



St. Charles Parish

Meeting Minutes

Parish Council

St. Charles Parish
Courthouse
15045 Highway 18
P.O. Box 302
Hahnville, LA 70057
985-783-5000
www.stcharlesparish-la.gov

Final

*Council Chairman Larry Cochran
Councilmembers Carolyn K. Schexnaydre, Jarvis Lewis,
Terrell D. Wilson, Mary Tastet, Wendy Benedetto, Paul J. Hogan,
Traci A. Fletcher, Julia Fisher-Perrier*

Monday, October 19, 2015

6:00 PM

Council Chambers, Courthouse

ATTENDANCE

Present 7 - Carolyn K. Schexnaydre, Terrell D. Wilson, Mary Tastet, Paul J. Hogan, Larry Cochran, Traci A. Fletcher, and Julia Fisher-Perrier
Absent 2 - Jarvis Lewis, and Wendy Benedetto

Also Present

Parish President V.J. St. Pierre, Jr., Chief Operations Officer Bobby Donaldson, Chief Administrative Officer Buddy Boe, Legal Director Leon C. Vial, III, Assistant Parish Attorney David Moyer, Public Works/Wastewater Director Sam Scholle, Planning & Zoning Director Michael Albert, Finance Director Grant Dussom, Public Information Officer Renee Simpson, Emergency Preparedness Director Ronald J. Perry, CZM Administrator Earl Matherne, General Superintendent Public Works and Contract Monitoring Stephen Truitt, Community Services Director Joan Tonglet Diaz, WIOA Director Tommy Scott

CALL TO ORDER

Meeting called to order at 6:01 pm.

PRAYER / PLEDGE

Pastor Tim Buford
First Baptist Church of Luling

APPROVAL OF MINUTES

A motion was made by Councilmember Fisher-Perrier, seconded by Councilmember Fletcher, to approve the minutes from the regular meeting of September 21, 2015 and the regular meeting of October 5, 2015 . The motion carried by the following vote:

Yea: 7 - Schexnaydre, Wilson, Tastet, Hogan, Cochran, Fletcher and Fisher-Perrier

Nay: 0

Absent: 2 - Lewis and Benedetto

SPECIAL BUSINESS (PROCLAMATIONS, CANVASS RETURNS, ETC.)

1 2015-0371

Proclamation: "National Alzheimer's Awareness Month"

Sponsors: Mrs. Tastet

Read

REPORTS (FINANCE AND ADMINISTRATIVE ACTIVITIES)

2015-0381

Workforce Investment Act (WIA)

Workforce Investment Act Director Tommy Scott

Mr. Scott informed the Council that WIA is now named Workforce Innovation and Opportunity Act (WIOA) per Act signed by President Barack Obama.

Reported

2015-0382

Department of Legal Services

Legal Services Director Leon C. Vial, III

Council Discussion

Mr. Vial spoke on the matter.

Chief Administrative Officer Buddy Boe spoke on the matter.

Reported

2015-0383

Contract Monitor

General Superintendent Public Works and Contract Monitoring Stephen Truitt

Council Discussion

Mr. Truitt spoke on the matter.

Ms. Chandra Sampey, Contract Monitor's Office, spoke on the matter.

Reported

Councilman Lewis arrived in the meeting.

2015-0363

Parish President Remarks/Report

Sponsors: Mr. St. Pierre Jr.

Parish President V.J. St. Pierre, Jr., deferred his report to allow United States Representative Garret Graves, 6th Congressional District, to address the Council.

Representative Graves spoke about the current Highway Bill and in November will be host to republicans and democrats on water resources and will be flying over St. Charles Parish.

Reported

IN ACCORDANCE WITH ARTICLE IV, SECTION B OF THE HOME RULE CHARTER, CHAIRMAN COCHRAN AUTHORIZED THAT THE ORDINANCE, HAVING BEEN PRESENTED FOR INTRODUCTION, DISTRIBUTED TO COUNCIL MEMBERS AND THE PARISH PRESIDENT, AND NOT REJECTED BY TWO-THIRDS OF THE COUNCIL MEMBERS, IS TO BE PUBLISHED IN SUMMARY FORM AS FOLLOWS IN THE OFFICIAL JOURNAL WITH NOTICE OF PUBLIC HEARING TO BE HELD ON TUESDAY, OCTOBER 27, 2015, 8:00 A.M.; THURSDAY, OCTOBER 29, 2015, 6:00 P.M.; AND TUESDAY NOVEMBER 3, 2015, 6:00 P.M., COUNCIL CHAMBERS, COURTHOUSE, HAHNVILLE, TO BE CONSIDERED FOR FINAL PASSAGE:

2015-0197

An ordinance to approve and adopt the appropriation of Funds for the St. Charles Parish Consolidated Operating and Capital Budget for Fiscal Year 2016.

Sponsors: Mr. St. Pierre Jr. and Department of Finance

Publish/Scheduled for Public Hearing to the Parish Council on October 27, 2015

IN ACCORDANCE WITH ARTICLE IV, SECTION B OF THE HOME RULE CHARTER, CHAIRMAN COCHRAN AUTHORIZED THAT THE ORDINANCES, HAVING BEEN PRESENTED FOR INTRODUCTION, DISTRIBUTED TO COUNCIL MEMBERS AND THE PARISH PRESIDENT, AND NOT REJECTED BY TWO-THIRDS OF THE COUNCIL MEMBERS, ARE TO BE PUBLISHED IN SUMMARY FORM AS FOLLOWS IN THE OFFICIAL JOURNAL WITH NOTICE OF PUBLIC HEARING TO BE HELD ON MONDAY, NOVEMBER 2, 2015, 6:00 P.M., COUNCIL CHAMBERS, COURTHOUSE, HAHNVILLE, TO BE CONSIDERED FOR FINAL PASSAGE:

2015-0378

An ordinance of the Parish of St. Charles providing that the Code of Ordinances, Parish of St. Charles, be amended by revising Chapter 24 Noise, Section 24-4. Maximum permissible sound limits. (Table 1), and Section 24-6. Prohibitions.

Sponsors: Mr. Hogan

Publish/Scheduled for Public Hearing to the Parish Council on November 2, 2015

2015-0374

An ordinance authorizing St. Charles Parish to enter into an 'Assignment of Flood Closure Structure Operation and Maintenance, WBV-75' with the Coastal Protection and Restoration Authority for the 'West Bank and Vicinity, New Orleans, Louisiana Hurricane Project, WBV-75, Western Tie-In BNSF Railroad Crossing, St. Charles Parish, Louisiana'.

Sponsors: Mr. St. Pierre Jr. and Department of Public Works

Publish/Scheduled for Public Hearing to the Parish Council on November 2, 2015

2015-0375

An ordinance authorizing St. Charles Parish to enter into an 'Assignment of Contract Covering Flood Gates and Levee Near Ama, St. Charles Parish, Louisiana, WBV-77' with the Coastal Protection and Restoration Authority for the 'WBV-77 (Western Tie-In) West Bank and Vicinity, Louisiana Project'.

Sponsors: Mr. St. Pierre Jr. and Department of Public Works

Publish/Scheduled for Public Hearing to the Parish Council on November 2, 2015

2015-0380

An ordinance to declaring the intent of St. Charles Parish to acquire full ownership in Lot 7, Square 13, New Sarpy Subdivision, pursuant to LSA-R.S. 47:2236, which has been adjudicated to St. Charles Parish in the name of the Louise Delevan wife of Vernon Jones for the non-payment of property taxes and to provide for related matters.

Sponsors: Mr. St. Pierre Jr. and Department of Legal Services

Publish/Scheduled for Public Hearing to the Parish Council on November 2, 2015

2015-0384

An ordinance to approve and authorize the execution of an Easement, Servitude, and Right-of-Way Agreement with Burgess Properties, LLC for construction of the LaBranche Salinity Control Structure.

Sponsors: Mr. St. Pierre Jr. and Department of Planning & Zoning

Publish/Scheduled for Public Hearing to the Parish Council on November 2, 2015

2015-0385

An ordinance to approve and authorize the execution of an Easement, Servitude, and Right-of-Way Agreement with Burgess St. Charles Land, LLC for construction of the LaBranche Salinity Control Structure.

Sponsors: Mr. St. Pierre Jr. and Department of Planning & Zoning

Publish/Scheduled for Public Hearing to the Parish Council on November 2, 2015

2015-0386

An ordinance to approve and authorize the execution of an Easement, Servitude, and Right-of-Way Agreement with George Burgess, Jr., Trust #2 for construction of the LaBranche Salinity Control Structure.

Sponsors: Mr. St. Pierre Jr. and Department of Planning & Zoning

Publish/Scheduled for Public Hearing to the Parish Council on November 2, 2015

2015-0387

An ordinance to approve and authorize the execution of an Easement, Servitude, and Right-of-Way Agreement with George Burgess, Jr., Trust #4 for construction of the LaBranche Salinity Control Structure.

Sponsors: Mr. St. Pierre Jr. and Department of Planning & Zoning

Publish/Scheduled for Public Hearing to the Parish Council on November 2, 2015

2015-0388

An ordinance to approve and authorize the execution of an Easement, Servitude, and Right-of-Way Agreement with J. Edgar Monroe Foundation for construction of the LaBranche Salinity Control Structure.

Sponsors: Mr. St. Pierre Jr. and Department of Planning & Zoning

Publish/Scheduled for Public Hearing to the Parish Council on November 2, 2015

2015-0389

An ordinance to approve and authorize the execution of an Easement, Servitude, and Right-of-Way Agreement with St. Charles Land Company, II, LLC for construction of the LaBranche Salinity Control Structure.

Sponsors: Mr. St. Pierre Jr. and Department of Planning & Zoning

Publish/Scheduled for Public Hearing to the Parish Council on November 2, 2015

2015-0390

An ordinance approving and authorizing the execution of Change Order No. 3 (Final) for Parish Project No. P020903, West Bank Multi-Use Path Phase III, State Project No. H.007552, Federal Aid Project No. 4510(500) to correct dollar amounts in the amount of \$202.05.

Sponsors: Mr. St. Pierre Jr. and Department of Public Works

Publish/Scheduled for Public Hearing to the Parish Council on November 2, 2015

2015-0391

An ordinance to amend the St. Charles Parish Zoning Ordinance of 1981, to change the land use zoning reclassification of a 130,680 square feet portion of Section 43 in T12S/R21E (North of Willowdale Subdivision) from R1-A to O-L as shown on a plat by Danny Hebert, dated June 12, 2015, as requested by Houston Energy.

Sponsors: Mr. St. Pierre Jr. and Department of Planning & Zoning

Publish/Scheduled for Public Hearing to the Parish Council on November 2, 2015

2015-0392

An ordinance to amend the St. Charles Parish Zoning Ordinance of 1981, to change the land use zoning reclassification from C-2 to R-3 at Lot Z1-A in front of Ormond Meadows Subdivision, located at 14194 River Road, Destrehan, as requested by Airlanzo Wells.

Sponsors: Mr. St. Pierre Jr. and Department of Planning & Zoning

Publish/Scheduled for Public Hearing to the Parish Council on November 2, 2015

2015-0393

An ordinance to amend the St. Charles Parish Zoning Ordinance of 1981, to change the land use zoning reclassification from R-1AM to C-2 on a portion of Lot 1-A, Square 1 of Crespo Subdivision at 11760 River Road, St Rose as requested by DVL Properties, LLC.

