ORDINANCES ADOPTED BY THE ST. BERNARD PARISH COUNCIL 2012

(Click on each link to see the full Ordinance)

1281-01-12	**2784**	AN **EMERGENCY ORDINANCE** TO AMEND **ORDINANCE SBPC #1277-12-11** AN ORDINANCE TO AMEND THE 2012 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET AS IT RELATES TO APPROPRIATIONS NOT CURRENTLY BUDGETED FOR A LEGAL DEPARTMENT. 1-10-12
1282-02-12	**2785**	AN ORDINANCE TO AMEND **ORDINANCE SBPC# 1277-12-11** ADOPTING THE 2012 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET. 2-7-12
1283-02-12	**2786**	AN ORDINANCE TO APPROVE DOCKET 01-12, A PETITION OF THE ST. BERNARD PARISH SCHOOL BOARD FOR A CONDITIONAL USE FROM "R-1, (SINGLE FAMILY RESIDENTIAL TO "R-1, (SINGLE FAMILY RESIDENTIAL) AND (CONDITIONAL USE) FOR THE FOLLOWING DESCRIBED PROPERTY: PROPERTY IS LOCATED IN THE 3100- 3209 BLOCK OF MUMPHREY ROAD. 2-23-12
1284-02-12	**2787**	AN ORDINANCE AMENDING **ORDINANCE SBPC #976-04-09,** CREATING A HOSPITAL SERVICE DISTRICT IN THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, DESCRIBING AND DEFINING THE BOUNDARIES THEREOF AND APPOINTING FIVE (5) COMMISSIONERS OF SAID HOSPITAL SERVICE DISTRICT. 2-23-12
1285-02-12	**2788**	AN ORDINANCE TO AMEND ORDINANCE SBPC #671-09-06, AN ORDINANCE TO SET BY FORMULA THE SALARY OF THE CLERK OF COUNCIL IN ACCORDANCE WITH THE GUIDANCE OF SECTION 2-10(B) OF THE ST. BERNARD PARISH HOME RULE CHARTER. 2-23-12
1286-03-12	**2790**	AN ORDINANCE TO AMEND **ORDINANCE SBPC# 1252-06-11** APPROVING **DOCKET 6-11**, PETITION OF TERRY TEDESCO AND SUSAN TEDESCO RUSSO ROSS FOR A ZONING CHANGE FROM "I-2, (HEAVY INDUSTRIAL)" TO "I-2, (HEAVY INDUSTRIAL) AND (CONDITIONAL USE)" FOR THE FOLLOWING DESCRIBED PROPERTY: 4100 BLOCK PARIS ROAD. 3-20-12
1287-03-12	**2791**	AN ORDINANCE AUTHORIZING THE PARISH PRESIDENT TO ENTER INTO A LEASE AGREEMENT WITH LOUIS BATTLE FOR THE LEASE OF ROUTE 1 BOX 738, DELACROIX ISLAND, LOT #9 FOR THE UTILIZTION OF A PUMP STATION. 3-20-12
1288-03-12	**2794**	AN ORDINANCE TO **AMEND** ST. BERNARD PARISH CODE OF ORDINANCES CHAPTER 22 ZONING; SEC. 22-3 DEFINITIONS, SUBSECTIONS 22-3-20 DWELLING UNIT, 22-3-93 YARD-FRONT, 22-3-94 YARD-REAR. 3-20-12
1289-03-12	**2795**	AN ORDINANCE TO **AMEND** ST. BERNARD PARISH CODE OF ORDINANCES CHAPTER 22 ZONING; SEC. 22-9-8 EXCEPTIONS AND MODIFICATIONS TO USE REGULATIONS: (d) FENCES. 3-20-12

1290-03-12	**2796**	AN ORDINANCE REPEALING ORDINANCE SBPC #785-10-07, WHICH AMENDED ORDINANCE SBPC #631-11-05, REQUIRIUNG THAT "RE-BUILT" HOMES BE BUILT TO, AT LEAST, PRE-HURRICANE KATRINA BUILDING STANDARDS AND RETAIN THE NEIGHBORHOOD INTERGITY. 3-20-12
1291-03-12	**2797**	AN ORDINANCE TO AMEND THE 2012 ST. BERNARD PARISH GOVERNMENT ANNUAL OPERATING AND CAPITAL BUDGET. 3-20-12
1292-04-12	**2792**	AN ORDINANCE TO APPROIVE **DOCKET 02-12**, PETITION OF CHARLEEN D. CLEMENT, CHARLES S. DOIZE, WILLIAM L. DOIZE, JAMIE D. BLAZEK, ARMAND J. DOIZE, PAUL A. DOIZE FOR A ZONING CHANGE FROM "R-1, (SINGLE FAMILY RESIDENTIAL)" AND "C-1, NEIGHBORHOOD COMMERCIAL)" TO "C-1, NEIGHBORHOOD COMMERCIAL)" FOR THE FOLLOWING DESCRIBED PROPERTIES: PROPERTY DESIGNATED AS LOTS A-2, B, AND C WITH A FORMER MUNICIPAL ADDRESS OF 2713 PARIS ROAD, PROPERTY DESIGNATED AS LOT F WITH A FORMER MUNICIPAL ADDRESS OF 121 EAST MORALES STREET, PROPERTY DESIGNATED AS LOT D-3 WITH A FORMER MUNICIPAL ADDRESS OF 116 EAST URQUHART STREET AND FOR PROPERTY DESIGNATED AS LOT G-1 WITH A MUNICIPAL ADDRESS OF 2712 BUFFON STREET. 4-3-12
1293-04-12	**2793**	AN ORDINANCE TO APPROVE **DOCKET 03-12**, PETITION OF CARDON REAL ESTATE HOLDINGS NO. 4, L.L.C. FOR A ZONING CHANGE FROM "C-1, NEIGHBORHOOD COMMERCIAL)" "R-1, (SINGLE FAMILY RESIDENTIAL)" AND TO "C-1, NEIGHBORHOOD COMMERCIAL)" FOR THE FOLLOWING DESCRIBED PROPERTY: PROPERTY IS DESIGNATED AS LOT C-1 AND MEASURES 83.72 FEET FRONT ON EAST ST. BERNARD HIGHWAY, BY A DEPTH OF 601.35 FEET ON ONE SIDE AND A DEPTH ON THE OPPOSITE SIDELINE OF 582.27 FEET AND A WIDTH IN THE REAR OF 81.35 FEET: MUNICIPAL NUMBERS 2004, 2006 AND 2010 CHALONA DRIVE. 4-3-12
1294-04-12	**2802**	AN ORDINANCE TO NAME THE ROAD LOCATED NEXT TO THE VERRET FIRE STATION "LOGAN MARTIN ROAD". 4-17-12
1295-04-12	**2798**	AN ORDINANCE TO RE-INSTATE WITH AMENDMENTS THE COMPREHENSIVE ZONING ORDINANCE OF ST. BERNARD PARISH, LOUISIANA; **SBPC #1179-12-09** ADOPTED ON DECEMBER 15, 2009, EFFECTIVE JANUARY 1, 2010 AND REPEALED BY THE ST. BERNARD PARISH COUNCIL ON APRIL 5, 2011. 4-17-12
1296-04-12	**2799**	AN ORDINANCE TO AMEND, CHAPTER 5 OF THE ST. BERNARD PARISH CODE OF ORDINANCES, TITLED BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES BY REMOVING SECTION 103.8.6, SUB-SECTION 2A OF THE ST. BERNARD PARISH CODE OF ORDINANCES. 4-17-12
1297-04-12	**2800**	AN ORDINANCE TO AMEND THE 2012 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET. 4-17-12

1298-04-12	**2801**	AN ORDINANCE TO APPROVE **DOCKET 04-12,** PETITION KATHERINE PYLANT THORNTON FOR A ZONING CHANGE FROM "R-1, (SINGLE FAMILY RESIDENTIAL)" TO "C-1, NEIGHBORHOOD COMMERCIAL)" FOR THE FOLLOWING DESCRIBED PROPERTY: PROPERTY IS DESIGNATED AS LOT D-2, SQUARE 107, VERSAILLES SUBDIVISION: MUNICIPAL ADDRESS DESIGNATED AS 118 EAST URQUHART STREET. 4-17-12
1299-05-12	**2805**	AN ORDINANCE DECLARING CERTAIN PARISH PROPERTY SURPLUS. 5-1-12
1300-05-12	**2812**	AN ORDINANCE TO RENAME THE VAL RIESS MULTI PURPOSE CENTER TO THE ST. BERNARD SPORTS HALL OF FAME CENTER. 5-15-12
1301-05-12	**2813**	AN ORDINANCE TO AMEND CHAPTER 5, BUILDINGS, CONSTRUCTION AND RELATED ACTIVITIES; ARTICLE II COASTAL ZONE MANAGEMENT; SECTION 5-33OF THE ST. BERNARD PARISH CODE OF ORDINANCES. 5-15-12
1302-05-12	**2815**	AN ORDINANCE TO AMEND ORDINANCE SBPC#1287-03-12, AUTHORIZING THE PARISH PRESIDENT TO ENTER INTO A LEASE AGREEMENT WITH LOUIS BATTLE **AND MARY FERRER** FOR THE LEASE OF ROUTE 1 BOX 738, DELACROIX ISLAND, LOT #9 FOR THE UTILIZTION OF A PUMP STATION. 5-15-12
1303-05-12	**2816**	AN ORDINANCE TO APPROVE ST. BERNARD PARISH GOVERNMENT REDEVELOPMENT AND DISPOSITION PLAN FOR LOUISIANA LAND TRUST PROPERTIES AND FORWARD THE PLAN TO THE STATE OF LOUISIANA. 5-15-12
1304-06-12	**2819**	AN ORDINANCE TO AMEND ORDINANCE SBPC #1185-04-10, TO MODIFY THE PROCEDURES FORB PERMITTING AND OPERATING FIREWORKS SALES WITHIN THE PARISH OF ST. BERNARD. 6-5-12
1305-06-12	**2804**	AN ORDINANCE TO APPROVE **DOCKET Z-2012-009,** PETITION OF JRSL FAM 1, LLC, REPRESENTED BY DANIEL NABAT FOR A ZONING CHANGE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) AND C-1 (NEIGHBORHOOD COMMERCIAL) TO C-1 (NEIGHBORHOOD COMMERCIAL) FOR THE FOLLOWING DESCRIBED PROPERTY: MUNICIPAL ADDRESS DESIGNATED AS 912 E. JUDGE PEREZ DRIVE, CHALMETTE, LA 70043. 6-5-12
1306-06-12	**2807**	AN ORDINANCE TO REPEAL IN ITS ENTIRETY ORDINANCE SBPC #658-07-06, WHICH WAS AMENDED BY ORDINANCE SBPC #900-09-08, ESTABLISHING AN OLD ARABI NEIGHBORHOOD COMMISSION TO ADDRESS PRESERVATION AND REDEVELOPMENT ISSUES. 6-5-12
1307-06-12	**2808**	AN ORDINANCE TO CREATE A COMMISSION TO BE KNOWN AS THE SAINT BERNARD PARISH HISTORIC DISTRICTS COMMISSION. 6-5-12
1308-06-12	**2818**	AN ORDINANCE TO REPEAL AND REENACT CHAPTER 13, ARTICLE III, ITINERANT MARKET, MOBILE VENDORS, PEDDLERS OF THE ST. BERNARD PARISH CODE OF ORDINANCES. 6-5-12

1309-06-12	**2810**	AN ORDINANCE LEVYING AND IMPOSING CERTAIN TAXES FOR 2012 ON ALL THE PROPERTY SUBJECT TO TAXATION IN THE PARISH OF ST. BERNARD, ROAD LIGHTING DISTRICT NO. 1, ROAD DISTRICT NO. 1, GARBAGE DISTRICT NO. 1 FIRE PROTECTION DISTRICT NO. 1 AND FIRE PROTECTION DISTRICT NO. 2. 6-19-12
1310-06-12	**2821**	AN ORDINANCE AUTHORIZING THE SALE OF NOT EXCEEDING $38,000,000 OF SALES TAX REFUNDING BONDS, SERIES 2012, OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA; PROVIDED THE SALE OF SAID BONDS PROVIDES MINIMUM NET PRESENT VALUE SAVINGS (AFTER PAYMENT OF ALL COSTS) OF NOT LESS THAN 3.00% OF THE PRINCIPAL AMOUNT OF THE SERIES 2003 BONDS AND/OR SERIES 2004 BONDS BEING REFUNDED. 6-19-12
1311-06-12	**2822**	AN ORDINANCE TO AMEND THE ST. BERNARD PARISH CODE OF ORDINANCES, APPENDIX A SUBDIVISION REGULATIONS* 1.4 AND 2.3 MINOR SUBDIVISION TO GIVE THE DIRECTOR OF COMMUNITY DEVELOPMENT THE AUTHORITY TO APPROVE, AS AN ADMINISTRATIVE ACTION, THE RE-SUBDIVISION OF LOUISIANA LAND TRUST PROPERTIES. 6-19-12
1312-06-12	**2823**	AN ORDINANCE DECLARING CERTAIN PARISH PROPERTY SURPLUS. 6-19-12
1313-07-12	**2817**	AN ORDINANCE TO APPROVE **DOCKET Z-2012-010,** PETITION OF ADELE P. FAUST FOR A REZONING OF ONE PARCEL FROM C-1 (NEIGHBORHOOD COMMERCIAL) TO C-2 (GENERAL COMMERCIAL FOR DEVELOPMENT OF AN AUTO SALES DEALERSHIP, SITE ADDRESS: 3008/3010 E. JUDGE PEREZ DRIVE, MERAUX, LA 70075. PROPERTY IS DESIGNATED AS LOTS 33 AND 34-A, SQUARE A OF CINDY PARK SUBDIVISION. 7-3-12
1314-07-12	**2826**	AN ORDINANCE TO APPROVE RESTRICTIVE COVENANTS FOR LOUISIANA LAND TRUST (LLT) PROPERTIES. 7-3-12
1315-07-12	**2832**	AN ORDINANCE TO **AMEND ORDINANCE SBPC# 1303-05-12,** APPROVOING ST.BERNARD PARISH GOVERNMENT REDEVELOPMENT AND DISPOSITION PLAN FOR LOUISIANA LAND TRUST PROPERTIES AND FORWARD THE PLAN TO THE STATE OF LOUISIANA. 7-3-12
1316-07-12	**2814**	AN ORDINACNE TO **AMEND** ST. BERNARD PARISH CODE OF ORDINANCES CHAPTER 22 ZONING; CHAPTER IX, ADMINISTRATION & ENFORCEMENT, SEC. 900 PLANNING COMMISSION, SUBSECTION 900.1, GENERAL. 7-17-12
1317-07-12	**2824**	AN ORDINANCE TO AMEND CHAPTER 22; SECTION 22-2-4 (DEFINITIONS), SECTION 22-4-2.13 (PROJECTIONS INTO REQUIRED YARDS), SECTION 22-4 - 2.14 (ACCESSORY BUILDINGS AND STRUCTURES) AND SECTION 22-5-5 (PERMITTED ACCESORY BUILDINGS & STRUCTURES) IN THE ST. BERNARD PARISH CODE OF ORDINANCES. 7-17-12

1318-07-12	**2833**	AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF THIRTY THREE MILLION EIGHT HUNDRED EIGHTY FIVE THOUSAND DOLLARS ($33,885,000) OF SALES TAX REFUNDING BONDS, SERIES 2012, OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA; PRESCRIBING THE FORM, FIXING THE DETAILS AND PROVIDING FOR THE RIGHTS OF THE OWNERS THEREOF; PROVIDING FOR THE PAYMENT OF SUCH BONDS AND THE APPLICATION OF THE PROCEEDS THEREOF TO THE REFUNDING OF CERTAIN BONDS OF SAID PARISH; AWARDING SAID BONDS TO THE UNDERWRITER THEREOF AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. 7-17-12
1319-07-12	**2834**	AN ORDINANCE TO AMEND ST. BERNARD PARISH CODE OF ORDINANCES CHAPTER 11; HEALTH AND SANITATION, SECTION 11-134. 7-17-12
1320-07-12	**2809**	AN ORDINANCE ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD IN THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TO AMEND ARTICLE VIII SEC. 8-04, ETHICS BOARD, OF THE ST. BERNARD PARISH HOME RULE CHARTER; MAKING APPLICATION TO THE STATE BOND COMMISSION IN CONNECTION THEREWITH; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. 7-17-12
1320-08-12	**2820**	AN ORDINANCE TO AMEND CHAPTER 22; SECTION 22-2-4 (DEFINITIONS) AND SECTION 22-6-4 (PERMITTED USES IN BUSINESS & INDUSTRIAL DISTRICTS; RETAIL & SERVICE USES) (AGRICULTURE AND RESIDENTIAL USES) IN THE ST. BERNARD PARISH CODE OF ORDINANCES. 8-7-12
1321-08-12	**2830**	AN ORDINANCE TO APPROVE **DOCKET Z-2012-014,** PETITION OF RANDY J. MUSCARELLO SR., FOR A ZONING CHANGE OF ONE PARCEL FROM R-2 (TWO-FAMILY RESIDENTIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL) FOR THE FOLLOWING DESCRIBED PROPERTY: MUNICIPAL ADDRESS DESIGNATED AS 3108 DELAMBERT STREET, CHALMETTE, LA 70043. 8-7-12
1322-08-12	**2831**	AN ORDINANCE TO APPROVE **DOCKET Z-2012-015,** PETITION OF ANTHONY MOLEY, FOR A CONDITIONAL USE OF ONE PARCEL CURRENTLY ZONED I-2 (HEAVY INDUSTRIAL), FOR A SCRAP YARD FOR THE FOLLOWING DESCRIBED PROPERTY: MUNICIPAL ADDRESS DESIGNATED AS 217 E. VIRTUE STREET, CHALMETTE, LA 70043. 8-7-12
1323-08-12	**2835**	AN ORDINANCE TO AMEND THE ST. BERNARD PARISH CODE OF ORDINANCES CHAPTER 22; SECTION 22-2-4.26 DEFINITIONS, 22-5-3 BULK & AREA REQUIREMENTS AND 22-6-12 GOVERNMENT 1. 8-7-12
1324-08-12	**2837**	AN ORDINANCE TO AUTHORIZE ST. BERNAD PARISH GOVERNMENT TO CONVEY THE FOLLOWING LOUISIANA LAND TRUST PROPERTIES TO THE LAKE BORGNE BASIN LEVEE DISTRICT. 8-7-12
1325-08-12	**2838**	AN ORDINANCE TO AUTHORIZE ST. BERNAD PARISH GOVERNMENT TO CONVEY THE FOLLOWING LOUISIANA LAND TRUST PROPERTIES TO THE ST. BERNARD PARISH SHERIFF'S OFFICE. 8-7-12

1326-08-12 **2939** AN ORDINANCE AMENDING CHAPTER 11, HEALTH AND SANITATION; BY ADDING A NEW ARTICLE VII, SECTION 11-160 – 11-204.4, PROPERTY MAINTENANCE CODE; OF THE ST. BERNARD PAIRSH CODE OF ORDINANCES, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL; TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE PARISH OF ST. BERNARD; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREOF. 8-7-12

1327-08-12 **2840** AN ORDINANCE TO **RESCIND ORDINANCE SBPC #624-07-05,** APPROVING AND AUTHORIZING THE ACCEPTANCE OF STREETS TO PUBLIC USE AND THE ACCEPTANCE OF SAME FOR PERPETUAL MAINTENANCE LOCATED IN JUMONVILLE NORTH SUBDIVISION, PHASE 1, LOTS 1 THROUGH 27 INCLUSIVE, LOTS 133 THROUGH 153 INCLUSIVE, AND LOTS 83 THROUGH 87 INCLUSIVE (A TOTAL OF 52 LOTS) (NO LOT 13) INCLUDING RUE CARMEN, RUE CIEL AND RUE MARCELLE. 8-21-12

1328-08-12 **2847** ORDINANCE AMENDING THE 2012 BUDGET TO IMPOSE OPERATING FEES AND REDUCE SALARY EXPENSE IN ORDER TO BALANCE 2012 GENERAL FUND BUDGET ACCORDING TO RS 39:1301-1315. (OPTION #2). 8-21-12

1329-08-12 **2843** AN ORDINANCE TO **AMEND** SECTION 22-4-3.3 (GENERAL PROVISIONS; EXCEPTIONS AND MODIFICATIONS; EXCEPTIONS TO YARD REQUIREMENTS) TO INCLUDE THE FOLLOWING ITEM, WHICH SHALL BECOME AND BENAMED ITEM "(N)". 8-21-12

1330-08-12 **2845** AN ORDINANCE TO AMEND CHAPTER 22**,** SECTION 22-7-1 (SITE DEVELOPMENT STANDARDS; LANDSCAPE REGULATIONS) 8-21-12

1331-08-12 **2849** AN ORDINANCE TO AUTHORIZE ST. BERNARD PARISH GOVERNMENT TO CONVEY THE FOLLOWING LOUISIANA LAND TRUST PROPERTIES TO THE ST. BERNARD PARISH SCHOOL BOARD. 8-21-12

1332-09-12 **2850** AN ORDINANCE TO RETAIN MICHAEL G. GAFFNEY AS LEGAL COUNSEL TO REPRESENT ST. BERNARD PARISH TO SECURE FEDERAL REIMBURSEMENTS AND FUNDS REGARDING FEMA AND GOHSEP MATTERS PERTAINING TO RECOVERY EFFORTS AND TO FILE ANY NECESSARY APPEALS AND/OR LITIGATION. 9-4-12

1333-09-12 **2851** AN ORDINANCE TO RETAIN WILLIAMS & ROME, L.L.C. AS LEGAL COUNSEL TO REPRESENT ST. BERNARD PARISH IN E.E.O.C. CHARGE NO. 461-2012-00789 AND ANY LITIGATION RELATED THERETO. 9-4-12

1334-09-12 **2852** AN ORDINANCE ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD IN THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, ON DECEMBER 8, 2012, TO AUTHORIZE THE LEVY OF A SPECIAL TAX THEREIN, MAKING APPLICATION TO THE STATE BOND COMMISSION IN CONNECTION THEREWITH; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. 9-18-12

1335-09-12 **2853** AN ORDINANCE ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD IN THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, ON DECEMBER 8, 2012, TO AUTHORIZE THE REDEDICATION OF A SALES AND USE TAX THEREIN, MAKING APPLICATION TO THE STATE BOND COMMISSION IN CONNECTION THEREWITH; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. 9-18-12

1336-09-12 **2854** AN ORDINANCE ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD IN THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, ON DECEMBER 8, 2012, TO AMEND ARTICLE IV SEC. 4-10, PERSONNEL SYSTEM, OF THE ST. BERNARD PARISH HOME RULE CHARTER; MAKING APPLICATION TO THE STATE BOND COMMISSION IN CONNECTION THEREWITH; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. 9-18-12

1337-09-12 **2858** AN **EMERGENCY ORDINANCE** TO RETAIN LEONARD LEVENSON, ESQ. WITH WIEGAND & LEVENSON AS LEGAL COUNSEL TO REPRESENT ST. BERNARD PARISH AND ALL OF THE NAMED DEFENDANTS IN THE MATTER ENTITLED, "PETER A. RUPP, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED VS DAVID E. PERALTA, PRESIDENT OF ST. BERNARD PARISH, ST. BERNARD PARISH, THE ST. BERNARD PARISH COUNCIL, AND ST. BERNARD PARISH COUNCILMEN GUY MCINNIS, GEORGE CAVIGNAC, RAY LAUGA JR., NATHAN GORBATY, RICHARD "RICHIE" LEWIS, CASEY W. HUNNICUTT AND MANUEL "MONTY" MONTELONGO, III. ", 34TH JDC, DOCKET NO.119-732, DIVISION A, AS THE LITIGATION REQUIRES PROMPT ATTENTION AND IT AFFECTS THE HEALTH, PROPERTY, PUBLIC SAFETY AND WELFARE OF THE CITIZENS OF ST. BERNARD PARISH. 9-21-12

1338-10-12 **2857** AN ORDINANCE REQUIRING ST. BERNARD PARISH GOVERNMENT TO PUBLISH ALL BIDS RECEIVED WITHIN TWENTY-FOUR (24) HOURS OF PUBLIC BID OPENING AND PUBLISH THE EXECUTED CONTRACT OF THE WINNING BIDDER WITHIN TWENTY-FOUR (24) HOURS. 10-2-12

1339-10-12 **2859** AN ORDINANCE REQUIRING THE PARISH PRESIDENT TO MAKE AVAILABLE THE CHECK REGISTERS OF ALL ST. BERNARD PARISH GOVERNMENT'S CASH ACCOUNTS FOR PUBLIC INSPECTION NOT LATER THAN TWENTY (20) CALENDAR DAYS AFTER THE END OF EACH MONTH BY POSTING A PDF FILE TO ITS WEBSITE. 10-16-12

1340-10-12 **2861** AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE BY THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, OF NOT EXCEEDING FIVE MILLION DOLLARS ($5,000,000) OF REVENUE ANTICIPATION NOTES; PROVIDING FOR THE PAYMENT THEREOF; ESTABLISHING THE RATE OF INTEREST THEREON; PROVIDING FOR A PLEDGE OF REVENUES OF SAID PARISH FOR THE SECURITY AND PAYMENT THEREOF IN PRINCIPAL AND INTEREST; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. 10-16-12

1341-10-12 **2862** AN ORDINANCE TO **AMEND** ORDINANCE **SBPC #1324-08-12**, TO AUTHORIZE ST. BERNARD PARISH GOVERNMENT TO CONVEY THE FOLLOWING LOUISIANA LAND TRUST PROPERTIES TO THE LAKE BORGNE BASIN LEVEE DISTRICT. 10-16-12

1342-10-12 **2863** AN ORDINANCE TO ADOPT THE MAIN HOSPITAL ENTRANCE ROADWAY AS A PUBLIC ROADWAY AND ACCEPT PERPETUAL LIABILITY AS IT PERTAINS TO THE PUBLIC ROADWAY AND OTHER STIPULATIONS IN CONNECTION THEREWITH. 10-16-12

1343-11-12 **2864** AN ORDINANCE TO NAME THE HOSPITAL ENTRANCE ROADWAY "BATTLEFIELD BOULEVARD". 11-6-12

1344-11-12 **2867** AN ORDINANCE TO ESTABLISH AND/OR REINSTATE A BED-AND-BREAKFAST ORDINANCE AT CHAPTER 22 (ZONING); SECTION 22-5-4.2 (RESIDENTIAL ZONING DISTRICTS; PERMITTED USES IN RESIDENTIAL DISTRICTS) 11-6-12

1345-11-12 **2868** AN ORDINANCE TO AMEND THE SCHEDULE-OF-USES CHART AT CHAPTER 22 (ZONING) SECTION 22-6-4 (COMMERCIAL & INDUSTRIAL ZONING DISTRICTS; PERMITTED USES IN BUSINESS & INDUSTRIAL DISTRICTS) 11-6-12

1346-11-12 **2869** AN ORDINANCE REQUIRING THAT ST. BERNARD PARISH GOVERNMENT PROVIDE THE PUBLIC READ ONLY ACCESS TO THE ST. BERNARD PARISH COMPLAINT SYSTEM. 11-6-12

1347-11-12 **2873** AN ORDINANCE TO **AMEND** ORDINANCE **SBPC #1331-08-12**, AUTHORIZING ST. BERNARD PARISH GOVERNMENT TO CONVEY THE FOLLOWING LOUISIANA LAND TRUST PROPERTIES TO THE ST. BERNARD PARISH SCHOOL BOARD. 11-20-12

1348-11-12 **2874** AN ORDINANCE TO ACCEPT AN ACT OF DONATION FROM ARLENE AND JOSEPH MERAUX CHARITABLE FOUNDATION FOR PROPERTY TO SUPPORT THE CREATION OF A BIKE PATH. 11-20-12

1349-11-12 **2875** AN ORDINANCE TO APPROVE **DOCKET Z-2012-018,** PETITION ST. BERNARD PARISH SCHOOL BOARD, 200 E. ST. BERNARD HIGHWAY, CHALMETTE, LA 70043 FOR A CONDITIONAL USE ON A SINGLE LOT IN ORDER TO AUGMENT EXISTING PARKING AT LACOSTE ELEMENTARY SCHOOL FOR THE FOLLOWING DESCRIBED PROPERTY: PROPERTY IS DESIGNATED AS 3216 CORINNE AVENUE, CHALMETTE, LA 70043. 11-20-12

1350-11-12 **2876** AN ORDINANCE TO APPROVE **DOCKET Z-2012-019,** PETITION ST. BERNARD PARISH SCHOOL BOARD, 200 E. ST. BERNARD HIGHWAY, CHALMETTE, LA 70043 FOR A CONDITIONAL USE ON A SINGLE LOT IN ORDER TO AUGMENT EXISTING PARKING AT TRIST MIDDLE SCHOOL FOR THE FOLLOWING DESCRIBED PROPERTY: PROPERTY IS DESIGNATED AS LOT 7, DEBOUCHEL SUBDIVISION. SITE ADDRESS: 2025 WEBSTER BOULEVARD, MERAUX, LA 70075. 11-20-12

1351-12-12 **2892** AN **EMERGENCY** ORDINANCE TO **AMEND** ORDINANCE **SBPC # 537-10-02**, CHAPTER 2, SECTION 2-5 (a) OF THE ST. BERNARD PARISH CODE OF ORDINANCES WITH RESPECT TO EMERGENCY AMBULANCE AND MEDICAL SERVICES. **(No action was taken, a substitute Resolution was offered)** 12-14-12

1352-12-12 **2842** AN ORDINANCE TO CREATE AND INSERT SECTION 22-4-2.15 (GENERAL PROVISIONS; GENERAL PROVISIONS; RESIDENTIAL FENCES) OF THE ST. BERNARD PARISH CODE OF ORDINANCES. 12-14-12

1353-12-12 **2865** AN ORDINANCE TO AMEND CHAPTER 22 (ZONING), SECTION 22-4-2.7; (GENERAL PROVISIONS; GENERAL PROVISIONS; CORNER VISIBILITY.) OF THE ST. BERNARD PARISH CODE OF ORDINANCES. 12-14-12

1354-12-12 **2866** AN ORDINANCE TO AMEND CHAPTER 22 (ZONING); SECTION 22-4-3.1(D) (GENERAL PROVISIONS; EXCEPTIONS AND MODIFICATIONS; EXCEPTIONS TO USE REGULATIONS.) OF THE ST. BERNARD PARISH CODE OF ORDINANCES. 12-14-12

1355-12-12 **2860** AN ORDINANCE TO ADOPT THE 2013 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET. 12-14-12

1356-12-12 **2879** AN ORDINANCE REQUIRING ST. BERNARD PARISH GOVERNMENT TO POST A DETAILED GENERAL LEDGER TRIAL BALANCE BY DEPARTMENT NO LATER THAN TWENTY (20) CALENDAR DAYS AFTER THE END OF EACH MONTH BY POSTING A PDF FILE TO ITS WEBSITE. 12-14-12

1357-12-12 **2880** AN ORDINANCE AUTHORIZING ST. BERNARD PARISH GOVERNMENT TO DIRECT LOUISIANA LAND TRUST TO SELL THE FOLLOWING LOUISIANA LAND TRUST PROPERTY TO THE FAMILY RESOURCE CENTER OF NEW ORLEANS IN ACCORDANCE WITH THE LOUISIANA LAND TRUST GUIDELINES THAT ARE CURRENTLY IN PLACE. 12-14-12

1358-12-12 **2878** AN ORDINANCE TO AMEND THE 2012 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET. 12-28-12

1359-12-12 **2881** AN ORDINANCE TO **AMEND ORDINANCE SBPC #1325-08-12**, TO AUTHORIZE ST. BERNARD PARISH GOVERNMENT TO CONVEY THE FOLLOWING LOUISIANA LAND TRUST PROPERTIES TO THE ST. BERNARD PARISH SHERIFF'S OFFICE. 12-28-12

1360-12-12 **2882** AN ORDINANCE TO **AMEND** ORDINANCE **SBPC #1341-10-12**, TO AUTHORIZE ST. BERNARD PARISH GOVERNMENT TO CONVEY THE FOLLOWING LOUISIANA LAND TRUST PROPERTIES TO THE LAKE BORGNE BASIN LEVEE DISTRICT. 12-28-12

1361-12-12 **2884** AN ORDINANCE TO AUTHORIZE THE LOUISIANA LAND TRUST PROPERTIES TO SELL OR AUCTION THE FOLLOWING LIST OF PROPERTIES TO PRIVATE PARTIES AS PART OF THE HOUSING OPPORTUNITY PROGRAM. 12-28-12

1362-12-12 **2885** AN ORDINANCE AUTHORIZING ST. BERNARD PARISH GOVERNMENT TO ACCEPT OWNERSHIP OF A DONATION OF THE FOLLOWING PROPERTIES FROM THE LOUISIANA LAND TRUST. 12-28-12

1363-12-12 **2886** AN ORDINANCE TO APPROVE **DOCKET Z-2012-020,** PETITION OF FRANK P. AUDERER III, FOR A REZONING OF ONE PARCEL FROM I-2 (HEAVY INDUSTRIAL) TO R-2 (TWO--FAMILY RESIDENTIAL) TO ACCOMMODATE RENOVATION OF AN EXISTING AND PREVIOUSLY "LEGAL-BUT-NONCONFORMING" DUPLEX. PROPERTY IS DESIGNATED AS LOT 17-A, SQUARE 3, FRISCOVILLE. SITE ADDRESS: **348/350-A/350-B FRISCOVILLE AVENUE**, ARABI, LA 70032. 12-28-12

1364-12-12 **2887** AN ORDINANCE TO APPROVE **DOCKET Z-2012-021,** PETITION OF RANDY J. MUSCARELLO, SR., FOR A REZONING OF ONE PARCEL FROM R-2 (TWO-FAMILY RESIDENTIAL) TO C1 (NEIGHBORHOOD COMMERCIAL) FOR DEVELOPMENT OF A RECORDS STORAGE / MANAGEMENT / ARCHIVING FACILITY. PROPERTY IS DESIGNATED AS LOTS 7-A-1 AND 8-A-1, SQUARE 146, VERSAILLES SUBDIVISION. SITE ADDRESS: **3108 DELAMBERT STREET**, CHALMETTE, LA 70043. 12-28-12

1365-12-12 **2888** AN ORDINANCE TO APPROVE **DOCKET Z-2012-022,** PETITION OF 212 AYCOCK, LLC REPRESENTATIVE: BRANNON LEBOEUF, FOR A CONDITIONAL USE PERMIT TO ALLOW THE RE-OPENING OF A RECREATIONAL INDOOR FIRING RANGE. PROPERTY IS DESIGNATED AS LOTS 9, 10, 11, 12,13, AND 14, SQUARE "B", AYCOCK INDUSTRIAL PARK SUBDIVISION IN ST. BERNARD PARISH, SITE ADDRESS: **208-212 AYCOCK STREET,** ARABI, LA 70032. 12-28-12

1366-12-12 **2891** AN ORDINANCE ACCEPTING THE DONATION OF THE FOLLOWING PROPERTY (LOTS A & B, ORIGINALLY PART OF LOT 24 IN CORINNE AND MYRTLE GROVE PLANTATION) TO ST. BERNARD PARISH GOVERNMENT. 12-28-12

1367-12-12 **2892** AN ORDINANCE TO **AMEND ORDINANCE SBPC #1346-11-12,** REQUIRING THAT ST. BERNARD PARISH GOVERNMENT PROVIDE THE PUBLIC READ ONLY ACCESS TO THE ST. BERNARD PARISH COMPLAINT SYSTEM. 12-28-12

St. Bernard Parish Council

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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#12

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT AN EMERGENCY MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JANUARY 10, 2012 AT TWELVE O'CLOCK P.M.

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

EMERGENCY ORDINANCE SBPC #1281-01-12

Summary No. 2784
Introduced by: Councilman McInnis

AN **EMERGENCY ORDINANCE** TO AMEND **ORDINANCE SBPC #1277-12-11** AN ORDINANCE TO AMEND THE 2012 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET AS IT RELATES TO APPROPRIATIONS NOT CURRENTLY BUDGETED FOR A LEGAL DEPARTMENT.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

WHEREAS, taking cognizance of Resolution SBPC #891-01-12, previously passed on this date it has come to the attention of this council that because of the budget amendment adopted on December 6, 2011 by the previous St. Bernard Parish Council relating the transfer of appropriated funds and personnel for and of the Legal Department of St. Bernard Parish Government from Administration to the Parish Council, the administration of St. Bernard Parish Government:

- Cannot evaluate and respond properly, timely, adequately or perhaps at all to any legal matters involving St. Bernard Parish Government, including the response to any new litigation which may be served upon the Parish President as Charter Section 7-01 Agent for Service of Legal process.
- Cannot evaluate and respond properly, timely, adequately or perhaps at all to any matters of ongoing litigation with respect to any pending federal, or State court litigation.
- Cannot evaluate and respond properly, timely, adequately or perhaps at all to any matters of ongoing legal matters or issues of any nature whatsoever.
- That at the scheduled council meeting of January 24, 2012 there are several pending legal issues of great importance that are to be heard and briefed in executive session

St. Bernard Parish Council

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George Cavignac
Councilman at Large

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Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

WHEREAS, the Parish Council finds that the above circumstances constitute a public emergency that adversely affects and jeopardizes public property, public funds and public safety and must be addressed immediately as per Section 2-14 of the St. Bernard Parish Home Rule Charter.

THE ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Council, the Governing Authority, does hereby amend the 2012 St. Bernard Parish Annual Operating and Capital Budget as follows:

- Appropriate the sum of $75,000.00 from the funds previously transferred to the Parish Council by the budget amendment adopted on December 6, 2011 by the previous St. Bernard Parish Council and such funds shall be and hereby are transferred back to the administration of St. Bernard Parish Government for the sole purpose of establishing and operating for 60 days from the passage of this emergency a legal department for St. Bernard Parish Government.
- Authorize the Parish President and administration of St. Bernard Parish Government to, within the limits of the herein appropriated funds, to structure the operations and personnel of such legal department as it may deem proper and prudent, including but not limited to the selection and retaining or hiring, on terms and conditions as may be deemed appropriate and prudent, the particular attorney(s) the administration of St. Bernard Parish Government in their sole discretion deem capable to handle any particular legal issue(s) that may require attention.
- The legal department personnel and attorney(s) previously transferred to the Parish Council by the budget amendment adopted on December 6, 2011 by the previous St. Bernard Parish council are hereby transferred back to the jurisdiction of the Parish President and administration of St. Bernard Parish Government to assign, retain, discharge, reduce in pay or take any other action which is deemed proper and prudent with respect to the said personnel with respect to the administration of the temporary legal department established and funded herein.

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Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
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Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

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

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo

NAYS: Cavignac

ABSENT: None

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

And the motion was declared **adopted** on the 10th day of January, 2012.

ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 1-10-12 4:38pm
Date and Time

Approved _____ Vetoed _____

St. Bernard Parish Council

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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

Parish President _____
David Peralta

Returned to Clerk of the Council 1/11/12 11:00am
Date and Time

Received by _____

560 445

St. Bernard Parish Council

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#12

Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, FEBRUARY 7, 2012 AT SEVEN O'CLOCK P.M.

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

ORDINANCE SBPC# 1282-02-12

Summary No. 2785
Introduced by: Councilman Lauga
EFC Recommended **Approval** on 1/18/12
Public Hearing Held on 2/7/12

AN ORDINANCE TO AMEND **ORDINANCE SBPC# 1277-12-11** ADOPTING THE 2012 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Council does hereby amend and adopt the attached amendments to the 2012 St. Bernard Parish Annual Operating and Capital 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 of this Ordinance with the invalid portions omitted.

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

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Guy McInnis
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George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 7th day of February, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 2/10/12 3:51 PM
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 2/28/12 9:48AM
Date and Time

Received by Kristie L. Liles

001-General Fund								
2010- Parish Council							**Personnel**	
			Current	Amended	Delta		Deputy Clerk	$ 41,304.90
Personnel							Council Assist.	$ 24,337.40
Pension cost	505444		$ 64,760.00	$ 38,000.00	$ (26,760.00)		Clerk of Council	$ 77,003.47
Salaries	505456		$ 408,000.00	$ 246,300.00	$ (161,700.00)		Council	$ 8,400.00
Taxes - Payroll	505466		$ 9,420.00	$ 6,100.00	$ (3,320.00)		Council	$ 7,200.00
Insurance-Hospital & Life	520434		$ 90,600.00	$ 48,000.00	$ (42,600.00)		Council	$ 7,200.00
Insurance- Work. Comp	520435		$ 13,000.00	$ 10,500.00	$ (2,500.00)		Council	$ 7,200.00
			$ 585,780.00	$ 348,900.00	$ (236,880.00)		Council	$ 7,200.00
							Council	$ 7,200.00
							Council	$ 7,200.00
							HSD Secretary	$ 52,016.33
								$ 246,262.10
001-General Fund								
2311- Administration- Legal							**Personnel**	
			Current	Amended	Delta		Attorney	$ 93,053.38
Personnel							Attorney	$ 93,053.38
Pension cost	505444		$ -	$ 36,500.00	$ 36,500.00		Legal Secretary	$ 43,980.77
Salaries	505456		$ -	$ 230,000.00	$ 230,000.00			$ 230,087.53
Taxes - Payroll	505466		$ -	$ 3,500.00	$ 3,500.00			
Insurance-Hospital & Life	520434		$ -	$ 18,600.00	$ 18,600.00			
Insurance- Work. Comp	520435		$ -	$ 5,800.00	$ 5,800.00			
			$ -	$ 294,400.00	$ 294,400.00			

560 446

St. Bernard Parish Council

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Councilman District A

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Richard "Richie" Lewis
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Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

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 THURSDAY, FEBRUARY 23, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1283-02-12

Summary No. 2786
Introduced by: Administration on 01/24/12
Planning Commission Recommended **Approval** on 1/31/12
Public Hearing held on 2/23/12

AN ORDINANCE TO APPROVE **DOCKET 01-12**, A PETITION OF THE ST. BERNARD PARISH SCHOOL BOARD FOR A CONDITIONAL USE FROM "R-1, (SINGLE FAMILY RESIDENTIAL TO "R-1, (SINGLE FAMILY RESIDENTIAL) AND (CONDITIONAL USE) FOR THE FOLLOWING DESCRIBED PROPERTY: PROPERTY IS LOCATED IN THE 3100- 3209 BLOCK OF MUMPHREY ROAD.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. that **Docket 01-12** a petition of the St. Bernard Parish School Board for a Conditional Use from "R-1, (Single Family Residential to "R-1, (Single Family Residential) and (Conditional Use) is hereby granted for the following described property:

Property situated in the Parish of St. Bernard, State of Louisiana, in Mumphrey Subdivision, extension no.1, designated as lots 47, 49, 51, 53, 55, 57, and 59 bounded by Missouri Street, Mumphrey Road and Arizona Street. Property is located in the 3100- 3209 block of Mumphrey Road.

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.

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Councilman at Large

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Councilman at Large

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Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo

NAYS: None

ABSENT: Cavignac

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

And the motion was declared **adopted** on the 23rd day of February, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

Guy McInnis
GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 2/24/12 4:18pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 2/28/12 9:48am
Date and Time

Received by Kristie L. Silva

St. Bernard Parish Council

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Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
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Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#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 THURSDAY, FEBRUARY 23, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1284-02-12

Summary No. 2787
Introduced by: Councilman Lauga on 1/24/12
EFC Recommended Approval with amendments on 2/3/12
Public Hearing held 2/23/12

AN ORDINANCE AMENDING **ORDINANCE SBPC #976-04-09** CREATING A HOSPITAL SERVICE DISTRICT IN THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, DESCRIBING AND DEFINING THE BOUNDARIES THEREOF AND APPOINTING FIVE (5) COMMISSIONERS OF SAID HOSPITAL SERVICE DISTRICT.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The Hospital Service District shall be governed by a board of five commissioners, hereafter referred to as commission, who shall be qualified voters and residents of the district. The commission shall be appointed by the Governing Authority of St. Bernard Parish (the Council). Two of the first commissioners so appointed shall serve for two years, two for four years and one for six years. Terms thereafter shall also comply with LA RS 46:1053.

SECTION 1.2 No Hospital Service District Commissioner or Commissioner's immediate family members shall execute any business transactions with the Hospital Service District or any of its contractors while serving as a Hospital Service District Commissioner or two (2) years subsequently from vacating their Commissioner position.

SECTION 2. That a copy of this ordinance be published in the official journal of the Parish of St. Bernard, Louisiana, as provided by law.

St. Bernard Parish Council

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Nathan Gorbaty
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Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

SECTION 3. That this ordinance being an ordinance affecting the public peace, health and safety, shall be in full force and effect immediately upon its adoption, and that all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. Effective Date. This ordinance shall become effective January 1, 2012 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 5. 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 above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo

NAYS: None

ABSENT: Cavignac

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

And the motion was declared **adopted** on the 23rd day of February, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

St. Bernard Parish Council

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Guy McInnis
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Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

Delivered to the Parish President 2/24/12 4:18pm
Date and Time

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council 2/28/12 9:48am
Date and Time

Received by Kristie L. Silva

560 448

St. Bernard Parish Council

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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#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 THURSDAY, FEBRUARY 23, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1285-02-12

Summary No. 2788
Introduced by: Councilman McInnis on 1/24/12
EFC made **No** Recommendation on 2/2/12
Public Hearing held on 2/23/12

AN ORDINANCE TO AMEND **ORDINANCE SBPC #671-09-06**, AN ORDINANCE TO SET BY FORMULA THE SALARY OF THE CLERK OF COUNCIL IN ACCORDANCE WITH THE GUIDANCE OF SECTION 2-10(B) OF THE ST. BERNARD PARISH HOME RULE CHARTER.

A. That effective on the final adoption and promulgation of this ordinance and on the first day of every fiscal year thereafter, the maximum salary of the Clerk of Council shall be set as the average of the salaries of the following established by the Parish Charter:

Section 4-04, Director of Finance
Section 4-05, Director of Public Works
Section 4-06, Director of Community Development
Section 4-07, Superintendent of Fire
Section 4-08, Director of Parks and Recreation
Section 4-09, Director of Personnel

B. Should the Parish Charter be amended to create or abolish any other director or equivalent position then that position shall, when first filled with an occupant, be included in or, when abolished, removed from the formula.

St. Bernard Parish Council

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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 2/24/12 4:18pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 2/28/12 9:48am
Date and Time

Received by Kristie L. Silva

St. Bernard Parish Council

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Councilman at Large

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Nathan Gorbaty
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Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#21

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 TUESSDAY, MARCH 20, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1286-03-12

Summary No. 2790
Introduced by: Councilman McInnis on 2/7/12
Public Hearing held on March 6, 2012

AN ORDINANCE TO AMEND **ORDINANCE SBPC# 1252-06-11** APPROVING **DOCKET 6-11**, PETITION OF TERRY TEDESCO AND SUSAN TEDESCO RUSSO ROSS FOR A ZONING CHANGE FROM "I-2, (HEAVY INDUSTRIAL)" TO "I-2, (HEAVY INDUSTRIAL) AND (CONDITIONAL USE)" FOR THE FOLLOWING DESCRIBED PROPERTY: 4100 BLOCK PARIS ROAD.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. that **ORDINANCE SBPC# 1252-06-11 Docket 6-11** a petition of Terry Tedesco and Susan Tedesco Russo Ross, for a zoning change, change from "I-2, (Heavy Industrial)" to "I-2, (Heavy Industrial) and (Conditional Use)" is hereby granted with the following conditions on the following described property:

1. The planting of live oak trees across the front of the property along Paris Rd. These live oak trees should be a minimum of 4" in caliper, container grown and planted 35' (thirty-five feet) apart with a tree at each property corner.
2. The planting of an additional screen of plant material that grows to at least 10' (ten feet) in height.
3. An 8' (eight foot) tall privacy fence, not made of metal.
4. Conformance with all State and Federal Environmental Protection Agency (EPA) requirements.
5. No applicant or property owner may stockpile or store any heavy materials such as steel, metals, concrete, crushed concrete, aggregate, rocks, stone, gravel, sand or any other heavy material without approval of the parish engineer.

St. Bernard Parish Council

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Ray Lauga, Jr.
Councilman District A

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Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

6. Soil sampling and other engineering methods must be used to determine the needed foundation. Plans for foundation must be by a Louisiana State Certified Engineer.

Property situated in the Parish of St. Bernard, Versailles Subdivision, square 243, designated as lots 1 through 7 and lots 18 through 22 bounded by Paris Road, Florida Walk, Buffon and Law Streets. Property situated in the Parish of St. Bernard, Versailles Subdivision, square 244, designated as lots 1 through 12 and lots 25 and 26 bounded by Florida Walk, Buffon, Law and Tournefort Streets. Property bears the Municipal Number: 4100 block Paris Road.

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

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

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 20th day of March, 2012.

St. Bernard Parish Council

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George Cavignac
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Ray Lauga, Jr.
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Nathan Gorbaty
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Richard "Richie" Lewis
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Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 3/23/12 2:15pm
Date and Time

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council 3/21/12 3:26pm
Date and Time

Received by Kristie Lilla

561 157

St. Bernard Parish Council

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(504) 278-4228 Fax (504) 278-4209
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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#22

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 20, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1287-03-12

Summary No. 2791
Introduced by: Administration on 2/23/12
Public Hearing held on 3/20/12

AN ORDINANCE AUTHORIZING THE PARISH PRESIDENT TO ENTER INTO A LEASE AGREEMENT WITH LOUIS BATTLE FOR THE LEASE OF ROUTE 1 BOX 738, DELACROIX ISLAND, LOT #9 FOR THE UTILIZTION OF A PUMP STATION.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. the St. Bernard Parish Council, the Governing Authority, does hereby authorize Parish President David E. Peralta to enter into an lease agreement with Louis Battle for the lease of Route 1 Box 738, Delacroix Island, Lot #9 for the utilization of a pump station.

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

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

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

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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 20th day of March, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 3/23/12 2:15pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 3/27/12 3:26pm
Date and Time

Received by Kristie Lilla

St. Bernard Parish Council

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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#25

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 20, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1288-03-12

Summary No. 2794
Introduced by: Administration on 2/23/12
Public Hearing held on 3/20/12

AN ORDINANCE TO **AMEND** ST. BERNARD PARISH CODE OF ORDINACNES CHAPTER 22 ZONING; SEC. 22-3 DEFINITIONS, SUBSECTIONS 22-3-20 DWELLING UNIT, 22-3-93 YARD-FRONT, 22-3-94 YARD-REAR.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That Chapter 22, Section 22-3, subsections 22-3-20, 22-3-93 and 22-3-94, Zoning (Definitions) is amended to read the following:

Sec. 22-3-20. Dwelling Unit: Any building or portion thereof which is designed for or used exclusively for residential purposes. For the purpose of this chapter, such dwelling unit shall have a minimum area equal to forty percent (40%) of the building area.

22-3-93. Yard, Front: A required yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the maximum permissible main building. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension. In the case where a lot runs from street to street, all front yard requirements will be applied to both ends of the lot facing a street.

22-3-94. Yard, Rear: A required yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between a

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Councilman District E

Roxanne Adams
Clerk of Council

rear lot line and the rear of the maximum permissible main building and shall be at the opposite end of the lot from the front yard except in the case where a lot runs from street to street. In this case all front yard requirements will be applied to both ends of the lot facing a street, and the rear yard shall be considered the area between the side lot lines and the combined former rear yards prior to the re-subdivision of the two lots into one lot.

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

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

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 20th day of March, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

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George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

Delivered to the Parish President 3/23/12 2:15pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 3/27/12 3:26pm
Date and Time

Received by Kristie Lilla

St. Bernard Parish Council

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(504) 278-4228 Fax (504) 278-4209
www.sbpg.net

Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#26

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 20, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1289-03-12

Summary No. 2795
Introduced by: Administration on 2/23/12
Public Hearing held on 3/20/12

AN ORDINANCE TO **AMEND** ST. BERNARD PARISH CODE OF ORDINANCES CHAPTER 22 ZONING; SEC. 22-9-8 EXCEPTIONS AND MOIDIFICATIONS TO USE REGULATIONS: (d) FENCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That Chapter 22, Section 22-9, subsections 22-9-8, Zoning, exceptions and modifications to use regulations) is amended to read the following:

22-9-8. Exceptions and modifications to use regulations:

(d) Fences, not exceeding seven (7) feet in height, may be erected along the boundaries of a lot or yard area, one (1) segment of which may be erected in each required side area, in alignment approximately parallel to the front lot line and connecting the main building with a fence on or along a side lot line. However, no fence may exceed thirty (30) inches in height when erected along the boundary line of a required front yard. This shall also prohibit the use of chain link and corrugated fences. (See subsection 22-9-5(d) for corner lot exception.) Seven-foot high fences may be erected along the side lot line of required front yards adjacent to undeveloped tracts of land provided the fence is removed to the required front setback or a thirty-inch height when the undeveloped property is developed. In such cases the two-year prescription period shall not apply.

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Councilman at Large

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Councilman at Large

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Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

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

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 20th day of March, 2012.

ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

St. Bernard Parish Council

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Guy McInnis
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George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

Delivered to the Parish President 3/23/12 2:15pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 3/27/12 3:26pm
Date and Time

Received by Kristie L. Libra

St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
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www.sbpg.net

Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
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Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#27

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 20, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1290-03-12

Summary No. 2796
Introduced by Administration on 2/23/12
Public Hearing held on 3/20/12

AN ORDINANCE **REPEALING ORDINANCE SBPC #785-10-07**, WHICH AMENDED ORDINANCE SBPC #631-11-05, REQUIRIUNG THAT "RE-BUILT" HOMES BE BUILT TO, AT LEAST, PRE-HURRICANE KATRINA BUILDING STANDARDS AND RETAIN THE NEIGHBORHOOD INTERGITY.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN

SECTION 1. That Ordinance #785-10-07 that required the re-built homes be built to, at least, Pre-Hurricane Katrina building standards and retain the neighborhood integrity is hereby repealed.

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

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

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

St. Bernard Parish Council

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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 20th day of March, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 3/23/12 2:15pm
Date and Time

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council 3/27/12 3:26pm
Date and Time

Received by Kristie Silva

St. Bernard Parish Council

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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#28

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MARCH 20, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1291-03-12

Summary No. 2797
Introduced by: Councilman Lewis on 2/23/12
Public Hearing held on 3/20/12

AN ORDINANCE TO AMEND THE 2012 ST. BERNARD PARISH GOVERNMENT ANNUAL OPERATING AND CAPITAL BUDGET.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That the 2012 St. Bernard Parish Annual Operating and Capital Budget is hereby amended as 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 of this Ordinance with the invalid portions omitted.

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

St. Bernard Parish Council

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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 20th day of March, 2012.

ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 3/23/12 2:15pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 3/27/12 3:26pm
Date and Time

Received by Kristie Silva

Attachment A

As Introduced

001-General Fund							
					Current	Amended	Diff
6510 - Economic Development			391000		125,000	0	-125,000
062 - Public Works							
4010 - Public Works							
	Lease Property		530450		0	4800	4800
Fund Balance			560319				88950
							-31250

Attachment A

As Amended

001-General Fund							
					Current	Amended	Diff
6510 - Economic Development			391000			0	
062 - Public Works							
4010 - Public Works							
	Lease Property		530450		0	3600	3600
						-3600	-3600
Fund Balance			560319				0
							0

561 426

St. Bernard Parish Council

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Nathan Gorbaty
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Richard "Richie" Lewis
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Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#9

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, APRIL 3, 2012 AT SEVEN O'CLOCK P.M.

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

Summary No. 2792
Introduced by: Administration on 02/23/12
Public Hearing held on 3/20/12
Council Tabled on 3/20/12
Planning Commission recommended **Approval** on 3/27/12

ORDINANCE SBPC #1292-04-12

AN ORDINANCE TO APPROIVE **DOCKET 02-12**, PETITION OF CHARLEEN D. CLEMENT, CHARLES S. DOIZE, WILLIAM L. DOIZE, JAMIE D. BLAZEK, ARMAND J. DOIZE, PAUL A. DOIZE FOR A ZONING CHANGE FROM "R-1, (SINGLE FAMILY RESIDENTIAL)" AND "C-1, NEIGHBORHOOD COMMERCIAL)" TO "C-1, NEIGHBORHOOD COMMERCIAL)" FOR THE FOLLOWING DESCRIBED PROPERTIES: PROPERTY DESIGNATED AS LOTS A-2, B, AND C WITH A FORMER MUNICIPAL ADDRESS OF 2713 PARIS ROAD, PROPERTY DESIGNATED AS LOT F WITH A FORMER MUNICIPAL ADDRESS OF 121 EAST MORALES STREET, PROPERTY DESIGNATED AS LOT D-3 WITH A FORMER MUNICIPAL ADDRESS OF 116 EAST URQUHART STREET AND FOR PROPERTY DESIGNATED AS LOT G-1 WITH A MUNICIPAL ADDRESS OF 2712 BUFFON STREET.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. that **Docket 02-12** a petition of Charleen D. Clement, Charles S. Doize, William I. Doize, Jamie D. Blazek, Armand J. Doize, Paul A. Doize for a zoning change from "R-1, (Single Family Residential)" and "C-1, Neighborhood Commercial)" to "C-1, Neighborhood Commercial)" for the following described property:

- property designated as Lots A-2, B, and C with a former municipal address of 2713 Paris Road.

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Councilman District C

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Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

Petition of Charleen D. Clement, Charles S. Doize, William L. Doize, Jamie D. Blazek, Armand J. Doize, Paul A. Doize for a zoning change from "R-1, (Single Family Residential)" to "C-1, Neighborhood Commercial)" for the following described property:

- property designated as Lot F with a former Municipal Address of 121 East Morales Street.

Petition of Charleen D. Clement, Charles S. Doize, Jamie D. Blazek, Armand J. Doize, Paul A. Doize for a zoning change from "R-1, (Single Family Residential)" and "C-1, Neighborhood Commercial)" to "C-1, Neighborhood Commercial)" for the following described property:

- property designated as Lot D-3 with a former Municipal Address of 116 East Urquhart Street.

Petition of Joel and Jamie D. Blazek for a zoning change from "R-1, (Single Family Residential)" to "C-1, Neighborhood Commercial)" for the following described property:

- property designated as Lot G-1 with a Municipal Address of 2712 Buffon Street.

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

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

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

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Councilman at Large

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Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 3rd day of April, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

Guy McInnis
GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 4/5/12 1:37pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 4/9/12 11:20am
Date and Time

Received by Ashley Dohlmann

St. Bernard Parish Council

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#10

Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, APRIL 3, 2012 AT SEVEN O'CLOCK P.M.

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

Summary No. 2793
Introduced by: Administration on 02/23/12
Public Hearing held on 3/20/12
Council Tabled on 3/20/12
Planning Commission gave **NO** recommendation on 3/27/12

ORDINANCE SBPC #1293-04-12

AN ORDINANCE TO APPROVE **DOCKET 03-12**, PETITION OF CARDON REAL ESTATE HOLDINGS NO. 4, L.L.C. FOR A ZONING CHANGE FROM "C-1, NEIGHBORHOOD COMMERCIAL)" "R-1, (SINGLE FAMILY RESIDENTIAL)" AND TO "C-1, NEIGHBORHOOD COMMERCIAL)" AND (CONDITIONAL USE) FOR THE FOLLOWING DESCRIBED PROPERTY: PROPERTY IS DESIGNATED AS LOT C-1 AND MEASURES 83.72 FEET FRONT ON EAST ST. BERNARD HIGHWAY, BY A DEPTH OF 601.35 FEET ON ONE SIDE AND A DEPTH ON THE OPPOSITE SIDELINE OF 582.27 FEET AND A WIDTH IN THE REAR OF 81.35 FEET: MUNICIPAL NUMBERS 2004, 2006 AND 2010 CHALONA DRIVE.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. that **Docket 03-12** a petition of Cardon Real Estate Holdings No. 4, L.L.C. for a zoning change from "C-1, Neighborhood Commercial)" "R-1, (Single Family Residential)" and to "C-1, Neighborhood Commercial)" and (Conditional Use) is hereby granted with the following conditions on the following described property:

- The owner is to erect a 6 foot opaque, non corrugated, fence to circle the entire property to block the sightline from the abutting neighbors for the following described property:

Property is designated as lot C-1 and measures 83.72 feet front on East St. Bernard Highway, by a depth of 601.35 feet on one side and a depth on the opposite sideline of 582.27 feet and a width in the rear of 81.35 feet: municipal numbers 2004, 2006 and 2010 Chalona Drive.

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Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

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

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 3rd day of April, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 4/5/12 1:37pm
Date and Time

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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

Approved _____ Vetoed ✓

Parish President

David E. Peralta

Returned to Clerk of the Council 4-13-12 1:00pm
Date and Time

Received by

St. Bernard Parish Government

562 284

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

Chalmette, Louisiana 70043
Fax (504) 278-4330

David E. Peralta
Parish President

VETO MESSAGE, ORDINANCE SBPC #1293-04-12

Ordinance #1293-04-12, approving Docket 3-12, petition of Cardon Real Estate Holdings No. 4, L.L.C., for a zoning change from "C-1, Neighborhood Commercial, "R-1, Single Family Residential" to "C-1, Neighborhood Commercial" and "Conditional Use for the following described property: designated as Lot C-1 and measures 83.72 feet front on East St. Bernard Highway, by a depth of 601.35 feet on one side and a depth on the opposite sideline of 582.27 feet and a width in the rear of 81.35 feet; Municipal Numbers 2004, 2006 and 2010 Chalona Drive, adopted April 3, 2012.

I HEREBY VETO THE ABOVE ORDINANCE FOR THE FOLLOWING REASONS:

The ordinance, as written, passed and presented to me, is in violation of Chapter 22 of the St. Bernard Parish Code of Ordinances.

Chapter 22 of the St. Bernard Parish Code of Ordinances (Zoning) restricts the depth of commercial lots fronting highways or major streets to 250 feet. The subject lot is 601.39 feet deep on one side and 582.27 feet deep on the other. Additionally, the subject lot includes one main structure (the apartment complex) and one accessory structure (the warehouse). Residential and commercial uses in separate structures on the same lot are not only incompatible, but are also explicitly prohibited in Chapter 22.

Although the subject petition for zoning change has not yet been officially granted, tires being stored on the subject lot have already created a nuisance and safety hazard for the neighborhood. Furthermore, the owner of the subject lot has actively engaged in the commercial use of a residential property in another area of St. Bernard Parish, also in violation of Chapter 22.

Given the location and nature of the subject petition for zoning change, and in light of the fact that there is ample and suitable commercial space available throughout St. Bernard Parish, it is incumbent upon me to veto the approval of the subject petition for zoning change. Selection of a different site for the proposed microbrewery will allow a more suitable existing commercial space to be brought back into commerce and will ultimately protect quality of life for the residents of St. Bernard Parish.

Therefore, in consideration of the foregoing and in accordance with Section 2.13 of the St. Bernard Parish Home Rule Charter, I hereby VETO Ordinance #1293-04-12 on this **13th** day of **April, 2012.**

David E. Peralta
Parish President

562 284

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#25

Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MAY 1, 2012 AT SEVEN O'CLOCK P.M.

On motion of Mr. Lewis, seconded by Mr. Hunnicutt, it was moved to **OVERRIDE** the Parish Presidential Veto of **Ordinance SBPC #1293-04-12**, an Ordinance to approve Docket 03-12, petition of Cardon Real Estate Holdings No. 4, L.L.C. for a zoning change from "C-1, Neighborhood Commercial)" "R-1, (Single Family Residential)" and to "C-1, Neighborhood Commercial)" and (Conditional Use) for the following described property: property is designated as lot C-1 and measures 83.72 feet front on East St. Bernard Highway, by a depth of 601.35 feet on one side and a depth on the opposite sideline of 582.27 feet and a width in the rear of 81.35 feet: Municipal Numbers 2004, 2006 and 2010 Chalona Drive.

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

YEAS:	Lauga, Lewis, Hunnicutt, Montelongo, Cavignac
NAYS:	None
ABSENT:	None
ABSTAINED:	Gorbaty

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

And the motion was declared **adopted** on the 1st day of May, 2012.

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, May 1, 2012

Witness my hand and the seal of the Parish of St. Bernard on this 1st day of May, 2012

Roxanne Adams

ROXANNE ADAMS
CLERK OF COUNCIL

561 846

St. Bernard Parish Council

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#20

Guy McInnis
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George Cavignac
Councilman at Large

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Nathan Gorbaty
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Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, APRIL 17, 2012 AT THREE O'CLOCK P.M.

On a Joint motion of the Council and unanimously carried, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #1294-04-12

Summary No. 2802
Introduced By: Administration on 4/3/12

AN ORDINANCE TO NAME THE ROAD LOCATED NEXT TO THE VERRET FIRE STATION "LOGAN MARTIN ROAD".

WHEREAS, the Administration is desirous of naming the road located next to the Verret Fire Station as "Logan Martin Road;" and

WHEREAS, the Department of Transportation and Development has stated that the Road in question is not part of the State highway system and does not fall under their jurisdiction, and;

WHEREAS, this road is considered local and would have to be named by the Parish, i.e. the local Governing Authority.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Council, the Governing Authority, does hereby approve the official naming of the road located next to the Verret Fire Station as "Logan Martin Road"

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,

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Councilman District E

Roxanne Adams
Clerk of Council

paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo

NAYS: None

ABSENT: Cavignac

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

And the motion was declared **adopted** on the 17th day of April, 2012.

ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 4/20/12 2:16pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 4-24-2012 9:07 am
Date and Time

Received by Kristie L. Silva

St. Bernard Parish Council

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#16

Guy McInnis
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George Cavignac
Councilman at Large

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Councilman District C

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Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, APRIL 17, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1295-04-12

Summary No. 2798
Introduced by: Administration on 3/20/12
Public Hearing held on 4/17/12

AN ORDINANCE TO RE-INSTATE WITH AMENDMENTS THE COMPREHENSIVE ZONING ORDINANCE OF ST. BERNARD PARISH, LOUISIANA; **SBPC #1179-12-09** ADOPTED ON DECEMBER 15, 2009, EFFECTIVE JANUARY 1, 2010 AND REPEALED BY THE ST. BERNARD PARISH COUNCIL ON APRIL 5, 2011.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. that Chapter 22, the Comprehensive Zoning Ordinance of St. Bernard Parish is hereby re-instated with amendments, as per attachment A.

SECTION 2. On the 15th day of December 2009, the St. Bernard Parish Council adopted the Comprehensive Zoning Ordinance SBPC #1179-12-09, which was in effect beginning on January 1, 2010. Said Ordinance was repealed by the St. Bernard Parish Council on April 5, 2011.

SECTION 3. On the 13th day of April 2011, the St. Bernard Parish Council adopted Emergency Ordinance SBPC #1244-04-11, which stated that the old Chapter 22 that was in existence prior to Ordinance SBPC #1179-12-09 being adopted was now in place effective immediately.

SECTION 4. On the 17th day of May 2011, the St. Bernard Parish Council adopted Ordinance SBPC #1247-05-11, which was to ratify and revert back to Chapter 22, Zoning in its entirety which was in existence prior to Ordinance SBPC #1179-12-09 being adopted.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a

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George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

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Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo

NAYS: None

ABSENT: Cavignac

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

And the motion was declared **adopted** on the 17th day of April, 2012.

ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 4/20/12 2:16pm
Date and Time

Approved ✓ Vetoed _____

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Ray Lauga, Jr.
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Nathan Gorbaty
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Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

Parish President

David E. Peralta

Returned to Clerk of the Council

4-24-12 9:07 am
Date and Time

Received by

561 843

St. Bernard Parish Council

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#17

Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, APRIL 17, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1296-04-12

Summary No. 2799
Introduced by: Councilman McInnis on 3/20/12

AN ORDINANCE TO AMEND, CHAPTER 5 OF THE ST. BERNARD PARISH CODE OF ORDINANCES, TITLED BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES BY REMOVING SECTION 103.8.6, SUB-SECTION 2A OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Council, the Governing Authority, does hereby amend, Chapter 5, Section 103.8.6 sub-section 2a, of the St. Bernard Parish Code of Ordinances.

Section 5-103.8.6 Required Inspections. The Building Official upon notification from the permit holder or his agent shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the technical codes:

Building:

1. Foundation Inspection: To be made after trenches are excavated, and forms erected, and all reinforcements are in place.
2. Frame Inspection: To be made after the roof, all framing, fire blocking and bracing is in place, all concealing wiring, all pipes, chimneys, ducts, vents and after plumbing, electrical and mechanical inspections have been scheduled.
3. Final Inspection: To be made after the building is completed and ready for occupancy.

St. Bernard Parish Council

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Councilman at Large

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Councilman District A

Nathan Gorbaty
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Richard "Richie" Lewis
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Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

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

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo

NAYS: None

ABSENT: Cavignac

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

And the motion was declared **adopted** on the 17th day of April, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 4/20/12 2:16pm
Date and Time

St. Bernard Parish Council

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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council 4-24-12 9:07 Am
Date and Time

Received by Kristi L. Silva

St. Bernard Parish Council

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#18

Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, APRIL 17, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1297-04-12

Summary No. 2800
Introduced by: Administration on 4/3/12

AN ORDINANCE TO AMEND THE 2012 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That the 2012 St. Bernard Parish Annual Operating and Capital Budget is hereby amended as 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 of this Ordinance with the invalid portions omitted.

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo

St. Bernard Parish Council

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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

NAYS: None

ABSENT: Cavignac

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

And the motion was declared **adopted** on the 17th day of April, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 4/20/12 2:16pm
Date and Time

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council 4-24-12 9:07 am
Date and Time

Received by Kristen L. Silva

Proposed Budget Amendment 4.3.2012

Fund	Cost Center	Description	General Ledger	Description	Increase	Decrease
"60"	3425	Community Development	536459	Professional Services		$3,500
"001"	2210	Registrar of Voter	545472	Travel, Training Etc.	$3,500	

561 845

St. Bernard Parish Council

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#19

Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, APRIL 17, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1298-04-12

Summary No. 2801
Introduced by: Administration on 4/3/12

AN ORDINANCE TO APPROVE **DOCKET 04-12,** PETITION KATHERINE PYLANT THORNTON FOR A ZONING CHANGE FROM "R-1, (SINGLE FAMILY RESIDENTIAL)" TO "C-1, NEIGHBORHOOD COMMERCIAL)" FOR THE FOLLOWING DESCRIBED PROPERTY: PROPERTY IS DESIGNATED AS LOT D-2, SQUARE 107, VERSAILLES SUBDIVISION: MUNICIPAL ADDRESS DESIGNATED AS 118 EAST URQUHART STREET.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. that **Docket 04-12** a petition of Katherine Pylant Thornton for a zoning change from "R-1, (Single Family Residential)" to "C-1, Neighborhood Commercial)" for the following described property:

Property is designated as Lot D-2, Square 107, Versailles Subdivision with a Municipal Address designated as 118 East Urquhart Street.

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

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

St. Bernard Parish Council

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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo

NAYS: None

ABSENT: Cavignac

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

And the motion was declared **adopted** on the 17th day of April, 2012.

ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 4/20/12 2:14pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 4-24-12 9:07 am
Date and Time

Received by Kristie L Lilla

St. Bernard Parish Council

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Guy McInnis
Councilman at Large

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Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#15

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MAY 1, 2012 AT SEVEN O'CLOCK P.M.

