

**2013-0261**

**INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV**

A resolution requesting that the Public Works Department, through the Parish Administration, provide to the Parish Council a written and oral Special Report explaining why the law, which the Parish Council put in place regarding subdivision inspections needing to be performed prior to the expiration of the warranty period, was not followed with respect to the latest phase of Hidden Oaks Subdivision.

- WHEREAS,** on November 3, 2008, the St. Charles Parish Council adopted Ordinance No. 08-11-2 providing that the Code of Ordinances, Parish of St. Charles be amended by revising APPENDIX C, Section II Subdivision procedure, H. Acceptance of Improvements, 1. Procedure; and,
- WHEREAS,** this ordinance requires the Public Works Department to develop a standard inspection checklist covering each possible warranted item constructed or installed within a new subdivision; and,
- WHEREAS,** the ordinance required that the checklist be used by the Parish during the inspection of the subdivisions with the developer (or its authorized representative) within a 2 week period prior to the end of the warranty period; and,
- WHEREAS,** the ordinance required that the executed checklist be signed by the Parish and the developer on the day of the inspection acknowledging any deficiencies which were found and which are to be addressed by the developer; and ,
- WHEREAS,** that within 5 days following the inspection, the Parish Council shall be forwarded a copy of the completed inspection checklist along with a copy of a Public Works letter formally informing the developer of items to be addressed; and,
- WHEREAS,** the Parish Council did not receive a copy of the completed inspection report therefore correspondence was sent on January 17, 2013, to the Public Works Department Director hereby requesting a copy of the said checklist; and,
- WHEREAS,** on February 22, 2013, the Parish Council still had not received said inspection report therefore prompting a memorandum to be sent to the Parish President requesting the Administration to submit a copy of all records, documents, memos, emails, inspection reports, notes, and the like as required, documenting the Administration's compliance set forth in the inspection ordinance; and,
- WHEREAS,** on April 12, 2013, the requested inspection report was received and noted numerous deficiencies in need of repair prompting correspondence to the Parish President requesting that the developer make repairs; and,
- WHEREAS,** on May 28, 2013, correspondence was received by the Chief Administrative Officer stating that "the Administration remains in the position that the subdivision was in the condition that it is currently in when the Parish assumed ownership and therefore the Administration is not prepared to require the developer to make repairs to the subdivision at this time"; and,
- WHEREAS,** in accordance with Article III, Section A, 7.c.iii., of the Home Rule Charter, the Parish Council may request a Special Report from Parish Officers concerning affairs of their respective Departments; and,
- WHEREAS,** the purpose of this resolution is for the Parish Official, in this case the Public Works Director, through the Administration, to explain to the Council and the taxpayers of this Parish, in both a detailed written and oral special report, as to why the Public Works Department and the Administration did not follow the procedure which the Parish Council put in place regarding subdivision inspections prior to the warranty expiration on a dedicated subdivision, as it relates to latest phase of Hidden Oaks Subdivision; and,
- WHEREAS,** this detailed special report must detail in its entirety, from the adoption of the inspection Ordinance No. 08-11-2, every action of the Public Works Department took with regards to 1) following and enforcing the inspection ordinance or any portion of the ordinance, and/or 2) its failure to follow and/or enforce the inspection ordinance or any portion of the ordinance; and,
- WHEREAS,** the special report shall provide a detailed explanation and timeline with respect to all actions taken by the Department with regards to implementing or not implementing the provisions of the ordinance from its adoption through May 31, 2013; and,
- WHEREAS,** the special report shall present copies of and shall comment on all e-mails sent by Councilman Paul J. Hogan, PE with respect to this item and shall present copies of and shall comment on all e-mails sent by the Administration with respect to this item; and,
- WHEREAS,** the special report shall address the accuracy of information provided in the Administration's e-mails; and,
- WHEREAS,** any discrepancies between information provided by the Administration and contradictory facts are to be addressed and explained; and,

**WHEREAS,** the written special report is to be provided to the Parish Council no later 3:00 PM, August 26, 2013; and,

**WHEREAS,** an oral special report is to be given to the Parish Council at the September 3, 2013 Council meeting under Reports (Finance and Administrative Activities).

**NOW THEREFORE, BE IT RESOLVED THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL,** do hereby request that the Public Works Department, through the Parish Administration, provide to the Parish Council a written and oral Special Report explaining why the law, which the Parish Council put in place regarding subdivision inspections needing to be performed prior to the expiration of the warranty period, was not followed with respect to the latest phase of Hidden Oaks Subdivision.

The foregoing resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: SCHEXNAYDRE, WOODRUFF, HOGAN

NAYS: FAUCHEUX, WILSON, COCHRAN, FISHER-PERRIER

ABSENT: BENEDETTO, FLETCHER

PROPOSED RESOLUTION FAILED FOR LACK OF A FAVORABLE MAJORITY ON AUGUST 5, 2013.