Sponsors: Mr. St. Pierre Jr. and Department of Planning & Zoning

Publish/Scheduled for Public Hearing to the Parish Council on November 2, 2015

2015-0394

An ordinance of the Parish of St. Charles, providing that the Code of Ordinances, Parish of St. Charles, be amended by revising Appendix A, the St. Charles Parish Zoning Ordinance of 1981, Section VI. Zoning district criteria and regulations., D., [I]. 1. c. Special Permit Uses in the M-1 Zoning District, by adding (10) to allow cemeteries as a Special Permit Use and shall require a supporting resolution of the Council.

Sponsors: Mr. Hogan

Publish/Scheduled for Public Hearing to the Parish Council on November 2, 2015

2015-0396

An ordinance to approve a resubdivision of the T.C. Dufrene Estate & Lot 21-A-3 into lots herein designated as Lot 21-A-4, Lot 21-A-5 and Lot 1-TCDE of the T.C. Dufrene Estate situated in Section 11, T14S R20E, Boutte, St. Charles Parish, La. Zoning District OL. Council District 4, as requested by Jody Fahrig.

Sponsors: Mr. St. Pierre Jr. and Department of Planning & Zoning

Publish/Scheduled for Public Hearing to the Parish Council on November 2, 2015

2015-0397

An ordinance to approve a resubdivision of Lot 25, Good Hope Subdivision, Annex C, into Lots 25A & 25B, Good Hope Subdivision, Annex C, situated in Section 6, T12S R8E, St. Charles Parish, La. Zoning District C-2 & R-1A. Council District 6, as requested by Romeo J. Dufresne.

Sponsors: Mr. St. Pierre Jr. and Department of Planning & Zoning

Publish/Scheduled for Public Hearing to the Parish Council on November 2, 2015

2015-0398

An ordinance of the Parish of St. Charles providing that the Code of Ordinances, Parish of St. Charles, be amended by revising Section 15-5, Motor Vehicles and Traffic, of said Code, to provide for the installation of “**NO PARKING ON GRASS**” signs in the cul de sac on Monsanto Avenue, closest to St. Maria Street in Luling.

Sponsors: Ms. Fisher-Perrier

Publish/Scheduled for Public Hearing to the Parish Council on November 2, 2015

2015-0399

An ordinance to amend the 2015 Consolidated Operating and Capital Budget to add Grant Revenues in the amount of \$235,000 and associated expenses - Improvements Other Than Buildings, for the new Generator for the Planning and Zoning Department.

Sponsors: Mr. St. Pierre Jr. and Department of Finance

Publish/Scheduled for Public Hearing to the Parish Council on November 2, 2015

2015-0400

An ordinance to approve and authorize the Parish President to execute a perpetual Right-of-Way and Servitude Agreement on behalf of the Gravity Drainage District # 2 of St. Charles Parish as Grantor, in favor of Maurepas Pipeline, LLC as Grantee, across five (5) separate tracts of land in Sections 6 and 21, Township 12 South, Range 8 East.

Sponsors: Mr. St. Pierre Jr. and Department of Public Works

Publish/Scheduled for Public Hearing to the Parish Council on November 2, 2015

2015-0401

An ordinance to approve and authorize the Parish President to execute a perpetual Right-of-Way and Servitude Agreement on behalf of St. Charles Parish Sewerage District No. 1 as Grantor, in favor of Maurepas Pipeline, LLC as Grantee, across one (1) tract of land in Section 21, Township 12 South, Range 8 East.

Sponsors: Mr. St. Pierre Jr. and Department of Public Works

Publish/Scheduled for Public Hearing to the Parish Council on November 2, 2015

2015-0395

An ordinance to revoke and abandon a 60-foot by 124.94 foot right-of-way for an undeveloped, unnamed street located between Lot 307, Fashion Plantation Estates, Phase II (700 S. Fashion Blvd) and Lot 308, Fashion Plantation Estates, Phase II (702 S. Fashion Blvd) in favor of the abutting property owners.

Sponsors: Mr. St. Pierre Jr. and Department of Planning & Zoning

Publish/Scheduled for Public Hearing to the Parish Council on November 2, 2015

**ORDINANCES SCHEDULED FOR PUBLIC HEARING
(INTRODUCED AT PREVIOUS MEETING)**

2 2015-0352

An ordinance of the Parish of St. Charles providing that the Code of Ordinances, Parish of St. Charles, be amended by revising Section 15-5, Motor Vehicles and Traffic, of said Code, to provide for the installation of “**NO PARKING**” signs at the corner of Kinler Street and Hackberry Street in Luling.

Sponsors: Ms. Fisher-Perrier

Reported:

Councilwoman Fisher-Perrier Recommended: Approval

Public Hearing Requirements Satisfied

VOTE ON THE PROPOSED ORDINANCE

Yea: 8 - Schexnaydre, Lewis, Wilson, Tastet, Hogan, Cochran, Fletcher and Fisher-Perrier

Nay: 0

Absent: 1 - Benedetto

Enactment No: 15-10-7

3 2015-0353

An ordinance to approve and authorize the execution of a Cooperative Endeavor Agreement with the St. Charles Community C.A.R.E. Center Foundation, Inc. for the provision of services.

Sponsors: Mr. St. Pierre Jr., Ms. Schexnaydre, Mr. Lewis, Mr. Wilson, Mrs. Tastet, Ms. Benedetto, Mr. Hogan, Mr. Cochran, Ms. Fletcher and Ms. Fisher-Perrier

Reported:

Parish President Recommended: Approval
Councilwoman Schexnaydre Recommended: Approval
Councilman Lewis Recommended: Approval
Councilman Wilson Recommended: Approval
Councilwoman Tastet Recommended: Approval
Councilwoman Benedetto Recommended: Approval
Councilman Hogan Recommended: Approval
Councilman Cochran Recommended: Approval
Councilwoman Fletcher Recommended: Approval
Councilwoman Fisher-Perrier Recommended: Approval

Chief Administrative Officer spoke on the matter.

Speakers:

Ms. Mary Lou Sumrall, President, St. Charles Community C.A.R.E. Center Foundation, Inc., Luling
Mr. Milton Allemand, Hahnville
Mr. David Moyer, Luling
Ms. Julie Hebert, Luling

Public Hearing Requirements Satisfied

VOTE ON THE PROPOSED ORDINANCE

Yea: 8 - Schexnaydre, Lewis, Wilson, Tastet, Hogan, Cochran, Fletcher and Fisher-Perrier

Nay: 0

Absent: 1 - Benedetto

Enactment No: 15-10-8

13 2015-0364

An ordinance approving and authorizing the execution of Change Order No. 1 for Parish Project No P120801, Randolph Pump Station Improvements, to increase the contract amount by \$73,305.50 and contract time by 14 days.

Sponsors: Mr. St. Pierre Jr. and Department of Public Works

Reported:

Public Works Department Recommended: Approval

Public Hearing Requirements Satisfied

Council Discussion

Public Works/Wastewater Director Sam Scholle spoke on the matter.

VOTE ON THE PROPOSED ORDINANCE

Yea: 8 - Schexnaydre, Lewis, Wilson, Tastet, Hogan, Cochran, Fletcher and Fisher-Perrier

Nay: 0

Absent: 1 - Benedetto

Enactment No: 15-10-9

16 2015-0365

An ordinance of the Parish of St. Charles providing that the Code of Ordinances, Chapter 16 Nuisances, Article III. Weeds and Grass, Etc., Section 16-26. Notice to abate. and Section 16-27. Abatement by parish. by amending the abatement procedures related to the required notification period.

Sponsors: Mr. St. Pierre Jr. and Department of Planning & Zoning

Reported:

P & Z Department Recommended: Approval

Public Hearing Requirements Satisfied

Council Discussion

Planning & Zoning Director Michael Albert spoke on the matter.

A motion was made by Councilmember Hogan, seconded by Councilmember Schexnaydre, to Postpone Indefinitely File No. 2015-0365. The motion failed by the following vote:

Yea: 3 - Schexnaydre, Hogan and Fletcher

Nay: 5 - Lewis, Wilson, Tastet, Cochran and Fisher-Perrier

Absent: 1 - Benedetto

Motion Failed

Further Council Discussion

Chief Administrative Officer Buddy Boe spoke on the matter.

VOTE ON THE PROPOSED ORDINANCE

Yea: 6 - Lewis, Wilson, Tastet, Cochran, Fletcher and Fisher-Perrier

Nay: 2 - Schexnaydre and Hogan

Absent: 1 - Benedetto

Enactment No: 15-10-10

17 2015-0370

An ordinance of the Parish of St. Charles providing that the Code of Ordinances, Parish of St. Charles, be amended by revising Chapter 16 Nuisances, Article III. Weeds, Grass, Etc., Section 16-26. Notice to Abate and Section 16-27. Abatement by parish to amend the abatement procedures related to the required notification period.

Sponsors: Mr. Hogan

Reported:

Councilman Hogan Recommended: Approval

Public Hearing Requirements Satisfied

Chief Administrative Officer Buddy Boe spoke on the matter.

Council Discussion

Mr. Boe spoke on the matter.

Planning & Zoning Director Michael Albert spoke on the matter.

Chairman Cochran requested Point of Order asking Councilman Hogan which ordinance he is referring to, the previous one that was adopted or the current proposed ordinance and asked him to get on with it.

Mr. Albert spoke on the matter.

Mr. Boe spoke on the matter.

Proposed ordinance failed for lack of a majority by the following vote:

Yea: 2 - Schexnaydre and Hogan

Nay: 6 - Lewis, Wilson, Tastet, Cochran, Fletcher and Fisher-Perrier

Absent: 1 - Benedetto

Failed

19 2015-0366

An ordinance to amend Chapter 22.5 Vehicles For Hire, Article II. Taxicabs to increase the application fee, amend the residence requirement, clarify the vehicle standard, and adopt the regional taxicab rate structure by reference.

Sponsors: Mr. St. Pierre Jr. and Department of Planning & Zoning

Reported:

P & Z Department Recommended: Approval

Speakers:

Reverend D. B. Mollaire, Ama

Mr. Milton Allemands, Hahnville

Chief Administrative Officer Buddy Boe spoke on the matter.

Mr. Christian Harlow, Destrehan

Public Hearing Requirements Satisfied

Council Discussion

Planning & Zoning Director Michael Albert spoke on the matter.

Ms. Marny Stein, Planning & Zoning Department, spoke on the matter.

Mr. Boe spoke on the matter.

VOTE ON THE PROPOSED ORDINANCE

Yea: 8 - Schexnaydre, Lewis, Wilson, Tastet, Hogan, Cochran, Fletcher and Fisher-Perrier

Nay: 0

Absent: 1 - Benedetto

Enactment No: 15-10-11

21 2015-0367

An ordinance to adopt the St. Charles Parish Local Coastal Program.

Sponsors: Mr. St. Pierre Jr. and Coastal Zone Management Section

Reported:

C Z M Section Recommended: Approval

C Z A C Recommended: Approval with Stipulations Approval as Amended

Speakers:

Mr. Milton Allemand, Hahnville

Public Hearing Requirements Satisfied

A motion was made by Councilmember Hogan, seconded by Councilmember Fisher-Perrier, that when File No. 2015-0367 is voted on that the Parish Council allows the State the authority to make any non-substantive changes brought forth tonight and any other changes that any member of the Council may bring forth before sending the Program to the State.