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

Summary No. 2805
Introduced by: Administration on 4/17/12
Public Hearing held on 5/1/12

AN ORDINANCE DECLARING CERTAIN PARISH PROPERTY SURPLUS.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. the St. Bernard Parish Council, the Governing Authority, has determined that the property described in Exhibit A is no longer needed for the public purposes of the St. Bernard Parish Government, and;

WHEREAS, it is the desire of the St. Bernard Parish Council, to comply with Louisiana state law regarding the disposition of surplus property, and;

WHEREAS, the value of any item of said movable property does not exceed $5000.00;

NOW THEREFORE BE IT ORDAINED by the Parish Council of St. Bernard Parish Government, Louisiana, in regular session convened that the movable property described in Exhibit A is hereby declared surplus in accordance with the requirements of Louisiana Revised Statute 33:4712, and;

BE IT FURTHER, there shall be no minimum bid for any item, and should any item not be bid on, the Chief Administrative Officer is authorized to sell such surplus, movable property as scrap.

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

St. Bernard Parish Council

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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

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

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 1st day of May, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 5/4/12 9:53 Am.
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 5/7/12 8:45 Am
Date and Time

Received by Kristie Silva

VEHICLE #	COLOR	YEAR	MAKE	MODEL	VIN #	LIC PLATE #		
ADM 8	BLUE	2004	FORD	EXPLORER	1FMZU73K25ZA19620	193904		
492	WHITE	1997	CHEVY	BOX VAN	1GBJP32R9V3314964	201935		
415	WHITE	1998	DODGE	CARAVAN	2B4FP2533WR737046	142581		
M 8	WHITE	2005	FORD	F 250	1FTNF20555EB93459	193975		
408	WHITE	2005	DODGE	1500	1D7HA16K55J546976	193726		
515	WHITE	2003	FORD	F 350	3FTSF30LX3MB30615	188109		
MC 13	WHITE	1995	FORD	F 350	1FDJF37465EA56509			
MC	WHITE		FORD	F 350	PRE KATRINA	79096		
MC 16	WHITE	1996	FORD	F 350	1FDJF37HITEA85028			
404	GREEN	1999	FORD	F 250	1FTPX28W6XNC32310	191014		
T1	ORANGE		KUBOTA	ZD25	5G3569			
T2	ORANGE		KUBOTA	ZD21F	60342			
T3	ORANGE		KUBOTA	ZD28F	63146	23797		
T4	ORANGE		KUBOTA	ZD28F	63422	23800		
449	YELLOW		JOHN DEERE	E80	FF080CX011446			
REC 3	BLUE	1999	FORD	F 350	1FTSW30L9XEA84769	201933		
OEP 3	MAROON	2001	DODGE	CARAVAN	1B4GP25321B176253	193746		
517	WHITE	1999	INTERNATIONAL	FLUSH TRK	1HTGBADRXXH576040	143345		
464	BEIGE	2000	CHEVY	3500	1GBHK33J9YF490583	201934		
	WHITE	2005	PILGRAM	TRAVEL TRAILER	5L4TF332763019770			
	WHITE	2005	ROCKWOOD	TRAVEL TRAILER	4X4TRLC236DC89074			
A 14	WHITE	2005	BEL AIR	TRAVEL TRAILER	4V0TC31245F000164			
F23	WHITE	2005	ZINGER	TRAVEL TRAILER	4VOT30276BUC7442			
	WHITE	2005	PIONEER	TRAVEL TRAILER	1EBIB282165342504			
		2005		TRAVEL TRAILER	5L4TF332163019778			
	WHITE	2005		TRAVEL TRAILER	5L4TF332163019778			
				MOBILE HOME	US GOV 1263127	ENGINE 8	TRAILER	
		2005	MODEL # 1474	OFFICE TRAILER	533990			
		2005		MOBILE HOME	CLA054997TN			
		1988	FORD	BOOK MOBILE	1FDNJ65PIKVA00389			
FIRE DEPT			PORT PUMP	FIRE DEPT				
JAIL			COMM STOVE					
JAIL			COMM STOVE					
			BRISTOL BOAT	BRL10267J900				
			FEMA PUMPS					
	YELLOW	2006		20SD-075	8716			
	YELLOW	2006		20SD-075	8719			
	YELLOW	2006		RM120	1202322			
	YELLOW	2006		RM120	1202321			
	OEP		OLD PRE KATRINA LIGHT PLANT		NO #'S			
			OLD PRE KATRINA TANK ON TRAILER		NO#'S			
			OLD PRE KATRINA FUEL TANKS		NO #'S			
			OLD PRE KATRINA FUEL TANKS		NO #'S			
			OLD PRE KATRINA FUEL TANKS		NO #'S			
	PRE KATRINA		OLD SAND BAGGER MACHINE		NO #'S			
			OLD PRE KATRINA MOSQUITO CONTROL 4 WHEELER					
			2 PICKUP TRUCK BEDS					

Council Vehicles

Tag #	ID #	Year	Make	Model	Color	Type	Plate	VIN #
22505	COUN 01	2005	Mercury	Mountaineer	Red	SUV	193942	4M2ZU86E85UJ14089
22512	COUN 02	2005	Ford	Explorer	White	SUV	193939	1FMZU73K75UB09259
22506	COUN 03	2005	Ford	Explorer	White	SUV	193938	1FMZU73K15UB16014
22511	COUN 04	2005	Ford	Excursion	Taupe	SUV	193936	1FMNU43S05EA84227
22508	COUN 05	2005	Ford	Explorer	Taupe	SUV	193937	1FMZU73E95ZA48297
22509	COUN 06	2005	Ford	Free Star	White	Van	193941	2FMZA57605BA49616
22504	COUN 07	2005	Mercury	Mountaineer	Gold	SUV	193935	4M2ZU86K05UJ11743
22063	COUN 08	2006	Ford	F150	Sand	Truck	193902	1FTPW12586FA16481
22510	COUN 09	2006	Ford	Free Star	Taupe	Van	193940	2FMZA52275BA70175

562 494

St. Bernard Parish Council

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#16

Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MAY 15, 2012 AT THREE O'CLOCK P.M.

On a joint motion of the Council and unanimously carried, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #1300-05-12

Summary No. 2812
Introduced by: Councilman Lewis on 5/1/12
Public Hearing held on 5/15/12

AN ORDINANCE TO RENAME THE VAL RIESS MULTI PURPOSE CENTER TO THE ST. BERNARD SPORTS HALL OF FAME CENTER.

WHEREAS, the Council is desirous of renaming the Val Riess Multi Purpose Center as "The St. Bernard Hall of Fame Center;" and

WHEREAS, this building is considered local and would have to be named by the Parish, i.e. the local Governing Authority.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Council, the Governing Authority, does hereby approve the official renaming of the Val Riess Multi Purpose Center as "The St. Bernard Hall of Fame Center;" and

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

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

St. Bernard Parish Council

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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
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Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 15th day of May, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 5/17/12 10:54am
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 5/18/12 12:30
Date and Time

Received by Kristie Silva

St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
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#16

Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MAY 15, 2012 AT THREE O'CLOCK P.M.

On a joint motion of the Council and unanimously carried, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #1300-05-12

Summary No. 2812
Introduced by: Councilman Lewis on 5/1/12
Public Hearing held on 5/15/12

AN ORDINANCE TO RENAME THE VAL RIESS MULTI PURPOSE CENTER TO THE ST. BERNARD SPORTS HALL OF FAME CENTER.

WHEREAS, the Council is desirous of renaming the Val Riess Multi Purpose Center as "The St. Bernard Hall of Fame Center;" and

WHEREAS, this building is considered local and would have to be named by the Parish, i.e. the local Governing Authority.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Council, the Governing Authority, does hereby approve the official renaming of the Val Riess Multi Purpose Center as "The St. Bernard Hall of Fame Center;" and

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

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

St. Bernard Parish Council

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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
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Nathan Gorbaty
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Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 15th day of May, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 5/17/12 10:54am
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 5/18/12 12:30
Date and Time

Received by Kristie Silva

St. Bernard Parish Council

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#17

Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MAY 15, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1301-05-12

Summary No. 2813
Introduced by: Councilman McInnis on 5/1/12
Public Hearing held on 5/15/12

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

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

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

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

(d) Be organized by the chairman who is determined by a vote of the committee;

(e) Local administrator functions as the secretary of the committee;

(f) Advise, comment, or make recommendations to the parish council on any coastal project, coastal activity or coastal development;

(g) Review and comment upon any proposed rules and regulations impacting the coastal zone;

(h) Recommend to the parish council any modifications to this article;

St. Bernard Parish Council

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(504) 278-4228 Fax (504) 278-4209
www.sbpg.net

Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

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

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

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

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 15th day of May, 2012.

ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

St. Bernard Parish Council

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

Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

Delivered to the Parish President 5/17/12 10:54 AM
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 5/18/12 12:30
Date and Time

Received by Kristie Silva

562 496

St. Bernard Parish Council

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(504) 278-4228 Fax (504) 278-4209
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#18

Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MAY 15, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1302-05-12

Summary No. 2815
Introduced by: Administration on 5/1/12
Public Hearing held on 5/15/12

AN ORDINANCE TO AMEND ORDINANCE SBPC#1287-03-12, AUTHORIZING THE PARISH PRESIDENT TO ENTER INTO A LEASE AGREEMENT WITH LOUIS BATTLE AND MARY FERRER FOR THE LEASE OF ROUTE 1 BOX 738, DELACROIX ISLAND, LOT #9 FOR THE UTILIZTION OF A PUMP STATION.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. the St. Bernard Parish Council, the Governing Authority, does hereby authorize Parish President David E. Peralta to enter into an lease agreement with Louis Battle and Mary Ferrer for the lease of Route 1 Box 738, Delacroix Island, Lot #9 for the utilization of a pump station.

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

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

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

St. Bernard Parish Council

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

Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 15th day of May, 2012.

ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 5/17/12 10:54 am
Date and Time

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council 5/18/12 12:30
Date and Time

Received by Kristie Silva

562 497

St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
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Guy McInnis
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Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#19

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MAY 15, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC# 1303-05-12

Summary No. 2816
Introduced by: Administration on 5/3/12
Public Hearing held on 5/15/12

AN ORDINANCE TO APPROVE ST. BERNARD PARISH GOVERNMENT REDEVELOPMENT AND DISPOSITION PLAN FOR LOUISIANA LAND TRUST PROPERTIES AND FORWARD THE PLAN TO THE STATE OF LOUISIANA.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That the following St. Bernard Parish Government Redevelopment and Disposition Plan for Louisiana Land Trust Properties is hereby authorized as attached. (Exhibit A.) Upon adoption of the Redevelopment and Disposition Plan for Louisiana Land Trust Properties, it will then be forwarded to the State of Louisiana.

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

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

St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

YEAS: Lauga, Gorbaty, Lewis, Montelongo, Cavignac

NAYS: Hunnicutt

ABSENT: None

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

And the motion was declared **adopted** on the 15th day of May, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 5/17/12 2:38pm
Date and Time

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council 5/18/12 12:30
Date and Time

Received by Kristie Silva

St. Bernard Parish Government

Redevelopment and Disposition Plan for Louisiana Land Trust Properties

Parish Contact Information:

Jerry Graves, Jr.,
Chief Administrative Officer, St. Bernard Parish Government
Chairman, St. Bernard Parish Housing, Redevelopment, and Quality of Life Commission
8201 W. Judge Perez Dr.
Chalmette, LA 70043
(504) 278-4225
jgraves@sbpg.net

Contact Person for Plan Implementation:

Ross Gonzales
Housing and Redevelopment Coordinator, St. Bernard Parish Government
8201 W. Judge Perez Dr.
Chalmette, LA 70043
(504) 278-4290
rgonzales@sbpg.net

Date Adopted:
May 15, 2012

Date Submitted for Approval:
May 17, 2012

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I. Parish Redevelopment and Disposition Entity

St. Bernard Parish Government (SBPG) has designated the St. Bernard Parish Housing, Redevelopment, and Quality of Life Commission (HRQLC) as the exclusive recipient of all residual Louisiana Land Trust (LLT) properties in St. Bernard Parish. The HRQLC was originally established in 2005 by Louisiana *RS 33:4720.91, Chapter 13-F. St. Bernard Parish Redevelopment Law* (Appendix A), and was ratified by the St. Bernard Parish Council by ordinance in 2006 (Appendix B). As the exclusive recipient of all LLT properties in St. Bernard Parish, the HRQLC will act in accordance with *Chapter 13-F. St. Bernard Parish Redevelopment Law* and will utilize LLT properties for all of the purposes outlined therein.

Upon conveyance of LLT properties and program revenue to the HRQLC, the St. Bernard Parish Council may establish an operating budget to be used exclusively by the HRQLC for the purpose of maintaining LLT properties and administering all programs associated with the LLT disposition paths outlined herein. The three primary disposition paths for LLT properties are as follows: (1) Lot Next Door (LND) program; (2) Public use, recreational amenities, environmental quality, and ecotourism; and (3) Private redevelopment.

II. Proposed Disposition Paths, Processes and Policies

1. Lot Next Door Program

The HRQLC will continue to work in conjunction with LLT to facilitate the purchase of LLT properties through the LND program in accordance with the guidelines which have been established and approved by the HRQLC and LLT. Deadlines associated with the private purchase of LLT properties through the LND program have been extended through April 2012 and will likely be further extended indefinitely. Ultimately, the LND program will run concurrently with other disposition paths as they are activated. It is estimated that approximately 2,200 LLT properties have either been sold or have sales pending through the LND program as of March 2012.

2. Public Use, Recreational Amenities, Environmental Quality, and Ecotourism

The HRQLC has already facilitated the conveyance of several LLT properties to other governmental entities for the purpose of improving and/or expanding public services. As the final conveyance of residual LLT properties from LLT to the HRQLC approaches, the HRQLC will double its efforts in seeking out governmental entities interested in utilizing LLT properties for such purposes. The HRQLC will solicit public input when considering conveying LLT properties to other governmental entities, and will submit a proposal to both the St. Bernard Parish Planning Commission and the St. Bernard Parish Council for final approval before any transaction is executed.

The HRQLC may maintain LLT properties or convey them to other governmental entities, neighborhood associations, non-profit organizations, or private developers for the purpose of establishing green space, pocket parks, bike paths, and other recreational amenities as deemed

appropriate. The Waggoner and Ball LLT Plan will be used as guidance to the HRQLC in terms of how and where recreational amenities should be positioned within *redevelopment areas*. The HRQLC will solicit public input when considering maintaining or conveying LLT properties for recreational purposes, and will submit a proposal to both the St. Bernard Parish Planning Commission and the St. Bernard Parish Council for final approval before any resources are dedicated to maintenance or any transaction is executed. The HRQLC also reserves the right to mandate that recreational amenities be provided by a private developer as part of an approved *redevelopment plan* and/or as part of an attached *redevelopment subdistrict* covenant, as per *Chapter 13-F. St. Bernard Parish Redevelopment Law*.

Finally, the HRQLC may maintain LLT properties or convey them to other governmental entities, neighborhood associations, non-profit organizations, private developers, or educational institutions for the purpose of improving drainage, engaging in other water management strategies, increasing flood protection, or otherwise enhancing environmental quality and/or promoting ecotourism in St. Bernard Parish. The HRQLC will only entertain engaging in such actions if they are consistent with all applicable regulations and/or approved plans pertaining to floodplain management, water resources management, pollution reduction, economic development, land use, and the like. The HRQLC will solicit public input when considering maintaining or conveying LLT properties for the purpose of enhancing environmental quality and/or promoting ecotourism, and will submit a proposal to both the St. Bernard Parish Planning Commission and the St. Bernard Parish Council for final approval before any resources are dedicated to maintenance or any transaction is executed.

3. Private Redevelopment

The HRQLC will actively engage in promoting the sale of LLT properties for the purpose of private redevelopment. Currently, the SBPG Office of Housing and Redevelopment has already received over eighty (80) inquiries regarding the availability of LLT properties for the purpose of small-scale redevelopment (up to five lots). Additionally, a number of developers have expressed interest in acquiring LLT properties for the purpose of large-scale redevelopment (more than five lots).

In accordance with *Chapter 13-F. St. Bernard Parish Redevelopment Law*, the HRQLC will establish redevelopment areas by designating redevelopment subdistricts in certain parts of St. Bernard Parish where there are high concentrations of LLT properties. The HRQLC will draft a redevelopment plan for each proposed redevelopment subdistrict and present it to the St. Bernard Parish Planning Commission and the St. Bernard Parish Council for approval. Covenants may also be established for each redevelopment subdistrict and attached to LLT property titles as properties are conveyed from the HRQLC to private entities. While the HRQLC reserves the right to include any LLT property in a redevelopment subdistrict and thereby make that property subject to the enforcement of guidelines established in a given redevelopment plan (including the attachment of covenants), such actions will typically be reserved for large-scale redevelopments only.

Large-scale redevelopment proposals will be evaluated based on their commercial viability and impact on quality of life in St. Bernard Parish. Such proposals will be prioritized and selected based on the degree to which they further the purposes of the HRQLC, which include (1) the prevention and elimination of slums and blight; (2) the redevelopment of distressed neighborhoods; and (3) the enhancement of economic benefits, as outlined in *Chapter 13-F. St. Bernard Parish Redevelopment Law*. The HRQLC reserves the right to limit the development of LLT properties on the basis of market viability.

Pursuant to *Chapter 13-F. St. Bernard Parish Redevelopment Law*, the HRQLC shall convey LLT properties to private entities under a competitive bidding process. LLT properties must be bid at a minimum of 90% of the appraised value when sold individually. This may be accomplished via the current auction services being provided by LLT or via an internal bidding process established by the HRQLC in accordance with all applicable laws. If the HRQLC elects to utilize the auction services being provided by LLT, the scope of such auctions shall be established by the HRQLC and approved by the St. Bernard Parish Council prior to execution. The HRQLC may engage in "bundling" LLT properties for the purpose of large-scale development; may target certain neighborhoods for small scale redevelopment; or may re-subdivide LLT properties prior to sale for the purpose of encouraging low density redevelopment.

The HRQLC will partner with the St. Bernard Home Mortgage Authority and local lending institutions to facilitate the availability of "soft second" mortgage opportunities, and may also partner with local realtors and investors in instituting a "buy and build" program for prospective LLT property purchasers. Additionally, the HRQLC will partner with the US Department of Agriculture and other agencies and/or non-profit organizations for the purpose of making LLT properties available for affordable housing opportunities.

III. Long Term Recovery Plan

St. Bernard Parish adopted a long term recovery plan which was approved by the Louisiana Recovery Authority in 2006. The Plan focuses heavily on the integration of infrastructure needs and population growth in St. Bernard Parish, and outlines the means by which the parish intends on demolishing storm-damaged structures; consolidating sewer treatment services; rehabilitating the water plant and distribution system; and supporting the construction of a hospital and medical services district.

Thousands of storm-damaged structures have since been demolished in St. Bernard Parish, and many of the large-scale improvements to the water and sewer systems have either been completed or are slated to be completed by March 2014. Finally, the new hospital is slated to be completed and open for business by June 2012. The hospital will be accompanied by a medical office building which is scheduled to be completed and fully operational by the end of the year. The construction of the hospital and medical office building has already prompted a considerable amount of commercial development along West Judge Perez Dr. in western St. Bernard Parish.

The population of St. Bernard Parish is now estimated to be over 35,000 as SBPG enters the final phase of its recovery. The disposition paths outlined in the Redevelopment and Disposition Plan are intended to provide SBPG and the HRQLC with the tools needed to solidify St. Bernard Parish's recovery by utilizing LLT properties to redevelop remaining distressed and/or blighted areas in a manner that promotes community, long term well-being, and prosperity. The extent to which public input and neighborhood support will drive the efforts of SBPG and the HRQLC cannot be overstated.

IV. Conformance with Community Development Block Grant Guidelines

SBPG has historically utilized the Community Development Block Grant (CDBG) program to fund local community development activities. The current SBPG Housing and Redevelopment Coordinator is Ross Gonzales. Mr. Gonzales will be working in coordination with Jerry Graves, Jr. (SBPG Chief Administrative Officer) and the HRQLC to ensure that the Redevelopment and Disposition Plan is administered in a manner that is consistent with CDBG guidelines and the guidelines set forth in Louisiana *RS 33:4720.91, Chapter 13-F. St. Bernard Parish Redevelopment Law.*

V. Affordable Housing

SBPG and the HRQLC are committed to ensuring that 25% of all LLT properties are redeveloped for the purpose of affordable housing. The HRQLC has already designated a number of LLT properties for the purpose of affordable housing through its partnership with the National Relief Network and other non-profit organizations. Additionally, hundreds of low-to-moderate income residents have purchased LLT properties at a discounted rate through the LND program, and will continue to have the opportunity to do so for the life of that disposition path. Finally, the HRQLC has expressed an interest in partnering with the US Department of Agriculture and other local non-profit organizations for the purpose of making LLT properties available for newly constructed affordable housing.

VI. Green Space

Please refer to *Section II. Proposed Disposition Paths, Processes and Policies, Subsection 2. Public Use, Recreational Amenities, Environmental Quality, and Ecotourism.* The Waggoner and Ball LLT Plan will be used by the HRQLC as a guide for creating green space within specific redevelopment areas.

VII. Conformance with Recovery and Rebuilding Principles

SBPG has spent over $1 billion on its recovery. Most of the infrastructure in St. Bernard Parish is new, and the entire federal hurricane levee protection system around St. Bernard Parish will be recertified in 2012. SBPG has also spent millions of dollars on hazard mitigation activities and has utilized recovery funding to increase drainage and pumping capacity whenever possible.

The HRQLC intends on utilizing LLT properties in a manner that further restores confidence among the public, enhances quality of life, and increases community resiliency by (1) decreasing pre-Katrina housing density in the floodplain; (2) creating green space; (3) creating new recreational opportunities; (4) enhancing environmental quality and promoting ecotourism; and (5) facilitating the availability of a new housing stock that meets all current codes and standards.

The repopulation of blighted and/or distressed neighborhoods and the availability of a new housing stock will undoubtedly enhance property values and promote economic growth in St. Bernard Parish. Additionally, the increased tax base will allow SBPG to provide a broader range of public services and to appropriately maintain the abundance of new infrastructure that has been constructed during the recovery. Finally, the concepts introduced in the Redevelopment Disposition Plan, the Waggoner and Ball LLT Plan, and the forthcoming land use plan will be used as a means of promoting planning in St. Bernard Parish and ultimately redeveloping a more sustainable and livable community.

VIII. Strategy for Property Insurance, Maintenance, and Security

The HRQLC will accept residual LLT properties on behalf of SBPG at the latest possible date. According to a real estate market analysis conducted by Dr. Wade Ragas, insurance, maintenance, and security for each LLT property would cost the HRQLC an average of $1,050 annually. SBPG estimates that the HRQLC may acquire no less than 2,000 residual properties by the end of 2012. Consequently, the annual cost for the HRQLC to insure, maintain, and secure 2,000 LLT properties would be approximately $2.1 million.

The revenue already generated by the LND program is now estimated to be approximately $3 million. This figure would only provide the HRQLC with enough funding to address all of the costs associated with 2,000 LLT properties for approximately seventeen (17) months. Additional program revenue generated by the LND program and other disposition paths would also be utilized for the purpose of covering the costs associated with LLT properties, and the SBPG operating budget may supplement the HRQLC budget as needed. Ultimately, it will be necessary for the HRQLC to aggressively market LLT properties for private sale in order to generate a steady stream of revenue and to maintain a sustainable redevelopment program.

The HRQLC may also engage in a number of measures to control the costs associated with insuring, maintaining, and securing LLT properties. Partnerships with governmental entities, neighborhood associations, and non-profit organizations would provide various cost saving opportunities. Public use of LLT properties for suburban/agricultural purposes, low maintenance native plantings, or simply allowing contiguous LLT properties to grow freely would also provide a great deal of fiscal relief by eliminating the otherwise constant need for lawn care.

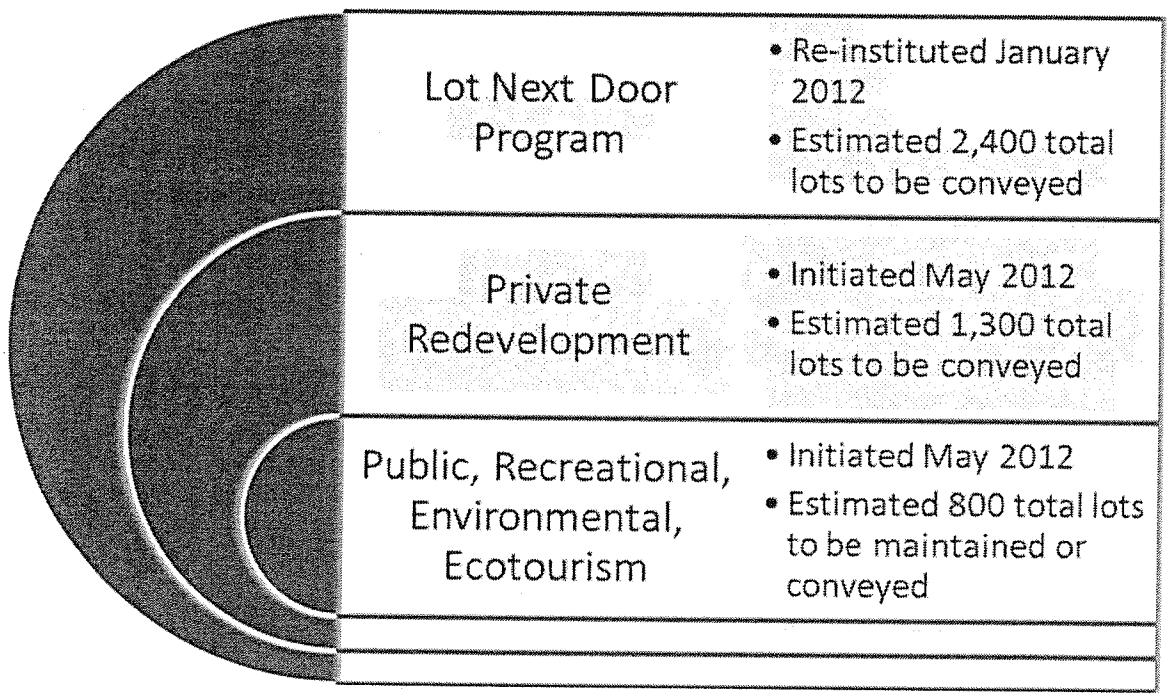
IX. Redevelopment and Disposition Timeline

The LLT originally acquired approximately 4,500 properties in St. Bernard Parish. As of March 2012, nearly 2,200 LLT properties have either been conveyed or have pending purchase

agreements through the LND program. SBPG estimates that as many as 200 additional LLT properties may be conveyed through LND as the program continues. As previously stated, the LND disposition path will remain activated indefinitely.

Upon approval of the Redevelopment and Disposition Plan and execution of the Cooperative Endeavor Agreement, the HRQLC will activate the remaining two disposition paths. SBPG estimates that approximately 1,300 LLT properties will be conveyed for the purpose of private redevelopment and 800 properties will be either maintained or conveyed for public, recreational, environmental, or ecotourism purposes over the course of the next three years.

Figure IX-1: *Redevelopment and Disposition Timeline and Path Estimates*



X. Public Input and Local Commitment to the Redevelopment and Disposition Plan

The HRQLC and the St. Bernard Parish Council have conducted a series of town hall meetings regarding the Redevelopment and Disposition Plan. Additionally, the HRQLC has discussed updating the plan at several recent public meetings. The final version of the proposed plan will go before the HRQLC, the St. Bernard Parish Planning Commission, and the St. Bernard Parish Council prior to approval. Each of these bodies will conduct a public hearing regarding the plan. Finally, as mentioned in several subsections of the plan, there are various components of the disposition paths which require approval from the HRQLC, the St. Bernard Parish Planning Commission, and the St. Bernard Parish Council. Subsequent public hearings will therefore be held as each disposition path is activated and implemented.

XI. Estimated Budget and Financing

As stated in *Section VIII. Strategy for Property Insurance, Maintenance, and Security*, SBPG estimates that approximately 2,000 LLT properties will be conveyed to the HRQLC in 2012. These estimates account for ongoing LND sales throughout the year, but do not account for any potential LLT conveyances through disposition paths that have yet to be activated. Furthermore, these estimates do not account for any LLT properties that may be conveyed to the HRQLC as the result of Road Home Option 1 defaults. The annual budgeting and financing estimates outlined in this section each assume that 2,000 LLT properties will be conveyed to the HRQLC in September 2012 and that each disposition path will be activated and implemented in a manner that is consistent with the estimates provided in *Figure IX-1: Redevelopment and Disposition Timeline and Path Estimates*.

Figure XI-1: *2012 HRQLC Budget*

2012 HRQLC LLT Program Budget*

LLT Property Inventory as of 9/1/2012 (2,000)

Revenue:	Program Revenue	$3,000,000	*Balance received from LLT*
	Lot Next Door	$250,000	*Based on 100 sales*
	Public, Recreation, etc.	$25,000	*Based on 10 sales*
	Private Sales	$250,000	*Based on 100 sales*
	TOTAL REVENUE:	**$3,525,000**	*Total 2012 Sales: 210*
Expenditures:	Insurance, Maint., etc.	$525,000	*Based on 2,000 LLT properties*
	Appraisal, Title, Closing	$157,500	*Based on 210 LLT sales*
	Advertising	$5,000	
	TOTAL EXPENDITURES:	**$687,500**	
	2012 Fund Balance:	**$2,837,500**	
	2012 Inventory Balance:	**1,790**	

Figure XI-2: *2013 HRQLC Budget*

2013 HRQLC LLT Program Budget*

LLT Property Inventory as of 1/1/2013 (1,790)

Revenue:	Program Revenue	$2,837,500	*Balance from 2012*
	Lot Next Door	$375,000	*Based on 150 sales*
	Public, Recreation, etc.	$125,000	*Based on 50 sales*
	Private Sales	$1,250,000	*Based on 500 sales*
	TOTAL REVENUE:	**$4,587,500**	*Total 2013 Sales: 700*
Expenditures:	Insurance, Maint., etc.	$1,879,500	*Based on 1,790 LLT properties*
	Appraisal, Title, Closing	$525,000	*Based on 700 LLT sales*
	Advertising	$15,000	
	TOTAL EXPENDITURES:	**$2,419,500**	
	2013 Fund Balance:	**$2,168,000**	
	2013 Inventory Balance:	**1,090**	

Figure XI-3: *2014 HRQLC Budget*

2014 HRQLC LLT Program Budget*

LLT Property Inventory as of 1/1/2014 (1,090)

Revenue:	Program Revenue	$2,168,000	*Balance from 2013*
	Lot Next Door	$125,000	*Based on 50 sales*
	Public, Recreation, etc.	$150,000	*Based on 60 sales*
	Private Sales	$1,500,000	*Based on 600 sales*
	TOTAL REVENUE:	**$3,943,000**	*Total 2014 Sales: 710*
Expenditures:	Insurance, Maint., etc.	$1,144,500	*Based on 1090 LLT properties*
	Appraisal, Title, Closing	$532,500	*Based on 710 LLT sales*
	Advertising	$15,000	
	TOTAL EXPENDITURES:	**$1,692,000**	
	2014 Fund Balance:	**$2,251,000**	
	2014 Inventory Balance:	**380**	

*** See Appendix C for an explanation of budget line item estimates**

XII. Redevelopment and Disposition Plan Approval

The Redevelopment and Disposition Plan has been prepared by the SBPG Chief Administrative Officer and the Office of Housing and Redevelopment staff. The plan was first submitted to the HRQLC for review and public hearing (Appendix D). The plan was then amended by the HRQLC and forwarded to the St. Bernard Parish Planning Commission for review and public hearing (Appendix E). The St. Bernard Parish Planning Commission submitted its comments to the HRQL, and the staff edited the plan and submitted it to the St. Bernard Parish Council for review, public hearing and final approval.

The Redevelopment and Disposition Plan was approved by Council Ordinance #1303-05-12 (Appendix F) on May 15, 2012.

NAME AND SIGNATURE OF AUTHORIZED REPRESENTATIVE:

Jerry Graves, Jr.
Chief Administrative Officer, St. Bernard Parish Government
Chairman, St. Bernard Parish Housing, Redevelopment, and Quality of Life Commission

Signature: _____ Date: 5/17/2012

Acronym Index

CDBG Community Development Block Grant

HRQLC St. Bernard Parish Housing, Redevelopment, and Quality of Life Commission

LND Lot Next Door

LLT Louisiana Land Trust

SBPG St. Bernard Parish Government

Amendment Procedures

The HRQLC will amend the Redevelopment and Disposition Plan to include information pertaining to redevelopment areas, redevelopment subdistricts, and covenants as such items are approved by the St. Bernard Parish Council. Additionally, maps, illustrations, and other data from the Waggoner and Ball LLT Plan and other ongoing planning efforts may be added to this document as those plans are finalized. Finally, the budgets proposed herein will be amended annually to reflect actual figures.

Appendix A

CHAPTER 13-F. ST. BERNARD PARISH REDEVELOPMENT LAW

§4720.91. St. Bernard Parish Redevelopment Law

A. This Chapter may be referred to as the "St. Bernard Parish Redevelopment Law".

B. It is hereby found and declared that:

(1) There exist in St. Bernard Parish areas which have become slums, blighted, and distressed because of the unsafe, unsanitary, inadequate, or overcrowded condition of the structures therein, or because of inadequate planning for the area, or because of physically or functionally obsolete structures, or because of excessive dwelling unit density, or because of the lack of proper light and air and open space, or because of faulty street or lot design, or inadequate public utilities, or community services, or because of failure to adequately maintain and repair structures, or because of the conversion to incompatible types of land usage, or because of environmental conditions and circumstances.

(2) Such conditions or a combination of some or all of them have and will continue to result in making such areas economic and social liabilities imposing onerous burdens on the parish which:

(a) Decrease the tax base and reduce tax revenues.

(b) Harm the social and economic well-being of the parish, depreciating property values therein and thereby depreciating further the general community-wide values.

(3) The prevention and elimination of slums, blight, and distressed properties and their causes is a matter of public policy and concern in order that the parish shall not continue to be endangered by such areas which are focal centers of economic and social problems which consume an excessive proportion of parish revenues because of the extra services required for police, fire, accident, and other forms of public protection, services, and facilities.

(4) The salvage, renewal, redevelopment, and reconstruction of such areas, in accordance with sound redevelopment plans will promote the public health, safety, morals, and welfare of the public.

(5) Certain such areas or portions thereof may be susceptible to conservation, redevelopment, or rehabilitation by voluntary action and through existing regulatory processes in such a manner that the conditions and problems enumerated in this Subsection may be eliminated, remedied, and prevented; but in certain areas blight, slums, and distressed conditions are beyond remedy or reasonable control through existing regulatory processes and cannot be effectively dealt with under existing law without additional aids authorized in this Chapter; and such conditions and problems often exist in areas and under circumstances in which their assembly for purposes of clearance, replanning, and redevelopment is impossible without the exercise of the power of expropriation.

(6) The powers conferred by this Section are for public uses, purposes, welfare, and utility for which public money may be expended and the power of expropriation utilized as necessary and in the public's interest and in conformity with the approved plans of the parish. The provisions herein provided shall apply for residential, recreational, commercial, industrial, or other purposes and otherwise to encourage the provision of healthful homes, safe neighborhoods, a decent living environment, and adequate places of employment for the people. Such purposes are hereby declared as a matter of legislative determination.

C. The parish, acting through the St. Bernard Parish Housing, Redevelopment and Quality of Life Commission, for the purposes of this Section, may formulate a workable program or programs for utilizing appropriate private and public resources to eliminate and prevent the development or spread of slums and blight, to encourage needed rehabilitation, and to provide for the redevelopment of slum or blighted areas, or to undertake other feasible parochial activities as may be suitably employed to achieve the objectives of such workable program.

D. The parish, through the commission, to the greatest extent it determines to be feasible in carrying out the provisions of this Section, shall afford maximum opportunity, consistent with the sound needs of the parish as a whole, to the rehabilitation or redevelopment of the redevelopment area by, or in cooperation with, nonprofit and private enterprise. The commission shall give consideration to this

objective in exercising its authority under this Section.

E.(1) There is hereby created a body politic and corporate which shall exist in perpetuity and be known as the St. Bernard Parish Housing, Redevelopment and Quality of Life Commission, referred to in this Section as the "commission". The commission is comprised of all of the territory located within the parish of St. Bernard as now incorporated. The commission is a political subdivision of the state as defined in the Constitution of Louisiana. The commission, acting through its board of commissioners as the governing authority of the commission, is hereby granted all of the rights, powers, privileges, and immunities accorded by the laws and the Constitution of Louisiana to political subdivisions of the state, including but not limited to the power to incur debt and issue revenue, sales tax, and general obligation bonds, to issue certificates of indebtedness, to issue bond, grant, and certificate anticipation notes, to issue refunding bonds, the power of taxation, and any other rights, powers, and privileges to incur debt, levy taxes, or obtain financing available to political subdivisions subject to the limitations provided in this Section. The commission shall be activated and implemented upon the passage of an ordinance by the St. Bernard Parish Council and appointment of the nine members of the board.

(2) The commission is created for the objectives and purposes of:

(a) Accepting title from or contracting with the parish concerning any or all real and personal property and improvements owned or acquired by the parish.

(b) Acquiring, selling, and leasing land, real and personal property, and improvements from any other sources, entities, or persons.

(c) Utilizing any land, real or personal property, and improvements to enhance economic benefits generated in the parish through diversified activities, including but not limited to:

(i) Planning land use and development to foster creation of new jobs, economic development, industry, health care, eldercare, senior citizens care, commerce, manufacturing, tourism, relocation of people and businesses to the parish, shipbuilding, aviation, military, warehousing, transportation, offices, recreation, housing development, conservation, residential development, and subdivision development.

(ii) Constructing, operating, and maintaining facilities, improvements, and infrastructure, including buildings, roads, bridges, drainage, and utilities.

(iii) Planning, developing, building, constructing, operating, regulating, maintaining, selling, leasing, and transferring any residential or subdivision land, real and personal property, and improvements or granting or obtaining any other property rights.

(3)(a) The commission shall be governed by a board of commissioners, referred to in this Chapter as the "board", consisting of nine members. One member shall be appointed by the parish president, one member shall be appointed by the sheriff of the parish, and each of the duly qualified and sitting members of the parish council shall appoint one member. Each such official authorized to appoint a member of the board shall be the appointing authority for that position on the board. An appointing authority may appoint himself to the board. If an appointing authority has appointed himself to the board, he may resign at any time and appoint a member to serve in his place. In the event of a vacancy in the membership of the board, the appointing authority that appointed that board member may appoint himself to the board, except as may be otherwise prohibited by Item (d)(ii) of this Paragraph.

(b) Each member appointed to the board shall be a citizen of the United States, a domiciliary of and a qualified voter in the parish of St. Bernard for at least one year preceding the date of appointment and shall remain a domiciliary of and a qualified voter in the parish of St. Bernard during the entirety of the term of office.

(c) Each board member serves at the pleasure of the appointing authority. However, no board member shall sit on the board more than sixty days after the end of the term of office of the appointing authority that appointed that board member without being reappointed to the board in the manner for which appointments to the board are provided for in this Paragraph.

(d)(i) Any member who misses fifty percent of the board's meetings, regular or special, in any calendar year shall be disqualified and removed automatically from office and that person's position shall be vacant as of the first day of the next calendar month.

(ii) Should a board member who is removed from office for the cause provided in Item (i) of this Subparagraph be a member of the appointing authority, then the vacancy shall be filled by a nominee of the parish president confirmed by the parish council for the balance of the vacated term. That particular member of the appointing authority shall not be eligible for reappointment to the board until expiration of the balance of the vacated term.

(e) Any vacancy in the membership of the board, except a vacancy occasioned by the operation of Item (d)(i) of this Paragraph, occurring by reason of the expiration of the term of office, death, resignation, disqualification, or otherwise shall be filled by the appointing authority, in accordance with the procedures set out in Subparagraph (a) of this Paragraph for the applicable vacancy. In the event that the appointing authority fails to fill the vacancy within sixty days after receipt of written notification of the vacancy, the board shall appoint an interim successor to serve on the board until the position is filled by the appointing authority.

(f) Members of the board shall serve without compensation, shall have the power to organize and reorganize the executive, administrative, clerical, and other departments and forces of the commission and to fix the duties, powers, and compensation of all employees, agents, and consultants of the commission. The board may reimburse any member for expenses actually incurred with the authorization of the board in the performance of duties on behalf of the commission.

(g) The board shall elect yearly from its number a chairman, a vice chairman, a secretary, and a treasurer and shall establish their duties as may be regulated by rules adopted by the board. The offices of secretary and treasurer may be held by the same person. The board shall meet in regular session once each month and also shall meet in special session as convened by the chairman or upon written notice of three members. A majority of the board members, not including vacancies, shall constitute a quorum. All actions of the board shall be approved by the affirmative vote of a majority of the members present and voting. However, no action of the board shall be authorized on the following matters unless approved by a majority of the total board membership:

(i) Adoption of bylaws and other rules and regulations for conduct of the commission's business.

(ii) Hiring or firing of the commission's administrator.

(iii) The incurring of debt.

(iv) Levy of taxes and call for any tax or other election.

(v) Adoption or amendment of the annual budget.

(vi) Sale, lease, or alienation of real property or improvements.

(h) Vote by proxy shall not be permitted. Any member may request a recorded vote on any resolution or action of the commission.

(i) The board shall cause minutes and a record to be kept of all its proceedings, and it shall select a newspaper of general circulation within its territorial jurisdiction as its official journal in which it shall publish its minutes and in which it shall publish all official notices required by law.

(j) All meetings of the board shall be subject to state laws relative to open meetings, including R.S. 42:14.

(4) The exercise by the board of the powers conferred shall be deemed and held to be an essential governmental function of the state and parish. As the exercise of the powers granted by this Chapter will be in all respects for the benefit of the people of the state, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, the commission shall not be required to pay any taxes, including but not limited to sales and use taxes, ad valorem, occupational licensing, income, or any other taxes of any kind or nature, or assessments upon any property acquired or used by the commission under the provisions of this Section, or upon the income

therefrom. Any bonds, certificates, or other evidences of indebtedness issued by the commission and the income therefrom shall be exempt from taxation by the state and by any parish, municipality, or other political subdivision of the state. The commission shall not be deemed to be a public utility and shall not be subject in any respect to the authority, control, regulation, or supervision of the Louisiana Public Service Commission.

(5) In addition to the powers and duties elsewhere granted in this Section, the board is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of its objectives and purposes, including but not limited to the following:

(a) To sue and be sued and as such to stand in judgment.

(b) To adopt, use, and alter at will a corporate seal.

(c) To acquire by gift, grant, purchase, lease, expropriation, or otherwise and to hold and use any property, real, personal, mixed, tangible, or intangible, or any interest therein, necessary or desirable for carrying out the objects and purposes of the commission.

(d) To sell, transfer, lease, or convey any property acquired by it, or any interest therein, at any time to accomplish the objects and purposes of the commission subject to applicable law.

(e) To lease or sublease all or any portion of any property for a term not exceeding ninety-nine years at a fixed or variable rental subject to applicable law. Any such lease entered into shall provide for a fair and equitable return of revenue to the commission.

(f)(i) To sell, lease for a term of up to ninety-nine years, exchange, or otherwise dispose of or transfer to or with other political subdivisions of this state or private persons at public or private sale any residential, commercial, industrial, or subdivision land, property, improvements, or portions thereof, including real property, which is, in the opinion of the board, appropriate to accomplish the objectives and purposes of the commission.

(ii) Prior to any sale, lease, conveyance, disposition, or transfer of property pursuant to this Paragraph, a majority of the total board membership shall approve the sale, lease, conveyance, disposition, or transfer and fix the price and terms of the sale, lease, exchange, or other contract to be made with reference to the property. Such sale, lease, conveyance, disposition, or transfer shall comply with the terms and provisions of Paragraph (J)(2) of this Section.

(iii) Any sale of industrial land shall be in accordance with laws providing for the disposition or transfer of such land.

(g) To convey to the United States, the state, or to any political subdivision of the state any land, property, right-of-way, easement, servitude, or other thing of value, which the commission may own or acquire, for use by said governmental entity to accomplish the objectives and purposes of the commission, pursuant to the terms of any appropriate cooperative endeavor agreement.

(h) To make and collect reasonable charges for the use of property of the commission and for services rendered by the commission and to regulate fees or rentals charged for use of privately owned facilities located on property owned or sold by the commission when such facilities are offered for use by the public or by a private industrial, commercial, research, or other economic development entity or activity.

(i) To enter into contracts with public and/or private entities to achieve the commission's objectives and purposes, including but not limited to contracts for professional, legal, and other services and for the purchase, lease, acquisition, sale, construction, operation, maintenance, and improvement of land, public works, and facilities, as the board may deem necessary or convenient to accomplish the objectives and purposes of the commission, subject to the Public Bid Law, R.S. 38:2211 et seq. when applicable.

(j) To plan, develop, regulate, operate, and maintain activities and planned land uses to foster creation of new jobs, economic development, industry, health care, general public and social welfare, commerce, manufacturing, tourism, relocation of people and businesses to the area, shipbuilding,

aviation, military, warehousing, transportation, offices, recreation, housing development, and conservation.

(k) To acquire land and improvements to construct, operate, and maintain facilities, improvements, and infrastructure, including buildings, roads, bridges, drainage, and utilities, and to perform other functions and activities on property owned or leased by the commission to accomplish the objectives and purposes of the commission and to protect the public health and welfare.

(l) In its own name and behalf to incur debt and issue general obligation bonds, under the authority of and subject to the provisions of Article VI, Section 33 of the Constitution of Louisiana, and Subpart A of Part III of Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised Statutes of 1950, for the acquisition and operation of commission property or to carry out the other public purposes of this Section, and to issue any other bonds permitted by law, borrow money, and issue certificates of indebtedness, notes, and other debt obligations as evidence thereof and provide for the manner and method of repayment in accordance with law.

(m) To require and issue licenses.

(n) To levy annually and cause to be collected ad valorem taxes, provided that the amount, term, and purpose of such taxes, as set out in propositions submitted to a vote in accordance with the Louisiana Election Code, shall be approved by a majority of the qualified electors of the parish voting in an election held for that purpose.

(o)(i) To levy and collect sales and use taxes within the boundaries of the commission for such purposes and at such rate as provided by the propositions authorizing their levy, not to exceed in aggregate one percent, which taxes may exceed the limitation set forth in the Constitution of Louisiana, provided the proposition submitted to a vote in accordance with the Louisiana Election Code shall be approved by a majority of the qualified electors of the parish voting in an election held for that purpose. In submitting a sales tax proposition to a vote, the board may enter into a cooperative endeavor agreement with the parish council providing for the sales tax to be divided into parts between the parish and the commission for such purposes and in such amounts as may be set forth in the proposition.

(ii) The tax shall be levied upon the sale at retail, the use, the lease or rental, the consumption, the distribution, and storage for use or consumption of tangible personal property, and upon the sales of services within the parish, all as defined in R.S. 47:301 et seq.

(iii) Except where inapplicable, the procedure established by R.S. 47:301 et seq. shall be followed in the imposition, collection, and enforcement of the tax, and procedural details necessary to supplement those Sections and to make them applicable to the tax herein authorized shall be fixed in the resolution imposing the tax.

(iv) The tax shall be imposed and collected uniformly throughout the parish.

(v) Any tax levied under this Subparagraph shall be in addition to all other taxes which the parish or any other political subdivision within the parish is now or hereafter authorized to levy and collect.

(p) To develop, activate, construct, exchange, acquire, improve, repair, operate, maintain, lease, mortgage, sell, and grant a security device affecting the movable and immovable property, servitudes, facilities, and works within the parish under such terms and conditions as the board may deem necessary or appropriate for any public purpose, including industrial, residential, subdivision, and commercial development.

(q) After notice and public hearing to designate one or more project areas within the boundaries of the parish, each designated area shall be given a name and designated as "St. Bernard Redevelopment Subdistrict No. __".

(r) To borrow money and to pledge or grant a security device affecting all or part of its revenues, leases, rents, and other advantages as security for such loans.

(s) To appoint officers, agents, and employees, prescribe their duties, and fix their

compensation.

(t) To carry out all functions and authority consistent with the undertakings set out in this Section without reference to any other law, except as otherwise specifically provided in this Section.

F.(1) In addition to the authority contained herein or granted by other law, the commission and any subdistrict of the commission may issue revenue bonds to acquire, purchase, lease, construct, or improve housing, residential development, subdivision development, commercial, research, industrial, or other plant sites and buildings, or other capital improvements authorized in this Section, including energy and pollution abatement and control facilities and necessary property and appurtenances thereto; and may sell, lease, sublease, or otherwise dispose of by suitable and appropriate contract to any enterprise locating or existing within the jurisdiction of the commission, or the respective subdistrict, such sites, buildings, or facilities and appurtenances thereto, all or severally. The funds derived from the sale of such bonds may be disbursed in whole or in part upon delivery of the bonds as shall be provided in the contract between the commission, or respective subdistrict, and the residential, commercial, research, industrial, or other enterprise to be aided, encouraged, or benefitted subject to the requirements of Paragraph (J)(2) of this Section.

(2) Bonds issued under this Subsection shall be authorized by resolution of the board and shall be limited obligations of the commission or respective subdistrict, the principal of and interest, costs of issuance, and other costs incidental thereto shall be payable solely from the income and revenue derived from the sale, lease, or other disposition of the project or facility to be financed by the bonds issued under this Subsection, or from the income and revenue derived from the sale, lease, or other disposition of any existing project or facility acquired, constructed, and improved under the provision of this Subsection, or from any source available for such purpose. However, in the discretion of the commission, or respective subdistrict, the bonds may be additionally secured by mortgage or other security device covering all or part of the project from which the revenues so pledged may be derived. Any refunding bonds issued pursuant to this Subsection shall be payable from any source described above or from the investment of any of the proceeds of the refunding bonds authorized under this Subsection and shall not constitute an indebtedness or pledge of the general credit of the parish, the commission, or respective subdistrict, within the meaning of any constitutional or statutory limitation of indebtedness and shall contain a recital to that effect. Bonds of the commission, or respective subdistrict, issued under this Subsection, shall be issued in such form, shall be in such denominations, shall bear interest, shall mature in such manner, and be executed by one or more members of the board as provided in the resolution authorizing the issuance thereof. Such bonds may be subject to redemption at the option of and in the manner determined by the board in the resolution authorizing the issuance thereof.

(3) No bonds or other evidences of indebtedness may be issued under this Subsection without the prior approval of the State Bond Commission of the terms and provisions thereof.

(4) Bonds issued under this Subsection shall be issued, sold, and delivered in accordance with the terms and provisions of a resolution adopted by the board. The resolution issuing bonds shall be published in a newspaper of general circulation within the jurisdiction of the commission, and for a period of thirty days after said publication, any interested citizen may bring an action to contest the bonds and the security therefor, as provided in the Constitution of Louisiana. If, after the expiration of thirty days, no suit has been filed, the issuance, sale, and security of the bonds shall be incontestable, and no court shall have authority to entertain any action questioning or contesting such matters.

(5) Bonds issued by the commission or any subdistrict of the commission under this Section are deemed to be securities of public entities within the meaning of Chapters 13 and 13-A of Title 39 of the Louisiana Revised Statutes of 1950, and shall be subject to defeasance in accordance with the provisions of Chapter 14 of Title 39 of the Louisiana Revised Statutes of 1950, and may also be issued as short term revenue notes of a public entity under Chapter 15-A of Title 39 of the Louisiana Revised Statutes

of 1950.

(6) No bonds, other debt obligations, or contracts of the commission shall be a charge upon the income, property, or revenue of the parish, nor shall any obligations of the commission be obligations of the parish.

G. The commission, through the board, shall have all the authority and power necessary or convenient to carry out and effectuate the purposes and provisions of this St. Bernard Parish Redevelopment Law, including without limiting the generality of the foregoing, the following authority which shall be in addition to others herein granted:

(1) To undertake and carry out redevelopment projects and related activities, to make and execute contracts and other instruments necessary or convenient to the exercise of its authority under this Section, and to disseminate slum and blight clearance and redevelopment information.

(2) To provide or to arrange or contract for the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other facilities for or in connection with a redevelopment project, to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a redevelopment project and related activities, and to include in any contract let in connection with such a project and related activities, provisions to fulfill such of said conditions as it may deem reasonable and appropriate.

(3) To acquire by purchase, lease, option, gift, grant, bequest, devise, expropriation or otherwise, any real property (or personal property for its administrative purposes) together with any improvements thereon; to hold, improve, clear, or prepare for redevelopment of any such property; to mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real property; to insure or provide for the insurance of any real or personal property or operations of the governing authority against any risks or hazards, including the power to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate the purpose of this Section; but no statutory provision with respect to the acquisition, clearance, or disposition of property by public bodies shall restrict the parish or commission exercising powers thereunder, in the exercise of such functions with respect to a redevelopment project and related activities, unless the legislature shall specifically so state.

(4) With the approval of the governing authority of the parish:

(a) Prior to approval of a redevelopment plan, or approval of any modification of the plan, to acquire real property in a redevelopment area, demolish and remove any structures on the property, and pay all costs related to the acquisition, demolition, or removal, including any administrative or relocation expenses.

(b) To assume the responsibility to bear any loss that may arise as the result of the exercise of authority under this Subsection in the event that the real property is not made a part of the redevelopment plan or project.

(c) To invest any redevelopment funds held in reserve or in sinking funds or any such funds not required for immediate disbursement, in property or securities in which public bodies may legally invest funds subject to their control; to redeem such bonds as have been issued pursuant to this Section at the redemption price established therein or to purchase such bonds at less than redemption price.

(d) To borrow money and to apply for and accept advances, leases, grants, contributions, and any other form of financial assistance from the federal government, the state, parish, or other public bodies, or from any sources, public or private, for the purposes of this Section, and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; and to include in any contract for financial assistance with the federal government for or with respect to a redevelopment project and related activities such conditions imposed pursuant to federal laws as the

board may deem reasonable and appropriate and which are not inconsistent with the purposes of this Section.

(5) To make or have made all surveys and plans necessary to the carrying out of the purposes of this Section and to contract with any person, public or private, in the making and carrying out of such plans and to adopt or approve, modify, and amend such plans, which plans may include but are not limited to:

(a) Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements.

(b) Plans for the enforcement of state and local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements.

(c) Appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of redevelopment projects and related activities.

(6) To develop, test, and report methods and techniques and carry out demonstrations and other activities for the prevention and the elimination of slums and urban blight and for developing and demonstrating new or improved means of providing housing or continuing-care, assisted living, or independent living or other similar type housing or communities designed to provide housing communities for elderly or retired persons or other persons desiring such housing facilities to offer at market rates and to apply for, accept, and utilize grants of funds from the federal, state, or local governments for such purposes.

(7) To prepare plans for and assist in the relocation of persons (including individuals, families, business concerns, nonprofit organizations, and others) displaced from a redevelopment area, and to make relocation payments to or with respect to such persons for moving and readjustment expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the federal government.

(8) To close or cause to be closed, vacate, plan, or replan streets, roads, sidewalks, ways, or other places; and to plan or cause to be replanned any part of the parish, and to make payment or reimbursement of reasonable actual costs incurred as a result of utility relocations when such relocations are made necessary in a redevelopment area, after making appropriate adjustment for any improvements or betterments to the utility's facilities made in connection with the relocation.

(9) To make and from time to time amend and repeal bylaws, orders, rules, and regulations in order to effectuate the provisions of this Section.

(10) To enter into agreements and contracts with the local governing body or any other public body, private entities, foundations, and nonprofit entities in pursuance of the intent of this Section.

(11) To make available to the government and to the parish or any appropriate agency, the recommendation of the board affecting any area in its field of operation or property therein, which it may deem likely to promote the public health, morals, safety, or welfare.

(12) To exercise all or any part or combination of powers herein granted.

H. The commission shall not institute a redevelopment plan for an area unless the board, by resolution, has determined such area to be a slum, a blighted area, or a distressed area, or a combination thereof, and designated such area as appropriate for a redevelopment project. The commission shall not acquire real property for a redevelopment project unless the local governing body has approved the redevelopment plan as provided in this Subsection.

(1) The board may prepare or cause to be prepared a redevelopment plan, and it is hereby authorized, in connection therewith, to apply for and receive planning advances from the federal government or other bodies. Upon its preliminary approval of a redevelopment plan, the board shall submit such plan to the planning commission of the parish for review and recommendation as to its conformity with the general plan for the development of the parish as a whole. The planning

commission shall submit its written recommendations with respect to the proposed redevelopment plan to the board within thirty days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission, or if no recommendations are received within the said thirty days, then without such recommendations, the board may proceed with the hearing on the proposed redevelopment plan as provided in Paragraph (2) of this Subsection.

(2)(a) The board shall hold a public hearing on the redevelopment plan after public notice thereof by publication at least ten days prior to the hearing in a newspaper having a general circulation in the parish. The notice shall state the time, date, place, and purpose of the hearing, shall generally identify the area covered by the plan, and shall outline the general scope of the project under consideration.

(b) At the hearing the board shall afford an opportunity to all persons or agencies interested to be heard and shall receive, make known, and consider recommendations in writing with reference to the redevelopment plan.

(c) The board shall give final approval of, reject, or make recommendations for changes in the redevelopment plan as submitted. The board shall not give final approval of a redevelopment plan unless it is satisfied that adequate provisions will be made to rehouse displaced families, if any, without undue hardship.

(d) Upon final approval by the board of the redevelopment plan, the board is authorized to take such action as may be necessary to carry it out.

(3) A redevelopment plan may be modified at any time, but if it is modified after the lease or sale by the commission of real property in the redevelopment area, such modification shall be subject to such rights as a lessee or purchaser or his successor or successors in interest may be entitled to assert.

(4) Notwithstanding any other provision of this Section, whenever the local governing body has certified that an area is in need of redevelopment or rehabilitation as a result of an act of God, fire, bombing, riot, or other catastrophe, the commission may approve a redevelopment plan or project with respect to such area without regard to the provisions of Paragraphs (1) and (2) of this Subsection.

I.(1) Subject to the requirements of Subsection B of this Section, the commission may acquire by purchase or by the exercise of the power of expropriation any real property, or interest therein, which it may deem necessary for or in connection with a redevelopment plan or project under this Section. The commission may exercise the power of expropriation in the manner provided in the Civil Code relative to the transfer of property, and the laws supplementary or amendatory thereto, or it may exercise the power of expropriation in the manner now or which may be hereafter provided by any other statutory provision for the exercise of the power of expropriation. Property already devoted to a public use may be purchased in a like manner, but no real property belonging to the United States, the state, or any political subdivision of the state may be acquired without its consent.

(2) In any proceeding to fix or assess compensation for the purchase of property, or any interest therein, through the exercise of expropriation, evidence, or testimony bearing upon the following matters shall be admissible and shall be considered in fixing such compensation or damages, in addition to evidence or testimony otherwise admissible:

(a) Any use, condition, occupancy, or operation of such property, which is unlawful or violative, or subject to elimination, abatement, prohibition, or correction, under any law or any ordinance or regulatory measure of the state, parish, or other political subdivision, or any agency thereof, in which such property is located, as being unsafe, substandard, insanitary, or otherwise contrary to the public health, safety, or welfare.

(b) The effect on the value of such property of any such use, condition, occupancy, or operation, or of the elimination, abatement, prohibition, or correction of any such use, condition, or operation.

(c) The foregoing testimony and evidence shall be admissible notwithstanding that no action has been taken by any public body or public officer toward the abatement, prohibition, elimination, or

correction of any such use, condition, occupancy, or operation. Testimony or evidence that any public body or public officer charged with the duty or authority so to do has rendered, made, or issued any judgment, decree, determination, or order for the abatement, prohibition, elimination, or correction of any such use, condition, occupancy, or operation shall be admissible and shall be prima facie evidence of the existence and character of such use, condition, or operation.

J.(1) The commission may sell, lease, or otherwise transfer real property or any interest therein acquired by it in redevelopment areas for residential, recreational, commercial, industrial, or other uses or for public use, in accordance with the redevelopment plan, subject to such covenants, conditions, and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to provide for the elimination thereof or to otherwise carry out the purposes of this Section. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the redevelopment plan, and may be obligated to comply with such other requirements as the commission may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the redevelopment plan. Such real property or interest shall be sold, leased, or otherwise transferred at not less than its fair value for uses in accordance with the redevelopment plan. In determining the fair value of real property for uses in accordance with the redevelopment plans, the commission shall take into account and give consideration to the use provided in such plan; the restrictions upon and the covenants, conditions, and obligations assumed by the purchaser or lessee; and the objectives of such plan for the prevention of the recurrence of slum areas, blighted areas, or distressed areas. The commission, in any instrument of conveyance to a private purchaser or lessee, may provide that such purchaser or lessee shall be without power to sell, lease, or otherwise transfer the real property without the prior written consent of the commission until such purchaser or lessee has completed the construction of any and all improvements which he has obligated himself to construct thereon. Real property acquired in accordance with the provisions of the redevelopment plan shall be transferred as rapidly as feasible in the public interest, consistent with the carrying out of the provisions of the project plan. Such plan and any substantial modification of such plan shall be filed as a public record in the office of the clerk of the parish, and any conveyances, encumbrances, or other contracts may incorporate the provisions thereof by reference which shall afford notice thereof to all parties.

(2) The commission shall dispose of, sell, or lease real property in a redevelopment area to private persons only under such reasonable competitive bidding procedures as it shall prescribe subject to the provisions set forth in this Paragraph. The commission must by public notice, by publication once each week for two consecutive weeks in a newspaper having a general circulation in the community, fifteen days prior to the execution of any contract to sell, lease, or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this Section, invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate a redevelopment area or any part thereof. Such notice shall identify the area, or portion thereof, and shall state that proposals shall be made by those in interest within thirty days after publication of such notice, and that such further information as is available may be obtained at such office as shall be designated in the notice. The board shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease, or other transfer of any real property acquired by the commission in the redevelopment area. The board may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this Section; provided, however, that a notification of intention to accept such proposal shall be filed with the local governing body not less than thirty days prior to any such acceptance. Such notice shall be a public record and shall include the name of the redeveloper or

purchaser, together with the names of its officers and principal members or shareholders and investors and other interested parties, the redeveloper's estimate of the cost of any residential development and rehabilitations, and the redeveloper's estimate of rentals and sales prices of any proposed housing involved in such redevelopment and rehabilitation. Thereafter, the board may execute such contract in accordance with the provisions of Paragraph (1) of this Subsection and deliver acts of sale, leases, and other instruments and take all steps necessary to effectuate such contract.

(3) The commission may temporarily operate, maintain, or lease real property acquired by it in a redevelopment area for or in connection with a redevelopment project pending disposition of the property as authorized in this Section for such uses and purposes as may be deemed desirable even though not in connection with the redevelopment plan.

(4) Any real property acquired pursuant to Paragraph (I)(1) of this Section may be disposed of without regard to other provisions of this Section if the local governing body has consented to the disposal. Real property acquired in accordance with the redevelopment plan may be disposed of to a public body for public reuse without regard to the provisions of this Subsection.

(5) Notwithstanding any other provisions of this Section where an area in the parish is designated as a redevelopment area under the Federal Area Redevelopment Act (Public Law 87-27), or any Act supplementary thereto, land in a redevelopment project area designated under the redevelopment plan for industrial or commercial uses may be disposed of to any public body or nonprofit corporation for subsequent disposition as promptly as practical by the public body or corporation for redevelopment in accordance with the redevelopment plan, and only the purchaser from or lessee of the public body or corporation, and their assignees, shall be required to assume the obligation of beginning the building of improvements within a reasonable time. Any disposition of land to a public body or corporation under this Paragraph shall be at its fair value for uses in accordance with the redevelopment plan.

K.(1) The commission shall have the power to issue bonds from time to time at its discretion to finance the undertaking of any redevelopment project under this Section, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans or preliminary loans, and shall also have power to issue refunding bonds for the payment or retirement of bonds previously issued by it, such bonds to be payable as to both principal and interest solely from the income, proceeds, revenues, and funds of the commission derived from or held in connection with its undertaking and carrying out of redevelopment projects under this Section. Payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant, or contribution from the federal government or other sources in aid of any redevelopment projects, or any part thereof, or from any other source available for such purpose, title to which is in the commission.

(2) In case any of the public officials of the commission whose signature appears on any bonds issued under this Section shall cease to be such official before the delivery of the bonds, such signature shall, nevertheless, be valid and sufficient for all purposes, the same as if the official had remained in office until delivery. Any provisions of any law to the contrary notwithstanding, any bonds issued pursuant to this Section shall be fully negotiable. Bonds issued under this Subsection shall not constitute an indebtedness of the parish within the meaning of any constitutional or statutory debt limitation or restrictions, and shall not be subject to the provisions of any other law or charter relating to the authorization, issuance, or sale of bonds. Bonds issued under the provisions of this Section are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(3) In any suit, action, or proceeding involving the validity or enforceability of any bond issue under this Section or the security therefor, any bond reciting in substance that it has been issued by the commission in connection with a redevelopment project, as herein defined, shall be conclusively deemed to have been issued in accordance with the provisions of this Section. Bonds issued under this

Subsection shall be authorized by resolution or ordinance of the commission and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption with or without premiums, be secured in such manner, and have such other characteristics as may be provided by such resolution or ordinance, or trust indenture or mortgage issued pursuant thereto.

L.(1) All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries may legally invest any sinking funds, monies, or other funds belonging to them or within their control in any bonds or other obligations issued by the commission pursuant to this Section. Bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this Subsection to authorize any persons, political subdivisions, and officers, public or private, to use any funds owned or controlled by them for the purchase of any bonds or other obligations. Nothing contained in this Subsection with regard to legal investments shall be construed as relieving any persons of any duty of exercising reasonable care in selecting securities.

(2) Any bonds, certification, or other debt obligation issued by the commission and the interest thereon shall be exempt from taxation in the state of Louisiana.

M.(1) All property of the parish or commission, including funds owned or held by it for the purpose of this Section, shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall judgment against the parish or commission be a charge or lien upon such property; but the provisions of this Subsection shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given pursuant to this Section by the parish or commission on its rents, fees, grants, or revenues from redevelopment projects.

(2) The property of the parish or commission acquired or held for the purposes of this Section is declared to be public property used for essential public and governmental purposes, and such property shall be exempt from all taxes of the parish, the state, or any political subdivision thereof; but such tax exemption shall terminate when the parish or commission sells, leases, or otherwise disposes of the property in a redevelopment area to a purchaser or lessee which is not a public body entitled to tax exemption with respect to the property.

N.(1)(a) For the purpose of aiding in the planning, undertaking, or carrying out of a redevelopment project and related activities authorized by this Section, any public body may, upon such terms, with or without consideration as it may determine:

(i) Dedicate, sell, convey, or lease any of its interest in any property or grant easements, licenses, or other rights or privileges therein to the commission.

(ii) Incur the entire expense of any public improvements made by such public body in exercising the powers granted in this Subsection.

(iii) Do any and all things necessary to aid or cooperate in the planning or carrying out of a redevelopment plan and related activities.

(iv) Lend, grant, or contribute funds to the commission in accordance with an appropriate cooperative endeavor agreement and borrow money and apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the federal government, the state, parish, or other public body, or from any other source.

(v) Enter into agreements which may extend over any period notwithstanding any provision or

rule of law to the contrary with the federal government or other public body respecting action to be taken pursuant to any of the powers granted by this Section, including the furnishing of funds or other assistance in connection with a redevelopment project and related activities.

(vi) Cause public buildings and public facilities, including parks, playgrounds, recreational, community, educational, water, sewer, or drainage facilities, or any other works which it is otherwise empowered to undertake to be furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, sidewalks, ways, or other places; plan or replan, zone or rezone any part of the public body or make exceptions from building regulations.

(b) If at any time title to or possession of any redevelopment project is held by any public body or governmental agency, other than the parish which is authorized by law to engage in the undertaking, carrying out, or administration of redevelopment projects and related activities, the provisions of the agreements referred to in this Subsection shall inure to the benefit of and may be enforced by such public body or governmental agency. As used in this Subsection, the term parish shall also include the commission, and the commission shall be vested with all of the redevelopment authority pursuant to the provisions of this Subsection.

(2) For the purposes of aid in the planning, undertaking, or carrying out of a redevelopment project and related activities of the commission, the board may in addition to its other powers and upon such terms, with or without consideration, as it may determine do and perform any or all of the actions or things which by the provisions of Paragraph (1) of this Subsection, a public body is authorized to do or perform, including the furnishing of financial and other assistance.

(3) For the purposes of this Subsection, or for the purpose of aiding in the planning, undertaking, or carrying out of a redevelopment project and related activities of the commission, the commission may, in addition to any authority to issue bonds pursuant to Subsection K of this Section, issue and sell its general obligation bonds. Any bonds issued by the commission pursuant to this Section shall be issued in the manner and within the limitation prescribed by the applicable laws of this state for the issuance and authorization of such bonds. Nothing in this Subsection shall limit or otherwise adversely affect any other provision of this Section.

(4) Without limiting the generality of any of the foregoing provisions of this Section, but subject to any limitation now or hereafter provided by the applicable provisions of the Constitution of Louisiana and, in the case of any home rule charter, the applicable provisions of such home rule charter, the parish may appropriate such of its funds and make such expenditures of its funds as it may deem necessary for it to exercise or undertake any of the powers, functions, or activities mentioned in this Section, including particularly its powers, functions, and activities mentioned in the foregoing provisions of this Subsection, and levy taxes and assessments to enable it to undertake, carry out, or accomplish any of its powers, functions, or activities provided in this Section, including particularly its powers, functions, and activities provided in the foregoing provisions of this Subsection.

O. Any bonds issued by the commission shall be subject to the Bond Validation Law (R.S. 13:5121) pursuant to which the issuance of the bonds may be submitted to the courts for validation.

P. Any instrument executed by the parish or commission purporting to convey any right, title, or interest in any property under this Section shall be conclusively presumed to have been executed in compliance with provisions of this Section insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned.

Q. As used in this Section, the following terms shall have the meaning herein ascribed to them.

(1) "Blighted area" means an area which by reason of the presence of a substantial number of slum, deteriorated, or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title or the existence

of conditions which endanger life or property by fire and other causes, or any combination of such factors substantially impairs or arrests the sound growth of the parish, retards the provision of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use; but if the area consists of any disaster area referred to in Paragraph (H)(4) of this Section, it shall constitute a "blighted area".

(2) "Bonds" means any bonds, notes, interim certificates, certificates of indebtedness, debenture, or other obligation.

(3) "Clerk" means the clerk, secretary, or other official who is the custodian of the official records of the local governing body.

(4) "Commission" means the St. Bernard Housing, Redevelopment and Quality of Life Commission created or authorized by this Section.

(5) "Distressed area" means any area not already defined as a slum area or blighted area that is an environmentally contaminated or impacted area as determined by the commission.

(6) "Federal government" means any department, agency, or instrumentality, corporate or otherwise, of the United States of America.

(7) "Local governing body" means the parish governing authority.

(8) "Obligee" means any bondholder, agent, or trustee for any bondholder or lessor devising property used in connection with redevelopment, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the parish.

(9) "Person" means any individual firm, partnership, corporation, company, association, joint stock association, or body politic and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(10) "Public body" means the state and any parish and any board, commission, authority, agency, district, subdivision, department, or instrumentality, corporate or otherwise, of the state or any parish.

(11) "Public officer" means any officer who is in charge of any department or branch of the government of the parish relating to health, fire, building regulations, or to other activities concerning dwellings in the parish.

(12) "Real property" means all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right, or use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage, or otherwise.

(13) "Redevelopment area" means a slum area, blighted area, or a distressed area or a combination thereof which the local governing body designates as appropriate for a redevelopment project.

(14) "Redevelopment plan" means a plan, as it exists from time to time for a redevelopment project, which plan shall conform to the general plan for the parish as a whole and shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the redevelopment area, zoning, and planning changes, if any, land uses, maximum densities, and building requirements.

