carlo's, Inc., dba Rocky & Carlo's Restaurant & Bar 613 West St. Bernard Hwy., Chalmette, LA 70043
Owner(s): Thomas Tommaseo, Tommoso G. Tommaseo and Josephine G. O'Brien. (**Renewal**) (**Beer and Liquor**)
 4. Tag's Meat Market, Inc., dba Tag's Deli 1207 East Judge Perez Drive, Chalmette, LA 70043.
Owner(s): Deborah and Michael E. Michalik, Jr. (**Renewal**) (**Beer Only**)
 5. The Kimmy Group, LLC., dba The Palms Too 8001-B West St. Bernard Hwy., Arabi, LA 70032
Member(s): Charles L. Bienvenu. (**Renewal**) (**Beer and Liquor**)
12. Adopt **Resolution SBPC #2216-03-22**, a resolution authorizing acceptance of a grant from the St. Bernard Parish Murphy Oil Cy Pres Committee for the Mississippi River Trail in the amount of \$389,000.00. (Administration)

ADOPTIONS

13. **Summary No. 3994**

Introduced by: Councilmember Moran on 2/15/22
Public Hearing held on 3/2/22

AN ORDINANCE TO **AMEND** CHAPTER 11, HEALTH AND SANITATION; ARTICLE II, SOLID WASTE DISPOSAL; JUNK; DIVISION 1, GENERALLY; SECTION 11-25, GARBAGE CONTAINERS – MULTIFAMILY DWELLINGS OF FOUR-PLEX AND LARGER AND COMMERCIAL ESTABLISHMENTS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

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14. **Summary No. 3995**

Introduced by: Administration on 2/15/22

Public Hearing held on 3/2/22

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2172-06-19**, AN ORDINANCE OUTLINING GROUP HEALTH, LIFE AND DENTAL INSURANCE BENEFITS FOR ELIGIBLE EMPLOYEES AND RETIREES OF THE ST. BERNARD PARISH GOVERNMENT.

15. **Summary No. 3996**

Introduced by: Administration on 2/15/22

Public Hearing held on 3/2/22

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2385-12-21**, AN ORDINANCE TO ADOPT THE 2022 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

16. **Summary No. 3997**

Introduced by: Administration on 2/15/22

Public Hearing held on 3/2/22

AN ORDINANCE TO DECLARE THE PROPERTIES ON THE ATTACHED EXHIBIT "A" AS SURPLUS AND TO AUTHORIZE THE PARISH PRESIDENT TO EXECUTE ALL NECESSARY DOCUMENTS TO TRANSFER SAID PROPERTIES.

17. **Summary No. 3998**

Introduced by: Administration on 2/15/22

Public Hearing held on 3/2/22

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2385-12-21**, AN ORDINANCE TO ADOPT THE 2022 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

INTRODUCTIONS

18. **Summary No. 3999**

Introduced by: Administration on 3/2/22

AN ORDINANCE TO **AMEND** APPENDIX D, FEES; SECTION 6, COMMUNITY DEVELOPMENT/PUBLIC WORKS FEES OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

19. **Summary No. 4000**

Introduced by: Councilmember Callais on 3/2/22

AN ORDINANCE TO **AMEND** CHAPTER 15, OIL, GAS, AND MINERAL EXPLORATION, REMOVAL, AND TRANSPORTING; OTHER LAND- DISTRIBUTING AND WATER-DISTRIBUTING ACTIVITIES; ARTICLE III, WHARVES, PIERS, DOCKS, ETC., OUTSIDE OF THE FORTY ARPENT LEVEE SYSTEM; SECTION 15-51, DEFINITIONS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

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OTHER MATTERS

20. Motion to accept the Monthly Financial Summary Statement of Revenues and Expenditures and Change in Fund Balance for January, 2022.
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, March 15, 2022 @ 3:00 p.m.

Approved by: *Kerri Callais* Time: 2:15 p.m. Date: 2/23/22

#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 WEDNESDAY, MARCH 2, 2022 AT SEVEN O'CLOCK P.M.

On motion of XXXX, seconded by XXXX, it was moved to approve the minutes from the February 15, 2022 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, February 25, 2022.

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 2nd day of March, 2022.

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 Wednesday, March 2, 2022.

Witness my hand and the seal
of the Parish of St. Bernard on
this 2nd day of March, 2022.

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, FEBRUARY 15, 2022 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, February 15, 2022 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 3:01 p.m. Members present: Council Chair Kerri Callais, Joshua "Josh" Moran, Howard Luna, Wanda Alcon, Fred Everhardt, Jr., and Richard "Richie" Lewis.

Members absent: Councilmember Gillis McCloskey.

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

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

#1 On motion of Mr. Lewis, seconded by Mrs. Alcon, it was moved to approve the minutes from the February 1, 2022 Regular Council Meeting as published in the official journal, the St. Bernard Voice on Friday, February 11, 2022.

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

YEAS: Moran, Luna, Alcon, Everhardt, Lewis

NAYS: None

ABSENT: McCloskey

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

And the motion was declared **adopted** on the 15th day of February, 2022.

#2 No action was taken on this item.

#3 Councilmember's District Update

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

Councilmember McCloskey is now present.

#4 President's Report

No action taken on this item.

#5 Recognize the Public

No action taken on this item.

#6 Summary No. 3990

Introduced by: Councilmember Lewis on 2/1/22

AN ORDINANCE TO **AMEND** CHAPTER 3, ALCOHOLIC BEVERAGES; SECTION 3-16, SPECIFIC QUALIFICATIONS OF APPLICANTS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

NO ONE APPEARED TO SPEAK FOR OR AGAINST THIS ITEM

#7 Summary No. 3991

Introduced by: Administration on 2/1/22

AN ORDINANCE TO **AMEND** CHAPTER 5, BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES; ARTICLE I, IN GENERAL; SECTION 5-28, CONSTRUCTION OF MULTIPLE TWO-FAMILY DWELLINGS ON THE SAME LOT OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

NO ONE APPEARED TO SPEAK FOR OR AGAINST THIS ITEM

#8 Summary No. 3992

Introduced by: Administration on 2/1/22

AN ORDINANCE TO **AMEND** ORDINANCE SBPC #2387-12-21, AN ORDINANCE DECLARING CERTAIN FORMER LOUISIANA LAND TRUST PROPERTIES TO BE HELD FOR PUBLIC USE AND DECLARING THE

Minutes of the St. Bernard Parish Council Meeting of February 15, 2022

Page -2-

REMAINDER OF THE FORMER LOUISIANA LAND TRUST PROPERTIES AS SURPLUS TO BE AUCTIONED.
NO ONE APPEARED TO SPEAK FOR OR AGAINST THIS ITEM

#9 Summary No. 3993

Introduced by: Administration on 2/1/22

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2385-12-21**, AN ORDINANCE TO ADOPT THE 2022 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

NO ONE APPEARED TO SPEAK FOR OR AGAINST THIS ITEM

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

RESOLUTION SBPC #2209-02-22

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:

Beer and/or Liquor Permit(s)

1. Kimberly, Inc. dba Brewster's 8751 W. Judge Perez Drive, Chalmette, La. 70043 Owner(s): Theodore and Kimberly Reab **(Renewal) (Beer and Liquor)**
2. MJROD, LLC., dba Chalmette Rotolo's Pizzeria 8109 W. Judge Perez Dr., Ste. A, Chalmette, La. 70043. Owner(s): Jason Cook. **(Renewal) (Beer and Liquor)**
3. Penny's Café, Inc., dba Penny's Café 5442 E. Judge Perez Drive, Violet, La. 70092 Owners: David A. and Penny G Lepine. **(Renewal) (Beer Only)**
4. Pons-A-Pack Inc., dba Ponstein's Food Store - 3523 Paris Road, Chalmette, La. 70043 Owner(s): Neil Ponstein. **(Renewal) (Beer and Liquor)**
5. Quitutes, LLC, dba Quitutes 6617 W. Judge Perez Drive, Arabi, La. 70032 Owner(s): Jacob and Maria Lawson **(Renewal) (Beer and Liquor)**

Special Event (s)

- | | |
|--------------------------|---|
| 1. Name of Organization: | Our Lady of Lourdes Knights of Columbus #8442 |
| Address of Organization: | 2621 Colonial Blvd. Violet, La. 70092 |
| Name of Event: | Our Lady of Lourdes Crawfish Cook-Off |
| Type of Event: | Crawfish Cook-Off |
| Date: | Saturday April 30, 2022 |
| Time: | 8:00 AM – 5:00 PM |
| Contact Person: | Clifford Bertucci |

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

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt

NAYS: None

ABSENT: None

ABSTAINED: Lewis

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

And the motion was declared **adopted** on the 15th day of February, 2022.