Yea: 8 - Schexnaydre, Lewis, Wilson, Tastet, Hogan, Cochran, Fletcher and Fisher-Perrier

Nay: 0

Absent: 1 - Benedetto

Motion Carried

VOTE ON THE PROPOSED ORDINANCE

Yea: 8 - Schexnaydre, Lewis, Wilson, Tastet, Hogan, Cochran, Fletcher and Fisher-Perrier

Nay: 0

Absent: 1 - Benedetto

Enactment No: 15-10-12

22 2015-0368

An ordinance to amend the St. Charles Parish Code of Ordinances by adding Chapter 26, the St. Charles Parish Local Coastal Program.

Sponsors: Mr. St. Pierre Jr. and Coastal Zone Management Section

Reported:

C Z M Section Recommended: Approval

C Z A C Recommended: Approval

Public Hearing Requirements Satisfied

A motion was made by Councilmember Hogan, seconded by Councilmember Wilson, that when File No. 2015-0368 is voted on that the Parish Council allows the State the authority to make any non-substantive changes brought forth tonight and any other changes that any member of the Council may bring forth before sending the Program to the State.

Yea: 8 - Schexnaydre, Lewis, Wilson, Tastet, Hogan, Cochran, Fletcher and Fisher-Perrier

Nay: 0

Absent: 1 - Benedetto

Motion Carried

VOTE ON THE PROPOSED ORDINANCE

Yea: 8 - Schexnaydre, Lewis, Wilson, Tastet, Hogan, Cochran, Fletcher and Fisher-Perrier

Nay: 0

Absent: 1 - Benedetto

Enactment No: 15-10-13

2015-0369

An ordinance instructing the Parish President to enter into a contract to perform a budgeted task, which he is legally obligated to do, and that it be done within fourteen (14) days following the Council's passing of this ordinance, and that the contract be entered into with Couvillion Group, LLC in the amount of \$29,000 which is the amount the Administration received in a bid it had requested and received and that it utilize the \$30,000 allotted in the 2015 Parish budget to perform the budgeted task of raising and disposing the sunken vessel "Pretty Boy" from the Scenic Waterway Bayou Des Allemands, and to authorize the employment of Special Legal Counsel to be selected by the Council Chairman for the purpose of 1) taking any and all legal action required on behalf of the St. Charles Parish Council in order to have a court of competent jurisdiction compel the Parish President to perform his legal obligation related to this matter should the Parish President not provide the Council with an executed contract with Couvillion Group, LLC within the time allotted above, and/or 2) to defend the St. Charles Parish Council should the Parish President elect to file suit against the St. Charles Parish Council as a result of the passing of this ordinance or any legal action required as a result of anything having to do with any of the subject matter noted above or contained within the following whereas', and be it known that the St. Charles Parish Council does hereby deem and declared that any part of this ordinance not found to be invalid by an agency or authority shall not invalidate the remaining portions of this ordinance.

Sponsors: Mr. Hogan

Reported:

Councilman Hogan Recommended: Approval

Speakers:

Mr. Milton Allemand, Hahnville

Public Hearing Requirements Satisfied

Council Discussion

A motion was made by Councilmember Hogan, seconded by Councilmember Fisher-Perrier, to Postpone Indefinitely File No. 2015-0369. The motion carried by the following vote:

Yea: 8 - Schexnaydre, Lewis, Wilson, Tastet, Hogan, Cochran, Fletcher and Fisher-Perrier

Nay: 0

Absent: 1 - Benedetto

Postponed Indefinitely

2015-0255

An ordinance of the Parish of St. Charles, providing that the Code of Ordinances, Parish of St. Charles, be amended by revising Chapter 19 Planning and Development, Article I. In General, Section 19-1. Planning and Zoning Commission, (b), to add term limits on Council appointments to the Planning and Zoning Commission.

Sponsors: Mr. Hogan

Reported:

Councilman Hogan Recommended: Approval

Speakers:

Mr. Milton Allemand, Hahnville

Public Hearing Requirements Satisfied

Council Discussion

A motion was made by Councilmember Hogan, seconded by Councilmember Wilson, to Postpone Indefinitely File No. 2015-0255. The motion carried by the following vote:

Yea: 8 - Schexnaydre, Lewis, Wilson, Tastet, Hogan, Cochran, Fletcher and Fisher-Perrier

Nay: 0

Absent: 1 - Benedetto

Postponed Indefinitely

ORDINANCES/RESOLUTIONS WHICH HAVE BEEN TABLED

2015-0294

An ordinance to amend the St. Charles Parish Zoning Ordinance of 1981, to change the land use zoning reclassification from C-3 to M-1 on a 21.7 acre portion of land located at 13840 Old Spanish Trail, Boutte, as requested by TuJack G. Hoover.

Sponsors: Mr. St. Pierre Jr. and Department of Planning & Zoning

File No. 2015-0294 Postponed Indefinitely per Parish Council Rule 8. #8.
Ordinances/Resolutions Which Have Been Tabled [Shall only appear on two (2) subsequent regular meeting Agendas]

Postponed Indefinitely (Council Rule 8)

46 2015-0330

A resolution providing mandatory supporting authorization for approval of a Special Permit Use for an accessory dwelling unit (ADU) on land zoned R-1A with the condition that all utilities are extended from the primary structure at 11202 River Road, as requested by John M. Cole.

Sponsors: Mr. St. Pierre Jr. and Department of Planning & Zoning

A motion was made by Councilmember Cochran, seconded by Councilmember Tastet, to Remove File No. 2015-0330 from the Table. The motion carried by the following vote:

Yea: 8 - Schexnaydre, Lewis, Wilson, Tastet, Hogan, Cochran, Fletcher and Fisher-Perrier

Nay: 0

Absent: 1 - Benedetto

Removed from the Table

Reported:

P & Z Department Recommended: Approval w/Stipulation Approval with the condition that the utilities extend from the primary structure at 11202 River Road, St. Rose

Planning Commission Recommended: Approval w/Stipulation Approval with the condition that the utilities extend from the primary structure at 11202 River Road, St. Rose

A motion was made by Councilmember Cochran, seconded by Councilmember Wilson, to open File No. 2015-0330 for public hearing. The motion carried by the following vote:

Yea: 8 - Schexnaydre, Lewis, Wilson, Tastet, Hogan, Cochran, Fletcher and Fisher-Perrier

Nay: 0

Absent: 1 - Benedetto

Public Hearing Opened

Speakers:

Mr. Milton Allemand, Hahnville

Ms. Geralyn Dell, St. Rose

Ms. Stephanie Mire, St. Rose

Ms. Jody Berry, St. Rose

Planning & Zoning Director Michael Albert spoke on the matter.

Ms. Patricia Dunn, St. Rose

Mr. John M. Cole, New Orleans

Ms. Mara Acosta, St. Rose

Mr. Harold Berry, St. Rose

Public Hearing Requirements Satisfied

Council Discussion

Mr. Albert spoke on the matter.

Mr. John Cole spoke on the matter.

Proposed resolution failed for lack of a majority by the following vote:

Yea: 0

Nay: 8 - Schexnaydre, Lewis, Wilson, Tastet, Hogan, Cochran, Fletcher and Fisher-Perrier

Absent: 1 - Benedetto

Failed

47 2015-0372

A resolution providing mandatory supporting authorization for approval of a Special Permit Use for an accessory dwelling unit (ADU) on land zoned R-1A with a waiver to the requirement that ADU shall use the electrical service to the primary structure and with the condition that utilities shall remain extended from the primary structure at 320 Wade Street, Luling as requested by Coastal Permitting LLC for James and Gena DeSoto.

Sponsors: Mr. St. Pierre Jr. and Department of Planning & Zoning

Chairman Cochran exited the meeting.

In Chairman Cochran's absence, Vice-Chairwoman Fletcher assumed the meeting.

Vice-Chairwoman Fletcher began to read File No. 2015-0372 and was interrupted by Mr. Milton Allemand calling Point of Order in the audience.

Vice-Chairwoman Fletcher called Mr. Allemand Out of Order; Mr. Allemand was dismissed from the Council Chambers.

Vice-Chairwoman Fletcher began to read File No. 2015-0372 again.

Reported:

P & Z Department Recommended: Approval w/Stipulation Approval of the Special Permit Use with the condition that utilities shall remain extended from the primary structure at 320 Wade Street, Luling

Planning Commission Recommended: Approval w/Stipulation Approval of the Special Permit Use with the condition that utilities shall remain extended from the primary structure at 320 Wade Street, Luling

Planning & Zoning Director Michael Albert spoke on the matter requesting Point of Order stating that File No. 2015-0372 is a permitting issue and not a zoning issue, and he believes that the Council is on firm ground to take action on the supporting resolution.

Council Discussion

Mr. Albert spoke on the matter.

Chairman Cochran returned to the meeting.

A motion was made by Councilmember Cochran, seconded by Councilmember Fisher-Perrier, to open File No. 2015-0372 for public hearing. The motion carried by the following vote:

Yea: 8 - Schexnaydre, Lewis, Wilson, Tastet, Hogan, Cochran, Fletcher and Fisher-Perrier

Nay: 0

Absent: 1 - Benedetto

Public Hearing Opened

Speakers:

Ms. Julie Hebert, Coastal Permitting, LLC, Luling

Public Hearing Requirements Satisfied

Enactment No: 6193

VOTE ON THE PROPOSED RESOLUTION

Yea: 8 - Schexnaydre, Lewis, Wilson, Tastet, Hogan, Cochran, Fletcher and Fisher-Perrier

Nay: 0

Absent: 1 - Benedetto

Enactment No: 6193

Chairman Cochran assumed the meeting.

2015-0377

A resolution supporting the Land and Water conservation Fund and its benefits for conservation and outdoor recreation.

Sponsors: Mr. St. Pierre Jr. and Coastal Zone Management Section

Reported:

C Z M Section Recommended: Approval
Chief Administrative Officer Buddy Boe spoke on the matter.

Amendment: to amend the proposed resolution to add "BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Louisiana Federal Delegation."

A motion was made by Councilmember Fletcher, seconded by Councilmember Wilson, to Amend File No. 2015-0377. The motion carried by the following vote:

Yea: 6 - Schexnaydre, Lewis, Wilson, Hogan, Cochran and Fletcher

Nay: 0

Absent: 3 - Tastet, Benedetto and Fisher-Perrier

Amended

48 2015-0377

A resolution supporting the Land and Water conservation Fund and its benefits for conservation and outdoor recreation.

Sponsors: Mr. St. Pierre Jr. and Coastal Zone Management Section

VOTE ON THE PROPOSED RESOLUTION AS AMENDED

Yea: 7 - Schexnaydre, Lewis, Wilson, Tastet, Hogan, Cochran and Fletcher

Nay: 0

Absent: 2 - Benedetto and Fisher-Perrier

Enactment No: 6194

49 2015-0379

A resolution to grant permission to the Knights of Columbus, Red Church Council No. 3634, 375 Spruce Street, Norco, LA 70079, to solicit contributions at the intersections of I-310 and River Road (Hwy 48) by the Eastbank Bridge Park, Ormond Boulevard and Airline Drive (U.S. 61), Ormond Boulevard and River Road, Greaud's Grocery Store on Apple Street, Winn Dixie at 12519 Airline Drive (U.S. 61), Destrehan, and River Road Market at 13572 River Road, Destrehan on October 23rd and 24th, 2015, between the hours of 9:00 A.M. and 7:00 P.M.