(15) "Redevelopment project" means undertakings and activities in a redevelopment area for the elimination and for the prevention of the development or spread of slum areas, blighted areas, or distressed areas, and may involve clearance and redevelopment in a redevelopment area, or rehabilitation or conservation in a redevelopment area or a program of code enforcement in a redevelopment area, and may include open land which, because of its location or situation, is necessary for sound community growth which is to be developed by replatting and planning for predominantly residential uses, or any combination or part thereof in accordance with a redevelopment plan. Such undertakings and activities may include:

(a) Purchase of a slum or blighted area or portion thereof.

(b) Demolition and removal of buildings and improvements.

(c) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the redevelopment area the redevelopment objectives of this Section in accordance with the redevelopment plan.

(d) Disposition of any property acquired in the redevelopment area including sale, initial leasing, or retention by the parish itself at its fair market value for uses in accordance with the redevelopment plan.

(e) Carrying out plans for a program of code enforcement and a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the redevelopment plan.

(f) Purchase of real property in the redevelopment area which, under the redevelopment plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property.

(g) Purchase of any other real property in the redevelopment area where necessary to eliminate unhealthful, insanitary, or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities.

(h) Purchase, without regard to any requirement that the area be a slum or blighted area, of air rights in an area consisting principally of land in highways, railways, or subway tracks, bridge, or tunnel entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences and for the provision of housing and related facilities and uses designed specifically for and limited to families and individuals of low or moderate income.

(i) Construction of foundations and platforms necessary for the provision of air rights sites and housing and related facilities and uses designed specifically for and limited to families and individuals of low or moderate income.

(16) "Related activities" means planning work for the preparation of a general neighborhood renewal plan, or for the preparation or completion of a community-wide plan or program and the functions related to the acquisition and disposal of real property pursuant to Subsections I and J of this Section.

(17) "Slum area" means an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age, or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open space, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or an area of open land which, because of its location and/or situation, is necessary for sound community growth, by replatting and planning development, for predominantly residential uses, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals, or welfare.

R. Insofar as the provisions of this Section are inconsistent with the provisions of any other law, the provisions of this Section shall be controlling. The authority conferred by this Section shall be in addition and supplemental to the powers conferred by any other law.

Acts 2005, No. 104, §1, eff. June 21, 2005.

Appendix B

449 278

#11

St. Bernard Parish Council

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

Lynn B. Dean
Councilman
at Large

Joseph S. Di Fatta, Jr.
Councilman
at Large

Mark Madary
Councilman
District A

Judy Darby Hoffmeister
Councilwoman
District B

Kenneth "Kenny" Henderson
Councilman
District C

Craig P. Taffaro, Jr.
Councilman
District D

Tony "Ricky" Melerine
Councilman
District E

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 GOVERNMENT BUILDING, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, DECEMBER 6, 2005 AT ELEVEN O'CLOCK A.M.

On motion of Mr. Taffaro, seconded by Mr. Henderson, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #633-12-05

Summary No. 1865 (K4)
Introduced by: Joseph S. Di Fatta, Jr., Council-at-Large

AN ORDINANCE ACTIVATING THE ST. BERNARD PARISH HOUSING, REDEVELOPMENT AND QUALITY OF LIFE COMMISSION AND APPOINTING SEVEN (7) MEMBERS TO THE BOARD OF COMMISSIONERS OF THE COMMISSION AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, Act No. 104 of the Louisiana Legislature for the Regular Session of 2005 enacts Chapter 13-F of Title 33 of the Louisiana Revised Statutes of Housing, Redevelopment and Quality of Life Commission (the "Commission"), consisting of the entire Parish of St. Bernard; and

WHEREAS, the Act provides in Section E. (1) thereof, that the Commission shall be activated and implemented upon the passage of an ordinance by the St. Bernard Parish Council and appointment of the nine (9) members of the Board of Commissioners (the "Board"), seven (7) of which commissioners are to be appointed by the St. Bernard Parish Council; and

WHEREAS, it is now the desire of the St. Bernard Parish Council to adopt this ordinance activating the Commission and authorizing the appointment of said nine (9) members of the Board

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 I. Under the authority of the Act, the Parish Council does hereby activate and implement the creation of the Commission by appointing the following seven (7) members of the Board, each of which is a citizen of the United States and a domiciliary of, and a qualified voter in the Parish of St. Bernard, for at least one (1) year,

Lynn Dean appointed by Self
Joseph Di Fatta appointed by Self
Kenneth Henderson appointed by Self
Judy Darby Hoffmeister appointed by Self
Mark Madary appointed by Self
Tony Ricky Melerine appointed by Self
Craig Taffaro appointed by Self

SECTION II. The members of the Board appointed in Section I hereof shall serve at the pleasure of the appointing authority in accordance with Section E.(3)(c) of the Act.

St. Bernard Parish Council
8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
www.sbpg.net

Lynn B. Dean
Councilman
at Large

Joseph S. Di Fatta, Jr.
Councilman
at Large

Mark Madary
Councilman
District A

Judy Darby Hoffmeister
Councilwoman
District B

enneth "Kenny" Henderson
Councilman
District C

Craig P. Taffaro, Jr.
Councilman
District D

Tony "Ricky" Melerine
Councilman
District E

SECTION III. The Commission, hereby activated and implemented by this Ordinance, constitutes a body politic and corporate and a political subdivision of the State of Louisiana with all the rights, duties and powers, privileges and immunities accorded by the Laws and the Constitution of the State of Louisiana, including the Act.

SECTION IV. Should any provision of this ordinance or the application thereof be hereafter held to be invalid, the invalidity or default shall not affect other provisions or application of this ordinance, and provisions of this ordinance are hereby declared severable.

SECTION V. Effective Date. This ordinance shall become effectively thirty (30) calendar days after publication by the parish council. 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 VI. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

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

YEAS: Madary, Hoffmeister, Henderson, Taffaro, and Melerine.

NAYS: Dean.

ABSENT: None.

The Chairman, Mr. Di Fatta cast his vote as **YEA**.

And the motion was declared **adopted** on the 6th day of December, 2005.

Polly C. Boudreaux
POLLY C. BOUDREAUX
CLERK OF COUNCIL

Joseph S. Di Fatta
JOSEPH S. DI FATTA
COUNCIL CHAIRMAN

Delivered to Parish President 12/9/05 4:00 pm
DATE and TIME

Approved V Vetoed _____

HENRY J. RODRIGUEZ, JR.
PARISH PRESIDENT

Returned to Clerk of Council 12/9/05 4:30pm
DATE and TIME

Appendix C

HRQLC LLT Program

Line Item Estimates

Revenue:	Lot Next Door	*$4,000/lot	*Based on Estimated Average Sale Price
	Public, Recreation, etc.	*$4,000/lot	
	Private Sales	*$4,000/lot	
Expenditures:	Insurance, Maint., etc.	$1,050/lot	Annual Estimate Provided by Dr. Wade Ragas
	Appraisal, Title, Closing	$750/lot	Based on Estimate and 50% Cost-Share
	Advertising	Various	Based on Anticipated Annual Need

Appendix D

St. Bernard Parish Government

8201 West Judge Perez Drive Chalmette, Louisiana 70043
Phone (504) 278-4200 Fax (504) 278-4330

David E. Peralta
Parish President

MEMORANDUM

TO: JERRY GRAVES, JR.
CHIEF ADMINISTRATIVE OFFICER

FROM: DONNA A. NYE, BOARD SECRETARY
ST. BERNARD HOUSING, REDEVELOPMENT & QUALITY OF LIFE COMMISSION

RE: SBP HOUSING, REDEVELOPMENT & QUALITY OF LIFE COMMISSION

As the Board Secretary to the St. Bernard Housing, Redevelopment & Quality of Life Commission I certify the following results of action taken at a regular meeting of the St. Bernard Parish Housing, Redevelopment & Quality of Life Commission on April 25, 2012, regarding the St. Bernard Parish Redevelopment and Disposition Plan for the Louisiana Land Trust properties.

The Commission approved the SBPG Redevelopment and Disposition Plan for Louisiana Land Trust properties and further voted to forward the plan to the St. Bernard Parish Council for final approval with recommendations from the Planning Commission and Administration.

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

YEAS: Lauga, Lewis, McInnis, DiFatta and Peralta

NAYS: None

ABSENT: Gorbaty, Montelongo and Cavignac

The Vice Chairman, Mr. Hunnicutt, cast his vote as Yea.

And the motion PASSED on the 25th day of April, 2012.

Respectfully submitted,

Donna A. Nye
Board Secretary

Appendix E

St. Bernard Parish Government
Department of Community Development
8201 West Judge Perez Drive
Chalmette, La. 70043
David E. Peralta
Parish President
278-4808
278-4998 (Fax)

May 16, 2012

TO: Jerry Graves, Jr.
FROM: Candace Watkins
RE: Planning Commission Approval LLT Disposition Plan

Below, please find the results of the vote taken at the regular meeting of the St. Bernard Parish Planning Commission held April 24, 2012, concerning approval of the St. Bernard Parish Redevelopment and Disposition Plan for the Louisiana Land Trust Properties

Upon the motion of Mr. Pentney, seconded by Mr. Williams, the motion was unanimously passed to APPROVE the LLT Disposition Plan.

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

YEAS: Schneider, McElroy, Gross, Williams, Pentney

NAYS: None.

NOT VOTING: None.

ABSTAINED: None.

ABSENT: District (A), (vacant)

The Chairman, Earl Dauterive, III, cast his vote as YEA.

And the motion was adopted on the 24th day of April, 2012.

Candace Watkins

Candace Watkins, Secretary to the Commission

Appendix F

St. Bernard Parish Council

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

Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#19

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MAY 15, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC# 1303-05-12

Summary No. 2816
Introduced by: Administration on 5/3/12
Public Hearing held on 5/15/12

AN ORDINANCE TO APPROVE ST. BERNARD PARISH GOVERNMENT REDEVELOPMENT AND DISPOSITION PLAN FOR LOUISIANA LAND TRUST PROPERTIES AND FORWARD THE PLAN TO THE STATE OF LOUISIANA.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That the following St. Bernard Parish Government Redevelopment and Disposition Plan for Louisiana Land Trust Properties is hereby authorized as attached. (Exhibit A.) Upon adoption of the Redevelopment and Disposition Plan for Louisiana Land Trust Properties, it will then be forwarded to the State of Louisiana.

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

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

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#17

Guy McInnis
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Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JUNE 5, 2012 AT SEVEN O'CLOCK P.M.

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

ORDINANCE SBPC# 1304-06-12

Summary No. 2819
Introduced by: Administration on 5/15/12
Public Hearing held: 6/5/12

AN ORDINANCE TO AMEND **ORDINANCE SBPC #1185-04-10,** TO MODIFY THE PROCEDURES FOR PERMITTING AND OPERATING FIREWORKS SALES WITHIN THE PARISH OF ST. BERNARD.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That Section 10-2 of the Code of Ordinances is hereby amended in it's entirety to be replaced with the following:

SECTION 2.That St. Bernard Parish Council does hereby approve and authorize the legalization, sale, and discharging of Fireworks within the Parish of St. Bernard.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) *Retailer* means any person engaged in the business of making sales of fireworks at retail to persons other than a distributor or a jobber.

(2) *Sale* means the sale, barter, exchanges or gift or offer therefore, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee.

(b) It shall be unlawful for any person to possess, sell or offer for sale or use within the Parish any pyrotechnics (commonly known as fireworks) other than the permissible fireworks hereinafter enumerated. The permissible fireworks consist of ICC class "C" "Common Fireworks" and

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shall mean such articles of fireworks as are enumerated or may hereinafter be enumerated as ICC class "C" fireworks in the regulations of the interstate commerce commission for the transportation of explosives and other dangerous articles and shall include but not be limited to the following:

(1) *Roman candles.* Total pyrotechnic composition not to exceed 20 grams each in weight (10 ball).

(2) Skyrockets with sticks. Total pyrotechnic composition not to exceed 20 grams in weight (6 oz). The rocket sticks must be securely fastened to the casing. However, 2 oz. rockets and smaller are not allowed and penny rockets (bottle rockets) are specifically not allowed consistent with Louisiana Law.

(3) *Helicopter type rockets.* Total pyrotechnic composition not to exceed 20 grams each in weight.

(4) *Cylindrical fountains.* Total pyrotechnic composition not to exceed 75 grams each in weight. The inside tube diameter shall not exceed three-fourths inch.

(5) *Cone fountains.* Total pyrotechnic composition not to exceed 50 grams each in weight.

(6) *Wheels.* Total pyrotechnic composition not to exceed 60 grams in weight for each driver unit, but there may be any number of drivers on any one unit. The inside bore of driver tubes shall not be over one-half inch.

(7) *Illuminating torches and colored fire in any form.* Total pyrotechnic composition not to exceed 100 grams each in weight.

(8) *Sparklers and dipped stocks.* Total pyrotechnic composition not to exceed 100 grams each in weight. Pyrotechnic composition containing any chlorate or per chlorate shall not exceed five grams.

(9) *Mines and shells,* of which the mortar is an integral part, total pyrotechnic composition not to exceed 40 grams each in weight.

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(10) *Firecrackers and salutes,* with castings, the external dimensions of which do not exceed 1 1/2 inches in length or one-quarter inch in diameter and other items designed to produce an audible effect, total pyrotechnic composition not to exceed two grains each in weight.

(11) *Combination of two or more.* Items composed of a combination of two or more articles or devices of the above-e numerated approved items.

(12) *Whistles.* Domestic or imported whistles with report. No component of any device listed in this subsection, which is designed to produce an audible effect shall contain pyrotechnic composition in excess of two grains in weight, excluding propelling or expelling charges.

(c) Permissible items of fireworks enumerated in subsection (b) of this section may be sold at retail and ignited or exploded from June 25 through July 5 and December 15 through January 1 of each year (R.S. 51:652.B) and then only as follows:

TABLE INSET:

June 25--July 2	9:00 a.m. to 11:00 p.m.
July 3--July 4	9:00 a.m. to 12:00 midnight
July 5	9:00 a.m. to 10:00 p.m.
Dec. 15--Dec. 28	9:00 a.m. to 11:00 p.m.
Dec. 29--Dec. 30	9:00 a.m. to 12:00 midnight
December 31	9:00 a.m. to 2:00 a.m.
January 1	9:00 a.m. to 10:00 p.m.

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(d) It shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of sixteen years or to any intoxicated or irresponsible person. It shall be unlawful to explode or ignite fireworks within 1,000 feet of any church, gas station, hospital, asylum, public school or within 150 feet of where fireworks are stored, sold or offered for sale. No person shall ignite or discharge any permissible articles of fireworks within or throw the same from a motor vehicle while within, nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle. Fireworks shall not be sold within 200 ft. of any filling station (gasoline, diesel, propane, etc.)

(e) It shall be unlawful to sell any items of fireworks as a retailer without first obtaining a license therefore to be issued by the Parish as follows:

(1) An applicant to engage in the sale of fireworks as a retailer must complete an application on a form provided by the Parish, setting forth such facts and information as the parish may determine necessary and proper, such application shall include as affidavit by the applicant that the business will be operated by the applicant or a qualified individual or partner of the applicant under the responsibility of the applicant. Any fraudulent application will make the license null and void and may result in revocation of the applicant's occupational business license within the parish.

(2) All applications shall be accompanied by a copy of the previous year's sales tax return if applicable except for the first year of the enactment of this ordinance and certified copies of any lease agreement extract involving the property where the sales shall take place, any partnership agreement or incorporation charter for the business entity making the application. The applicant must pay all taxes and fees due to the parish.

3) The applicant shall pay a license fee of $1500.00 for a license to engage in the sale of fireworks as a retailer. The license shall be valid for one building or tent not to exceed 32 linear feet of sales space per license. No building or tent can be moved from one location to another after the license is issued. The building in which the sale of fireworks is to take place can not be within 50 ft. proximity to another building, stand is to be at least 25 ft. from public street or highway and shall be of commercial zoning. The operator of the retail outlet shall provide adequate trash containers or storage of disposable waste and shall be responsible for the cleanliness of the area around the retail outlet. Licenses are not transferable. Proceeds of all fireworks revenue is to be earmarked for the Fire Department.

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(4) No more than two permits per person or business entity shall be issued.

(5) No person convicted of a felony violation of any of the following laws: soliciting for prostitution, pandering, letting the premises for prostitution, contributing to the delinquency of a juvenile, keeping a disorderly place or illegal dealings in narcotics, in this state or any state in the United States, may hold a valid permit provided herein nor shall such person engage in the possession, sale or offering for sale of fireworks within the Parish limits. No person under the age of 18 may engage in the sale or offering for sale of fireworks under a permit provided herein.

(6) Fireworks retail stands/tents shall pass an inspection by the fire department using the retail inspection check list, which shall be given to all licensed retailers.

(f) Nothing in this section shall be construed as applying to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation or of illuminating devices for photographic use, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical or athletic events.

(g)

(1) Applicants for the retail sale of fireworks shall be permitted to install portable buildings or tent two weeks before the opening dates for the sale of fireworks and shall be permitted two weeks to remove the buildings or tent after the closing dates of the sale of the fireworks. All signs relating to the sale of fireworks shall be removed within five days after the last day of the sale of fireworks. All trash shall be removed within twenty four (24) hours.

(2) Fireworks retailers doing business within the Parish must store all portable buildings, signs and other materials related to the sale of fireworks behind sight-obscuring fences located in C-2 general commercial or I-1 and I-2 industrial districts within five days after the last day on which the sale of fireworks is permitted under this section. Failure to comply with the provisions of this section shall result in a citation. A finding of guilt for violation of this section shall result in a revocation of the retailer's permit to sell fireworks in the Parish.

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(h) An informational sales tax return for each license issued respecting the sale of fireworks shall be furnished to the parish within two weeks after the closing date for the sale of fireworks of each period.

(i) Any person who sells or offers for sale any fireworks not permitted by this section shall, in addition to all other penalties provided for herein, forfeit his right to a permit for the sale of fireworks for all future years. Penalties for violation of any part: merchandise subject to seizure: subject to fine and imprisonment. (R.S. 51:656)

(j) The following regulations are relative to the regulation of fireworks sales and related matters.

(1) All fireworks licensees must provide a certificate of insurance in the amount of $1,000,000.00 naming the Parish as an additional insured. Said certificate shall be provided to the Parish prior to receiving a fireworks license.
(2) Each fireworks license shall cost $1,500.00 per year without regard to the linear feet of retail counter space. Must have original State and Parish license posted.
(3) All retail sales must take place behind a counter. Additionally, for safety reasons all inventory displayed for sale shall be stored or displayed behind a counter or table and shall not be in reach of customers.
(4) No storage of any excess or unsold inventory will be allowed within the parish of St. Bernard at the expiration of the fireworks seasons. Any violation of the above shall be grounds for immediate revocation of the fireworks license. No on site storage trailers or containers shall be allowed, all fireworks on site shall be in retail space.
(5) A off duty St. Bernard Parish Firefighter with Radio Link to Fire Communications must be hired to perform detail work at all fireworks stands for the price of thirty five ($35.00) per hour for each hour worked and shall only be required for all operating hours on December 30th and 31st and July 3rd and July 4th. For each hour worked after Twelve (12) consecutive hours, the detail pay shall be increased to fifty ($50.00) per hour.

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Councilman District E

Roxanne Adams
Clerk of Council

(K) Violations. Any person that does not act in conformity with the above rules and regulations established in any section is hereby in violation of this fireworks ordinance and is subject to the penalties contained herein.

(1) Penalty. The St. Bernard Parish Fire Chief has full authority by the governing body of this Parish, to fine whomever is using fireworks prohibited by this ordinance, with said fine to be imposed upon the owner of the property where said violation occurs. The Parish Fire Chief may designate the appropriate personnel to perform these inspections. The fine shall be five hundred dollars ($500.00) payable to the St. Bernard Parish Fire Department when non compliance of this ordinance takes place by issuing a citation via form of affidavit. Administration will process said fine and afford the opportunity for appeal prior to collection of said fine.

(L) Require license to be displayed in a conspicuous place at the retail location.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event that this ordinance is not signed or vetoed by the president within ten (10) calendar days after receipt, it shall be considered approved. In the event of a presidential veto this ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

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

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

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Richard "Richie" Lewis
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Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo

NAYS: None

ABSENT: Cavignac

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

And the motion was declared **adopted** on the 5th day of June, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 6/7/12 3:37pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 6/12/12 9:10am
Date and Time

Received by Kristie Kelso

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Councilman District E

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 TUESDAY, JUNE 5, 2012 AT SEVEN O'CLOCK P.M.

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

ORDINANCE SBPC# 1305-06-12

Summary No. 2804
Introduced by: Administration on 4/17/12
Public Hearing held on 6/5/12

AN ORDINANCE TO APPROVE **DOCKET Z-2012-009,** PETITION OF JRSL FAM 1, LLC, REPRESENTED BY DANIEL NABAT FOR A ZONING CHANGE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) AND C-1 (NEIGHBORHOOD COMMERCIAL) TO C-1 (NEIGHBORHOOD COMMERCIAL) FOR THE FOLLOWING DESCRIBED PROPERTY: MUNICIPAL ADDRESS DESIGNATED AS 912 E. JUDGE PEREZ DRIVE, CHALMETTE, LA 70043

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. that **Docket Z-2012-009,** a petition of JRSL Fam 1, LLC, represented by Daniel Nabat for a zoning change from "R-1, (Single Family Residential)" to "C-1, Neighborhood Commercial)" for the following described property:

Municipal Address designated as 912 E. Judge Perez Drive, Chalmette, La 70043.

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

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

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Councilman District E

Roxanne Adams
Clerk of Council

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo

NAYS: None

ABSENT: Cavignac

The Council Chair, Mr. McInnis, cast his vote as YEA.

And the motion was declared **adopted** on the 5th day of June, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 6/7/12 3:37pm
Date and Time

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council 6/12/12 9:10AM
Date and Time

Received by Kristie Silva

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Councilman District E

Roxanne Adams
Clerk of Council

#14

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JUNE 5, 2012 AT SEVEN O'CLOCK P.M.

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

ORDINANCE SBPC# 1306-06-12

Summary No. 2807
Introduced by: Administration on 4/17/12
Public Hearing held on 5/1/12
Tabled by Council on 5/1/12

AN ORDINANCE TO REPEAL IN ITS ENTIRETY ORDINANCE SBPC #658-07-06, WHICH WAS AMENDED BY ORDINANCE SBPC #900-09-08, ESTABLISHING AN OLD ARABI NEIGHBORHOOD COMMISSION TO ADDRESS PRESERVATION AND REDEVELOPMENT ISSUES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That Ordinance #658-07-06 which was amended by ordinance SBPC #900-09-08, establishing an Old Arabi Neighborhood Commission to address preservation and redevelopment issues is hereby repealed.

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

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

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Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo

NAYS: None

ABSENT: Cavignac

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

And the motion was declared **adopted** on the 5th day of June, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 6/7/12 3:37pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 6/12/12 9:10 am
Date and Time

Received by Kristin Silva

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Roxanne Adams
Clerk of Council

#15

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JUNE 5, 2012 AT SEVEN O'CLOCK P.M.

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

ORDINANCE SBPC# 1307-06-12

Summary No. 2808
Introduced by: Administration on 4/17/12
Public Hearing held on 5/1/12
Tabled by Council on 5/1/12

AN ORDINANCE TO CREATE A COMMISSIONM TO BE KNOWN AS THE SAINT BERNARD PARISH HISTORIC DISTRICTS COMMISSION.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

WHEREAS, the Saint Bernard Parish Council is desirous of promoting the educational, cultural and economic welfare of the parish by preserving and protecting historic structures and neighborhoods which serve as visible reminders of the history and heritage of the community, parish, region, state and nation, and furthermore it is the purpose of this ordinance to strengthen the economy of Saint Bernard Parish by stabilizing and improving property values in historic areas;

NOW THEREFORE, BE IT ORDAINED by the Saint Bernard Parish Council in legal session convened, as follows, to-wit:

SECTION 1. Commission Established. There is hereby created a Commission to be known as the Saint Bernard Parish Historic Districts Commission.

SECTION 2. Recommendation and Appointment of Members. The Commission shall consist of nine (9) members, all of whom shall reside in Saint Bernard Parish with at least three (3) residents from each designated historic district, and shall be appointed by the Parish President and confirmed by the St. Bernard Parish Council in accordance with the rules and procedures of the Appointments Review Board.

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Councilman District E

Roxanne Adams
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SECTION 3. Term; Vacancies. Each of the members of the Commission shall be appointed for a term of four (4) years. The Chairman shall be elected by the members of the Commission. Whenever the term of a member of the Commission expires, the Parish President and the St. Bernard Parish Council shall appoint his successor in accordance with the rules and procedures of the Appointments Review Board. The members may serve consecutive terms. The first commission shall have staggered terms: two with one (1) year terms, two with two (2) year terms, two with three (3) year terms and one with four (4) year terms. All commission members shall have a demonstrated knowledge of or interest, competence, or expertise in historic preservation. The commission shall seek the advice, as needed, of professionals in the related disciplines of architecture, history, architectural history, or archaeology, etc.

SECTION 4. Administration and Committees. The Saint Bernard Parish Director of Community Development will serve as advisor to the Commission and will act as liaison between the Commission and the Parish President. Nominal expenses necessary to carry out the duties of the Commission will be budgeted through the aforementioned department. The recording secretary for the Commission will be designated by the Chairman and all files, records, and minutes of the Commission will be maintained by the Department of Community Development. The Parish Attorney shall be the ex officio attorney for the Commission. The Commission may designate and appoint, from among its members, various committees with such powers and duties as the Commission may have and prescribe.

SECTION 5. Rules, Regulations and Guidelines; Meetings; Reports and Recommendations. The Commission shall make such rules and regulations as it may deem advisable and necessary for the conduct of its affairs not inconsistent with the laws of the Parish and State. The Commission shall meet twice monthly unless there are no applications for Certificates of Appropriateness to review, but meetings may be held at any time by the Commission on the written request of any of the five members or on the call of the Chairman of the Commission or of the Parish President. The Commission shall make quarterly reports to the Parish President and Parish Council containing a statement of its activities. Copies of the rules, regulations and guidelines are available at the Office of Community Development.

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SECTION 6. Purpose. The Saint Bernard Parish Historic Districts Commission shall have for its purpose the preservation and stewardship of all structures in the designated historic districts. The commission shall have for its further purpose the guardianship of those structures which have architectural and historical value and which should be preserved for the benefit of the people of Saint Bernard Parish and the State.

To Wit, the goals of the designated historic districts are as follows:

A. Protect, enhance and perpetuate resources which represent distinctive and significant elements of Saint Bernard Parish's historical, cultural, social, economic, political, archaeological, and architectural identity;

B. Insure the harmonious, orderly, and efficient growth and development of Saint Bernard Parish;

C. Strengthen civic pride and cultural stability through neighborhood conservation;

D. Stabilize the economy of Saint Bernard Parish through the continued use, preservation, and revitalization of its resources;

E. Protect and enhance the Saint Bernard Parish's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;

F. Promote the use of resources for the education, pleasure, and welfare of the people of Saint Bernard Parish.

G. Provide a review process for the preservation and appropriate development of Saint Bernard Parish's resources.

SECTION 7. Saint Bernard Parish Historic District Designations

A. *Old Arabi*: All property within the following boundaries is hereby designated as the "Old Arabi Historic District"; North Peters (south); St. Claude Avenue (north); Angela Avenue (west); and Center St. (east), more specifically described as follows. North boundary- Shall start at St. Claude Ave. and Jackson Barracks and continue East following St Claude Ave. then St. Bernard Hwy. (LA46) and terminate at the Norfork Southern Railroad rail tracks and shall include both sides (North & South) of LA Hwy 46.
East boundary- Shall start at St. Bernard Hwy. (LA46) and the Norfork Southern Railroad rail tracks and continue South along the Eickes canal extension to the Eastern termination of North Peters St.
South boundary- Shall start at the Eastern termination of North Peters St. and continue West following North Peters St. and shall end at the North Peters St. and Jackson Barracks and continue East following North Peters St. and end at the St. Bernard Parish/Orleans Parish boundary (Jackson Barracks) and the continuation of North Peters St. and shall include both sides of North Peters St.

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West Boundary- Shall start at the St. Bernard Parish/Orleans Parish boundary at the levee of the Mississippi River and continue North following the St. Bernard Parish/Orleans Parish boundary and terminate at the St. Bernard Parish/Orleans Parish boundary and St. Claude Ave. (LA46).

B. *St. Bernard Village*: All property in eastern St. Bernard Parish located in the St. Bernard Village (SBV) zone is hereby designated as the "St. Bernard Village Historic District."

SECTION 8. Procedures for Application of Certificate of Appropriateness

A. Whenever any application for a certificate of appropriateness if filed with the commission, the commission shall immediately notify the Director of the Department of Community Development that the application has been filed. Similarly, whenever the Director of the Department of Community Development becomes aware that an application has been filed for a permit affecting a property under the jurisdiction of the preservation commission, the Director of the Department of Community Development shall immediately notify chairman or vice-chairman, if the chairman is unavailable, that such an action has been filed.

B. The commission shall have the authority to determine when a filed application is complete and contains all required information. An application deemed incomplete by the commission shall not be considered to have been filed for the purposes of this ordinance. The commission shall develop standard application forms and its written guidelines shall specify what information an applicant shall attach to each form.

C. Members of the commission shall establish a regular schedule for the hearings of the commission. Two (2) hearings shall be scheduled for each month unless no application for a certificate of appropriateness has been submitted. However, the commission has to meet at least once ever three (3) months even if no applications for a certificate of appropriateness have been submitted.

D. The applicant shall, upon request, have the right to a preliminary conference with the commission staff or the chairman or vice-chairman for the purpose of learning whether changes or adjustments to the application could make it more consistent with the commission's standards.

E. Not later than six (6) days before the date set for the said hearing, the Director of the Department of Community Development shall mail notice thereof to the applicant at the address in the application and to all members of the commission.

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F. Notice of the time and place of a scheduled public hearing on an application for a certificate of appropriateness shall be given by publication in the official parish journal at least four (4) days before such hearing and by posting such notice on the lobby window of the Saint Bernard Parish Government Complex.

G. At the scheduled public hearing, the applicant for a certificate of appropriateness shall have the right to present any relevant information pertaining to the application. Likewise, the parish president, the parish council, the commission and its staff, and members of the public shall have the right to present any additional relevant information pertaining to the application. The Commission shall issue rules of procedure specifying in detail how a public hearing shall be conducted and when comments and information from different sources shall be heard.

H. The commission, shall have the right to recommend changes and modifications to enable the applicant to meet the requirements of the commission. If the commission chooses to do this at the time of the public hearing, it must either conditionally approve the certificate of appropriateness or schedule a subsequent public hearing to take place no later than fifteen (15) days after the initial hearing.

I. Within not more than five (5) days after the hearing on an application, the commission shall act upon it, either approving, denying, or deferring action in accordance with the provisions outlined in Section 8.F. Evidence of approval of the application shall be by certificate of appropriateness issued by the commission and, whatever its decision, notice in writing shall be given to the applicant and the Director of the Department of Community Development.

J. Failure by the commission to reach and render a decision within thirty (30) days of the date of filing of the application with the commission shall be taken to constitute approval of the application by the commission, unless and applicant has requested that the commission delay its decision beyond the thirty (30) day period otherwise required.

K. The issuance of a certificate of appropriateness shall not relieve an applicant for a companion building permit, special use permit, variance, or other authorization from compliance with any other requirement or provision of the laws of the parish concerning zoning, construction, repair, or demolition. In all such cases, applicants are encouraged to apply first for a certificate of appropriateness as other parish agencies will be advised by the preservation commission in making their subsequent decisions.

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L. No building permit which affects a resource shall be issued by the parish official prior to the issuance of a certificate of appropriateness by the commission. Even if a building permit is not otherwise required by the parish ordinances for construction, alteration, demolition, or relocation of any resource, a certificate of appropriateness from the commission is required.

SECTION 9. Submission of Plans to Commission for Exterior Changes

A. The owner of any property within a designated historic district shall apply for a permit or Certificate of Appropriateness from the Commission before the commencement of any work in:

1. the erection of any new building or other construction in a designated historic district; or
2. the significant exterior alteration and/or all additions to any existing structure in a designated historic district; or
3. the repairing or demolishing of any existing building situated within a designated historic district.
4. the relocation of any building into or out of a designated historic district.

B. The application therefore shall be made to the Commission, accompanied by exterior elevations thereof so far as they relate to the proposed appearance, texture, materials, and architectural design of the exterior, including the front, sides, rear and roof of such buildings, alterations or addition of any building or outbuilding, party wall, courtyard, sidewalk, driveway, parking area, fence or other dependency thereof. The presentation of full plans and specifications shall only be required in instances where St. Bernard Parish Government also requires such documentation as a part of the normal permitting process.

C. Where, by reason of topographical conditions, irregularly shaped lots, or because of unusual circumstance applicable solely to the particular applicant, strict enforcement of the provisions of this Ordinance would result in serious undue hardship peculiarly affecting said applicant, then the commission, in passing upon his application, shall have the power to vary or modify adherence to this Ordinance provided always that its requirements insure harmony with the general purposes hereof, and will not adversely affect a designated historic district as a whole.

SECTION 10. Commission Recommendation and Action Thereon. The Saint Bernard Parish Historic Districts Commission shall, upon due consideration, render its decision concerning the approval or disapproval of the issuance of the permit, which may include such changes, if any, as in its judgment are reasonably

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necessary to comply with the requirements of this Ordinance, and send its decision, in writing, to the applicant and the Building Inspector. If the permit is approved, the Director of the Department of Community Development shall promptly issue a permit for such work in conformance with the Commission's decision and all other building permit requirements.

SECTION 11. Appeals. Any person or persons aggrieved by any decision, act or proceedings of the Saint Bernard Parish Historic Districts Commission shall have a right to apply in writing to the Parish Council for reversal or modification thereof; and the Parish President shall have the right to stay all further action until the Parish Council shall have had an opportunity to rule thereon. Any such appeal shall be taken in ten days from date of the written decision, and the Parish Council may consider said appeal at its next general or special meeting, but, in any event, not more than forty-five days thereafter. The Parish Council may affirm a decision of the Saint Bernard Parish Historic Districts Commission by majority vote of all its members present. The Parish Council shall have the right to reverse, change or modify any decision of the Saint Bernard Parish Historic Districts Commission by majority vote of all its members present. Any person or persons aggrieved by any decision of the Parish Council affecting said designated historic district shall have the right to file a civil suit within thirty days from date of decision in a court of competent jurisdiction under the usual rules of procedure governing same, with the right to stay order and injunctive relief provided the situation warrants it.

SECTION 12. Violations and Injunctions. Whenever any person has engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of this Ordinance, St. Bernard Parish Government is obligated to issue a cease and desist order and subsequent court summons (when applicable) to the subject property owner. The property owner is subject to violations consistent with Chapter 22 (Zoning) of the St. Bernard Parish Code of Ordinances. The Commission also has the right to file an injunction against a property owner for violating the provisions of this ordinance and unauthorized modifications to a structure may require restoration to the condition prior to the unauthorized work.

SECTION 13. Provisions of Ordinance Prevail in Case of Conflict. The provisions of this Ordinance shall govern and take precedence over any other provisions of any ordinance or codes of Saint Bernard Parish as it applies to the protection of historic structures, such as the exemption to the substantial damages elevation requirement by the NFIP in the Floodplain Ordinance.

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SECTION 14. New Construction. Proposals for new construction in a designated historic district should seek compatibility with existing structures through the appropriate use of site planning, materials, decorative details, architectural elements, and scale. A proposal should not draw unnecessary attention to itself in any one of these characteristics. However, a proposal should not duplicate or copy historic styles and periods. The architectural context is of primary concern.

A. *Scale: The relationship of the building and its elements (including doors and windows) to other structures in the district.*

It is important in considering scale, that a careful study be made of the height, width, and mass of buildings in the immediate neighborhood and district as a whole. This study should serve to confirm or deny the appropriateness of the height, width, and mass of the proposed building. Maximum height of any new structure shall conform to The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings. In no case shall a new structure exceed a height of 75 feet above the street.

B. *Siting: The positioning of a building on a lot.*

This process includes determining the setback of a building, the spacing of this building from adjacent buildings, and the location of the walls, fences, walks, drives, and landscaping, if any of these are used in the overall design.

C. *Materials: The surface building fabric which contributes to the exterior character and appearance of a building.*

D. *Decorative Details: Ornamentation or embellishment.*

These include cornices, lintels, arches, balustrades, chimneys, shutters, columns, and other common details. When used, details should create a unifying effect on a building and should be compatible with the context of the neighborhood.

E. *Architectural Elements: Parts of a building that are integral to its composition.*

These include balconies, roofs, porches, chimneys, dormers, parapets, and other parts of a building that contribute to its overall shape and silhouette. The choice and arrangement of elements of a proposed building should reflect those of other buildings in the neighborhood. The building should not draw unnecessary attention to itself by failing to relate to neighboring styles. Neither should it copy these styles. The object is to complement the context of the designated historic district.

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SECTION 15. Standards for Rehabilitation, Restoration and Reconstruction

A. Standards for Preservation

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected, and if necessary, stabilized until additional work may be undertaken.
2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
7. Chemical or physical treatments, when determined appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

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When the property's distinctive materials, features, and spaces are essentially intact and thus convey the historic significance without extensive repair or replacement; when depiction at a particular period of time is not appropriate; and when a continuing or new use does not require additions or extensive alterations, Preservation must be considered as a treatment.

B. Standards for Rehabilitation

1. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall not be undertaken.
4. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.

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9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

When repair and replacement of deteriorated features are necessary; when alterations or additions to the property are planned for a new or continued use; and when its depiction at a particular period of time is not appropriate, Rehabilitation must be considered as a treatment.

C. Standards for Restoration

1. A property shall be used as it was historically or be given a new use that reflects the property's restoration period.
2. Materials and features from the restoration period shall be retained and preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period shall not be undertaken.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period shall be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Materials, features, spaces, and finishes that characterize other historical periods shall be documented prior to their alteration or removal.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period shall be preserved.
6. Deteriorated features from the restoration period shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials.

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7. Replacement of missing features from the restoration period shall be substantiated by documentary and physical evidence. A false sense of history shall not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.
8. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
9. Archeological resources affected by a project shall be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
10. Designs that were never executed historically shall not be constructed.

When the property's design, architectural, or historical significance during a particular period of time outweighs the potential loss of extant materials, features, spaces, and finishes that characterize other historical periods; when there is substantial physical and documentary evidence for the work; and when contemporary alterations and additions are not planned, Restoration may be considered as a treatment. Prior to undertaking work, a particular period of time, i.e., the restoration period, should be selected and justified, and a documentation plan for Restoration developed.

D. Standards for Reconstruction

1. Reconstruction shall be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.
2. Reconstruction of a landscape, building, structure, or object in its historic location shall be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures shall be undertaken.
3. Reconstruction shall include measures to preserve any remaining historic materials, features, and spatial relationships.

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4. Reconstruction shall be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property shall re-create the appearance of the non-surviving historic property in materials, design, color, and texture.
5. A reconstruction shall be clearly identified as a contemporary re-creation.
6. Designs that were never executed historically shall not be constructed.

When a contemporary depiction is required to understand and interpret a property's historic value (including the re-creation of missing components in a historic district or site); when no other property with the same associative value has survived; and when sufficient historical documentation exists to ensure an accurate reproduction, Reconstruction may be considered as a treatment.

The Saint Bernard Parish Historic Districts Commission shall follow The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings in considering all proposals for new construction and/or rehabilitation.

SECTION 16. Fences. Fence design must be in harmony with the nature of a designated historic district.

The following fencing materials are not acceptable: barbed wire, concrete block, stockade, plywood, hardboard, corrugated metal panels or asbestos board. Chain link fences are allowed only in rear yards.

SECTION 17. Overhanging Balconies. No overhanging balconies or galleries may be removed, but new or additional balconies may be erected if they conform to the distinctive architecture of the designated historic district. The permit \for all such new construction or any renovation shall be subject to the requirements of this Ordinance.

SECTION 18. Signs *

* All signs erected in either historic district must be permitted in accordance with Chapter 22 (Zoning) of the St. Bernard Parish Code of Ordinances

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SECTION 19. Aerials, Antennas etc., Prohibited. The construction of aerials, antennas, or satellite dishes of any type within a designated historic district is prohibited without the express approval of the Saint Bernard Parish Historic Districts Commission.

SECTION 20. Minimum Maintenance Requirements. In order to insure the protective maintenance of resources, the exterior features of such properties shall be maintained to meet the requirements of Saint Bernard Parish's Minimum Housing Code and Saint Bernard Parish's Building Code.

SECTION 21. Demolition by Neglect

A. Any resource which is a landmark and all resources within a preservation district shall be preserved by the owner or such other person or persons as may have the legal custody or control thereof against decay and deterioration and free from unreasonable structural defects. The owner or other person having legal custody and control thereof shall repair such resource if it is found to have one or more of the following defects:

1. Deterioration to the extent that creates or permits a hazardous or unsafe condition as determined by the Director of the Department of Community Development.
2. Deterioration, as determined by the Director of the Department of Community Development, of a building characterized by one or more of the following:

a. Those buildings which have parts thereof which are so attached that they may fall and injure persons or property.
b. Deteriorated or inadequate foundations.
c. Defective or deteriorated floor supports or floor supports insufficient to carry imposed loads with safety.
d. Members of walls or other vertical supports that split, lean, list, or buckle due to defective material, workmanship, or deterioration.
e. Members of walls or other vertical supports that are insufficient to carry imposed loads with safety.
f. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material, workmanship or deterioration.
g. Members of ceilings, roof, ceiling and roof supports, or other horizontal members that are insufficient to carry imposed loads with safety.

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h. Fireplaces or chimneys which list, bulge, or settle due to defective material, workmanship, or deterioration.

i. Any fault, defect, or condition in the building which renders the same structurally unsafe or not properly watertight.

B. If the Commission makes a preliminary determination that a resource is being demolished by neglect, it shall direct the Director of the Department of Community Development to notify the owner(s) of the resource of this preliminary determination, stating the reasons therefore, and shall give the owner of record thirty (30) days from the date of mailing of such notice or the posting thereof on the property, whichever comes later, to commence work to correct the specific defects as determined by the commission.

Said notice shall be given as follows:

1. By certified mail, restricted delivery, mailed to the last known address of the record owner(s) as listed on the Saint Bernard Parish tax rolls.
2. If the above mailing procedure is not successful, notice shall be posted in a conspicuous, protected place on the resource.

C. If the owner(s) fail(s) to commence work within the time allotted as evidenced by a Building Permit, the Commission shall notify the owner(s) in the manner provided above to appear at a public hearing before the Commission at a date, time and place to be specified in said notice, which shall be mailed or posted at least thirty (30) days before said hearing. For the purpose of ensuring lawful notice, a hearing may be continued to a new date and time. The Commission shall receive evidence on the issue of whether the subject resource should be repaired and the owner(s) may present evidence in rebuttal thereto. If, after such hearing, the Commission shall determine that the resource is being demolished by neglect, it may direct the Director of the Department of Community Development to take appropriate action including equitable remedy, an order of abatement, or a civil penalty of up to $100.00 per day per violation against the owner(s) if the necessary repairs are not completed within ninety (90) days of the determination by the Commission that the subject building or structure is being demolished by neglect.

II. BE IT FURTHER ORDAINED that if any provision of this Ordinance or the application thereof to any person or circumstance is declared to be unconstitutional by judgment of Court, then in that event, only that particular provision shall be deemed unconstitutional, and the remaining provisions of this Ordinance shall not be affected thereby.

St. Bernard Parish Council

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Councilman at Large

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Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
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Councilman District D

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Councilman District E

Roxanne Adams
Clerk of Council

III. BE IT FURTHER ORDAINED that this Ordinance shall be binding and shall go into effect after public hearing and publication in accordance with law.

IV. BE IT FURTHER ORDAINED that is the intention of the Parish Council and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, Saint Bernard, Louisiana, and the sections of this Ordinance may be numbered to accomplish such intention.

SECTION 22. 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 23. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo

NAYS: None

ABSENT: Cavignac

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

And the motion was declared **adopted** on the 5th day of June, 2012.

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Clerk of Council

ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 6/7/12 3:37pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 6/12/12 9:10am
Date and Time

Received by Kristie Silva

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#16

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JUNE 5, 2012 AT SEVEN O'CLOCK P.M.

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

ORDINANCE SBPC# 1308-06-12

Summary No. 2818
Introduced by: Councilman Lauga on 5/15/12
Public hearing held: 6/5/12

AN ORDINANCE TO REPEAL AND REENACT CHAPTER 13, ARTICLE III, ITINERANT MARKET, MOBILE VENDORS, PEDDLERS OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

SECTION 1. Chapter 13, Article III of the St. Bernard Parish Code of Ordinances is hereby repealed in its entirety and reenacted to read as follows:

Section 13-30 Definitions.

"Enclosed vehicle" may mean an ice chest that remains on the vehicle and may be sealed while not in use.

A "farmer" is one who produces fruits, vegetables, grains or meats and can provide proof of occupation.

"Handwashing facilities" may be a dip bucket.

"Itinerant markets" and "mobile vendors" are defined as any person operating markets of any products, produce or seafood that are not housed in permanent structures (buildings with permanent foundations or pilings).

A "peddler" or "hawker" is an itinerant merchant or trader, who goes from house to house or from place to place, exposing and selling goods, wares, or merchandise he carries.

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"Potentially hazardous foods" are those that support pathogenic bacterial growth.

Section 13-31 Permit to sell wares – Required; penalty for violation.

(a) No person shall indulge in the sale of wares or goods as a mobile vendor, itinerant market, hawker, peddler, or farmer without first registering and securing a permit from the department of community development. Prior to issuance of a permit, an inspection shall be made to verify compliance with this subsection 13-31(a) and other applicable ordinances.

(b) Violation of subsection 13-31(a) shall constitute a misdemeanor violation, punishable by a fine of up to five hundred dollars ($500.00) or up to thirty (30) days imprisonment, or both at the discretion of the court. In instances where inventory, wares, or vehicles are located on rights-of-way, sidewalks, roadways, or any other public property; those wares inventory or vehicles will be subject to impound or confiscation. Any impounded or confiscated items may be reclaimed only after final disposition of the misdemeanor charge(s). Impound fees and monetary fines shall be considered separate items with regard to subsection13-31(a). Each instance or day for which a violation of subsection 13-31(a) occurs or continues shall constitute a separate, punishable offense.

Section 13-32 Same—Application; fee.

(a) Applications for itinerant market and mobile vendors shall be made on a form supplied by the department of community development. A clear description of the facility and its purpose, proposed location, and the name and address of the owner shall be included. In addition, an application or permit fee in the amount of one hundred dollars ($100.00) shall be collected for each application filed or permit sought under and in accordance with the provisions of this article. Said fee is not refundable under any circumstance.

(b) Applications for hawker or peddler permits shall be made on a form supplied by the department of community development. A clear description of the facility, its purpose, and the name and address of the owner shall be included. In addition, an application fee of fifty dollars ($50.00) shall be collected for each application filed or permit sought under and in accordance with the provisions of this article. Said fee is not refundable under any circumstance.

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(c) In accordance with Louisiana Revised Statute 3:493, a farmer who is selling his produce raised on his farm directly to a consumer within St. Bernard Parish shall be exempt from the fee requirements of this section of the Code of Ordinances.

Section 13-33 Same—To specify location; exception.

(a) The itinerant market, mobile vendors permit shall specify a particular location at which the permittee is allowed to sell such permittee's wares.
(b) The hawker, peddler, or farmers permit shall not be required to specify a particular location.

Section 13-34 Limitation on duration of itinerant vendor permits.

(a) No occupational license or permit issued per vendor and/or location under this section shall be valid for any period beyond five (5) consecutive calendar days specified on the permit excluding special permits granted by council.
(b) An itinerant vendor permit may be renewed for one (1) additional consecutive period of five (5) days.
(c) Following December 31, 2006 no occupational licenses or permits may be issued for itinerant vendors without special permission of the council.

Section 13-35 Same—Display.

The permit shall be conspicuously displayed by the permittee at all times that such person is transacting business.

Section 13-36 Food sales—State permit required.

In the case of itinerant markets, mobile vendors, hawkers, peddlers or farmers dealing in forms of perishable foodstuff, the applicant must first secure a permit to operate as a retail food establishment from the local office of the Louisiana Department of Health and Human Resources. However, any potentially hazardous food, meaning any food of milk products, eggs, meats, poultry, fish, shell fish, edible crustacea, or other ingredients, including synthetic ingredients, shall not be sold in a raw or unprocessed condition and shall only be sold if it is properly cooked or processed and sold in a container.

Editor's note—

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Ordinance No. CPJ-5-87, § 1, adopted May 5, 1987, removed provisions formerly codified as §§ 13-36 and 13-37, requiring a state permit for food sales and a state commercial fisherman's license for seafood sales, which derived from:

Ord. No.	Sec.	Date
33-78	9, 10	8- 1-78
35-78	9, 10	9- 5-78
37-84	-	8- 7-84
20-85	1	5- 7-85

and replaced such sections with new provisions as set out herein.

Section 13-37 Reserved.

Note—See the editor's note to 13-36

Section 13-38 Location restricted.

(a) In no event shall the permittee or anyone else be allowed to peddle their wares within one thousand (1,000) feet of an established retail outlet that sells similar wares.

(b) Under no condition may a permittee locate on any public property or public right-of-way.

(c) If property permittee wishes to locate on is not owned by such permittee, such permittee must supply proof of rental agreement or lease from land owner at time of application for permit.

(d) No permit will be granted for areas zoned residential (R-1, R-2, R-3).

(e) The permittee will not be allowed to sell from any other location than that specified on the permit.

(f) Permittee must secure the permission of the parish council in the form of a new permit if the permittee wishes to change the location.

(g) The permit shall be issued only if, in the opinion of the director-secretary of the planning commission, the location selected is one which will not seriously interfere with the flow of vehicular traffic or the movement of pedestrian traffic and is in conformance with the provisions of this article.

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Section 13-39 Conformance to sign, zoning and building regulations.

Permittee is required to be in conformance with the portable sign regulations, and the zoning and building codes of the parish.

Section 13-40 Vehicle parking area.

Permittee is required to provide five (5) parking spaces so as not to interfere with pedestrian and vehicular traffic, and in conformance with requirements as provided in Section VI of the Comprehensive Zoning Ordinance.

Section 13-41 Length and width of vehicle restricted.

Any vehicle to be used in the sale of items herein shall be not more than twenty (20) feet in length or eight (8) feet in width.

Section 13-42 Wares not to be placed on streets or sidewalks.

A vendor exhibiting wares from a vehicle may not place any wares in the street or on the sidewalk.

Section 13-43 Operation of business from non-permanent structure, vehicle, or trailer.

(a) No itinerant vendor issued an occupational license or permit under the previous provisions of section 13-34 shall be allowed to operate out of a non-permanent structure for more than the period defined and established under the provisions of section 13-34, said period to commence running on the date of the ordinance from which this section is derived is published as adopted in the legal journal of St. Bernard Parish Government.

(b) Any refund due as a result of the application of the terms of subsection (a) herein shall be calculated by dividing the occupational license or permit fee previously paid by three hundred sixty-five (365) and multiplying that result by the number of days remaining from expiration of the occupational license or permit as calculated in subsection (a) until December 31, 2006.

(c) Any business that was operating in a permanent structure with a properly issued occupational license and suffers business interruption because of the destruction of the permanent structure by fire, storms, or other acts of God or a public enemy may operate in a non- permanent structure, including a trailer or other vehicle, on the premises with the address of the occupational license for the duration of the time that is required to rebuild the destroyed structure or the expiration of the currently issued occupation license plus three (3) months.

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Clerk of Council

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

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

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo

NAYS: None

ABSENT: Cavignac

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

And the motion was declared **adopted** on the 5th day of June, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 6/7/12 3:37pm
Date and Time

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Councilman District E

Roxanne Adams
Clerk of Council

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council 6/12/12 9:10am

Date and Time

Received by Kristie Selva

St. Bernard Parish Council

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Clerk of Council

#19

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JUNE 19, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1309-06-12

Summary No. 2810
Introduced by: Councilman McInnis on 5/1/12
Public Hearing held on 6/19/12

AN ORDINANCE LEVYING AND IMPOSING CERTAIN TAXES FOR 2012 ON ALL THE PROPERTY SUBJECT TO TAXATION IN THE PARISH OF ST. BERNARD, ROAD LIGHTING DISTRICT NO. 1, ROAD DISTRICT NO. 1, GARBAGE DISTRICT NO. 1 FIRE PROTECTION DISTRICT NO. 1 AND FIRE PROTECTION DISTRICT NO. 2.

WHEREAS, this ordinance is part of a pair of ordinances that are required in order to complete the intention of rolling forward to further levy the millages should the Governing Authority of St. Bernard Parish choose to do so, and;

WHEREAS, it is necessary for the Parish Council of the Parish of St. Bernard, State of Louisiana, acting as the governing authority of said Parish and the hereinafter described districts, to levy all the maintenance and operating taxes for the year 2012; and

WHEREAS, it is also necessary for the said Parish Council, acting as the Governing Authority of said Parish, to levy taxes for the year 2012 for the payment of general obligation bonds thereof;

NOW, THEREFORE, BE IT ORDAINED by the St. Bernard Parish Council, acting as the Governing Authority of the following political subdivisions,

1. Parish of St. Bernard, State of Louisiana
2. Road Lighting District No. 1 of the Parish of St. Bernard, State of Louisiana
3. Road District No. 1 of the Parish of St. Bernard, State of Louisiana
4. Garbage District No. 1 of the Parish of St. Bernard, State of Louisiana
5. Fire Protection District No. 1 of the Parish of St. Bernard, State of Louisiana

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Clerk of Council

6. Fire Protection District No. 2 of the Parish of St. Bernard, State of Louisiana; and that:

SECTION 1. Parish Taxes. Under the authority of the Constitution and Laws of the State of Louisiana, the following special taxes are hereby levied, assessed and imposed on all the property in said Parish for the year 2012, for the respective purposes described below:

2012 Millage Rate	Election Date	Years Authorized	Purpose
2.74	N/A	N/A	Parish Constitutional Tax
1.22	Nov. 7, 2006	2007-2016	Constructing, maintaining, improving and operating public libraries in the Parish.
2.46	Nov. 7, 2006	2010-2019	Constructing, maintaining, improving and operating public libraries in the Parish and purchasing books and other library materials.
2.16	Nov. 7, 2006	2007-2016	Acquiring or improving lands, buildings and equipment for recreation purposes, title to which shall be in the public, and maintaining and operating such recreation facilities in the Parish.
0.62	Nov. 7, 2006	2007-2016	Constructing, maintaining, improving and operating public health units in the Parish.

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Clerk of Council

2012 Millage Rate	Election Date	Years Authorized	Purpose
0.94	Nov. 7, 2006	2007-2016	Providing funding for Senior Citizens programs, activities and services operated by the St. Bernard Parish Council on Aging.

SECTION 2. Parishwide District Taxes. Under the authority of the Constitution and Laws of the State of Louisiana, the following special taxes are hereby levied, assessed and imposed on all the property in said Parish for the year 2012, for the respective parishwide districts and purposes described below:

2012 Millage Rate	Election Date	Years Authorized	Parishwide District and Purpose
3.04	Nov. 7, 2006	2007-2016	Garbage District No. 1 - providing and maintaining garbage collection and disposal services in Garbage District No. 1.
3.04	Nov. 7, 2006	2007-2016	Road District No. 1 - constructing, improving and maintaining public roads and highways in Road District No. 1
1.21	Nov. 7, 2006	2007-2016	Road Lighting District No. 1 - providing and maintaining electric lights on the streets, roads, highways, alleys and public places in Road Lighting District No. 1.

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Clerk of Council

SECTION 3. Non-parishwide District Taxes. Under the authority of the Constitution and Laws of the State of Louisiana, the following special taxes are hereby levied, assessed and imposed on all the property in the respective non-parishwide districts described below for the year 2012, for the respective districts and purposes described below:

2012 Millage Rate	Election Date	Years Authorized	Non-parishwide District and Purpose
2.71	Nov. 7, 2006	2007-2016	Fire Protection District No. 1 - maintaining and operating said Fire Protection District's fire protection facilities and paying the cost of obtaining water for fire protection purposes, including charges for fire hydrant rentals and services in Fire Protection District No. 1
4.56	Nov. 7, 2006	2009-2018	Fire Protection District No. 1 - acquiring, constructing, maintaining, improving and operating fire protection facilities and purchasing fire trucks and other fire fighting equipment in Fire District No. 1.
8.05	Nov. 7, 2006	2009-2018	Fire Protection District No. 2 - acquiring, constructing, maintaining, improving and operating fire protection facilities and purchasing fire trucks and other fire fighting equipment in Fire District No. 2.

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Clerk of Council

SECTION 4. Collection of Taxes. The proper administrative officials of the Parish of St. Bernard, State of Louisiana, are hereby empowered, authorized and directed to spread said taxes, as hereinabove set forth, upon the assessment roll of said Parish for the year 2012, and to make the collection of the taxes imposed for and on behalf of said Parish and said respective districts, according to law, and the taxes herein levied shall become a permanent lien and privilege on all the property subject to taxation as herein set forth, and the collection thereof shall be enforceable in the manner provided by law.

Specifically, the Assessor of the Parish of St. Bernard shall extend said taxes and assessment on said assessment roll as required by law, and the Sheriff and ex officio tax collector of the Parish of St. Bernard shall collect said taxes.

Certified copies of this ordinance shall be forwarded to the St. Bernard Parish Assessor and to the St. Bernard Parish Sheriff and ex officio tax collector as complete authority to levy and collect the taxes herein provided.

SECTION 5. Publication. This ordinance shall be published one time in the official journal of this Parish Council in the manner provided by law.

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

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

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Clerk of Council

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

YEAS: Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: Lauga

ABSENT: None

ABSTAINED: None

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

And the motion was declared **adopted** on the 19th day of June, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

Guy McInnis
GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 6/20/12 3:07 pm
Date and Time

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council 6/21/12 10:45 am
Date and Time

Received by Kristie Silva

St. Bernard Parish Council

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Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#22

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JUNE 19, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1310-06-12

Summary No. 2821
Introduced by: Administration on 6/5/12
Public Hearing held on 6/19/12

AN ORDINANCE AUTHORIZING THE SALE OF NOT EXCEEDING $38,000,000 OF SALES TAX REFUNDING BONDS, SERIES 2012, OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA; PROVIDED THE SALE OF SAID BONDS PROVIDES MINIMUM NET PRESENT VALUE SAVINGS (AFTER PAYMENT OF ALL COSTS) OF NOT LESS THAN 3.00% OF THE PRINCIPAL AMOUNT OF THE SERIES 2003 BONDS AND/OR SERIES 2004 BONDS BEING REFUNDED.

WHEREAS, the Parish Council of the Parish of St. Bernard, State of Louisiana, acting as the Governing Authority of the Parish of St. Bernard, State of Louisiana (the "Issuer"), adopted on May 1, 2012, a resolution giving preliminary approval to the issuance of not to exceed $38,000,000 of Sales Tax Refunding Bonds of the Issuer (the "Bonds") and providing for the sale of said bonds provided that the sale of the Bonds produces minimum net present value savings (after payment of all costs) of not less than 3.00% of the principal amount of the Series 2003 Bonds and/or Series 2004 Bonds being refunded; and

WHEREAS, this Parish Council now desires to confirm the authority for such sale if the required minimum net savings level is achieved;

NOW, THEREFORE, BE IT ORDAINED by the Parish Council of the Parish of St. Bernard, State of Louisiana, acting as the governing authority of the Parish of St. Bernard, State of Louisiana, that:

SECTION 1. Sale of Bonds. The Bonds are hereby authorized to be sold to the Underwriter (as provided for in said resolution of May 1, 2012), and the Parish President is hereby authorized to execute a Bond Purchase Agreement with the Underwriter, in form and substance satisfactory to Bond Counsel to the Issuer, provided the sale of the Bonds produces minimum net present value savings (after

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Councilman District E

Roxanne Adams
Clerk of Council

payment of all costs) of not less than 3.00% of the principal amount of the Series 2003 Bonds and/or Series 2004 Bonds being refunded.

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

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

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 19th day of June, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 6/20/12 3:07pm
Date and Time

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Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council 6/21/12 10:45 am

Date and Time

Received by Kristie Silva

St. Bernard Parish Council

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Councilman District E

Roxanne Adams
Clerk of Council

#23

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JUNE 19, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPG #1311-06-12

Summary No. 2822
Introduced by: Administration on 6/5/12
Public Hearing held on 6/19/12

AN ORDINANCE TO AMEND THE ST. BERNARD PARISH CODE OF ORDINANCES, APPENDIX A SUBDIVISION REGULATIONS* 1.4 AND 2.3 MINOR SUBDIVISION TO GIVE THE DIRECTOR OF COMMUNITY DEVELOPMENT THE AUTHORITY TO APPROVE, AS AN ADMINISTRATIVE ACTION, THE RE-SUBDIVISION OF LOUISIANA LAND TRUST PROPERTIES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That the St. Bernard Parish Code of Ordinances Appendix A, Subdivision Regulations 1.4 and 2.3 Minor Subdivision, is hereby amended to give the Director of Community Development authority to approve, as an administrative action, the Re-Subdivision of Louisiana Land Trust Properties.

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

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Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 19th day of June, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 6/20/12 3:07pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 6/21/12 10:45am
Date and Time

Received by Kristie Silva

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Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#24

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JUNE 19, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1312-06-12

Summary No. 2823
Introduced by: Administration on 6/5/12
Public Hearing held on 6/19/12

AN ORDINANCE DECLARING CERTAIN PARISH PROPERTY SURPLUS.

THE ST. BERNAD PARISH COUNCIL DOES HEREBY ORDAIN:

WHEREAS, it has been determined that the property described in Exhibit "A" is no longer needed for the public purposes of the St. Bernard Parish Government , and

WHEREAS, it is the desire of the St. Bernard Parish Council, to comply with Louisiana state law regarding the disposition of surplus property, and

WHEREAS, the value of any item of said movable property does not exceed $5000.00

NOW THEREFORE BE IT ORDAINED by the Parish Council of St. Bernard Parish Government, Louisiana, in regular session convened that the movable property described in Exhibit A is hereby declared surplus in accordance with the requirements of Louisiana Revised Statute 33:4712, and

BE IT FURTHER, there shall be no minimum bid for any item, and should any item not be bid on, the Chief Administrative Officer is authorized to sell such surplus, movable property as scrap.

SECTION 1. Effective Date. This ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event that this ordinance is not signed or vetoed by the president within ten (10) calendar days after receipt, it shall be considered approved. 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.

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Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

SECTION 2. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 19th day of June, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 6/20/12 3:07pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 6/21/12 10:45am
Date and Time

Received by Kristie Lelia

Exhibit "A" for Summary No. 2823 - 2012 Surplus Property List

Road:

VEHICLE	COLOR	YEAR	MAKE	MODEL	VIN #	LIC PLATE
424	ORANGE		KUBOTA	RTV 900	58535	N/A
532	WHITE		GMC	CANYON	1GTDT146268163823	191030
		COASTAL ZONE	FLAT BOAT		SERIAL # 06781	119430
K5	WHITE	1992	INTERNATIONAL	SCHOOL BUS	1HVBAZRLOPH476925	188092

Transit:

VEHICLE #	COLOR	YEAR	MAKE	MODEL	VIN #	LIC PLATE #
ST-9225	YELLOW	1992	INTERNATIONAL	SCHOOL BUS	1HVBCNPN3NH370277	191021
ST-9224	YELLOW	1992	INTERNATIONAL	SCHOOL BUS	1HVBCNPN7NH370282	191023
ST-9227	YELLOW	1992	INTERNATIONAL	SCHOOL BUS	1HVBCNPN9NH370283	191020
ST-9623	YELLOW	1996	INTERNATIONAL	SCHOOL BUS	1HVBBABNSTH341010	191024
ST-9622	YELLOW	1996	INTERNATIONAL	SCHOOL BUS	1HVBBABNOTH341013	191026
ST-9226	YELLOW	1992	INTERNATIONAL	SCHOOL BUS	1HVBCNPN5NH363847	191022
ST-9230	YELLOW	1992	INTERNATIONAL	SCHOOL BUS	1HVBCPHN9NH437314	191017
ST-9229	YELLOW	1992	INTERNATIONAL	SCHOOL BUS	1HVBCN5NXNH368131	191018
ST-9228	YELLOW	1992	INTERNATIONAL	SCHOOL BUS	1HVBCN5N8NH368130	191019
ST-0104	YELLOW	1992		SBURT BUS	1TUAAH7AXDE004105	96932

IT:

Brand:	Type:	Model:	Serial:
Pitney Bowe	Printer	IE05	16142
HP	Printer	Laserjet 2600n	CNDC59L0GP
HP	Printer	5P	USDB084827
HP	Printer	Officejet 5610	CN61DDF8K6
HP	Printer	Laserjet 2420d	CNBJF34870
HP	Scanner	Scanjet N6010	CN8B1A70T9
HP	Printer	Laserjet 2550n	CNGHB27132
HP	Printer	Officejet L7680	C8189A
HP	Printer	Deskjet 895cxi	MY93191YD
HP	Printer	Laserjet 8100dn	U58C021675
HP	Printer	Officejet 7410	MY57GN8SP3
HP	Printer	Officejet 6310xi	CN65SCG6SC
HP	Printer	Laserjet 2420dn	CNGKJ95239
HP	Printer	Officejet 4200	CN56MG137
Brother	Printer	MFC-8220	U60995B5J218771
Kodak	Printer	ESP5	CN1k2913805295ER1529
Xerox	Scanner	Documate 150	013AC308
Xerox	Scanner	Documate 250	635TW1068X5P130074
HP	Tower	xm8000	USU4240C55
Systemax	Tower	Ascent	106188826
Dell	Tower	Optiplex GX620	17115288661
Dell	Tower	Optiplex GX280	10013640193
Dell	Tower	Optiplex GX280	3483293185
Dell	Tower	Optiplex GX280	12624600637
Dell	Tower	Optiplex GX270	36592015825
Dell	Tower	Optiplex GX620	6110444629
Dell	Tower	Optiplex GX520	3397932145
Dell	Tower	Vostro 200	4308205249
Dell	Tower	Optiplex GX360	19996600177
Dell	Tower	Optiplex GX620	34408614997
Dell	Tower	PowerEdge 600SC	HN7Q221
Dell	Tower	PowerEdge SC420	35NDT61
Gateway	Tower	700L	29443054
Emachines	Tower	500ix	QFK01 E00 12145
Generic	Tower		
Generic	Tower		US116828
Gateway	Tower		27075510
Dell	Tower	Optiplex GX280	33224845897
Dell	Tower	Optiplex GX270	5514621445
Dell	Tower	Optiplex GX270	37476765217
Dell	Tower	Optiplex GX270	43519553173
Dell	Tower	Optiplex GX270	20062506529
Dell	Tower	Optiplex GX270	36266061421
Dell	Tower	Optiplex GX270	43355044117
Dell	Tower	Optiplex GX270	7328066257
Dell	Laptop	Latitude D820	5574133981
Compaq	Laptop	NX6110	CNU53323V8
Compaq	Laptop	NX6110	CNU53323XK
Lenovo	Laptop	X200	LV-00367
Compaq	Laptop	NX6110	CNU53323KV
Compaq	Laptop	NC6120	CNU5252BXY
HP	Laptop	DV1000	CNF52926PL
Dell	Laptop	Latitude D800	9227419093
HP	Laptop	DV4000	CNE5190BXH
Compaq	Laptop	NX6110	CNU53323YD

Compaq	Laptop	NX6110	CNU533227Y				
Dell	Laptop	Vostro 1500	12173183389				
Toshiba	Laptop	Sattelite 2455	23039139PU				
Toshiba	Laptop	Sattelite 2455	23145363PU				
Compaq	Laptop	NX6110	CNU53323HD				
HP	Laptop	DV4000	2CE5390G44				
Compaq	Laptop	NC6120	CNU5252BZM				
Gateway	Tower	E4000	31564626				
Dell	Tower	Optiplex GX270	12819625237				
Dell	Tower	Optiplex GX270	16639749793				
Dell	Tower	Optiplex GX620	34348148821				
Tourism:							
TAG #	**DESCRIPTION**						
11435	File Cabinet						

St. Bernard Parish Council

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Councilman District E

Roxanne Adams
Clerk of Council

#14

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JULY 3, 2012 AT SEVEN O'CLOCK P.M.

On motion of Mr. Hunnicutt, seconded by Mr. Cavignac, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #1313-07-12

Summary No. 2817
Introduced by: Administration on 5/15/12
Public Hearing held on 6/19/12
Tabled by Council on 6/19/12
Planning Commission recommended **APPROVAL** with conditions on 6/26/12

AN ORDINANCE TO APPROVE **DOCKET Z-2012-010,** PETITION OF ADELE P. FAUST FOR A REZONING OF ONE PARCEL FROM C-1 (NEIGHBORHOOD COMMERCIAL) TO C-2 (GENERAL COMMERCIAL FOR DEVELOPMENT OF AN AUTO SALES DEALERSHIP. SITE ADDRESS: 3008/3010 E. JUDGE PEREZ DRIVE, MERAUX, LA 70075. PROPERTY IS DESIGNATED AS LOTS 33 AND 34-A, SQUARE A OF CINDY PARK SUBDIVISION.

SECTION 1. that **Docket Z-2012-010** a petition of Adele P. Faust for a rezoning of one parcel from "C-1, (Neighborhood Commercial) to "C-2, (General Commercial) for the development of an auto sales dealership is hereby granted for the following described property:

Site Address designated as 3008/3010 E. Judge Perez Drive, Meraux, LA 70075. Property is designated as lots 33 and 34-A, Square of a Cindy Park Subdivision.

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

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

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Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

this Ordinance with the invalid portions omitted.

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 3rd day of July, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 7/5/12 2:08pm
Date and Time

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council 7/6/12 11:05am
Date and Time

Received by

St. Bernard Parish Council

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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

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Richard "Richie" Lewis
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Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#15

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JULY 3, 2012 AT SEVEN O'CLOCK P.M.

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

ORDINANCE SBPC #1314-07-12

Summary No. 2826
Introduced by: Administration on 6/5/12
Public Hearing held on 6/19/12
Tabled by Council on 6/19/12

AN ORDINANCE TO APPROVE RESTRICTIVE COVENANTS FOR LOUISIANA LAND TRUST (LLT) PROPERTIES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Council does hereby adopt the attached document (Exhibit A) as restrictive covenants for LLT properties.

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

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

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

St. Bernard Parish Council

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Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 3rd day of July, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 7/5/12 2:08pm
Date and Time

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council 7/6/12 11:08am
Date and Time

Received by Kristi Silva

St. Bernard Parish Government

Louisiana Land Trust Restrictive Covenants

St. Bernard Parish Government (SBPG) proposes to adopt the following restrictive covenants for Louisiana Land Trust (LLT) properties in order to support quality housing and healthy neighborhood development:

1) *Large-Scale Redevelopment* Individuals and/or entities who purchase a Developer's Package of LLT properties of five (5) or more must complete the construction of a home on no less than twenty percent (20%) of the total purchased properties within a two-year period. This two-year period shall commence either on the date of closing for a Developer's Package. Failure to meet this quota grants SBPG and/or LLT the right to demand the return of the property.;

2) *Re-subdivision* LLT properties may not be re-subdivided into smaller lots for future individual use or sale;

3) *Fences* Drawings indicating the location, material, type, and dimensions of all fencing on LLT properties must accompany the building plans submitted to the Department of Community Development as part of a building permit application. All developed LLT properties must have a fenced-in rear yard; and

4) *Lawn Maintenance* Grass violations resulting in liens valued at 50% of the original purchase price of an LLT lot will be considered a violation of the terms of the original sale and grants SBPG and/or LLT the right to demand the return of the property.