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

RESOLUTION SBPC #2210-02-22

A RESOLUTION APPROVING THE PLACEMENT OF A THREE WAY STOP SIGN AT THE CORNER OF RIVERLAND DRIVE AND UTAH STREET, CHALMETTE, LA.

Minutes of the St. Bernard Parish Council Meeting of February 15, 2022

Page -3-

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

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

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 15th day of February, 2022.

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

RESOLUTION SBPC #2211-02-22

A RESOLUTION TO APPOINT ELIZABETH "LISA" BORNE AS INTERIM CHAIRMAN TO THE ST. BERNARD PARISH HOME RULE CHARTER COMMISSION.

On the motion of Mr. Luna, seconded by Mr. Lewis, it was moved to **remove** this item from the agenda.

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

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

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 15th day of February, 2022.

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

RESOLUTION SBPC #2212-02-22

A RESOLUTION OF SUPPORT FOR THE PONTCHARTRAIN ESTUARY LOUISIANA NATIONAL ESTUARINE RESEARCH RESERVE (LaNERR) PROPOSAL.

Discussion ensued.

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

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

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 15th day of February, 2022.

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

RESOLUTION SBPC #2213-02-22

A RESOLUTION OPPOSING THE LOUISIANA WILDLIFE AND FISHERIES COMMISSION'S NOTICE OF INTENT REGARDING COASTAL MENHADEN BUFFER ZONE WHERE THE COMMERCIAL HARVEST OF GULF MENHADEN IS RESTRICTED.

Discussion ensued.

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

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

Minutes of the St. Bernard Parish Council Meeting of February 15, 2022

Page -4-

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 15th day of February, 2022.

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

RESOLUTION SBPC #2214-02-22

A RESOLUTION TO APPOINT MEMBERS TO THE ST. BERNARD PARISH 911 COMMUNICATIONS DISTRICT.

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

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

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 15th day of February, 2022.

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

Summary No. 3987

Introduced by: Councilmember McCloskey on 12/21/21

Public Hearing held on 1/18/22

Tabled on 1/18/22 until 2/1/22

Tabled on 2/1/22 until 2/15/22

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2172-06-19**, AN ORDINANCE OUTLINING GROUP HEALTH, LIFE AND DENTAL INSURANCE BENEFITS FOR ELIGIBLE EMPLOYEES AND RETIREES OF THE ST. BERNARD PARISH GOVERNMENT.

On motion of Mr. McCloskey, seconded by Mr. Lewis, it was moved to remove Summary No. 3987 from the agenda.

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

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

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 15th day of February, 2022.

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

ORDINANCE SBPC #2412-02-22

Summary No. 3990

Introduced by: Councilmember Lewis on 2/1/22

Public Hearing held on 2/15/22

AN ORDINANCE TO **AMEND** CHAPTER 3, ALCOHOLIC BEVERAGES; SECTION 3-16, SPECIFIC QUALIFICATIONS OF APPLICANTS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

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

Minutes of the St. Bernard Parish Council Meeting of February 15, 2022

Page -5-

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

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 15th day of February, 2022.

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

Summary No. 3991

Introduced by: Administration on 2/1/22

Public Hearing held on 2/15/22

Tabled on 2/15/22 until 3/15/22

AN ORDINANCE TO **AMEND** CHAPTER 5, BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES; ARTICLE I, IN GENERAL; SECTION 5-28, CONSTRUCTION OF MULTIPLE TWO-FAMILY DWELLINGS ON THE SAME LOT OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

On motion of Mr. Lewis, seconded by Mrs. Alcon, it was moved to table Summary No. 3991 until the March 15, 2022 Council Meeting.

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

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

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 15th day of February, 2022.

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

ORDINANCE SBPC #2413-02-22

Summary No. 3992

Introduced by: Administration on 2/1/22

Public Hearing held on 2/15/22

AN ORDINANCE TO **AMEND** ORDINANCE SBPC #2387-12-21, AN ORDINANCE DECLARING CERTAIN FORMER LOUISIANA LAND TRUST PROPERTIES TO BE HELD FOR PUBLIC USE AND DECLARING THE REMAINDER OF THE FORMER LOUISIANA LAND TRUST PROPERTIES AS SURPLUS TO BE AUCTIONED.

Discussion ensued;

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

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

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 15th day of February, 2022.

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

ORDINANCE SBPC #2414-02-22

Summary No. 3993

Introduced by: Administration on 2/1/22

Minutes of the St. Bernard Parish Council Meeting of February 15, 2022

Page -6-

Public Hearing held on 2/15/22

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2385-12-21**, AN ORDINANCE TO ADOPT THE 2022 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

Discussion ensued;

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

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

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 15th day of February, 2022.

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

Summary No. 3994

Introduced by: Councilmember Moran on 2/15/22

AN ORDINANCE TO **AMEND** CHAPTER 11, HEALTH AND SANITATION; ARTICLE II, SOLID WASTE DISPOSAL; JUNK; DIVISION 1, GENERALLY; SECTION 11-25, GARBAGE CONTAINERS – MULTIFAMILY DWELLINGS OF FOUR-PLEX AND LARGER AND COMMERCIAL ESTABLISHMENTS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

Discussion ensued;

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

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

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 15th day of February, 2022.

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

Summary No. 3995

Introduced by: Administration on 2/15/22

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2172-06-19**, AN ORDINANCE OUTLINING GROUP HEALTH, LIFE AND DENTAL INSURANCE BENEFITS FOR ELIGIBLE EMPLOYEES AND RETIREES OF THE ST. BERNARD PARISH GOVERNMENT.

Discussion ensued;

On motion of Mr. McCloskey, seconded by Mr. Lewis, it was moved to amend Summary No. 3995 to change on page 4: 60% to 40% in the second sentence and change 40% to 60% in the 7th sentence. As well as change the verbiage in the last sentence "premium from" to read "premium of both employees to be covered from".

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

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

NAYS: None

ABSENT: None

Minutes of the St. Bernard Parish Council Meeting of February 15, 2022

Page -7-

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

And the motion was declared **adopted** on the 15th day of February, 2022.

Discussion on the amendment;

Councilmember McCloskey moved to withdraw his amendment without objection.

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

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

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 15th day of February, 2022.

Discussion on the original item as submitted.

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

YEAS: McCloskey, Moran, Luna, Everhardt

NAYS: Alcon, Lewis

ABSENT: None

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

And the motion was declared **adopted** on the 15th day of February, 2022.

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

Summary No. 3996

Introduced by: Administration on 2/15/22

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2385-12-21**, AN ORDINANCE TO ADOPT THE 2022 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

Discussion ensued;

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

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

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 15th day of February, 2022.

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

Summary No. 3997

Introduced by: Administration on 2/15/22

AN ORDINANCE TO DECLARE THE PROPERTIES ON THE ATTACHED EXHIBIT "A" AS SURPLUS AND TO AUTHORIZE THE PARISH PRESIDENT TO EXECUTE ALL NECESSARY DOCUMENTS TO TRANSFER SAID PROPERTIES.

Discussion ensued;

On motion of Mr. Lewis, seconded by Mr. Everhardt, it was moved to amend Summary No. 3997 to remove "starting price" on the attachment.

Minutes of the St. Bernard Parish Council Meeting of February 15, 2022

Page -8-

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

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

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 15th day of February, 2022.

Discussion ensued on the item as amended.

On motion of Mr. Luna, seconded by Mr. Moran, it was moved to amend Summary No. 3997 to add property

BER-114722	69 WEST CLAIBORNE SQUARE	CHALMETTE
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The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

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

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 15th day of February, 2022.

Discussion continued on the item as amended;

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

Summary No. 3997

Introduced by: Administration on 2/15/22

AN ORDINANCE TO DECLARE THE PROPERTIES ON THE ATTACHED EXHIBIT "A" AS SURPLUS AND TO AUTHORIZE THE PARISH PRESIDENT TO EXECUTE ALL NECESSARY DOCUMENTS TO TRANSFER SAID PROPERTIES.

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

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

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 15th day of February, 2022.

On motion of Ms. Callais, seconded by Mr. Moran, it was moved to amend the agenda to add item #27.

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

Summary No. 3998

Introduced by: Administration on 2/15/22

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2385-12-21**, AN ORDINANCE TO ADOPT THE 2022 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

Minutes of the St. Bernard Parish Council Meeting of February 15, 2022

Page -9-

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

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

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 15th day of February, 2022.

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

Summary No. 3998

Introduced by: Administration on 2/15/22

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2385-12-21**, AN ORDINANCE TO ADOPT THE 2022 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

Discussion ensued;

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

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

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 15th day of February, 2022.

#25 Coastal Zone Advisory Committee

No official action taken.

#26 On motion of Mr. McCloskey, seconded by Mr. Moran, it was moved enter into Executive Session to discuss claims asserted against St. Bernard Parish Government in that matter titled Maria Melendez De Canas, et al vs. St. Bernard Parish Government, et al, Civil No. 20-1422, Div. "C" 34th JDC. (Administration)

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

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

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 15th day of February, 2022.