Sponsors: Ms. Fletcher

Reported:

Councilwoman Fletcher Recommended: Approval

VOTE ON THE PROPOSED RESOLUTION

Yea: 8 - Schexnaydre, Lewis, Wilson, Tastet, Hogan, Cochran, Fletcher and Fisher-Perrier

Nay: 0

Absent: 1 - Benedetto

Enactment No: 6195

2015-0373

A resolution requesting that Senator Gary L. Smith, Jr., and Representative Gregory A. Miller seek to enact a bill in the next Legislative Session to amend the Louisiana Revised Statute 14:95.6 to replace the wording "Firearm-free zone" with new wording as they see fit that would indicate that there may be individuals with guns authorized by law located within the currently restricted areas or that they have Louisiana Revised Statute 14:95.6 repealed in its entirety.

Sponsors: Mr. Hogan

Reported:

Councilman Hogan Recommended: Approval

Council Discussion

Chief Administrative Officer Buddy Boe spoke on the matter suggesting the proposed resolution be amended.

Amendment: to amend the proposed resolution in the "SUMMARY" and in the "NOW, THEREFORE, BE IT RESOLVED Section" to change "... Louisiana Revised Statute 14:95.6 to replace the wording "Firearm-free zone" with new wording as they see fit that would indicate that there may be individuals with guns ..." to read "... Louisiana Revised Statute 14:95.6 to indicate that there may be individuals with guns ..."

A motion was made by Councilmember Lewis, seconded by Councilmember Hogan, to Amend File No. 2015-0373. The motion carried by the following vote:

Yea: 8 - Schexnaydre, Lewis, Wilson, Tastet, Hogan, Cochran, Fletcher and Fisher-Perrier

Nay: 0

Absent: 1 - Benedetto

Amended

50 2015-0373

A resolution requesting that Senator Gary L. Smith, Jr., and Representative Gregory A. Miller seek to enact a bill in the next Legislative Session to amend the Louisiana Revised Statute 14:95.6 to indicate that there may be individuals with guns authorized by law located within the currently restricted areas or that they have Louisiana Revised Statute 14:95.6 repealed in its entirety.

Sponsors: Mr. Hogan

VOTE ON THE PROPOSED RESOLUTION AS AMENDED

Yea: 8 - Schexnaydre, Lewis, Wilson, Tastet, Hogan, Cochran, Fletcher and Fisher-Perrier

Nay: 0

Absent: 1 - Benedetto

Enactment No: 6196

51 2015-0376

A resolution to authorize the Council Chairman to employ Special Legal Counsel to represent the St. Charles Parish Council to compel the Parish President to perform his legal obligation to enter into a contract to perform a budgeted task, which he is legally obligated to do, to raise and dispose the sunken vessel "Pretty Boy" from the Scenic Waterway Bayou Des Allemands and/or to defend the St. Charles Parish Council should the Parish President elect to file suit against the St. Charles Parish Council as a result of anything having to do with anything relative to the sunken vessel "Pretty Boy".

Sponsors: Mr. Hogan

Reported:

Councilman Hogan Recommended: Approval

Council Discussion

Chief Administrative Officer Buddy Boe spoke on the matter.

Parish President V.J. St. Pierre, Jr., spoke on the matter.

Legal Services Director Leon C. Vial, III, spoke on the matter.

Councilwoman Fisher-Perrier requested Point of Order and called for the vote.

Councilman Hogan continued to discuss the issue.

Chairman Cochran called Councilman Hogan "Out of Order".

Proposed resolution failed for lack of a majority by the following vote:

Yea: 3 - Schexnaydre, Tastet and Hogan

Nay: 5 - Lewis, Wilson, Cochran, Fletcher and Fisher-Perrier

Absent: 1 - Benedetto

Failed

2015-0261

A resolution to amend the Parish Council Rules to revise Rule 11 to allow for the author of a proposed ordinance and/or proposed resolution to explain its purpose upon being given the floor after its reading by the Council Chairman and to provide for a second opportunity to speak following the discussion of other members.

Sponsors: Mr. Hogan

Council Rule 19. The rules may be repealed, altered, or amended by concurrence of a majority of all Councilmen, but motion for this purpose must be in writing, and lie over for at least one week after introduction before final passage.

Held Over for Final Action on Monday, November 2, 2015

APPOINTMENTS

2013-0293

A resolution to appoint a member to the Industrial Development Board.

Councilwoman Fletcher nominated Mr. Kenneth "Kenny" Perrier

Nomination(s) Accepted

Councilwoman Fisher-Perrier explained her reason for abstaining.

A motion was made by Councilmember Wilson, seconded by Councilmember Hogan, to Close Nomination(s) for File No. 2013-0293. The motion carried by the following vote:

Yea: 6 - Lewis, Wilson, Tastet, Hogan, Cochran and Fletcher

Nay: 0

Abstain: 1 - Fisher-Perrier

Absent: 2 - Schexnaydre and Benedetto

Nomination(s) Closed

ADJOURNMENT

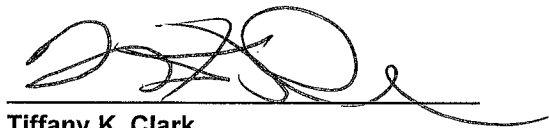
A motion was made by Councilmember Fletcher, seconded by Councilmember Fisher-Perrier, to adjourn the meeting at approximately 9:04 pm. The motion carried by the following vote:

Yea: 7 - Lewis, Wilson, Tastet, Hogan, Cochran, Fletcher and Fisher-Perrier

Nay: 0

Absent: 2 - Schexnaydre and Benedetto

I HEREBY CERTIFY THE FOREGOING TO BE EXACT AND TRUE.



Tiffany K. Clark
Council Secretary

PROCLAMATION

- WHEREAS,** *Alzheimer's Disease, a progressive, degenerative disorder that attacks the brain's nerve cells, is among the top 10 leading causes of death in the United States. It is estimated that as many as 5.1 million Americans have been diagnosed; and,*
- WHEREAS,** *Alzheimer's is the most common form of Dementia, a general term that describes a group of symptoms such as loss of memory, judgment, language, complex motor skills, and other intellectual function-caused by the permanent damage or death of the brain's nerve cells; and,*
- WHEREAS,** *Alzheimer's is not a normal part of aging, although the greatest known risk factor is increasing age, and the majority of people with Alzheimer's are 65 years and older; and,*
- WHEREAS,** *although every case of Alzheimer's Disease is different, experts have identified common warning signs of the brain disease and it is important to look for signs that might indicate Alzheimer's Disease versus basic forgetfulness or other conditions. With Alzheimer's Disease, these symptoms gradually increase and become more persistent; and,*
- WHEREAS,** *typical warning signs include: Memory loss, especially of recent events, names, placement of objects, and other new information, confusion about time and place, struggling to complete familiar actions, such as brushing teeth or getting dressed, trouble finding the appropriate words, completing sentences, and following directions and conversations, poor judgment when making decisions, changes in mood and personality, such as increased suspicion, rapid and persistent mood swings, withdrawal, and disinterest in usual activities, and difficulty with complex mental assignments, such as balancing a checkbook or other tasks involving numbers; and,*
- WHEREAS,** *although current Alzheimer's treatments cannot stop Alzheimer's from progressing, they can temporarily slow the worsening of dementia symptoms and improve the quality of life for those with Alzheimer's and their caregivers; and,*
- WHEREAS,** *today, there is a worldwide effort under way to find better ways to treat the disease, delay its onset, and prevent it from developing; and,*
- WHEREAS,** *Walk to End Alzheimer's is the world's largest event to raise awareness and funds for Alzheimer's care, support, and research. From September through November every year, there are several walk events held in Louisiana. Please go to www.alz.org or call toll free 1-800-272-3900 for more information.*

NOW, THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL AND THE PARISH PRESIDENT, DO HEREBY PROCLAIM THE MONTH OF NOVEMBER 2015 AS

“NATIONAL ALZHEIMER’S AWARENESS MONTH”

IN ST. CHARLES PARISH AND URGE ALL COMMUNITY MEMBERS TO LEARN MORE ABOUT ALZHEIMER’S DISEASE AND SUPPORT THE INDIVIDUALS LIVING WITH THIS DISEASE AND THEIR CAREGIVERS.

s/V.J. ST. PIERRE, JR.
V.J. ST. PIERRE, JR.
PARISH PRESIDENT
ABSENT

JARVIS LEWIS
COUNCILMAN AT LARGE, DIV. B
s/TERRELL D. WILSON

TERRELL D. WILSON
COUNCILMAN, DISTRICT I
s/MARY TASTET

MARY TASTET
COUNCILWOMAN, DISTRICT II
ABSENT

WENDY BENEDETTO
COUNCILWOMAN, DISTRICT III

s/CAROLYN K. SCHEXNAYDRE
CAROLYN K. SCHEXNAYDRE
COUNCILWOMAN AT LARGE, DIV. A
s/PAUL J. HOGAN, PE

PAUL J. HOGAN, PE
COUNCILMAN, DISTRICT IV
s/LARRY COCHRAN

LARRY COCHRAN
COUNCILMAN, DISTRICT V
s/TRACI A. FLETCHER

TRACI A. FLETCHER
COUNCILWOMAN, DISTRICT VI
s/JULIA FISHER-PERRIER

JULIA FISHER-PERRIER
COUNCILWOMAN, DISTRICT VII

2015-0352

INTRODUCED BY: JULIA FISHER-PERRIER, COUNCILWOMAN, DISTRICT VII
ORDINANCE NO. 15-1037

An ordinance of the Parish of St. Charles providing that the Code of Ordinances, Parish of St. Charles, be amended by revising Section 15-5, Motor Vehicles and Traffic, of said Code, to provide for the installation of "NO PARKING" signs at the corner of Kinler Street and Hackberry Street in Luling.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. Traffic control signs have been posted by the Department of Public Works since the adoption of Ordinance No. 82-10-9.

SECTION II. Vehicles parking at the corner of these streets are repeatedly causing an obstruction for school buses, garbage trucks, and other vehicles.

SECTION III. In accordance with Section 15-5, Motor Vehicles and Traffic, of the St. Charles Parish Code of Ordinances, the Department of Public Works is hereby authorized to order the erection, removal and location of such traffic control signs, signals, devices and markings as provided in the chapter or any amendments thereto.

NOW, THEREFORE, WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL, DO HEREBY ORDAIN that "NO PARKING" signs be installed at the corner of Kinler Street and Hackberry Street in Luling.

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

YEAS: SCHEXNAYDRE, LEWIS, WILSON, TASTET, HOGAN, COCHRAN,
FLETCHER, FISHER-PERRIER
NAYS: NONE
ABSENT: BENEDETTO

And the ordinance was declared adopted this 19th day of October, 2015, to become effective five (5) days after publication in the Official Journal.

2015-0352 NO PARKING corner of Kinler and Hackberry, Luling
CHAIRMAN: _____
SECRETARY: _____
DLVD/PARISH PRESIDENT: 10/21/15
APPROVED: _____ DISAPPROVED: _____
PARISH PRESIDENT: VJW
RETD/SECRETARY: 10/21/15
AT: Lo:SSan RECD BY: [Signature]

2015-0353

INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
ST. CHARLES PARISH COUNCIL

ORDINANCE NO. 15-10-8

An ordinance to approve and authorize the execution of a Cooperative Endeavor Agreement with the St. Charles Community C.A.R.E. Center Foundation, Inc. for the provision of services.