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#16

Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

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Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JULY 3, 2012 AT SEVEN O'CLOCK P.M.

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

ORDINANCE SBPC #1315-07-12

Summary No. 2832
Introduced by: Administration on 6/19/12
Public Hearing held on 7/3/12

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1303-05-12,** APPROVOING ST. BERNARD PARISH GOVERNMENT REDEVELOPMENT AND DISPOSITION PLAN FOR LOUISIANA LAND TRUST PROPERTIES AND FORWARD THE PLAN TO THE STATE OF LOUISIANA.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That the following St. Bernard Parish Government Redevelopment and Disposition Plan for Louisiana Land Trust Properties is hereby amended and authorized as attached. (Exhibit A) Upon adoption of the Amended Redevelopment and Disposition Plan for Louisiana Land Trust Properties, it will then be forwarded to the State of Louisiana.

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

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

St. Bernard Parish Council

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

Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 3rd day of July, 2012.

ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 7/5/12 2:08pm
Date and Time

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council _____
Date and Time

Received by _____

St. Bernard Parish Government

Redevelopment and Disposition Plan for Louisiana Land Trust Properties

Parish Contact Information:

Jerry Graves, Jr.,
Chief Administrative Officer, St. Bernard Parish Government
Chairman, St. Bernard Parish Housing, Redevelopment, and Quality of Life Commission
8201 W. Judge Perez Dr.
Chalmette, LA 70043
(504) 278-4225
jgraves@sbpg.net

Date Adopted:
July 3, 2012

Date Submitted for Approval:
July 5, 2012

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I. Parish Redevelopment and Disposition Entity

St. Bernard Parish Government (SBPG) has been designated as the exclusive recipient of all residual Louisiana Land Trust (LLT) properties in St. Bernard Parish. Upon conveyance of residual LLT properties and program revenue to SBPG, the Administration shall be responsible for executing the Redevelopment and Disposition Plan outlined herein. The three primary disposition paths for LLT properties are as follows: (1) Lot Next Door (LND) program; (2) Public use, recreational amenities, environmental quality, and ecotourism; and (3) Private redevelopment.

II. Proposed Disposition Paths, Processes and Policies

1. Lot Next Door Program

SBPG will continue to work in conjunction with its contractors and LLT to facilitate the purchase of LLT properties through the LND program in accordance with the guidelines which have been established and approved by the Housing, Redevelopment, and Quality of Life Commission (HRQLC) and LLT. Deadlines associated with the private purchase of LLT properties through the LND program have been extended indefinitely and this disposition path will remain active until otherwise voted upon by the HRQLC. Ultimately, the LND program will run concurrently with other disposition paths as they are activated. It is estimated that approximately 2,200 LLT properties have either been sold or have sales pending through the LND program as of March 2012.

2. Public Use, Recreational Amenities, Environmental Quality, and Ecotourism

SBPG and the HRQLC have already facilitated the conveyance of several LLT properties to other governmental entities for the purpose of improving and/or expanding public services. As the final conveyance of residual LLT properties from LLT to SBPG approaches, SBPG will double its efforts in seeking out governmental entities interested in utilizing LLT properties for such purposes. SBPG will solicit public input when considering conveying LLT properties to other governmental entities, and will submit a proposal to both the St. Bernard Parish Planning Commission and the St. Bernard Parish Council for final approval before any transaction is executed.

SBPG may maintain LLT properties or convey them to other governmental entities, neighborhood associations, non-profit organizations, or private developers for the purpose of establishing green space, pocket parks, bike paths, and other recreational amenities as deemed appropriate. The Waggoner and Ball LLT Plan will be used as guidance to SBPG in terms of how and where recreational amenities should be developed. SBPG will solicit public input when considering maintaining or conveying LLT properties for recreational purposes, and will submit a proposal to both the St. Bernard Parish Planning Commission and the St. Bernard Parish Council for final approval before any resources are dedicated to maintenance or any transaction is executed. SBPG also reserves the right to mandate that recreational amenities be provided by a private developer.

Finally, SBPG may maintain LLT properties or convey them to other governmental entities, neighborhood associations, non-profit organizations, private developers, or educational institutions for the purpose of improving drainage, engaging in other water management strategies, increasing flood protection, or otherwise enhancing environmental quality and/or promoting ecotourism in St. Bernard Parish. SBPG will only entertain engaging in such actions if they are consistent with all applicable regulations and/or approved plans pertaining to floodplain management, water resources management, pollution reduction, economic development, land use, and the like. SBPG will solicit public input when considering maintaining or conveying LLT properties for the purpose of enhancing environmental quality and/or promoting ecotourism, and will submit a proposal to both the St. Bernard Parish Planning Commission and the St. Bernard Parish Council for final approval before any resources are dedicated to maintenance or any transaction is executed.

3. Private Redevelopment

SBPG and its contractors will actively engage in promoting the sale of LLT properties for the purpose of private redevelopment. Covenants may also be established and attached to LLT property titles as properties are conveyed from SBPG to private entities (Appendices F and G). SBPG shall convey LLT properties to private entities under a competitive bidding process. This may be accomplished via the current auction services being provided by LLT or via an internal bidding process established by SBPG in accordance with all applicable laws. If SBPG elects to utilize the auction services being provided by LLT, the scope of such auctions shall be established by the Administration and the Department of Community Development and approved by the St. Bernard Parish Council prior to execution. SBPG may engage in "bundling" LLT properties for the purpose of large-scale development; may target certain neighborhoods for small scale redevelopment; or may re-subdivide LLT properties prior to sale for the purpose of encouraging low density redevelopment.

SBPG will partner with the St. Bernard Home Mortgage Authority and local lending institutions to facilitate the availability of "soft second" mortgage opportunities, and may also partner with local realtors and investors in instituting a "buy and build" program for prospective LLT property purchasers. Additionally, SBPG will partner with the US Department of Agriculture and other agencies and/or non-profit organizations for the purpose of making LLT properties available for affordable housing opportunities.

III. Long Term Recovery Plan

St. Bernard Parish adopted a long term recovery plan which was approved by the Louisiana Recovery Authority in 2006. The Plan focuses heavily on the integration of infrastructure needs and population growth in St. Bernard Parish, and outlines the means by which the parish intends on demolishing storm-damaged structures; consolidating sewer treatment services; rehabilitating the water plant and distribution system; and supporting the construction of a hospital and medical services district.

Thousands of storm-damaged structures have since been demolished in St. Bernard Parish, and many of the large-scale improvements to the water and sewer systems have either been completed or are slated to be completed by March 2014. Finally, the new hospital is slated to be completed and open for business by June 2012. The hospital will be accompanied by a medical office building which is scheduled to be completed and fully operational by the end of the year. The construction of the hospital and medical office building has already prompted a considerable amount of commercial development along West Judge Perez Dr. in western St. Bernard Parish.

The population of St. Bernard Parish is now estimated to be over 35,000 as SBPG enters the final phase of its recovery. The disposition paths outlined in the Redevelopment and Disposition Plan are intended to provide SBPG with the tools needed to solidify St. Bernard Parish's recovery by utilizing LLT properties to redevelop remaining distressed and/or blighted areas in a manner that promotes community, long term well-being, and prosperity. The extent to which public input and neighborhood support will drive the efforts of SBPG cannot be overstated.

IV. Conformance with Community Development Block Grant Guidelines

SBPG has historically utilized the Community Development Block Grant (CDBG) program to fund local community development activities. Andrew Becker, SBPG Assistant Recovery Manager, has been designated by the Administration as its Equal Opportunity Officer, 504 Coordinator and Residential Anti-displacement Officer. Additionally, Jerry Graves, Jr., SBPG Chief Administrative Officer, has been designated by the Administration as its Fair Housing Coordinator. Both will work under the direction of SBPG and in tandem with LLT and the Louisiana Office of Community Development (OCD) to ensure that the Redevelopment and Disposition Plan is administered in a manner consistent with CDBG guidelines.

V. Affordable Housing

SBPG is committed to making 25% of all residual LLT properties available for the purpose of affordable housing. SBPG has already designated a number of LLT properties for the purpose of affordable housing through its partnership with the National Relief Network and other non-profit organizations. Additionally, hundreds of low-to-moderate income residents have purchased LLT properties at a discounted rate through the LND program, and will continue to have the opportunity to do so for the life of that disposition path. Finally, SBPG has expressed an interest in partnering with the US Department of Agriculture and other local non-profit organizations for the purpose of making LLT properties available for newly constructed affordable housing.

VI. Green Space

Please refer to *Section II. Proposed Disposition Paths, Processes and Policies, Subsection 2. Public Use, Recreational Amenities, Environmental Quality, and Ecotourism.* The Waggoner and Ball LLT Plan will be used by SBPG as a guide for creating green space via LLT properties.

VII. Conformance with Recovery and Rebuilding Principles

SBPG has spent over $1 billion on its recovery. Most of the infrastructure in St. Bernard Parish is new, and the entire federal hurricane levee protection system around St. Bernard Parish will be recertified in 2012. SBPG has also spent millions of dollars on hazard mitigation activities and has utilized recovery funding to increase drainage and pumping capacity whenever possible.

SBPG intends on utilizing LLT properties in a manner that further restores confidence among the public, enhances quality of life, and increases community resiliency by (1) decreasing pre-Katrina housing density in the floodplain; (2) creating green space; (3) creating new recreational opportunities; (4) enhancing environmental quality and promoting ecotourism; and (5) facilitating the availability of a new housing stock that meets all current codes and standards.

The repopulation of blighted and/or distressed neighborhoods and the availability of a new housing stock will undoubtedly enhance property values and promote economic growth in St. Bernard Parish. Additionally, the increased tax base will allow SBPG to provide a broader range of public services and to appropriately maintain the abundance of new infrastructure that has been constructed during the recovery. Finally, the concepts introduced in the Redevelopment Disposition Plan, the Waggoner and Ball LLT Plan, and the forthcoming land use plan will be used as a means of promoting planning in St. Bernard Parish and ultimately redeveloping a more sustainable and livable community.

VIII. Strategy for Property Insurance, Maintenance, and Security

SBPG will accept residual LLT properties from LLT at the latest possible date. According to a real estate market analysis conducted by Dr. Wade Ragas, insurance, maintenance, and security for each LLT property would cost an average of $1,050 annually. SBPG estimates that it may acquire no less than 2,000 residual properties by the end of 2012. Consequently, the annual cost for SBPG to insure, maintain, and secure 2,000 LLT properties would be approximately $2.1 million.

The revenue already generated by the LND program is now estimated to be approximately $3 million. This figure would only provide SBPG with enough funding to address all of the costs associated with 2,000 LLT properties for approximately seventeen (17) months. Additional program revenue generated by the LND program and other disposition paths would also be utilized for the purpose of covering the costs associated with LLT properties. Ultimately, it will be necessary for SBPG to aggressively market LLT properties for private sale in order to generate a steady stream of revenue and to maintain a sustainable redevelopment program.

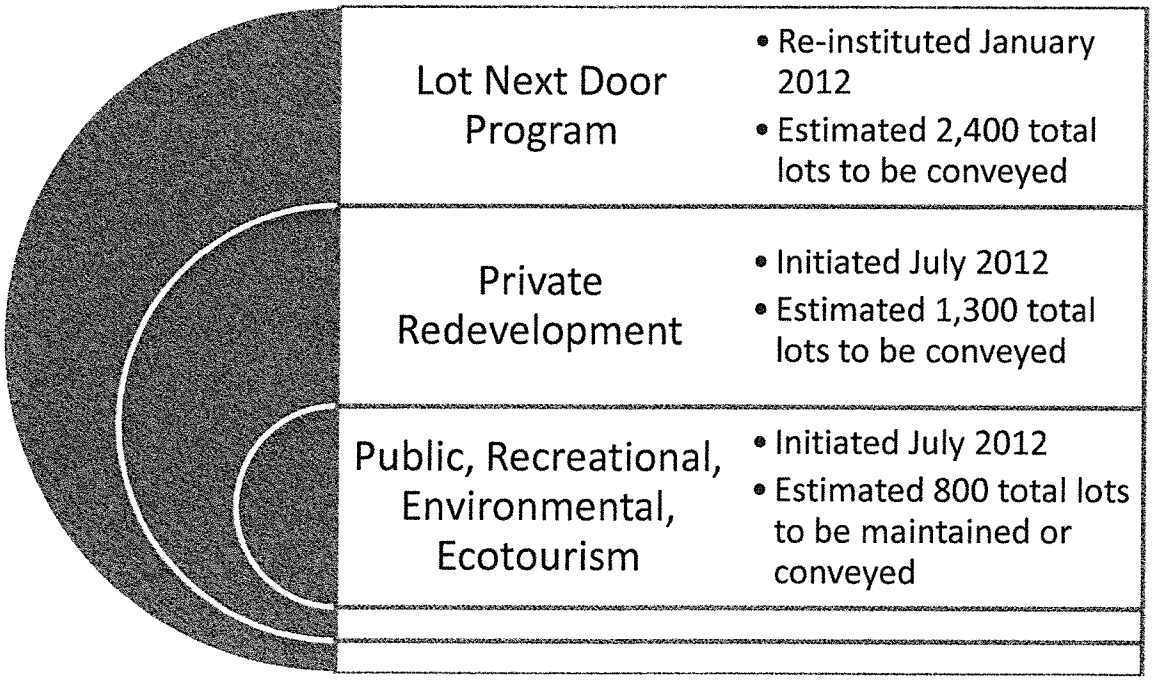
SBPG may also engage in a number of measures to control the costs associated with insuring, maintaining, and securing LLT properties. Partnerships with governmental entities, neighborhood associations, and non-profit organizations would provide various cost saving opportunities. Public use of LLT properties for suburban/agricultural purposes or low maintenance native plantings may also provide a great deal of fiscal relief by eliminating the otherwise constant need for lawn care.

IX. Redevelopment and Disposition Timeline

The LLT originally acquired approximately 4,500 properties in St. Bernard Parish. As of March 2012, nearly 2,200 LLT properties have either been conveyed or have pending purchase agreements through the LND program. SBPG estimates that as many as 200 additional LLT properties may be conveyed through LND as the program continues. As previously stated, the LND disposition path will remain activated indefinitely.

Upon approval of the Redevelopment and Disposition Plan and execution of the Cooperative Endeavor Agreement, SBPG will activate the remaining two disposition paths. SBPG estimates that approximately 1,300 LLT properties will be conveyed for the purpose of private redevelopment and 800 properties will be either maintained or conveyed for public, recreational, environmental, or ecotourism purposes over the course of the next three years.

Figure IX-1: *Redevelopment and Disposition Timeline and Path Estimates*



X. Public Input and Local Commitment to the Redevelopment and Disposition Plan

The HRQLC and the St. Bernard Parish Council have conducted a series of town hall meetings regarding the Redevelopment and Disposition Plan. Additionally, the HRQLC has discussed updating the plan at several recent public meetings. The final version of the proposed plan will go before the HRQLC, the St. Bernard Parish Planning Commission, and the St. Bernard Parish Council prior to approval. Each of these bodies will conduct a public hearing regarding the plan. Finally, as mentioned in several subsections of the plan, there are various components of the disposition paths which require approval from the HRQLC, the St. Bernard Parish Planning Commission, and the St. Bernard Parish Council. Subsequent public hearings will therefore be held as each disposition path is activated and implemented.

XI. Estimated Budget and Financing

As stated in *Section VIII. Strategy for Property Insurance, Maintenance, and Security*, SBPG estimates that approximately 2,000 LLT properties will be conveyed SBPG in 2012. These estimates account for ongoing LND sales throughout the year, but do not account for any potential LLT conveyances through disposition paths that have yet to be activated. Furthermore, these estimates do not account for any LLT properties that may be conveyed to SBPG as the result of Road Home Option 1 defaults. The annual budgeting and financing estimates outlined in this section each assume that 2,000 LLT properties will be conveyed to SBPG in September 2012 and that each disposition path will be activated and implemented in a manner that is consistent with the estimates provided in *Figure IX-1: Redevelopment and Disposition Timeline and Path Estimates*.

Figure XI-1: *2012 LLT Program Budget*

2012 LLT Program Budget*

LLT Property Inventory as of 9/1/2012 (2,000)

Revenue:	Program Revenue	$3,000,000	*Balance received from LLT*
	Lot Next Door	$250,000	*Based on 100 sales*
	Public, Recreation, etc.	$25,000	*Based on 10 sales*
	Private Sales	$250,000	*Based on 100 sales*
	TOTAL REVENUE:	**$3,525,000**	*Total 2012 Sales: 210*
Expenditures:	Insurance, Maint., etc.	$525,000	*Based on 2,000 LLT properties*
	Appraisal, Title, Closing	$157,500	*Based on 210 LLT sales*
	Advertising	$5,000	
	TOTAL EXPENDITURES:	**$687,500**	
	2012 Fund Balance:	**$2,837,500**	
	2012 Inventory Balance:	**1,790**	

Figure XI-2: *2013 LLT Program Budget*

2013 LLT Program Budget*

LLT Property Inventory as of 1/1/2013 (1,790)

Revenue:	Program Revenue	$2,837,500	*Balance from 2012*
	Lot Next Door	$375,000	*Based on 150 sales*
	Public, Recreation, etc.	$125,000	*Based on 50 sales*
	Private Sales	$1,250,000	*Based on 500 sales*
	TOTAL REVENUE:	**$4,587,500**	*Total 2013 Sales: 700*
Expenditures:	Insurance, Maint., etc.	$1,879,500	*Based on 1,790 LLT properties*
	Appraisal, Title, Closing	$525,000	*Based on 700 LLT sales*
	Advertising	$15,000	
	TOTAL EXPENDITURES:	**$2,419,500**	
	2013 Fund Balance:	**$2,168,000**	
	2013 Inventory Balance:	**1,090**	

Figure XI-3: *2014 LLT Program Budget*

2014 LLT Program Budget*

LLT Property Inventory as of 1/1/2014 (1,090)

Revenue:	Program Revenue	$2,168,000	*Balance from 2013*
	Lot Next Door	$125,000	*Based on 50 sales*
	Public, Recreation, etc.	$150,000	*Based on 60 sales*
	Private Sales	$1,500,000	*Based on 600 sales*
	TOTAL REVENUE:	**$3,943,000**	*Total 2014 Sales: 710*
Expenditures:	Insurance, Maint., etc.	$1,144,500	*Based on 1090 LLT properties*
	Appraisal, Title, Closing	$532,500	*Based on 710 LLT sales*
	Advertising	$15,000	
	TOTAL EXPENDITURES:	**$1,692,000**	
	2014 Fund Balance:	**$2,251,000**	
	2014 Inventory Balance:	**380**	

*** See Appendix A for an explanation of budget line item estimates**

XII. Redevelopment and Disposition Plan Approval

The Redevelopment and Disposition Plan has been prepared by the SBPG Chief Administrative Officer and the Office of Housing and Redevelopment staff. The plan was first submitted to the HRQLC for review and public hearing (Appendix B). The plan was then amended by the HRQLC and forwarded to the St. Bernard Parish Planning Commission for review and public hearing (Appendix C). The St. Bernard Parish Planning Commission submitted its comments to the HRQL, and the staff edited the plan and submitted it to the St. Bernard Parish Council for review, public hearing and final approval.

The Redevelopment and Disposition Plan was initially approved by Council Ordinance #1303-05-12 (Appendix D) on May 15, 2012.

Upon receipt of comments from LLT and OCD in early June, SBPG revised the plan and submitted it back to the St. Bernard Parish Council for public hearing and final approval on June 13, 2012. The Redevelopment and Disposition Plan was once again approved by Council Ordinance #1315-07-12 (Appendix E) on July 3, 2012.

NAME AND SIGNATURE OF AUTHORIZED REPRESENTATIVE:

Jerry Graves, Jr.
Chief Administrative Officer, St. Bernard Parish Government
Chairman, St. Bernard Parish Housing, Redevelopment, and Quality of Life Commission

Signature: _____ Date: 7/5/12

Acronym Index

CDBG Community Development Block Grant

HRQLC St. Bernard Parish Housing, Redevelopment, and Quality of Life Commission

LND Lot Next Door

LLT Louisiana Land Trust

OCD Louisiana Office of Community Development

SBPG St. Bernard Parish Government

Amendment Procedures

SBPG will prepare amendments to the Redevelopment and Disposition Plan through the Administration and the Department of Community Development and will submit them to the Planning Commission for comment and to the St. Bernard Parish Council for public hearing and final approval.

Appendix A: Budget Line Item Estimates

LLT Program Budget Line Item Estimates			
Revenue:	Lot Next Door	*$4,000/lot	*Based on Estimated Average Sale Price
	Public, Recreation, etc.	*$4,000/lot	
	Private Sales	*$4,000/lot	
Expenditures:	Insurance, Maint., etc.	$1,050/lot	Annual Estimate Provided by Dr. Wade Ragas
	Appraisal, Title, Closing	$750/lot	Based on Estimate and 50% Cost-Share
	Advertising	Various	Based on Anticipated Annual Need

Appendix B: HRQLC Approval

St. Bernard Parish Government

8201 West Judge Perez Drive Chalmette, Louisiana 70043
Phone (504) 278-4200 Fax (504) 278-4330

David E. Peralta
Parish President

MEMORANDUM

TO: JERRY GRAVES, JR.
CHIEF ADMINISTRATIVE OFFICER

FROM: DONNA A. NYE, BOARD SECRETARY
ST. BERNARD HOUSING, REDEVELOPMENT & QUALITY OF LIFE COMMISSION

RE: SBP HOUSING, REDEVELOPMENT & QUALITY OF LIFE COMMISSION

As the Board Secretary to the St. Bernard Housing, Redevelopment & Quality of Life Commission I certify the following results of action taken at a regular meeting of the St. Bernard Parish Housing, Redevelopment & Quality of Life Commission on April 25, 2012, regarding the St. Bernard Parish Redevelopment and Disposition Plan for the Louisiana Land Trust properties.

The Commission approved the SBPG Redevelopment and Disposition Plan for Louisiana Land Trust properties and further voted to forward the plan to the St. Bernard Parish Council for final approval with recommendations from the Planning Commission and Administration.

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

YEAS: Lauga, Lewis, McInnis, DiFatta and Peralta

NAYS: None

ABSENT: Gorbaty, Montelongo and Cavignac

The Vice Chairman, Mr. Hunnicutt, cast his vote as Yea.

And the motion PASSED on the 25th day of April, 2012.

Respectfully submitted,
Donna A. Nye
Board Secretary

Appendix C: Planning Commission Approval

St. Bernard Parish Government
Department of Community Development
8201 West Judge Perez Drive
Chalmette, La. 70043
David E. Peralta
Parish President
278-4908 278-4998 (Fax)

May 16, 2012

TO: Jerry Graves, Jr.
FROM: Candace Watkins
RE: Planning Commission Approval LLT Disposition Plan

Below, please find the results of the vote taken at the regular meeting of the St. Bernard Parish Planning Commission held April 24, 2012, concerning approval of the St. Bernard Parish Redevelopment and Disposition Plan for the Louisiana Land Trust Properties

Upon the motion of Mr. Pentney, seconded by Mr. Williams, the motion was unanimously passed to APPROVE the LLT Disposition Plan.

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

YEAS: Schneider, McElroy, Gross, Williams, Pentney

NAYS: None.

NOT VOTING: None.

ABSTAINED: None.

ABSENT: District (A), (vacant)

The Chairman, Earl Dauterive, III, cast his vote as YEA.

And the motion was adopted on the 24th day of April, 2012.

Candace Watkins
Candace Watkins, Secretary to the Commission

Appendix D: Council Approval (May 2012)

St. Bernard Parish Council

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

Guy McInnis
Councilman
at Large

George Cavignac
Councilman
at Large

Ray Lauga, Jr.
Councilman
District A

Nathan Gorbaty
Councilman
District B

Richard "Richie" Lewis
Councilman
District C

Casey W. Hannaman
Councilman
District D

Manuel "Monty" Montelongo III
Councilman
District E

Roxanne Adams
Clerk of Council

#19

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MAY 15, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC# 1303-05-12

Summary No. 2618
Introduced by: Administration on 5/3/12
Public Hearing held on 5/15/12

AN ORDINANCE TO APPROVE ST. BERNARD PARISH GOVERNMENT REDEVELOPMENT AND DISPOSITION PLAN FOR LOUISIANA LAND TRUST PROPERTIES AND FORWARD THE PLAN TO THE STATE OF LOUISIANA.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That the following St. Bernard Parish Government Redevelopment and Disposition Plan for Louisiana Land Trust Properties is hereby authorized as attached. (Exhibit A.) Upon adoption of the Redevelopment and Disposition Plan for Louisiana Land Trust Properties, it will then be forwarded to the State of Louisiana.

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

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

Appendix E: Council Approval (July 2012)

St. Bernard Parish Council

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

Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#16

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JULY 3, 2012 AT SEVEN O'CLOCK P.M.

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

ORDINANCE SBPC #1315-07-12

Summary No. 2832
Introduced by: Administration on 6/19/12
Public Hearing held on 7/3/12

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1303-05-12,** APPROVOING ST. BERNARD PARISH GOVERNMENT REDEVELOPMENT AND DISPOSITION PLAN FOR LOUISIANA LAND TRUST PROPERTIES AND FORWARD THE PLAN TO THE STATE OF LOUISIANA.

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Appendix F: LLT Restrictive Covenants

St. Bernard Parish Government

Louisiana Land Trust Restrictive Covenants

St. Bernard Parish Government (SBPG) and the Housing, Redevelopment and Quality of Life Commission propose to adopt the following restrictive covenants for Louisiana Land Trust (LLT) properties in order to support quality housing and healthy neighborhood development:

1) *Large-Scale Redevelopment* Individuals and/or entities who purchase a Developer's Package of LLT properties of five (5) or more must complete the construction of a home on no less than twenty percent (20%) of the total purchased properties within a two-year period. This two-year period shall commence on the date of closing for a Developer's Package. Failure to meet this quota grants SBPG and/or LLT the right to demand the return of the properties.

2) *Re-subdivision* LLT properties may not be re-subdivided into smaller lots for future individual use or sale;

3) *Fences* Drawings indicating the location, material, type, and dimensions of all fencing on LLT properties must accompany the building plans submitted to the Department of Community Development as part of a building permit application. All developed LLT properties must have a fenced-in rear yard; and

4) *Lawn Maintenance* Grass violations resulting in liens valued at 50% of the original purchase price of an LLT lot will be considered a violation of the terms of the original sale and grants SBPG and/or LLT the right to demand the return of the property.

Appendix G: LLT Restrictive Covenants Approval

St. Bernard Parish Council

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Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#15

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JULY 3, 2012 AT SEVEN O'CLOCK P.M.

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

ORDINANCE SBPC#1314-07-12

Summary No. 2826
Introduced by: Administration on 6/5/12
Public Hearing held on 6/19/12
Tabled by Council on 6/19/12

AN ORDINANCE TO APPROVE RESTRICTIVE COVENANTS FOR LOUISIANA LAND TRUST (LLT) PROPERTIES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Council does hereby adopt the attached document (Exhibit A) as restrictive covenants for LLT properties.

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

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

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

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Councilman District E

Roxanne Adams
Clerk of Council

#14

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JULY 17, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1316-07-12

Summary No. 2814
Introduced by: Councilman McInnis on 5/1/12
Public Hearing held 7/17/12

AN ORDINACNE TO **AMEND** ST. BERNARD PARISH CODE OF ORDINACNES CHAPTER 22 ZONING; CHAPTER IX, ADMINISTRATION & ENFORCEMENT, SEC. 900 PLANNING COMMISSION, SUBSECTION 900.1, GENERAL.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That Chapter 22 Zoning; Chapter IX, Administration & Enforcement, Sec. 900 Planning Commission, Subsection 900.1, General is amended to read the following:

Sec. 900 Planning Commission, Subsection 900.1 General

(k) Planning Commission shall conduct a public hearing and take action on recommendation to the Council on each complete application at the next available regular meeting after which all public notice requirements have been met.

(l) Council shall not take official action upon any change or amendment until receiving a recommendation on the action item from the Planning Commission; provided, however, that a recommendation has been filed within forty-five (45) days after the date of the public hearing. If not, Council may then take official action upon the change or amendment.

(m) Council shall take action on petition no later than ninety days from date of

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Commission's public hearing. A final yea or nay vote shall have been taken on the proposal by the council within ninety (90) days from the public hearing as provided above. Failure of the St. Bernard Parish Council to take action results in an automatic denial.

(n) Any application for a conditional use, zone change, or zoning text amendment that is denied by the Council shall not be submitted again for consideration for a period of two years, except that the Council may grant a re-hearing before one year if it finds, on facts presented in writing, that a material change in the situation justifies this action in the interest of the public as well as the petitioners following the date of the decision.

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

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

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 17th day of July, 2012.

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Councilman District E

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Clerk of Council

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 7/19/12 1:17pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 7/20/12 2:42 pm
Date and Time

Received by Ashley Bohlmann

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#15

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, JULY 17, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1317-07-12

Summary No. 2824
Introduced by: Administration on 6/5/12
Public Hearing held 7/17/12

AN ORDINANCE TO AMEND CHAPTER 22; SECTION 22-2-4 (DEFINITIONS), SECTION 22-4-2.13 (PROJECTIONS INTO REQUIRED YARDS), SECTION 22-4-2.14 (ACCESSORY BUILDINGS AND STRUCTURES) AND SECTION 22-5-5 (PERMITTED ACCESORY BUILDINGS & STRUCTURES) IN THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Council does hereby amend and adopt the attached amendments (Exhibit A) to Chapter 22; Section 22-2-4, Section 22-4-2.13, Section 22-4-2.14 and Section 22-5-5.

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

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

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Manuel "Monty" Montelongo III
Councilman District E

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Clerk of Council

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

YEAS: Lauga, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: Gorbaty

ABSENT: None

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

And the motion was declared **adopted** on the 17th day of July, 2012.

ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 7/19/12 1:17pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 7/20/12 2:44pm
Date and Time

Received by Ashley Bohemann

Exhibit "A" for Summary No. 2824

22-2-4. Definitions

22-2-4.105. Through Lot: A lot that runs from street to street, such streets being parallel; either end of which is considered a front yard.

*** The re-numbering of the rest of the definitions will be adjusted accordingly after the adoption of the ordinance.

22-4-2.13. PROJECTIONS INTO REQUIRED YARDS

(a) Every part of a required yard shall be open to the sky except ordinary projections not over eighteen (18) inches, except that a roof, gutter or eaves, awning or canopy may project to the extent of four (4) feet, providing at least three (3) feet remains open to the sky between the farthest projection of the roof, gutter or eaves, awning or canopy and the side property line.

(b) A carport or porte-cochere, attached to or detached from the main building, may be constructed in a required side yard and may be attached to an enclosed accessory building; provided, that no wall of such accessory building is less than fifty (50) feet from the front lot line nor less than three (3) feet from the side lot line; provided further, that such carport or porte-cochere is at least three (3) feet removed from the nearest side lot line, and that the combined length of such carport and accessory building does not exceed thirty (30) feet, and that the height of such carport or accessory building does not exceed thirteen (13) feet. A carport attached to the main building shall be unenclosed on the street side and on the side nearest the side lot line; a carport detached from the main building shall be unenclosed on the street side and on both sides approximately paralleling the side lot line.

(c) An open unenclosed uncovered porch, terrace or steps not greater in elevation than the ground floor may project into a required front yard a distance not more than ten (10) feet, but in no case no more than half the distance from the building line to the front property line, or project into a required side yard to a point not closer than three (3) feet to any side lot line. This shall not be interpreted to include or permit fixed marquees or canopies except where otherwise provided herein.

22-4-2.14. ACCESSORY BUILDINGS AND STRUCTURES

(a) The following provisions shall regulate the location of accessory buildings with respect to required yards:

(1) Accessory buildings shall be prohibited in any required front yard or side street side yard.

(2) Where an accessory building is located in a zone requiring a side yard and such building is entirely to the rear of the principal structure, the accessory building shall be distant at least three (3) feet (sky clearance) from any adjoining lot line.

(3) Where any portion of an accessory building projects between a principal structure and the side lot line, the accessory building shall comply with the required side yard restriction for a principal structure in the zone in which it is located.

(4) Where a corner lot adjoins in the rear a lot in any residential zone, no part of an accessory building within twenty-five (25) feet of the common lot line shall extend closer to the street than the actual or required depth, whichever is less, of the front yard for the principal structure on the adjoining lot.

(b) Accessory buildings shall not exceed one (1) story or thirteen (13) feet in height except for barns, boat docks and other such agricultural and fishing-related accessory structures in an A-1 Rural zone.

(c) Where any portion of or entire accessory building in a residential zone occupies the required rear yard, said portion or entire accessory building shall not occupy more than thirty (30) percent of the required rear yard, and in no case shall it exceed the lot coverage nor the total square footage of the building to which it is accessory.

(d) There shall not be more than one (1) accessory building or structure permitted to cover any part of a required rear or side yard with the following exceptions:

(1) Dish antennas in any zone.

(2) A second accessory storage shed, gazebo, cabana, greenhouse or similar structure shall be permitted so long as the total square footage of all accessory buildings in the required rear yard does not exceed thirty (30) percent of this area.

(e) Metal accessory buildings shall not exceed one hundred twenty (120) square feet and nine (9) feet in height; and shall not be located closer than fifty (50) feet to a front property line.

22-5-5. PERMITTED ACCESSORY BUILDINGS & STRUCTURES

No accessory building or structure shall be constructed or placed in such a manner that it could be used as a dwelling unit. All accessory buildings or structures must be permitted by the Department of Community Development, and such structure must be accompanied by a substantially completed dwelling unless they are being used for a lawful commercial purpose in the appropriate zone with the exception of barns, boat docks and other such agricultural and fishing-related accessory structures in and A-1 Rural zone.

1. The following accessory buildings and structures are permitted in the rear and side yards:
   a. Storage sheds, detached garages and carports, playhouses, swimming pools, bath houses, antenna, dishes, and other outbuildings or structures.
   b. Fences, stone walls, and retaining wall. (Retaining walls shall not have to comply with setbacks.)
   c. Dog houses, runs, kennels, and penned areas.

d. Residential accessory buildings and structures shall not occupy more than thirty (30) percent of the required rear yard, and in no case shall the size exceed thirty (30) percent of the total square footage of the dwelling to which it is an accessory. This provision shall not apply to accessory buildings and structures in A-1 Rural, SA Suburban Agricultural, or the SBV St. Bernard Village zones.
e. Residential accessory buildings and structures shall not exceed thirteen (13) feet in height.
f. Residential accessory buildings and structures must be fenced in. Garages may not be fenced in on the front side of a dwelling in instances where there is an impervious driveway leading to the structure. In instances where a garage is located on a lot which has a rear yard that fronts a street, the structure must be fenced in along the width of the rear property setback. A portion of the rear property setback may remain unfenced only for the width of the required rear impervious driveway leading to the garage. This provision shall not apply to accessory buildings and structures in A-1 Rural, SA Suburban Agricultural, or the SBV St. Bernard Village zones.
g. When used as an accessory to a dwelling, metal storage buildings shall not exceed one hundred twenty (120) square feet in area and nine (9) feet in height. Metal storage buildings shall not front a rear property setback when said property has a rear property line which fronts a street. This provision shall not apply to accessory buildings and structures in A-1 Rural, SA Suburban Agricultural, or the SBV St. Bernard Village zones.
h. Portable storage units such as PODS are allowed in any district for a period not to exceed thirty (30) days and shall only be permitted in the rear or side yard in accordance with the provisions outlined in Section 22-5-5-f. of this Chapter. Mobile homes, travel trailers, and recreational vehicles may not be used as portable storage units.

2. An accessory building or structure that does not comply with the above requirements may be permitted by variance if the Board of Zoning Adjustments finds that such accessory building or structure will be compatible with the location in which it is proposed to be built after considering:
   a. the character of the neighborhood and area,
   b. the size and shape of the lot,
   c. the location of the accessory structure, and
   d. the proposed use of the accessory structure.

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#16

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JULY 17, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1318-07-12

Summary No. 2833
Introduced by: Administration on 6/19/12
Public Hearing was tabled on 7/3/12
Adoption was tabled on 7/3/12

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF THIRTY THREE MILLION EIGHT HUNDRED EIGHTY FIVE THOUSAND DOLLARS ($33,885,000) OF SALES TAX REFUNDING BONDS, SERIES 2012, OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA; PRESCRIBING THE FORM, FIXING THE DETAILS AND PROVIDING FOR THE RIGHTS OF THE OWNERS THEREOF; PROVIDING FOR THE PAYMENT OF SUCH BONDS AND THE APPLICATION OF THE PROCEEDS THEREOF TO THE REFUNDING OF CERTAIN BONDS OF SAID PARISH; AWARDING SAID BONDS TO THE UNDERWRITER THEREOF AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Parish of St. Bernard, State of Louisiana (the "Issuer"), is now levying and collecting a special one-half of one percent (1/2%) sales and use tax (the "1965 Tax") pursuant to an election held on July 13, 1965, at which election the following proposition was approved by a majority of the qualified electors voting at such election, viz:

PROPOSITION
(July 13, 1965)

Shall the Parish of St. Bernard, State of Louisiana, acting through its governing authority, under the provisions of Act No. 29 of the Extraordinary Session of the Legislature of Louisiana for the year 1964, be authorized to levy and collect a tax of one-half of one percent (½%) upon the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption of

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tangible personal property and on sales of services in the Parish of St. Bernard, all as defined in R.S. 47:301 through 47:317, with the proceeds of the tax to be used to provide additional funds for the operation of the governmental affairs of the Parish of St. Bernard, including constructing and maintaining public roads, highways, bridges, underpasses, overpasses, and other vehicular crossings; constructing and maintaining street lighting facilities; constructing and maintaining drains and drainage canals, constructing, purchasing and maintaining garbage and waste disposal and health and sanitation equipment and facilities; constructing and maintaining public buildings; purchasing, constructing, acquiring (by purchase or lease), improving and maintaining public parks and recreational facilities and acquiring the necessary equipment and furnishings therefor; purchasing equipment for mosquito control and abatement and maintaining and operating a program in connection therewith; constructing, acquiring, improving or maintaining any work of permanent public improvement, including a fresh water siphon; and purchasing, acquiring and maintaining all equipment and furnishings for said public works, buildings, improvements and facilities in the Parish of St. Bernard, or for any one or more of said purposes, title to which improvements shall be in the public, said tax to be subject to funding into bonds by the Parish in such manner as may now or hereafter be provided by law?

WHEREAS, the Parish of St. Bernard, State of Louisiana (the "Issuer"), is now levying and collecting a special one-half of one percent (1/2%) sales and use tax (the "1969 Tax") pursuant to an election held on July 15, 1969, at which election the following proposition was approved by a majority of the qualified electors voting at such election, viz:

PROPOSITION
(July 15, 1969)

Shall the Parish of St. Bernard, State of Louisiana, acting through its governing authority, under the provisions of Act No. 83 of the Regular Session of the Legislature of Louisiana for the year 1968, be authorized to levy and collect a tax of one-half of one percent (½%) upon the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption of tangible personal property and on sales of services in the Parish of St. Bernard, all as defined in R.S. 47:301 through 47:317, with the proceeds of the tax to be used to provide additional funds for the operation of the governmental affairs of the Parish of St. Bernard, including constructing and maintaining public roads,

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highways, bridges, underpasses, overpasses, and other vehicular crossings and acquiring equipment therefor; acquiring and maintaining public transportation facilities and equipment therefor; constructing and maintaining street lighting facilities; constructing and maintaining drains and drainage canals; constructing, purchasing and maintaining garbage and waste disposal and health and sanitation equipment and facilities; constructing and maintaining public buildings; purchasing, constructing, acquiring (by purchase or lease), improving and maintaining public parks and recreational facilities and acquiring the necessary equipment and furnishings therefor; purchasing equipment for mosquito control and abatement and maintaining and operating a program in connection therewith; constructing, acquiring, improving or maintaining any work of permanent public improvement, including a fresh water siphon; and purchasing, acquiring and maintaining all equipment and furnishings for said public works, buildings, improvements and facilities in the Parish of St. Bernard, or for any one or more of said purposes, title to which improvements shall be in the public; and shall the proceeds of said tax (together with the proceeds of a similar one-half of one per cent (½%) tax authorized at an election held in said Parish on July 13, 1965) be subject to funding into bonds by the Parish for the purpose of paying all or any part of the cost of one or more of the aforesaid public works, buildings, improvements and facilities in said Parish, all in the manner provided by said Act No. 83 as the same now exists or may hereafter be amended?

WHEREAS, the Parish of St. Bernard, State of Louisiana (the "Issuer"), is now levying and collecting a special one-half of one percent (1/2%) sales and use tax (the "1977 Tax") pursuant to an election held on December 7, 1976, at which election the following proposition was approved by a majority of the qualified electors voting at such election, viz:

PROPOSITION
(December 7, 1976)

Shall the Parish of St. Bernard, State of Louisiana, acting through its governing authority, under the provisions of Article VI, Section 29(A) of the Constitution of the State of Louisiana of 1974, Act No. 83 of the Regular Session of the Louisiana Legislature of 1968, and other constitutional and statutory authority supplemental thereto, be authorized to levy and collect, and adopt an ordinance providing for such levy and collection, an additional tax of one-half of one per cent (½%) (the "Tax") upon the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption of tangible

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personal property and on sales of services in the Parish of St. Bernard (the "Parish"), all as defined in R.S. 47:301 through 47:317, with the proceeds of the Tax to be used to provide additional funds for any lawful corporate purposes of the Parish, including, but not limited to, constructing and maintaining public roads, highways, bridges, underpasses, overpasses, and other vehicular crossings and acquiring equipment therefor, constructing and maintaining street lighting facilities; constructing, maintaining and operating drains and drainage equipment, facilities and canals; constructing, purchasing, maintaining and operating garage and waste disposal and health, sewer and sanitation equipment and facilities; constructing, maintaining, improving and operating public buildings; purchasing, constructing, acquiring (by purchase or lease), improving, maintaining and operating public parks and recreational facilities and acquiring the necessary equipment and furnishings therefor; purchasing equipment for mosquito control and abatement and maintaining and operating a program in connection therewith; constructing, acquiring, improving, maintaining and operating any work of permanent public improvement; and purchasing, acquiring, maintaining and operating all equipment and furnishings for said public works, buildings, improvements and facilities in the Parish, or for any one or more of said purposes, title to which improvements shall be in the public; and shall the Parish be further authorized to issue bonds payable from the Tax for the purpose of paying all or part of the cost of one or more of the aforesaid public works, buildings, improvements and facilities in the Parish, to the extent and in the manner permitted by the laws of Louisiana, including, but not by way of limitation, said Act No. 83 of 1968 as the same now exists or may hereafter be amended?

WHEREAS, pursuant to the authority of the aforesaid elections, the Issuer adopted ordinances on September 27, 1965, August 19, 1969 and December 23, 1976 (collectively, the "Tax Ordinance"), providing for the levy and collection of the aforesaid 1965 Tax, 1969 Tax and 1977 Tax (collectively, the Tax); and

WHEREAS, in accordance with the provisions of the Tax Ordinance, the net avails or proceeds of the aforesaid Tax, after the reasonable and necessary costs and expenses of the collection and administration thereof have been paid therefrom (the "Net Revenues of the Tax") shall be available for appropriation and expenditure by the Issuer for the purposes designated in the propositions authorizing the levy of the aforesaid Tax, which includes the payment of bonds authorized to be issued in accordance with Louisiana law; and

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WHEREAS, the Issuer has heretofore issued bonds which are currently outstanding and payable from a pledge and dedication of the Net Revenues of the Tax, consisting of (i) $3,480,000 of Sales Tax Bonds, Series 2003, maturing serially on March 1 of the years 2013 to 2022, inclusive (the "2003 Bonds") and (ii) $35,465,000 of Sales Tax Bonds, Series 2004, maturing serially on March 1 of the years 2013 to 2024, inclusive (the "2004 Bonds"); and

WHEREAS, the Issuer has found and determined that the refunding of (i) $3,200,000 of the 2003 Bonds, consisting of those 2003 Bonds which mature March 1, 2014 to March 1, 2022, inclusive and (ii) $30,210,000 of the 2004 Bonds, consisting of a portion of those 2004 Bonds which mature March 1, 2015 to March 1, 2024, inclusive (collectively, the "Refunded Bonds") (the unrefunded 2003 Bonds and 2004 Bonds sometimes referred to as the "Outstanding Prior Lien Bonds"), would be financially advantageous to the Issuer; and

WHEREAS, pursuant to Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, it is now the desire of this Parish Council to adopt this ordinance to provide for the issuance of Thirty Three Million Eight Hundred Eighty Five Thousand Dollars ($33,885,000) principal amount of its Sales Tax Refunding Bonds, Series 2012 (the "Bonds"), for the purpose of refunding the Refunded Bonds and paying the costs of issuance of the Bonds, to fix the details of the Bonds and to sell the Bonds to the purchasers thereof; and

WHEREAS, it is the intention of the Issuer that the Bonds authorized herein be secured by and payable from the Net Revenues of the Tax, subject to the prior payment of the reasonable and necessary costs and expenses of collecting and administering the Tax and after provision has been made for the payments required by the Outstanding Prior Lien Bonds; and

WHEREAS, under the terms and conditions of ordinances adopted by the Issuer on December 19, 2002 and June 22, 2004, authorizing the issuance of the Outstanding Prior Lien Bonds (collectively, the "Outstanding Prior Lien Bond Ordinance"), the Issuer has authority to issue additional bonds under the terms and conditions provided therein; and

WHEREAS, the Issuer has determined that all the terms and conditions specified in the Outstanding Prior Lien Bond Ordinance have been or will be completed with prior to the delivery of the Bonds; and

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WHEREAS, it is further necessary to provide for the application of a portion of the proceeds of the Bonds to the refunding of the Refunded Bonds and to provide for other matters in connection with the payment or redemption of the Refunded Bonds; and

WHEREAS, in connection with the issuance of the Bonds, it is necessary that provision be made for the payment of the principal, interest and redemption premium, if any, of the Refunded Bonds described in Exhibit A hereto, and to provide for the call for redemption of the Refunded Bonds, pursuant to a Notice of Defeasance and Call for Redemption; and

WHEREAS, it is necessary that this Parish Council prescribe the form and content of a Defeasance and Escrow Deposit Agreement, as set forth in Exhibit B hereto, providing for the payment of the principal, premium and interest of the Refunded Bonds and authorize the execution thereof as hereinafter provided; and

WHEREAS, the Issuer on June 19, 2012 authorized the issuance of the hereinafter defined Bonds, and the sale thereof to the Underwriter, at such time as the sale of the Bonds produces net present value savings (after payment of all costs) of at least 3% of the principal amount of the Refunded Bonds; and

WHEREAS, pursuant to said authorization of June 19, 2012, the Bonds have been sold to the Underwriter with the required present value savings, and the Parish President has duly executed the Bond Purchase Agreement, as set forth in Exhibit D hereto, with the Underwriter; and

NOW, THEREFORE, BE IT ORDAINED by the Parish Council of the Parish of St. Bernard, State of Louisiana, acting as the governing authority of the Parish of St. Bernard, State of Louisiana, that:

ARTICLE I

DEFINITIONS AND INTERPRETATION

SECTION 1.1. Definitions. The following terms shall have the following meanings unless the context otherwise requires:

"Act" shall mean Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other applicable constitutional and statutory authority.

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"Additional Parity Bonds" shall mean any *pari passu* additional bonds which may hereafter be issued pursuant to Section 8.1 hereof on a parity with the Bonds.

"Bond" or "Bonds" shall mean any or all of the Sales Tax Refunding Bonds of the Parish of St. Bernard, State of Louisiana, Series 2012, issued pursuant to the Bond Ordinance, as the same may be amended from time to time, whether initially delivered or issued in exchange for, upon transfer of, or *in lieu* of any previously issued Bond.

"Bond Counsel" shall mean an attorney or firm of attorneys whose experience in matters relating to the issuance of obligations by states and their political subdivisions is nationally recognized.

"Bond Obligation" shall mean, as of the date of computation, the principal amount of the Bonds then Outstanding.

"Bond Ordinance" shall mean this ordinance, as further amended and supplemented as herein provided.

"Bond Year" means the one-year period ending on March 1 of each year, the principal payment date for the Bonds.

"Business Day" shall mean a day of the year other than a day on which banks located in New York, New York and the cities in which the principal offices of the Escrow Agent and the Paying Agent are located are required or authorized to remain closed and on which the New York Stock Exchange is closed.

"Code" shall mean the Internal Revenue Code of 1986, as amended.

"Costs of Issuance" shall mean all items of expense, directly or indirectly payable or reimbursable and related to the authorization, sale and issuance of the Bonds, including but not limited to printing costs, costs of preparation and reproduction of documents, filing and recording fees, initial fees and charges of any fiduciary, legal fees and charges, fees and charges for the preparation and distribution of a preliminary official statement and official statement, if paid by the Issuer, fees and disbursements of consultants and professionals, costs of credit ratings, fees and charges for preparation, execution, transportation and safekeeping of the Bonds, costs and expenses of refunding, premiums for the insurance of the payment of the Bonds, if any, and any other cost, charge or fee paid or payable by the Issuer in connection with the original issuance of Bonds.

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"Defeasance Obligations" shall mean (a) cash, or (b) non-callable Government Securities.

"Escrow Agent" shall mean Argent Trust, a division of National Independent Trust Company, in the City of Ruston, Louisiana, and its successor or successors, and any other person which may at any time be substituted in its place pursuant to the Bond Ordinance.

"Escrow Agreement" shall mean the Defeasance and Escrow Deposit Agreement dated as of August 22, 2012, between the Issuer and the Escrow Agent, substantially in the form attached hereto as Exhibit B, as the same may be amended from time to time, the terms of which Escrow Agreement are incorporated herein by reference.

"Executive Officers" shall mean collectively the Parish President, the Council Chairman and Clerk of Council of the Parish of St. Bernard, State of Louisiana.

"Fiscal Year" shall mean the one-year period commencing on January 1 of each year, or such other one-year period as may be designated by the Governing Authority as the fiscal year of the Issuer.

"Governing Authority" shall mean the Parish Council of the Parish of St. Bernard, State of Louisiana, or its successor in function.

"Government Securities" shall mean direct general obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, which may be United States Treasury Obligations such as the State and Local Government Series and may be in book-entry form.

"Interest Payment Date" shall mean March 1 and September 1 of each year, commencing September 1, 2012.

"Issuer" shall mean the Parish of St. Bernard, State of Louisiana.

"Net Revenues of the Tax" shall mean the avails or proceeds of the Tax received by the Issuer, after provision has been made for the payment therefrom of all of the reasonable and necessary expenses of collecting and administering the Tax.

"Outstanding", when used with reference to the Bonds, shall mean, as of any date, all Bonds theretofore issued under the Bond Ordinance, except:

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(A) Bonds theretofore cancelled by the Paying Agent or delivered to the Paying Agent for cancellation;

(B) Bonds for the payment or redemption of which sufficient Defeasance Obligations have been deposited with the Paying Agent or an escrow agent in trust for the Owners of such Bonds with the effect specified in this Bond Ordinance, provided that if such Bonds are to be redeemed, irrevocable notice of such redemption has been duly given or provided for pursuant to the Bond Ordinance, to the satisfaction of the Paying Agent, or waived;

(C) Bonds in exchange for or *in lieu* of which other Bonds have been registered and delivered pursuant to the Bond Ordinance; and

(D) Bonds alleged to have been mutilated, destroyed, lost, or stolen which have been paid as provided in the Bond Ordinance or by law.

"Outstanding Prior Lien Bonds" shall mean the Issuer's (i) $280,000 of unrefunded 2003 Bonds maturing serially on March 1, 2013 and (ii) $4,735,000 of unrefunded 2004 Bonds maturing serially on March 1, 2013 and March 1, 2014, as described in the preamble hereto.

"Outstanding Prior Lien Bond Ordinance" shall mean the ordinances adopted by the Issuer on December 19, 2002 and June 22, 2004, authorizing the issuance of the Outstanding Prior Lien Bonds.

"Owner" shall mean the Person reflected as registered owner of any of the Bonds on the registration books maintained by the Paying Agent.

"Paying Agent" shall mean Argent Trust, a division of National Independent Trust Company, in the City of Ruston, Louisiana, as paying agent and registrar hereunder, until a successor Paying Agent shall have become such pursuant to the applicable provisions of the Bond Ordinance, and thereafter "Paying Agent" shall mean such successor Paying Agent.

"Person" shall mean any individual, corporation, partnership, joint venture, association, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof.

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"Qualified Investments" shall mean the following, provided that the same are at the time legal for investment of the Issuer's funds and, if required by law, are secured at all times by collateral described in clause (i) below:

(i) Government Securities, including obligations of any of the Federal agencies set forth in clause (ii) below to the extent unconditionally guaranteed by the United States of America and any certificates or any other evidences of an ownership interest in obligations or in specified portions thereof (which may consist of specified portions of the interest thereon) of the character described in this clause (i) such as those securities commonly known as CATS, TIGRS and/or STRIPS;

(ii) bonds, debentures or other evidences of indebtedness issued by the Private Export Funding Corporation, Federal Home Loan Bank System, Federal Home Loan Mortgage Corporation, Federal National Mortgage Association and Student Loan Marketing Association;

(iii) certificates of deposit, whether negotiable or nonnegotiable, issued by any bank or trust company organized under the laws of the State or any national banking association having its principal office in the State (including the Paying Agent or the Escrow Agent) which is a member of the Federal Deposit Insurance Corporation and which are secured at all times by collateral described in clause (i) above;

(iv) certificates of deposit, savings accounts, deposit accounts or money market deposits of any bank or trust company organized under the laws of the State or any national banking association having its principal office in the State (including the Paying Agent and the Escrow Agent) which are fully insured by the Federal Deposit Insurance Corporation; and

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(v) the Louisiana Asset Management Pool (LAMP).

"Record Date" shall mean, with respect to an Interest Payment Date, the fifteenth day of the calendar month next preceding such Interest Payment Date, whether or not such day is a Business Day.

"Redemption Price" shall mean, when used with respect to a Bond, the principal amount thereof plus the applicable premium, if any, payable upon redemption thereof pursuant to this Bond Ordinance.

"Refunded Bonds" shall mean the Issuer's outstanding (i) Sales Tax Bonds, Series 2003, maturing March 1, 2014 to March 1, 2022, inclusive and (ii) Sales Tax Bonds, Series 2004, maturing March 1, 2015 to March 1, 2024, inclusive, which are being refunded by the Bonds, as more fully described in Exhibit A hereto.

"Reserve Fund Alternative Investment" means a surety bond or insurance policy issued by an insurance company or an irrevocable letter of credit issued by a bank meeting the requirements of Section 4.3 hereof.

"Reserve Fund Requirement" means, with respect to any issue of Additional Parity Bonds, a sum set forth in the applicable ordinance authorizing the issuance of such series of bonds.

"Reserve Insurer", with respect to any issue of Additional Parity Bonds, shall have the meaning set forth in the ordinance providing for the issuance of such series of bonds.

"Reserve Policy", with respect to any issue of Additional Parity Bonds, shall have the meaning set forth in the ordinance providing for the issuance of such series of bonds.

"State" shall mean the State of Louisiana.

"Tax" shall mean (i) one-half of one percent (1/2%) sales and use tax approved at an election held on July 13, 1965 (the "1965 Tax"), (ii) one-half of one percent (1/2%) sales and use tax approved at an election held on July 15, 1969 (the "1969 Tax") and (iii) one-half of one percent (1/2%) sales and use tax approved at an election held on December 7, 1976 (the "1977 Tax"), being levied and collected by the Issuer pursuant to said elections and the Tax Ordinance.

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"Tax Ordinance" means collectively the ordinances adopted by the Governing Authority of the Issuer on September 27, 1965, August 19, 1969, and December 23, 1976, providing for the levy and collection of the Tax.

"Underwriter" shall mean Stephens Inc., of Baton Rouge, Louisiana, the original underwriter of the Bonds.

SECTION 1.2. Interpretation. In this Bond Ordinance, unless the context otherwise requires, (a) words importing the singular include the plural and vice versa, (b) words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders and (c) the title of the offices used in this Bond Ordinance shall be deemed to include any other title by which such office shall be known under any subsequently adopted charter.

ARTICLE II

AUTHORIZATION AND ISSUANCE OF BONDS

SECTION 2.1. Authorization of Bonds and Escrow Agreement. (a) This Bond Ordinance creates a series of Bonds of the Issuer to be designated "Sales Tax Refunding Bonds, Series 2012, of the Parish of St. Bernard, State of Louisiana" and provides for the full and final payment of the principal or redemption price of and interest on all of the Bonds.

(b) The Bonds issued under this Bond Ordinance shall be issued for the purpose of refunding the Refunded Bonds through the escrow of a portion of the proceeds of the Bonds, together with other available moneys of the Issuer, in Government Securities plus an initial cash deposit, in accordance with the terms of the Escrow Agreement, in order to provide for the payment of the principal of, premium, if any, and interest on the Refunded Bonds as they mature or upon earlier redemption as provided in Section 14.1 hereof.

(c) Provision having been made for the orderly payment until maturity or earlier redemption of all the Refunded Bonds, in accordance with their terms, it is hereby recognized and acknowledged that as of the date of delivery of the Bonds under this Bond Ordinance, provision will have been made for the performance of all covenants and agreements of the Issuer incidental to the Refunded Bonds, and that accordingly, and in compliance with all that is herein provided, the Issuer is expected to have no future obligation with reference to the Refunded Bonds, except to assure that

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the Refunded Bonds are paid from the Government Securities and funds so escrowed in accordance with the provisions of the Escrow Agreement.

(d) The Escrow Agreement is hereby approved by the Issuer, and the Executive Officers are hereby authorized and directed to execute and deliver the Escrow Agreement on behalf of the Issuer substantially in the form of Exhibit B hereof, with such changes, additions, deletions or completions deemed appropriate by such Executive Officers and it is expressly provided and covenanted that all of the provisions for the payment of the principal of, premium, if any, and interest on the Refunded Bonds from the special trust fund created under the Escrow Agreement shall be strictly observed and followed in all respects.

SECTION 2.2. Bond Ordinance to Constitute Contract. In consideration of the purchase and acceptance of the Bonds by those who shall own the same from time to time, the provisions of this Bond Ordinance shall be a part of the contract of the Issuer with the Owners and shall be deemed to be and shall constitute a contract between the Issuer and the Owners from time to time of the Bonds. The provisions, covenants and agreements herein set forth to be performed by or on behalf of the Issuer shall be for the equal benefit, protection and security of the Owners, each of which Bonds, regardless of the time or times of its issue or maturity, shall be of equal rank without preference, priority or distinction over any other thereof except as expressly provided in this Bond Ordinance.

SECTION 2.3. Obligation of Bonds. The Bonds shall be secured by and payable in principal, premium, if any, and interest solely from an irrevocable pledge and dedication of the Net Revenues of the Tax. The Net Revenues of the Tax are hereby irrevocably and irrepealably pledged and dedicated in an amount sufficient for the payment of the Bonds in principal, premium, if any, and interest as they shall respectively become due and payable, and for the other purposes hereinafter set forth in this Bond Ordinance. All of the Net Revenues of the Tax shall be set aside in a separate fund, as hereinafter provided, and shall be and remain pledged for the security and payment of the Bonds, the Outstanding Prior Lien Bonds and any Additional Parity Bonds in principal, premium, if any, and interest and for all other payments provided for in this Bond Ordinance until such bonds shall have been fully paid and discharged.

SECTION 2.4. Authorization and Designation. Pursuant to the provisions of the Act, there is hereby authorized the issuance of Thirty Three Million Eight Hundred Eighty Five Thousand Dollars ($33,885,000) principal amount of Bonds of the Issuer to be designated "Sales Tax Refunding Bonds, Series 2012, of the Parish

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of St. Bernard, State of Louisiana," for the purpose of refunding the Refunded Bonds and paying the Costs of Issuance. The Bonds shall be in substantially the form set forth in Exhibit C hereto, with such necessary or appropriate variations, omissions and insertions as are required or permitted by the Act and this Bond Ordinance.

SECTION 2.5. Book Entry Registration of Bonds. The Bonds shall be initially issued in the name of Cede & Co., as nominee for The Depository Trust Company ("DTC"), as registered owner of the Bonds, and held in the custody of DTC. The Clerk of Council of the Governing Authority or any other officer of the Issuer is authorized to execute and deliver a Letter of Representation to DTC on behalf of the Issuer with respect to the issuance of the Bonds in "book-entry only" format. The Paying Agent is hereby directed to execute said Letter of Representation. The terms and provisions of said Letter of Representation shall govern in the event of any inconsistency between the provisions of this Bond Ordinance and said Letter of Representation. Initially, a single certificate will be issued and delivered to DTC for each maturity of the Bonds. The Beneficial Owners will not receive physical delivery of Bond certificates except as provided herein. Beneficial Owners are expected to receive a written confirmation of their purchase providing details of each Bond acquired. For so long as DTC shall continue to serve as securities depository for the Bonds as provided herein, all transfers of beneficial ownership interest will be made by book-entry only, and no investor or other party purchasing, selling or otherwise transferring beneficial ownership of Bonds is to receive, hold or deliver any Bond certificate.

Notwithstanding anything to the contrary herein, while the Bonds are issued in book-entry-only form, the payment of principal of, premium, if any, and interest on the Bonds may be payable by the Paying Agent by wire transfer to DTC in accordance with the Letter of Representation.

For every transfer and exchange of the Bonds, the Beneficial Owner may be charged a sum sufficient to cover such Beneficial Owner's allocable share of any tax, fee or other governmental charge that may be imposed in relation thereto.

Bond certificates are required to be delivered to and registered in the name of the Beneficial Owner under the following circumstances:

(a) DTC determines to discontinue providing its service with respect to the Bonds. Such a determination may be made at any time by giving 30 days' notice to the Issuer and the Paying Agent and

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discharging its responsibilities with respect thereto under applicable law; or

b) The Issuer determines that continuation of the system of book-entry transfer through DTC (or a successor securities depository) is not in the best interests of the Issuer and/or the Beneficial Owners.

The Issuer and the Paying Agent will recognize DTC or its nominee as the Bondholder for all purposes, including notices and voting.

Neither the Issuer or the Paying Agent are responsible for the performance by DTC of any of its obligations, including, without limitation, the payment of moneys received by DTC, the forwarding of notices received by DTC or the giving of any consent or proxy *in lieu* of consent.

Whenever during the term of the Bonds the beneficial ownership thereof is determined by a book entry at DTC, the requirements of this Bond Ordinance of holding, delivering or transferring the Bonds shall be deemed modified to require the appropriate person to meet the requirements of DTC as to registering or transferring the book entry to produce the same effect.

If at any time DTC ceases to hold the Bonds, all references herein to DTC shall be of no further force or effect.

SECTION 2.6. Denominations, Dates, Maturities and Interest. The Bonds are issuable as fully registered bonds without coupons in the denominations of $5,000 principal amount or any integral multiple thereof within a single maturity, and shall be numbered R-1 upwards.

The Bonds shall be dated the date of delivery thereof, shall mature on March 1 in the years and in the principal amounts and shall bear interest, payable on the Interest Payment Dates, at the rates per annum, as follows:

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DATE (MARCH 1)	PRINCIPAL PAYMENT	INTEREST RATE	DATE (MARCH 1)	PRINCIPAL PAYMENT	INTEREST RATE
2014	$ 470,000	2.00%	2020	$3,470,000	4.00%
2015	2,955,000	3.00	2021	3,585,000	4.00
2016	3,035,000	4.00	2022	3,715,000	4.00
2017	3,135,000	4.00	2023	3,405,000	4.00
2018	3,245,000	4.00	2024	3,515,000	4.00
2019	3,355,000	4.00			

SECTION 2.7. Payment of Principal and Interest. The principal and premium, if any, of the Bonds are payable in such coin or currency of the United States of America as at the time of payment is legal tender for payment of public and private debts at the principal corporate trust office of the Paying Agent, upon presentation and surrender thereof. Interest on the Bonds is payable by check mailed on or before the Interest Payment Date by the Paying Agent to each Owner (determined as of the close of business on the applicable Record Date) at the address of such Owner as it appears on the registration books of the Paying Agent maintained for such purpose. Except as otherwise provided in this Section, Bonds shall bear interest from date thereof or from the most recent Interest Payment Date to which interest has been paid or duly provided for, as the case may be, provided, however, that if and to the extent that the Issuer shall default in the payment of the interest on any Bonds due on any Interest Payment Date, then all such Bonds shall bear interest from the most recent Interest Payment Date to which interest has been paid on the Bonds, or if no interest has been paid on the Bonds, from their dated date. The Person in whose name any Bond is registered at the close of business on the Record Date with respect to an Interest Payment Date shall in all cases be entitled to receive the interest payable on such Interest Payment Date (unless such Bond has been called for redemption on a redemption date which is prior to such Interest Payment Date) notwithstanding the cancellation of such Bond upon any registration of transfer or exchange thereof subsequent to such Record Date and prior to such Interest Payment Date.

ARTICLE III

GENERAL TERMS AND PROVISIONS OF THE BONDS

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SECTION 3.1. Exchange of Bonds; Persons Treated as Owners. The Issuer shall cause books for the registration and for the registration of transfer of the Bonds as provided in this Bond Ordinance to be kept by the Paying Agent at its principal corporate trust office, and the Paying Agent is hereby constituted and appointed the registrar for the Bonds. At reasonable times and under reasonable regulations established by the Paying Agent said list may be inspected and copied by the Issuer or by the Owners (or a designated representative thereof) of 15% of the outstanding principal amount of the Bonds.

All Bonds presented for registration of transfer or exchange shall be accompanied by a written instrument or instruments of transfer in form and with a guaranty of signature satisfactory to the Paying Agent, duly executed by the Owner or his attorney duly authorized in writing.

Subject to the provisions of Section 2.6, the Bonds may be transferred, registered and assigned only on the Bond Register, and such registration shall be at the expense of the Issuer. A Bond may be assigned by the execution of an assignment form on the Bond or by other instruments of transfer and assignment acceptable to the Paying Agent. A new Bond will be delivered by the Paying Agent to the last assignee (the new Owner) in exchange for such transferred and assigned Bond after receipt of the Bond to be transferred in proper form. Such new Bond shall be in an authorized denomination. Neither the Issuer nor the Paying Agent shall be required to issue, register, transfer or exchange any Bond during a period beginning at the opening of business on a Record Date and ending at the close of business on the Interest Payment Date.

No service charge to the Owners shall be made by the Paying Agent for any exchange or registration of transfer of Bonds. The Paying Agent may require payment by the person requesting an exchange or registration of transfer of Bonds of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto.

The Issuer and the Paying Agent shall not be required to issue, register the transfer of or exchange any Bond during a period beginning at the opening of business on a Record Date or any date of selection of Bonds to be redeemed and ending at the close of business on the Interest Payment Date.

All Bonds delivered upon any registration of transfer or exchange of Bonds shall be valid obligations of the Issuer, evidencing the same debt and entitled to the same benefits under this Bond Ordinance as the Bonds surrendered.

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Prior to due presentment for registration of transfer of any Bond, the Issuer and the Paying Agent, and any agent of the Issuer or the Paying Agent may deem and treat the person in whose name any Bond is registered as the absolute owner thereof for all purposes, whether or not such Bond shall be overdue, and shall not be bound by any notice to the contrary.

SECTION 3.2. Bonds Mutilated, Destroyed, Stolen or Lost. In case any Bond shall become mutilated or be improperly cancelled, or be destroyed, stolen or lost, the Issuer may in its discretion adopt an ordinance and thereby authorize the issuance and delivery of a new Bond in exchange for and substitution for such mutilated or improperly cancelled Bond, or *in lieu* of and in substitution for the Bond destroyed, stolen or lost, upon the Owner (i) furnishing the Issuer and the Paying Agent proof of his ownership thereof and proof of such mutilation, improper cancellation, destruction, theft or loss satisfactory to the Issuer and the Paying Agent, (ii) giving to the Issuer and the Paying Agent an indemnity bond in favor of the Issuer and the Paying Agent in such amount as the Issuer may require, (iii) compliance with such other reasonable regulations and conditions as the Issuer may prescribe and (iv) paying such expenses as the Issuer and the Paying Agent may incur. All Bonds so surrendered shall be delivered to the Paying Agent for cancellation pursuant to Section 3.3 hereof. If any Bond shall have matured or be about to mature, instead of issuing a substitute Bond, the Issuer may pay the same, upon being indemnified as aforesaid, and if such Bond be lost, stolen or destroyed, without surrender thereof. Any such duplicate Bond issued pursuant to this Section shall constitute an original, additional, contractual obligation on the part of the Issuer, whether or not the lost, stolen or destroyed Bond be at any time found by anyone. Such duplicate Bond shall be in all respects identical with those replaced except that it shall bear on its face the following additional clause: "This bond is issued to replace a lost, cancelled or destroyed bond under the authority of R.S. 39:971 through 39:974."

Such duplicate Bond may be signed by the facsimile signatures of the same officers who signed the original Bonds, provided, however, that in the event the officers who executed the original Bonds are no longer in office, then the new Bonds may be signed by the officers then in office. Such duplicate Bonds shall be entitled to equal and proportionate benefits and rights as to lien and source and security for payment as provided herein with respect to all other Bonds hereunder, the obligations of the Issuer upon the duplicate Bonds being identical to its obligations upon the original Bonds and the rights of the Owner of the duplicate Bonds being the same as those conferred by the original Bonds.

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SECTION 3.3. Cancellation of Bonds. All Bonds paid or redeemed either at or before maturity, together with all Bonds purchased by the Issuer, shall thereupon be promptly cancelled by the Paying Agent. The Paying Agent shall thereupon promptly furnish to the Clerk of Council of the Issuer an appropriate certificate of cancellation.

SECTION 3.4. Execution. The Bonds shall be executed in the name and on behalf of the Issuer by the manual or facsimile signatures of the Executive Officers, and the corporate seal of the Issuer (or a facsimile thereof) shall be thereunto affixed, imprinted, engraved or otherwise reproduced thereon. In case any one or more of the officers who shall have signed or sealed any of the Bonds shall cease to be such officer before the Bonds so signed and sealed shall have been actually delivered, such Bonds may, nevertheless, be delivered as herein provided, and may be issued as if the person who signed or sealed such Bonds had not ceased to hold such office. Said officers shall, by the execution of the Bonds, adopt as and for their own proper signatures their respective facsimile signatures appearing on the Bonds or any legal opinion certificate thereon, and the Issuer may adopt and use for that purpose the facsimile signature of any person or persons who shall have been such officer at any time on or after the date of such Bond, notwithstanding that at the date of such Bond such person may not have held such office or that at the time when such Bond shall be delivered such person may have ceased to hold such office.

SECTION 3.5. Registration by Paying Agent and Secretary of State. (a) No Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Bond Ordinance unless and until a certificate of registration on such Bond substantially in the form set forth in Exhibit C hereto shall have been duly manually executed on behalf of the Paying Agent by a duly authorized signatory, and such executed certificate of the Paying Agent upon any such Bond shall be conclusive evidence that such Bond has been executed, registered and delivered under this Bond Ordinance.

(b) The Bonds shall also be registered with the Secretary of State of the State of Louisiana (which registration shall be by manual signature on the bonds issued upon original issuance of the Bonds and by facsimile signature on Bonds exchanged therefor) and shall have endorsed thereon the following:

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Councilman District E

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"OFFICE OF SECRETARY OF STATE
STATE OF LOUISIANA
BATON ROUGE

Incontestable. Secured by a pledge and dedication of a sales and use tax in the Parish of St. Bernard, State of Louisiana. Registered this _____ day of _____, 2012.

_____
Secretary of State

SECTION 3.6. Regularity of Proceedings. The Issuer, having investigated the regularity of the proceedings had in connection with the issuance of the Bonds, and having determined the same to be regular, each of the Bonds shall contain the following recital, to-wit:

"It is certified that this bond is authorized by and is issued in conformity with the requirements of the Constitution and statutes of this State."