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, Moran, Luna, Alcon, Everhardt, Lewis

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 15th day of February, 2022.

Minutes of the St. Bernard Parish Council Meeting of February 15, 2022

Page -10-

#26 On motion of Mr. Lewis, seconded by Mr. McCloskey, it was moved to accept the advice of legal counsel in the matter of the claims asserted against St. Bernard Parish Government in that matter titled Maria Melendez De Canas, et al vs. St. Bernard Parish Government, et al, Civil No. 20-1422, Div. "C" 34th JDC.

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

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

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 15th day of February, 2022.

There being no further business for discussion, the Council Chair declared the meeting adjourned at 4:25 p.m. on the 15th day of February, 2022.

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

PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, MARCH 2, 2022 SEVEN (7:00) 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 FEBRUARY 15, 2022 COUNCIL MEETING:

Summary No. 3994

Introduced by: Councilmember Moran on 2/15/22

AN ORDINANCE TO **AMEND** CHAPTER 11, HEALTH AND SANITATION; ARTICLE II, SOLID WASTE DISPOSAL; JUNK; DIVISION 1, GENERALLY; SECTION 11-25, GARBAGE CONTAINERS – MULTIFAMILY DWELLINGS OF FOUR-PLEX AND LARGER AND COMMERCIAL ESTABLISHMENTS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council, the Governing Authority, does hereby ordain that chapter 11, health and sanitation; article ii, solid waste disposal; junk; division 1, generally; section 11-25, garbage containers – multifamily dwellings of four-plex and larger and commercial establishments of the St. Bernard Parish Code of Ordinances is hereby amended as per attached 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.

BY DIRECTION OF

Kerri Callais

KERRI CALLAIS
COUNCIL CHAIR

Exhibit "A"
Summary No. 3994
Ordinance SBPC #XXXX-XX-XX

Chapter 11 – Health and Sanitation

Article II – Solid Waste Disposal; Junk

Division 1. – Generally

Section 11-25. – Garbage containers – Multifamily dwellings of four-plex and larger and commercial establishments.

Sec. 11-25. - Garbage containers—Multifamily dwellings of four-plex and larger and commercial establishments.

- (a) All multi-family dwellings of four-plex or larger and commercial retail outlets are required to have bulk containers normally utilized with mechanical collection equipment. These containers shall have a capacity sufficient to meet the disposal needs of the particular structure so that a clean and sanitary condition is maintained. Containers are to be constructed of durable, rust and corrosion-resistant material, be equipped with tight fitting lids or doors to prevent entrance of insects or rodents; be waterproof, leakproof and weatherproof except for drainage holes. Containers shall be kept covered at all times except during placing and removing of containers. The containers and the area surrounding the containers are to be cleaned on a regular basis.
- (b) No bulk waste container may be placed on location unless the owner of the property or lease holder has obtained a permit from the department of community development.
- (c) Bulk waste container companies shall not provide or locate any containers within the parish unless the customer has obtained or can show evidence that such person has applied for the permit required in subsection (b) above.
- (d) The permit application shall designate the number and location for storage of bulk waste containers.
- (e) Required bulk containers of refuse by multi-family dwellings, four-plex or larger and commercial retail outlets will be exempted [for the following:]
 - (1) Multifamily dwellings, four-plex or larger, constructed prior to 1980 which have not been required to have a bulk waste containers as of March 1, 1998;

- (2) Commercial retail outlets that require no more than one-half (.5) cubic yard of waste collection two (2) times per week as determined by the director of the department of community development.
- (3) Any multifamily or commercial retail outlet that does not fall within exemptions (1) and (2) above, whereby the director of the department of community development certifies in writing to the parish president and parish council that the public interest is best served by alternate means of collection and the reasons therefore.

(f) Revocation of exemption set forth in subpart (e):

- (1) Any multi-family dwelling unit of four-plex or larger and any commercial retail outlet which are found to violate any provisions of Section 11-20 or Section 11-34, by any court of proper jurisdiction, shall be subject to revocation of the exemptions outlined in subpart (e) of this Section.**
- (2) Pursuant to the provisions of this subpart, the Director of Community Development or the Director of Public Works shall have the authority to mandate that bulk containers shall be required for any such offending properties.**

PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, MARCH 2, 2022 SEVEN (7:00) 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 FEBRUARY 15, 2022 COUNCIL MEETING:

Summary No. 3995

Introduced by: Administration on 2/15/22

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2172-06-19**, AN ORDINANCE OUTLINING GROUP HEALTH, LIFE AND DENTAL INSURANCE BENEFITS FOR ELIGIBLE EMPLOYEES AND RETIREES OF THE ST. BERNARD PARISH GOVERNMENT.

WHEREAS, it is the desire of the St. Bernard Parish Council to amend **ORDINANCE SBPC #2172-06-19**, "An ordinance outlining group health, life and dental insurance benefits for active employees and retirees of the St. Bernard Parish Government."

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. NOW, THEREFORE, BE IT ORDAINED by the Parish Council of the Parish of St. Bernard, State of Louisiana (the "Parish Council"), acting as the governing authority of the Parish of St. Bernard, State of Louisiana (the "Parish"), that;

SECTION 2. Retirees. For the purpose of group insurance benefits eligibility, a "Retiree" of the St. Bernard Parish Government is defined as those Employees of St. Bernard Parish Government, including the St. Bernard Parish Water Division, St. Bernard Parish District Attorney's Office, St. Bernard Parish Registrar of Voters' Office and the St. Bernard Parish Fire Department, who at the time of retirement, meet all of the following criteria:

1. Classified as an active, bona fide employee; and
2. Vested in the retirement system in both age and years of credible service; and
3. Receiving a check drawn against St. Bernard Parish Government funds in whole or in part as payment of their salary as an active employee or immediately prior to any excused leave of absence; and
4. Enrolled in or eligible for Parish sponsored group benefits; and

5. Eligible to begin receiving a pension check from a retirement system listed below:
 - a. Parochial Employees Retirement System, PERS;
 - b. Firefighters Retirement Service;
 - c. Louisiana District Attorney's Association;
 - d. Registrar of Voters Employees' Retirement system.

And in order to be eligible for group insurance benefits as a Retiree, the above are subject to:

1. Employees must be vested for a minimum of 7 years of creditable service in a St. Bernard Parish Government participating retirement system and the 7 creditable years must be served working for the St. Bernard Parish Government; and
2. In the event of a Disability Retirement, the employee must have served the minimum number of creditable years required under the disability guidelines of the participating retirement system working for the St. Bernard Parish Government.

As of the date of the adoption of this Ordinance, all active employees currently contributing to a St. Bernard Parish Government retirement system will be considered "Grandfathered" and eligible for group insurance benefits upon retirement based on age and years of creditable service as outlined in the guidelines of the participating retirement system.

For the purposes of this Ordinance, Library and Work Force Investment Act, "WIA" are not considered Retirees of the St. Bernard Parish Government.

SECTION 3. Active Employees. For the purpose of group insurance benefits eligibility, an "Eligible Employee" of the St. Bernard Parish Government is defined as those Employees of St. Bernard Parish Government, including the St. Bernard Parish Water Division, St. Bernard Parish District Attorney's Office, St. Bernard Parish Registrar of Voters' Office and the St. Bernard Parish Fire Department, who are:

1. Classified as an active, bona fide employee; and
2. Meet the minimum hours of work mandated under Health Care Reform and all other eligibility provisions required by group insurance guidelines; and

3. Receiving a check drawn against St. Bernard Parish Government funds in whole or in part as payment of their salary as an active employee or immediately prior to any excused leave of absence.

For purposes of this Ordinance, Library and Work Force Investment Act, "WIA" are not considered employees of the St. Bernard Parish Government.

SECTION 4. Group Insurance. It is the intent of the St. Bernard Parish Government to provide group health, life and Fire Department dental benefits to Eligible Employees and Retirees. If at some time in the future, the government is unable to afford to obtain these benefits and must either reduce its monetary contribution or cease to provide group health, life or dental benefits, both active and retired employee benefit premium contributions will similarly be reduced or ceased.

The St. Bernard Parish Government may offer one group insurance plan for both active and retired employees, separate group insurance plans for active and retired employees (pre-65 retirees and/or post 65 retirees) or any combination depending on market availability of product and price. Neither type of coverage or benefit contribution is vested.

It is the responsibility of each employee/retiree to apply for benefits. Enrollment is not automatic unless set forth by Health Care Reform. No retroactive benefits will be provided.

St. Bernard Parish Government will not provide Executive Benefits or additional benefits nor make higher premium contributions on behalf of directors, managers or other select individuals.