WHEREAS, Article VII, Section 14 (C) of the Louisiana Constitution of 1974 provides that for a public purpose, the State and its political subdivision or political corporations may engage in cooperative endeavors with each other or with any other private association, corporation or individuals; and,

WHEREAS, Article VII, Section 14(B) of the Louisiana Constitution of 1974 provides that public funds may be used for programs of social welfare for the aid and support of the needy; and,

WHEREAS, practical considerations necessitate that offices work together in order to effectuate efficient planning and coordination efforts and services in support of the mission and function of the St. Charles Parish Children and Youth Planning Board as set forth in Louisiana Revised Statute 46:1941.2; and,

WHEREAS, the Parish and CARE wish to assist by providing the above mentioned services assisting CARE in beginning its operation; and,

WHEREAS, the Parish has agreed to assist CARE with providing initial startup funds; and,

WHEREAS, The St. Charles Parish Council has provided funds for use in regard to implementation of this Cooperative Endeavor Agreement as specifically set forth in Ordinance No. 15-2-3, with File No. 2015-0027 which is attached hereto as Exhibit "B"; and,

WHEREAS, the residents of St. Charles Parish will benefit from the efforts of the Parish and CARE working to assist in the furtherance of the above mentioned services.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Cooperative Endeavor Agreement with the St. Charles Community C.A.R.E. Center Foundation, Inc. for the provision of services, be hereby approved and accepted.

SECTION II. That the Parish President is hereby authorized to execute said Cooperative Endeavor Agreement on behalf of St. Charles Parish.

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

YEAS: SCHEXNAYDRE, LEWIS, WILSON, TASTET, HOGAN, COCHRAN,
FLETCHER, FISHER-PERRIER
NAYS: NONE
ABSENT: BENEDETTO

And the ordinance was declared adopted this 19th day of October, 2015, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: 10/21/15

APPROVED: DISAPPROVED: _____

PARISH PRESIDENT: [Signature]

RETD/SECRETARY: 10/21/15

AT: 10:55 am RECD BY: [Signature]

COOPERATIVE ENDEAVOR AGREEMENT

BETWEEN

ST. CHARLES PARISH

AND

ST. CHARLES COMMUNITY C.A.R.E. CENTER FOUNDATION, INC.

This agreement is made and entered into on this ____ day of _____, 2015, by and between **St. Charles Parish**, hereinafter ("Parish"), represented by V.J. St. Pierre, Parish President, and **St. Charles Community C.A.R.E. Center Foundation, Inc.** hereinafter ("CARE"), represented by its President, Mary Lou Sumrall.

WHEREAS, Article VII, Section 14 (C) of the Louisiana Constitution of 1974 provides that for a public purpose, the State and its political subdivision or political corporations may engage in cooperative endeavors with each other or with any other private association, corporation or individuals; and

WHEREAS, Article VII, Section 14(B) of the Louisiana Constitution of 1974 provides that public funds may be used for programs of social welfare for the aid and support of the needy; and

WHEREAS, practical considerations necessitate that offices work together in order to effectuate efficient planning and coordination efforts and services in support of the mission and function of the St. Charles Parish Children and Youth Planning Board as set forth in Louisiana Revised Statute 46:1941.2 which said services may include the following: to participate in the implementation and coordination following formulation of and to prepare a comprehensive implementation plan for services and programs for children and youth in St. Charles Parish; to assist in the development, implementation, and operation of services which encourage positive development, diversion of children and youth from the criminal justice and foster care system, reduction in the commitments of youth to state institutions, and providing community response to the growing rate of juvenile delinquency; to coordinate and implement programs such as prevention, early intervention, diversion, alternatives to incarceration, treatment services, the

assessment, alignment, coordination, prioritization, and measurement of all available services and programs that address the needs of children and youth including those at risk for, or identified with: social, emotional, or developmental problems, including, but not limited to educational failure, abuse, neglect, exposure to violence, juvenile or parental mental illness, juvenile or parental substance abuse, poverty, developmental disabilities and delinquency; to encourage collaborative efforts among local stakeholders for assessing the physical, social, behavioral, and educational needs of children and youth in their respective communities and for assisting in the development of comprehensive plans to address such needs; and to implement and administer the St. Charles Parish Co-Parenting Program, after it is established;

WHEREAS, the Parish and CARE wish to assist by providing the above mentioned services assisting CARE in beginning its operation; and

WHEREAS, the Parish has agreed to assist CARE with providing initial start up funds; and

WHEREAS, the St. Charles Parish Children and Youth Planning Board both supports this Cooperative Endeavor Agreement and will monitor its implementation, as set forth more fully in the Resolution that it duly passed as its Board of Directors meeting on July 22, 2015, which is attached hereto as Exhibit "A"; and

WHEREAS, THE St. Charles Parish Council has provided funds for use in regard to implementation of this Cooperative Endeavor Agreement as specifically set forth in Ordinance No. 15-2-3, with File No. 2015-0027 which is attached hereto as Exhibit "B"; and

WHEREAS, the residents of St. Charles Parish will benefit from the efforts of the Parish and CARE working to assist in the furtherance of the above mentioned services.

NOW, THEREFORE, the Parish and CARE hereby agree as follows:

SECTION 1-SERVICES

CARE will provide the above referenced services and the Parish will provide Thirty Thousand dollars (\$30,000.00) to CARE towards the initial start up costs of the C.A.R.E. Center, whereby the Payments shall be made in three equal payments in the amount of Ten Thousand

Dollars and No/Cents (\$10,000.00) beginning on the 1st day of October 2015 and then on January 1, 2016 and April 1, 2016. (See Parish 2015-16 Budget, specifically-General Funds-Community Programs General-Account Code 760 GRANTS).

SECTION 2-DURATION

This agreement is for a period of twelve (12) months, commencing on October 1, 2015 and ending September 30, 2016.

SECTION 3-COMMUNITY

The residents of St. Charles Parish will enjoy substantial community benefits as a result of participation in this agreement as practical considerations necessitate that the Parish and CARE WORK together in order to effectuate an effective and efficient Children and Youth Planning Board and Co-Parenting Board and a coordinated and comprehensive array of social and behavioral health services and supports.

SECTION 4- INDEPENDENT CONTRACTOR

CARE hereby agrees and accepts that it shall be acting as an independent contractor. It is understood and agreed by the parties that CARE is entering into this Agreement in the capacity of an independent contractor and that nothing contained in this Agreement is intended to be construed as creating any other relationship between Parish and CARE.

The parties hereto acknowledge and agree that Parish shall not:

- a. Withhold federal or state income taxes;
- b. Withhold federal social security tax (FICA);
- c. Pay federal or state unemployment taxes for the account of CARE; or
- d. Pay workman's compensation insurance premiums for coverage for CARE;

CARE agrees to be responsible for and to pay all applicable federal and state income taxes, federal social security tax (or self-employment tax in lieu thereof) and any other applicable federal or state unemployment taxes.

CARE agrees to indemnify and hold Parish harmless from any and all federal and/or state income tax liability, including taxes, interest and penalties, resulting from Parish's treatment of CARE as an independent contractor.

CARE further agrees to reimburse Parish for any and all costs it incurs, including, but not limited to, accounting fees and legal fees, in defending itself against any such liability.

SECTION 5-INDEMNIFICATION

The Parish, its agents and employees shall not be liable for any loss, damage, injuries, or other casualty or claim of any kind whatsoever or caused by whomsoever, to the person or property (including the C.A.R.E. Center) arising out of or resulting from the operation of the C.A.R.E. Center, whether due in whole or in part to negligent acts of omissions of the Parish, its agents or employees, and CARE hereby agrees to indemnify and hold the Parish, its agents and employees harmless from and against all claims, demands, liabilities, suits or actions (including all reasonable expenses and attorneys' fees incurred by or imposed on the Parish in connection therewith) for any such loss, damage, injury or other casualty. CARE also agrees to pay all reasonable expenses and attorneys' fees incurred by the Parish in connection with the provisions of this SECTION.

SECTION 6-REPORTS

Quarterly narrative reports shall be furnished to the Parish's Director of Administration, Director of Finance and the Parish President.

SECTION 7-COST AND COLLECTION RECORDS

The Parish shall be entitled to audit the books, documents, papers and records of the Board of Directors of CARE pertaining to funding, expenses and financial documents. CARE shall maintain all books, documents, papers, accounting records and other evidence pertaining to funds collected and shall make such materials available at their respective offices at all reasonable times during the agreement period and for three years from the date of final payment under this Agreement, for inspection by the Parish, and copies thereof shall be furnished if requested. This shall not include any documentation which is privileged or confidential by law, regulations, or any other authority.

SECTION 8-NOTICE

All notices and correspondence required shall be addressed as follows:

ST. CHARLES PARISH:

Mr. V.J. St. Pierre, Jr.
Parish President
St. Charles Parish Government
St. Charles Parish Courthouse
15045 River Road
Hahnville, LA 70057

ST. CHARLES COMMUNITY C.A.R.E. CENTER:

Ms. Mary Lou Summral
Chairperson
104 Cottage Drive
Luling, LA 70070

SECTION 9-TERMINATION

This Agreement may be terminated by either party by giving the other party sixty (60) days written notice of such intention.

SECTION 10-ASSIGNMENT

This Agreement shall be binding upon the successors and assigns for the parties hereto.

SECTION 11-JURISDICTION

The C.A.R.E. Center does, by signing this Agreement, yield to the jurisdiction of the 29th Judicial District Court, Parish of St. Charles and formally waives any pleas of lack of jurisdiction, in the event of a suit under this Agreement.

SECTION 12-SEVERABILITY


If any provision of this Agreement is held invalid by a Court of competent jurisdiction, such provision will be deemed amended in a manner which renders it valid, or if it cannot be amended it will be deemed to be deleted. Such amendment or deletion will not affect the validity of any other provisions of this Agreement.

SECTION 13-ENTIRE AGREEMENT

This Agreement constitutes the entire Agreement between the Parish and CARE, and supersedes all prior negotiations, representations or agreements, either written or oral. This

Agreement may be amended only by written consent signed by both the Parish and CARE.

PARISH OF ST. CHARLES

By: 
V.J. St. Pierre, Jr., Parish President

Date: 10-21-15

ST. CHARLES COMMUNITY C.A.R.E. CENTER FOUNDATION, INC.

By: _____
Mary Lou Sumrall

Date: _____

ST. CHARLES CHILDREN AND YOUTH PLANNING BOARD

RESOLUTION

On the 22 day of July, 2015, at a meeting of the **St. Charles Parish Children and Youth Planning Board** with a requisite quorum present, the Board passed the following Resolution by a majority of the voting members present:


Whereas, the **St. Charles Parish Children and Youth Planning Board** has engaged in a comprehensive planning process to develop enhanced human and behavioral health services for the citizens of St. Charles Parish, including the establishment of a community care center;

And Whereas, citizens of St. Charles Parish have formed a non-profit corporation in Louisiana, namely the **St. Charles Parish Community C.A.R.E. Center Foundation, Inc.**, which was duly and properly incorporated, to effectuate, implement and carry out this purpose of developing enhanced human and behavioral health services for the citizens of St. Charles Parish; therefore

BE IT RESOVED THAT:

The **St. Charles Parish Children and Youth Planning Board** fully supports the allocation and disbursement of funds in the amount **Thirty Thousand Dollars And No Cents (\$30,000.00)** in this fiscal year (2015-2016) to the **St. Charles Parish Community C.A.R.E. Center Foundation, Inc.** pursuant to a **Cooperative Endeavor Agreement**, that is accepted and approved by the **St. Charles Parish Council**, which shall be monitored during its implementation by **St. Charles Parish Children and Youth Planning Board**.