ARTICLE IV

PAYMENT OF BONDS; DISPOSITION OF FUNDS

SECTION 4.1. Deposit of Funds With Paying Agent. The Issuer covenants that it will deposit or cause to be deposited with the Paying Agent from the moneys derived from the Net Revenues of the Tax or other funds available for such purpose, at least one (1) day in advance of each Interest Payment Date, funds fully sufficient to pay promptly the principal, premium, if any, and interest so falling due on such date.

SECTION 4.2. Pledge of Net Revenues of the Tax. The Bonds shall be secured by and payable in principal and interest solely from an irrevocable pledge and dedication of the Net Revenues of the Tax, subject to the prior payment of the reasonable and necessary costs and expenses of collecting and administering the Tax and after provision has been made for the payments required by the Outstanding Prior Lien Bonds. The Net Revenues of the Tax are hereby irrevocably and irrepealably pledged and dedicated in an amount sufficient for the payment of the Bonds and the Outstanding Prior Lien Bonds in principal and interest and redemption premium, if any,

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as they shall respectively become due and payable, and for the other purposes hereinafter set forth in this Bond Ordinance. In compliance with the Tax Ordinance, all of the Net Revenues of the Tax shall be set aside in a separate fund, as provided in the Outstanding Prior Lien Bond Ordinance and as herein provided and shall be and remain pledged for the security and payment of the Bonds and the Outstanding Prior Lien Bonds in principal and interest and for all other payments provided for in this Bond Ordinance until the Bonds and the Outstanding Prior Lien Bonds shall have been fully paid and discharged.

SECTION 4.3. Outstanding Prior Lien Bonds. The Issuer recognizes the Owners of the Outstanding Prior Lien Bonds have certain contractual rights with respect to the Pledged Sales Tax Revenues by virtue of the provisions of the Outstanding Prior Lien Bond Ordinance, authorizing the issuance of the Outstanding Prior Lien Bonds. Nothing in this Ordinance shall be construed in such a manner as to impair any rights vested in the Owners of the Outstanding Prior Lien Bonds, and if at any time it shall be established that any of the provisions of this Bond Ordinance are in conflict with the provision of the Outstanding Prior Lien Bond Ordinance authorizing the Outstanding Prior Lien Bonds in such manner as to impair any contractual rights vested in the Owners thereof, the provisions of the Outstanding Prior Lien Bond Ordinance shall be controlling as to such conflicts as long as the Outstanding Prior Lien Bonds are outstanding.

SECTION 4.4. Funds and Accounts. In order that the principal of and the interest on the Bonds will be paid in accordance with their terms and for the other objects and purposes hereinafter provided, the Issuer further covenants as follows:

All of the avails or proceeds derived from the levy and collection of the 1965 Tax and the 1969 Tax shall continue to be deposited daily as the same may be collected in a separate and special bank account maintained with the regularly designated fiscal agent of the Issuer and designated as the "Act No. 83 Sales Tax Fund" and all of the avails or proceeds of the 1977 Tax shall continue to be deposited daily as the same may be collected in a separate and special bank account maintained with the regularly designated fiscal agent of the Issuer and designated as the "Sales Tax Fund - 1977". The Act No. 83 Sales Tax Fund and the Sales Tax Fund - 1977 are hereinafter collectively referred to as the "Sales Tax Fund". The Sales Tax Fund shall constitute a dedicated fund of the Issuer, from which appropriations and expenditures by the Issuer shall be made solely for the purposes designated in the propositions authorizing the levy of the Tax. Out of the funds on deposit in the Sales Tax Fund, the Issuer shall first pay all reasonable and necessary costs and expenses of collection and administration of the Tax. After payment of such costs and expenses, and after making all payments

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with respect to the Outstanding Prior Lien Bonds as required by the Outstanding Prior Lien Bond Ordinance, and more specifically into the Sales Tax Bond Sinking Fund - 2003 and the Sales Tax Reserve Fund -2003, then the remaining moneys in the Sales Tax Fund shall be administered and used in the following order of priority and for the following express purposes:

(a) The establishment and maintenance of the "Sales Tax Bond Sinking Fund - 2012" (hereinafter called the "Sinking Fund"), sufficient in amount to pay promptly and fully the principal of, premium, if any, and the interest on the Bonds herein authorized, including any pari passu bonds issued hereafter in the manner provided by this Bond Ordinance, as they severally become due and payable, by transferring from the Sales Tax Fund to the regularly designated fiscal agent of the Issuer, monthly in advance on or before the 20th day of each month of each year, a sum equal to one-sixth (1/6) of the interest falling due on the next Interest Payment Date and one-twelfth (1/12) of the principal falling due on the next principal payment date, together with such additional proportionate sum as may be required to pay said principal and interest as the same respectively become due. Said fiscal agent shall transfer from the Sinking Fund to the paying agent bank or banks for all bonds payable from the Sinking Fund, at least one (1) day in advance of the date on which payment of principal or interest falls due, funds fully sufficient to pay promptly the principal and interest so falling due on such date.

All or any part of the moneys in the Sales Tax Fund and the Sinking Fund shall, at the written request of the Issuer, be invested in Qualified Investments, herein defined. All income derived from such Qualified Investments shall be added to the Sales Tax Fund, and such investments shall, to the extent at any time necessary, be liquidated and the proceeds thereof applied to the purposes for which the Sales Tax Fund was created.

All moneys remaining in the Sales Tax Fund on the 20th day of each month in excess of (i) all reasonable and necessary expenses of collection and administration of the Tax, (ii) all payments required with respect to the Outstanding Prior Lien Bonds and (iii) after making the required payments into the Sinking Fund for the current month and for prior months during which the required payments may not have been made, shall be considered as surplus. Such surplus may be used by the Issuer for any of the purposes for which the Tax is authorized or for the purpose of retiring Bonds in advance of their maturities, either by purchase of Bonds then outstanding at prices not greater than the then redemption prices of said Bonds, or by redeeming such Bonds at the prices and in the manner set forth in this Bond Ordinance.

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SECTION 4.5. Funds to Constitute Trust Funds. The Sales Tax Fund and the Sinking Fund provided for in Section 4.4 hereof shall all be and constitute trust funds for the purposes provided in this Bond Ordinance, and the Owners of Bonds issued pursuant to this Bond Ordinance are hereby granted a lien on all such funds until applied in the manner provided herein. The moneys in such funds shall at all times be secured to the full extent thereof by the bank or trust company holding such funds in the manner required by the laws of the State.

ARTICLE V

REDEMPTION OF BONDS

SECTION 5.1. Redemption of Bonds. The Bonds are not callable for redemption prior to their stated dates of maturity.

ARTICLE VI

PARTICULAR COVENANTS

SECTION 6.1. Obligation of the Issuer in Connection with the Issuance of the Bonds. As a condition of the issuance of the Bonds, the Issuer hereby binds and obligates itself to:

(a) Deposit irrevocably in trust with the Escrow Agent under the terms and conditions of the Escrow Agreement, as hereinafter provided, an amount of the proceeds derived from the issuance and sale of the Bonds (exclusive of accrued interest), together with additional moneys of the Issuer, as will enable the Escrow Agent to purchase Government Obligations described in the Escrow Agreement, which shall mature in principal and interest in such a manner as to provide at least the required cash amount on or before each payment date for the Refunded Bonds (said amounts being necessary on each of the designated dates to pay and retire or redeem the Refunded Bonds, including premiums, if any, payable upon redemption). Prior to or concurrently with the delivery of the Bonds, the Issuer shall obtain an independent mathematical verification that the moneys and obligations required to be irrevocably deposited in trust in the Escrow Fund with the Escrow Agent, together with the earnings to accrue thereon, will always be sufficient for the payment of the principal of, premium, if any, and interest on the Refunded Bonds. The moneys so deposited with the Escrow Agent shall constitute a trust fund irrevocably dedicated for the use and benefit of the owners of the Refunded Bonds.

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(b) Deposit in the Expense Fund established with the Escrow Agent such amount of the proceeds of the Bonds as will enable the Escrow Agent to pay the Costs of Issuance and the costs properly attributable to the establishment and administration of the Escrow Fund on behalf of the Issuer.

(c) Deposit accrued interest, if any, received on the delivery date of the Bonds into the Sinking Fund maintained pursuant to Section 4.3 hereof and to apply said funds to pay a portion of the interest due on the Bonds on the first Interest Payment Date therefor. Accrued interest, if any, received upon delivery of the Bonds shall be invested only in Government Securities maturing on or prior to the first Interest Payment Date.

SECTION 6.2. Payment of Bonds. The Issuer shall duly and punctually pay or cause to be paid as herein provided, the principal or redemption price, if any, of every Bond and the interest thereon, at the dates and places and in the manner stated in the Bonds according to the true intent and meaning thereof.

SECTION 6.3. Tax Covenants. (a) To the extent permitted by the laws of the State, the Issuer will comply with the requirements of the Code to establish, maintain and preserve the exclusion from "gross income" of interest on the bonds under the Code. The Issuer shall not take any action or fail to take any action, nor shall it permit at any time or times any of the proceeds of the Bonds or any other funds of the Issuer to be used directly or indirectly to acquire any securities or obligations the acquisition of which would cause any Bond to be an "arbitrage bond" as defined in the Code or would result in the inclusion of the interest on any Bond in "gross income" under the Code, including, without limitation, (i) the failure to comply with the limitation on investment of the proceeds of the Bonds, (ii) the failure to pay any required rebate of arbitrage earnings to the United States of America, or (iii) the use of the proceeds of the Bonds in a manner which would cause the Bonds to be "private activity bonds" under the Code.

(b) The Issuer shall not permit at any time or times any proceeds of the Bonds or any other funds of the Issuer to be used, directly or indirectly, in a manner which would result in the exclusion of the interest on any Bond from the treatment afforded by Section 103(a) of the Code, as from time to time amended, or any successor provision thereto.

(c) The Executive Officers are hereby empowered, authorized and directed to take any and all action and to execute and deliver any instrument, document or certificate necessary to effectuate the purposes of this Section.

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SECTION 6.4. Bonds are not "Qualified Tax-Exempt Obligations". The Bonds are not designated as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code.

SECTION 6.5. Disclosure Under SEC Rule 15c2-12. The Executive Officers are hereby empowered and directed to execute an appropriate Continuing Disclosure Certificate (substantially in the form set forth in Appendix H of the official statement issued in connection with the sale and issuance of the Bonds) pursuant to S.E.C. Rule 15c2-12(b)(5).

SECTION 6.6. Obligation to Collect Tax. The Issuer does hereby obligate itself and is bound under the terms and provisions of law to levy, impose, enforce and collect the Tax and to provide for all reasonable and necessary rules, regulations, procedures and penalties in connection therewith, including the proper application of the proceeds of the Tax, until all of the Bonds and the Outstanding Prior Lien Bonds have been retired as to both principal and interest and all obligations to the provider of the Reserve Policy with respect to the Outstanding Prior Lien Bonds have been paid. Nothing herein contained shall be construed to prevent the Issuer from altering, amending or repealing from time to time as may be necessary this Bond Ordinance or any subsequent Bond Ordinance providing with respect to the Tax, said alterations, amendments or repeals to be conditioned upon the continued preservation of the rights of the Owners and the provider of the Reserve Policy with respect to the Net Revenues of the Tax. The Tax Ordinance imposing the Tax and pursuant to which the Tax is being levied, collected and allocated, and the obligations to continue to levy, collect and allocate the Tax and to apply the revenues therefrom in accordance with the provisions of this Bond Ordinance, shall be irrevocable for the full period of its authorization until the Bonds and the Outstanding Prior Lien Bonds have been paid in full as to principal, premium, if any, and interest, and shall not be subject to amendment in any manner which would impair the rights of the Owners from time to time of the Bonds or which would in any way jeopardize the prompt payment of principal thereof and interest thereon. More specifically, neither the Legislature of Louisiana nor the Issuer may discontinue or decrease the Tax or permit to be discontinued or decreased the Tax in anticipation of the collection of which the Bonds have been issued, or in any way make any change which would diminish the amount of the Net Revenues of the Tax pledged to the payment of the Bonds and received by the Issuer, until all of such Bonds and the Outstanding Prior Lien Bonds shall have been retired as to both principal and interest and all amounts payable hereunder have been paid.

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The Owners of any of the Bonds may, either at law or in equity, by suit, action, mandamus or other proceeding, enforce and compel performance of all duties required to be performed as a result of issuing the Bonds and may similarly enforce the provisions of any ordinance imposing the Tax and the Bond Ordinance and proceedings authorizing the issuance of the Bonds.

SECTION 6.7. Indemnity Bonds. So long as any of the Bonds are outstanding and unpaid, the Issuer shall require all of its officers and employees who may be in a position of authority or in possession of money derived from the collection of the Tax, to obtain or be covered by a blanket fidelity or faithful performance bond, or independent fidelity bonds written by a responsible indemnity company in amounts adequate to protect the Issuer from loss.

SECTION 6.8. Issuer to Maintain Books and Records. So long as any of the Bonds are outstanding and unpaid in principal or interest, the Issuer shall maintain and keep proper books of records and accounts separate and apart from all other records and accounts in which shall be made full and correct entries of all transactions relating to the collection and expenditure of the Net Revenues of the Tax, including specifically but without limitation, all reasonable and necessary costs and expenses of collection. Not later than six (6) months after the close of each Fiscal Year, the Issuer shall cause an audit of such books and accounts to be made by the Legislative Auditor of the State of Louisiana (or his successor) or by a recognized independent firm of certified public accountants showing the receipts of and disbursements made for the account of the aforesaid Sales Tax Fund. Such audit shall be available for inspection upon request by the Owners of any of the Bonds. The Issuer further agrees that the Paying Agent and the Owners of any of the Bonds shall have at all reasonable times the right to inspect the records, accounts and data of the Issuer relating to the Tax.

ARTICLE VII

SUPPLEMENTAL BOND ORDINANCES

SECTION 7.1. Supplemental Bond Ordinances Effective Without Consent of Owners. For any one or more of the following purposes and at any time from time to time, an ordinance supplemental hereto may be adopted, which, upon the filing with the Paying Agent of a certified copy thereof, but without any consent of Owners, shall be fully effective in accordance with its terms:

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(a) to add to the covenants and agreements of the Issuer in the Bond Ordinance other covenants and agreements to be observed by the Issuer which are not contrary to or inconsistent with the Bond Ordinance as theretofore in effect;

(b) to add to the limitations and restrictions in the Bond Ordinance other limitations and restrictions to be observed by the Issuer which are not contrary to or inconsistent with the Bond Ordinance as theretofore in effect;

(c) to surrender any right, power or privilege reserved to or conferred upon the Issuer by the terms of the Bond Ordinance, but only if the surrender of such right, power or privilege is not contrary to or inconsistent with the covenants and agreements of the Issuer contained in the Bond Ordinance;

(d) to cure any ambiguity, supply any omission, or cure or correct any defect or inconsistent provision of the Bond Ordinance; or

(e) to insert such provisions clarifying matters or questions arising under the Bond Ordinance as are necessary or desirable and are not contrary to or inconsistent with the Bond Ordinance as theretofore in effect.

SECTION 7.2. Supplemental Bond Ordinances Effective With Consent of Owners. Except as provided in Section 7.1, any modification or amendment of the Bond Ordinance or of the rights and obligations of the Issuer and of the Owners hereunder, in any particular, may be made by a supplemental ordinance, with the written consent of the Owners of a majority of the Bond Obligation at the time such consent is given. No such modification or amendment shall permit a change in the terms of redemption or maturity of the principal of any outstanding Bond or of any installment of interest thereon or a reduction in the principal amount or the redemption price thereof or in the rate of interest thereon without the consent of the Owner, or shall reduce the percentages of Bonds the consent of the Owner of which is required to effect any such modification or amendment, or change the obligation of the Issuer to levy and collect the Tax for the payment of the Bonds as provided herein, without the consent of the Owners of all of the Bonds then outstanding, or shall change or modify any of the rights or obligations of either the Paying Agent or the Escrow Agent without its written assent thereto. For the purposes of this Section, Bonds shall be deemed to be affected by a modification or amendment of the Bond Ordinance if the same adversely affects or diminishes the rights of the Owners of said Bonds.

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Any rating agency rating the Bonds must receive notice of any amendment to the Bond Ordinance and a copy thereof at least 15 days in advance of its execution or adoption.

ARTICLE VIII

ADDITIONAL PARITY BONDS

SECTION 8.1. Issuance of Additional Parity Bonds. All of the Bonds shall enjoy complete parity of lien on the Net Revenues of the Tax despite the fact that any of the Bonds may be delivered at an earlier date than any other of the Bonds. The Issuer, acting through its governing authority, hereby covenants that it will issue no other bonds or obligations of any kind or nature payable from or enjoying a lien on the Net Revenues of the Tax having priority over or parity with the Outstanding Prior Lien Bonds. The Issuer further covenants that it will issue no other bonds or obligations having priority over or parity with the Bonds, except that bonds may hereafter be issued on a parity with the Bonds under the following conditions:

(a) The Bonds, or any part thereof, including interest and redemption premiums thereon, may be refunded and the refunding bonds so issued shall enjoy complete equality of lien with the portion of the Bonds which is not refunded, if there be any, provided, however, that if only a portion of the bonds outstanding is so refunded and if the refunding bonds require principal and interest payments during any Bond Year (ending March 1) in excess of the principal and interest which would have been required in such Bond Year to pay the bonds refunded thereby, then such bonds may not be refunded without the consent of the Owners of the unrefunded portion of the Bonds (provided such consent shall not be required if such refunding bonds meet the requirements set forth in clause (b) below).

(b) Additional parity bonds may also be issued, and such Additional Parity Bonds shall be on a parity with the Bonds if all of the following conditions are met:

(i) The average annual revenues derived by the Issuer from the Tax when computed for the last two (2) completed calendar years immediately preceding the issuance of the Additional Parity Bonds must have been not less than 1.35 times the highest combined principal and interest requirements for any succeeding period on all Bonds then outstanding, including any *pari passu* Additional Parity Bonds theretofore issued and then outstanding, and any other bonds

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Councilman District E

Roxanne Adams
Clerk of Council

or other obligations whatsoever then outstanding which are payable from the Net Revenues of the Tax (but not including bonds which have been refunded or provision otherwise made for their full and complete payment and redemption) and the bonds so proposed to be issued;

(ii) The payments to be made into the various funds provided for in Section 4.3 hereof must be current;

(iii) The existence of the facts required by paragraphs (a) and (b) above must be confirmed by the Director of Finance of the Issuer, or by an independent certified public accountant;

(iv) The Additional Parity Bonds must be payable as to principal on March 1st of each year in which principal falls due, beginning not later than three (3) years after the date of such bonds, and payable as to interest on March 1 and September 1 of each year;

(v) No Additional Parity Bonds may be issued should any event of default under the Bond Ordinance have occurred and be continuing; and

(vi) In the event that Additional Parity Bonds are issued hereafter in the manner provided by this Bond Ordinance, the Issuer may elect to establish a Reserve Fund for said Additional Parity Bonds. In the event such a Reserve Fund is to established, there shall be immediately transferred from the proceeds of such Additional Parity Bonds and/or from the Sales Tax Fund into the Reserve Fund such amount (as may be designated in the ordinance authorizing the issuance of such Additional Parity Bonds) as will increase the total amount on deposit in the Reserve Fund to a sum equal to the Reserve Fund Requirement any such Additional Parity Bonds; provided, however, that in the event of the issuance of Additional Parity Bonds, the Reserve Fund Requirement may be satisfied by cash or Reserve Fund Alternative Investment, or any combination thereof.

ARTICLE IX

REMEDIES ON DEFAULT

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SECTION 9.1. Events of Default. If one or more of the following events (in this Bond Ordinance called "Events of Default") shall happen, that is to say,

(a) if default shall be made in the due and punctual payment of the principal of any Bond when and as the same shall become due and payable, whether at maturity or otherwise; or

(b) if default shall be made in the due and punctual payment of any installment of interest on any Bond when and as such interest installment shall become due and payable; or

(c) if default shall be made by the Issuer in the performance or observance of any other of the covenants, agreements or conditions on its part in the Bond Ordinance, any supplemental ordinance or in the Bonds, and such default shall continue for a period of forty-five (45) days after written notice thereof to the Issuer by the Owners of not less than 25% of the Bond Obligation; or

(d) if the Issuer shall file a petition or otherwise seek relief under any Federal or State bankruptcy law or similar law;

then, upon the happening and continuance of any Event of Default the Owners of the Bonds shall be entitled to exercise all rights and powers for which provision is made under Louisiana law. Under no circumstances may the principal or interest of any of the Bonds be accelerated. All remedies shall be cumulative with respect to the Paying Agent and the Owners; if any remedial action is discontinued or abandoned, the Paying Agent and the Owners shall be restored to the former positions.

ARTICLE X

CONCERNING FIDUCIARIES

SECTION 10.1. Escrow Agent; Appointment and Acceptance of Duties. Argent Trust, a division of National Independent Trust Company, of Ruston, Louisiana, is hereby appointed Escrow Agent. The Escrow Agent shall signify its acceptance of the duties and obligations imposed upon it by this Bond Ordinance by executing and delivering the Escrow Agreement. The Escrow Agent is authorized to file, on behalf of the Issuer, subscription forms for any Government Securities required by the Escrow Agreement. A successor to the Escrow Agent may be designated in the manner set forth in the Escrow Agreement.

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SECTION 10.2. Paying Agent; Appointment and Acceptance of Duties. The Issuer will at all times maintain a Paying Agent having the necessary qualifications for the performance of the duties described in this Bond Ordinance. The designation of Argent Trust, a division of National Independent Trust Company as the initial Paying Agent is hereby confirmed and approved. The Paying Agent shall signify its acceptance of the duties and obligations imposed on it by the Bond Ordinance by executing and delivering an acceptance of its rights, duties and obligations as Paying Agent set forth herein in form and substance satisfactory to the Issuer.

SECTION 10.3. Successor Paying Agent. Any successor Paying Agent shall (i) be a trust company or bank in good standing, located in or incorporated under the laws of the State, duly authorized to exercise trust powers and subject to examination by federal or state authority and (ii) have a reported capital and surplus of not less than $10,000,000.

ARTICLE XI

MISCELLANEOUS

SECTION 11.1. Defeasance. (a) If the Issuer shall pay or cause to be paid to the Owners of all Bonds then outstanding, the principal and interest to become due thereon, at the times and in the manner stipulated therein and in the Bond Ordinance, then the covenants, agreements and other obligations of the Issuer to the Owners shall be discharged and satisfied. In such event, the Paying Agent shall, upon the request of the Issuer, execute and deliver to the Issuer all such instruments as may be desirable to evidence such discharge and satisfaction and the Paying Agent shall pay over or deliver to the Issuer all moneys, securities and funds held by them pursuant to the Bond Ordinance which are not required for the payment of Bonds not theretofore surrendered for such payment.

Bonds or interest installments for the payment of which money shall have been set aside and shall be held in trust (through deposit by the Issuer of funds for such payment or otherwise) at the maturity date thereof shall be deemed to have been paid within the meaning and with the effect expressed above in this Section. Bonds shall be deemed to have been paid, prior to their maturity, within the meaning and with the effect expressed above in this Section if they have been defeased pursuant to Chapter 14 of Title 39 of the Louisiana Revised Statutes of 1950, as amended, or any successor provisions thereto.

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SECTION 11.2. Evidence of Signatures of Owners and Ownership of Bonds. (a) Any request, consent, revocation of consent or other instrument which the Bond Ordinance may require or permit to be signed and executed by the Owners may be in one or more instruments of similar tenor, and shall be signed or executed by such Owners in person or by their attorneys-in-fact appointed in writing. Proof of (i) the execution of any such instrument, or of an instrument appointing any such attorney, or (ii) the ownership by any person of the Bonds shall be sufficient for any purpose of the Bond Ordinance (except as otherwise therein expressly provided) if made in the following manner, or in any other manner satisfactory to the Paying Agent, which may nevertheless in its discretion require further or other proof in cases where it deems the same desirable:

(i) the fact and date of the execution by any Owner or his attorney-in-fact of such instrument may be proved by the certificate, which need not be acknowledged or verified, of an officer of a bank or trust company or of any notary public that the person signing such request or other instrument acknowledged to him the execution thereof, or by an affidavit of a witness of such execution, duly sworn to before such notary public or other officer. Where such execution is by an officer of a corporation or association or a member of a partnership, on behalf of such corporation, association or partnership, such certificate or affidavit shall also constitute sufficient proof of his authority;

(ii) the ownership of Bonds and the amount, numbers and other identification, and date of owning the same shall be proved by the registration books of the Paying Agent.

(iii) Any request or consent by the Owner of any Bond shall bind all future Owners of such Bond in respect of anything done or suffered to be done by the Issuer or the Paying Agent in accordance therewith.

SECTION 11.3. Moneys Held for Particular Bonds. The amounts held by the Paying Agent for the payment due on any date with respect to particular Bonds shall, on and after such date and pending such payment, be set aside on its books and held in trust by it, without liability for interest, for the Owners entitled thereto.

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SECTION 11.4. Parties Interested Herein. Nothing in the Bond Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or corporation, other than the Issuer, the Paying Agent and the Owners any right, remedy or claim under or by reason of the Bond Ordinance or any covenant, condition or stipulation thereof; and all the covenants, stipulations, promises and agreements in the Bond Ordinance contained by and on behalf of the Issuer shall be for the sole and exclusive benefit of the Issuer, the Paying Agent and the Owners

SECTION 11.5. No Recourse on the Bonds. No recourse shall be had for the payment of the principal of or interest on the Bonds or for any claim based thereon or on this Bond Ordinance against any member of the Governing Authority or officer of the Issuer or any person executing the Bonds.

SECTION 11.6. Successors and Assigns. Whenever in this Bond Ordinance the Issuer is named or referred to, it shall be deemed to include its successors and assigns and all the covenants and agreements in this Bond Ordinance contained by or on behalf of the Issuer shall bind and enure to the benefit of its successors and assigns whether so expressed or not.

SECTION 11.7. Subrogation. In the event the Bonds herein authorized to be issued, or any of them, should ever be held invalid by any court of competent jurisdiction, the Owner or Owners thereof shall be subrogated to all the rights and remedies against the Issuer had and possessed by the owner or owners of the Refunded Bonds.

SECTION 11.8. Severability. In case any one or more of the provisions of the Bond Ordinance or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of the Bond Ordinance or of the Bonds, but the Bond Ordinance and the Bonds shall be construed and enforced as if such illegal or invalid provisions had not been contained therein. Any constitutional or statutory provision enacted after the date of the Bond Ordinance which validates or makes legal any provision of the Bond Ordinance or the Bonds which would not otherwise be valid or legal shall be deemed to apply to the Bond Ordinance and to the Bonds.

SECTION 11.9. Publication of Bond Ordinance. This Bond Ordinance shall be published one time in the official journal of the Issuer; however, it shall not be necessary to publish any exhibits hereto if the same are available for public inspection and such fact is stated in the publication.

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SECTION 11.10. Execution of Documents. In connection with the issuance and sale of the Bonds, the Executive Officers and the Finance Director are each authorized, empowered and directed to execute on behalf of the Issuer such documents, certificates and instruments as they may deem necessary, upon the advice of Bond Counsel, to effect the transactions contemplated by this Bond Ordinance, the signatures of the Executive Officers and Finance Director on such documents, certificates and instruments to be conclusive evidence of the due exercise of the authority granted hereunder.

SECTION 11.11. Effective Date. This Bond Ordinance shall become effective immediately.

ARTICLE XII

SALE OF BONDS

SECTION 12.1. Sale of Bonds. The Bonds have been awarded to and sold to the Underwriter at the price and under the terms and conditions set forth in the Bond Purchase Agreement attached hereto as Exhibit D, and after their execution, registration by the Secretary of State and authentication by the Paying Agent, the Bonds shall be delivered to the Underwriter or its agents or assigns, upon receipt by the Issuer of the agreed purchase price.

SECTION 12.2. Official Statement. The Issuer hereby approves the form and content of the Preliminary Official Statement, pertaining to the Bonds, which has been submitted to the Issuer, and hereby ratifies its prior use by the Underwriter in connection with the sale of the Bonds. The Issuer further approves the form and content of the final Official Statement and hereby authorizes and directs the execution by the Parish President and Director of Finance and delivery of such final Official Statement to the Underwriter for use in connection with the public offering of the Bonds.

ARTICLE XIII

APPLICATION OF PROCEEDS

SECTION 13.1. Application of Proceeds. As a condition of the issuance of the Bonds, the Issuer hereby binds and obligates itself to:

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(a) Deposit irrevocably in trust with the Escrow Agent under the terms and conditions of the Escrow Agreement, as hereinafter provided, an amount of the proceeds derived from the issuance and sale of the Bonds (exclusive of accrued interest), together with additional moneys of the Issuer, as will enable the Escrow Agent to purchase Government Obligations described in the Escrow Agreement, which shall mature in principal and interest in such a manner as to provide at least the required cash amount on or before each payment date for the Refunded Bonds (said amounts being necessary on each of the designated dates to pay and retire or redeem the Refunded Bonds, including premiums, if any, payable upon redemption). Prior to or concurrently with the delivery of the Bonds, the Issuer shall obtain an independent mathematical verification that the moneys and obligations required to be irrevocably deposited in trust in the Escrow Fund with the Escrow Agent, together with the earnings to accrue thereon, will always be sufficient for the payment of the principal of, premium, if any, and interest on the Refunded Bonds. The moneys so deposited with the Escrow Agent shall constitute a trust fund irrevocably dedicated for the use and benefit of the owners of the Refunded Bonds.

(b) Deposit in the Expense Fund established with the Escrow Agent such amount of the proceeds of the Bonds as will enable the Escrow Agent to pay the Costs of Issuance and the costs properly attributable to the establishment and administration of the Escrow Fund on behalf of the Issuer.

(c) Deposit accrued interest, if any, received on the delivery date of the Bonds into the Sinking Fund maintained pursuant to Section 4.3 hereof and to apply said funds to pay a portion of the interest due on the Bonds on the first Interest Payment Date therefor. Accrued interest, if any, received upon delivery of the Bonds shall be invested only in Government Securities maturing on or prior to the first Interest Payment Date.

ARTICLE XIV

REDEMPTION OF REFUNDED BONDS

SECTION 14.1. Call for Redemption (Series 2003). Subject only to the delivery of the Bonds, $3,200,000 principal amount of the Issuer's Sales Tax Bonds, Series 2003, consisting of all of said bonds due March 1, 2014 to March 1, 2022, inclusive, are hereby called for redemption on March 1, 2013, at the principal amount thereof, and accrued interest to the date of redemption, plus a premium of 1% of the principal amount to be redeemed, in compliance with the bond ordinance adopted on December 19, 2002, authorizing their issuance.

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SECTION 14.2. Notice of Defeasance and Call for Redemption (Series 2003). In accordance with the bond ordinance adopted on December 19, 2002, authorizing the issuance of the 2003 Bonds, a Notice of Defeasance and Call for Redemption in substantially the form attached hereto as Exhibit E, shall be given by the Paying Agent by mailing a copy of the redemption notice by first class mail, postage prepaid, by notice deposited in the United States mails not less than thirty (30) days prior to the redemption date addressed to the registered owner of each Bond to be redeemed at his address as shown on the registration books of the Paying Agent.

SECTION 14.3. Call for Redemption (Series 2004). Subject only to the delivery of the Bonds, $30,730,000 principal amount of the Issuer's Sales Tax Bonds, Series 2004, consisting of all of said bonds due March 1, 2015 to March 1, 2024, inclusive, are hereby called for redemption on March 1, 2014, at the principal amount thereof, and accrued interest to the date of redemption, plus a premium of 1% of the principal amount to be redeemed, in compliance with the bond ordinance adopted on June 22, 2004, authorizing their issuance.

SECTION 14.4. Notice of Defeasance and Call for Redemption (Series 2004). In accordance with the bond ordinance adopted on June 22, 2004, authorizing the issuance of the 2004 Bonds, a Notice of Defeasance and Call for Redemption in substantially the form attached hereto as Exhibit E, shall be given by the Paying Agent by mailing a copy of the redemption notice by first class mail, postage prepaid, by notice deposited in the United States mails not less than thirty (30) days prior to the redemption date addressed to the registered owner of each Bond to be redeemed at his address as shown on the registration books of the Paying Agent.

SECTION 15. 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 16. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 17th day of July, 2012.

ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 7-18-12 10:56am
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 7-18-12 11:02am
Date and Time

Received by Kristie Silva

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STATE OF LOUISIANA

PARISH OF ST. BERNARD

I, the undersigned Clerk of Council of the Parish Council of the Parish of St. Bernard, State of Louisiana, do hereby certify that the foregoing pages constitute a true and correct copy of an ordinance adopted by said Parish Council on July 17, 2012, 2012, providing for the issuance and sale of Sales Tax Refunding Bonds, Series 2012, of the Parish of St. Bernard, State of Louisiana; prescribing the form, fixing the details and providing for the rights of the owners thereof; providing for the payment of such bonds and the application of the proceeds thereof to the refunding of certain bonds of said Parish Council; awarding said bonds to the purchaser thereof and providing for other matters in connection therewith.

IN FAITH WHEREOF, witness my official signature and the impress of the official seal of said Issuer at Chalmette, Louisiana, on this the 17th day of July, 2012.

Roxanne Adams

(SEAL) Clerk of Council

EXHIBIT A TO BOND ORDINANCE

OUTSTANDING BONDS TO BE REFUNDED

SALES TAX BONDS, SERIES 2003, DATED JANUARY 1, 2003

DATE (MARCH 1)	PRINCIPAL PAYMENT	INTEREST RATE	CUSIP NUMBERS
2014	$ 295,000	3.90%	787503 GB1
2015	305,000	4.00	787503 GC9
2016	320,000	4.15	787503 GD7
2017	335,000	4.25	787503 GE5
2018	355,000	4.30	787503 GF2
2019	370,000	4.40	787503 GG0
2020	390,000	4.50	787503 GH8
2021	405,000	4.60	787503 GJ4
2022	425,000	4.65	787503 GK1
	$3,200,000		

Those bonds maturing March 1, 2014, and thereafter will be called for redemption on March 1, 2013, at the principal amount thereof and accrued interest to the date fixed for redemption, plus a premium equal to one percent (1%) of the principal amount so redeemed.

SALES TAX BONDS, SERIES 2004, DATED AUGUST 1, 2004

DATE (MARCH 1)	PRINCIPAL PAYMENT	INTEREST RATE	CUSIP NUMBERS
2015	$2,480,000	5.00%	787503 GW5
2016	2,590,000	5.00	787503 GX3
2017	2,700,000	5.00	787503 GY1
2018	2,810,000	5.00	787503 GZ8
2019	2,935,000	5.00	787503 HA2
2020	3,055,000	5.00	787503 HB0
2021	3,190,000	5.00	787503 HC8
2022	3,330,000	5.00	787503 HD6
2023	3,485,000	5.00	787503 HE4
2024	3,635,000	5.00	787503 HF1
	$30,210,000		

Bonds maturing on March 1, 2015, and thereafter will be called for redemption on March 1, 2014, in the principal amounts set forth above, at a redemption price of par plus accrued interest to the date fixed for redemption, plus a premium equal to one percent (1%) of the principal amount so redeemed.

EXHIBIT B TO BOND ORDINANCE

(FORM OF DEFEASANCE AND ESCROW DEPOSIT AGREEMENT)

This DEFEASANCE AND ESCROW DEPOSIT AGREEMENT, by and between **the PARISH OF ST. BERNARD, STATE OF LOUISIANA** (the "Issuer"), appearing herein through the hereinafter named officers, and **ARGENT TRUST, A DIVISION OF NATIONAL INDEPENDENT TRUST COMPANY,** in the City of Ruston, Louisiana, a national banking association organized under the laws of the United States of America and duly authorized to exercise corporate trust powers, as escrow agent (the "Escrow Agent"), appearing herein through the hereinafter named officers, which shall be dated as of August 22, 2012:

W I T N E S S E T H :

WHEREAS, the Issuer has heretofore duly authorized and issued its Sales Tax Bonds, Series 2003, of which $3,480,000 are outstanding (the "2003 Bonds") and Sales Tax Bonds, Series 2004, of which $35,465,000 are outstanding (the "2004 Bonds"); and

WHEREAS, the governing authority of the Issuer has found and determined that the call for redemption of those (i) 2003 Bonds maturing March 1, 2014 to March 1, 2022, inclusive and (ii) 2004 Bonds maturing March 1, 2015 to March 1, 2024, inclusive (collectively, the "Refunded Bonds") would be financially advantageous to the Issuer and would result in debt service savings; and

WHEREAS, the Issuer has authorized the issuance of $33,885,000 of its Sales Tax Refunding Bonds, Series 2012 (the "Bonds"), for the purpose of refunding the Refunded Bonds, pursuant to an ordinance adopted by the governing authority of the Issuer on July 17, 2012 (the "Bond Ordinance"), the Refunded Bonds to be redeemed being described in the Bond Ordinance; and

WHEREAS, the Bond Ordinance provides that a portion of the proceeds from the sale of the Bonds (exclusive of accrued interest thereon), together with additional moneys, shall be placed in escrow with the Escrow Agent and, together with the interest earned from the investment thereof, will be sufficient to pay the principal of, premium, if any, and interest on the Refunded Bonds as the same mature and become due or are called for redemption;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, and in order to provide for the aforesaid refunding and thereby reduce annual debt service on the Refunded Bonds and lower the effective rate of interest paid with respect to the Issuer's general obligation bonds, the parties hereto agree as follows:

SECTION 1 Establishment of Escrow Fund. There is hereby created and established with the Escrow Agent a special and irrevocable escrow fund to be known as "Parish of St. Bernard, State of Louisiana, Sales Tax Refunding Bonds, Series 2012 Escrow Fund" (herein called the "Escrow Fund") to be held in trust by the Escrow Agent separate and apart from other funds of the Issuer and the Escrow Agent. Receipt of a true and correct copy of the Bond Ordinance is hereby acknowledged by the Escrow Agent, and reference herein to

or citation herein of any provision of said Bond Ordinance shall be deemed to incorporate the same as a part hereof in the same manner and with the same effect as if fully set forth herein.

SECTION 2. Deposit to Escrow Fund; Application of Moneys. Concurrently with the issuance and delivery of the Bonds, the Issuer will cause to be deposited with the Escrow Agent the sum of $_____ from the proceeds of the Bonds (the "Bond Proceeds") and a transfer of $_____ from the existing funds of the Issuer (the "Existing Funds"). Such funds will be applied as follows:

(i)	$_____	of Bond Proceeds to the Escrow Fund to purchase the Escrow Obligations (hereinafter defined) described in Schedule A attached hereto;
(ii)	$_____	of Existing Funds to the Escrow Fund to purchase the Escrow Obligation (hereinafter defined) described in Schedule A attached hereto;
(iii)	$_____	of Existing Funds to the Escrow Fund to establish an initial cash deposit;
(iv)	$_____	of Bond Proceeds to the Expense Fund created in Section 3 hereof;
(v)	$_____	of Existing Funds to the Expense Fund created in Section 3 hereof; and

(b) Concurrently with such deposit, the Escrow Agent shall apply the moneys described in (i), (ii) and (iii) above to the purchase of the obligations, described in Schedule A attached hereto. The obligations listed in Schedule A hereto and any other direct obligations of the United States Government are hereinafter referred to as the "Escrow Obligations". All documents evidencing the book entries of the Escrow Obligations shall be held by the Escrow Agent and appropriate evidence thereof shall be furnished by the Escrow Agent to the Issuer. As shown in Schedule B attached hereto, the Escrow Obligations shall mature in principal amounts and pay interest in such amounts and at such times so that sufficient moneys will be available from such Escrow Obligations (together with other moneys on deposit in the Escrow Fund) to pay, as the same mature and become due or are redeemed, the principal of, premium, if any, and interest on the Refunded Bonds. The Issuer, on the basis of a mathematical verification of an independent certified public accountant, has heretofore found and determined that the investments described in said Schedule A are adequate in yield and maturity date in order to provide the necessary moneys to accomplish the refunding of the Refunded Bonds.

In the event that, on the date of delivery of the Bonds, there is not delivered to the Escrow Agent any Escrow Obligation described in Schedule A hereto, the Escrow Agent shall accept delivery of cash and/or replacement obligations which are direct, non-callable general obligations of or guaranteed by the United States of America (collectively, "Replacement Obligations") described in paragraph (b) of this Section, in lieu thereof, and shall hold such Replacement Obligations in the Escrow Fund until the Escrow Obligations

described in Schedule A which were not delivered on the date of delivery of the Bonds are available for delivery. The Escrow Agent shall return to the supplier thereof any Replacement Obligations in exchange for and upon receipt of the Escrow Obligations set forth in Schedule A for which such Replacement Obligations described in such paragraph (b) were substituted. The Escrow Agent shall have no power or duty to invest any moneys held in the Escrow Fund or to make substitutions of the Escrow Obligations held in the Escrow Fund or to hereafter sell, transfer or otherwise dispose of such Escrow Obligations, except pursuant to the following subparagraph (b).

(c) An obligation shall qualify as a Replacement Obligation or other permitted substitution obligation only if such Replacement Obligations:

(i) are in an amount, and/or mature in an amount (including any interest received thereon), which together with any cash or Government Securities substituted for the Escrow Obligations listed in Schedule A hereto is equal to or greater than the amount payable on the maturity date of the Escrow Obligations listed in Schedule A hereto for which the substitution occurred;

(ii) mature on or before the next date on which the Government Securities listed in Schedule A hereto which are substituted for will be required for payment of principal of, premium, if any, or interest on the Refunded Bonds; and

(iii) the Escrow Agent shall have been provided with (A) a mathematical verification of an independent certified public accountant that the Replacement Obligations are sufficient to pay the principal, premium, if any, and interest of the Refunded Bonds as shown on Schedule C and (B) an opinion of nationally recognized bond counsel to the effect that the substitution is permitted hereunder and has no adverse effect on the exclusion from gross income for federal income tax purposes of interest on the bonds or the Refunded Bonds.

To the extent that the Escrow Obligations mature before the payment dates referred to in Schedule C, the Escrow Agent may invest for the benefit of the Issuer such cash in other Escrow Obligations provided that the investment in such other Escrow Obligations mature on or before dates pursuant to Section 6 in such amounts as equal or exceed the Section 6 requirements and that such investment does not cause the Bonds or the Refunded Bonds to be "arbitrage bonds" under the Internal Revenue Code of 1986, as amended.

(d) The Escrow Agent shall collect and receive the interest accruing and payable on the Escrow Obligations and the maturing principal amounts of the Escrow Obligations as the same are paid and credit the same to the Escrow Fund, so that the interest on and the principal of the Escrow Obligations, as such are paid, will be available to make the payments required pursuant to Section 6 hereof.

(e) In the event there is a deficiency in the Escrow Fund, the Escrow Agent shall notify the Issuer of such deficiency, and the Issuer shall immediately remedy such deficiency by paying to the Escrow Agent the amount of such deficiency. The Escrow Agent shall not be liable for any such deficiency, except as may be caused by the Escrow Agent's negligence or willful misconduct.

SECTION 3. Establishment of Expense Fund; Use of Moneys in Expense Fund. There is also hereby created and established with the Escrow Agent a special trust account to pay the Costs of Issuance of the Bonds, as defined in the Bond Ordinance (herein called the "Expense Fund") to be held in the custody of the Escrow Agent separate and apart from any other funds of the Issuer and the Escrow Agent, to which the amount of the proceeds derived from the issuance and sale of the Bonds hereinabove set forth are to be deposited. The amounts on deposit in the Expense Fund shall be used for and applied to the payment of the Costs of Issuance of the Issuer in connection with the issuance, sale and delivery of the Bonds and the establishment of the funds hereunder; and pending such disbursement moneys in the Expense Fund shall be invested by the Escrow Agent as directed by the Issuer. Payment of the aforesaid expenses shall be made by the Escrow Agent from the moneys on deposit in such Expense Fund for the purposes listed in Schedule D hereto upon receipt by the Escrow Agent of either an invoice or statement for the appropriate charges, or a written request of the Issuer signed by an Executive Officer or Finance Director, which request shall state, with respect to each payment to be made, the person, firm or corporation to whom payment is to be made, the amount to be paid and the purpose for which the obligation to be paid was incurred. Each such invoice, statement or written request shall be sufficient evidence to the Escrow Agent that the payment requested to be made from the moneys on deposit in such Expense Fund is a proper payment to the person named therein in the amount and for the purpose stated therein, and upon receipt of such invoice, statement or written request, and the Escrow Agent shall pay the amount set forth therein as directed by the terms thereof. When all expenses contemplated to be paid from such Expense Fund have been paid, such fund shall be closed and any balance remaining therein shall be withdrawn by the Escrow Agent and applied by the Issuer to the payment of principal of Bonds next falling due.

SECTION 4. Deposit to Escrow Fund Irrevocable. The deposit of the moneys in the Escrow Fund shall constitute an irrevocable deposit of said moneys in trust exclusively for the benefit of the owners of the Refunded Bonds and such moneys and Escrow Obligations, together with any income or interest earned thereon, shall be held in escrow and shall be applied solely to the payment of the principal of, premium, if any, and interest on the Refunded Bonds as the same mature and become due or are redeemed. Subject to the requirements set forth herein for the use of the Escrow Fund and the moneys and investments therein, the Issuer covenants and agrees that the Escrow Agent shall have full and complete control and authority over and with respect to the Escrow Fund and moneys and investments therein and the Issuer shall not exercise any control or authority over and with respect to the Escrow Fund and the moneys and investments therein.

SECTION 5. Use of Moneys. The Escrow Agent shall apply the moneys deposited in the Escrow Fund and the Expense Fund and the Escrow Obligations, together with any income or interest earned thereon, in accordance with the provisions hereof. The Escrow Agent shall have no power or duty to invest any moneys held hereunder, or to make substitutions of the Escrow Obligations held hereunder or to sell, transfer or otherwise dispose of the Escrow Obligations acquired hereunder, except as provided in 2(b) above. The liability of the Escrow Agent for the payment of the amounts to be paid hereunder shall be limited to the principal of and interest on the Escrow Obligations and cash available for such purposes in the Escrow Fund and the Expense Fund. Any amounts held as cash in the Escrow Fund, or in the Expense Fund shall be held in cash without any investment thereof, not as a time or demand deposit with any bank, savings and loan or other depository.

SECTION 6. Payment of Refunded Bonds. The Escrow Agent shall receive the matured principal of and the interest on the Escrow Obligations as the same are payable. On or before each interest payment date on the Refunded Bonds, the Escrow Agent shall transmit to the Issuer or the paying agent for the Refunded Bonds in immediately available funds, sufficient amounts for the payment of the interest on the Refunded Bonds due on said date and any principal of and redemption premiums on the Refunded Bonds due on said date by reason of the redemption of Refunded Bonds, in accordance with Schedule C attached hereto.

SECTION 7. Notice of Defeasance and Call for Redemption. The Issuer shall cause a Notice of Defeasance and Call for Redemption of the Refunded Bonds to be sent by the paying agent for the Refunded Bonds, by first class mail, postage prepaid, not less than thirty (30) days prior to the date of redemption of the Refunded Bonds to the registered owners as the same appear on the registration books maintained by the paying agent. The Issuer will reimburse the Escrow Agent for any expenses incurred in connection with this Section from moneys other than those in the Escrow Fund.

SECTION 8. Remaining Moneys in Escrow Fund. Upon the retirement of the Refunded Bonds, any amounts remaining in the Escrow Fund shall be paid to the Issuer as its property free and clear of the trust created by the Bond Ordinance and this Agreement and shall be transferred to the Issuer.

SECTION 9. Rights of Owners of Refunded Bonds. The escrow trust fund created hereby shall be irrevocable and the owners of the Refunded Bonds shall have a beneficial interest and a first, prior and paramount claim on all moneys and Escrow Obligations in the Escrow Fund until paid out, used and applied in accordance with this Agreement.

SECTION 10. Fees of Escrow Agent. In consideration of the services rendered by the Escrow Agent under this Agreement, the Issuer has paid to the Escrow Agent its reasonable fees and expenses, and the Escrow Agent hereby acknowledges (i) receipt of such payment and (ii) that it shall have no lien whatsoever upon any moneys in the Escrow Fund. In no event shall the Issuer be liable to any person by reason of the transactions contemplated hereby other than to the Escrow Agent as set forth in this Section 10.

The Escrow Agent and its respective successors, assigns, agents and servants shall not be held to any personal liability whatsoever, in tort, contract, or otherwise, in connection with the execution and delivery of this Agreement, the establishment of the Escrow Fund, the acceptance of the moneys and securities deposited therein, the purchase of those Escrow Obligations listed in Schedule A, the retention of the Escrow Obligations or the proceeds thereof or any payment, transfer or other application of moneys or securities by the Escrow Agent in accordance with the provisions of this Agreement or by reason of any act, omission or error of the Escrow Agent made in good faith and without negligence in the conduct of its duties.

SECTION 11. Enforcement. The Issuer, the paying agent for the Refunded Bonds and the owners of the Refunded Bonds shall have the right to take all actions available under law or equity to enforce this Agreement or the terms hereof.

SECTION 12. Records and Reports. The Escrow Agent will keep books of record and account in which complete and correct entries shall be made of all transactions relating to the receipts, disbursements, allocations and application of the money and Escrow Obligations deposited to the Escrow Fund

and all proceeds thereof. With respect to each investment of the proceeds of Escrow Obligations, the Escrow Agent shall record, to the extent applicable, the purchase price of such investment, its fair market value, its coupon rate, its yield to maturity, the frequency of its interest payment, its disposition price, the accrued interest due on its disposition date and its disposition date. Such books shall be available for inspection at reasonable hours and under reasonable conditions by the Issuer and the owners of the Bonds and the Refunded Bonds.

SECTION 13. Successor Escrow Agents. If at any time the Escrow Agent or its legal successor or successors should become unable, through operation of law or otherwise, to act as escrow agent hereunder, or if its property and affairs shall be taken under the control of any state or federal court or administrative body because of insolvency or bankruptcy or for any other reason, a vacancy shall forthwith exist in the office of escrow agent hereunder. In such event the Issuer, by appropriate order, and with the prior written consent of the Issuer, shall promptly appoint an escrow agent to fill such vacancy.

Any successor escrow agent shall execute, acknowledge and deliver to the Issuer and the Escrow Agent an instrument accepting such appointment hereunder, and the Escrow Agent shall execute and deliver an instrument transferring to such successor escrow agent, subject to the terms of this Agreement, all the rights, powers and trusts of the Escrow Agent hereunder. Upon the request of any such successor escrow agent, the Issuer shall execute any and all instruments in writing for more fully and certainly vesting in and confirming to such successor escrow agent all such rights, powers and duties. The Escrow Agent shall pay over to its successor escrow agent a proportional part of the Escrow Agent's fee hereunder.

The Escrow Agent may be removed at any time by an instrument or concurrent instrument in writing delivered to the Escrow Agent by the Issuer.

SECTION 14. Amendments. This Agreement may be amended with the consent of the Issuer and the Escrow Agent (i) to correct ambiguities, (ii) to strengthen any provision hereof which is for the benefit of the owners of the Refunded Bonds or the Bonds or (iii) to sever any provision hereof which is deemed to be illegal or unenforceable; and provided further that this Agreement shall not be amended unless the Issuer shall deliver an opinion of nationally recognized bond counsel, that such amendments will not cause the Refunded Bonds to be "arbitrage bonds". A copy of any amendment shall be provided to the Insurer and any rating agencies which have rated the Bonds.

SECTION 15. Successors Bound. All covenants, promises and agreements in this Agreement shall bind and inure to the benefit of the respective successors and assigns of the Issuer, the Escrow Agent and the owners of the Refunded Bonds, whether so expressed or not.

SECTION 16. Louisiana Law Governing. This Agreement shall be governed by the applicable laws of the State of Louisiana.

SECTION 17. Termination. This Agreement shall terminate when all of the Refunded Bonds have been paid as aforesaid and any remaining moneys have been paid to the Issuer.

SECTION 18. Severability. If any one or more of the covenants or agreements provided in this Agreement on the part of the Issuer or the Escrow Agent to be performed should be determined by a court

of competent jurisdiction to be contrary to law, such covenant or agreement shall be deemed and construed to be severable from the remaining covenants and agreements herein contained and shall in no way affect the validity of the remaining provisions of this Agreement.

SECTION 19. Counterparts. This Agreement may be executed in several counterparts, all or any of which shall be regarded for all purposes as one original and shall constitute and be one and the same instrument.

St. Bernard Parish Council

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

IN WITNESS WHEREOF, the parties hereto have executed this Escrow Deposit Agreement as of the day and year first written.

PARISH OF ST. BERNARD, STATE OF LOUISIANA

By: _____
Parish President

ATTEST:

By: _____ (SEAL)
Council Clerk

ARGENT TRUST, A DIVISION OF NATIONAL INDEPENDENT TRUST COMPANY
Ruston, Louisiana

By: _____
Title:

(SEAL)

SCHEDULE A
To Escrow Deposit Agreement

SCHEDULE OF SECURITIES
PURCHASED WITH BOND PROCEEDS AND EXISTING FUNDS

SCHEDULE B
To Escrow Agreement

ESCROW CASH FLOW AND PROOF OF SUFFICIENCY

SCHEDULE C
To Escrow Deposit Agreement

DEBT SERVICE ON REFUNDED BONDS

SCHEDULE D
To Escrow Deposit Agreement

COSTS OF ISSUANCE

State Bond Commission Fees	$17,023.25
Bond Counsel Fees	67,748.06
Bond Counsel Expenses	5,000.00
Official Statement (Preparation)	15,000.00
Official Statement (Printing)	3,000.00
CPA Verification of Escrow Fund	1,500.00
Paying Agent Fees (Argent Trust)	500.000
Escrow Agent Fee (Argent Trust)	2,000.00
Rating Agency Fees (S&P)	15,000.00
Miscellaneous	1,096.52
TOTAL	$127,867.83

EXHIBIT C
TO BOND ORDINANCE

NO. R- PRINCIPAL AMOUNT $

Unless this Bond is presented by an authorized representative of the Depository Trust Company, a New York corporation ("DTC"), to the Issuer or their agent for registration of transfer, exchange, or payment, and any Bond issued is registered in the name of CEDE & CO. or in such other name as is requested by an authorized representative of DTC (and any payment is made to CEDE & CO. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, CEDE & CO., has an interest herein.

As provided in the Bond Ordinance referred to herein, until the termination of the system of book-entry-only transfers through DTC and notwithstanding any other provision of the Bond Ordinance to the contrary, this Bond may be transferred, in whole but not in part, only to a nominee of DTC, or by a nominee of DTC to DTC or a nominee of DTC, or by DTC or a nominee of DTC to any successor securities depository or any nominee thereof.

UNITED STATES OF AMERICA
STATE OF LOUISIANA
PARISH OF ST. BERNARD

SALES TAX REFUNDING BOND, SERIES 2012
OF THE
PARISH OF ST. BERNARD, STATE OF LOUISIANA

Bond Date	Maturity Date	Interest Rate	CUSIP Number
August 22, 2012	March 1, ____	_____%	_____

The **Parish of St. Bernard, State of Louisiana** (the "Issuer"), promises to pay, but solely from the source and as hereinafter provided, to:

REGISTERED OWNER: CEDE & CO. (Tax Identification #13-2555119)

PRINCIPAL AMOUNT: _____ DOLLARS

or registered assigns, on the Maturity Date set forth above, the Principal Amount set forth above, together with interest thereon from the Bond Date set forth above or the most recent Interest Payment Date to which interest has been paid or duly provided for, payable on September 1, 2012, and semiannually thereafter on March 1 and September 1 of each year (each an "Interest Payment Date"), at the Interest Rate per annum set forth above until said Principal Amount is paid, unless this Bond shall have been previously called for redemption

and payment shall have been duly made or provided for. The principal of this Bond, upon maturity, is payable in lawful money of the United States of America at the principal office of Argent Trust, a division of National Independent Trust Company, in the City of Ruston, Louisiana, or successor thereto (the "Paying Agent"), upon presentation and surrender hereof. Interest on this Bond is payable by check mailed by the Paying Agent to the registered owner (determined as of the 15th calendar day of the month next preceding each Interest Payment Date) at the address as shown on the registration books of the Paying Agent.

During any period after the initial delivery of the Bonds in book-entry-only form when the Bonds are delivered in multiple certificates form, upon request of a registered owner of at least $1,000,000 in principal amount of Bonds outstanding, all payment of principal, premium, if any, and interest on the Bonds will be paid by wire transfer in immediately available funds to an account designated by such registered owner; CUSIP number identification with appropriate dollar amounts for each CUSIP number must accompany all payments of principal, premium, and interest, whether by check or by wire transfer.

This Bond is one of an authorized issue aggregating in principal the sum of Three Million Eight Hundred Eighty Five Thousand Dollars ($33,885,000) (the "Bonds"), all of like tenor and effect except as to number, interest rate, denomination and maturity, said Bonds having been issued by the Issuer pursuant to an ordinance adopted on July 17, 2012 (the "Bond Ordinance"), for the purpose of refunding all or any portion of the callable maturities of the Issuer's outstanding (i) Sales Tax Bonds, Series 2003, maturing March 1, 2014 to March 1, 2022, inclusive and (ii) Sales Tax Bonds, Series 2004, maturing March 1, 2015 to March 1, 2024, inclusive, and paying costs of issuance of the Bonds, under the authority conferred by Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, pursuant to all requirements therein specified.

The Bonds are not callable for redemption prior to their stated dates of maturity.

The Bonds may be transferred, registered and assigned only on the registration books of the Paying Agent, and such registration shall be at the expense of the Issuer. A Bond may be assigned by the execution of an assignment form on the Bonds or by other instruments of transfer and assignment acceptable to the Paying Agent. A new Bond or Bonds will be delivered by the Paying Agent to the last assignee (the new registered owner) in exchange for such transferred and assigned Bonds after receipt of the Bonds to be transferred in proper form. Such new Bond or Bonds shall be in the denomination of $5,000 or any integral multiple thereof within a single maturity. Neither the Issuer nor the Paying Agent shall be required to issue, register the transfer of, or exchange any Bond during a period beginning at the opening of business on the 15th calendar day of the month next preceding an Interest Payment Date and ending at the close of business on the Interest Payment Date.

This Bond and the issue of which it forms a part are issued on a complete parity with the Issuer's outstanding (i) unrefunded Sales Tax Bonds, Series 2003, maturing March 1, 2013 and (ii) Sales Tax Bonds, Series 2004, maturing March 1, 2013 and March 1, 2014 (collectively, the "Outstanding Parity Bonds"). It is certified that the Issuer, in issuing this Bond and the issue of which it forms a part, has complied with all the terms and conditions set forth in the ordinances authorizing the issuance of the Outstanding Parity Bonds.

This Bond and the issue of which it forms a part are payable, equally with the Outstanding Parity Bonds, from a pledge and dedication of the net avails or proceeds (the "Net Revenues of the Tax") of the Issuer's (i) one-half of one percent (1/2%) sales and use tax approved at an election held on July 13, 1965, (ii) one-half of one percent (1/2%) sales and use tax approved at an election held on July 15, 1969 and (iii) one-half of one percent (1/2%) sales and use tax approved at an election held on December 7, 1976, now

being levied and collected by the Issuer pursuant to said elections and the Tax Ordinance. This Bond constitutes a borrowing solely upon the credit of the Net Revenues of the Tax received by the Issuer and does not constitute an indebtedness or pledge of the general credit of the Issuer within the meaning of any constitutional or statutory provisions relating to the incurring of indebtedness. The Issuer has covenanted and agreed and does hereby covenant and agree to continue to levy the Tax for the full period of its authorization and not to discontinue or decrease or permit to be discontinued or decreased the Tax in anticipation of the collection of which this Bond and the issue of which it forms a part have been issued, nor in any way make any change which would diminish the amount of said Net Revenues of the Tax pledged to the payment of the Bonds, until all of the Bonds have been paid in principal and interest. For a complete statement of the revenues from which and conditions under which this Bond is issued, reference is hereby made to the Bond Ordinance.

This Bond and the issue of which it forms a part have been duly registered with the Secretary of State of the State of Louisiana as provided by law.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance until the Certificate of Registration hereon shall have been signed by the Paying Agent.

It is certified that this Bond is authorized by and is issued in conformity with the requirements of the Constitution and statutes of this State. It is further certified, recited and declared that all acts, conditions and things required to exist, to happen and to be performed precedent to and in the issuance of this Bond and the issue of which it forms a part necessary to constitute the same legal, binding and valid obligations of the Issuer have existed, have happened and have been performed in due time, form and manner as required by law, and that the indebtedness of the Issuer, including this Bond and the issue of which it forms a part, does not exceed any limitation prescribed by the Constitution and statutes of the State of Louisiana, and that said Bonds shall not be invalid for any irregularity or defect in the proceedings for the issuance and sale thereof and shall be incontestable in the hands of bona fide purchasers or owners for value thereof.

IN WITNESS WHEREOF, the Parish of St. Bernard, State of Louisiana, has caused this Bond to be executed in its name by the facsimile signatures of the Parish President, the Council Chairman and Clerk of the Council of the Issuer and a facsimile of its corporate seal to be imprinted hereon.

PARISH OF ST. BERNARD, STATE OF LOUISIANA

Council Chairman

Parish President

Clerk of Council

(SEAL)

* * * * * *

SECRETARY OF STATE ENDORSEMENT

OFFICE OF SECRETARY OF STATE
STATE OF LOUISIANA
BATON ROUGE

Incontestable. Secured by a pledge and dedication of proceeds of a sales and use tax in the Parish of St. Bernard, State of Louisiana. Registered this _____ day of _____, 2012.

_____
Secretary of State

PAYING AGENT'S CERTIFICATE OF REGISTRATION

This Bond is one of the Bonds referred to in the within mentioned Bond Ordinance.

ARGENT TRUST, A DIVISION OF NATIONAL
INDEPENDENT TRUST COMPANY
Ruston, Louisiana
as Paying Agent

Date of Registration: _____, 2012 By:

Authorized Officer

* * * * * * *

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

_____

Please Insert Social Security
or other Identifying Number of
Assignee

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

_____

attorney or agent to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

_____

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

* * * * * * *

LEGAL OPINION CERTIFICATE

I, the undersigned Clerk of Council of the Parish Council of the Parish of St. Bernard, State of Louisiana, do hereby certify that the following is a true copy of the complete legal opinion of Foley & Judell, L.L.P., the original of which was manually executed, dated and issued as of the date of payment for and delivery of the original bonds of the issue described therein and was delivered to _____, of _____, _____, the original purchaser thereof:

(LEGAL OPINION TO BE INSERTED)

I further certify that an executed copy of the above legal opinion is on file in my office, and that an executed copy thereof have been furnished to the Paying Agent for this Bond.

_____

Clerk of Council

EXHIBIT D
TO BOND ORDINANCE

BOND PURCHASE AGREEMENT

$33,885,000
SALES TAX REFUNDING BONDS, SERIES 2012
OF THE
PARISH OF ST. BERNARD, STATE OF LOUISIANA

July 10, 2012

Hon. Parish Council
Parish of St. Bernard, State of Louisiana
8201 W. Judge Perez Drive
Chalmette, Louisiana 70043

The undersigned, Stephens Inc, of Baton Rouge, Louisiana (the "Underwriter"), offers to enter into this agreement with the Parish Council of the Parish of St. Bernard, State of Louisiana (the "Issuer), which, upon your acceptance of this offer, will be binding upon you and upon us.

This offer is made subject to your acceptance of this agreement on or before 6:00 p.m., Louisiana Time on this date.

1. **Purchase Price**. Upon the terms and conditions and upon the basis of the respective representations, warranties and covenants set forth herein, the Underwriter hereby agrees to purchase from the Issuer, and the Issuer hereby agrees to sell to the Underwriter, all (but not less than all) of the above-captioned Sales Tax Refunding Bonds, Series 2012, of the Issuer (the "Bonds"). The purchase price of the Bonds is set forth in Schedule I hereto. Such purchase price shall be paid at the Closing (hereinafter defined) in accordance with paragraph 6 hereof. The Bonds are to be issued by the Issuer, acting through the Parish Council of the Parish of St. Bernard, State of Louisiana, its governing authority (the "Governing Authority"), under and pursuant to, and are to be secured by an ordinance to be adopted by the Governing Authority on or before July 17, 2012 (the "Bond Ordinance"). The Bonds are issued pursuant to Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority (the "Act"). The Bonds shall mature on the dates and shall bear interest at the fixed rates, all as described in Schedule II attached hereto. A portion of the proceeds of the Bonds will be deposited with Argent Trust, a division of National Independent Trust Company, in the City of Ruston, Louisiana, as Escrow Agent (the "Escrow Agent"), and invested pursuant to a Defeasance and Escrow Deposit Agreement dated August 22, 2012, between the Issuer and the Escrow Agent (the "Escrow Agreement") and applied to the payment of principal of and premium, if any, and interest on a certain portion of the Issuer's outstanding Sales Tax Bonds, Series 2003 and Series 2004, which are described in Exhibit A to the Bond Ordinance (the "Refunded Bonds").

2. **Public Offering**. The Underwriter intends to make an initial bona fide public offering of all of the Bonds at not in excess of the public offering prices set forth on Schedule II attached hereto, and may subsequently change such offering price without any requirement of prior notice. The Underwriter may offer and sell Bonds to certain dealers (including dealers depositing bonds into investment trusts) and others at prices lower than such public offering prices. Not less than ten business days prior to the Closing, the Underwriter agrees to furnish to Foley & Judell, L.L.P., Bond Counsel, a certificate acceptable to Bond Counsel (i) specifying the reoffering prices at which a substantial amount of the Bonds was sold to the public (excluding bond houses, brokers and other intermediaries) and (ii) certifying the accuracy of such reoffering prices (if lower than those set out in Schedule II). The Underwriter acknowledges that Bond Counsel will rely on such representations in making their determination that the Bonds are not "arbitrage bonds" within the meaning of the Internal Revenue Code of 1986, as amended.

3. **Representative**. Stephens Inc., of Baton Rouge, Louisiana is duly authorized to execute this Bond Purchase Agreement.

4. **Official Statement**. The Issuer shall deliver to the Underwriter at least one (1) copy of the Official Statement dated the date hereof relating to the Bonds, executed on behalf of the Issuer by the duly authorized officers of the Governing Authority. The Issuer agrees to amend or supplement the Official Statement on or prior to the Closing whenever requested by the Underwriter when, in the reasonable judgment of the Underwriter and/or Bond Counsel to the Issuer, such amendment or supplementation is required.

The Issuer hereby ratifies and approves the lawful use of the Preliminary Official Statement relating to the Bonds (the "Preliminary Official Statement") by the Underwriter prior to the date hereof, and authorize and approve the Official Statement and other pertinent documents referred to in Section 7 hereof to be lawfully used in connection with the offering and sale of the Bonds. The Issuer has previously provided the Underwriter with a copy of its Preliminary Official Statement. As of its date, the Preliminary Official Statement has been deemed final by the Issuer for purposes of SEC Rule 15c2-12(b)(1). The Issuer agrees to provide to the Underwriter within seven business days of the date hereof sufficient copies of the Official Statement to enable the Underwriter to comply with the requirements of Rule 15c2-12(b)(4) under the Securities Exchange Act of 1934, as amended.

5. **Representations of the Issuer**.

(a) The Issuer has authorized, or prior to the delivery of the Bonds the Issuer will duly authorize all necessary action to be taken by it for: (a) the sale of the Bonds upon the terms set forth herein and in the Official Statement; (b) the approval of the Official Statement and the signing of the Official Statement by a duly authorized officer; and (c) the execution, delivery and receipt of this Bond Purchase Agreement, the Escrow Agreement and any and all such other agreements and documents as may be required to be executed, delivered and received by the Issuer in order to carry out, give effect to, and consummate the transactions contemplated hereby, by the Bonds, the Official Statement, and the Bond Ordinance;

(b) The information contained in the Official Statement is and, as of the date of Closing, will be correct in all material respects and such information does not contain and will not contain any untrue statement of a material fact and does not omit and will not omit to state a material fact required to be stated therein or necessary to make the statements in such Official Statement, in light of the circumstances under which they were made, not misleading;

(c) To the knowledge of the Issuer there is no action, suit, proceeding, inquiry or investigation at law or in equity or before or by any court, public board or body pending against or affecting the Issuer or the Governing Authority or threatened against or affecting the Issuer or the Governing Authority (or, to the knowledge of the Issuer, any basis therefor) contesting the due organization and valid existence of the Issuer or the Governing Authority or the validity of the Act or wherein an unfavorable decision, ruling or finding would adversely affect the transactions contemplated hereby or by the Official Statement or the validity or due adoption of the Bond Ordinance or the validity, due authorization and execution of the Bonds, this Bond Purchase Agreement, the Escrow Agreement or any agreement or instrument to which the Issuer is a party and which is used or contemplated for use in the consummation of the transaction contemplated hereby or by the Official Statement;

(d) The authorization, execution and delivery by the Issuer of the Official Statement, this Bond Purchase Agreement, the Escrow Agreement and the other documents contemplated hereby and by the Official Statement, and compliance by the Issuer with the provisions of such instruments, do not and will not conflict with or constitute on the part of the Issuer a breach of or a default under any provisions of the Louisiana Constitution of 1974, as amended, or any existing law, court or administrative regulation, decree or order by which the Issuer or its properties are or, on the date of Closing will be, bound;

(e) All consents of and notices to or filings with governmental authorities necessary for the consummation by the Issuer of the transactions described in the Official Statement, the Bond Ordinance, the Escrow Agreement, and this Bond Purchase Agreement (other than such consents, notices and filings, if any, as may be required under the securities or blue sky laws of any federal or state jurisdiction) required to be obtained or made have been obtained or made or will be obtained or made prior to delivery of the Bonds; and

(f) The Issuer agrees to cooperate with the Underwriter and its counsel in any endeavor to qualify the Bonds for offering and sale under the securities or blue sky laws of such jurisdictions of the United States as the Underwriter may reasonably request provided however that the Issuer shall not be required to register as a dealer or a broker in any such state or jurisdiction or qualify as a foreign corporation or file any general consents to service of process under the laws of any state. The Issuer consents to the lawful use of the Preliminary Official Statement and the Official Statement by the Underwriter in obtaining such qualifications. No member of the Governing Authority, or any officer, employee or agent of the Issuer shall be individually liable for the breach of any representation or warranty made by the Issuer.

6. **Delivery of, and Payment for, the Bonds**. At 9:30 a.m., Louisiana Time, on or about August 22, 2012, or at such other time or date as shall have been mutually agreed upon by the Issuer and the Underwriter, the Issuer will deliver, or cause to be delivered, to the Underwriter, the Bonds, in definitive form duly executed and registered by Argent Trust, a division of National Independent Trust Company (the "Paying Agent"), together with the other documents hereinafter mentioned and the other moneys required by the Bond Ordinance to be provided by the Issuer to refund the Refunded Bonds and, subject to the conditions contained herein, the Underwriter will accept such delivery and pay the purchase price of the Bonds in Federal Funds at the office of the Escrow Agent, for the account of the Issuer.

Delivery of the Bonds as aforesaid shall be made at the offices of Foley & Judell, L.L.P., in New Orleans, Louisiana, or such other place as may be agreed upon by the Underwriter and the Issuer. Such payment and delivery is herein called the "Closing". The Bonds will be delivered initially as fully registered bonds, one bond representing each maturity of the Bonds, and registered in such names as the Underwriter may request not less than three business days prior to the Closing or if no such instructions are received by the Paying Agent, in the name of the Representative.