"COBRA" – The Consolidated Omnibus Budget Reconciliation Act hereafter referred to as "COBRA" will be applied according to federal guidelines each applicable group plan offered by the St. Bernard Parish Government. The St. Bernard Parish Government will not make any contribution towards the COBRA premium.

SECTION 5. Allocation of Premium. The allocation of health, life and dental premiums are as follows:

Health Insurance:

1. St. Bernard Parish Government Employees & Retirees:
 - a. Single Coverage – The St. Bernard Parish Government shall pay 100% of the monthly Single coverage insurance premium for Eligible Employees and Retirees who are enrolled in the St. Bernard Parish Government group health insurance program.
 - b. Family Coverage – The St. Bernard Parish Government shall pay 40% towards the monthly Dependent cost for Employees and Pre-65 Retirees who elect Family Coverage. The Employee and Pre-65 Retiree shall be responsible to pay 60% of the monthly Dependent cost. (The Dependent cost is determined by subtracting the billed Single premium from the billed Family premium).
 - c. **Combined Family Coverage – The St. Bernard Parish Government shall pay 60% towards the monthly Dependent cost where two Eligible Employees and/or Pre-65 Retirees elect Family Coverage under the same St. Bernard Parish Government sponsored group health insurance plan. The Employee(s) and/or Pre-65 Retirees shall be responsible to pay 40% of the monthly Dependent cost. (The Dependent cost is determined by subtracting the billed Single premium from the billed Family premium).**

Post-65 Retirees Family Coverage – The St. Bernard Parish Government shall not contribute towards the cost of the Post-65 Dependent premium.

2. Fire Department Employees & Retirees:
 - a. The St. Bernard Parish Government shall pay 70% of the monthly group insurance premium for Eligible Fire Department Employees and Retirees whether Single or Family coverage is elected under the St. Bernard Parish Government group health insurance program.
 - b. Fire Department Employees and Retirees shall be responsible for paying 30% of the monthly group insurance premiums whether Single or Family coverage is elected under the St. Bernard Parish Government group health insurance program.

- c. If the employee's 30% contribution of the monthly group insurance Premium is higher than the Health Care Reform Act, "Affordable" healthcare guideline(s), using the safe harbor method(s) applied by St. Bernard Parish Government, the affected employees' monthly group Insurance premium will be adjusted accordingly as mandated.

Orphaned Dependents: "Orphaned Dependents" is an insurance industry term that applies if a Retiree is eligible for Medicare and enrolled in the Post-65 group health insurance program but their spouse and/or dependent(s) are not eligible for Medicare. Eligible dependent(s) will be allowed to remain on the group insurance plan offered to the Active Employee and Pre-65 Retiree until such time as they cease to be an eligible dependent or become eligible for Medicare. The Retiree shall be responsible for paying the applicable Dependent cost under the group policy(ies) that both the Post-65 Retiree and any Dependents are insurance. Dependent coverage is subject to group insurance policy eligibility, guidelines and provisions.

Allocation of Premium Cap: Should the group hospitalization insurance premiums increase by more than 45% in a calendar year, the allocation of premiums as stated in this Ordinance shall be revisited.

Life Insurance:

Life Insurance is paid at 100% by the St. Bernard Parish Government for:

Active Employees:

- a. \$10,000 minimum coverage on eligible employees; and
- b. \$1,000 for each eligible dependent

Retired Employees:

- a. \$10,000 minimum coverage on eligible retirees.

Dental Insurance:

Parish Government Employees and Retirees:

- a. The dental plan offered to Eligible Employees and Retirees will be a voluntary product.

- b. The St. Bernard Parish Government shall have no responsibility to pay any portion of the group dental insurance premium.

Fire Department Employees and Retirees:

- a. The St. Bernard Parish Government shall be responsible for paying 70% of the monthly group insurance premium for all Eligible Employees and Retirees whether single or family coverage is elected under the group insurance plan.
- b. Eligible Employees and Retirees shall be responsible for paying 30% of the monthly group insurance premiums whether single or family coverage is elected under the group insurance plan.

All employee/retiree insurance premium contributions must remain current and paid up-to-date. Delinquent premiums may result in coverage being cancelled from the last month paid.

SECTION 6. Medicare Eligible Retirees. All retirees who are Medicare eligible must elect Medicare Parts A & B, and Part D in certain circumstances, and pay all necessary premiums. Participation in a St. Bernard Parish Government sponsored group medical plan is contingent upon Medicare enrollment. St. Bernard Parish Government does not reimburse the Retiree for any Medicare premiums.

Non-Eligible Medicare Retirees – Any Retiree who is not eligible for Medicare will be allowed to stay on the group health plan with the same “in-force” health benefits as active employee subject to group insurance policy eligibility, guidelines and provisions.

SECTION 7. Health Care Reform. The enactment of comprehensive health care reform has many implications for employer and employees. St. Bernard Parish Government’s future group coverage decisions for both active and retired employees will be determined by these complex changes to the health care markets and systems. Many decisions regarding Retiree coverage are likely to be influenced by the availability and modifications of Medicare. It is the intent of St. Bernard Parish Government to maintain our role in providing health insurance for both active and retired employees in accordance with the evolving Patient Protection and Affordable Care Act and its regulations.

SECTION 8. Severability. Should any provision of this Ordinance or the application thereof be hereafter held to be invalid or contrary to Health Care Reform or any other federal, state or local law, or any group insurance provisions or guidelines, the invalidity of default shall not affect other provisions or applications of this Ordinance; and the provisions of this Ordinance are hereby declared severable.

SECTION 9. 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.

BY DIRECTION OF

Kerri Callais

KERRI CALLAIS
COUNCIL CHAIR

PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, MARCH 2, 2022 SEVEN (7:00) 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 FEBRUARY 15, 2022 COUNCIL MEETING:

Summary No. 3996

Introduced by: Administration on 2/15/22

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2385-12-21**, AN ORDINANCE TO ADOPT THE 2022 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 2022 is hereby adopted 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

St. Bernard Parish Government
Proposed 2022 Budget Amendment 3-2-2022
Summary No. 3996
Ordinance SBPC #XXXX-XX-XX

<u>Org</u>	<u>Account Code</u>		<u>Account Title</u>	<u>Account Type</u>	<u>Entry Amount</u>	
	<u>Object</u>	<u>Project</u>			<u>Increase</u>	<u>Decrease</u>
464 - Gen Cap Proj	499100		Transfer from General Fund	Revenue	\$ 155,000	
464 - Gen Cap Proj	520002		Professional Service	Expenditure	155,000	
100 - General Fund	599464		Transfer to Gen Cap Projects	Expenditure	155,000	
<i>Net Effect on Fund Balance</i>					<u>\$ -</u>	<u>\$ 155,000</u>

To transfer Council Contingency money to General Capital Projects for the demolition of blighted properties

PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, MARCH 2, 2022 SEVEN (7:00) 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 FEBRUARY 15, 2022 COUNCIL MEETING:

Summary No. 3997

Introduced by: Administration on 2/15/22

AN ORDINANCE TO DECLARE THE PROPERTIES ON THE ATTACHED EXHIBIT "A" AS SURPLUS AND TO AUTHORIZE THE PARISH PRESIDENT TO EXECUTE ALL NECESSARY DOCUMENTS TO TRANSFER SAID PROPERTIES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

WHEREAS, the Parish considers the properties listed on the attached Exhibit "A" as surplus and these properties are not needed for a public purpose of the Parish, and;

WHEREAS, the Parish intends to transfer these properties in compliance with state law.

SECTION 1. The properties on the attached Exhibit "A" are hereby declared surplus and are not needed for any public purpose.

SECTION 2. The President of St. Bernard Parish Government is hereby authorized to execute any documents necessary to transfer the properties listed on the attached Exhibit "A" in compliance with state law.

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

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

BY DIRECTION OF

Kerri Callais

KERRI CALLAIS
COUNCIL CHAIR

Summary No. 3997
Exhibit "A"
Ordinance SBPC #XXXX-XX-XX

PropID	Address	City
BER-093543	2404 PIRATE DR	CHALMETTE
BER-085367	3302 STACIE DR	VIOLET
BER-114722	69 WEST CLAIBORNE SQUARE	CHALMETTE

PUBLIC HEARING NOTICE

THE ST. BERNARD PARISH COUNCIL WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, MARCH 2, 2022 SEVEN (7:00) 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 FEBRUARY 15, 2022 COUNCIL MEETING:

Summary No. 3998

Introduced by: Administration on 2/15/22

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2385-12-21**, AN ORDINANCE TO ADOPT THE 2022 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 2022 is hereby adopted 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

St. Bernard Parish Government
Proposed 2022 Budget Amendment 3-2-2022
Summary No. 3998
Ordinance SBPC #XXXX-XX-XX

<u>Org</u>	<u>Account Code</u>	<u>Project</u>	<u>Account Title</u>	<u>Account Type</u>	<u>Entry Amount</u>	
	<u>Object</u>				<u>Increase</u>	<u>Decrease</u>
229 - Disaster Recovery	420028	0840 - IDA	FEMA	Revenue	\$ 1,065,536	
229 - Disaster Recovery	520002	0840 - IDA	Professional Service	Expenditure	1,065,536	
<i>Net Effect on Fund Balance</i>					\$ -	\$ -
<i>To budget for Draw #1 on the Hurricane Recovery LOC</i>						

#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 WEDNESDAY, MARCH 2, 2022 AT SEVEN O'CLOCK P.M.