By the Secretary:


Tiffany K. Clark

2015-0027

**INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(DEPARTMENT OF FINANCE)**

ORDINANCE NO. 15-2-3

An ordinance to amend the 2015 Consolidated Operating and Capital Budget to add revenues and associated expenses for Fund 001 – General Fund – District Court – Division D (001-400207) in the amount of \$30,000 to account code 760 – Grants - to fund payment for behavioral health planning and other social services to be rendered through the establishment of a Cooperative Endeavor Agreement between St. Charles Parish Government and the St. Charles Community C.A.R.E. Center, Inc. in a public-private partnership, as well as to rollover Grant Revenue and Associated Expenses not spent in 2014 for Fund 001-400611 Coastal Zone Management in the amount of \$3,743,446 for the East LaBranche Shoreline Protection Project.

WHEREAS, the 2015 St. Charles Parish Consolidated Operating and Capital Budget was adopted October 28, 2014 by Ordinance No. 14-10-20; and,

WHEREAS, the Council has taken under consideration the study of the amendment to the St. Charles Parish Consolidated Operating and Capital Budget for fiscal year 2015 as shown by the Revision Schedule.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That in accordance with the provisions of Article V, Sections D, E, and F of the St. Charles Parish Home Rule Charter and with the Louisiana Local Government Budget Act (R.S. 39:1301 et. seq.), the St. Charles Parish Council does hereby amend the 2015 St. Charles Parish Consolidated Operating and Capital Budget, as amended, as per "Exhibit A".

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

YEAS: SCHEXNAYDRE, LEWIS, WILSON, WOODRUFF, BENEDETTO, HOGAN, COCHRAN, FLETCHER, FISHER-PERRIER
NAYS: NONE
ABSENT: NONE

And the ordinance was declared adopted this 9th day of February, 2015, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: 2-10-15

APPROVED: DISAPPROVED: _____

PARISH PRESIDENT: [Signature]

RETD/SECRETARY: 2/10/15

AT: 3:36pm RECD BY: [Signature]

ST. CHARLES PARISH

GOVERNMENTAL FUNDS

CONSOLIDATED OPERATING AND CAPITAL BUDGET SUMMARY STATEMENT FISCAL YEAR ENDING DECEMBER 31, 2015

Description	Current Year				Upcoming Year		
	Original Budget	Last Adopted Budget	Actual Year-to-Date (as of June 30th)	Estimate Remaining for Year	Projected Actual Year End	Proposed Budget	% Change Projected Actual vs Proposed
BEGINNING FUND BALANCE	60,654,946	85,361,776			89,763,272	59,460,275	
Prior Period Adjustment							
FUND BALANCE - RESTATED	60,654,946	85,361,776			89,763,272	59,460,275	
CURRENT YEAR REVENUES & OTHER FINANCING SOURCES	94,614,178	111,108,400	46,485,184	49,758,942	96,244,126	100,876,352	4.81%
TOTAL MEANS OF FINANCING	155,269,124	196,470,176			186,007,398	160,336,627	
EXPENDITURES & OTHER FINANCING USES:							
PERSONAL SERVICES	28,605,213	28,573,354	12,473,065	13,800,103	26,273,168	29,433,454	12.03%
OPERATING SERVICES	14,005,452	17,144,378	4,499,899	13,174,632	17,674,531	15,346,051	-13.17%
MATERIALS & SUPPLIES	6,060,797	6,075,608	1,866,069	3,782,313	5,648,382	5,892,203	4.32%
OTHER CHARGES	786,138	767,277	275,763	527,924	803,687	837,129	4.16%
DEBT SERVICE	3,332,436	3,332,436	2,820,129	527,043	3,347,172	3,510,669	4.88%
CAPITAL OUTLAY	48,461,161	85,232,617	6,115,286	48,514,423	54,629,709	54,370,570	-0.47%
INTERGOVERNMENTAL TRANSFERS	8,442,147	8,442,147	5,090,972	3,769,914	8,860,886	8,920,410	0.67%
TOTAL	22,299,427	23,626,006	2,088,891	7,220,697	9,309,588	20,999,972	125.57%
TOTAL	131,992,771	173,193,823	35,230,074	91,317,049	126,547,123	139,310,458	
NET CHANGE IN CURRENT REVENUES & OTHER SOURCES OVER EXPENDITURES & OTHER USES	(37,378,593)	(62,085,423)			(30,302,997)	(38,434,106)	
ENDING FUND BALANCE	23,276,353	23,276,353			59,460,275	21,026,169	

2015-0364

INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(DEPARTMENT OF PUBLIC WORKS)

ORDINANCE NO. 15-10-9

An ordinance approving and authorizing the execution of Change Order No. 1 for Parish Project No P120801, Randolph Pump Station Improvements, to increase the contract amount by \$73,305.50 and contract time by 14 days.

WHEREAS, Ordinance No. 15-4-9 adopted April 6, 2015 by the St. Charles Parish Council awarded construction of Parish Project No P120801, Randolph Pump Station Improvements, to Sealevel Construction, Inc. in the amount of \$770,450.00; and,

WHEREAS, the cost increase is required to install an additional foundation, additional sheetpile struts, and move the screen bridge 5ft further away from the pump station; and

WHEREAS, the additional time is needed to install these additions

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That Change Order No. 1 for Parish Project No. P120801, Randolph Pump Station Improvements, to increase the contract amount by \$73,305.50 and increase the contract time by 14 days is hereby approved and accepted.

SECTION II. That the Parish President is hereby authorized to execute said Change Order on behalf of St. Charles Parish.

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

YEAS: SCHEXNAYDRE, LEWIS, WILSON, TASTET, HOGAN, COCHRAN, FLETCHER, FISHER-PERRIER

NAYS: NONE

ABSENT: BENEDETTO

And the ordinance was declared adopted this 19th day of October, 2015, to become effective five (5) days after this publication in the official journal.

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: 10/21/15

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: VJ St Pierre

RETD/SECRETARY: 10/21/15

AT: 10:55a RECD BY: [Signature]

SECTION 00806

CHANGE ORDER

No. 1

DATE OF ISSUANCE 9/29/15 EFFECTIVE DATE _____

OWNER St. Charles Parish
CONTRACTOR Sealevel Construction, Inc.
Contract: Randolph Pump Station Improvements
Project: Randolph Pump Station Improvements
OWNER's Contract No. P120801 ENGINEER's Contract No. 11016
ENGINEER Professional Engineering Consultants Corporation

You are directed to make the following changes in the Contract Documents:

Description:

1. Delete the Following Work Items:
NONE

Total of Deducted Items = *(\$00.00)*

2. Add the Following Work Items:
- a. New Contract Item # 1.1: *Relocate Bridge 5' Upstream*
Addition of \$24,307.50 (L.S.). See attached cost estimate for details.
 - b. New Contract Item # 2.1: *Additional Concrete Foundation*
Addition of \$20,875.00 (L.S.). See attached cost estimate for details.
 - c. New Contract Item # 2.2: *Install W10 Strut & C9 Waler*
Addition of \$28,123.00 (L.S.). See attached cost estimate for details.

Total of Added Work Items = *(+\$73,305.50)*

3. Revise the Following Work Item Quantities:
NONE

Total of Change in Work Items Quantity = *(\$00.00)*

The addition of items 2.1 and 2.2 will require an addition of 14 days to the contract time.

Reason for Change Order:

- 1. Deleted Work Items
N/A
- 2. Add Work Items
 - a. In order to facilitate proper grading/drainage of the site adjacent to the new waskey bridge deck and to provide access to the existing drainage pump station sump area; the new waskey bridge, mechanical bar screens and screen foundation piles will be relocated from Sta. 10+20 to Sta. 10+25.
 - b. Additional concrete foundation support necessary for the new mechanical bar screens.
 - c. Install struts between the steel sheet pile walls across the clear opening. Required for proper placement of the mechanical bar screens in the canal.
- 3. Revise Work Item Quantities
N/A

Attachments: Detailed cost of extras and spreadsheet of actual values for each item. (15 pages)

CHANGE IN CONTRACT PRICE:
Original Contract Price \$ <u>770,450.00</u>
Net Increase (Decrease) from previous Change Orders No. ___ to ___: \$ <u>N/A</u>
Contract Price prior to this Change Order: \$ <u>770,450.00</u>
Net increase (decrease) of this Change Order: \$ <u>+73,305.50</u>
Contract Price with all approved Change Orders: \$ <u>843,755.50</u>

CHANGE IN CONTRACT TIMES:
Original Contract Times: Substantial Completion: <u>November 30, 2015</u> Ready for final payment: <u>January 14, 2016</u> (days or dates)
Net change from previous Change Orders No. ___ to No. ___: Substantial Completion: <u>N/A</u> Ready for final payment: <u>N/A</u> (days)
Contract Times prior to this Change Order: Substantial Completion: <u>November 30, 2015</u> Ready for final payment: <u>January 14, 2016</u> (days or dates)
Net increase (decrease) this Change Order: Substantial Completion: <u>14 Days</u> Ready for final payment: <u>14 Days</u> (days)
Contract Times with all approved Change Orders: Substantial Completion: <u>December 14, 2015</u> Ready for final payment: <u>January 28, 2016</u> (days or dates)

RECOMMENDED:

By: [Signature]
ENGINEER (Authorized Signature)

Date: 9/30/15

APPROVED:

By: [Signature]
OWNER (Authorized Signature)

Date: 10-21-15

ACCEPTED:

By: [Signature]
CONTRACTOR (Authorized Signature)

Date: 10/6/15

INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(DEPARTMENT OF PLANNING & ZONING)

ORDINANCE NO. 15-10-10

An ordinance of the Parish of St. Charles providing that the Code of Ordinances, Chapter 16 Nuisances, Article III. Weeds and Grass, Etc., Section 16-26. Notice to abate. and Section 16-27. Abatement by parish. by amending the abatement procedures related to the required notification period.

- WHEREAS, The St. Charles Parish Council acknowledges property containing tall grass is a threat to public health, safety and welfare; and,
- WHEREAS, neighboring property owners are due a timely response from St. Charles Parish Code Enforcement; and,
- WHEREAS, the Code Enforcement Department cannot take action until un-receipted written notices to the Planning and Zoning Office before the abatement process can proceed on property containing grass which exceeds one (1) foot; and,
- WHEREAS, the unsigned registered or certified mail return time can be over 30 days before the department receives the information back from the Post Office; and,
- WHEREAS, often the height of the tall grass is far beyond compliance at the notification return date; and,
- WHEREAS, the St. Charles Parish Council desires a streamlined abatement notification process and faster compliance in instances where notices are refused by property owners.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the St. Charles Parish Code of Ordinances, Chapter 16 Nuisances, Article III. Weeds and Grass, Etc., Section 16-26. Notice to abate. (a) be amended as follows:

(a) By mail: The parish shall notify, by registered or certified mail, the owner, or his agent, of any property on which tall grass and/or trash may be located in violation of section 16-25, to cut, destroy or remove such tall grass and/or trash from the premises involved, which notice shall be sent to the owner of such property (as shown on the latest assessment rolls of the parish) or his agent. This notice will identify the property and notify the owner or his agent to perform any necessary work at his own expense within five (5) working days after receipt of the notice.