(7) **Certain Conditions To Underwriter's Obligations**. The obligations of the Underwriter hereunder shall be subject to the performance by the Issuer of its obligations to be performed hereunder, and to the following conditions:

(a) At the time of Closing, (a) the Bond Ordinance shall have been adopted and the Escrow Agreement shall have been executed and delivered in the form approved by the Underwriter and shall be in full force and effect and shall not have been amended, modified or supplemented except as may have been agreed to by the Underwriter, (b) the Bonds shall have been approved by the State Bond Commission, (c) the proceeds of the sale of the Bonds shall be applied as described in the Official Statement and the Bond Ordinance, and (iv) there shall have been duly adopted and there shall be in full force and effect such ordinances as, in the opinion of Bond Counsel, shall be necessary in connection with the transactions contemplated hereby; and

(b) At or prior to the Closing, the Underwriter shall have received each of the following:

(1) the approving opinion of Bond Counsel, dated the date of the Closing, relating to, among other things, the validity of the Bonds and the exclusion of the interest on the Bonds from gross income for federal income tax purposes under the law existing on the date of the Closing, in form satisfactory to the Underwriter;

(2) a supplemental opinion of Bond Counsel, dated the date of the Closing, addressed to the Issuer, the Escrow Agent and the Underwriter in form satisfactory to the Underwriter;

(3) certificates of the Issuer dated the date of the Closing, executed by authorized officers in form satisfactory to the Underwriter;

(4) the Official Statement executed on behalf of the Issuer by the duly authorized officers thereof;

(5) a specimen of the Bonds;

(6) certified copies of the Bond Ordinance and all other resolutions and/or ordinances of the Issuer and the State Bond Commission relating to the issuance and/or sale of the Bonds, as applicable;

(7) a certificate of a duly authorized officer of the Issuer, satisfactory to the Underwriter, dated the date of Closing, stating that such officer is charged, either alone or with others, with the responsibility for issuing the Bonds; setting forth, in the manner required by Bond Counsel, the reasonable expectations of the Issuer as of such date as to the use of proceeds of the Bonds and of any other funds of the Issuer expected to be used to pay principal or interest on the Bonds and the facts and estimates on which such expectations are based; and stating that, to the best of the knowledge and belief of the certifying officer, the Issuer's expectations are reasonable;

(8) a certificate of the Paying Agent, as to (1) its corporate capacity to act as such, (2) the incumbency and signatures of authorized officers, and (3) its due registration of the Bonds delivered at the Closing by an authorized officer;

(9) a letter with respect to the Bonds, dated the date of the Closing, of The Arbitrage Group, Inc., Sugarland, Texas, to the effect that they have verified the accuracy of (1) the mathematical computations of the adequacy of the maturing principal amounts of the obligations to be deposited in the Escrow Fund, together with the interest earned and to be earned thereon and uninvested cash, if any, to be held by the Escrow Agent to pay when due the principal and redemption premium of the Refunded Bonds on the dates and in the amounts provided in the Escrow Agreement, and (2) the mathematical computations supporting the conclusion that the Bonds are not "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations promulgated, temporary and proposed, thereunder, or any successor provision to such Section 148; and

(10) other certificates of the Issuer listed on a Closing Memorandum, including any certificates or representations required in order for Bond Counsel to deliver the opinions referred to in Paragraphs 7(b)(1) and (2) of this Bond Purchase Agreement and such additional legal opinions, certificates, proceedings, instruments and other documents as Bond Counsel may reasonably request to evidence compliance by the Issuer with applicable legal requirements, the truth and accuracy, as of the time of Closing, of their respective representations contained herein, and the due performance or satisfaction by them at or prior to such time of all agreements then to be performed and all conditions then to be satisfied by each.

All such opinions, certificates, letters, agreements and documents will be in compliance with the provisions hereof only if they are satisfactory in form and substance to the Underwriter. The Issuer will furnish the Underwriter with such conformed copies or photocopies of such opinions, certificates, letters, agreements and documents relating to the Bonds as the Underwriter may reasonably request.

8. **Conditions to Obligations of the Issuer**. The obligations of the Issuer hereunder to deliver the Bonds shall be subject to the execution and delivery by the Issuer or the Paying Agent of the opinions of Bond Counsel described in Sections 7(b)(1) and 7(b)(2) hereof.

9. **Termination**. The Underwriter shall have the right to cancel their obligation to purchase the Bonds if (a) between the date hereof and the Closing, legislation shall be enacted or favorably reported for passage to either House of the Congress by any committee of such House to which such legislation has been referred for consideration, a decision by a court of the United States or the United States Tax Court shall be rendered, or a ruling, regulation or statement by or on behalf of the Treasury Department of the United States, the Internal Revenue Service or other governmental agency shall be made or proposed to be made with respect to the federal taxation upon interest on obligations of the general character of the Bonds, or other action or events shall have transpired which may have the purpose or effect, directly or indirectly, of adversely changing the federal income tax consequences of any of the transactions contemplated in connection herewith, and, in the opinion of the Underwriter, materially adversely affects the market price of the Bonds, or the market price generally of obligations of the general character of the Bonds, or (b) there shall exist any event which in the Underwriter's judgment either (a) makes untrue or incorrect in any material respect any statement or information contained in the Official Statement or (b) is not reflected in the Official Statement but should be reflected therein in order to make the statements and information contained therein not misleading in any material respect, or (c) there shall have occurred any outbreak of hostilities or any national or international calamity or crisis including financial crisis, or a default with respect to the debt obligations of, or the institution of proceedings under federal or state bankruptcy laws by or against the Issuer, the effect of which on the financial markets of the United States being such as, in the reasonable judgment of the Underwriter, would make it impracticable for the Underwriter to market the Bonds or to enforce contracts for the sale of the Bonds, or (d) there shall be in force a general suspension of trading on the New York Stock Exchange, or (e) a general banking moratorium shall have been declared by either federal, Louisiana or New York authorities, or (f) there shall have occurred since the date of this Bond Purchase Agreement any material adverse change in the affairs of the Issuer, except for changes which the Official Statement discloses have occurred or may occur, or (g) legislation shall be enacted or any action shall be taken by the Securities and Exchange Commission which, in the opinion of Bond Counsel, has the effect of requiring the contemplated distribution of the Bonds to be registered under the Securities Act of 1933, as amended, or the Bond Ordinance, or any other document executed in connection with the transactions contemplated hereof to be qualified under the Trust Indenture Act of 1939, as amended, or (h) a stop order, ruling, regulation or official statement by or on behalf of the Securities and Exchange Commission shall be issued or made to the effect that the issuance, offering or sale of the Bonds, or of obligations of the general character of the Bonds as contemplated hereby, or the offering of any other obligation which may be represented by the Bonds is in violation of any provision of the Securities Act of 1933, as amended, the Securities Exchange Act of 1934, as amended, or the Trust Indenture Act of 1939, as amended, or (i) any state blue sky or securities commission shall have withheld registration, exemption or clearance of the offering, and in the reasonable judgment of the Underwriter the market for the Bonds is materially affected thereby.

If the Issuer shall be unable to satisfy any of the conditions to the obligations of the Underwriter contained in this Bond Purchase Agreement and such condition is not waived by the Underwriter, or if the obligations of the Underwriter to purchase and accept delivery of the Bonds shall be terminated or cancelled for any reason permitted by this Bond Purchase Agreement, this Bond Purchase Agreement shall terminate and

neither the Underwriter nor the Issuer shall be under further obligation hereunder; except that the respective obligations to pay expenses, as provided in Section 12 hereof, shall continue in full force and effect.

10. **Additional Covenants**. The Issuer covenants and agrees with the Underwriter as follows:

(a) The Issuer shall furnish or cause to be furnished to the Underwriter as many copies of the Official Statement as the Underwriter may reasonably request;

(b) Before revising, amending or supplementing the Official Statement, the Issuer shall furnish a copy of the revised Official Statement or such amendment or supplement to the Underwriter. If in the opinion of the Issuer, its Bond Counsel and the Underwriter a supplement or amendment to the Official Statement is required, the Issuer will supplement or amend the Official Statement in a form and in a manner approved by the Underwriter and Bond Counsel.

11. **Survival of Representations**. All representations and agreements of the Issuer and the Underwriter hereunder shall remain operative and in full force and effect, and shall survive the delivery of the Bonds and any termination of this Bond Purchase Agreement by the Underwriter pursuant to the terms hereof.

12. **Payment of Expenses**. If the Bonds are sold to the Underwriter by the Issuer, the Issuer shall pay, from the proceeds of the Bonds, any reasonable expenses incident to the performance of its obligations hereunder, including but not limited to: (a) the cost of the preparation, printing and distribution of the Preliminary Official Statement and the Official Statement; (b) the cost of the preparation of the printed Bonds; (c) any rating agency fees; (d) the fees and expenses of Bond Counsel, the Escrow Agent, the Paying Agent and any other experts or consultants retained by the Issuer and (v) the cost of the Municipal Bond Insurance Policy, if any.

The Underwriter shall pay (1) all advertising expenses in connection with the public offering of the Bonds; (b) the cost of preparing and printing the blue sky and legal investment memoranda, if any; (c) filing fees in connection with the aforesaid blue sky and legal investment memoranda; and (d) all other expenses incurred by the Underwriter (including fees and costs of its counsel, if any, and the cost of any Federal Funds necessary to pay the purchase price of the Bonds) in connection with their public offering.

13. **Notices**. Any notice or other communication to be given to the Issuer under this Bond Purchase Agreement may be given by delivering the same in writing at the address of the Issuer set forth above, and any notice or other communication to be given to the Underwriter under this Bond Purchase Agreement may be given by delivering the same in writing to Stephens Inc., 445 North Boulevard, Suite 802, Baton Rouge, Louisiana 70802.

14. **Parties**. This Bond Purchase Agreement is made solely for the benefit of the Issuer and the Underwriter (including the successors or assigns of the either) and no other person shall acquire or have any right hereunder or by virtue hereof.

15. **Governing Law**. This Bond Purchase Agreement shall be governed by and construed in accordance with the laws of the State of Louisiana.

16. **General**. This Bond Purchase Agreement may be executed in several counterparts, each of which shall be regarded as an original and all of which will constitute one and the same instrument. The section headings of this Bond Purchase Agreement are for convenience of reference only and shall not affect its interpretation. This Bond Purchase Agreement shall become effective upon your acceptance hereof.

Very truly yours,

STEPHENS INC.

By: _____
Title:

Accepted and agreed to as of
the date first above written:

Parish Council of the Parish of
St. Bernard, State of Louisiana

By: _____
Parish President

(SEAL)

SCHEDULE I
To Bond Purchase Agreement

Purchase Price

Par Amount of Bonds:	$33,885,000.00
Less: Underwriter's Discount (0.65%)	(220,252.50)
Plus: Premium/(Discount)	$2,433,041.05
PURCHASE PRICE	$36,097,788.55

SCHEDULE II
To Bond Purchase Agreement

MATURITY (MARCH 1)	PRINCIPAL AMOUNT DUE	INTEREST RATE	REOFFERING PRICE
2014	$ 470,000	2.00%	101.662
2015	2,955,000	3.00	104.336
2016	3,035,000	4.00	108.372
2017	3,135,000	4.00	109.177
2018	3,245,000	4.00	109.043
2019	3,355,000	4.00	109.293
2020	3,470,000	4.00	108.090
2021	3,585,000	4.00	107.472
2022	3,715,000	4.00	106.947
2023	3,405,000	4.00	105.724
2024	3,515,000	4.00	104.225

EXHIBIT E-1
TO BOND ORDINANCE

NOTICE OF DEFEASANCE AND CALL FOR REDEMPTION

SALES TAX BONDS, SERIES 2003
(MATURING MARCH 1, 2014 TO 2022, INCLUSIVE)
OF THE
PARISH OF ST. BERNARD, STATE OF LOUISIANA

NOTICE IS HEREBY GIVEN, pursuant to an ordinance adopted on July 17, 2012, by the Parish Council of the Parish of St. Bernard, State of Louisiana (the "Issuer"), that there has been deposited with **ARGENT TRUST, A DIVISION OF NATIONAL INDEPENDENT TRUST COMPANY,** in the City of Ruston, Louisiana (the "Escrow Agent"), as Escrow Agent under a Defeasance and Escrow Deposit Agreement dated as of August 22, 2012 (the "Escrow Deposit Agreement"), between the Escrow Agent and the Issuer, moneys which have been invested in direct, non-callable obligations of the United States of America, in an amount sufficient to assure the availability of sufficient moneys to pay the principal of, interest and redemption premium on $3,200,000 of the Issuer's outstanding Sales Tax Bonds, Series 2003, consisting of all of the bonds of said issue which mature March 1, 2014 to March 1, 2022, inclusive (the "Refunded Bonds"), as hereinafter further described.

In accordance with the provisions of Chapter 14 of Title 39 of the Louisiana Revised Statutes of 1950, as amended, the Refunded Bonds are defeased and deemed to be paid, and will no longer be secured by or entitled to the benefits of the resolution of the Issuer providing for their issuance.

NOTICE IS HEREBY FURTHER GIVEN that the Refunded Bonds are called for redemption on March 1, 2013, at the principal amount thereof and accrued interest to the call date, plus a premium of 1% of the principal amount to be redeemed, upon presentation and surrender of said bonds at the principal corporate trust office of Argent Trust, a division of National Independent Trust Company, the Paying Agent therefor. The Refunded Bonds to be redeemed on March 1, 2013 are listed below, and include all of the bonds of the maturities listed:

DATE (MARCH 1)	PRINCIPAL PAYMENT	INTEREST RATE	CUSIP NUMBERS
2014	$ 295,000	3.90%	787503 GB1
2015	305,000	4.00	787503 GC9
2016	320,000	4.15	787503 GD7
2017	335,000	4.25	787503 GE5
2018	355,000	4.30	787503 GF2
2019	370,000	4.40	787503 GG0
2020	390,000	4.50	787503 GH8
2021	405,000	4.60	787503 GJ4
2022	425,000	4.65	787503 GK1
	$3,200,000		

No further interest will accrue and be payable on said bonds from and after March 1, 2013. The Refunded Bonds should not be surrendered for payment until March 1, 2013, and at that time should be surrendered at Argent Trust, a division of National Independent Trust Company, as follows:

By Hand, Express Mail or Courier Service	By Mail
Agent Trust Attn: Lana Wade 500 E. Reynolds Drive Ruston, Louisiana 71270	Argent Trust Attn: Lana Wade P. O. Drawer 1410 Ruston, Louisiana 71270

The CUSIP NUMBERS listed above are provided for the convenience of the bondowners. The Issuer does not certify as to their correctness.

Holders of said Refunded Bonds are reminded that the Federal Interest and Dividend Tax Compliance Act of 1983 requires that the Paying Agent, as payor, withhold 30% of the principal amount if a Taxpayer Identification Number has not been provided by the Holder as payee. If the Tax Identification Number has not previously been provided to the Paying Agent, then Bondholders are requested to provide this information to the Paying Agent with a Form W-9 in order to avoid the aforesaid withholding.

PARISH OF ST. BERNARD,
STATE OF LOUISIANA

By: Roxanne Adams
Council Clerk

Date: July 17, 2012

EXHIBIT E-2
TO BOND ORDINANCE

NOTICE OF DEFEASANCE AND CALL FOR REDEMPTION

SALES TAX BONDS, SERIES 2004
(MATURING MARCH 1, 2015 TO 2024, INCLUSIVE)
OF THE
PARISH OF ST. BERNARD, STATE OF LOUISIANA

NOTICE IS HEREBY GIVEN, pursuant to an ordinance adopted on July 17, 2012, by the Parish Council of the Parish of St. Bernard, State of Louisiana (the "Issuer"), that there has been deposited with **ARGENT TRUST, A DIVISION OF NATIONAL INDEPENDENT TRUST COMPANY,** in the City of Ruston, Louisiana (the "Escrow Agent"), as Escrow Agent under a Defeasance and Escrow Deposit Agreement dated as of August 22, 2012 (the "Escrow Deposit Agreement"), between the Escrow Agent and the Issuer, moneys which have been invested in direct, non-callable obligations of the United States of America, in an amount sufficient to assure the availability of sufficient moneys to pay the principal of, interest and redemption premium on $30,730,000 of the Issuer's outstanding Sales Tax Bonds, Series 2004, consisting of all of the bonds of said issue which mature March 1, 2015 to March 1, 2024, inclusive (the "Refunded Bonds"), as hereinafter further described.

In accordance with the provisions of Chapter 14 of Title 39 of the Louisiana Revised Statutes of 1950, as amended, the Refunded Bonds are defeased and deemed to be paid, and will no longer be secured by or entitled to the benefits of the resolution of the Issuer providing for their issuance.

NOTICE IS HEREBY FURTHER GIVEN that the Refunded Bonds are called for redemption on March 1, 2014, at the principal amount thereof and accrued interest to the call date, plus a premium of 1% of the principal amount to be redeemed, upon presentation and surrender of said bonds at the principal corporate trust office of Argent Trust, a division of National Independent Trust Company, the Paying Agent therefor. The Refunded Bonds to be redeemed on March 1, 2014 are listed below, and include all of the bonds of the maturities listed:

DATE (MARCH 1)	PRINCIPAL PAYMENT	INTEREST RATE	CUSIP NUMBERS
2015	$2,480,000	5.00%	787503 GW5
2016	2,590,000	5.00	787503 GX3
2017	2,700,000	5.00	787503 GY1
2018	2,810,000	5.00	787503 GZ8
2019	2,935,000	5.00	787503 HA2
2020	3,055,000	5.00	787503 HB0
2021	3,190,000	5.00	787503 HC8
2022	3,330,000	5.00	787503 HD6
2023	3,485,000	5.00	787503 HE4
2024	3,635,000	5.00	787503 HF1
	$30,210,000		

No further interest will accrue and be payable on said bonds from and after March 1, 2014. The Refunded Bonds should not be surrendered for payment until March 1, 2014, and at that time should be surrendered at Argent Trust, a division of National Independent Trust Company, as follows:

By Hand, Express Mail or Courier Service	By Mail
Agent Trust Attn: Lana Wade 500 E. Reynolds Drive Ruston, Louisiana 71270	Argent Trust Attn: Lana Wade P. O. Drawer 1410 Ruston, Louisiana 71270

The CUSIP NUMBERS listed above are provided for the convenience of the bondowners. The Issuer does not certify as to their correctness.

Holders of said Refunded Bonds are reminded that the Federal Interest and Dividend Tax Compliance Act of 1983 requires that the Paying Agent, as payor, withhold 30% of the principal amount if a Taxpayer Identification Number has not been provided by the Holder as payee. If the Tax Identification Number has not previously been provided to the Paying Agent, then Bondholders are requested to provide this information to the Paying Agent with a Form W-9 in order to avoid the aforesaid withholding.

PARISH OF ST. BERNARD,
STATE OF LOUISIANA

By: Roxanne Adams
Council Clerk

Date: July 17, 2012

EXHIBIT F
TO BOND ORDINANCE

(INSURANCE PROVISIONS)

St. Bernard Parish Council

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

Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#17

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JULY 17, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC#1319-07-12

Summary No. 2834
Introduced by: Administration on 7/3/12
Public Hearing held 7/17/12

AN ORDINANCE TO AMEND ST. BERNARD PARISH CODE OF ORDINANCES CHAPTER 11; HEALTH AND SANITATION, SECTION 11-134.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Council does hereby approve the following amendments to Chapter 11; Section 11-134 to read as follows;

(a) *Prohibition.* It shall be unlawful to maintain or operate any public address system or amplifier by which sounds are magnified and made heard over any public street or public place without having first secured a permit therefore.

(b) *Registration.*

(1) Every user of sound-amplifying equipment shall file an application with the CAO no less than five (5) days prior to the date on which the sound-amplifying equipment is intended to be used, which statement shall contain the following information:

a. The name, address and telephone number of both the owner and user of the sound-amplifying equipment;

b. The maximum sound-producing power of the sound-amplifying equipment which shall include the wattage to be used, the volume in decibels of sound which will be produced, and the approximate

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Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

distance for which sound will be audible from the sound-amplifying equipment;
c. The license and motor number if a sound truck is to be used;
d. A general description of the sound-amplifying equipment which is to be used; and
e. Whether the sound-amplifying equipment will be used for private or public purposes.

(2) Application approval. The CAO shall return to the applicant an approved certified copy of the approved application unless he finds that:
a. The conditions of the motor vehicle movement are such that use of the equipment would constitute a detriment to traffic safety; or
b. The conditions of pedestrian movement are such that use of the equipment would constitute a detriment to traffic safety; or
c. The application reveals that the applicant would not be able to comply with the provisions of this chapter; or
d. The applicant and/or the applicant's group, associates, etc., have violated the sound permit provisions herein within a period of six (6) months of the requested date in the present application.; or
e. The proposed use of sound amplifying equipment is deemed unacceptable due to the proximity of its use to a public gathering place or private residence during an inappropriate time.

(3) Application disapproval. In the event the application is disapproved, the CAO shall endorse upon the statement his reasons for disapproval and return it forthwith to applicant.

(c) *Fees.* A fee in the amount of seventy-five dollars ($75.00) per day, or any portion thereof, shall be paid to the parish, if sound-amplifying equipment is to be used for private purposes.

(d) *Regulations.* The private and public use of sound-amplifying equipment shall be subject to the following regulations:

(1) The only sounds permitted shall be either music or human speech, or both.

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(2) The operation of sound-amplifying equipment shall only occur between the hours of 8:00 a.m. and 10:00 p.m. each day except on Sundays and legal holidays. The operation of sound-amplifying equipment on Sundays and legal holidays shall only occur between the hours of 10:00 a.m. and 10:00 p.m.

(e) *Exceptions.* This section shall not apply to radios in homes or in private pleasure vehicles when the same are operated in such manner as to comply with section 11-132, nor to noise devices, bands, or other musical devices used in any public parade or procession as well as any musical acts performing in an establishment operating under a permit in accordance with the ordinances of the parish. This section shall also not apply to sound-amplifying equipment operated by St. Bernard Parish Government and/or St. Bernard Parish Schools at public facilities, parks and playgrounds, nor shall it apply to sound-amplifying equipment operated by any entity at a special event that has been permitted by the St. Bernard Parish Council, including festivals and the like.

(f) *Obscenity prohibited.* No licensee shall use or permit to be emanated or emitted from any such device, any lewd, obscene, profane, or indecent language or sounds, or any false representation of any matter, product or project advertised thereby, the sale of which is prohibited by any law, ordinance or statute.

(g) *Limitations.* The provisions of this section shall not apply to any bell or chime or any device for the production or reproduction of the sound of bells or chimes from any church, clock or school.

(h) *Violation of permit.* In addition to the penalty set forth in section 11-141, any violation of the sound permit shall disqualify the applicant and/or the applicant's group, associates, etc., from receiving another sound permit for a period of six (6) months from the date of the violation.

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.

St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 17th day of July, 2012

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

Guy McInnis
GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 7/19/12 1:17pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 7/20/12 2:43pm
Date and Time

Received by Ashley Ohlemann

St. Bernard Parish Council

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Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#24

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JULY 17, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1320-07-12

Summary No. 2809
Introduced by: Administration on 4/17/12
Public Hearing held on 5/1/12
Tabled by Council on 5/1/12

AN ORDINANCE ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD IN THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TO AMEND ARTICLE VIII SEC. 8-04, ETHICS BOARD, OF THE ST. BERNARD PARISH HOME RULE CHARTER; MAKING APPLICATION TO THE STATE BOND COMMISSION IN CONNECTION THEREWITH; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

BE IT ORDAINED by the Parish Council of the Parish of St. Bernard, State of Louisiana (the "Governing Authority"), acting as the governing authority of the Parish of St. Bernard, State of Louisiana (the "Parish"), that:

SECTION 1. Election Call. Under the authority conferred by Article VI, Sections 5 and 22 of the Constitution of the State of Louisiana of 1974, the applicable provisions of Chapter 5, Chapter 6-A and Chapter 6-B of Title 18 of the Louisiana Revised Statues of 1950, as amended, Section 8-04 of the Parish's Home Rule Charter, and other constitutional and stator authority, a election is hereby called and ordered to be held in the Parish on Tuesday, November 6, 2012, between the hours of six o'clock (6:00) a.m., and eight o-clock (8:00) p.m., in accordance with the provisions of La. R.S. 18:541, and at the said election there shall be submitted to all registered voters qualified and entitled to vote at the said election under the Constitution and laws of this State and the Constitution of the United States, the following proposition: to-wit:

CHARTER AMENDMENT PROPOSITION

Summary: Amendment to Article VIII, to amend Section 8-04 (Ethics Board) for selection of board members for St. Bernard Parish.

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Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

Shall Article VIII, Section 8-04 of the Home Rule Charter of the Parish of St. Bernard, State of Louisiana, be amended to read as follows:

(a) The St. Bernard Parish Ethics Board (hereinafter referred to as the ethics board) shall be composed of (5) five members.

(b) The members shall be selected from nominations submitted by the presidents/chancellors from the following institutions of higher learning:

1. University of New Orleans
2. Loyola University
3. Tulane University
4. Xavier University
5. Nunez Community College

The members of the Board of Ethics shall serve a term of four years.

SECTION 2. Publication of Notice of Election. A Notice of Special Election shall be published in "The St. Bernard Voice," a weekly (on Friday) newspaper of general circulation within the Parish, published in Arabi, Louisiana, and being the official journal of the Parish, once a week for four consecutive weeks, with the first publication to be made not less than forty-five (45) days nor more than ninety (90) days prior to the date of the election, which Notice shall be substantially in the form attached hereto as "Exhibit A" and incorporated herein by reference the same as if it were set forth herein in full.

SECTION 3. Canvass. This Governing Authority shall meet at its regular meeting place, the Parish Government Complex, 8201 W. Judge Perez Dr., Chalmette, Louisiana, on Tuesday, November 20, 2012, at THREE O'CLOCK (3:00) P.M., and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of the said special election.

SECTION 4. Polling Places. The polling places set forth in the aforesaid Notice of Special Election are hereby designated as the polling places at which to hold the said election, and the Commissioners-in-Charge and Commissioners, respectively, will be the same persons as those designated in accordance with law.

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Roxanne Adams
Clerk of Council

SECTION 4. Polling Places. The polling places set forth in the aforesaid Notice of Special Election are hereby designated as the polling places at which to hold the said election, and the Commissioners-in-Charge and Commissioners, respectively, will be the same persons as those designated in accordance with law.

SECTION 5. Election Commissioners; Voting Machines. The officers designated to serve as Commissioners-in-Charge and Commissioners pursuant to Section 4 hereof, or such substitutes therefore as may be selected and designated in accordance with La. R.S. 18:1287, shall hold the said special election as herein provided, and shall make due returns of said election for the meeting of the Governing Authority to be held on Tuesday, November 20, 2012, as provided in Section 3 hereof. All registered voters in the Parish will be entitled to vote at the special election, and voting machines shall be used.

SECTION 6. Authorization of Officers. The Clerk of the Governing Authority is hereby empowered, authorized and directed to arrange for and to furnish to said election officers in ample time for the holding of said election, the necessary equipment, forms and other paraphernalia essential to the proper holding of said election and the Chairman and/or Clerk of the Governing Authority are further authorized, empowered and directed to take any and all further action required by State and/or Federal law to arrange for the election, including but not limited to, appropriate submission to the Federal Department of Justice under Section 5 of the Federal Voting Rights Act of 1965, as amended.

SECTION 7. Furnishing Election Call to Election Officials. Certified copies of this ordinance shall be forwarded to the Secretary of State, the Clerk of Court and *Ex-Officio* Parish Custodian of Voting Machines of St. Bernard Parish and the Registrar of Voters of St. Bernard Parish, as notification of the special election, in order that each may prepare for said election and perform their respective functions as required by law.

SECTION 8. Application to State Bond Commission. Application is made to the State Bond Commission for consent and authority to hold the aforesaid special election as herein provided, and in the event said election carries for further consent and authority to amend the Home Rule Charter, and a certified copy of this ordinance shall be forwarded to the State Bond Commission on behalf of this Governing Authority, together with a letter requesting the prompt consideration and approval of this application.

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Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

SECTION 9. Preparation of Single Notice of Election. In order to provide cost savings to the Parish, the Chairman and Clerk of the Council are authorized to prepare a single Notice of Election, in substantially the form attached hereto as Exhibit A, which includes any other propositions or proposed amendments to the Home Rule Charter which may be or have been submitted to the voters by separate ordinance of this Council.

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

YEAS: Lauga, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: Gorbaty

ABSENT: None

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

And the motion was declared **adopted** on the 17th day of July, 2012.

ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 7-18-12 10:55am
Date and Time

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council 7-18-12 11:02am
Date and Time

Received by Kristie Silva

EXHIBIT "A"

NOTICE OF ELECTION

Pursuant to the provisions of an ordinance adopted by the Parish Council of the Parish of St. Bernard, State of Louisiana (the "Governing Authority"), acting as the governing authority of the Parish of St. Bernard, State of Louisiana (the "Parish"), on July 17, 2012, NOTICE IS HEREBY GIVEN that an election will be held within the Parish on Tuesday, November 6, 2012, and that at the said election there will be submitted to all registered voters in the Parish qualified and entitled to vote at the said election under the Constitution and Laws of the State of Louisiana and the Constitution of the United States, the following proposition, to-wit:

CHARTER AMENDMENT PROPOSITION

Summary: Amendment to Article VIII, to amend Section 8-04 (Ethics Board) for selection of board members for St. Bernard Parish.

Shall Article VIII, Section 8-04 of the Home Rule Charter of the Parish of St. Bernard, State of Louisiana, BE AMENDED TO READ AS FOLLOWS:

A. The St. Bernard Parish Ethics Board (herein referred to as the ethics board) shall be composed of (5) five members.

B. The members shall be selected from nominations submitted by the presidents/chancellors from the following institutions of higher learning:

1. University of New Orleans
2. Loyola University
3. Tulane University
4. Xavier University
5. Nunez Community College

The members of the Board of Ethics shall serve a term of four years.

The said election will be held at the following polling places situated within the Parish, which polls will open at six o'clock (6:00) a.m. and close at eight o'clock (8:00) p.m., in accordance with the provisions of La. R.S. 18:541, to-wit:

POLLING PLACES	
Precinct	Location
0010	Arabi Elementary School Cafeteria, 7200 Alexander Ave., Arabi
0011	Arabi Elementary School Cafeteria, 7200 Alexander Ave., Arabi
0012	Arabi Elementary School Cafeteria, 7200 Alexander Ave., Arabi
0013	Arabi Elementary School Cafeteria, 7200 Alexander Ave., Arabi
0014	Andrew Jackson Middle School, 201 Eighth Street, Chalmette

POLLING PLACES	
Precinct	Location
0015	Andrew Jackson Middle School, 201 Eighth Street, Chalmette
0016	Andrew Jackson Middle School, 201 Eighth Street, Chalmette
0017	Andrew Jackson Middle School, 201 Eighth Street, Chalmette
0020	Chalmette Elementary School Cafeteria, 75 E. Chalmette Circle, Chalmette
0021	Chalmette Elementary School Cafeteria, 75 E. Chalmette Circle, Chalmette
0022	Nunez Community College, 3700 Lafontaine St., Chalmette
0023	Chalmette Elementary School Cafeteria, 75 E. Chalmette Circle, Chalmette
0024	Nunez Community College, 3700 Lafontaine St., Chalmette
0025	Nunez Community College, 3700 Lafontaine St., Chalmette
0030	Lacoste Campus Cafeteria, 1101 E. Judge Perez Dr., Chalmette
0031	Chalmette High School Cafeteria, 1100 E. Judge Perez Dr., Chalmette
0032	Lacoste Campus Cafeteria, 1101 E. Judge Perez Dr., Chalmette
0032A	Lacoste Campus Cafeteria, 1101 E. Judge Perez Dr., Chalmette
0033	Chalmette High School Cafeteria, 1100 E. Judge Perez Dr., Chalmette
0034	Chalmette High School Cafeteria, 1100 E. Judge Perez Dr., Chalmette
0035	Chalmette High School Cafeteria, 1100 E. Judge Perez Dr., Chalmette
0040	Joe Davies Elementary School, 4101 Mistrot Dr., Meraux
0041	Joe Davies Elementary School, 4101 Mistrot Dr., Meraux
0042	Joe Davies Elementary School, 4101 Mistrot Dr., Meraux
0042A	Joe Davies Elementary School, 4101 Mistrot Dr., Meraux
0043	N. P. Trist Middle School, #1 Pirates Cove, Meraux
0044	N. P. Trist Middle School, #1 Pirates Cove, Meraux
0045	N. P. Trist Middle School, #1 Pirates Cove, Meraux
0046	N. P. Trist Middle School, #1 Pirates Cove, Meraux
0050	W. Smith Elementary School, 6701 E. St. Bernard Hwy, Violet
0051	W. Smith Elementary School, 6701 E. St. Bernard Hwy, Violet
0052	W. Smith Elementary School, 6701 E. St. Bernard Hwy, Violet
0053	W. Smith Elementary School, 6701 E. St. Bernard Hwy, Violet
0054	J. F. Gauthier Elementary School Cafeteria, 1200 E. LA Hwy. 46., St. Bernard

POLLING PLACES	
Precinct	Location
0055	J. F. Gauthier Elementary School Cafeteria, 1200 E. LA Hwy. 46., St. Bernard
0056	J. F. Gauthier Elementary School Cafeteria, 1200 E. LA Hwy. 46., St. Bernard
0057	J. F. Gauthier Elementary School Cafeteria, 1200 E. LA Hwy. 46., St. Bernard
0058	J. F. Gauthier Elementary School Cafeteria, 1200 E. LA Hwy. 46., St. Bernard

The polling places set forth above are hereby designated as the polling places at which to hold the said election, and the Commissioners-in-Charge and Commissioners, respectively, shall be those persons designated according to law.

The said election will be held in accordance with the applicable provisions of Chapter 5, Chapter 6-A and Chapter 6-B of Title 18 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, and the officers appointed to hold the said election, as provided in this Notice of Election, or such substitutes therefore as may be selected and designated in accordance with La. R.S. 18:1287, will make due returns thereof to said Governing Authority, and NOTICE IS HEREBY FURTHER GIVEN that the Governing Authority will meet at its regular meeting place, the Parish Government Complex, 8201 W. Judge Perez Dr., Chalmette, Louisiana, on November 20, 2012 at 3:00 p.m., and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of the said election. All registered voters of the Parish are entitled to vote at said election and voting machines will be used.

St. Bernard Parish Council

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(504) 278-4228 Fax (504) 278-4209
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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#23

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, AUGUST 7, 2012 AT ELEVEN O'CLOCK A.M.

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

ORDINANCE SBPC #1321-08-12

Summary No. 2830
Introduced by: Administration on 6/19/12
Planning Commission recommended **DENIAL**
Public Hearing held on 8/7/12

AN ORDINANCE TO APPROVE **DOCKET Z-2012-014,** PETITION OF RANDY J. MUSCARELLO SR., FOR A ZONING CHANGE OF ONE PARCEL FROM R-2 (TWO-FAMILY RESIDENTIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL) FOR THE FOLLOWING DESCRIBED PROPERTY: MUNICIPAL ADDRESS DESIGNATED AS 3108 DELAMBERT STREET, CHALMETTE, LA 70043.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. that **Docket Z-2012-014,** a petition of Randy J. Muscarello Sr., for a zoning change of one parcel from R-2 (Two-Family Residential) to R-3 (Multi-Family Residential) to accommodate conversion of a two-family residence to a four-family residence for the following described property:

Municipal Address designated as 3108 Delambert Street, Chalmette, LA 70043.

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,

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Councilman at Large

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Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

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

YEAS: Gorbaty, Lewis, Hunnicutt, Cavignac

NAYS: Lauga, Montelongo

ABSENT: None

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

And the motion was declared **adopted** on the 7th day of August, 2012.

ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 8/9/12 11:36am
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 8/10/12 8:49 am
Date and Time

Received by Kristie F. Silva

St. Bernard Parish Council

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Guy McInnis
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George Cavignac
Councilman at Large

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Richard "Richie" Lewis
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Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#24

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, AUGUST 7, 2012 AT ELEVEN O'CLOCK A.M.

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

ORDINANCE SBPC #1322-08-12

Summary No. 2831
Introduced by: Administration on 6/19/12
Planning Commission recommended **APPROVAL**
Public hearing held on 8/7/12

AN ORDINANCE TO APPROVE **DOCKET Z-2012-015,** PETITION OF ANTHONY MOLEY, FOR A CONDITIONAL USE OF ONE PARCEL CURRENTLY ZONED I-2 (HEAVY INDUSTRIAL), FOR A SCRAP YARD FOR THE FOLLOWING DESCRIBED PROPERTY: MUNICIPAL ADDRESS DESIGNATED AS 217 E. VIRTUE STREET, CHALMETTE, LA 70043.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. that **Docket Z-2012-015,** a petition of Anthony Moley, for a Conditional Use of one parcel currently zoned I-2 (Heavy Industrial), for a scrap yard is hereby granted with the following conditions on the following described property:

- 8' (eight) foot tall opaque fence
- Landscaping

Municipal Address designated as 217 E. Virtue Street, Chalmette, LA 70043.

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

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Guy McInnis
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Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

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

YEAS: Lauga, Gorbaty, Lewis, Montelongo, Cavignac

NAYS: Hunnicutt

ABSENT: None

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

And the motion was declared **adopted** on the 7th day of August, 2012.

ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 8/9/12 11:36 am
Date and Time

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council 8/10/12 8:50 am
Date and Time

Received by Kristie L. Silva

St. Bernard Parish Council

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Councilman District E

Roxanne Adams
Clerk of Council

#25

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, AUGUST 7, 2012 AT ELEVEN O'CLOCK A.M.

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

ORDINANCE SBPC #1323-08-12

Summary No. 2835
Introduced by: Councilman Lauga on 7/3/12
Planning Commission recommended **APPROVAL**
Public hearing held 8/7/12

AN ORDINANCE TO AMEND THE ST. BERNARD PARISH CODE OF ORDINANCES CHAPTER 22; SECTION 22-2-4.26 DEFINITIONS, 22-5-3 BULK & AREA REQUIREMENTS AND 22-6-12 GOVERNMENT 1.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Council does hereby amend and adopt the attached amendments (Exhibit A) to Chapter 22; Section 22-2-4.26, 22-5-3 and Section 22-6-12.

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

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

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

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Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 7th day of August, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 8/9/12 11:36am
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 8/10/12 8:50am
Date and Time

Received by Kristie Silva

Exhibit "A"
for Summary NO. 2835

AMEND SECTION 22-2-4.26
Definitions; Dwelling, Single-Family

22-2-4.26 Dwelling, Single-Family: A structure designed for and occupied exclusively by one (1) family. For the purpose of this chapter such dwelling unit shall have a minimum floor area equal to at least ~~40%~~ 45% of the building area of the lot upon which it is located to a maximum of twenty-two hundred (2,200) square feet, with the exception of A-1, SBV and SA Zones. Floor area, for this definition, shall be defined as under roof and climate controlled occupied areas.

****

AMEND SECTION 22-5-3
Bulk & Area Requirements

22-5-3. BULK & AREA REQUIREMENTS

In residential zones no building hereafter erected, reconstructed, remodeled or altered shall exceed the height, be located on a lot of less width and area, or have smaller yards or ground floor area than the minimum requirements listed below.

ZONE	R-1 Single Family (5)	R-2 Two Family	R-3 Multi Family	R-1(MS) Mobile Home	R-1(M) Mobile Home Single Family	R-4 Mobile Home Trailer Parks
Minimum Lot Requirements						
Frontage	60'	60'	60'	60'		30'
Lot area - Sq. Ft.	6,500	3,000 (2) 6,500(3)	6,500	6,500		3,500
Minimum Yard Requirements						
Front Yard Depth	20'(1)	20'(1)	18'(1)	(1)	10'(1)	(1)
Side Yard (Total)	10'	10'	10'	16'	10'	12'
Side Yard (per side)	10'/3(4)	3'	5'	8'	3'	6'
Rear Yard Setback	20% lot depth. Max 25'	20% lot depth. Max 25'	10% lot depth. Max 15'	10'	20% lot depth. Max 25'. 10' Mobile Homes	20% lot depth. Max 25'
Maximum Height Requirements						
Feet	35'	35'	35'	35'		35'

Notes to Residential Bulk and Area Requirements

(1) See Exceptions and Modifications Section 22-4-3.2.

(2) 3,000 square feet minimum per side per family for two-family dwellings.

(3) 6,500 square feet per family for single-family dwellings with a minimum lot frontage of 60 feet.

(4) A total of 10 feet and 3 feet minimum per side.

(5) All R-1 zoned primary structures shall have a minimum living area of forty-five percent (45%) of the allowable building area (total lot square footage minus required yard setbacks) with a maximum of twenty-two hundred (2,200) square feet. Living area, for this definition, shall be defined as under roof and climate controlled occupied areas.

****

AMEND SECTION 22-6-12

G1 – Government

22-6-12. G1 – GOVERNMENT 1

22-6-12.1. PURPOSE

This district is established to be a Temporary holding zone for properties ~~acquired through Louisiana Land Trust (LLT) program and all properties received by the St. Bernard Parish Housing, Redevelopment, and Quality of Life Commission from the LLT program.~~ until the adoption of the St. Bernard Master Land Use Plan. Upon adoption of the Master Land Use Plan, all G-1 properties shall be rezoned in accordance with the adopted St. Bernard Parish Master Land Use Plan.

22-6-12.2. PERMITTED USES

Allowable uses are all G-1 properties shall be held without further use until such time that the property is appropriately rezoned for its intended public or private use in accordance with the St. Bernard Parish Master Land Use Plan. ~~Upon the declaration of conveyance or use of a G-1 property said property shall automatically revert to its zoning classification which it held immediately prior to the G-1 zone, unless, prior to its conveyance or 48 use for private use, a zoning change is requested by resolution of the St. Bernard Parish Housing, Redevelopment, and Quality of Life Commission to the St. Bernard Parish Council.~~

Properties converted to a G-1 zone classification and used for public purposes shall be rezoned in accordance with all current zoning requirements, unless such use is consistent with the zoning class that such property held immediately preceding its G-1 classification, as referenced in item Section 22-6-12.2 above.

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#27

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, AUGUST 7, 2012 AT ELEVEN O'CLOCK A.M.

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

ORDINANCE SBPC #1324-08-12

Summary No. 2837
Introduced by: Administration on 7/17/12
Public hearing held on 8/7/12

AN ORDINANCE TO AUTHORIZE ST. BERNAD PARISH GOVERNMENT TO CONVEY THE FOLLOWING LOUISIANA LAND TRUST PROPERTIES TO THE LAKE BORGNE BASIN LEVEE DISTRICT.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That the St. Bernard Parish Council, the Governing Authority, does hereby authorize St. Bernard Parish Government to convey the following Louisiana Land Trust properties to Lake Borgne Basin Levee District:

Arabi:
- 2010, 2035, 2105, 2301, & 2325 Benjamin Street
- 1049 Cougar Street
- 1448 Perrin Drive

Chalmette:
- 3412 & 3416 Campagna Drive
- 3116 Chalona Drive
- 4024 & 4029 Evangeline Avenue
- 3412 Gallo Drive
- 8301, 8417, & 8425 Hermitage Drive
- 508 Josephine Street
- 3801 Kings Drive
- 3408 & 3409 Mumphrey Road
- 2916 & 3016 Pecan Drive

Meraux:
- 3529 Judy Drive

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Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

Violet:

- 2616 Guerra Drive

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

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

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

YEAS: Lauga, Gorbaty, Lewis, Montelongo, Cavignac

NAYS: Hunnicutt

ABSENT: None

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

And the motion was declared **adopted** on the 7th day of August, 2012.

ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 8/9/12 11:36 am
Date and Time

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Councilman District C

Casey W. Hunnicutt
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Manuel "Monty" Montelongo III
Councilman District E

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Clerk of Council

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council 8/10/12 8:51am
Date and Time

Received by Kristi Silva

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Councilman District E

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Clerk of Council

#28

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, AUGUST 7, 2012 AT ELEVEN O'CLOCK A.M.

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

ORDINANCE SBPC #1325-08-12

Summary No. 2838
Introduced by: Administration on 7/17/12
Public hearing held on 8/7/12

AN ORDINANCE TO AUTHORIZE ST. BERNAD PARISH GOVERNMENT TO CONVEY THE FOLLOWING LOUISIANA LAND TRUST PROPERTIES TO THE ST. BERNARD PARISH SHERIFF'S OFFICE.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That the St. Bernard Parish Council, the Governing Authority, does hereby authorize St. Bernard Parish Government to convey the following Louisiana Land Trust properties to St. Bernard Parish Sheriff's Office:

- 1600 & 1603 Aycock Street

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

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

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Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

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

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 7th day of August, 2012.

ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 8/9/12 11:36 am
Date and Time

Approved ✓ Vetoed _____

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Parish President

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Returned to Clerk of the Council 8/10/12 8:51 am
Date and Time

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#29

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, AUGUST 7, 2012 AT ELEVEN O'CLOCK A.M.

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

ORDINANCE SBPC #1326-08-12

Summary No. 2839
Introduced by: Councilman Lewis on 7/17/12
Public hearing held on 8/7/12

AN ORDINANCE AMENDING CHAPTER 11, HEALTH AND SANITATION; BY ADDING A NEW ARTICLE VII, SECTION 11-160 – 11-204.4, PROPERTY MAINTENANCE CODE; OF THE ST. BERNARD PAIRSH CODE OF ORDINANCES, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL; TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE PARISH OF ST. BERNARD; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREOF.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That a certain document, one (1) copy of which is on file in the office of the Clerk of Council of St. Bernard Parish, being marked and designated as the *Property Maintenance Code*, be and is hereby adopted as the Property Maintenance Code of the Parish of St. Bernard, in the State of Louisiana for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions

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Parish Government are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance.

Chapter 11
SCOPE AND ADMINISTRATION

Part 1- SCOPE AND APPLICATION

SECTION 160
GENERAL

11-160.1 Title. These regulations shall be known as the *International Property Maintenance Code* of St. Bernard Parish, hereinafter referred to as "this code."
11-160.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing *premises and* constitute minimum requirements and standards for *premises*, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety from fire and other hazards, and for sale and sanitary maintenance; the responsibility of *owners*, *operators* and *occupants*; the *occupancy* of existing structures and premises, and for administration, enforcement, and penalties.
11-160.3 Intent. This code shall be constructed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

SECTION 161
APPLICABILITY

11-161.1 General Where this is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.
11-161.2 Maintenance. Equipment, systems, devices and safeguard required by this code or previous regulation or code under which the structure or *premises* was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or

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discontinued for an occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures, and premises.

11-161.3 Application of the other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *International Building Code, International Fuel Gas Code, International Mechanical Code* and NFPA 70. Nothing in this code shall be constructed to cancel, modify or set aside any provision of the *International Zoning Code.*

11-161.4 Existing remedies. The provisions in this code shall not be constructed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

11-161.5 Workmanship. Repairs, maintenance, work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacture's installation instructions.

11-161.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the *code official* to be safe and in the public interest of health, safety and welfare.

11-161.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced standards, the provisions of this code shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the condition of the listing shall apply.

11-161.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or the public safety, health and general welfare, not specially covered by this code shall be determined by the *code official.*

11-161.9 Application of references. References to chapter or section numbers, or to provisions not specially identified by number, shall be construed to refer to such chapter, section or provision of this code.

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11-161.10 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

Part 2- ADMINSTRATION AND ENFORCEMENT

SECTION 162
DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

11-162.1. General. The department of property maintenance inspection is hereby created and executive official in charge thereof shall be known as the *code official.*

11-162.2. Appointment. The *code official* shall be appointed by the chief appointing authority of the jurisdiction.

103.3. Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *code official* shall the authority to appoint a deputy(s). Such employees shall have the powers as delegated by the *code official.*

11-162.4. Liability. The code official, member of the Housing Redevelopment Quality of Life Committee or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

11-162.5. Fees. The fees for activities and services performed by the department in carrying out its responsibilities by the department in carrying out its responsibilities under this code shall be as indicated in the follow schedule.

(1) On the first conviction, the offender shall be punished by a fine not to exceed five hundred dollars ($500.00). Imposition of a fine may be suspended and in lieu thereof, the court may require the offender to correct all existing housing violations on a blighted property.

(2) On a second conviction, the offender shall be punished by a fine not to exceed five hundred dollars ($500.00) and ordered to

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perform not more than forty ($40.00) hours of community service. Additionally, the court shall require that the offender correct all existing housing violations on blighted property.

(3) On any third or subsequent conviction, the offender shall be punished by a fine not to exceed two thousand dollars ($2,000.00), and ordered to perform not more than eighty (80) hours of community service, or both. Additionally, the court shall require that the offender correct all existing housing violations on the blighted property.

(4) On any conviction under paragraph (3) of this section, the court may order the offender to occupy the blighted property for a designated period of time not to exceed sixty (60) days.

(5) Any offense committed more than five (5) years prior to the commission of the crime for which the defendant is being tried shall not be considered in the assessment of penalties hereunder.

SECTION 163
DUTITES AND POWERS OF THE CODE OFFICIAL

11-163.1. General. The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waving requirements specifically provided for in this code.

11-163.2. Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

11-163.3. Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, provided that if such structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied by the code official shall present credentials to the occupant

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and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

11-163.4. Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

11-163.5. Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

11-163.6. Department records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 164
APPROVAL

11-164.1. Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for the individual cases upon application of the owner or owner's representative, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modifications is in compliance with the intent and purpose of this code and that such modifications does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

11-164.2. Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternate has been approved. An alternative material or method of construction shall be approved where the code official finds that proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or word offered is, for the purpose intended, at least the equivalent of that prescribed in this code of quality, strength, effectiveness, fire resistance, durability, and safety.

11-164.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

11-164.3.1. Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and

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accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approval agency.

11-164.3.2. Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

11-164.4 Used materials and equipment. The use of used materials which meets the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be refused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved by the code official.

11-164.5 Approved materials and equipment. Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

11-164.6 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in the code, shall consist of valid research reports from approved sources.

SECTION 165
VIOLATIONS

11-165.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict or in violation of any of the provisions of this code.

11-165.2 Notice of Violation. The code official shall serve a notice of violation or order in accordance with Section 107.

11-165.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be determined by a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceedings at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located sand shall be a lien upon such real estate.

11-165.4 Violation penalties. Any person who shall violate provisions of this code, or fail to comply therewith, or with any of this requirement thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

11-165.5 Abatement of violation. The imposition of the penalties herein prescribed

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shall not preclude the legal officer of jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure, or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

SECTION 166
NOTICES AND ORDERS

11-166.1. Notice to person responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

11-166.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3

11-166.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

11-166.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

11-166.5 Penalties. Penalties for noncompliance with orders and notices be as set forth in Section 106.4.

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11-166.6 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to seal, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice if violation issued by the code official and shall furnish to the code official a signed and notarized statement form the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the reasonability without condition for making the corrections or repairs required by such order or notice of violation.

SECTION 167
UNSAFE STRUCTURES AND EQUIPMENT

11-167.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.
11-167.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
11-167.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.
11-167.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that each structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
11-167.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.
11-167.1.5 Dangerous structure or premises. For the purpose of this code, any

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structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit ot other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, desertion, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faculty construction, the removal or movement of some portion of the ground necessary for the support, of for any reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give away.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral personals, or enables persons to restore to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure that has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faculty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be

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unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire-resistance-related construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of a building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

11-167.2 Temporary closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a place card of condemnation on the premises and order the structure closed up as not be an attractive nuisance. Upon failure of the owner to close up premises within the time specified in order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be lien upon such real estate and may be collected by any other legal resource. Temporary boarding shall not exceed the period of six (6) months unless otherwise authorized by the code official. ***This section is not applicable to Katrina damaged structures****

11-167.2.1 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such an action/ If not notified prior to disconnection the owner or occupant of the building structure or services system shall be notified in writing as soon as practical thereafter.

11-167.3. Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to the equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

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with the notice provisions within the time given, the code official shall post on the premises or on defected equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises operating the equipment or removing the placard.

11-167.4.1 Placard removal. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and the placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subjected to the penaliti4es provided by this code.

11-167.5 Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

11-167.6 Abatement methods. The owner, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

11-167.7 Record. The code official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

SECTION 168
EMERGENCY MEASURES

11-168.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at the entrance to such structure a notice reading as follows: "This Structure is Unsafe and Its Occupancy Has Been Prohibited By the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

11-168.2 Temporary safeguard. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an

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unsafe condition, the code official shall order the necessary word to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instated; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

11-168.3 Closing streets. When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

11-168.4 Emergency repairs. For the purpose of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

11-168.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

11-168.6 Hearing. Any person to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Housing Redevelopment Quality of Life Committee, be afforded a hearing as described in the code.

SECTION 169
DEMOLITION

11-169.1 General. The code official shall order the owner of any premises upon which is located any structure, which in the code official judgment after review is so deteriorated or dilapidated or is become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe up repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.

11-169.2 Notices and orders. All notices and orders shall comply with Section 107.

11-169.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition

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and r4emoval shall be charged against the real estate upon which the structure is located and shall be lien upon such real estate.

11-169.4 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducing the expenses of such demolition and removal, shall promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled hereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 170
MEANS OF APPEAL

11-170.1 Application for appeals. Any person directly affected by a decision of the code official or notice or order issued under this code shall have the right to appeal to the Housing Redevelopment Quality of Life Committee, provided that a written application for appeal is filed within 20 days after the day decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interrupted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

11-170.6 Board decision. The board shall modify or reverse the decision of the code official by a concurring vote of a majority of the totally number of appointed board members.

11-170.6.1 Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

11-170.6.2 Administration. The code official shall take immediate action in accordance4 with the decision of the board.

11-170.7 Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

11-170.8 Stays of reinforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay and enforcement of the notice and order until appeal is heard by the Housing Redevelopment Quality of Life Committee.

SECTION 171

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STOP WORK ORDER

11-171.1 Authority. Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of the code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

11-171.2 Issuance. A stop work order shall be in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

11-171.3 Emergencies. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

11-171.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than five hundred dollars ($500.00) or more than two thousand five hundred dollars ($2,500.00).

DEFINITIONS

SECTION 172
GENERAL

11-172.1 Scope. Unless otherwise expressly state, the follow terms shall, for the purposes of this code, have the meanings shown in this chapter.

11-172.2 Interchangeability. Words sated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular member includes the plural and the plural, the singular.

11-172.3 Terms defined in other codes. When terms are not defined in this code and are defined in the International Building Code, International Fire Code, International Zoning Code, International Plumbing code, International Mechanical Code, or CFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

11-172.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have the ordinarily accepted meanings such as the context implies.

11-172.5 Part. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit," or "story" are stated

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in this code, they shall be constructed as though they were followed by the words "or any part thereof."

SECTION 173
GENERAL DEFINITONS

ANCHORED. Secured in a manner that provides positive connection.
APPROVED. Approved by the code official.
BASEMENT. The portion of a building which is partly or completely below grade.
BATHROOM. A room containing plumbing fixtures including a bathtub or shower.
CODE OFFCIAL. The official who is charged with the administration and enforcement of this code, or any dully authorized representative.
CONDEMN. To adjudge unit for occupancy.
DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.
DETERIORATION. To weaken, disintegrate, corrode, rust or decay a positive connection.
[B] DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee wonder(s) of the property. The easement shall be permitted to be for use under, or above a said lot or lots.
EQUIPMENT SUPPORT. Those structural members, or assembles of members or manufactured elements, including braces, frames, snugger, hangers, or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.
EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.
GRABAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.
GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.
HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable space.
HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking, and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

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IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence within or contiguous to, a structure or premises of insects, rats, vermin or other pets.

INOPERABLE MOTOR CEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Equipment, materials or products to which have been affixed to a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with the product evaluation that maintains periodic inspection of the production of the above labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANY OR LET. To permit, provide or offer possession of occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

NEGELCT. The lack of proper maintenance for a building or structure.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobserved ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the parish, state, country or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of such person, and the executor or administrator of the estate of such person..

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

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PUBLIC WAY. *Any street, alley or similar parcel of land essentially unobstructed* from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, *yard* trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*. [B]

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit also know as a lessee.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

GENERAL REQUIRMENTS

SECTION 174
GENERAL

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11-174.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property.*

11-174.2 Responsibility. The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit, rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit, rooming unit, housekeeping unit* or *premises* which they occupy and control.

11-174.3 Vacant structures and land. All vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 175
EXTERIOR PROPERTY AREAS

11-175.1 Sanitation. All *exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* which such *occupant* occupies or controls in a clean and sanitary condition.

11-175.2 Grading and drainage. All *premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: *Approved* retention areas and reservoirs.

11-175.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

11-175.4 Weeds. All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of (jurisdiction to insert height in inches). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing

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thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

11-175.5 Rodent harborage. All structures and *exterior property* shall be kept free from rodent harborage and *infestation.* Where rodents are found, they shall be promptly exterminated by *approved* processes which will not be injurious to human health. After *pest elimination,* proper precautions shall be taken to eliminate rodent harborage and prevent infestation.

11-175.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant.*

11-175.7 Accessory structures. All accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

11-175.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises,* and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

11-175.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

SECTION 176
SWIMMING, POOLS, SPAS AND HOT TUBS

11-176.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

11-176.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier at least 72 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that

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the gate will positively close and latch when released from an open position of 6 inches from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 177
EXTERIOR STRUCUTRE

11-177.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

11-177.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or

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flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;

10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;

12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or

13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored,* or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official.*

11-177.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

[F] 11-177.3 Premises identification. Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address

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numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

11-177.4 Structural members. All structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

11-177.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

11-177.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

11-177.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

11-177.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

11-177.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

11-177.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

11-177.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

11-177.12 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

11-177.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

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11-177.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

11-177.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

11-177.14 Insect screens. Food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

11-177.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to *dwelling units* and *sleeping units* shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 202.3.

11-177.16 Basement hatchways. Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

11-177.17 Guards for basement windows. Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

11-177.18 Building security. Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

11-177.18.1 Doors. Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

11-177.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

11-177.18.3 Basement hatchways. *Basement* hatchways that provide

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access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

SECTION 178
INTERIOR STRUCUTRE

11-178.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every *owner* of a structure containing a *rooming house*, *housekeeping units*, a hotel, a dormitory, two or more *dwelling units* or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property*.

11-178.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official.*

11-178.2 Structural members. All structural members shall be maintained

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structurally sound, and be capable of supporting the imposed loads.

11-178.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

11-178.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

11-178.5 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

11-178.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 179
COMPONENT SERIVEABILITY

11-179.1 General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

11-179.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:

1.1. Collapse of footing or foundation system;

1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;

1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;

1.4. Inadequate soil as determined by a geotechnical investigation;

1.5. Where the allowable bearing capacity of the soil is in doubt; or

1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.

2. Concrete that has been subjected to any of the following conditions:

2.1. *Deterioration*;

2.2. *Ultimate deformation*;

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2.3. Fractures;
2.4. Fissures;
2.5. Spalling;
2.6. Exposed reinforcement; or
2.7. *Detached*, dislodged or failing connections.

3. Aluminum that has been subjected to any of the following conditions:
3.1. *Deterioration;*
3.2. Corrosion;
3.3. Elastic deformation;
3.4. *Ultimate deformation;*
3.5. Stress or strain cracks;
3.6. Joint fatigue; or
3.7. *Detached*, dislodged or failing connections.

4. Masonry that has been subjected to any of the following conditions:
4.1. *Deterioration;*
4.2. *Ultimate deformation;*
4.3. Fractures in masonry or mortar joints;
4.4. Fissures in masonry or mortar joints;
4.5. Spalling;
4.6. Exposed reinforcement; or
4.7. *Detached,* dislodged or failing connections.

5. Steel that has been subjected to any of the following conditions:
5.1. *Deterioration;*
5.2. Elastic deformation;
5.3. *Ultimate deformation;*
5.4. Metal fatigue; or
5.5. *Detached,* dislodged or failing connections.

6. Wood that has been subjected to any of the following conditions:
6.1. *Ultimate deformation;*
6.2. *Deterioration;*
6.3. Damage from insects, rodents and other vermin;
6.4. Fire damage beyond charring;
6.5. Significant splits and checks;
6.6, Horizontal shear cracks;
6.7. Vertical shear cracks;
6.8. Inadequate support;
6.9. *Detached,* dislodged or failing connections; or
6.10. Excessive cutting and notching.

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Exceptions:
1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official.*

SECTION 180
HANDRAILS AND GUARDRAILS

11-180.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have *guards.* Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: *Guards* shall not be required where exempted by the adopted building code.

SECTION 181
RUBBISH AND GARBAGE

11-181.1 Accumulation of rubbish or garbage. All *exterior property* and *premises,* and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage.

11-181.2 Disposal of rubbish. Every *occupant* of a structure shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

11-181.2.1 Rubbish storage facilities. The *owner* of every occupied *premises* shall supply *approved* covered containers for *rubbish,* and the *owner* of the *premises* shall be responsible for the removal of *rubbish.*

11-181.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on *premises* without first removing the doors.

11-181.3 Disposal of garbage. Every *occupant* of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an *approved* garbage disposal facility or *approved* garbage containers.

11-181.3.1 Garbage facilities. The *owner* of every dwelling shall supply

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one of the following: an *approved* mechanical food waste grinder in each *dwelling unit;* an *approved* incinerator unit in the structure available to the *occupants* in each *dwelling unit;* or an *approved* leakproof, covered, outside garbage container.

11-181.3.2 Containers. The *operator* of every establishment producing garbage shall provide, and at all times cause to be utilized, *approved* leakproof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

SECTION 182
PEST ELIMINATION

11-182.1 Infestation. All structures shall be kept free from insect and rodent *infestation.* All structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After *pest elimination,* proper precautions shall be taken to prevent infestation.

11-182.2 Owner. The *owner* of any structure shall be responsible for *pest elimination* within the structure prior to renting or leasing the structure.

11-182.3 Single occupant. The *occupant* of a one-family dwelling or of a single-*tenant* nonresidential structure shall be responsible for *pest elimination* on the *premises.*

11-182.4 Multiple occupancy. The *owner* of a structure containing two or more *dwelling units,* a multiple *occupancy,* a *rooming house* or a nonresidential structure shall be responsible for *pest elimination* in the public or shared areas of the structure and *exterior property.* If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* shall be responsible for *pest elimination.*

11-182.5 Occupant. The *occupant* of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the *infestations* are caused by defects in the structure, the *owner* shall be responsible for *pest elimination.*

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 183
GENERAL

11-183.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, *ventilation* and space for occupying a structure.

11-183.2 Responsibility. The *owner* of the structure shall provide and maintain

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light, *ventilation* and space conditions in compliance with these requirements. A person shall not occupy as *owner-occupant*, or permit another person to occupy, any *premises* that do not comply with the requirements of this chapter.

11-183.3 Alternative devices. In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with the *International Building Code* shall be permitted.

SECTION 184
LIGHT

11-184.1 Habitable spaces. Every *habitable space* shall have at least one window of *approved* size facing directly to the outdoors or to a court. The minimum total glazed area for every *habitable space* shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through

an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m^2). The exterior glazing area shall be based on the total floor area being served.

11-184.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m^2) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 foot candle (11 lux) at floors, landings and treads.

11-184.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe *occupancy* of the space and utilization of the appliances, equipment and fixtures.

SECTION 185
VENTILATION

11-185.1 Habitable spaces. Every *habitable space* shall have at least one openable window. The total openable area of the window in every room shall be

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equal to at least 45 percent of the minimum glazed area required I, Section 184.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m^2). The *ventilation* openings to the outdoors shall be based on a total floor area being ventilated.

11-185.2 Bathrooms and toilet rooms. Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* as required by Section 185.1, except that a window shall not be required in such spaces equipped with a mechanical *ventilation* system. Air exhausted by a mechanical *ventilation* system from a *bathroom* or *toilet room* shall discharge to the outdoors and shall not be recirculated.

11-185.1.3 Cooking facilities. Unless *approved* through the certificate of *occupancy*, cooking shall not be permitted in any *rooming unit* or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the *rooming unit* or dormitory unit.

Exceptions:

1. Where specifically *approved* in writing by the *code official*.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

11-185.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust *ventilation* system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

11-185.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

Exception: Listed and *labeled* condensing (ductless) clothes dryers.

SECTION 186
OCCUPANCY LIMITATIONS

11-186.1 Privacy. *Dwelling units*, hotel units, *housekeeping units*, *rooming units* and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

11-186.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

11-186.3 Minimum ceiling heights. *Habitable spaces*, hallways, corridors, laundry

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areas, *bathrooms*, *toilet rooms* and habitable *basement* areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. *Basement* rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

11-186.4 Bedroom and living room requirements. Every *bedroom* and living room shall comply with the requirements of Sections186.4.1 through 186.4.5.

11-186.4.1 Room area. Every living room shall contain at least 120 square feet (11.2 m^2) and every *bedroom* shall contain at least 70 square feet (6.5 m^2).

11-186.4.2 Access from bedrooms. *Bedrooms* shall not constitute the only means of access to other *bedrooms* or *habitable spaces* and shall not serve as the only means of egress from other *habitable spaces*.

Exception: Units that contain fewer than two *bedrooms*.

11-186.4.3 Water closet accessibility. Every *bedroom* shall have access to at least one water closet and one lavatory without passing through another *bedroom*. Every *bedroom* in a *dwelling unit* shall have access to at least one water closet and lavatory located in the same story as the *bedroom* or an adjacent story. This section shall not apply to shotgun houses.

11-186.4.4 Prohibited occupancy. Kitchens and uninhabitable spaces shall not be used for sleeping purposes.

11-186.4.5 Other requirements. *Bedrooms* shall comply with the applicable provisions of this code including, but not limited to, the light, *ventilation*, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

11-186.5 Overcrowding. The number of persons occupying a *dwelling unit* shall not

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create conditions that, in the opinion of the *code official*, endanger the life, health, safety or welfare of the *occupants*.

11-186.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two *occupants* shall have a clear floor area of not less than 220 square feet (20.4 m^2). A unit occupied by three *occupants* shall have a clear floor area of not less than 320 square feet (29.7 m^2). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and *ventilation* conforming to this code shall be provided.
3. The unit shall be provided with a separate *bathroom* containing a water closet, lavatory and bathtub or shower.
4. The maximum number of *occupants* shall be three.

11-186.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

PLUMBING FACILITES AND FIXTURE REQUIRMENTS

SECTION 187
GENERAL

11-187.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

11-187.2 Responsibility. The *owner* of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any structure or *premises* which does not comply with the requirements of this chapter.

[P] SECTION 188
REQUIRED FACILITES

11-188.1 Dwelling units. Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as

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the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

11-188.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.

11-188.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten *occupants*.

11-188.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

11-188.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in *toilet rooms* or *bathrooms*.

11-188.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the *International Plumbing Code*. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

[P] SECTION 189
TOILET ROOMS

11-189.1 Privacy. *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared *bathrooms* and *toilet rooms* in a multiple dwelling.

11-189.2 Location. *Toilet rooms* and *bathrooms* serving hotel units, *rooming units* or dormitory units or *housekeeping units*, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

11-189.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

11-189.4 Floor surface. In other than *dwelling units*, every *toilet room* floor shall be

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maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

[P] SECTION 190
PLUMBING SYSTEMS AND FIXTURES

11-190.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

11-190.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

11-190.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, inadequate venting, cross connection, improper installation, *deterioration* or damage or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

SECTION 191
WATER SYSTEM

11-191.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *International Plumbing Code*.

[P] 11-191.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

11-191.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

11-191.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be

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located in any *bathroom, toilet room, bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

[P] SECTION 192
SANITARY DRAINAGE SYSTEM

11-192.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.
11-192.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.
11-192.3 Grease interceptors. Where it has been determined that a grease interceptor is not being maintained and serviced as intended by this code and the manufacturer's instructions, an *approved* interceptor monitoring system shall be provided or a maintenance program shall be established with documentation submitted to the *code official.*

[P] SECTION 193
STORM DRAINAGE

11-193.1 General. Drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a public nuisance.

MECHANICAL AND ELECTRICAL REQUIRMENTS

SECTION 194
GENERAL

11-194.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.
11-194.2 Responsibility. The *owner* of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* which does not comply with the requirements of this chapter.

SECTION 195
HEATING FACILITES

11-195.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

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11-195.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum t temperature of 65°F (18°C) shall be maintained.

11-195.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from September 1st to April 30th to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

11-195.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 1st to April 30th to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

11-195.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 196
MECHANICAL EQUPIMENT

11-196.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-

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burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

11-196.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

Exception: Fuel-burning equipment and appliances which are *labeled* for unvented operation.

11-196.3 Clearances. All required clearances to combustible materials shall be maintained.

11-196.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

11-196.5 Combustion air. A supply of air for complete combustion of the fuel and for *ventilation* of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

11-196.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless *labeled* for such purpose and the installation is specifically *approved*.

SECTION 197
ELECTRICAL FACILITIES

11-197.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 198.

11-197.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

11-197.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

11-197.3.1 Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

11-197.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground

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fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the *International Building Code.*

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated 600 volts or less;
2. Busway, rated 600 volts or less;
3. Panelboards, rated 600 volts or less;
4. Switchboards, rated 600 volts or less;
5. Fire pump controllers, rated 600 volts or less;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

11-197.3.2 Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

11-197.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the *International Building Code.*

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained

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damage that requires replacement.

SECTION 198
ELECTRICAL EQUPIMENT

11-198.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.
11-198.2 Receptacles. Every *habitable space* in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain at least one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection.
11-198.3 Luminaires. Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

SECTION 199
ELEVATORES, ESCLATORS AND DUMBWAITERS

11-199.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building *operator* or be posted in a publicly conspicuous location *approved* by the *code official*. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.
11-199.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 200
DUCT SYSTEMS

11-200.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

FIRE SAFETY REQUIRMENTS

SECTION 201

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GENERAL

11-201.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior *premises*, including fire safety facilities and equipment to be provided

11-201.2 Responsibility. The *owner* of the *premises* shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* that do not comply with the requirements of this chapter.

[F] SECTION 202
MEANS OF EGRESS

11-202.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the *public way*. Means of egress shall comply with the *International Fire Code*.

11-202.2 Aisles. The required width of aisles in accordance with the *International Fire Code* shall be unobstructed.

11-202.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code*.

11-202.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

[F] SECTION 203
FIRE-RESISTANCE RATINGS

11-203.1 Fire-resistance-rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

11-203.2 Opening protectives. Required opening protectives shall be maintained

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in an operative condition. All fire and smoke stop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

[F] SECTION 204
FIRE PROTECTION SYSTEMS

11-204.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*.

11-204.1.1 Automatic sprinkler systems. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

11-204.2 Smoke alarms. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of *occupant* load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms*.
2. In each room used for sleeping purposes.
3. In each story within a *dwelling unit*, including *basements* and cellars but not including crawl spaces and uninhabitable attics. In dwellings or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single- or multiple-station smoke alarms shall be installed in other groups in accordance with the *International Fire Code*.

11-204.3 Power source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or *basement* available which

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11-204.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual *dwelling unit* in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all *bedrooms* over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings which are not undergoing alterations, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or *basement* available which could provide access for interconnection without the removal of interior finishes.

REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 161.7.