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

RESOLUTION SBPC #2215-03-22

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:

Beer and/or Liquor Permit(s)

1. Family Cajun Kitchen, LLC., dba Family Cajun Kitchen 5351 Paris Road, Chalmette, LA 70043 Member(s): Nathaniel Washington, Jr. **(New) (Beer and Liquor)**
2. Lacy's Cue, LLC., dba Lacy's Cue 701 West Judge Perez Drive, Chalmette, LA 70043. Member(s): Frank Haines. **(Renewal) (Beer and Liquor)**
3. Rocky & Carlo's, Inc., dba Rocky & Carlo's Restaurant & Bar 613 West St. Bernard Hwy., Chalmette, LA 70043 Owner(s): Thomas Tommaseo, Tommoso G. Tommaseo and Josephine G. O'Brien. **(Renewal) (Beer and Liquor)**
4. Tag's Meat Market, Inc., dba Tag's Deli 1207 East Judge Perez Drive, Chalmette, LA 70043. Owner(s): Deborah and Michael E. Michalik, Jr. **(Renewal) (Beer Only)**
5. The Kimmy Group, LLC., dba The Palms Too 8001-B West St. Bernard Hwy., Arabi, LA 70032. Member(s): Charles L. Bienvenu. **(Renewal) (Beer and Liquor)**

Page -2-
Extract #11 continued
March 2, 2022

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

YEAS:

NAYS:

ABSENT:

ABSTAINED:

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

And the motion was declared **adopted** on the 2nd day of March, 2022.

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 Wednesday, March 2, 2022.

Witness my hand and the seal
of the Parish of St. Bernard on
this 2nd day of March, 2022.

ROXANNE ADAMS
CLERK OF COUNCIL

#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 WEDNESDAY, MARCH 2, 2022 AT SEVEN O'CLOCK P.M.

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

RESOLUTION SBPC #2216-03-22

A RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT FROM THE ST. BERNARD PARISH MURPHY OIL CY PRES COMMITTEE FOR THE MISSISSIPPI RIVER TRAIL IN THE AMOUNT OF \$389,000.00.

WHEREAS, St. Bernard Parish Government, in partnership with and with funding assistance from the Regional Planning Commission of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany and Tangipahoa Parishes, did initiate a 2003 feasibility study to determine whether a regional multi-purpose trail could be constructed in St. Bernard Parish along the Mississippi River levee; and,

WHEREAS, that study was completed in 2005 and demonstrated that such a trail was possible to construct; and,

WHEREAS, St. Bernard Parish sought federal grant funding for construction of the first two phases of the project which became known as the St. Bernard Parish Mississippi River Trail (MRT); and,

WHEREAS, the federal transportation act, known as the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), established the Congestion Mitigation and Air Quality Program (CMAQ) to provide federal funding support for projects which could reduce congestion and improve air quality in select areas of the country; and,

WHEREAS, the Parish was successful in securing a \$1,255,000 CMAQ grant to fund 95% of the construction cost of the St. Bernard Parish Mississippi River Trail Phase I&II; and,

WHEREAS, implementation of this new CMAQ grant was delayed due to the destruction caused by Hurricane Katrina and the subsequent focus on local recovery efforts; and

Page -2-
Extract #12 continued
March 2, 2022

WHEREAS, the Parish restarted its implementation of the MRT project in 2010 continuing with design engineering and approval of Phase I&II plans; and,

WHEREAS, St. Bernard Parish adopted a new St. Bernard Parish Comprehensive Plan in 2015 which included the Mississippi River Trail as part of its bikeways and trails plan; and,

WHEREAS, the Parish adopted the St. Bernard Parish Bikeways and Pedestrian Plan Update in 2017 which further defined the Mississippi River Trail as a major component of the Parish's regional trail system and identified links to other bikeway facilities which will provide access to the regional trails; and,

WHEREAS, the Parish continued to seek new funding assistance to implement the remaining phases of the Mississippi River Trail; and,

WHEREAS, the federal transportation act, known as the Moving Ahead for Progress in the 21st Century Act (MAP-21), authorized the Transportation Alternatives Program (TAP) to provide funding for programs and projects defined as transportation alternatives including on and off-road pedestrian and bicycle facilities and recreational trail projects; and,

WHEREAS, the Parish was successful in securing two TAP grants for the Mississippi River Trail including \$1,134,050 for the MRT Phase III and \$582,384 for MRT Phase IV; and,

WHEREAS, the Parish was also successful in securing grants from the Recreational Trails Program totaling \$352,738 for trailheads and a connector trail to St. Bernard State Park; and,

WHEREAS, each of these grants require local matching funds to supplement the federal funding share provided for construction and additional local funds to cover engineering and related costs; and,

WHEREAS, additional expenses are necessary to fully implement the trail project that are not covered by federal grants; and,

WHEREAS, this Mississippi River Trail is located adjacent to the former Murphy Oil property and a proposal was submitted to the St. Bernard Parish Cy Pres Murphy Oil Committee in the summer of 2021 to fund these additional expenses; and,

Page -3-
Extract #12 continued
March 2, 2022

WHEREAS, following discussions of the grant application by the Committee and the federal judge overseeing the administration of these funds, the Committee approved a portion of the funding request totaling \$389,000.00; and,

WHEREAS, St. Bernard Parish Government wishes to certify acceptance of this grant by adoption of this Council resolution.

NOW THEREFORE BE IT RESOLVED, the St. Bernard Parish Council does hereby authorize the acceptance of the St. Bernard Parish Murphy Oil Cy Pres Committee grant in the amount of \$389,000.00 for implementation of the Mississippi River Trail (no local match required); and

BE IT FURTHER RESOLVED, the St. Bernard Parish Council does hereby authorize the President of St. Bernard Parish Government to sign and execute all required grant agreements and any amendments thereof, and all the necessary reports, requirements, assurances, contracts, and any other documents mandated in connection with the St. Bernard Parish Murphy Oil Cy Pres Committee Grant for the Mississippi River Trail.

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 2nd day of March, 2022.

Page -2-
Extract #12 continued
March 2, 2022

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 Wednesday, March 2, 2022.

Witness my hand and the seal
of the Parish of St. Bernard on
this 2nd day of March, 2022.

ROXANNE ADAMS
CLERK OF COUNCIL

#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 WEDNESDAY, MARCH 2, 2022 AT SEVEN O'CLOCK P.M.

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

Summary No. 3994

Introduced by: Councilmember Moran on 2/15/22

Public Hearing held on 3/2/22

AN ORDINANCE TO **AMEND** CHAPTER 11, HEALTH AND SANITATION; ARTICLE II, SOLID WASTE DISPOSAL; JUNK; DIVISION 1, GENERALLY; SECTION 11-25, GARBAGE CONTAINERS – MULTIFAMILY DWELLINGS OF FOUR-PLEX AND LARGER AND COMMERCIAL ESTABLISHMENTS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council, the Governing Authority, does hereby ordain that chapter 11, health and sanitation; article ii, solid waste disposal; junk; division 1, generally; section 11-25, garbage containers – multifamily dwellings of four-plex and larger and commercial establishments of the St. Bernard Parish Code of Ordinances is hereby amended as per attached 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 #xx, continued
March 2, 2022

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 2nd day of March, 2022.

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Received by _____

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

Exhibit "A"
Summary No. 3994
Ordinance SBPC #XXXX-XX-XX

Chapter 11 – Health and Sanitation

Article II – Solid Waste Disposal; Junk

Division 1. – Generally

Section 11-25. – Garbage containers – Multifamily dwellings of four-plex and larger and commercial establishments.

Sec. 11-25. - Garbage containers—Multifamily dwellings of four-plex and larger and commercial establishments.