SECTION II. That the St. Charles Parish Code of Ordinances Chapter 16 Nuisances, Article III. Weeds and Grass, Etc., Section 16-27. Abatement by parish. be amended as follows:

If the required work is not done by the property owner or his agent within five (5) working days after receipt of written notice, the parish may proceed to have the necessary work done either by parish employees or an independent contractor.

If the written notice is returned to the parish un-receipted for any reason and at least five (5) working days have lapsed since the published notice, or thirty days after the notice has been received by the Post Office and at least five (5) working days have lapsed since the published notice, the parish may proceed to have the necessary work done either by parish employees or an independent contractor. The owner will be charged a fee of two and one-half cents (\$0.025) per square foot of the lot cleaned. The contractor's fee for performing these services shall be at the rate of two cents (\$0.02) per square foot of the lot cleaned. In the event a mini-cleanup is required prior to performing the above services, a fee of forty dollars (\$40.00) per mini-cleanup plus actual disposal fees will be assessed, not to exceed ten (10) mini-cleanups per property in violation. On property where trash and/or debris accumulation is such that it requires heavy equipment, bulldozer, front-end loaders, etc., a fee of forty dollars (\$40.00) per cubic yard will be assessed and added to the actual disposal fees. An administrative fee of twenty-five dollars (\$25.00) may be assessed on each invoice. The fees in this section shall be increased or decreased February first of each year by the change in CPI applicable to the U.S. cities average group, all urban consumers, all items, published by the U.S. Department of Labor, Bureau of Labor Statistics, for the preceding twelve-month period ending each November. The change shall become effective beginning with the period ending November 30, 2000. The department of finance shall notify the department of planning and zoning in writing annually of the revised fees.

An additional fine of five hundred dollars (\$500.00) will be assessed to any property, with the exception of adjudicated property which is cut by the parish more than three (3) times in one (1) calendar year.

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

- YEAS: LEWIS, WILSON, TASTET, COCHRAN, FLETCHER, FISHER-PERRIER
- NAYS: SCHEXNAYDRE, HOGAN
- ABSENT: BENEDETTO

And the ordinance was declared adopted this 19th day of October, 2015, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____
 SECRETARY: _____
 DLVD/PARISH PRESIDENT: 10/21/15
 APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: [Signature]
 RETD/SECRETARY: 10/21/15
 AT: 10:55a RECD BY: [Signature]

2015-0370

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

An ordinance of the Parish of St. Charles providing that the Code of Ordinances, Parish of St. Charles, be amended by revising Chapter 16 Nuisances, Article III. Weeds, Grass, Etc., Section 16-26. Notice to Abate and Section 16-27. Abatement by parish to amend the abatement procedures related to the required notification period.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Code of Ordinances, Chapter 16 Nuisances, Article III. Weeds, Grass, Etc., Section 16-26. Notice to Abate (a) be amended and add (a)(1) as follows:

Section. 16-26. Notice to Abate

(a) By mail: The parish shall notify, by ~~registered~~ or certified mail, the owner, or his agent, of any property on which tall grass and/or trash may be located in violation of section 16-25, to cut, destroy or remove such tall grass and/or trash from the premises involved, which notice shall be sent to the owner of such property (as shown on the latest assessment rolls of the parish) or **to** his agent. This notice will identify the property and notify the owner or his agent to perform any necessary work at his own expense within five (5) working days after receipt of the notice.

(1) The notice shall advise the owner or his agent that subsequent repeat violations, after having been provided notice as required in Section 16-26(a) within the preceding 12 months, shall only require notice by certified mail and that the parish may proceed to have the necessary work done either by parish employees or an independent contractor after five (5) days have lapsed following the owner or his agent's receipt of the written notice and immediately upon the written notice being returned to the Parish un-receipted for any reason.

SECTION II. That the Code of Ordinances, Chapter 16 Nuisances, Article III. Weeds, Grass, Etc., Section 16-27. Abatement by parish be amended as follows:

Section. 16-27. Abatement by parish

If the required work is not done by the property owner or his agent within five (5) working days after receipt of written notice **of a violation or a subsequent repeat violation**, the parish may proceed to have the necessary work done either by parish employees or an independent contractor.

If the written notice **of a violation** is returned to the parish un-receipted for any reason and at least five (5) working days have lapsed since the published notice, or thirty days after the notice has been received by the Post Office and at least five (5) working days have lapsed since the published notice, the parish may proceed to have the necessary work done either by parish employees or an independent contractor. **If the written notice regarding a subsequent repeat violation is returned to the parish un-receipted for any reason after having been provided notice as required in Section 16-26(a) within the preceding 12 months, the parish may proceed to have the necessary work done either by parish employees or an independent contractor after five (5) days have lapsed after its receipt.** The owner will be charged a fee of two and one-half cents (\$0.025) per square foot of the lot cleaned. The contractor's fee for performing these services shall be at the rate of two cents (\$0.02) per square foot of the lot cleaned. In the event a mini-cleanup is required prior to performing the above services, a fee of forty dollars (\$40.00) per mini-cleanup plus actual disposal fees will be assessed, not to exceed ten (10) mini-cleanups per property in violation. On property where trash and/or debris accumulation is such that it requires heavy equipment, bulldozer, front-end loaders, etc., a fee of forty dollars (\$40.00) per cubic yard will be assessed and added to the

actual disposal fees. An administrative fee of twenty-five dollars (\$25.00) may be assessed on each invoice. The fees in this section shall be increased or decreased February first of each year by the change in CPI applicable to the U.S. cities average group, all urban consumers, all items, published by the U.S. Department of Labor, Bureau of Labor Statistics, for the preceding twelve-month period ending each November. The change shall become effective beginning with the period ending November 30, 2000. The department of finance shall notify the department of planning and zoning in writing annually of the revised fees.

An additional fine of five hundred dollars (\$500.00) will be assessed to any property, with the exception of adjudicated property which is cut by the parish more than three (3) times in one (1) calendar year.

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

YEAS: SCHEXNAYDRE, HOGAN

NAYS: LEWIS, WILSON, TASTET, COCHRAN, FLETCHER, FISHER-PERRIER

ABSENT: BENEDETTO

PROPOSED ORDINANCE FAILED FOR LACK OF A FAVORABLE MAJORITY
ON OCTOBER 19, 2015.

2015-0370 Failed Amend Chapter 16 Grass cutting (10-2-15) (L_10-5-15) - PH

INTRODUCED BY: V.J. ST. PIERRE, JR, PARISH PRESIDENT
(DEPARTMENT OF PLANNING AND ZONING)

ORDINANCE NO. 15-10-11

An ordinance to amend Chapter 22.5 Vehicles For Hire, Article II. Taxicabs to increase the application fee, amend the residence requirement, clarify the vehicle standard, and adopt the regional taxicab rate structure by reference.

WHEREAS, St Charles Parish regulates taxicabs as required by Louisiana Revised Statute 33:4792; and,

WHEREAS, the public necessity and convenience is best met by taxicabs domiciled in St. Charles Parish; and,

WHEREAS, the fees to obtain and renew certificates for taxicabs in St. Charles Parish currently are lower than those charged by other jurisdictions in the region; and,

WHEREAS, the St. Charles Parish Council recognizes the benefits to passengers, drivers, and regulatory agencies to standardizing taxicab fares throughout the Greater New Orleans Region,

NOW, THEREFORE, THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the St. Charles Parish Code, Chapter 22.5 Vehicles For Hire, Article II. Taxicabs, Section 22.5-20. *Application for CPNC* is hereby revised to add words in **bold** and delete words in ~~strikethrough~~ as follows:

All applicants must apply to the planning department for a CPNC by completing an application **and remitting the application fee of \$200**. Any applications not completed in full shall be returned as incomplete.

SECTION II. That the St. Charles Parish Code, Chapter 22.5 Vehicles For Hire, Article II. Taxicabs, Section 22.5-21. *Domicile requirement*, is hereby revised to add words in **bold** and delete words in ~~strikethrough~~ as follows:

An applicant for a CPNC must have resided in St. Charles Parish, ~~or a contiguous parish~~, for the past six (6) months, and **must** presently reside in this parish, ~~or a contiguous parish~~.

SECTION III. That the St. Charles Parish Code, Chapter 22.5 Vehicles For Hire, Article II. Taxicabs, Section 22.5-23. *Taxicab inspection requirements*, is hereby revised to add words in **bold** and delete words in ~~strikethrough~~ as follows:

Inspections shall ensure that a taxicab meets the minimum criteria to obtain a permit or decal to operate at Louis Armstrong International Airport **for delivering passengers to destinations within Orleans Parish**. Reinspections are required on a semiannual basis. Failure to provide required **passing** semiannual inspection report to the parish may result in revocation or suspension of a CPNC.

SECTION IV. That the St. Charles Parish Code, Chapter 22.5 Vehicles For Hire, Article II. Taxicabs, Section 22.5-26. *Fee for CPNC*, is hereby deleted.

SECTION V. That the St. Charles Parish Code, Chapter 22.5 Vehicles For Hire, Article II. Taxicabs, Section 22.5-29. *Renewal and expired CPNCs*, is hereby revised to add words in **bold** and delete words in ~~strikethrough~~ as follows:

Each CPNC in good standing shall be renewable during a two-month period beginning with the first day of December of the year of expiration and extending through the last day of January of the year for which renewal is sought, subject to payment of ~~twenty-five~~ **fifty** dollars ~~(\$25.00)~~ **(\$50.00)** provided all other requirements of this article are met. Failure to renew a CPNC by January 31st shall constitute a new application.

SECTION VI. That the St. Charles Parish Code, Chapter 22.5 Vehicles For Hire, Article II. Taxicabs, Section 22.5-39. *Rates of fare and fare cards*, is hereby revised to add words in **bold** and delete words in ~~strikethrough~~ as follows:

Sec. 22.5-39. Rates of fare, ~~and rate cards and charges~~

(a) **In general**. It shall be unlawful for any person to ask, demand, or collect any ~~rate of fare~~ other than as specified herein for use of a taxicab; and it shall be unlawful for any passenger of any ~~vehicle~~ **taxicab** to refuse to pay the driver thereof the legal rate charged pursuant to the provisions of this section.

(a) (b) **Rates and charges to be posted**. The owner of each vehicle regulated by the provisions of this article shall post therein the rates and charges specified herein which are applicable to the vehicle, and it shall be unlawful for any person to operate same unless the rates and charges are posted as prescribed in this section. The rates and charges specified in this section shall be printed in legible type on a card or sticker not less than four (4) inches by seven (7) inches, shall be posted in a conspicuous place in the side rear windows of the vehicle facing in, and shall be so arranged that passengers can readily determine the exact rate of fare and charges payable by them.

(b) (c) **Rates and charges Meter fare for taxicabs**.