ASME — American Society of Mechanical Engineers, Three Park Avenue, New York, NY 10016-5990

Standard reference number	Title	Referenced in code section number
A17.1/CSA B44-2007	Safety Code for Elevators and Escalators	606.1

ASTM — ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959

Standard reference	Title	Referenced In code Section number

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F1346-91 (2003)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs	303.2

ICC	International Code Council 500 New Jersey Avenue, NW 6th Floor Washington, DC 20001

Standard reference number	Title	Referenced in code section number
IBC-09	International Building Code®	102.3, 201.3, 401.3, 702.3
IFC-09	International Fire Code®	201.3, 604.3.1.1, 604.3.2.1, 702.1, 702.2, 704.1, 704.2
IEBC-09	International Existing Building Code®	305.1.1, 306.1.1
IFGC-09	International Fuel Gas Code®	102.3
IMC-09	International Mechanical Code®	102.3, 201.3
IPC-09	International Plumbing Code®	201.3, 505.1, 602.2, 602.3
IZC-09	International Zoning Code®	102.3, 201.3
IPMC-09	International Property Maintenance Code®	

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	National Fire Protection Association 1 Batterymarch Park	
NFPA	Quincy, MA 02269	
Standard reference number	Title	Referenced in code section number
25-08	Inspection, Testing and Maintenance of Water based Fire Protection Systems	704.1.1
70-08	National Electrical Code	102.4, 201.3, 604.2

Appendix A
Boarding Standard

A101
GENERAL

A101.1 General. All windows and doors shall be boarded in an *approved* manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

A102
MATERIALS

A102.1 Boarding sheet material. Boarding sheet material shall be minimum 1/2-inch (12.7 mm) thick wood structural panels complying with the *International Building Code*.

A102.2 Boarding framing material. Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the *International Building Code*.

A102.3 Boarding fasteners. Boarding fasteners shall be minimum 3/8-inch (9.5 mm) diameter carriage bolts of such a length as required to penetrate the assembly

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and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the *International Building Code*.

A103
INSTALLATION

A103.1 Boarding installation. The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5.

A103.2 Boarding sheet material. The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

A103.3 Windows. The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

A103.4 Door walls. The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at not more than 24 inches (610 mm) on center. Blocking shall also be secured at not more than 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

A103.5 Doors. Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an *approved* manner.

SECTION 2. If this ordinance conflicts with other Parish ordinances the stricter of the two (2) shall govern.

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.

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

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 7th day of August, 2012.

ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 8/9/12 11:36 am
Date and Time

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council 8/10/12 8:51 am
Date and Time

Received by Kristie L. Silva

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Clerk of Council

#15

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, AUGUST 21, 2012 AT SEVEN O'CLOCK P.M.

On motion of Mr. Hunnicutt, seconded by Mr. Cavignac, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #1327-08-12

Summary No. 2840
Introduced by: Councilman McInnis on 8/7/12
Public Hearing held on 8/21/12

AN ORDINANCE TO **RESCIND ORDINANCE SBPC #624-07-05,** APPROVING AND AUTHORIZING THE ACCEPTANCE OF STREETS TO PUBLIC USE AND THE ACCEPTANCE OF SAME FOR PERPETUAL MAINTENANCE LOCATED IN JUMONVILLE NORTH SUBDIVISION, PHASE 1, LOTS 1 THROUGH 27 INCLUSIVE, LOTS 133 THROUGH 153 INCLUSIVE, AND LOTS 83 THROUGH 87 INCLUSIVE (A TOTAL OF 52 LOTS) (NO LOT 13) INCLUDING RUE CARMEN, RUE CIEL AND RUE MARCELLE.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That Ordinance SBPC #624-07-05, approving and authorizing the acceptance of streets to public use and the acceptance of same for perpetual maintenance located in Jumonville North Subdivision, Phase 1, Lots 1 through 27 inclusive, Lots 133 through 153 inclusive, and Lots 83-87 inclusive (a total of 52 lots) (No Lot 13) including Rue Carmen, Rue Ciel and Rue Marcelle is hereby rescinded therefore making it null and void.

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

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Councilman District E

Roxanne Adams
Clerk of Council

that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 21st day of August, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

Guy McInnis
GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 8/22/12 4:06 pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 8/23/12 10:38 am
Date and Time

Received by Kristi Silva

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#19

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, AUGUST 21, 2012 AT ELEVEN O'CLOCK A.M.

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

ORDINANCE SBPC #1328-08-12

Summary No. 2847
Introduced by: Administration on 8/7/12
Executive Finance Committee made **NO** Recommendation on 7/25/12
Public Hearing held on 8/21/12

AN ORDINANCE TO IMPOSE AN OPERATING FEE–IN ORDER TO BALANCE THE 2012 BUDGET ACCORDING TO RS 39:1301-1315.

WHEREAS, Sales Tax collections failed to meet 2012 original budget projections, and;

WHEREAS, it is necessary to reduce certain expenditures and revise revenue forecasts, and;

WHEREAS, it is necessary to impose a $32.00 fee for services rendered in order to fund the Fire Department for the remainder of 2012, and;

WHEREAS, said fee will appear on residents' water and sewer bills beginning September 1, 2012 and ending December 31, 2012 and;

WHEREAS, if the billed water amount is paid and the fee is not, the account will be considered delinquent, and;

WHEREAS, if you are the age of 65 and older and have annual earnings of $67,601 or less you will be exempt from this fee, and;

WHEREAS, in order to qualify, the water bill must be in the applicants name, and;

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WHEREAS, multiple family dwellings will be billed each month at the maximum amount of residential units and a credit can be taken for the number of units that are not occupied after proof of vacancy and a signed affidavit is submitted, and;

WHEREAS, this will be reviewed monthly to determine if the said fee needs to be reduced.

NOW THEREFORE BE IT ORDAINED, by the Parish Council of the St. Bernard Parish Government, Louisiana, in regular session convened, that the 2012 budget be amended as stated.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. 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 2. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 21st day of August, 2012.

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Clerk of Council

ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 8/22/12 4:06 pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 8/23/12 10:38 am
Date and Time

Received by Kristie Silva

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#17

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, AUGUST 21, 2012 AT SEVEN O'CLOCK P.M.

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

ORDINANCE SBPC #1329-08-12

Summary No. 2843
Introduced by Administration on 8/7/12
Planning Commission recommended **APPROVAL**
Public Hearing held on 8/21/12

AN ORDINANCE TO **AMEND** SECTION 22-4-3.3 (GENERAL PROVISIONS; EXCEPTIONS AND MODIFICATIONS; EXCEPTIONS TO YARD REQUIREMENTS) TO INCLUDE THE FOLLOWING ITEM, WHICH SHALL BECOME AND BENAMED ITEM "(N)".

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Council does hereby amend and adopt the attached amendments (Exhibit A) to Chapter 22; Section 22-4-3.3.

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

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

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Councilman District E

Roxanne Adams
Clerk of Council

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 21st day of August, 2012.

ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 8/22/12 4:06 pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 8/23/12 10:38 am
Date and Time

Received by Kristie Silva

Exhibit "A"
Summary No. 2843

22-4-3.3. EXCEPTIONS TO YARD REQUIREMENTS

(a) When fifty (50) percent of a building's total floor area is occupied by dwelling units in commercial and industrial districts, no side yards are required except such side yards as may be required in the district regulations for a commercial or industrial building on the side of a lot abutting on a dwelling district. When a side yard is provided, though not required, such yard shall be not less than three (3) feet in width.

Where a rear yard is provided, though not required, such yard shall be not less than three (3) feet in depth.

Where any lot or tract of land is in a commercial or industrial district abutting a Louisiana State Highway, the structure, excepting signs, shall be set back a minimum of ten (10) feet from the property line abutting the Louisiana State Highway. Signs shall be set back so that no portion of the sign or its foundation extends beyond the property line.

Signs must also comply with all local building code regulations and Louisiana State Department of Transportation and Development regulations.

(b) More than one (1) main institutional building, public or semipublic, commercial, industrial or multiple-family buildings may be located upon a lot or tract, provided no such building or portion thereof is located outside the buildable area of the lot.

Where more than one (1) main building is located upon a lot or tract there must be a minimum ten (10) feet clearance between the furthest projections of such buildings.

Minimum lot size for property zoned R-3 Multiple-Family shall be as follows:

Number of Units	**Square Feet**	**Number of Units**	**Square Feet**
1, 2 or 3	6,500	22	29,750
4	8,000	23	30,500
5	9,500	24	31,250
6	11,000	25	32,000
7	12,500	26	32,750
8	14,000	27	34,500
9	15,500	28	34,250
10	17,000	29	35,000
11	18,250	30	33,750
12	19,500	31	36,500
13	20,750	32	37,250
14	22,000	33	38,000
15	23,250	34	38,750
16	24,250	35	39,500
17	25,250	36	40,250
18	26,250	37	41,000
19	27,250	38	41,750
20	28,250	39	42,500
21	29,000	40	43,250

(c) For the purpose of side yard regulations, a two-family, three-family or four-family dwelling, a group of row houses, a multiple-family dwelling, electric substation or gas-pressure-regulating and metering station for public utility purposes shall be considered as one (1) building occupying one (1) lot.
(d) Open or lattice-enclosed fire escapes, fireproof stairways and balconies opening upon fire towers, and the ordinary projection of chimneys and flues into a rear yard may be permitted by the zoning administrator for a distance of not more than five (5) feet but only when the same are so placed as not to obstruct light and ventilation.
(e) Power plants, heating or air conditioning units, apparatus or machinery which are accessory to permitted uses in the residential districts shall be permitted in the required rear yard. They shall also be permitted in the required side yard, provided that a minimum clearance of at least two (2) feet is provided between the apparatus or machinery and the side lot line. All such apparatus or machinery shall be so placed and screened as not to cause serious annoyance to occupants of adjoining property.
(f) In the case of cemeteries or mausoleums, a minimum fifty-foot landscaped setback shall be observed from property lines abutting streets or canals and a minimum 100-foot setback shall be observed along all other property lines. Such setbacks shall be kept free of all buildings, structures and tombs, etc. However, ground interment and private roadways shall be permitted within twenty-five (25) feet of any property line. No setback is required on a side abutting another existing cemetery.
(g) Whenever an industrial tract or site is adjacent to, abuts or is across from a residential district, no building or structure may be located closer than one hundred (100) feet to such residential district. However, where a street separates the industrial district, the setback need not exceed fifty (50) feet from the side abutting the street. This provision shall not apply to industrial sites of one (1) acre or less. In such cases the yard requirements of the residential district shall apply to the side adjacent to, abutting or across from the residential district.
(h) When a lot in a commercial district abuts a lot in a residential district there shall be provided along such abutting lines a yard equal in width or depth to that required in the residential district.

(i) Where the frontage on one (1) side of a street between two (2) parallel streets constituting a single block is zoned partly as residential and partly as commercial or industrial, the front yard depth in the commercial or industrial district shall be required to conform to the front yard of the residential district.
(j) On every corner lot there shall be provided on the side street a side yard equal in depth to one-half the required front yard depth on the side street; the front yard requirements of a residential district shall prevail over that of a commercial or industrial use.
(k) In the case of residential lots having a depth of eight-five (85) feet or less, the minimum front yard shall be fifteen (15) feet.
(l) In the A-1 Rural District all commercial or industrial uses shall provide yard areas as though they were adjacent to abutting or across from a residential district. (See Subsections (g), (h), (i) and (j) above).
(m) All parks and playgrounds including athletic playing fields and/or courts shall comply with all setbacks and yard requirements of the district in which they are located.

(n) In any residential district where the front setbacks of a majority of the existing residences are less than the minimum distance required for that zoning district, the front setback for new construction may be in line therewith.

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Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#18

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE CHALMETTE, LOUISIANA ON TUESDAY, AUGUST 7, 2012 AT ELEVEN O'CLOCK A.M.

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

ORDINANCE SBPC #1330-08-12

Summary No. 2845
Introduced by Administration on 8/7/12
Planning Commission recommended **APPROVAL**
Public Hearing held on 8/21/12

AN ORDINANCE TO **AMEND** CHAPTER 22, SECTION 22-7-1 (SITE DEVELOPMENT STANDARDS; LANDSCAPE REGULATIONS)

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Council does hereby amend and adopt the attached amendments (Exhibit A) to Chapter 22; Section 22-7-1.

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

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

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Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 21st day of August, 2012.

ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 8/22/12 4:06pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 8/23/12 10:38am
Date and Time

Received by Kristi Silva

Exhibit "A"
Summary No. 2845

SECTION 22-7 SITE DEVELOPMENT STANDARDS

22-7-1. LANDSCAPE REGULATIONS

This section is intended to protect property values by preserving existing vegetation and planting new materials, providing privacy from view, light, dirt, and noise, preventing the erosion of soil, providing water recharge areas, and improving the environment and attractiveness of the Parish.

22-7-1.1. OVERALL LANDSCAPE AREA REQUIREMENT

a. Any lot developed in a Business, Industrial, Design Development District zones shall provide landscaped areas on the portions of the site that are not covered by an impervious surface.

b. Perimeter landscaped areas shall contain at least one shade tree at least 3 inches in caliper for each 50 feet or part thereof of perimeter or as required by the Commission.

22-7-1.2. LANDSCAPED BUFFER REQUIREMENT

Landscape buffers of ~~100~~ **10** feet between commercial/industrial uses and residential uses and ~~50~~ **5** feet between multi-family and single family residential uses shall be required. The Commission may also require buffers between dissimilar uses. Where natural features, special circumstances, or the opportunity for better site design exist, the Commission may consider and approve a modification to the buffer requirements. Such landscape buffers shall contain adequate landscape materials to satisfy, in the opinion of the Commission, the purposes of this Section.

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Roxanne Adams
Clerk of Council

#20

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, AUGUST 7, 2012 AT ELEVEN O'CLOCK A.M.

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

ORDINANCE SBPC #1331-08-12

Summary No. 2849
Introduced by: Councilman McInnis on 8/7/12
Public Hearing held on 8/21/12

AN ORDINANCE TO AUTHORIZE ST. BERNARD PARISH GOVERNMENT TO CONVEY THE FOLLOWING LOUISIANA LAND TRUST PROPERTIES TO THE ST. BERNARD PARISH SCHOOL BOARD.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That the St. Bernard Parish Council, the Governing Authority, does hereby authorize St. Bernard Parish Government to convey the following Louisiana Land Trust properties to St. Bernard Parish School Board:

- 2213 Veronica
- 2413 Veronica

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

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

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Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 21st day of August, 2012.

ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 8/22/12 4:06pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 8/23/12 10:38am
Date and Time

Received by Kristie Silva

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Roxanne Adams
Clerk of Council

#8

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, SEPTEMBER 4, 2012 AT SEVEN O'CLOCK P.M.

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

ORDINANCE SBPC#1332-09-12

Summary No. 2850
Introduced by: Administration on 8/21/12
Public Hearing held on 9/4/12

AN ORDINANCE TO RETAIN MICHAEL G. GAFFNEY AS LEGAL COUNSEL TO REPRESENT ST. BERNARD PARISH TO SECURE FEDERAL REIMBURSEMENTS AND FUNDS REGARDING FEMA AND GOHSEP MATTERS PERTAINING TO RECOVERY EFFORTS AND TO FILE ANY NECESSARY APPEALS AND/OR LITIGATION.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION I. The St. Bernard Parish Council, the Governing Authority, does hereby approve and authorize the employment of Michael Gaffney to represent St. Bernard Parish to secure federal reimbursements and funds regarding FEMA and GOHSEP matters pertaining to recovery efforts from Hurricane Katrina and to file any necessary appeals and/or litigation.

SECTION 2. Salary. The compensation shall be at rates not to exceed the fee schedule from the Louisiana Attorney General.

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

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

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Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 4th day of September, 2012

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 9/6/12 9:26 am
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 9/7/12 9:15 am
Date and Time

Received by Kristie Silva

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Councilman District E

Roxanne Adams
Clerk of Council

#9

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, SEPTEMBER 4, 2012 AT SEVEN O'CLOCK P.M.

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

ORDINANCE SBPC #1333-09-12

Summary No. 2851
Introduced by: Administration on 8/21/12
Public Hearing held on 9/4/12

AN ORDINANCE TO RETAIN WILLIAMS & ROME, L.L.C. AS LEGAL COUNSEL TO REPRESENT ST. BERNARD PARISH IN E.E.O.C. CHARGE NO. 461-2012-00789 AND ANY LITIGATION RELATED THERETO.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION I. The St. Bernard Parish Council, the Governing Authority, does hereby approve and authorize the employment of Williams & Rome, L.L.C. to represent St. Bernard Parish in E.E.O.C. charge no. 461-2012-00789 and any litigation related thereto.

SECTION 2. Salary. The compensation shall be at rates not to exceed the fee schedule from the Louisiana Attorney General.

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

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

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Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

YEAS: Lauga, Gorbaty, Lewis, Montelongo, Cavignac

NAYS: None

ABSENT: None

ABSTAIN: Hunnicutt

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

And the motion was declared **adopted** on the 4th day of September, 2012

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 9/6/12 9:26 am
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 9/7/12 9:15 am
Date and Time

Received by Kristie Silva

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Clerk of Council

#18

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, SEPTEMBER 18, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1334-09-12

Summary No. 2852
Introduced by: Councilman McInnis on 9/4/12
Public Hearing held on 9/18/12

AN ORDINANCE ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD IN THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, ON DECEMBER 8, 2012, TO AUTHORIZE THE LEVY OF A SPECIAL TAX THEREIN, MAKING APPLICATION TO THE STATE BOND COMMISSION IN CONNECTION THEREWITH; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

BE IT ORDAINED by the Parish Council of the Parish of St. Bernard, State of Louisiana (the "Governing Authority"), acting as the governing authority of the Parish of St. Bernard, State of Louisiana (the "Parish"), that:

SECTION 1. Election Call. Under the authority conferred by Article VI, Sections 26, 30 and 32 of the Constitution of the State of Louisiana of 1974, the applicable provisions of Chapter 5 and Chapter 6-A of the Louisiana Election Code, and other constitutional and statutory authority, a special election is hereby called and ordered to be held in the Parish on **SATURDAY, DECEMBER 8, 2012**, between the hours of six o'clock (6:00) a.m., and eight o'clock (8:00) p.m., in accordance with the provisions of La. R.S. 18:541, and at the said election there shall be submitted to all registered voters qualified and entitled to vote at the said election under the Constitution and laws of this State and the Constitution of the United States, the following proposition, to-wit:

PROPOSITION
(FIRE MILLAGE)

Summary: 10 year, 20 mills property tax for acquiring, constructing, maintaining, improving and operating fire protection facilities and purchasing fire trucks and other firefighting equipment in St. Bernard Parish

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Councilman District E

Roxanne Adams
Clerk of Council

Shall the Parish of St. Bernard, State of Louisiana (the "Parish"), levy a special tax of twenty (20) mills on all property subject to taxation within the Parish (an estimated $5,995,655 reasonably expected at this time to be collected from the levy of the tax for an entire year), for a period of ten (10) years, beginning with the year 2013 and ending with the year 2022, for the purpose of acquiring, constructing, maintaining, improving and operating fire protection facilities and purchasing fire trucks and other firefighting equipment in the Parish.

SECTION 2. Publication of Notice of Election. A Notice of Special Election shall be published in *The St. Bernard Voice*, a newspaper of general circulation within the Parish, published in Arabi, Louisiana, and being the official journal of the Parish, once a week for four consecutive weeks, with the first publication to be made not less than forty-five (45) days nor more than ninety (90) days prior to the date of the election, which Notice shall be substantially in the form attached hereto as "Exhibit A" and incorporated herein by reference the same as if it were set forth herein in full.

SECTION 3. Canvass. This Governing Authority shall meet at its regular meeting place, 8201 W. Judge Perez Dr., Chalmette, Louisiana, on **TUESDAY, DECEMBER 18, 2012**, at **THREE O'CLOCK (3:00) P.M.**, and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of the said special election.

SECTION 4. Polling Places. The polling places set forth in the aforesaid Notice of Special Election are hereby designated as the polling places at which to hold the said election, and the Commissioners-in-Charge and Commissioners, respectively, will be the same persons as those designated in accordance with law.

SECTION 5. Election Commissioners; Voting Machines. The officers designated to serve as Commissioners-in-Charge and Commissioners pursuant to Section 4 hereof, or such substitutes therefor as may be selected and designated in accordance with La. R.S. 18:1287, shall hold the said special election as herein provided, and shall make due returns of said election for the meeting of the Governing Authority to be held on Tuesday, December 18, 2012, as provided in Section 3 hereof. All registered voters in the Parish will be entitled to vote at the special election, and voting machines shall be used.

SECTION 6. Authorization of Officers. The Clerk of the Governing Authority is hereby empowered, authorized and directed to arrange for and to

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Councilman District E

Roxanne Adams
Clerk of Council

furnish to said election officers in ample time for the holding of said election, the necessary equipment, forms and other paraphernalia essential to the proper holding of said election and the Chairman and/or Clerk of the Governing Authority are further authorized, empowered and directed to take any and all further action required by State and/or Federal law to arrange for the election, including but not limited to, appropriate submission to the Federal Department of Justice under Section 5 of the Federal Voting Rights Act of 1965, as amended.

SECTION 7. Furnishing Election Call to Election Officials. Certified copies of this ordinance shall be forwarded to the Secretary of State, the Commissioner of Elections, the Clerk of Court and *Ex-Officio* Parish Custodian of Voting Machines of St. Bernard Parish and the Registrar of Voters of St. Bernard Parish, as notification of the special election, in order that each may prepare for said election and perform their respective functions as required by law.

SECTION 8. Application to State Bond Commission. Application is made to the State Bond Commission for consent and authority to hold the special election as herein provided and in the event said election carries for further consent and authority to continue to levy and collect the special tax provided for therein. A certified copy of this ordinance shall be forwarded to the State Bond Commission on behalf of this Governing Authority, together with a letter requesting the prompt consideration and approval of this application.

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

YEAS: Lauga, Lewis, Hunnicutt, Montelongo,

NAYS: None

ABSENT: Gorbaty, Cavignac

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

And the motion was declared **adopted** on the 18th day of September, 2012.

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Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 9/20/12 2:35pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 9/20/12 3:00pm
Date and Time

Received by Kristie F. Silva

EXHIBIT "A"

NOTICE OF SPECIAL ELECTION

Pursuant to the provisions of an ordinance adopted by the Parish Council of the Parish of St. Bernard, State of Louisiana (the "Governing Authority"), acting as the governing authority of the Parish of St. Bernard, State of Louisiana (the "Parish"), on September 18, 2012, NOTICE IS HEREBY GIVEN that a special election will be held within the Parish on **SATURDAY, DECEMBER 8, 2012,** and that at the said election there will be submitted to all registered voters in the Parish qualified and entitled to vote at the said election under the Constitution and Laws of the State of Louisiana and the Constitution of the United States, the following proposition, to-wit:

PROPOSITION
(FIRE MILLAGE)

Summary: 10 year, 20 mills property tax for acquiring, constructing, maintaining, improving and operating fire protection facilities and purchasing fire trucks and other firefighting equipment in St. Bernard Parish.

Shall the Parish of St. Bernard, State of Louisiana (the "Parish"), levy a special tax of twenty (20) mills on all property subject to taxation within the Parish (an estimated $5,995,655 reasonably expected at this time to be collected from the levy of the tax for an entire year), for a period of ten (10) years, beginning with the year 2013 and ending with the year 2022, for the purpose of acquiring, constructing, maintaining, improving and operating fire protection facilities and purchasing fire trucks and other firefighting equipment in the Parish.

The said special election will be held at the following polling places situated within the Parish, which polls will open at six o'clock (6:00) a.m. and close at eight o'clock (8:00) p.m., in accordance with the provisions of La. R.S. 18:541, to-wit:

POLLING PLACES	
Precinct	Location
0010	Arabi Elementary School Cafeteria, 7200 Alexander Avenue, Arabi
0011	Arabi Elementary School Cafeteria, 7200 Alexander Avenue, Arabi
0012	Arabi Elementary School Cafeteria, 7200 Alexander Avenue, Arabi
0013	Arabi Elementary School Cafeteria, 7200 Alexander Avenue, Arabi
0014	Andrew Jackson Middle School, 201 Eighth Street, Chalmette
0015	Andrew Jackson Middle School, 201 Eighth Street, Chalmette

POLLING PLACES	
Precinct	Location
0016	Andrew Jackson Middle School, 201 Eighth Street, Chalmette
0017	Andrew Jackson Middle School, 201 Eighth Street, Chalmette
0020	Chalmette Elementary School Cafeteria, 75 E. Chalmette Circle, Chalmette
0021	Chalmette Elementary School Cafeteria, 75 E. Chalmette Circle, Chalmette
0022	Nunez Community College Gym, 3700 Lafontaine Street, Chalmette
0023	Chalmette Elementary School Cafeteria, 75 E. Chalmette Circle, Chalmette
0024	Nunez Community College Gym, 3700 Lafontaine Street, Chalmette
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0030	Lacoste Campus Cafeteria, 1101 E. Judge Perez Drive, Chalmette
0031	Chalmette High School Cafeteria, 1100 E. Judge Perez Drive, Chalmette
0032	Lacoste Campus Cafeteria, 1101 E. Judge Perez Drive, Chalmette
0032A	Lacoste Campus Cafeteria, 1101 E. Judge Perez Drive, Chalmette
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0034	Chalmette High School Cafeteria, 1100 E. Judge Perez Drive, Chalmette
0035	Chalmette High School Cafeteria, 1100 E. Judge Perez Drive, Chalmette
0040	Joe Davies Elementary School, 4101 Mistrot Drive, Meraux
0041	Joe Davies Elementary School, 4101 Mistrot Drive, Meraux
0042	Joe Davies Elementary School, 4101 Mistrot Drive, Meraux
0042A	Joe Davies Elementary School, 4101 Mistrot Drive, Meraux
0043	N. P. Trist Middle School, #1 Pirates Cove, Meraux
0044	N. P. Trist Middle School, #1 Pirates Cove, Meraux
0045	N. P. Trist Middle School, #1 Pirates Cove, Meraux
0046	N. P. Trist Middle School, #1 Pirates Cove, Meraux
0050	W. Smith Elementary School, 6701 E. St. Bernard Hwy., Violet
0051	W. Smith Elementary School, 6701 E. St. Bernard Hwy., Violet
0052	W. Smith Elementary School, 6701 E. St. Bernard Hwy., Violet
0053	W. Smith Elementary School, 6701 E. St. Bernard Hwy., Violet
0054	J. F. Gauthier Elementary School Cafeteria, 1200 E. LA Hwy. 46, St. Bernard
0055	J. F. Gauthier Elementary School Cafeteria, 1200 E. LA Hwy. 46, St. Bernard

POLLING PLACES	
Precinct	Location
0057	J. F. Gauthier Elementary School Cafeteria, 1200 E. LA Hwy. 46, St. Bernard
0058	J. F. Gauthier Elementary School Cafeteria, 1200 E. LA Hwy. 46, St. Bernard

The polling places set forth above are hereby designated as the polling places at which to hold the said election, and the Commissioners-in-Charge and Commissioners, respectively, shall be those persons designated according to law.

The said special election will be held in accordance with the applicable provisions of Chapter 5, Chapter 6-A and Chapter 6-B of Title 18 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, and the officers appointed to hold the said election, as provided in this Notice of Special Election, or such substitutes therefor as may be selected and designated in accordance with La. R.S. 18:1287, will make due returns thereof to said Governing Authority, and NOTICE IS HEREBY FURTHER GIVEN that the Governing Authority will meet at its regular meeting place, 8201 W. Judge Perez Drive, Chalmette, Louisiana, on **TUESDAY, DECEMBER 18, 2012**, at **THREE O'CLOCK (3:00) P.M.**, and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of the said special election. All registered voters of the Parish are entitled to vote at said special election and voting machines will be used.

THUS DONE AND SIGNED at Chalmette, Louisiana, on this, the 18th day of September, 2012.

ATTEST:

Chairman

Clerk of Council

STATE OF LOUISIANA

PARISH OF ST. BERNARD

I, the undersigned Clerk of the Parish Council of the Parish of St. Bernard, State of Louisiana (the "Governing Authority"), the governing authority of the Parish of St. Bernard, State of Louisiana (the "Parish"), do hereby certify that the foregoing pages constitute a true and correct copy of the proceedings taken by the Governing Authority on September 18, 2012, ordering and calling a special election to be held in the Parish of St. Bernard, State of Louisiana, to authorize the levy of a special tax therein, making application to the State Bond Commission in connection therewith; and providing for other matters in connection therewith.

IN FAITH WHEREOF, witness my official signature of the Parish at Chalmette, Louisiana, on this, the 18th day of September, 2012.

LaDawna Adams

Clerk

St. Bernard Parish Council

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

Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#19

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, SEPTEMBER 18, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1335-09-12

Summary No. 2853
Introduced by: Councilman Lewis on 9/4/12
Public Hearing held on 9/18/12

AN ORDINANCE ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD IN THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, ON DECEMBER 8, 2012, TO AUTHORIZE THE REDEDICATION OF A SALES AND USE TAX THEREIN, MAKING APPLICATION TO THE STATE BOND COMMISSION IN CONNECTION THEREWITH; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

BE IT ORDAINED by the Parish Council of the Parish of St. Bernard, State of Louisiana (the "Governing Authority"), acting as the governing authority of the Parish of St. Bernard, State of Louisiana (the "Parish"), that:

SECTION 1. Election Call. Under the authority conferred by Article VI, Section 29 of the Constitution of the State of Louisiana of 1974, the applicable provisions of Chapter 5, Chapter 6-A and Chapter 6-B of the Louisiana Election Code, and other constitutional and statutory authority, a special election is hereby called and ordered to be held in the Parish on **SATURDAY, DECEMBER 8, 2012**, between the hours of six o'clock (6:00) a.m., and eight o'clock (8:00) p.m., in accordance with the provisions of La. R.S. 18:541, and at the said election there shall be submitted to all registered voters qualified and entitled to vote at the said election under the Constitution and laws of this State and the Constitution of the United States, the following proposition, to-wit:

PROPOSITION
(SALES TAX REDEDICATION)

Summary: Authority to rededicate the proceeds of a 1/2% sales and use tax authorized at an election held on November 3, 1992, for various purposes.

Shall the Parish of St. Bernard, State of Louisiana (the "Parish"), be

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Richard "Richie" Lewis
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Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

authorized to rededicate all of the proceeds heretofore or hereafter received by the Parish from the levy and collection of a 1/2% sales and use tax authorized at an election on November 3, 1992 (the "Sales Tax") (an estimated $3,700,860 reasonably expected at this time to be collected from the levy of the Sales Taxes for an entire year), so that such proceeds (after paying the reasonable and necessary costs and expenses of collecting and administering the Sales Tax) may be used for any lawful corporate purpose of the Parish, including, but not limited to, the original purpose of acquiring, constructing, improving, maintaining and operating garbage and waste disposal and collection facilities and garbage and waste disposal and collection equipment in and for the Parish, and shall the Parish be further authorized to fund the proceeds of the Sales Tax into bonds from time to time for any one or more capital purposes, to the extent and in the manner permitted by the laws of Louisiana?

SECTION 2. Publication of Notice of Election. A Notice of Special Election shall be published in *The St. Bernard Voice*, a newspaper of general circulation within the Parish, published in Arabi, Louisiana, and being the official journal of the Parish, once a week for four consecutive weeks, with the first publication to be made not less than forty-five (45) days nor more than ninety (90) days prior to the date of the election, which Notice shall be substantially in the form attached hereto as "Exhibit A" and incorporated herein by reference the same as if it were set forth herein in full.

SECTION 3. Canvass. This Governing Authority shall meet at its regular meeting place, 8201 W. Judge Perez Dr., Chalmette, Louisiana, on **TUESDAY, DECEMBER 18, 2012**, at **THREE O'CLOCK (3:00) P.M.**, and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of the said special election.

SECTION 4. Polling Places. The polling places set forth in the aforesaid Notice of Special Election are hereby designated as the polling places at which to hold the said election, and the Commissioners-in-Charge and Commissioners, respectively, will be the same persons as those designated in accordance with law.

SECTION 5. Election Commissioners; Voting Machines. The officers designated to serve as Commissioners-in-Charge and Commissioners pursuant to Section

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Councilman District E

Roxanne Adams
Clerk of Council

#19

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, SEPTEMBER 18, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1335-09-12

Summary No. 2853
Introduced by: Councilman Lewis on 9/4/12
Public Hearing held on 9/18/12

AN ORDINANCE ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD IN THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, ON DECEMBER 8, 2012, TO AUTHORIZE THE REDEDICATION OF A SALES AND USE TAX THEREIN, MAKING APPLICATION TO THE STATE BOND COMMISSION IN CONNECTION THEREWITH; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

BE IT ORDAINED by the Parish Council of the Parish of St. Bernard, State of Louisiana (the "Governing Authority"), acting as the governing authority of the Parish of St. Bernard, State of Louisiana (the "Parish"), that:

SECTION 1. Election Call. Under the authority conferred by Article VI, Section 29 of the Constitution of the State of Louisiana of 1974, the applicable provisions of Chapter 5, Chapter 6-A and Chapter 6-B of the Louisiana Election Code, and other constitutional and statutory authority, a special election is hereby called and ordered to be held in the Parish on **SATURDAY, DECEMBER 8, 2012**, between the hours of six o'clock (6:00) a.m., and eight o'clock (8:00) p.m., in accordance with the provisions of La. R.S. 18:541, and at the said election there shall be submitted to all registered voters qualified and entitled to vote at the said election under the Constitution and laws of this State and the Constitution of the United States, the following proposition, to-wit:

PROPOSITION
(SALES TAX REDEDICATION)

Summary: Authority to rededicate the proceeds of a 1/2% sales and use tax authorized at an election held on November 3, 1992, for various purposes.

Shall the Parish of St. Bernard, State of Louisiana (the "Parish"), be

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authorized to rededicate all of the proceeds heretofore or hereafter received by the Parish from the levy and collection of a 1/2% sales and use tax authorized at an election on November 3, 1992 (the "Sales Tax") (an estimated $3,700,860 reasonably expected at this time to be collected from the levy of the Sales Taxes for an entire year), so that such proceeds (after paying the reasonable and necessary costs and expenses of collecting and administering the Sales Tax) may be used for any lawful corporate purpose of the Parish, including, but not limited to, the original purpose of acquiring, constructing, improving, maintaining and operating garbage and waste disposal and collection facilities and garbage and waste disposal and collection equipment in and for the Parish, and shall the Parish be further authorized to fund the proceeds of the Sales Tax into bonds from time to time for any one or more capital purposes, to the extent and in the manner permitted by the laws of Louisiana?

SECTION 2. Publication of Notice of Election. A Notice of Special Election shall be published in *The St. Bernard Voice*, a newspaper of general circulation within the Parish, published in Arabi, Louisiana, and being the official journal of the Parish, once a week for four consecutive weeks, with the first publication to be made not less than forty-five (45) days nor more than ninety (90) days prior to the date of the election, which Notice shall be substantially in the form attached hereto as "Exhibit A" and incorporated herein by reference the same as if it were set forth herein in full.

SECTION 3. Canvass. This Governing Authority shall meet at its regular meeting place, 8201 W. Judge Perez Dr., Chalmette, Louisiana, on **TUESDAY, DECEMBER 18, 2012**, at **THREE O'CLOCK (3:00) P.M.**, and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of the said special election.

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SECTION 5. Election Commissioners; Voting Machines. The officers designated to serve as Commissioners-in-Charge and Commissioners pursuant to Section

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Councilman District E

Roxanne Adams
Clerk of Council

4 hereof, or such substitutes therefor as may be selected and designated in accordance with La. R.S. 18:1287, shall hold the said special election as herein provided, and shall make due returns of said election for the meeting of the Governing Authority to be held on Tuesday, December 18, 2012, as provided in Section 3 hereof. All registered voters in the Parish will be entitled to vote at the special election, and voting machines shall be used.

SECTION 6. Authorization of Officers. The Clerk of the Governing Authority is hereby empowered, authorized and directed to arrange for and to furnish to said election officers in ample time for the holding of said election, the necessary equipment, forms and other paraphernalia essential to the proper holding of said election and the Chairman and/or Clerk of the Governing Authority are further authorized, empowered and directed to take any and all further action required by State and/or Federal law to arrange for the election, including but not limited to, appropriate submission to the Federal Department of Justice under Section 5 of the Federal Voting Rights Act of 1965, as amended.

SECTION 7. Furnishing Election Call to Election Officials. Certified copies of this ordinance shall be forwarded to the Secretary of State, the Commissioner of Elections, the Clerk of Court and *Ex-Officio* Parish Custodian of Voting Machines of St. Bernard Parish and the Registrar of Voters of St. Bernard Parish, as notification of the special election, in order that each may prepare for said election and perform their respective functions as required by law.

SECTION 8. Application to State Bond Commission. Application is made to the State Bond Commission for consent and authority to hold the special election as herein provided and in the event said election carries for further consent and authority to rededicate and collect the sales and use tax provided for therein. A certified copy of this ordinance shall be forwarded to the State Bond Commission on behalf of this Governing Authority, together with a letter requesting the prompt consideration and approval of this application.

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

YEAS: Lauga, Lewis, Hunnicutt, Montelongo,

NAYS: None

ABSENT: Gorbaty, Cavignac

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Roxanne Adams
Clerk of Council

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

And the motion was declared **adopted** on the 18th day of September, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 9/20/12 2:30pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 9/20/12 3:00pm
Date and Time

Received by Kristie Silva

EXHIBIT "A"

NOTICE OF SPECIAL ELECTION

Pursuant to the provisions of an ordinance adopted by the Parish Council of the Parish of St. Bernard, State of Louisiana (the "Governing Authority"), acting as the governing authority of the Parish of St. Bernard, State of Louisiana (the "Parish"), on September 18, 2012, NOTICE IS HEREBY GIVEN that a special election will be held within the Parish on **SATURDAY, DECEMBER 8, 2012,** and that at the said election there will be submitted to all registered voters in the Parish qualified and entitled to vote at the said election under the Constitution and Laws of the State of Louisiana and the Constitution of the United States, the following proposition, to-wit:

PROPOSITION
(SALES TAX REDEDICATION)

Summary: Authority to rededicate the proceeds of a 1/2% sales and use tax authorized at an election held on November 3, 1992, for various purposes.

Shall the Parish of St. Bernard, State of Louisiana (the "Parish"), be authorized to rededicate all of the proceeds heretofore or hereafter received by the Parish from the levy and collection of a 1/2% sales and use tax authorized at an election on November 3, 1992 (the "Sales Tax") (an estimated $3,700,860 reasonably expected at this time to be collected from the levy of the Sales Taxes for an entire year), so that such proceeds (after paying the reasonable and necessary costs and expenses of collecting and administering the Sales Tax) may be used for any lawful corporate purpose of the Parish, including, but not limited to, the original purpose of acquiring, constructing, improving, maintaining and operating garbage and waste disposal and collection facilities and garbage and waste disposal and collection equipment in and for the Parish, and shall the Parish be further authorized to fund the proceeds of the Sales Tax into bonds from time to time for any one or more capital purposes, to the extent and in the manner permitted by the laws of Louisiana?

The said special election will be held at the following polling places situated within the Parish, which polls will open at six o'clock (6:00) a.m. and close at eight o'clock (8:00) p.m., in accordance with the provisions of La. R.S. 18:541, to-wit:

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The polling places set forth above are hereby designated as the polling places at which to hold the said election, and the Commissioners-in-Charge and Commissioners, respectively, shall be those persons designated according to law.

The said special election will be held in accordance with the applicable provisions of Chapter 5, Chapter 6-A and Chapter 6-B of Title 18 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, and the officers appointed to hold the said election, as provided in this Notice of Special Election, or such substitutes therefor as may be selected and designated in accordance with La. R.S. 18:1287, will make due returns thereof to said Governing Authority, and NOTICE IS HEREBY FURTHER GIVEN that the Governing Authority will meet at its regular meeting place, 8201 W. Judge Perez Drive, Chalmette, Louisiana, on **TUESDAY, DECEMBER 18, 2012**, at **THREE O'CLOCK (3:00) P.M.**, and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of the said special election. All registered voters of the Parish are entitled to vote at said special election and voting machines will be used.

THUS DONE AND SIGNED at Chalmette, Louisiana, on this, the 18th day of September, 2012.

ATTEST:

Clerk of Council

Chairman

STATE OF LOUISIANA

PARISH OF ST. BERNARD

I, the undersigned Clerk of the Parish Council of the Parish of St. Bernard, State of Louisiana (the "Governing Authority"), the governing authority of the Parish of St. Bernard, State of Louisiana (the "Parish"), do hereby certify that the foregoing pages constitute a true and correct copy of the proceedings taken by the Governing Authority on September 18, 2012, ordering and calling a special election to be held in the Parish of St. Bernard, State of Louisiana, to authorize the rededication of a sales and use tax therein, making application to the State Bond Commission in connection therewith; and providing for other matters in connection therewith.

IN FAITH WHEREOF, witness my official signature of the Parish at Chalmette, Louisiana, on this, the 18th day of September, 2012.

Roxanne Adams

Clerk

St. Bernard Parish Council

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#20

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, SEPTEMBER 18, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1336-09-12

Summary No. 2854
Introduced by: Councilman Lewis on 9/4/12
Public Hearing held on 9/18/12

AN ORDINANCE ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD IN THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, ON DECEMBER 8, 2012, TO AMEND ARTICLE IV SEC. 4-10, PERSONNEL SYSTEM, OF THE ST. BERNARD PARISH HOME RULE CHARTER; MAKING APPLICATION TO THE STATE BOND COMMISSION IN CONNECTION THEREWITH; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

BE IT ORDAINED by the Parish Council of the Parish of St. Bernard, State of Louisiana (the "Governing Authority"), acting as the governing authority of the Parish of St. Bernard, State of Louisiana (the "Parish"), that:

SECTION 1. Election Call. Under the authority conferred by Article VI, Sections 5 and 22 of the Constitution of the State of Louisiana of 1974, the applicable provisions of Chapter 5, Chapter 6-A and Chapter 6-B of the Louisiana Election Code, and other constitutional and statutory authority, a special election is hereby called and ordered to be held in the Parish on **SATURDAY, DECEMBER 8, 2012**, between the hours of six o'clock (6:00) a.m., and eight o'clock (8:00) p.m., in accordance with the provisions of La. R.S. 18:541, and at the said election there shall be submitted to all registered voters qualified and entitled to vote at the said election under the Constitution and laws of this State and the Constitution of the United States, the following proposition, to-wit:

CHARTER AMENDMENT PROPOSITION

Summary: Amendment to Article IV of the Home Rule Charter to amend Section 4-10 (Personnel System) to provide for residency of employees of St. Bernard Parish.

Shall Article IV, Section 4-10 of the Home Rule Charter of the Parish of St. Bernard, State of Louisiana, be amended to add Subsection 1 and to

Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

read as follows:

(a) It shall be the policy of the parish to employ those persons best qualified to perform the functions of the parish and to foster effective career service in parish employment. All appointments and promotions in the departments, offices, agencies, and special districts shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

(1) Each classified personnel and non classified personnel must be a resident of St. Bernard Parish beginning not later than the date which is (6) months following the commencement of such person's employment.

SECTION 2. Publication of Notice of Election. A Notice of Special Election shall be published in *The St. Bernard Voice*, a newspaper of general circulation within the Parish, published in Arabi, Louisiana, and being the official journal of the Parish, once a week for four consecutive weeks, with the first publication to be made not less than forty-five (45) days nor more than ninety (90) days prior to the date of the election, which Notice shall be substantially in the form attached hereto as "Exhibit A" and incorporated herein by reference the same as if it were set forth herein in full.

SECTION 3. Canvass. This Governing Authority shall meet at its regular meeting place, the Parish Government Complex, 8201 W. Judge Perez Dr., Chalmette, Louisiana, on **TUESDAY, DECEMBER 18, 2012**, at **THREE O'CLOCK (3:00) P.M.**, and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of the said special election.

SECTION 4. Polling Places. The polling places set forth in the aforesaid Notice of Special Election are hereby designated as the polling places at which to hold the said election, and the Commissioners-in-Charge and Commissioners, respectively, will be the same persons as those designated in accordance with law.

SECTION 5. Election Commissioners; Voting Machines. The officers designated to serve as Commissioners-in-Charge and Commissioners pursuant to Section 4 hereof, or such substitutes therefor as may be selected and designated in accordance with La. R.S. 18:1287, shall hold the said special election as herein provided, and shall make due returns of said election for the meeting of the Governing Authority to be held on Tuesday, December 18,

St. Bernard Parish Council

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Councilman District E

Roxanne Adams
Clerk of Council

2012, as provided in Section 3 hereof. All registered voters in the Parish will be entitled to vote at the special election, and voting machines shall be used.

SECTION 6. Authorization of Officers. The Clerk of the Governing Authority is hereby empowered, authorized and directed to arrange for and to furnish to said election officers in ample time for the holding of said election, the necessary equipment, forms and other paraphernalia essential to the proper holding of said election and the Chairman and/or Clerk of the Governing Authority are further authorized, empowered and directed to take any and all further action required by State and/or Federal law to arrange for the election, including but not limited to, appropriate submission to the Federal Department of Justice under Section 5 of the Federal Voting Rights Act of 1965, as amended.

SECTION 7. Furnishing Election Call to Election Officials. Certified copies of this ordinance shall be forwarded to the Secretary of State, the Commissioner of Elections, the Clerk of Court and *Ex-Officio* Parish Custodian of Voting Machines of St. Bernard Parish and the Registrar of Voters of St. Bernard Parish, as notification of the special election, in order that each may prepare for said election and perform their respective functions as required by law.

SECTION 8. Application to State Bond Commission. Application is made to the State Bond Commission for consent and authority to hold the special election as herein provided and in the event said election carries for further consent and authority to amend the Home Rule Charter, and a certified copy of this ordinance shall be forwarded to the State Bond Commission on behalf of this Governing Authority, together with a letter requesting the prompt consideration and approval of this application.

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

YEAS: Lauga, Lewis, Hunnicutt, Montelongo,

NAYS: None

ABSENT: Gorbaty, Cavignac

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

And the motion was declared **adopted** on the 18th day of September, 2012.

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Extract #20 continued
September 18, 2012

Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 9/20/12 2:30pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 9/20/12 3:00pm
Date and Time

Received by Kristi Silva

EXHIBIT "A"

NOTICE OF SPECIAL ELECTION

Pursuant to the provisions of an ordinance adopted by the Parish Council of the Parish of St. Bernard, State of Louisiana (the "Governing Authority"), acting as the governing authority of the Parish of St. Bernard, State of Louisiana (the "Parish"), on September 18, 2012, NOTICE IS HEREBY GIVEN that a special election will be held within the Parish on **SATURDAY, DECEMBER 8, 2012,** and that at the said election there will be submitted to all registered voters in the Parish qualified and entitled to vote at the said election under the Constitution and Laws of the State of Louisiana and the Constitution of the United States, the following proposition, to-wit:

CHARTER AMENDMENT PROPOSITION

Summary: Amendment to Article IV of the Home Rule Charter to amend Section 4-10 (Personnel System) to provide for residency of employees of St. Bernard Parish.

Shall Article IV, Section 4-10 of the Home Rule Charter of the Parish of St. Bernard, State of Louisiana, be amended to add Subsection 1 and to read as follows:

(a) It shall be the policy of the parish to employ those persons best qualified to perform the functions of the parish and to foster effective career service in parish employment. All appointments and promotions in the departments, offices, agencies, and special districts shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

(1) Each classified personnel and non classified personnel must be a resident of St. Bernard Parish beginning not later than the date which is (6) months following the commencement of such person's employment.

The said special election will be held at the following polling places situated within the Parish, which polls will open at six o'clock (6:00) a.m. and close at eight o'clock (8:00) p.m., in accordance with the provisions of La. R.S. 18:541, to-wit:

POLLING PLACES	
Precinct	Location
0010	Arabi Elementary School Cafeteria, 7200 Alexander Avenue, Arabi
0011	Arabi Elementary School Cafeteria, 7200 Alexander Avenue, Arabi
0012	Arabi Elementary School Cafeteria, 7200 Alexander Avenue, Arabi

POLLING PLACES	
Precinct	Location
0013	Arabi Elementary School Cafeteria, 7200 Alexander Avenue, Arabi
0014	Andrew Jackson Middle School, 201 Eighth Street, Chalmette
0015	Andrew Jackson Middle School, 201 Eighth Street, Chalmette
0016	Andrew Jackson Middle School, 201 Eighth Street, Chalmette
0017	Andrew Jackson Middle School, 201 Eighth Street, Chalmette
0020	Chalmette Elementary School Cafeteria, 75 E. Chalmette Circle, Chalmette
0021	Chalmette Elementary School Cafeteria, 75 E. Chalmette Circle, Chalmette
0022	Nunez Community College Gym, 3700 Lafontaine Street, Chalmette
0023	Chalmette Elementary School Cafeteria, 75 E. Chalmette Circle, Chalmette
0024	Nunez Community College Gym, 3700 Lafontaine Street, Chalmette
0025	Nunez Community College Gym, 3700 Lafontaine Street, Chalmette
0030	Lacoste Campus Cafeteria, 1101 E. Judge Perez Drive, Chalmette
0031	Chalmette High School Cafeteria, 1100 E. Judge Perez Drive, Chalmette
0032	Lacoste Campus Cafeteria, 1101 E. Judge Perez Drive, Chalmette
0032A	Lacoste Campus Cafeteria, 1101 E. Judge Perez Drive, Chalmette
0033	Chalmette High School Cafeteria, 1100 E. Judge Perez Drive, Chalmette
0034	Chalmette High School Cafeteria, 1100 E. Judge Perez Drive, Chalmette
0035	Chalmette High School Cafeteria, 1100 E. Judge Perez Drive, Chalmette
0040	Joe Davies Elementary School, 4101 Mistrot Drive, Meraux
0041	Joe Davies Elementary School, 4101 Mistrot Drive, Meraux
0042	Joe Davies Elementary School, 4101 Mistrot Drive, Meraux
0042A	Joe Davies Elementary School, 4101 Mistrot Drive, Meraux
0043	N. P. Trist Middle School, #1 Pirates Cove, Meraux
0044	N. P. Trist Middle School, #1 Pirates Cove, Meraux
0045	N. P. Trist Middle School, #1 Pirates Cove, Meraux
0046	N. P. Trist Middle School, #1 Pirates Cove, Meraux
0050	W. Smith Elementary School, 6701 E. St. Bernard Hwy., Violet
0051	W. Smith Elementary School, 6701 E. St. Bernard Hwy., Violet
0052	W. Smith Elementary School, 6701 E. St. Bernard Hwy., Violet
0053	W. Smith Elementary School, 6701 E. St. Bernard Hwy., Violet

POLLING PLACES	
Precinct	Location
0054	J. F. Gauthier Elementary School Cafeteria, 1200 E. LA Hwy. 46, St. Bernard
0055	J. F. Gauthier Elementary School Cafeteria, 1200 E. LA Hwy. 46, St. Bernard
0056	J. F. Gauthier Elementary School Cafeteria, 1200 E. LA Hwy. 46, St. Bernard
0057	J. F. Gauthier Elementary School Cafeteria, 1200 E. LA Hwy. 46, St. Bernard
0058	J. F. Gauthier Elementary School Cafeteria, 1200 E. LA Hwy. 46, St. Bernard

The polling places set forth above are hereby designated as the polling places at which to hold the said election, and the Commissioners-in-Charge and Commissioners, respectively, shall be those persons designated according to law.

The said special election will be held in accordance with the applicable provisions of Chapter 5, Chapter 6-A and Chapter 6-B of Title 18 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, and the officers appointed to hold the said election, as provided in this Notice of Special Election, or such substitutes therefor as may be selected and designated in accordance with La. R.S. 18:1287, will make due returns thereof to said Governing Authority, and NOTICE IS HEREBY FURTHER GIVEN that the Governing Authority will meet at its regular meeting place, the Parish Government Complex, 8201 W. Judge Perez Drive, Chalmette, Louisiana, on **TUESDAY, DECEMBER 18, 2012**, at **THREE O'CLOCK (3:00) P.M.**, and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of the said special election. All registered voters of the Parish are entitled to vote at said special election and voting machines will be used.

THUS DONE AND SIGNED at Chalmette, Louisiana, on this, the 18th day of September, 2012.

ATTEST:

Clerk of Council

Chairman

STATE OF LOUISIANA

PARISH OF ST. BERNARD

I, the undersigned Clerk of the Parish Council of the Parish of St. Bernard, State of Louisiana (the "Governing Authority"), the governing authority of the Parish of St. Bernard, State of Louisiana (the "Parish"), do hereby certify that the foregoing pages constitute a true and correct copy of the proceedings taken by the Governing Authority on September 18, 2012, ordering and calling a special election to be held in the Parish of St. Bernard, State of Louisiana, on December 8, 2012, to amend Article IV Sec. 4-10, Personnel System, of the St. Bernard Parish Home Rule Charter; making application to the State Bond Commission in connection therewith; and providing for other matters in connection therewith.

IN FAITH WHEREOF, witness my official signature of the Parish at Chalmette, Louisiana, on this, the 18th day of September, 2012.

Clerk of Council

St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#1

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT AN EMERGENCY MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON FRIDAY, SEPTEMBER 21, 2012 AT FOUR O'CLOCK P.M.

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

EMERGENCY ORDINANCE SBPC #1337-09-12

Summary No. 2858
Introduced by: Councilman McInnis

AN **EMERGENCY ORDINANCE** TO RETAIN LEONARD LEVENSON, ESQ. WITH WIEGAND & LEVENSON AS LEGAL COUNSEL TO REPRESENT ST. BERNARD PARISH AND ALL OF THE NAMED DEFENDANTS IN THE MATTER ENTITLED, "PETER A. RUPP, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED VS DAVID E. PERALTA, PRESIDENT OF ST. BERNARD PARISH, ST. BERNARD PARISH, THE ST. BERNARD PARISH COUNCIL, AND ST. BERNARD PARISH COUNCILMEN GUY MCINNIS, GEORGE CAVIGNAC, RAY LAUGA JR., NATHAN GORBATY, RICHARD "RICHIE" LEWIS, CASEY W. HUNNICUTT AND MANUEL "MONTY" MONTELONGO, III. ", 34TH JDC, DOCKET NO.119-732, DIVISION A, AS THE LITIGATION REQUIRES PROMPT ATTENTION AND IT AFFECTS THE HEALTH, PROPERTY, PUBLIC SAFETY AND WELFARE OF THE CITIZENS OF ST. BERNARD PARISH.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION I. The St. Bernard Parish Council, the Governing Authority, does hereby approve this Emergency Ordinance and authorize the employment of Leonard Levenson, esq. with Wiegand & Levenson as legal counsel to represent St. Bernard Parish and all of the named defendants in the matter entitled, "Peter A. Rupp, Individually and on behalf of all others similarly situated vs David E. Peralta, President of St. Bernard Parish, St. Bernard Parish, the St. Bernard Parish Council, and St. Bernard Parish Councilmen Guy McInnis, George Cavignac, Ray Lauga Jr., Nathan Gorbaty, Richard "Richie" Lewis, Casey W. Hunnicutt and Manuel "Monty" Montelongo, III. ", 34th JDC, Docket No. 119-732, Division A, as the litigation requires prompt attention and it affects the Health, Property, Public Safety and Welfare of the Citizens of St. Bernard Parish.

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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

SECTION 2. Salary. The compensation shall be at rates not to exceed the fee schedule from the Louisiana Attorney General.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon authorizing signature by the Parish President. If the proposed ordinance is not signed or vetoed by the Parish President within Twelve (12) hours after receipt it shall be considered adopted. As an emergency ordinance the provisions shall remain valid for a time period of sixty (60) days.

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

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

YEAS: Lauga, Lewis, Hunnicutt, Montelongo

NAYS: None

ABSENT: Gorbaty, Cavignac

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

And the motion was declared **adopted** on the 21st day of September, 2012

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 9-21-12 4:29 pm
Date and Time

St. Bernard Parish Council

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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council 9/21/12 7:30pm

Date and Time

Received by Kristie Silva

St. Bernard Parish Council

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Guy McInnis
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Councilman District E

Roxanne Adams
Clerk of Council

#19

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, OCTOBER 2, 2012 AT SEVEN O'CLOCK P.M.

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

ORDINANCE SBPC#1338-10-12

Summary No. 2857
Introduced by: Councilman McInnis on 9/18/12
Public hearing held on 10/2/12

AN ORDINANCE REQUIRING ST. BERNARD PARISH GOVERNMENT TO PUBLISH ALL BIDS RECEIVED WITHIN TWENTY-FOUR (24) HOURS OF PUBLIC BID OPENING AND PUBLISH THE EXECUTED CONTRACT OF THE WINNING BIDDER AND/OR CONTRACTS AWARDED WITHOUT A BID, ON THE ST. BERNARD PARISH GOVERNMENT WEBSITE WITHIN TWENTY-FOUR (24) HOURS.

WHEREAS, the St. Bernard Parish Council is desirous to publish, on the St. Bernard Parish Government Website, any bids that are received within a twenty-four hour period of a public bid opening date and publish the executed contract of the winning bidder and/or contracts awarded without a bid, on the St. Bernard Parish Government Website, within a twenty-four hour period of execution; and

WHEREAS, going forward upon execution of this ordinance, St. Bernard Parish Government shall request all contractors to submit a PDF file of their bid; and

WHEREAS, the executed contract shall require a PDF file as well; and

WHEREAS, the St. Bernard Parish Council is also desirous to publish all current/active contracts with St. Bernard Parish Government on the St. Bernard Parish Government Website within a timely manner of the passage of this ordinance. The administration shall begin with the latest executed contract and work backwards to the earliest executed contract.

St. Bernard Parish Council

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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Council, the Governing Authority, does hereby approve the publishing of all bids received, the executed contract of the winning bidder and current/active contracts with St. Bernard Parish Government on the St. Bernard Parish Government Website.

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

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

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 2nd day of October, 2012.

ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

St. Bernard Parish Council

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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

Delivered to the Parish President 10/5/12 11:38 am
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 10-8-12 3:38 pm
Date and Time

Received by Roxanne Adams

St. Bernard Parish Council

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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
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Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#20

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, OCTOBER 16, 2012 AT THREE O'CLOCK P.M.

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

Summary No. 2859
Introduced by: Councilman McInnis on 10/2/12
Public hearing held on 10/16/12

ORDINANCE SBPC #1339-10-12

AN ORDINANCE REQUIRING THE PARISH PRESIDENT TO MAKE AVAILABLE THE CHECK REGISTERS OF ALL ST. BERNARD PARISH GOVERNMENT'S CASH ACCOUNTS AS ALLOWED BY LAW FOR PUBLIC INSPECTION NOT LATER THAN TWENTY (20) CALENDAR DAYS AFTER THE END OF EACH MONTH BY POSTING A PDF FILE TO ITS WEBSITE.

WHEREAS, the St. Bernard Council is desirous to post a PDF file to the St. Bernard Parish website the check registers of all St. Bernard Parish Government's cash accounts as allowed by law for public inspection, and;

WHEREAS, the St. Bernard Parish Council requests the timeline for posting be no later than twenty (20) calendar days after the end of each month with the passage of this ordinance, and;

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Council, the Governing Authority, does hereby approve the availability of the check registers of all St. Bernard Parish Government's cash accounts for public inspection not later than twenty (20) calendar days after the end of each month by posting a PDF file to its website.

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.

St. Bernard Parish Council

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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo

NAYS: None

ABSENT: Cavignac

The Council Chair, Mr. McInnis, cast his vote as YEA.

And the motion was declared **adopted** on the 16th day of October, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

Guy McInnis
GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 10-19-12 9:00am
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 10-19-12 11:52am
Date and Time

Received by Roxanne Adams

St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
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www.sbpg.net

Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#21

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, OCTOBER 16, 2012 AT THREE O'CLOCK P.M.

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

Summary No. 2861
Introduced by: Administration on 10/2/12
Public hearing held on 10/16/12

ORDINANCE SBPC #1340-10-12

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE BY THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, OF NOT EXCEEDING FIVE MILLION DOLLARS ($5,000,000) OF REVENUE ANTICIPATION NOTES; PROVIDING FOR THE PAYMENT THEREOF; ESTABLISHING THE RATE OF INTEREST THEREON; PROVIDING FOR A PLEDGE OF REVENUES OF SAID PARISH FOR THE SECURITY AND PAYMENT THEREOF IN PRINCIPAL AND INTEREST; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, Sections 745 through 748, inclusive, of Title 39 of the Louisiana Revised Statutes of 1950, as amended (the "Act"), and other constitutional and statutory authority, authorize entities to pay their current expenses by anticipating their revenues for the year and to borrow money to pay these current expenses in anticipation of such revenues; and

WHEREAS, the Parish of St. Bernard, State of Louisiana (the "Issuer") desires to borrow moneys to pay said current operation costs and to dedicate and set aside revenues for the payment of Revenue Anticipation Notes issued under the provisions of the Act and this ordinance (the "Note"), which Note will fall due and be payable not later than March 1, 2013, together with interest thereon as provided herein; and

WHEREAS, the Issuer has found and determined that the estimated revenues of the Issuer for the current fiscal year will be in excess of the amount borrowed;

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Councilman District E

Roxanne Adams
Clerk of Council

NOW, THEREFORE, BE IT RESOLVED by the Parish Council of the Parish of St. Bernard, State of Louisiana (the "Governing Authority"), acting as the governing authority of the Parish of St. Bernard, State of Louisiana (the "Parish"), that:

SECTION 1. There is hereby authorized the issuance of not exceeding Five Million Dollars ($5,000,000) of Revenue Anticipation Notes, Series 2012 (the "Note"), of the Issuer to pay the costs of current operations of the Issuer in anticipation of the revenues of the Issuer for the current year. The Note shall bear interest from the date thereof and shall mature on or before March 1, 2013 at the rate of 3.25 % per annum (calculated on the basis of a 360 day year, consisting of twelve 30 day months), all in accordance with the provisions of the Act. Interest on the Note is payable on the maturity date of said Note and shall be issued in the form of a single fully registered note to be dated the date of delivery thereof. The principal amount of the Note may be advanced by the Purchaser (as defined below) thereof to the Issuer on an "as needed" basis, and interest on the Note will only be payable on the principal amount of the Note which shall have been advanced to the Issuer and shall accrue on a particular amount of principal advanced to the Issuer only from the date of its advancement. Each installment shall be advanced by the Purchaser (as defined below) upon the Issuer furnishing a requisition to the Purchaser signed by the Parish President or Clerk of Council.

SECTION 2. The Issuer hereby accepts the offer of Gulf Coast Bank (the "Purchaser") to purchase the Note, attached as Exhibit "A" hereto (all the terms and provisions of which are incorporated herein by reference). The Notes shall be delivered to the Purchaser upon the payment of the first advance of the purchase price thereof, not to exceed an aggregate of $5,000,000.

SECTION 3. The principal of and interest on the Note shall be secured by and payable from a pledge of all revenues accruing to the Issuer for the fiscal year ending December 31, 2012.

SECTION 4. The Parish President and the Clerk of Council of the Issuer are each hereby authorized, empowered and directed to execute the Note to represent said indebtedness. Said officers are further authorized and empowered to deliver the Note to the Purchaser, upon the payment of the purchase price thereof, to be used for

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Councilman District E

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the purpose of the borrowing and to take any other action or execute and deliver any other documents which may be required to accomplish the purpose of this ordinance. The Note shall be issued in the form of a single, fully registered note, dated the date of delivery thereof and shall be in substantially the following form:

(FORM OF FACE OF NOTE)

UNITED STATES OF AMERICA

STATE OF LOUISIANA

REVENUE ANTICIPATION NOTE, SERIES 2012
OF THE
PARISH OF ST. BERNARD, STATE OF LOUISIANA

Number	Principal Amount	Issue Date	Maturity Date
R-1	$5,000,000	_____, 2012	March 1, 2013

St. Bernard Parish, State of Louisiana (the "Issuer"), hereby promises to pay, but solely from the source and as hereinafter provided, to Gulf Coast Bank, in the City of New Orleans, Louisiana, or registered assigns, the Principal Amount set forth above on the Maturity Date set forth above, to the amount thereof advanced to the Issuer, together with interest thereon from the Issue Date set forth above at the rate of three and twenty-five hundredths per centum (3.25%) per annum (calculated on the basis of a 360 day year, consisting of twelve 30 day months). Interest will be payable on the Maturity Date set forth above. It is understood that the purchase price of this Note shall be paid to the Issuer in installments, and interest on this Note shall accrue only on the amounts of the purchase price installments which shall have been paid to the Issuer from the respective dates of such payments.

The principal of this Note may be prepaid at any time by the Issuer prior to the Maturity Date set forth above at a price of par plus accrued interest to the date of prepayment.

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Councilman District E

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Clerk of Council

Both the principal of and the interest on this Note are payable at maturity in lawful money of the United States of America to the registered owner of this Note upon presentment hereof to the Issuer.

This Note has been issued by the Issuer to represent a debt created under the provisions of Sections 745 through 748 of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, for the purpose of paying the costs of current operations for the fiscal year ending December 31, 2012, and this Note was specially authorized by an ordinance adopted on October 16, 2012 (the "Ordinance").

This Note is secured by and payable from a pledge of all revenues accruing to the Issuer for the fiscal year ending December 31, 2012. The Issuer, in and by the Ordinance, has also entered into certain other covenants and agreements with the registered owner of this Note, for the terms of which reference is made to the Ordinance.

It is certified that this Note is authorized by and issued in conformity with the requirements of the Constitution and Statutes of the State of Louisiana. It is further certified, recited and declared that all acts, conditions and things required to exist, to happen and to be performed precedent to and in the issuance of this Note to constitute the same a legal, binding and valid obligation of the Issuer have existed, have happened and have been performed in due time, form and manner as required by law, and that this Note does not exceed any limitation prescribed by the Constitution and statutes of the State of Louisiana.

IN WITNESS WHEREOF, St. Bernard Parish, State of Louisiana has caused this Note to be signed by the facsimile and/or manual signatures of its Parish President and Clerk of Council, and the corporate seal of the Issuer to be hereon impressed, and this Note to be dated the Issue Date set forth above.

PARISH OF ST. BERNARD, STATE OF LOUISIANA

Roxanne Adams
Clerk of Council

Parish President

(SEAL)

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Councilman District E

Roxanne Adams
Clerk of Council

* * * * *

PROVISIONS FOR REGISTRATION

Registered Owner	Registration Date	Signature of Clerk of Council

* * * * *

SECTION 5. The principal of the Note may be prepaid at any time by the Issuer prior to stated maturity at a price of par plus accrued interest to the date of prepayment.

SECTION 6. The Issuer covenants and agrees that, to the extent permitted by the laws of the State of Louisiana, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code") in order to establish, maintain and preserve the exclusion from "gross income" of interest on the Note under the Code. The Issuer further covenants and agrees that it will not take any action, fail to take any action, or permit any action within its control to be taken, or permit at any time or times any of the proceeds of the Note or any other funds of the Issuer to be used directly or indirectly in any manner, the effect of which would be to cause the Note to be "arbitrage bonds" or would result in the inclusion of the interest on the Note in gross income under the Code, including, without limitation, (i) the failure to comply with the limitation on investment of Note proceeds or (ii) the failure to pay any required rebate of arbitrage earnings to the United States of America or (iii) the use of the proceeds of the Note in a manner which would cause the Note to be "private activity bonds".

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The Note is not designated as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3) of the Code.

The Parish President and Clerk of Council of the Issuer are hereby empowered, authorized and directed to take any and all action and to execute and deliver any instrument, document or certificate necessary to effectuate the purposes of this Ordinance.

SECTION 7. If any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this ordinance which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this ordinance are hereby declared severable.

SECTION 8. It is recognized that the Issuer will not be required to comply with the continuing disclosure requirements described in the Rule 15c-2-12(b) of the Securities and Exchange Commission [17 CFR §240.15c2-12(b)], because:

(a) the Note is not being purchased by a broker, dealer or municipal securities dealer acting as an underwriter in a primary offering of municipal securities, and

(b) the Note is being sold to only one financial institution (i.e., no more than thirty-five persons), which (i) have such knowledge and experience in financial and business matters that they are capable of evaluating the merits and risks of the prospective investment in the Note and (ii) are not purchasing the Note for more than one account or with a view to distributing the Note.

SECTION 9. The foregoing ordinance shall take effect immediately upon its adoption.

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo

NAYS: None

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Clerk of Council

ABSENT: Cavignac

The Council Chair, Mr. McInnis, cast his vote as YEA.

And the motion was declared **adopted** on the 16th day of October, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 10-19-12 9:00am
Date and Time

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council 10-19-12 11:52 am
Date and Time

Received by Roxanne Adams

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Councilman District E

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Clerk of Council

#22

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, OCTOBER 16, 2012 AT THREE O'CLOCK P.M.

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

Summary No. 2862
Introduced by: Council on 10/2/12
Public hearing held on 10/16/12

ORDINANCE SBPC #1341-10-12

AN ORDINANCE TO **AMEND** ORDINANCE **SBPC #1324-08-12**, TO AUTHORIZE ST. BERNARD PARISH GOVERNMENT TO CONVEY THE FOLLOWING LOUISIANA LAND TRUST PROPERTIES TO THE LAKE BORGNE BASIN LEVEE DISTRICT.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That the St. Bernard Parish Council, the Governing Authority, does hereby authorize St. Bernard Parish Government to convey the following Louisiana Land Trust properties to Lake Borgne Basin Levee District:

Arabi:

- 2010, 2035, 2105, 2301, & 2325 Benjamin Street
- 1049 Cougar Street
- 1448 Perrin Drive

Chalmette:

- 3412 & 3416 Campagna Drive
- 3116 Chalona Drive
- 4024 & 4029 Evangeline Avenue
- 3412 Gallo Drive
- 8301, 8417, & 8425 Hermitage Drive
- 508 Josephine Street
- 3801 Kings Drive
- 3408 & 3409 Mumphrey Road
- 3016 Pecan Drive

Meraux:

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Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

Violet:

- 2616 Guerra Drive

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

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

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo

NAYS: None

ABSENT: Cavignac

The Council Chair, Mr. McInnis, cast his vote as YEA.

And the motion was declared **adopted** on the 16th day of October, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 10-19-12 9:00am
Date and Time

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Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council 10-19-12 11:52am
Date and Time

Received by Roxanne Adams

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Councilman District E

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Clerk of Council

#23

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, OCTOBER 16, 2012 AT THREE O'CLOCK P.M.

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

Summary No: 2863
Introduced by: Councilman McInnis on 10/2/12
Public hearing held on 10/16/12

ORDINANCE SBPC #1342-10-12

AN ORDINANCE TO ADOPT THE MAIN HOSPITAL ENTRANCE ROADWAY AS A PUBLIC ROADWAY AND ACCEPT PERPETUAL LIABILITY AS IT PERTAINS TO THE PUBLIC ROADWAY AND OTHER STIPULATIONS IN CONNECTION THEREWITH.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

WHEREAS, The purpose of the Ordinance is the Parish Council believes it to be in the best interest of St. Bernard Parish to adopt the main hospital entrance roadway as a public roadway and accepts perpetual liability as it pertains to the public roadway subsequent to its satisfactory completion and final inspection whereby it is found by the State of Louisiana and St. Bernard Parish to be compliant in all applicable state and local rules, regulations, and standards;

SECTION 1. The Parish Council hereby adopts the main hospital entrance roadway as a public roadway and accepts perpetual liability as it pertains to the public roadway subsequent to its satisfactory completion and final inspection whereby it is found by the State of Louisiana and St. Bernard Parish to be compliant in all applicable state and local rules, regulations, and standards;

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.

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Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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.

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

YEAS: Lauga, Lewis, Hunnicutt, Montelongo

NAYS: Gorbaty

ABSENT: Cavignac

The Council Chair, Mr. McInnis, cast his vote as YEA.

And the motion was declared **adopted** on the 16th day of October, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 10-19-12 9:00am
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 10-19-12 11:52am
Date and Time

Received by Roxanne Adams

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Councilman District E

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Clerk of Council

#15

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, NOVEMBER 6, 2012 AT SEVEN O'CLOCK P.M.

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

ORDINANCE SBPC #1343-11-12

Summary No. 2864
Introduced by Councilman McInnis on 10/16/12
Public hearing held on 11/6/12

AN ORDINANCE TO NAME THE HOSPITAL ENTRANCE ROADWAY "BATTLEFIELD BOULEVARD".