- (a) All multi-family dwellings of four-plex or larger and commercial retail outlets are required to have bulk containers normally utilized with mechanical collection equipment. These containers shall have a capacity sufficient to meet the disposal needs of the particular structure so that a clean and sanitary condition is maintained. Containers are to be constructed of durable, rust and corrosion-resistant material, be equipped with tight fitting lids or doors to prevent entrance of insects or rodents; be waterproof, leakproof and weatherproof except for drainage holes. Containers shall be kept covered at all times except during placing and removing of containers. The containers and the area surrounding the containers are to be cleaned on a regular basis.
- (b) No bulk waste container may be placed on location unless the owner of the property or lease holder has obtained a permit from the department of community development.
- (c) Bulk waste container companies shall not provide or locate any containers within the parish unless the customer has obtained or can show evidence that such person has applied for the permit required in subsection (b) above.
- (d) The permit application shall designate the number and location for storage of bulk waste containers.
- (e) Required bulk containers of refuse by multi-family dwellings, four-plex or larger and commercial retail outlets will be exempted [for the following:]
 - (1) Multifamily dwellings, four-plex or larger, constructed prior to 1980 which have not been required to have a bulk waste containers as of March 1, 1998;

- (2) Commercial retail outlets that require no more than one-half (.5) cubic yard of waste collection two (2) times per week as determined by the director of the department of community development.
- (3) Any multifamily or commercial retail outlet that does not fall within exemptions (1) and (2) above, whereby the director of the department of community development certifies in writing to the parish president and parish council that the public interest is best served by alternate means of collection and the reasons therefore.

(f) Revocation of exemption set forth in subpart (e):

- (1) Any multi-family dwelling unit of four-plex or larger and any commercial retail outlet which are found to violate any provisions of Section 11-20 or Section 11-34, by any court of proper jurisdiction, shall be subject to revocation of the exemptions outlined in subpart (e) of this Section.**
- (2) Pursuant to the provisions of this subpart, the Director of Community Development or the Director of Public Works shall have the authority to mandate that bulk containers shall be required for any such offending properties.**

#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 WEDNESDAY, MARCH 2, 2022 AT SEVEN O’CLOCK P.M.

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

Summary No. 3995

Introduced by: Administration on 2/15/22

Public Hearing held on 3/2/22

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2172-06-19**, AN ORDINANCE OUTLINING GROUP HEALTH, LIFE AND DENTAL INSURANCE BENEFITS FOR ELIGIBLE EMPLOYEES AND RETIREES OF THE ST. BERNARD PARISH GOVERNMENT.

WHEREAS, it is the desire of the St. Bernard Parish Council to amend **ORDINANCE SBPC #2172-06-19**, “An ordinance outlining group health, life and dental insurance benefits for active employees and retirees of the St. Bernard Parish Government.”

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. NOW, THEREFORE, BE IT ORDAINED by the Parish Council of the Parish of St. Bernard, State of Louisiana (the “Parish Council”), acting as the governing authority of the Parish of St. Bernard, State of Louisiana (the “Parish”), that;

SECTION 2. Retirees. For the purpose of group insurance benefits eligibility, a “Retiree” of the St. Bernard Parish Government is defined as those Employees of St. Bernard Parish Government, including the St. Bernard Parish Water Division, St. Bernard Parish District Attorney’s Office, St. Bernard Parish Registrar of Voters’ Office and the St. Bernard Parish Fire Department, who at the time of retirement, meet all of the following criteria:

1. Classified as an active, bona fide employee; and
2. Vested in the retirement system in both age and years of credible service; and
3. Receiving a check drawn against St. Bernard Parish Government funds in whole or in part as payment of their salary as an active employee or immediately prior to any excused leave of absence; and

Page -2-
Extract #xx, continued
March 2, 2022

4. Enrolled in or eligible for Parish sponsored group benefits; and
5. Eligible to begin receiving a pension check from a retirement system listed below:
 - a. Parochial Employees Retirement System, PERS;
 - b. Firefighters Retirement Service;
 - c. Louisiana District Attorney's Association;
 - d. Registrar of Voters Employees' Retirement system.

And in order to be eligible for group insurance benefits as a Retiree, the above are subject to:

1. Employees must be vested for a minimum of 7 years of creditable service in a St. Bernard Parish Government participating retirement system and the 7 creditable years must be served working for the St. Bernard Parish Government; and
2. In the event of a Disability Retirement, the employee must have served the minimum number of creditable years required under the disability guidelines of the participating retirement system working for the St. Bernard Parish Government.

As of the date of the adoption of this Ordinance, all active employees currently contributing to a St. Bernard Parish Government retirement system will be considered "Grandfathered" and eligible for group insurance benefits upon retirement based on age and years of creditable service as outlined in the guidelines of the participating retirement system.

For the purposes of this Ordinance, Library and Work Force Investment Act, "WIA" are not considered Retirees of the St. Bernard Parish Government.

SECTION 3. Active Employees. For the purpose of group insurance benefits eligibility, an "Eligible Employee" of the St. Bernard Parish Government is defined as those Employees of St. Bernard Parish Government, including the St. Bernard Parish Water Division, St. Bernard Parish District Attorney's Office, St. Bernard Parish Registrar of Voters' Office and the St. Bernard Parish Fire Department, who are:

1. Classified as an active, bona fide employee; and

2. Meet the minimum hours of work mandated under Health Care Reform and all other eligibility provisions required by group insurance guidelines; and
3. Receiving a check drawn against St. Bernard Parish Government funds in whole or in part as payment of their salary as an active employee or immediately prior to any excused leave of absence.

For purposes of this Ordinance, Library and Work Force Investment Act, "WIA" are not considered employees of the St. Bernard Parish Government.

SECTION 4. Group Insurance. It is the intent of the St. Bernard Parish Government to provide group health, life and Fire Department dental benefits to Eligible Employees and Retirees. If at some time in the future, the government is unable to afford to obtain these benefits and must either reduce its monetary contribution or cease to provide group health, life or dental benefits, both active and retired employee benefit premium contributions will similarly be reduced or ceased.

The St. Bernard Parish Government may offer one group insurance plan for both active and retired employees, separate group insurance plans for active and retired employees (pre-65 retirees and/or post 65 retirees) or any combination depending on market availability of product and price. Neither type of coverage or benefit contribution is vested.

It is the responsibility of each employee/retiree to apply for benefits. Enrollment is not automatic unless set forth by Health Care Reform. No retroactive benefits will be provided.

St. Bernard Parish Government will not provide Executive Benefits or additional benefits nor make higher premium contributions on behalf of directors, managers or other select individuals.

"COBRA" – The Consolidated Omnibus Budget Reconciliation Act hereafter referred to as "COBRA" will be applied according to federal guidelines each applicable group plan offered by the St. Bernard Parish Government. The St. Bernard Parish Government will not make any contribution towards the COBRA premium.

SECTION 5. Allocation of Premium. The allocation of health, life and dental premiums are as follows:

Health Insurance:

1. St. Bernard Parish Government Employees & Retirees:
 - a. Single Coverage – The St. Bernard Parish Government shall pay 100% of the monthly Single coverage insurance premium for Eligible Employees and Retirees who are enrolled in the St. Bernard Parish Government group health insurance program.
 - b. Family Coverage – The St. Bernard Parish Government shall pay 40% towards the monthly Dependent cost for Employees and Pre-65 Retirees who elect Family Coverage. The Employee and Pre-65 Retiree shall be responsible to pay 60% of the monthly Dependent cost. (The Dependent cost is determined by subtracting the billed Single premium from the billed Family premium).
 - c. **Combined Family Coverage – The St. Bernard Parish Government shall pay 60% towards the monthly Dependent cost where two Eligible Employees and/or Pre-65 Retirees elect Family Coverage under the same St. Bernard Parish Government sponsored group health insurance plan. The Employee(s) and/or Pre-65 Retirees shall be responsible to pay 40% of the monthly Dependent cost. (The Dependent cost is determined by subtracting the billed Single premium from the billed Family premium).**

Post-65 Retirees Family Coverage – The St. Bernard Parish Government shall not contribute towards the cost of the Post-65 Dependent premium.

2. Fire Department Employees & Retirees:
 - a. The St. Bernard Parish Government shall pay 70% of the monthly group insurance premium for Eligible Fire Department Employees and Retirees whether Single or Family coverage is elected under the St. Bernard Parish Government group health insurance program.

- b. Fire Department Employees and Retirees shall be responsible for paying 30% of the monthly group insurance premiums whether Single or Family coverage is elected under the St. Bernard Parish Government group health insurance program.
- c. If the employee's 30% contribution of the monthly group insurance Premium is higher than the Health Care Reform Act, "Affordable" healthcare guideline(s), using the safe harbor method(s) applied by St. Bernard Parish Government, the affected employees' monthly group Insurance premium will be adjusted accordingly as mandated.

Orphaned Dependents: "Orphaned Dependents" is an insurance industry term that applies if a Retiree is eligible for Medicare and enrolled in the Post-65 group health insurance program but their spouse and/or dependent(s) are not eligible for Medicare. Eligible dependent(s) will be allowed to remain on the group insurance plan offered to the Active Employee and Pre-65 Retiree until such time as they cease to be an eligible dependent or become eligible for Medicare. The Retiree shall be responsible for paying the applicable Dependent cost under the group policy(ies) that both the Post-65 Retiree and any Dependents are insurance. Dependent coverage is subject to group insurance policy eligibility, guidelines and provisions.