WHEREAS, the Council is desirous of naming the St. Bernard Parish Hospital entrance roadway as "Battlefield Boulevard," and;

WHEREAS, the Department of Transportation and Development has stated that the Road in question is not part of the State highway system and does not fall under their jurisdiction, and;

WHEREAS, this road is considered local and would have to be named by the Parish, i.e. the local Governing Authority.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Council, the Governing Authority, does hereby approve the official naming of the St. Bernard Parish Hospital entrance roadway as "Battlefield Boulevard"

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

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Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

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

YEAS: Lauga, Gorbaty, Hunnicutt, Montelongo

NAYS: Cavignac

ABSENT: Lewis

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

And the motion was declared **adopted** on the 6th day of November, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 11-8-12 8:50 am
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 11/9/12 8:45 am
Date and Time

Received by Ashley Pohlmann

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Roxanne Adams
Clerk of Council

#18

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, NOVEMBER 6, 2012 AT SEVEN O'CLOCK P.M.

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

ORDINANCE SBPC #1344-11-12

Summary No. 2867
Introduced by: Administration on 10/16/12
Planning Commission recommended **APPROVAL** on 9/25/12
Public hearing held on 11/6/12

AN ORDINANCE TO ESTABLISH AND/OR REINSTATE A BED-AND-BREAKFAST ORDINANCE AT CHAPTER 22 (ZONING); SECTION 22-5-4.2 (RESIDENTIAL ZONING DISTRICTS; PERMITTED USES IN RESIDENTIAL DISTRICTS)

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Council does hereby create and insert the attached (Exhibit A) to Chapter 22; Section 22-5-4.2 (residential zoning districts; permitted uses in residential districts)

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

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

St. Bernard Parish Council

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Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

YEAS: Lauga, Gorbaty, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: Lewis

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

And the motion was declared **adopted** on the 6th day of November, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 11-8-12 8:50am
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 11/9/12 8:45am
Date and Time

Received by Ashley Bohrman

Exhibit "A" for Summary No. 2867

Proposed bed-and-breakfast ordinance

22-5-4.2 (originally assigned to section 403.2)

REGULATIONS FOR "BED & BREAKFAST"-TYPE ESTABLISHMENTS IN RESIDENTIAL DISTRICTS

"Bed and breakfast" establishments and tourist homes are private residential dwellings that are occupied, for compensation, by patrons who are lodged and offered the customary accessory services normally associated with hotels. As with hotels, no provision is made for cooking in individual rooms; however, the proprietor may provide meals in a common dining area. Ingress and egress to and from all rooms is through a designated passageway supervised by the proprietor or his/her designee at all hours. As such it is open to the public, in contradistinction to a boardinghouse or an apartment, which are herein separately defined. Said accommodations shall include the renting of no more than five (5) rooms without separate kitchen facilities. The accommodation of patrons shall not exceed a period of fourteen (14) consecutive days.

Bed and breakfasts and tourist homes shall only be permitted within the following designated areas of the parish:

(a) Any property located within the boundaries of the Old Arabi Historic District (with the exception of those properties that are zoned I-2 and are not grandfathered as residences), as established under the provisions for the Old Arabi Neighborhood Commission.
(b) Any property that is zoned A-1 (Rural) or SA (suburban Agriculture), or is located within the boundaries of St. Bernard Village (SBV).
(c) Any property which had been deemed as historically significant by the parish historian and abuts a designated Louisiana Scenic Byway, regardless of its zoning classification (with the exception of those properties which are zoned I-2 and are not grandfathered as residences).

In addition, such establishments shall only be permitted upon receipt of a Condition Use permit from the Parish Council, and are further subject to the following requirements:

(a) Submission of letters of compliance from the Louisiana State Fire Marshal and The St. Bernard Parish Fire Department.
(b) Submission of a certificate of compliance from the Louisiana Department of Health and Hospitals.

(c) Approval based upon a final inspection of the structure and grounds by the Department of Community Development.
(d) Receipt of an occupational license from the St. Bernard Parish Sheriff's Office.

Bed and breakfasts and tourist homes shall have one (1) parking space for each guest room and one (1) space for staff (if establishment is owner-occupied with staff, the establishment must have two (2) parking spaces).

Non-compliance with this section shall be grounds for revocation of all permits and licenses, and will result on the immediate closure of the establishment.

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Clerk of Council

#19

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, NOVEMBER 6, 2012 AT SEVEN O'CLOCK P.M.

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

ORDINANCE SBPC #1345-11-12

Summary No. 2868
Introduced by: Administration on 10/16/12
Planning Commission recommended **APPROVAL** on 9/25/12
Public hearing held on 11/6/12

AN ORDINANCE TO AMEND THE SCHEDULE-OF-USES CHART AT CHAPTER 22 (ZONING) SECTION 22-6-4 (COMMERCIAL & INDUSTRIAL ZONING DISTRICTS; PERMITTED USES IN BUSINESS & INDUSTRIAL DISTRICTS)

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Council does hereby create and insert the attached (Exhibit A) to Chapter 22; Section 22-6-4 (commercial & industrial zoning districts; permitted uses in business & industrial districts)

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

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

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Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

YEAS: Lauga, Gorbaty, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: Lewis

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

And the motion was declared **adopted** on the 6th day of November, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 11-8-10 8:50 am
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 11/9/12 8:45 am
Date and Time

Exhibit "A" for Summary No. 2868

Proposed amendment to make section consistent with B&B ordinance, if passed.

22-6-4 (formerly section 503)
PERMITTED USES IN BUSINESS & INDUSTRIAL DISTRICTS

Agriculture and Residential Uses	A-1		SA	SBV
Farming and Agriculture	P	(the other columns in this chart have omitted for brevity)	P	P
Convalescent and Nursing Homes				
Seasonal Stands (temporary, less than 6 months.	P		P	P
Trailer Courts and Parks	P			
Bed & Breakfast (for not more than 10 patrons)	CU		CU	CU
(remaining entries omitted for brevity)				

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#20

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, NOVEMBER 6, 2012 AT SEVEN O'CLOCK P.M.

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

ORDINANCE SBPC #1346-11-12

Summary No. 2869
Introduced by: Councilman McInnis on 10/16/12
Public hearing held on 11/6/12

AN ORDINANCE REQUIRING THAT ST. BERNARD PARISH GOVERNMENT PROVIDE THE PUBLIC READ ONLY ACCESS TO THE ST. BERNARD PARISH COMPLAINT SYSTEM.

WHEREAS, the St. Bernard Parish currently has a online system in place to log and update all incoming complaints made by residents of St. Bernard Parish, and;

WHEREAS, the Council is desirous of providing the public with read only access to said system;" and

NOW THEREFORE BE IT RESOLVED, That St. Bernard Parish Council, the Governing Authority, does hereby require that St. Bernard Parish Government provide the public read only access to the St. Bernard Parish Complaint System

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Council, the Governing Authority, does hereby require that St. Bernard Parish Government provide the public read only access to the St. Bernard Parish Complaint System.

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,

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Councilman District E

Roxanne Adams
Clerk of Council

paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

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

YEAS: Lauga, Gorbaty, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: Lewis

The Council Chair, Mr. McInnis, cast his vote as YEA.

And the motion was declared **adopted** on the 6th day of November, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 11-8-12 8:50am
Date and Time

Approved _____ _____ Vetoed ✓ DEB
See attached Veto Statement

Parish President

David E. Peralta

Returned to Clerk of the Council 11-15-12 9:57am
Date and Time

Received by Roxanne Adams

Veto of Summary No. 2869: An ordinance requiring that St. Bernard Parish Government provide the public read only access to the St. Bernard Parish complaint system. Pursuant to St. Bernard Parish's Home Rule Charter, Section 2-13, the Parish President, David E. Peralta hereby exercises his right as Parish President to veto Summary No. 2869, as said veto is being exercised in the best interest of St. Bernard Parish and its citizens.

Public access to the complaint system may: (1) lead to litigation due to a heightened awareness of the location and nature of damaged and/or defective infrastructure, such as potholes, water meter covers, storm drain covers or broken sidewalks; and/or; (2) negatively impact the Parish's ability to defend certain cases in the event it is alleged that an injury or loss of property has occurred as a result of damaged and/or defective infrastructure referred to in the complaint system and/or; (3) may deter citizens from reporting complaints which could result in a delay in the Parish's ability to acquire notice of the issue in a timely manner in order to respond promptly.

Additionally, citizens who register a complaint with St. Bernard Parish Government typically request to remain anonymous in order to preserve their privacy and to avoid confrontation with neighbors and the like. Allowing public access to the complaint system would make public the personal information of complainants and may actually have a chilling effect on communications between the public and the Office of Resident Services and Compliance.

The Administration fields hundreds of complaints each week and will continue to do so. Citizens wishing to follow-up on specific complaints may do so either through the Office of Resident Services and Compliance or the Chief Administrative Officer.

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Roxanne Adams
Clerk of Council

#19

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, NOVEMBER 20, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC# 1347-11-12

Summary No. 2873
Introduced by: Council on 11/6/12
Public hearing held on 11/20/12

AN ORDINANCE TO **AMEND** ORDINANCE **SBPC #1331-08-12**, AUTHORIZING ST. BERNARD PARISH GOVERNMENT TO CONVEY THE FOLLOWING LOUISIANA LAND TRUST PROPERTIES TO THE ST. BERNARD PARISH SCHOOL BOARD.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That the St. Bernard Parish Council, the Governing Authority, does hereby authorize St. Bernard Parish Government to convey the following Louisiana Land Trust properties to St. Bernard Parish School Board:

- 2413 Veronica

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

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

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Councilman District E

Roxanne Adams
Clerk of Council

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo

NAYS: None

ABSENT: Cavignac

The Council Chair, Mr. McInnis, cast his vote as YEA.

And the motion was declared **adopted** on the 20th day of November, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 11-21-12 10:55am
Date and Time

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council 11-21-12 11:00am
Date and Time

Received by Roxanne Adams

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Councilman District E

Roxanne Adams
Clerk of Council

#20

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, NOVEMBER 20, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC# 1348-11-12

Summary No. 2874
Introduced by: Administration on 11/6/12

AN ORDINANCE TO ACCEPT AN ACT OF DONATION FROM ARLENE AND JOSEPH MERAUX CHARITABLE FOUNDATION FOR PROPERTY TO SUPPORT THE CREATION OF A BIKE PATH.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION I. That St. Bernard Parish Government, the governing authority, does hereby accept an Act of Donation of property from Arlene and Joseph Meraux Charitable Foundation for the following described property:

A CERTAIN PORTION OF GROUND, situated in the Parish of St. Bernard, State of Louisiana, designed by the Letter "B" on a map of survey by William E. Wakefield, Registered Surveyor, dated July 21, 1926, being a portion of the one thousand (1000') foot tract of land located at the mouth of the Violet Canal. Said certain portion "B" measures eighty-four feet (84') front of the public highway (west side), three hundred seventy-four (374') deep on the upper line of the old Phillipon Plantation; three hundred seventy-three and 6/10ths feet (373.6') deep on the lower side line and fifty-five (55') feet on the rear line along the inside toe of the present levee.

A CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all of the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated at North Borgnemouth in the parish of St. Bernard, fronting on the right-of-way of the Louisiana Southern Railroad. The said piece or portion of ground measures fifteen (15') feet front on the river side of the right-of-way of the Louisiana

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Councilman District E

Roxanne Adams
Clerk of Council

Southern Railroad, extending in depth two hundred (200') feet between parallel lines and is bounded below by the property now belonging to the present purchaser, Louise A. Meraux, M.D. and above by the balance property belonging to the present vendor and the lot herein secondly described.

ANOTHER CERTAIN PIECE OR PORTION OF GROUND, together with all the buildings and improvements thereon, and all of the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated at North Borgnemouth in the parish of St. Bernard, fronting on the right-of-way of the Louisiana, fronting on the right-of-way of the Louisiana Southern Railroad, adjoining the lot herein first described, and measures seventy-five (75') feet front on the river side of the right-of-way of the Louisiana Southern Railroad, extending in depth one hundred and thirty-five 9135') feet between equal and parallel lines; bounded below by the property herein firstly described, this day sold to present purchaser and above by the balance of the property belonging to the present vendor.

SECTION II. that the Parish President is hereby authorized to execute and sign the Act of Donation on behalf of St. Bernard Parish Government.

SECTION III. Effective Date, This ordinance shall become effective thirty (30) calendar days after publication by the Parish Council. 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 Section 2-11 and 2-13 of the St, Bernard Parish Home Rule Charter.

SECTION IV. 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, PARISH COUNCIL Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted. (Errors, omissions and conflicts in survey excepted).

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Councilman District E

Roxanne Adams
Clerk of Council

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo

NAYS: None

ABSENT: Cavignac

The Council Chair, Mr. McInnis, cast his vote as YEA.

And the motion was declared **adopted** on the 20th day of November, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 11-21-12 10:55 am
Date and Time

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council 11-21-12 11:00am
Date and Time

Received by Roxanne Adams

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Clerk of Council

#21

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, NOVEMBER 20, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC# 1349-11-12

Summary No. 2875
Introduced by: Administration on 11/6/12
Planning Commission recommended **APPROVAL**
Public hearing held on 11/20/12

AN ORDINANCE TO APPROVE **DOCKET Z-2012-018,** PETITION ST. BERNARD PARISH SCHOOL BOARD, 200 E. ST. BERNARD HIGHWAY, CHALMETTE, LA 70043 FOR A CONDITIONAL USE ON A SINGLE LOT IN ORDER TO AUGMENT EXISTING PARKING AT LACOSTE ELEMENTARY SCHOOL FOR THE FOLLOWING DESCRIBED PROPERTY: PROPERTY IS DESIGNATED AS 3216 CORINNE AVENUE, CHALMETTE, LA 70043.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. that **Docket Z-2012-018,** a petition of St. Bernard Parish School Board, 200 E. St. Bernard Highway, Chalmette, La 70043 for a conditional use on a single lot in order to augment existing parking at Lacoste Elementary School for the following described property:

Municipal Address designated as 3216 Corinne Avenue, Chalmette, La 70043.

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

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

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Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

YEAS: Lauga, Gorbaty, Lewis, Montelongo

NAYS: Hunnicutt

ABSENT: Cavignac

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

And the motion was declared **adopted** on the 20th day of November, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 11-21-12 10:55am
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 11-21-12 11:00am
Date and Time

Received by Roxanne Adams

St. Bernard Parish Council

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Roxanne Adams
Clerk of Council

#22

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, NOVEMBER 20, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC# 1350-11-12

Summary No. 2876
Introduced by: Administration on 11/6/12
Planning Commission recommended **APPROVAL**
Public hearing held on 11/20/12

AN ORDINANCE TO APPROVE **DOCKET Z-2012-019,** PETITION ST. BERNARD PARISH SCHOOL BOARD, 200 E. ST. BERNARD HIGHWAY, CHALMETTE, LA 70043 FOR A CONDITIONAL USE ON A SINGLE LOT IN ORDER TO AUGMENT EXISTING PARKING AT TRIST MIDDLE SCHOOL FOR THE FOLLOWING DESCRIBED PROPERTY: PROPERTY IS DESIGNATED AS LOT 7, DEBOUCHEL SUBDIVISION. SITE ADDRESS: 2025 WEBSTER BOULEVARD, MERAUX, LA 70075.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. that **Docket Z-2012-019,** a petition of St. Bernard Parish School Board, 200 E. St. Bernard Highway, Chalmette, La 70043 for a conditional use on a single lot in order to augment existing parking at Trist Middle School for the following described property:

Municipal Address designated as Lot 7, Debouchel Subdivision. Site Address: 2025 Webster Boulevard, Meraux, La 70075.

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

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

St. Bernard Parish Council

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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

YEAS: Lauga, Gorbaty, Lewis, Montelongo

NAYS: Hunnicutt

ABSENT: Cavignac

The Council Chair, Mr. McInnis, cast his vote as YEA.

And the motion was declared **adopted** on the 20th day of November, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 11-21-12 10:55 am
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 11-21-12 11:00 am
Date and Time

Received by Roxanne Adams

St. Bernard Parish Council

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#14

Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON FRIDAY, DECEMBER 14, 2012 AT SEVEN O'CLOCK P.M.

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

ORDINANCE SBPC #1352-12-12

Summary No. 2842
Introduced by Administration on 8/7/12
Planning Commission recommended **APPROVAL**
Public Hearing held on 8/21/12
Tabled by Council on 8/21/12
Tabled by Council on 9/4/12
Tabled by Council on 9/18/12
Tabled by Council on 10/2/12
Forwarded to Planning Commission on 10/2/12
Planning Commission recommend **APPROVAL** as revised

AN ORDINANCE TO CREATE AND INSERT SECTION 22-4-2.15 (GENERAL PROVISIONS; GENERAL PROVISIONS; RESIDENTIAL FENCES).

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Council does hereby create and insert the attached (Exhibit A) to Chapter 22; Section 22-4-2.15 (General Provisions; General Provisions; Residential Fences).

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

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

St. Bernard Parish Council

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Guy McInnis
Councilman at Large

George Cavignac
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Nathan Gorbaty
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Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 14th day of December, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 12-17-12 9:00am
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 12-20-12 9:48am
Date and Time

Received by Roxanne Adams

Exhibit "A" Summary 2842
ORDINANCE SBPC #1352-12-12

22-4-2.15 RESIDENTIAL FENCES IN ARABI, CHALMETTE, MERAUX, VIOLET AND IN ALL R-1 DISTRICTS REGARDLESS OF LOCATION

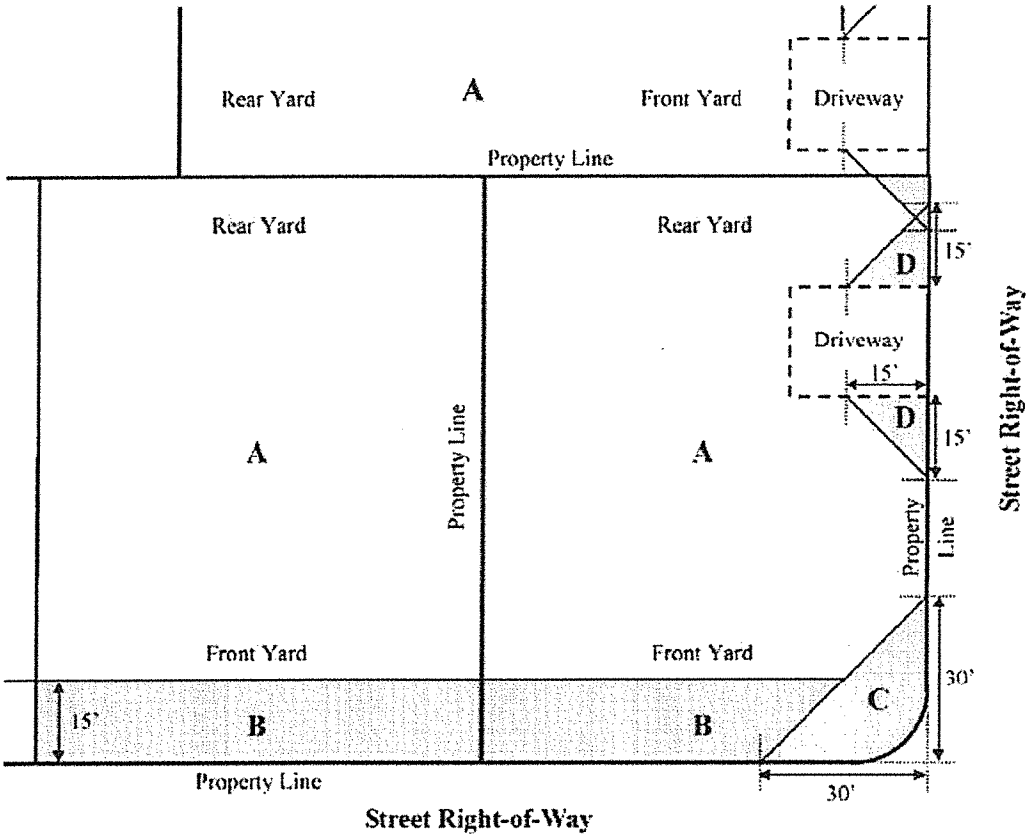
a) Residential fences measuring up to 36 inches in height shall be no closer to the inside edge of any sidewalk than one (1) foot. In instances where there is no sidewalk, or where a front property boundary is otherwise difficult to determine, residential fences measuring up to 36 inches in height shall be no closer than 21 feet to the center line of the street OR 11 feet to the edge of pavement. Fences on corner lots must conform to the guidelines in item (c) and (d), below.

b) Residential fences exceeding 36 inches shall be subject to the front setback for the property upon which it is erected.

c) On corner lots, residential fences exceeding 36 inches in height and erected in the side yard facing the street shall be no closer to the side property boundary than half the distance of the side setback for the property as determined in accordance with Section 22-4-3.3(j), and must also conform to the guidelines in item (d), below.

d) On corner lots, no opaque fence (i.e., fencing that cannot be seen through, such as solid wood plank, etc.) shall be erected within the sight triangles depicted in the diagram below OR as determined by measuring distances from the center of the intersection (see chart below). Opaque fencing may be "angled in" to avoid encroaching into a sight triangle. (Non-opaque fencing may be erected within the sight triangle, but must still conform to the guidelines in items (a), (b), and (c) above.

SIGHT TRIANGLE DIAGRAM



SIGHT TRIANGLE DISTANCES CHART

Street width	Distances from center of intersection
15'	65'
20'	70'
25'	75'
30'	80'

Note: if the two streets are different widths, use the measurement for the narrower street.

On corners where the guidelines cannot easily be applied, the sight triangle may be approximated in accordance with the building setbacks at said corner. Subject to the guidelines in items 1-3, no opaque fence may be placed closer to either property boundary such that it obstructs more visibility than would a residence built in conformance with the setbacks.

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#15

Guy McInnis
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George Cavignac
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Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON FRIDAY, DECEMBER 14, 2012 AT SEVEN O'CLOCK P.M.

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

ORDINANCE SBPC #1353-12-12

Summary No. 2865
Introduced by: Administration on 10/16/12
Planning Commission recommended **APPROVAL** on 9/25/12
Public hearing held on 11/6/12
Tabled by Council on 11/6/12
Planning Commission readdressed and recommended **APPROVAL**

AN ORDINANCE TO AMEND CHAPTER 22 (ZONING), SECTION 22-4-2.7; (GENERAL PROVISIONS; GENERAL PROVISIONS; CORNER VISIBILITY.)

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Council does hereby create and insert the attached (Exhibit A) to Chapter 22; Section 22-4-2.7 (general provisions; general provisions; corner visibility)

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

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

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Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 14th day of December, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 12-17-12 9:00 am
Date and Time

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council 12-20-12 9:48 am
Date and Time

Received by Roxanne Adams

Exhibit "A" for Summary No. 2865
ORDINANCE SBPC #1353-12-12

TC-22-4-2[3]_2012

(determination of sight triangle [to correspond to new fence ordinance)

22-4-2.3. YARD AREA
No part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building.

22-4-2.4. ONE MAIN BUILDING TO A LOT
Every building or structure hereafter erected shall be located on a lot of record and in no case shall there be more than one (1) main building on one (1) lot unless otherwise provided in this chapter. See Section 22-4-3, Exceptions and Modifications to Use Regulations, for more than one (1) main building.)

22-4-2.5. VACATION OF STREETS AND PUBLIC WAYS
Whenever any street, alley or other public way is vacated by official action of the governing body of the Parish of St. Bernard, the zoning district adjoining each side of such street, alley or public way shall automatically extend to the center of same and all area included therein shall then become subject to all appropriate regulations of the extended districts.

22-4-2.6. YARDS ON CORNER AND THROUGH LOTS
On corner lots and through lots, a front yard setback shall be maintained on each street line. Lot must have full frontage along at least one roadway.

22-4-2.7. CORNER VISIBILITY
On a corner lot in any district, no fence, wall, hedge or other structure or planting more than three (3) feet in height shall be erected, placed or maintained within the "sight triangle" as determined in accordance with Section 22-4-2.15.

22-4-2.8. EXCEPTIONS TO HEIGHT REQUIREMENTS
The height regulations as stated in this chapter shall not apply to:
(a) Churches; schools; hospitals; sanitariums; public, semipublic or public service buildings and institutions. There shall be no restrictions on the height of such buildings provided the front, side and rear yards required in the district in which such building is to be located shall be increased an additional one (1) foot for each one (1) foot that the building exceeds the maximum height permitted in such district.
(b) Barns, silos and other farm structures when located on farms; belfries, cupolas, domes, flagpoles and monuments; water towers, transmission towers, windmills, chimneys, smokestacks, radio towers, masts and aerials, conveyors, fire towers, and oil derricks, church spires and ornamental towers and spires.

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Councilman District E

Roxanne Adams
Clerk of Council

#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 FRIDAY, DECEMBER 14, 2012 AT SEVEN O'CLOCK P.M.

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

ORDINANCE SBPC #1354-12-12

Summary No. 2866
Introduced by: Administration on 10/16/12
Planning Commission recommended **APPROVAL** on 9/25/12
Public hearing held on 11/6/12
Tabled by Council on 11/6/12
Planning Commission readdresses and recommended **APPROVAL** as revised

AN ORDINANCE TO AMEND CHAPTER 22 (ZONING); SECTION 22-4-3.1(D) (GENERAL PROVISIONS; EXCEPTIONS AND MODIFICATIONS; EXCEPTIONS TO USE REGULATIONS.)

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Council does hereby create and insert the attached (Exhibit A) to Chapter 22; Section 22-4-3.1(d) (general provisions; exceptions and modifications; exceptions to use regulations.)

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

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

St. Bernard Parish Council

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Guy McInnis
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Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 14th day of December, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 12-17-12 9:00am
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 12-20-12 9:48am
Date and Time

Received by Roxanne Adams

Exhibit "A" for Summary No. 2866
ORDINANCE SBPC #1354-12-12

TC-22-4-3[2]_2012 (fence heights to correspond to new fence ordinance)

22-4-3. EXCEPTIONS AND MODIFICATIONS

22-4-3.1. EXCEPTIONS TO USE REGULATIONS

(a) Power plants, heating or refrigerating plants, or apparatus or machinery which are accessory to permitted uses in the A-1 Rural District and in the R-1, R-2, R-3, Residential Districts shall be permitted in these districts only if so placed and operated to cause the least inconvenience to owners and tenants of adjoining lots and buildings, and provided that all of the abovementioned activities comply with existing parish ordinances and do not cause serious annoyance or injury to occupants of adjoining premises by reason of the emission of odors, fumes, gases, dust, smoke, noise or vibration, light or glare, or other nuisance.

(b) Existing railroads and utilities may continue to be operated and maintained in residential and commercial districts but no new railroad or utility structure other than the usual poles, transformers and similar appurtenances, wires, underground utilities, electric substation and gas metering and pressure-regulating stations shall be established in such districts except when so authorized by the board of zoning adjustments.

(c) No riverboat gaming establishment may be located closer than one-thousand (1,000) feet from a residence, school, or church. Riverboat gaming establishments shall be landscaped and provide buffer and/or screening and shall have adequate utility and fire protection services as per parish, state and federal regulations. Design shall be subject to approval per conditional use standards. Any proposals for riverboat gaming establishments shall include plans for docking facilities, analysis of the traffic generated on and offsite, and any other documentation required by the planning commission. No building permit shall be issued for any riverboat gaming establishment until all required state and federal permits are acquired.

(d) Fences, not exceeding seven (7) feet in height, may be erected along the boundaries of a lot or yard area, one (1) segment of which may be erected in each required side area, in alignment approximately parallel to the front lot line and connecting the main building with a fence on or along a side lot line. However, no fence may exceed 36 inches in height when erected along the boundary line of a required front yard. Seven-foot high fences may be erected along the side lot line of required front yards adjacent to undeveloped tracts of land provided the fence is removed to the required front setback or 36-inch height when the undeveloped property is subdivided or developed. In such cases the two-year prescription period shall not apply.

(e) Temporary buildings used in conjunction with construction work only may be permitted in any district during the period the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.

St. Bernard Parish Council

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Casey W. Hunnicutt
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Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#18

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON FRIDAY, DECEMBER 14, 2012 AT SEVEN O'CLOCK P.M.

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

ORDINANCE SBPC #1355-12-12

Summary No. 2860
Introduced by: Administration on 10/2/12
Public Hearing held on 12/14/12

AN ORDINANCE TO ADOPT THE 2013 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Council does hereby adopt the 2013 St. Bernard Parish Annual Operating and Capital Budget as attached.

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 departments 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.

St. Bernard Parish Council

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Councilman District E

Roxanne Adams
Clerk of Council

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

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 14th day of December, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 12-17-12 9:00am
Date and Time

Approved _____ Vetoed _____

Parish President _____
David E. Peralta

Returned to Clerk of the Council 12-20-12 2:58pm
Date and Time

Received by Roxanne Adams

Expenditures	Fund	Dept	2013 Proposed Budget	Amended Amount	2013 Proposed Amended Budget
Personnel Expenditures	001	2313	$111,100.00	$24,254.00	$135,354.00
Personnel Expenditures	001	2315	$161,550.00	$281,538.00	$443,088.00
Personnel Expenditures	001	2317	$125,000.00	$64,822.00	$189,822.00
Operating Expenditures	001	2317	$616,800.00	-$91,941.00	$524,859.00
Personnel Expenditures	001	2330	$104,400.00	$45,600.00	$150,000.00
Personnel Expenditures	001	4040	$282,350.00	$47,650.00	$330,000.00
Operating Expenditures	001	6510	$0.00	$150,000.00	$150,000.00
Personnel Expenditures	005 / 2161	0013	$251,050.00	$79,838.00	$330,888.00
Personnel Expenditures	005 / 2161	0017	$129,700.00	$63,896.00	$193,596.00
Personnel Expenditures	005 / 2161	0048	$479,050.00	$135,296.00	$614,346.00
Operating Expenditures	005 / 2161	0048	$49,800.00	$52,087.00	$101,887.00
Personnel Expenditures	005 / 2161	0049	$40,650.00	$30,855.00	$71,505.00
Reimbursements - 480310	052	6010	$316,200.00	$31,850.00	$348,050.00
Transfer from Sales Tax - 499050	052	6010	$31,850.00	-$31,850.00	$0.00
Transfer from Sales Tax - 499050	054		$1,064,850.00	-$1,064,850.00	$0.00
AdValorem Taxes - 400301	054		$2,394,050.00	$4,605,950.00	$7,000,000.00
Federal Grants - 420324	054		$0.00	$1,750,000.00	$1,750,000.00
Personnel Expenditures	054		$3,004,800.00	$4,218,855.00	$7,223,655.00
Operating Expenditures	054		$607,100.00	$285,735.00	$892,835.00
Personnel Expenditures	061	6110	$334,550.00	$375,875.00	$710,425.00
Operating Expenditures	061	6110	$698,550.00	-$101,230.00	$597,320.00
Transfer from Sales Tax - 499050	061	6120	$0.00	$40,000.00	$40,000.00
Personnel Expenditures	062	4010	$513,450.00	$2,972,706.00	$3,486,156.00
Operating Expenditures	062	4010	$59,700.00	$324,880.00	$384,580.00
Transfer from	062	4015	$0.00	$2,128,600.00	$2,128,600.00
Personnel Expenditures	062	4015	$2,043,350.00	-$2,043,350.00	$0.00
Testing Fees 500462	400	4310	$115,000.00	-$13,000.00	$102,000.00
Professional Services 535448	400	4310	$13,000.00	-$13,000.00	$0.00
Contract Disposal 555479	400	4310	$2,500.00	-$2,500.00	$0.00
Personnel Expenditures	400	4310	$1,595,900.00	$902,095.00	$2,497,995.00
Operating Expenditures	400	4310	$6,216,650.00	-$3,566,650.00	$2,650,000.00

2010 - Parish Council

Expenditures	Line Item	2013 Proposed Budget	Amended Amount	2013 Proposed Amended Budget
PERSONNEL EXPENDITURES				
Pension Costs	505444	$23,650.00	$10,350.00	$34,000.00
Salaries	505456	$141,150.00	$58,850.00	$200,000.00
Taxes Payroll	505466	$5,850.00	$2,150.00	$8,000.00
Insurance-Hospital & Life	520434	$32,000.00	$14,000.00	$46,000.00
Insurance-Work Comp.	520435	$7,000.00	$3,000.00	$10,000.00
Total Personnel Expenditures		$209,650.00	$88,350.00	$298,000.00
OPERATING EXPENDITURES				
Fees-Vehicle License/Tags	500460	$50.00	$200.00	$250.00
Advertising	510401	$1,400.00	$2,100.00	$3,500.00
Dues & Subscriptions	510427	$0.00	$8,000.00	$8,000.00
Meeting & Conferences	510431	$0.00		$0.00
Official Journal	510443	$30,000.00		$30,000.00
Recording Fees	510459	$6,800.00		$6,800.00
Stationary & Office Supplies	510460	$7,200.00	$3,200.00	$4,000.00
Supplies-Operating	510461	$0.00	$2,500.00	$2,500.00
Shipping Handling & Installation	511463	$0.00	$500.00	$500.00
Uniforms	515478	$0.00		$0.00
Insurance - General & Auto	520433	$5,250.00		$5,250.00
Cell Phone	525471	$4,350.00	$1,710.00	$2,640.00
Gasoline	530403	$3,000.00	$2,000.00	$5,000.00
R & M Vehicles	530440	$5,000.00	$3,000.00	$2,000.00
R & M Machinery & Equipment	530441	$2,500.00	$1,500.00	$1,000.00
Rent - Equipment	530451	$2,050.00		$2,050.00
Rent - Building	530452	$1,050.00		$1,050.00
R & M - Bldg & Facilities	530453	$2,500.00		$2,500.00
Professional Service	535448	$0.00	$30,000.00	$30,000.00
Professional Service - Audit	536436	$110,000.00		$110,000.00
Professional Services-Copies, Flyers	536437	$0.00		$0.00
Election Expense	540428	$30,000.00		$30,000.00
Travel, Training, & Etc.	545472	$23,500.00	$15,500.00	$8,000.00
Furniture & Fixtures	560107	$0.00		$0.00
Vehicles	560113	$0.00		$0.00
Small Equipment	560114	$0.00	$5,000.00	$5,000.00
Total Operational Expenditures		$234,650.00	$25,390.00	$260,040.00
TOTAL EXPENDITURES		$444,300.00	$113,740.00	$558,040.00
NET EFFECT ON FUND BALANCE		($444,300.00)		($558,040.00)

St. Bernard Parish Council

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Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
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Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#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 FRIDAY, DECEMBER 14, 2012 AT SEVEN O'CLOCK P.M.

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

ORDINANCE SBPC #1356-12-12

Summary No. 2879
Introduced by: Councilman McInnis on 11/20/12
Public Hearing held on 12/14/12

AN ORDINANCE REQUIRING ST. BERNARD PARISH GOVERNMENT TO POST A DETAILED GENERAL LEDGER TRIAL BALANCE BY DEPARTMENT NO LATER THAN TWENTY (20) CALENDAR DAYS AFTER THE END OF EACH MONTH BY POSTING A PDF FILE TO ITS WEBSITE.

WHEREAS, the St. Bernard Parish Council is desirous to publish, on the St. Bernard Parish Government Website, a detailed general ledger trial balance by department no later than twenty (20) calendar days after the end of each month in PDF format, on the St. Bernard Parish Government Website; and

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Council, the Governing Authority, does hereby approve the availability of a detailed general ledger trial balance by department be posted no later than twenty (20) calendar days after the end of each month in PDF format on the St. Bernard Parish Government Website.

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,

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Councilman District D

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Councilman District E

Roxanne Adams
Clerk of Council

paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

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

YEAS: Lauga, Gorbaty, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 14th day of December, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 12-17-12 9:00am
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 12-20-12 9:48am
Date and Time

Received by Roxanne Adams

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Guy McInnis
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Roxanne Adams
Clerk of Council

#20

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON FRIDAY, DECEMBER 14, 2012 AT SEVEN O'CLOCK P.M.

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

ORDINANCE SBPC #1357-12-12

Summary No. 2880
Introduced by: Administration on 11/20/12
Public Hearing held on 12/14/12

AN ORDINANCE AUTHORIZING ST. BERNARD PARISH GOVERNMENT TO DIRECT LOUISIANA LAND TRUST TO SELL THE FOLLOWING LOUISIANA LAND TRUST PROPERTY TO THE FAMILY RESOURCE CENTER OF NEW ORLEANS IN ACCORDANCE WITH THE LOUISIANA LAND TRUST GUIDELINES THAT ARE CURRENTLY IN PLACE.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That the St. Bernard Parish Council, the Governing Authority, does hereby authorize St. Bernard Parish Government to direct Louisiana Land Trust to sell the following Louisiana Land Trust Property to the Family Resource Center of New Orleans in accordance with the Louisiana Land Trust guidelines that are currently in place.

- 7234 Claiborne Ct.

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

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

St. Bernard Parish Council

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Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

YEAS: Lauga, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: Gorbaty

ABSENT: None

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

And the motion was declared **adopted** on the 14th day of December, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 12-17-12 9:00 am
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 12-20-12 9:48 am
Date and Time

Received by Roxanne Adams

St. Bernard Parish Council

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Councilman District E

Roxanne Adams
Clerk of Council

#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 FRIDAY, DECEMBER 28, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1358-12-12

Summary No. 2878
Introduced by: Administration on 11/6/12
Public Hearing held on 12/28/12

AN ORDINANCE TO AMEND THE 2012 ST. BERNARD PARISH ANNUAL OPERATING AND CAPITAL BUDGET.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That the 2012 St. Bernard Parish Annual Operating and Capital Budget is hereby amended as 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 of this Ordinance with the invalid portions omitted.

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

YEAS: Lauga, Lewis, Hunnicutt, Montelongo, Cavignac

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Councilman District B

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Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

NAYS: None

ABSENT: Gorbaty

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

And the motion was declared **adopted** on the 28th day of December, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 12/31/12 1:05 pm
Date and Time

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council 1-3-13 9:11 am
Date and Time

Received by Roxanne Adams

ST. BERNARD PARISH GOVERNMENT
SUMMARY STATEMENT OF REVENUES AND EXPENDITURES & FUND BALANCES
2013 ADOPTED BUDGET SUMMARY 12-14-12

DEPARTMENT	REVENUES	EXPENSES	EXCESS OF REVENUES OVER <UNDER> EXPENDITURES	TRANSFERS SALES TAX	TRANSFERS OTHER	EXCESS REV. OVER<UNDER> AFTER TRANS	FUND BALANCE JAN. 1, 2013	FUND BALANCE DEC. 31, 2013
GENERAL FUNDS								
001 GENERAL FUND	4,902,850	8,659,663	(3,756,813)	2,629,150	492,000	(635,663)	661,624	25,961
005 34TH JUDICIAL COURT	28,000	2,092,472	(2,064,472)	1,330,350	372,150	(361,972)	(3)	(361,975)
50 SALES TAX	9,860,000	788,800	9,071,200	(9,071,200)		-	-	-
52 CIVIC AUDITORIUM	348,050	348,050	-	-	-	-	14,481	14,481
60 COMMUNITY DEV	476,500	668,150	(191,650)	191,650		-	50,748	50,748
180 BP Oil Spill			-			-	192,284	192,284
Total General Fund	15,615,400	12,557,135	3,058,265	(4,920,050)	864,150	(997,635)	919,134	(78,501)
		-						
SPECIAL REVENUES								
53 CRIMINAL COURT 34TH	215,000	50,000	165,000	-	(219,750)	(54,750)	200,352	145,602
54 FIRE DEPT	8,903,000	8,116,490	786,510	-		786,510	92,827	879,337
59 COUNCIL ON AGING	303,000	362,650	(59,650)			(59,650)	488,794	429,144
61 RECREATION	917,400	1,552,745	- (635,345)	400,700		(234,645)	448,106	213,461
62 PUBLIC WORKS	2,960,000	5,342,036	(2,382,036)	1,127,800		(1,254,236)	295,004	(959,232)
63 ROAD LIGHTING	388,300	726,550	(338,250)	338,250		-	12,796	12,796
64 SANITATION DEPT	4,266,950	4,266,950	-			-	-	-
67 WIA	3,306,300	3,306,300	-			-	(65,037)	(65,037)
71 HEALTH	199,800	101,900	97,900			97,900	626,532	724,432
73 COMMUNICATIONS	365,000	376,650	(11,650)			(11,650)	304,458	292,808
77 HOUSING & REDEVELOPMENT	5,773,350	5,893,250	(119,900)			(119,900)	2,319,489	2,199,589
79 U.M.T.A.	1,144,750	1,297,200	(152,450)			(152,450)	1,809,546	1,657,096
86 DEPUTY WITNESS FEES	62,000	95,600	(33,600)	-	83,250	49,650	(49,625)	25
160 CDBG DISASTER RECOVERY	18,900,000	6,900,000	12,000,000		(12,000,000)	-	(40,315)	(40,315)
170 HAZARD MITIGATION	12,955,500	12,955,500	-			-	180,209	180,209
429 W&S SALES TAX	3,266,000	130,650	3,135,350	(3,135,350)		-	729,474	729,474
829 FEMA FUNDING	42,531,900	42,320,300	211,600		(355,500)	(143,900)	11,512,305	11,368,405
Total Special Revenue	106,458,250	93,794,771	- 12,663,479	- (1,268,600)	(12,492,000)	(1,097,121)	18,864,915	17,767,794
TOTAL OPERATING ACCOUNTS	122,073,650	106,351,906	- 15,721,744	- (6,188,650)	(11,627,850)	(2,094,756)	19,784,049	17,689,293

ST. BERNARD PARISH GOVERNMENT
STATEMENT OF REVENUES AND EXPENDITURES & FUND BALANCE
2013 ADOPTED BUDGET SUMMARY 12-14-12

DEPARTMENT	REVENUES	EXPENSES	EXCESS OF REVENUES OVER <UNDER> EXPENDITURES	TRANSFERS SALES TAX	TRANSFERS OTHER	EXCESS REV. OVER<UNDER> AFTER TRANS	FUND BALANCE JAN. 1, 2013	FUND BALANCE DEC. 31, 2013
CAPITAL PROJECTS								
115 2003 SALES TAX CONSTRUCTION	-	482,050	(482,050)			(482,050)	272,046	(210,004)
143 COURT HOUSE CAPITAL			-	-	(372,150)	(372,150)	1,182,443	810,293
151 1990 GENERAL OBLIGATION BOND							229	-
162 ROAD RECONSTRUCTION		851,700	(851,700)			(851,700)	758,416	(93,284)
163 REBUILD ST. BERNARD		35,250	(35,250)			(35,250)	35,284	34
164 HURRICANE RECONSTRUCT FUND		1,842,800	(1,842,800)			(1,842,800)	5,408,509	3,565,709
252 S/F 1990 GO BONDS		337,800	(337,800)			(337,800)	372,087	34,287
428 SW99 1/2 CENT SALES TAX I&I			-			-	1,091,852	1,091,852
434 1999/2008 SALES TAX CONSTRUCTION			-	-		-	1,513,565	1,513,565
Total Capital Projects	-	3,549,600	(3,549,600)	-	(372,150)	(3,921,750)	10,634,431	6,712,452
DEBT SERVICE FUNDS								
201 BOND RESERVE 1973-80		-	-		-	-	929	929
209 VERSAILLES PAVING LIENS			-		-	-	(15,323)	(15,323)
211 2003 SALES TAX BONDS		286,060	(286,060)	49,400		(236,660)	216,910	(19,750)
212 - 2012 SALES TAX BONDS		1,316,950	(1,316,950)	1,708,450		391,500	472,350	863,850
430 2004 SALES TAX DEBT SERVICE		302,500	(302,500)	2,568,100		2,265,600	(37,752,796)	(35,487,196)
432 1999/2008 SALES TAX DEBT SERVICE		231,600	(231,600)	806,000		574,400	(5,362,640)	(4,788,240)
433 1999/2008 SALES TAX RESERVE			-			-	867,340	867,340
Total Debt Service	-	2,137,110	(2,137,110)	5,131,950	-	2,994,840	(41,573,230)	(38,578,390)
INTERNAL SERVICE FUND								
350 INSURANCE	818,600	818,600	-	-	-	-	676,655	676,655
375 W&S INSURANCE	156,400	156,400	-			-	796,911	796,911
Total Internal Service	975,000	975,000	-	-	-	-	1,473,566	1,473,566
WATER & SEWER DIVISION								
400 WATER & SEWER OPERATIONS	5,552,300	5,119,495	432,805	-	12,000,000	12,432,805	168,098,500	180,531,305
401 50 MILLION BOND			-	-	-	-	(113,390)	(113,390)
416 WATER DISTRICT #2			-	-	-	-	133,528	133,528
417 WATER DISTRICT #1			-	-	-	-	96,977	96,977
418 SEWER DISTRICT #2			-	-	-	-	111,496	111,496
419 SEWER DISTRICT #1			-	-	-	-	11,164	11,164
Total Water & Sewer	5,552,300	5,119,495	432,805	-	12,000,000	12,432,805	168,338,275	180,771,080
TOTAL ALL FUNDS	128,600,950	118,133,111	- 10,467,839	- (1,056,700)	-	9,411,139	158,657,091	168,068,001

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Councilman District E

Roxanne Adams
Clerk of Council

#20

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON FRIDAY, DECEMBER 28, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1359-12-12

Summary No. 2881
Introduced by: Council on 12/14/12
Public Hearing held on 12/28/12

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1325-08-12**, TO AUTHORIZE ST. BERNARD PARISH GOVERNMENT TO CONVEY THE FOLLOWING LOUISIANA LAND TRUST PROPERTIES TO THE ST. BERNARD PARISH SHERIFF'S OFFICE.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That the St. Bernard Parish Council, the Governing Authority, does hereby authorize St. Bernard Parish Government to convey the following Louisiana Land Trust properties to St. Bernard Parish Sheriff's Office:

- 1600 & 1613 Aycock Street

SECTION 1.1 and to authorize the Parish President or the Chief Administrative Officer to execute all documents necessary to effectuate the transfers authorized by the ordinance.

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,

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Nathan Gorbaty
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Richard "Richie" Lewis
Councilman District C

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Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

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

YEAS: Lauga, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: Gorbaty

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

And the motion was declared **adopted** on the 28th day of December, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 12/31/12 1:05pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 1-3-13 9:11am
Date and Time

Received by Roxanne Adams

St. Bernard Parish Council

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Councilman District E

Roxanne Adams
Clerk of Council

#21

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 FRIDAY, DECEMBER 28, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1360-12-12

Summary No. 2882
Introduced by: Council on 12/14/12
Public Hearing held on 12/28/12

AN ORDINANCE TO **AMEND** ORDINANCE **SBPC #1341-10-12**, TO AUTHORIZE ST. BERNARD PARISH GOVERNMENT TO CONVEY THE FOLLOWING LOUISIANA LAND TRUST PROPERTIES TO THE LAKE BORGNE BASIN LEVEE DISTRICT.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That the St. Bernard Parish Council, the Governing Authority, does hereby authorize St. Bernard Parish Government to convey the following Louisiana Land Trust properties to Lake Borgne Basin Levee District:

Arabi:
- 2010, 2035, 2105, 2301, & 2325 Benjamin Street
- 1049 Cougar Street
- 1448 Perrin Drive

Chalmette:
- 3412 & 3416 Campagna Drive
- 3116 Chalona Drive
- 4024 & 4029 Evangeline Avenue
- 3412 Gallo Drive
- 8301, 8417, & 8425 Hermitage Drive
- 508 Josephine Street
- 3801 Kings Drive
- 3408 & 3409 Mumphrey Road

Meraux:
- 3529 Judy Drive

St. Bernard Parish Council

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Guy McInnis
Councilman at Large

George Cavignac
Councilman at Large

Ray Lauga, Jr.
Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

Violet:

- 2616 Guerra Drive

SECTION 1.1 and to authorize the Parish President or the Chief Administrative Officer to execute all documents necessary to effectuate the transfers authorized by the ordinance.

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

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

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

YEAS: Lauga, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: Gorbaty

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

And the motion was declared **adopted** on the 28th day of December, 2012.

ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

St. Bernard Parish Council

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George Cavignac
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Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

Delivered to the Parish President 12/31/12 1:05 pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 1-3-13 9:11 am
Date and Time

Received by Roxanne Adams

St. Bernard Parish Council

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Councilman District E

Roxanne Adams
Clerk of Council

#22

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 FRIDAY, DECEMBER 28, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1361-12-12

Summary No. 2884
Introduced by: Administration on 12/14/12
Public Hearing held on 12/28/12

AN ORDINANCE TO AUTHORIZE THE LOUISIANA LAND TRUST PROPERTIES TO SELL OR AUCTION THE FOLLOWING LIST OF PROPERTIES TO PRIVATE PARTIES AS PART OF THE HOUSING OPPORTUNITY PROGRAM.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That the St. Bernard Parish Council, the Governing Authority, does hereby authorizes the Louisiana Land Trust to sell or auction the following Louisiana Land Trust properties to the private parties as part of the Housing Opportunity Program:

8340 FAIRFAX DR	CHALMETTE	LA
3312 PLAZA DR	CHALMETTE	LA
201 NORTON AVE	ARABI	LA
105 DOERR DR	ARABI	LA
305 NORTON AVE	ARABI	LA
2221 MAUREEN LN	MERAUX	LA
2020 S RIVER PARK	VIOLET	LA
5 JAMIE CT	VIOLET	LA
113 NORTON AVE	ARABI	LA
2014 N RIVER PARK DR	VIOLET	LA
201 NORTON AVE	ARABI	LA
2512 PECAN DR	CHALMETTE	LA
416 COUGAR DR	ARABI	LA
1920 BEACHEAD LN	VIOLET	LA
3312 MARIETTA ST	CHALMETTE	LA

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Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

2913 LEGEND DR	MERAUX	LA
301 COUGAR DR	ARABI	LA
2708 DEER CREEK DR	VIOLET	LA
2301 MAPLE	ST. BERNARD	LA
7222 CLAIBORNE CT	ARABI	LA
2329 BLANCHARD DR	CHALMETTE	LA
313 DOERR RD	ARABI	LA
321 DOERR DR	ARABI	LA
141 JAGUAR DR	ARABI	LA
212 D'AMOUR ST	CHALMETTE	LA
2100 ROBIN ST	ST. BERNARD	LA
2113 MEHLE ST	ARABI	LA
3217 LYNDELL DR	CHALMETTE	LA
1421 DELACROIX HWY	ST. BERNARD	LA
3225 LYNDELL DR	CHALMETTE	LA
3405 PECAN DR	CHALMETTE	LA
4313 BAYOU RD	ST. BERNARD	LA
3804 IMPERIAL DR	CHALMETTE	LA
3916 CAMPAGNA DR	CHALMETTE	LA
7224 PROSPERITY ST	ARABI	LA
7228 PROSPERITY ST	ARABI	LA
7505 PATRICIA ST	ARABI	LA
1833 KARL ST	ARABI	LA
1832 CENTER ST	ARABI	LA
8321 FAIRFAX DR	CHALMETTE	LA
8329 FAIRFAX DR	CHALMETTE	LA
7227 SUCCESS ST	ARABI	LA
22 E QUEENS CT	CHALMETTE	LA
3908 VENTURA DR	CHALMETTE	LA
3816 VENTURA DR	CHALMETTE	LA
3840 NORWOOD DR	CHALMETTE	LA
3840 NORWOOD DR	CHALMETTE	LA
3840 NORWOOD DR	CHALMETTE	LA
3848 NORWOOD DR	CHALMETTE	LA
3848 NORWOOD DR	CHALMETTE	LA
3848 NORWOOD DR	CHALMETTE	LA
2612 GINA ST	ST. BERNARD	LA
3217 LYNDELL DR	CHALMETTE	LA
2713 VERONICA DR	CHALMETTE	LA

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Nathan Gorbaty
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Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

3932 NORWOOD DR	CHALMETTE	LA
2916 DAUTERIVE DR	CHALMETTE	LA
3952 NORWOOD DR	CHALMETTE	LA
3009 RIVERLAND DR	CHALMETTE	LA
3216 PLAZA DR	CHALMETTE	LA
3216 PLAZA DR	CHALMETTE	LA
2221 MAUREEN LN	MERAUX	LA
3513 CAMPAGNA DR	CHALMETTE	LA
3717 PECAN DR	CHALMETTE	LA
3840 NORWOOD DR	CHALMETTE	LA
3848 NORWOOD DR	CHALMETTE	LA
3017 PALMETTO ST	CHALMETTE	LA
2512 PECAN DR	CHALMETTE	LA
3312 PLAZA DR	CHALMETTE	LA

SECTION 1.1 and to authorize the Parish President or the Chief Administrative Officer to execute all documents necessary to effectuate the transfers authorized by the ordinance.

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

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

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

YEAS: Lauga, Lewis, Hunnicutt, Montelongo, Cavignac

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Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

NAYS: None

ABSENT: Gorbaty

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

And the motion was declared **adopted** on the 28th day of December, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 12/31/12 1:05 pm
Date and Time

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council 1-3-13 9:11 am
Date and Time

Received by Roxanne Adams

St. Bernard Parish Council

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Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#23

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 FRIDAY, DECEMBER 28, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1362-12-12

Summary No. 2885
Introduced by: Administration on 12/14/12
Public Hearing held on 12/28/12

AN ORDINANCE AUTHORIZING ST. BERNARD PARISH GOVERNMENT TO ACCEPT OWNERSHIP OF A DONATION OF THE FOLLOWING PROPERTIES FROM THE LOUISIANA LAND TRUST.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That the St. Bernard Parish Council, the Governing Authority, does hereby authorize the acceptance of ownership by St. Bernard Parish Government of the following Louisiana Land Trust properties from the Louisiana Land Trust:

1914 Alexander
1920 Alexander
2701 Angelique
2412 Artillery
1721 Aycock
1821 Aycock
1901 Aycock
2005 Aycock
2900 Bartolo
2901 Bartolo
1942 Benjamin
1946 Benjamin
1950 Benjamin
1952 Benjamin
1958 Benjamin
1960 Benjamin

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Councilman District A

Nathan Gorbaty
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Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

1966	Benjamin
1968	Benjamin
1970	Benjamin
2000	Benjamin
2001	Benjamin
2010	Benjamin
2035	Benjamin
2105	Benjamin
2113	Benjamin
2117	Benjamin
2121	Benjamin
2205	Benjamin
2209	Benjamin
2213	Benjamin
2217	Benjamin
2221	Benjamin
2301	Benjamin
2305	Benjamin
2325	Benjamin
8317	Benjamin
8329	Benjamin
8337	Benjamin
8401	Benjamin
8405	Benjamin
8409	Benjamin
8413	Benjamin
8417	Benjamin
8425	Benjamin
8429	Benjamin
3507	Blanchard
2817	Blomquist
3412	Campagna

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Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

401	Center
1403	Center
1509	Center
1603	Center
1609	Center
1615	Center
1701	Center
1705	Center
1717	Center
1721	Center
1813	Center
1819	Center
1823	Center
1911	Center
1923	Center
1927	Center
1933	Center
2100	Center
2102	Center
2104	Center
3116	Chalona
416	Cougar
436	Cougar
444	Cougar
517	Cougar
605	Cougar
625	Cougar
633	Cougar
701	Cougar
709	Cougar
801	Cougar
813	Cougar
905	Cougar
917	Cougar
921	Cougar
1001	Cougar

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Nathan Gorbaty
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Councilman District C

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Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

1021	Cougar
1025	Cougar
1049	Cougar
2829	Creely
2409	Daniel
2417	Daniel
2421	Daniel
3121	Delambert
3201	Delambert
3221	Delambert
4909	E Judge Perez
3801	Evangeline
3809	Evangeline
4000	Evangeline
4004	Evangeline
4012	Evangeline
4021	Evangeline
4024	Evangeline
4025	Evangeline
4029	Evangeline
4109	Florida
4209	Florida
101	Fourth
2904	Gallo
2912	Gallo
3000	Gallo
3008	Gallo
3016	Gallo
3100	Gallo
3212	Gallo
3304	Gallo
3412	Gallo
3608	Gallo
3728	Gallo
3736	Gallo
3800	Gallo
3804	Gallo
3904	Gallo

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Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

3912	Gallo
3920	Gallo
1504	Genie
4024	Hamlet
4036	Hamlet
4044	Hamlet
4052	Hamlet
4056	Hamlet
4060	Hamlet
4064	Hamlet
8316	Hermitage
8301	Hermitage
8312	Hermitage
8313	Hermitage
8317	Hermitage
8320	Hermitage
8321	Hermitage
8324	Hermitage
8325	Hermitage
8328	Hermitage
8329	Hermitage
8332	Hermitage
8400	Hermitage
8401	Hermitage
8404	Hermitage
8405	Hermitage
8408	Hermitage
8409	Hermitage
8412	Hermitage
8416	Hermitage
8417	Hermitage
8420	Hermitage
8424	Hermitage
8425	Hermitage

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Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

3201	Inez
3209	Inez
2909	Jean Lafitte
508	Josephine
3529	Judy
3409	Jupiter
3625/27	Jupiter
3713	Kings
3729	Kings
3733	Kings
3800	Kings
3801	Kings
3809	Kings
3813	Kings
3817	Kings
3821	Kings
3825	Kings
3829	Kings
3921	Kings
3925	Kings
3929	Kings
4001	Kings
4005	Kings
3525/27	Kings
3529/31	Kings
3535/33	Kings
3547/45	Kings
3500	Lena
3501	Lena
1201	Magistrate
4000	Mistrot
4028	Mistrot
4108	Mistrot
4112	Mistrot

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Councilman District D

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Councilman District E

Roxanne Adams
Clerk of Council

4116	Mistrot
4120	Mistrot
3408	Mumphrey
3409	Mumphrey
2824	Munster
2901	Munster
4504	Newport
113	Norton
201	Norton
305	Norton
637	Norton
2	Packenham
6	Packenham
3332	Packenham
3001	Palmisano
6900	Patricia
7304	Patricia
1448	Perrin
505	Pierre
511/09	Pierre
3109	Plaza
3113	Plaza
3845	Plaza
3849	Plaza
3917	Plaza
8529	Prince
8533	Prince
8537	Prince
8541	Prince
2601	Reunion
2609	Reunion
2400	Riverbend
2508	Riverbend
3105	Rosetta
1510	Schnell
1516	Schnell
1522	Schnell

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Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

1616	Schnell
1730	Schnell
1736	Schnell
1804	Schnell
1808	Schnell
1820	Schnell
1904	Schnell
1916	Schnell
7227	St. Bernard Hwy.
3013	St. Marie
3201	St. Marie
3229	St. Marie
3301	St. Marie
3525	St. Marie
3815/13	Tournefort
3108	Volpe
3109	Volpe
3201	Volpe
104	West Claiborne
120	West Claiborne
122	West Claiborne
126	West Claiborne

SECTION 1.1 and to authorize the Parish President or the Chief Administrative Officer to execute all documents necessary to effectuate the transfers authorized by the ordinance.

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

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

St. Bernard Parish Council

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Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

YEAS: Lauga, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: Gorbaty

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

And the motion was declared **adopted** on the 28th day of December, 2012.

ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 12/31/12 1:05 pm
Date and Time

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council 1-3-13 9:11 am
Date and Time

Received by

St. Bernard Parish Council

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Richard "Richie" Lewis
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Casey W. Hunnicutt
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Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#24

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 FRIDAY, DECEMBER 28, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1363-12-12

Summary No. 2886
Introduced by: Administration on 12/14/12
Planning Commission recommended **Approval**
Public Hearing held on 12/28/12

AN ORDINANCE TO APPROVE **DOCKET Z-2012-020,** PETITION OF FRANK P. AUDERER III, FOR A REZONING OF ONE PARCEL FROM I-2 (HEAVY INDUSTRIAL) TO R-2 (TWO--FAMILY RESIDENTIAL) TO ACCOMMODATE RENOVATION OF AN EXISTING AND PREVIOUSLY "LEGAL-BUT-NONCONFORMING" DUPLEX. PROPERTY IS DESIGNATED AS LOT 17-A, SQUARE 3, FRISCOVILLE. SITE ADDRESS: **348/350-A/350-B FRISCOVILLE AVENUE**, ARABI, LA 70032.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. that **Docket Z-2012-020,** a petition of Frank P. Auderer III for a zoning change of one parcel from "I-2, (Heavy Industrial)" to "R-2, (Two-Family Residential)" to accommodate renovation of an existing and previously "legal-but-nonconforming" duplex for the following described property:

Municipal Address designated as 348/350-A/350-B Friscoville Avenue, Arabi, LA 70032

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

St. Bernard Parish Council

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Councilman at Large

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Councilman District A

Nathan Gorbaty
Councilman District B

Richard "Richie" Lewis
Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

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

YEAS: Lauga, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: Gorbaty

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

And the motion was declared **adopted** on the 28th day of December, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 12/31/12 1:06 pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 1-3-13 9:11am
Date and Time

Received by Roxanne Adams

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Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#25

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 FRIDAY, DECEMBER 28, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1364-12-12

Summary No. 2887
Introduced by: Administration on 12/14/12
Planning Commission recommended **Approval w/amendments**
Public Hearing held on 12/28/12

AN ORDINANCE TO APPROVE **DOCKET Z-2012-021,** PETITION OF RANDY J. MUSCARELLO, SR., FOR A REZONING OF ONE PARCEL FROM R-2 (TWO-FAMILY RESIDENTIAL) TO C1 (NEIGHBORHOOD COMMERCIAL) FOR DEVELOPMENT OF A RECORDS STORAGE / MANAGEMENT / ARCHIVING FACILITY. PROPERTY IS DESIGNATED AS LOTS 7-A-1 AND 8-A-1, SQUARE 146, VERSAILLES SUBDIVISION. SITE ADDRESS: **3108 DELAMBERT STREET,** CHALMETTE, LA 70043.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. that **Docket Z-2012-021,** a petition of Randy J. Muscarello, Sr. for a zoning change of one parcel from R-2 (Two-Family Residential) to C-2 (General Commercial) for development of a records storage-management-archiving facility for the following described property:

Municipal Address designated as 3108 Delambert Street, Chalmette, LA 70043.

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,

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Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

paragraph, provision or portion of this ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

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

YEAS: Lauga, Lewis, Hunnicutt, Montelongo, Cavignac

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 28th day of December, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 12/31/12 1:05 pm
Date and Time

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council 1-3-13 9:11 am
Date and Time

Received by Roxanne Adams

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Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

#26

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 FRIDAY, DECEMBER 28, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1365-12-12

Summary No. 2888
Introduced by: Administration on 12/14/12
Planning Commission recommended **Approval w/conditions**
Public Hearing held on 12/28/12

AN ORDINANCE TO APPROVE **DOCKET Z-2012-022,** PETITION OF 212 AYCOCK, LLC REPRESENTATIVE: BRANNON LEBOEUF, FOR A CONDITIONAL USE PERMIT TO ALLOW THE RE-OPENING OF A RECREATIONAL INDOOR FIRING RANGE. PROPERTY IS DESIGNATED AS LOTS 9, 10, 11, 12,13, AND 14, SQUARE "B", AYCOCK INDUSTRIAL PARK SUBDIVISION IN ST. BERNARD PARISH, SITE ADDRESS: **208-212 AYCOCK STREET,** ARABI, LA 70032.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. that **Docket Z-2012-022,** a petition of 212 Aycock, LLC representative: Brannon Leboeuf for conditional use permit to allow the re-opening of a recreational indoor firing range for the following described property:

Municipal Address designated as 208-212 Aycock Street, Arabi, LA 70032.

Conditional Use Requirements:

To be completed before Certificate of Occupancy is issued:

1. Provide min. 15' in length, sound baffles on side walls adjacent to firing line, from finished floor to 8' above finished floor.
2. Provide soundboards along side walls from finished floor to 8' above finished floor.
3. Provide spray foam insulation (.5lb density) min thickness of 6", on all perimeter walls 8' above finished floor and entire interior ceiling area.
4. Provide sound reduction measures on all louvers, vents, and exhaust.

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Councilman District E

Roxanne Adams
Clerk of Council

To be completed within 12 months of Certificate of Occupancy issued:

1. Provide rubber Kevlar backstop mat for full length of backstop wall.

Material Specifications:

- 75% of all exposed surfaces in range shall be treated with acoustical products
- That all acoustical products have NRC values of 0.85 or higher based on tests at third-octave band frequencies from 125 to 4,000 hertz (Hz)
- That all acoustic products used are guaranteed by the manufacturer to maintain their absorption values at sound intensities that exceed 160 dB
- That all soundboard used have a minimum density of not less than two-pounds (2 lbs.) per square-foot per one-inch (1") of board.

Operational conditions:

1. Sound levels may not exceed 85 dB in retail area of building.
2. Sound levels may not exceed 75 dB at property line at anytime.

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

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

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

YEAS: Lauga, Lewis, Hunnicutt, Montelongo, Cavignac

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Councilman District C

Casey W. Hunnicutt
Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

NAYS: None

ABSENT: Gorbaty

The Chairman, Mr. McInnis, cast his vote as **NAY.**

And the motion was declared **adopted** on the 28th day of December, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 12/31/12 1:05 pm
Date and Time

Approved _____ Vetoed _____

Parish President _____
David E. Peralta

Returned to Clerk of the Council 1-7-13 11:11 am
Date and Time

Received by Roxanne Adams

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Councilman District E

Roxanne Adams
Clerk of Council

#29

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 FRIDAY, DECEMBER 28, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1366-12-12

Summary No. 2891
Introduced by: Administration on 12/14/12
Public Hearing held on 12/28/12

AN ORDINANCE ACCEPTING THE DONATION OF THE FOLLOWING PROPERTY (LOTS A & B, ORIGINALLY PART OF LOT 24 IN CORINNE AND MYRTLE GROVE PLANTATION) TO ST. BERNARD PARISH GOVERNMENT.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

WHEREAS, The Parish Council believes it to be in the best interest of the citizens of St. Bernard Parish and St. Bernard Parish Government to accept the donation of Lots A & B, originally part of Lot 24 in Corinne and Myrtle Grove Plantation, from the present owner, Harry M. Fisher Sr., said immovable property is more particularly described in Exhibit A, which is attached to and is a part of this Ordinance, as the property may be needed for water treatment plant expansion in the future and/or for other purposes that will benefit the Parish;

SECTION 1. The Parish Council hereby authorizes the Parish President to accept the donation of Lots A & B, originally part of Lot 24 in Corinne and Myrtle Grove Plantation, to St. Bernard Parish Government, from the present owner Harry M. Fisher Sr., said immovable property is more particularly described in Exhibit A, which is attached to and is a part of this Ordinance, and authorizes the Parish President to execute any and all documents necessary to effectuate the donation.

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.

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Councilman District C

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Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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.

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

YEAS: Lauga, Lewis, Hunnicutt, Montelongo

NAYS: None

ABSENT: Gorbaty, Cavignac

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

And the motion was declared **adopted** on the 28th day of December, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 12/31/12 1:05pm
Date and Time

Approved ✓ Vetoed _____

Parish President

David E. Peralta

Returned to Clerk of the Council 1-3-13 9:11am
Date and Time

Received by Roxanne Adams

Exhibit A to Summary No. 2891

LOT A

A CERTAIN PIECE OR PORTION OF GROUND SITUATED IN THE STATE OF LOUISIANA, PARISH OF ST. BERNARD, BEING A PART OF ORIGINAL LOT 24 IN CORINNE AND MYRTLE GROVE PLANTATION, BOUNDED BY C-D CANAL, MUNSTER BOULEVARD, GENIE STREET, AND BARTOLO DRIVE, DESIGNATED LOT A, AND MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCE FROM THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF BARTOLO DRIVE AND THE SOUTHERLY RIGHT OF WAY OF GENIE STREET, MEASURE THENCE IN A WESTERLY DIRECTION N65°12'00"E, A DISTANCE OF 71.00 FEET TO A POINT, THE POINT OF BEGINNING.

MEASURE THENCE FROM THE POINT OF BEGINNING IN A SOUTHERLY DIRECTION S24°48'00"W, A DISTANCE OF 1492.53 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF THE C-D CANAL; MEASURE THENCE IN A WESTERLY DIRECTION ALONG SAID NORTHERLY LINE N61°54'06"W, A DISTANCE OF 190.67 FEET; MEASURE THENCE IN A NORTHERLY DIRECTION N24°48'00"E, A DISTANCE OF 1481.56 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF GENIE STREET; THENCE ALONG SAID SOUTHERLY LINE, IN AN EASTERLY DIRECTION S56°12'00"E, A DISTANCE OF 190.35 FEET TO A POINT, THE POINT OF BEGINNING.

LOT B

A CERTAIN PIECE OR PORTION OF GROUND SITUATED IN THE STATE OF LOUISIANA, PARISH OF ST. BERNARD, BEING A PART OF ORIGINAL LOT 24 IN CORINNE AND MYRTLE GROVE PLANTATION, BOUNDED BY C-D CANAL, MUNSTER BOULEVARD, GENIE STREET, AND BARTOLO DRIVE, DESIGNATED LOT B, AND MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCE FROM THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF BARTOLO DRIVE AND THE NORTHERLY RIGHT OF WAY OF GENIE STREET, MEASURE THENCE IN A WESTERLY DIRECTION N65°12'00"E, A DISTANCE OF 71.00 FEET TO A POINT, THE POINT OF BEGINNING.

CONTINUE THENCE FROM THE POINT OF BEGINNING ALONG SAID NORTHERLY LINE IN A WESTERLY DIRECTION N65°12'00"W, A DISTANCE OF 190.35; MEASURE THENCE IN A NORTHERLY DIRECTION N24°48'00"E, A DISTANCE OF 1293.63 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF FLORIDA AVENUE; MEASURE THENCE IN AN EASTERLY DIRECTION ALONG SAID SOUTHERLY LINE S68°29'49"E, A DISTANCE OF 190.67 FEET; MEASURE THENCE IN A SOUTHERLY DIRECTION S24°48'00"W, A DISTANCE OF 1304.60 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF GENIE DRIVE, THE POINT OF BEGINNING.

# # #

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Councilman District E

Roxanne Adams
Clerk of Council

#30

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 FRIDAY, DECEMBER 28, 2012 AT THREE O'CLOCK P.M.

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

ORDINANCE SBPC #1367-12-12

Summary No. 2892
Introduced by: Council on 12/14/12
Public Hearing held on 12/28/12

AN ORDINANCE TO **AMEND ORDINANCE SBPC #1346-11-12,** REQUIRING THAT ST. BERNARD PARISH GOVERNMENT PROVIDE THE PUBLIC READ ONLY ACCESS TO THE ST. BERNARD PARISH COMPLAINT SYSTEM.

WHEREAS, the St. Bernard Parish currently has a online system in place to log and update all incoming complaints made by residents of St. Bernard Parish, and;

WHEREAS, the Council is desirous of providing the public with read only access to said system;" and

NOW THEREFORE BE IT RESOLVED, That St. Bernard Parish Council, the Governing Authority, does hereby require that St. Bernard Parish Government provide the public read only access to the St. Bernard Parish Complaint System

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That St. Bernard Parish Council, the Governing Authority, does hereby require that St. Bernard Parish Government provide any complainer read only access to his/her own complaint in the St. Bernard Parish Complaint System.

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.

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Councilman District D

Manuel "Monty" Montelongo III
Councilman District E

Roxanne Adams
Clerk of Council

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

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

YEAS: Lauga, Lewis, Hunnicutt, Montelongo

NAYS: None

ABSENT: Gorbaty, Cavignac

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

And the motion was declared **adopted** on the 28th day of December, 2012.

Roxanne Adams
ROXANNE ADAMS
CLERK OF COUNCIL

GUY MCINNIS
COUNCIL CHAIR

Delivered to the Parish President 12/31/12 1:05 pm
Date and Time

Approved ✓ Vetoed _____

Parish President
David E. Peralta

Returned to Clerk of the Council 1-3-13 9:11am
Date and Time

Received by Roxanne Adams