Allocation of Premium Cap: Should the group hospitalization insurance premiums increase by more than 45% in a calendar year, the allocation of premiums as stated in this Ordinance shall be revisited.

Life Insurance:

Life Insurance is paid at 100% by the St. Bernard Parish Government for:

Active Employees:

- a. \$10,000 minimum coverage on eligible employees; and
- b. \$1,000 for each eligible dependent

Retired Employees:

- a. \$10,000 minimum coverage on eligible retirees.

Dental Insurance:

Parish Government Employees and Retirees:

- a. The dental plan offered to Eligible Employees and Retirees will be a voluntary product.
- b. The St. Bernard Parish Government shall have no responsibility to pay any portion of the group dental insurance premium.

Fire Department Employees and Retirees:

- a. The St. Bernard Parish Government shall be responsible for paying 70% of the monthly group insurance premium for all Eligible Employees and Retirees whether single or family coverage is elected under the group insurance plan.
- b. Eligible Employees and Retirees shall be responsible for paying 30% of the monthly group insurance premiums whether single or family coverage is elected under the group insurance plan.

All employee/retiree insurance premium contributions must remain current and paid up-to-date. Delinquent premiums may result in coverage being cancelled from the last month paid.

SECTION 6. Medicare Eligible Retirees. All retirees who are Medicare eligible must elect Medicare Parts A & B, and Part D in certain circumstances, and pay all necessary premiums. Participation in a St. Bernard Parish Government sponsored group medical plan is contingent upon Medicare enrollment. St. Bernard Parish Government does not reimburse the Retiree for any Medicare premiums.

Non-Eligible Medicare Retirees – Any Retiree who is not eligible for Medicare will be allowed to stay on the group health plan with the same “in-force” health benefits as active employee subject to group insurance policy eligibility, guidelines and provisions.

SECTION 7. Health Care Reform. The enactment of comprehensive health care reform has many implications for employer and employees. St. Bernard Parish Government’s future group coverage decisions for both active and retired employees will be determined by these complex changes to the health care markets and systems. Many decisions regarding Retiree coverage are likely to be influenced

Page -7-
Extract #xx, continued
March 2, 2022

by the availability and modifications of Medicare. It is the intent of St. Bernard Parish Government to maintain our role in providing health insurance for both active and retired employees in accordance with the evolving Patient Protection and Affordable Care Act and its regulations.

SECTION 8. Severability. Should any provision of this Ordinance or the application thereof be hereafter held to be invalid or contrary to Health Care Reform or any other federal, state or local law, or any group insurance provisions or guidelines, the invalidity of default shall not affect other provisions or applications of this Ordinance; and the provisions of this Ordinance are hereby declared severable.

SECTION 9. 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.

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 2nd day of March, 2022.

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Page -8-
Extract #xx, continued
March 2, 2022

Delivered to the Parish President _____
Date and Time

Received by _____

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 WEDNESDAY, MARCH 2, 2022 AT SEVEN O'CLOCK P.M.

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

Summary No. 3996

Introduced by: Administration on 2/15/22

Public Hearing held on 3/2/22

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2385-12-21**, AN ORDINANCE TO ADOPT THE 2022 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 2022 is hereby adopted 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 2, 2022

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 2nd day of March, 2022.

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Received by _____

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

St. Bernard Parish Government
Proposed 2022 Budget Amendment 3-2-2022
Summary No. 3996
Ordinance SBPC #XXXX-XX-XX

<u>Org</u>	<u>Account Code</u>		<u>Account Title</u>	<u>Account Type</u>	<u>Entry Amount</u>	
	<u>Object</u>	<u>Project</u>			<u>Increase</u>	<u>Decrease</u>
464 - Gen Cap Proj	499100		Transfer from General Fund	Revenue	\$ 155,000	
464 - Gen Cap Proj	520002		Professional Service	Expenditure	155,000	
100 - General Fund	599464		Transfer to Gen Cap Projects	Expenditure	155,000	
<i>Net Effect on Fund Balance</i>					<u>\$ -</u>	<u>\$ 155,000</u>

To transfer Council Contingency money to General Capital Projects for the demolition of blighted properties

#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 WEDNESDAY, MARCH 2, 2022 AT SEVEN O'CLOCK P.M.

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

Summary No. 3997

Introduced by: Administration on 2/15/22

Public Hearing held on 3/2/22

AN ORDINANCE TO DECLARE THE PROPERTIES ON THE ATTACHED EXHIBIT "A" AS SURPLUS AND TO AUTHORIZE THE PARISH PRESIDENT TO EXECUTE ALL NECESSARY DOCUMENTS TO TRANSFER SAID PROPERTIES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

WHEREAS, the Parish considers the properties listed on the attached Exhibit "A" as surplus and these properties are not needed for a public purpose of the Parish, and;

WHEREAS, the Parish intends to transfer these properties in compliance with state law.

SECTION 1. The properties on the attached Exhibit "A" are hereby declared surplus and are not needed for any public purpose.

SECTION 2. The President of St. Bernard Parish Government is hereby authorized to execute any documents necessary to transfer the properties listed on the attached Exhibit "A" in compliance with state law.

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

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

Page -2-
Extract #16, continued
March 2, 2022

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 2nd day of March, 2022.

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Received by _____

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

Summary No. 3997
Exhibit "A"
Ordinance SBPC #XXXX-XX-XX

PropID	Address	City
BER-093543	2404 PIRATE DR	CHALMETTE
BER-085367	3302 STACIE DR	VIOLET
BER-114722	69 WEST CLAIBORNE SQUARE	CHALMETTE

#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 WEDNESDAY, MARCH 2, 2022 AT SEVEN O'CLOCK P.M.

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

Summary No. 3998

Introduced by: Administration on 2/15/22

Public Hearing held on 3/2/22

AN ORDINANCE TO AMEND **ORDINANCE SBPC #2385-12-21**, AN ORDINANCE TO ADOPT THE 2022 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 2022 is hereby adopted 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 #17, continued
March 2, 2022

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 2nd day of March, 2022.

ROXANNE ADAMS
CLERK OF COUNCIL

KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President _____
Date and Time

Received by _____

Approved _____ Vetoed _____

Parish President _____
Guy McInnis

Returned to Clerk of the Council _____
Date and Time

Received by _____

St. Bernard Parish Government
Proposed 2022 Budget Amendment 3-2-2022
Summary No. 3998
Ordinance SBPC #XXXX-XX-XX

<u>Org</u>	<u>Account Code</u>	<u>Project</u>	<u>Account Title</u>	<u>Account Type</u>	<u>Entry Amount</u>	
	<u>Object</u>				<u>Increase</u>	<u>Decrease</u>
229 - Disaster Recovery	420028	0840 - IDA	FEMA	Revenue	\$ 1,065,536	
229 - Disaster Recovery	520002	0840 - IDA	Professional Service	Expenditure	1,065,536	
<i>Net Effect on Fund Balance</i>					\$ -	\$ -
<i>To budget for Draw #1 on the Hurricane Recovery LOC</i>						

#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 WEDNESDAY, MARCH 2, 2022 AT SEVEN O'CLOCK P.M.

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

Summary No. 3999

Introduced by: Administration on 3/2/22

AN ORDINANCE TO **AMEND** APPENDIX D, FEES; SECTION 6, COMMUNITY DEVELOPMENT/PUBLIC WORKS FEES OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council, the Governing Authority, does hereby ordain that Appendix D, Fees; Section 6, Community Development/Public Works Fees of the St. Bernard Parish Code of Ordinances is hereby amended as per attached 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 #18, continued
March 2, 2022

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 2nd day of March, 2022.

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 Wednesday, March 2, 2022.

Witness my hand and the seal
of the Parish of St. Bernard on
this 2nd day of March, 2022.

ROXANNE ADAMS
CLERK OF COUNCIL

Summary No. 3999
Ordinance SBPC #XXXX-XX-XX
Exhibit "A"

APPENDIX D - FEES

Section 6. Community development/public works fees.

- 6.1. *Applicability.* The fees shall repeal and replace specified fees located in other sections of this St. Bernard Parish Code of Ordinances. Any fee not specified here by present in another chapter shall remain in effect.
- 6.2. *Schedule of permit fees.*

Safety and Permit Fees	
Building fee	\$20.00 plus \$0—10,000.00: \$6.00/\$1,000.00 \$10,001.00—\$30,000.00: \$5.00/\$1,000.00 \$30,001.00—\$300,000.00: \$4.00/\$1,000.00 \$300,001.00 +: \$3.00/\$1,000.00
Plan review	Residential: \$250.00 Commercial: \$400.00
Electrical, gas, mechanical, plumbing	Residential: \$100 \$150.00 Commercial: 1% of contract (\$100 \$150.00 min./\$500.00 max each)
Re-inspection	Residential: \$50.00 <u>\$100 for the second re-inspection for the same issue</u> Commercial: \$100.00 <u>\$200 for the second re-inspection for the same issue</u>
Sign	\$100.00
Fence	\$25.00
Dumpster (commercial)	\$25.00
Special inspection	\$75.00
Certificate of occupancy	\$40.00
Mobile home	\$60.00
Demolition	\$250.00
Above ground swimming pools	\$100.00
In-ground swimming pools	\$20.00 plus \$0—10,000.00: \$6.00/\$1,000.00 \$10,001.00—\$30,000.00: \$5.00/\$1,000.00 \$30,001.00—\$300,000.00: \$4.00/\$1,000.00 \$300,001.00 +: \$3.00/\$1,000.00
Solar panels	\$20.00 plus \$0—10,000.00: \$6.00/\$1,000.00 \$10,001.00—\$30,000.00: \$5.00/\$1,000.00

Summary No. 3999
Ordinance SBPC #XXXX-XX-XX
Exhibit "A"

	\$30,001.00—\$300,000.00: \$4.00/\$1,000.00 \$300,001.00 +: \$3.00/\$1,000.00
Planning and Zoning Fees	
Subdivision	<5 lots: \$200.00 plus recording fee at cost 5+ lots: \$200.00 plus \$25.00/lot involved plus recording fee at cost
Conditional use	\$500.00
Zoning change	\$500.00 Zoning change/conditional use combo: \$1,000.00
Board of zoning adjustment (variance)	Residential: \$250.00 \$500.00
<u>Zoning Compliance Letter</u>	<u>\$100.00 (Community Development \$50.00, Local Fire \$50.00) Re-inspection: \$50</u>
Public Works Fees	
Project permit	\$500.00 deposit
Drainage permit	\$75.00
Canal crossing permit	\$100.00
Driveway access permit	\$50.00
Re-subdivision fee	\$75.00
Subdivision fee	\$300.00
Inspection fee/day	\$50.00

#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 WEDNESDAY, MARCH 2, 2022 AT SEVEN O'CLOCK P.M.

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

Summary No. 4000

Introduced by: Councilmember Callais on 3/2/22

AN ORDINANCE TO **AMEND** CHAPTER 15, OIL, GAS, AND MINERAL EXPLORATION, REMOVAL, AND TRANSPORTING; OTHER LAND-DISTRIBUTING AND WATER-DISTRIBUTING ACTIVITIES; ARTICLE III, WHARVES, PIERS, DOCKS, ETC., OUTSIDE OF THE FORTY ARPENT LEVEE SYSTEM; SECTION 15-51, DEFINITIONS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council, the Governing Authority, does hereby ordain that Chapter 15, Oil, Gas, And Mineral Exploration, Removal, and Transporting; Other Land- Distributing and Water-Distributing Activities; Article III, Wharves, Piers, Docks, Etc., Outside of the Forty Arpent Levee System; Section 15-51, Definitions of the St. Bernard Parish Code of Ordinances is hereby amended as per attached 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, continued
March 2, 2022

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 2nd day of March, 2022.

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 Wednesday, March 2, 2022.

Witness my hand and the seal
of the Parish of St. Bernard on
this 2nd day of March, 2022.

ROXANNE ADAMS
CLERK OF COUNCIL

Summary No. 4000
Ordinance SBPC #XXXX-XX-XX
Exhibit "A"

Chapter 15 – Oil, Gas, and Mineral Exploration, Removal, and Transporting; Other Land-Distributing and Water-Distributing Activities

Article III – Wharves, Piers, Docks, etc., Outside of the Forty Arpent Levee System

Section 15-51. - Definitions

Sec. 15-51. - Definitions.

The following terms as used in this article, unless the context otherwise requires, shall have the following meaning:

Average high tide. The average high tide of the previous three (3) years as reported by the U.S. Army Corps of Engineers for the affected location or area.

Average low tide. The average low tide of the previous three (3) years as reported by the U.S. Army Corps of Engineers for the affected location or area.

Average tide. The average tide of the previous three (3) years as reported by the U.S. Army Corps of Engineers for the affected location or area.

Bank stabilization works. Concrete, rock, masonry, rip-rap or similar materials used to cover existing banks or shorelines of a waterway; a bulkhead located above the average low tide to deter or prevent erosion, subsidence or wave wash of the bank or shoreline of the waterway.

~~**Boat shed. A non-residential structure typically elevated on pilings, posts or other supports located in, over or along a waterway or water body and used primarily for the storage, security and protection of one (1) or more boats, vessels or other watercraft and not used for residential purposes.**~~

Boat slip. A structure consisting of pilings, posts or other support devices with or without a wharf used to accommodate the mooring of one or more water craft in, over or along a waterway or water body.

Bulkhead. A structure constructed along the bank of a waterway or the shore of a water body designed to protect, reclaim or stabilize the existing shore or bank of the waterway and/or retain fill material.

Commercial. Any activity, structure or facility that has the primary purpose of producing revenue and/or generating profit.

Deposit. The act of puffing or otherwise placing fill material moved from another location by human activity onto a section of land, or into a waterway, or water body.

Dock. Any structure consisting of a wharf, pier or other works containing a bulkhead used primarily to load or unload cargo or passengers to or from a watercraft for water related activities. For the purposes of this article, a dock is considered a commercial facility unless specifically stated otherwise.

Summary No. 4000
Ordinance SBPC #XXXX-XX-XX
Exhibit "A"

Limit line. The maximum distance from one point to another that any construction activity can extend into the waterway or water body.

Fill material. Rock, gravel, shell, sand, brick, rip-rap, soil, mud, soil or other approved material used to fill lands or reclaim water bottoms in St. Bernard Parish.

Navigable channel. That portion of a waterway that has a minimum depth of three (3) feet at the average low tide.

Noncommercial. Any structure or facilities used primarily for residential purposes including any structures or facilities used by non-profit corporations clubs or associations. Any activity, structure or facility whose is not the production of revenue and/or generation of primary purpose profit.

Owner. A person who is the fee title owner of record of parcels of land fronting a waterway having riparian rights in the case of natural waterways or titled rights in the case of manmade canals. In the case of parcels fronting a public road along a natural waterway and there being no discernible parcels of record between the public road and the waterway, the owner shall be the fee title owner of record of the subdivision parcel or lot fronting the public road and shall have the right to apply for permitted use of the water front between lines drawn perpendicular to the channel of the stream waterway from the road fronting corners of the lot or parcel to the average tide of the waterway.

Person. Any individual, firm, partnership, corporation, organization, association, or entity excluding federal, state and local governmental agencies or political subdivisions.

Pier. A structure extending in or on a waterway along its banks, shores or sides typically from the shore or bank and constructed on pilings, posts or other supports with water on both sides with or without a sunshade, boat shed, boat slip or boat house constructed or maintained for the purpose of providing a berth or mooring for vessels, boats or other water craft or for loading or unloading cargo or passengers to or from the water craft or for fishing.

Reclamation. The direct or indirect raising or elevating of the bottom of a waterway by deposit of fill material such that the newly created bottom of the waterway is no longer covered by water at average low tide if the water bottom is located on private property or average high tide if the water bottom is located on public property.

Structure. Any building, construction, facility, or works on land and in or on a waterway or along its banks, shores or sides and permanently attached to land by pilings, posts or other supports, including camp, boat shed, boat house, pier, wharf, bulkhead, and dock, as defined herein and also including, but not limited to, storage dock, houses, warehouse, residences, bulkheads which are not proximate to the shore or bank, business establishments, dams, bridges, impoundment structures or similar works.

Water body. Any river, bayou, canal, stream, lake, pass, bay, pond, or lagoon.

Waterway. A canal, bayou or stream that is or may be used for the conveyance and navigation of water craft. Waterways shall be classified as:

Summary No. 4000
Ordinance SBPC #XXXX-XX-XX
Exhibit "A"

(1) *High traffic waterway.* A waterway that is used on a regular or consistent basis by the commercial fishing industry, the oil and gas industry, and/or by recreational users.

(2) *Medium traffic waterway.* A waterway that is used for recreational purposes and commercial fisheries activities and has potential for future use by the oil and gas industry. A waterway shall be deemed to have potential for future use by the oil and gas industry if it can be shown that the waterway is the most desirable route for accessibility to future areas of oil and/or gas exploration and development due to environmental considerations.

(3) *Light traffic waterway.* A waterway used primarily by the commercial fishing industry and for recreational activities, and has no potential for present or future use by the oil and gas industry.

Wharf. A structure built or constructed on pilings, posts or other supports adjacent to a water body extending along the shore or bank and connected with the shore or bank along its length with or without a sunshade, boat shed, boat slip or boat house for the purpose of providing a berth or mooring for vessels, boats or other water craft, for loading or unloading cargo or passengers to or from the water craft, or for fishing.