(1) **Minimum Meter fare**. ~~The minimum meter fare shall be two dollars and fifty cents (\$2.50) which shall entitle the passenger to be~~

~~transported any distance less than one eighth mile; and the total meter fare shall include an additional twenty cents (\$0.20) for each additional one eighth or incomplete fraction thereof, that the passenger is transported, providing that whenever the speed of the taxicab is less than the rate of one fifth mile per forty (40) seconds, mileage shall be computed at the rate of one fifth mile per forty (40) seconds. There shall be an additional charge of one dollar (\$1.00) per passenger after one (1) passenger on all regular taxi trips. The meter fare for taxicabs shall be the same meter fare for taxicabs adopted by the New Orleans City Council, found in the Code of the City of New Orleans (Chapter 162, Article VII, Division 4) and available upon request from the St. Charles Parish Department of Planning and Zoning.~~

- ~~(2) Personalized service. Whenever a taxicab driver is called upon to render a time-consuming, personalized service, beyond his normal transportation of passengers, the minimum fare shall be, six dollars (\$6.00) or the meter fare, whichever is greater. Unless an agreement to this charge has been reached between the parties prior to the trip, there shall be no additional charge to the passenger. Airport rates of all jurisdictions apply. Any St. Charles Parish taxicab originating a trip at the Louis Armstrong International Airport with a destination in any jurisdiction that has established taxicab fare zones shall charge the fare established.~~
- ~~(3) St. Charles Parish has no airport fare zones or rates. The maximum fare for a trip from the Louis Armstrong International Airport to a destination in St. Charles Parish shall be the meter fare unless a lower fare is agreed upon by the driver and passenger(s).~~
- ~~(4) Taxicab hourly rate. Whenever A taxicab may be is chartered by the hour, such arrangement shall be made between the driver and passenger at the start of the charter trip, and The rate thereof shall be thirty-five dollars (\$30.00) (\$35.00) per hour, unless a lower rate is agreed upon. The driver may require a minimum of two (2) hours.~~

- ~~(d) Taxicab rates for additional passengers. An additional charge of one dollar (\$1.00) per person for all passengers over one (1) shall be charged.~~
- ~~(e) Airport rates. The taxicab rate to or from New Orleans International Airport (Moisant Field) shall be eighteen dollars (\$18.00) or the meter fare, whichever is greater, unless an agreement to this charge has been reached between the parties prior to the trip.~~
- ~~(f) (d) Fare receipt to be furnished on request. Upon request, the driver of any taxicab shall furnish the passenger with a receipt showing the date, origin and destination of trip, amount of fare, CPNC number, and the driver's name.~~
- ~~(g) (e) Taximeters shall be subject to inspection by the sheriffs office without charge, upon complaint. Any person designated by the sheriffs office is authorized to inspect any meter and, upon discovery of any inaccuracy, shall notify the person operating the taxicab to cease operation until the taximeter is repaired and in required working condition.~~

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

YEAS: SCHEXNAYDRE, LEWIS, WILSON, TASTET, HOGAN, COCHRAN, FLETCHER, FISHER-PERRIER
 NAYS: NONE
 ABSENT: BENEDETTO

And the ordinance was declared adopted this 19th day of October, 2015, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____
 SECRETARY: _____
 DLVD/PARISH PRESIDENT: 10/21/15
 APPROVED: _____ DISAPPROVED: _____
 PARISH PRESIDENT: 11/21
 RETD/SECRETARY: 10/21/15
 AT: 10:55a RECD BY: JRE

2015-0367

INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(COASTAL ZONE MANAGEMENT)

ORDINANCE NO. 15-10-12

An ordinance to adopt the St. Charles Parish Local Coastal Program.

WHEREAS, St. Charles Parish has been engaged in a Coast Zone Management program since the early 1970's; and,

WHEREAS, there have been several attempts to adopt a Local Coastal Program that can be recognized by both the Louisiana Department of Natural Resources and the National Oceanographic and Atmospheric Administration and; and,

WHEREAS, approval of a Local Coastal Program will increase our parish's say in the management of our coastal resources; and,

WHEREAS, the St. Charles Parish Coastal Zone Advisory Committee has worked since the early 1079's toward this goal; and,

WHEREAS, the public was engaged throughout the development of the Plan; and,

WHEREAS, the Council entered into a contract with South Central Planning and Development to lead the Parish in the development of the Local Coastal Program; and,

WHEREAS, the plan was presented to the Coastal Zone Advisory Committee with comments and correction on October 1, 2015; and,

WHEREAS, the Coastal Zone Advisory Committee has forwarded the plan to the St. Charles Parish Council with a recommendation to approved as amended.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. The St. Charles Parish Local Coastal Program as amended by the Coastal Zone Advisory Committee on October 1, 2015, is adopted.

SECTION II. All Public Comments heard at the St. Charles Parish Council Meeting in consideration of this document shall be included on the Public Comments Section of this document.

SECTION III. A final document shall be printed and filed with the St. Charles Parish Clerk of Courts and in the records of the St. Charles Parish Council.

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

YEAS: SCHEXNAYDRE, LEWIS, WILSON, TASTET, HOGAN, COCHRAN,
FLETCHER, FISHER-PERRIER
NAYS: NONE
ABSENT: BENEDETTO

And the ordinance was declared adopted this 19th day of October, 2015, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: 10/21/15

APPROVED: DISAPPROVED: _____

PARISH PRESIDENT: [Signature]

RETD/SECRETARY: 10/21/15

AT: 10:55 RECD BY: [Signature]

2015-0368

INTRODUCED BY: V.J. ST. PIERRE, JR., PARISH PRESIDENT
(COASTAL MANAGEMENT SECTION)

ORDINANCE NO. 15-10-13

An ordinance to amend the St. Charles Parish Code of Ordinances by adding Chapter 26, the St. Charles Parish Local Coastal Program.

- WHEREAS**, St. Charles Parish has been engaged in a Coast Zone Management program since the early 1970's; and,
- WHEREAS**, there have been several attempts to adopt a Local Coastal Program that can be recognized by both the Louisiana Department of Natural Resources and the National Oceanographic and Atmospheric Administration and; and,
- WHEREAS**, approval of a Local Coastal Program will increase our parish's say in the management of our coastal resources; and,
- WHEREAS**, the St. Charles Parish Coastal Zone Advisory Committee has worked since the early 1079's toward this goal; and,
- WHEREAS**, the public was engaged throughout the development of the Plan; and,
- WHEREAS**, the Council entered into a contract with South Central Planning and Development to lead the Parish in the development of the Local Coastal Program; and,
- WHEREAS**, this Local Coastal Program ordinance is a part of the Local Coastal Plan and when adopted makes the f the plan part of St. Charles Parish law; and,
- WHEREAS**, the ordinance was presented to the Coastal Zone Advisory Committee with comments and correction on October 1, 2015; and,
- WHEREAS**, the Coastal Zone Advisory Committee has forwarded the ordinance to the St. Charles Parish Council with a recommendation to approved as amended.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. The ordinance to amend the St. Charles Parish Code of Ordinance by adding Chapter 26, the St Charles Parish Local Coastal Program shall read as follows:

CHAPTER 26 - ST. CHARLES PARISH LOCAL COASTAL PROGRAM

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

Act-means the Louisiana State and Local Coastal Resource Management Act (SLCRMA), R.S. 49:214.21 et seq.

Administrator (See also **State Administrator**-means the administrator of the Office of Coastal Management within the Louisiana Department of Natural Resources.

Affected Landowner-means the owner of the land on which a proposed activity, which would result in an unavoidable net loss of ecological value, is to occur.

Affected Parish-means the parish in which a proposed activity, which would result in an unavoidable net loss of ecological value, is to occur.

After-the fact permit-means a coastal use permit issued after the commencement of an activity or use.

Aggrieved party-means any person who receives a decision adverse to their interests or proposed objectives.

Agricultural, forestry and aquaculture activities-means those activities:

- (1) That are common practice and incident to agriculture, forestry and aquaculture, provided that the activity is one of an on-going basis for a period of at least ten years, including the year previous to the activity in question;
- (2) That do not require a permit from the U.S. Army Corps of Engineers; and
- (3) That do not result in a new or changed use of the land.

Examples include seeding, fence building and harvesting.

Alterations of Waters Draining in Coastal Waters-means those uses or activities that would alter, change, or introduce polluting substances into runoff and thereby modify the quality of coastal waters. Examples include water control impoundments, upland and water management programs, and drainage projects from urban, agricultural and industrial developments.

Applicant-means the owner of the property for which a use requiring a coastal use permit is requested, an agent, or someone specifically authorized in writing by the owner to make an application. No "unknown owner" applicants will be allowed.

Approved Local Program-a local coastal management program which has been and continues to be approved by the secretary pursuant to 214.28 of the State and Local Coastal Resources Management Act (SLCRMA).

Average Annual Habitat Unit-is a unit of measure of ecological value; average annual habitat units are calculated by the formula: (sum of cumulative habitat units for a given project scenario)/ (project years).

Beneficial Use of Dredged Material-means use of dredged material excavated and not replaced pursuant to a proposed activity for which a coastal use permit is required, so as to protect, create, or enhance wetlands; use of material dredged pursuant to an alternative dredging activity to protect, create, or enhance wetlands, so as to offset failure to use the dredged material from the proposed activity to protect, create, or enhance wetlands; or contribution to the Coastal Resources Trust Fund to replace, substitute, enhance, or protect ecological values, so as to offset failure to use the dredged material from the proposed activity to protect, create, or enhance wetlands.

Beneficial Use of Dredged Material Plan (BUDM Plan)-a document submitted to the secretary for approval as part of an application, specifying the beneficial use of dredged material proposed by the applicant.

Best Practical Techniques-means those methods or techniques which would result in the greatest possible minimization of the adverse impacts listed in §701.0 and in specific guidelines applicable to the proposed use. Those methods or techniques shall be the best methods or techniques which are in use in the industry or trade or among practitioners of the use, and which are feasible and practical for utilization.

Buffer zone-means a strip of land adjoining a wetland mitigation site to protect the wetland habitat and wildlife within the bank from the impact of an activity outside the buffer zone. The term includes a strip of land composed primarily of water or a strip of land that includes a fence, wall, or screen of vegetation when these visual barriers also provide functional protection for the wetland.

Camp-means a structure built and used for noncommercial and nonprofit purposes and commonly referred to as single-family, not multiple-family dwellings and shall apply only to such structure built singly, not as part of a subdivision, tract development, speculative building, or recreational community development and intended for periodic occupancy.

Closely related actions means those actions that:

- (1) Automatically trigger other actions which may require permits;
- (2) Cannot proceed unless other actions are taken previously or simultaneously; or
- (3) Are interdependent parts of a larger action and depend upon the larger action for their justification.

Coastal Use Permit (CUP) or permit-means those permits required by R.S. 49:214.30.

Coastal Water Dependent Uses-means those which must be carried out on, in or adjacent to coastal water areas or wetlands because the use requires access to the water body or wetland or requires the consumption, harvesting or other direct use of coastal resources, or requires the use of coastal water in the manufacturing or transportation of goods. Examples include surface and subsurface mineral extraction, fishing, ports and necessary supporting commercial and industrial facilities, facilities for the construction, repair and maintenance of vessels, navigation projects, and fishery processing plants.

Coastal waters-means bays, lakes, inlets, estuaries, rivers, bayous and other bodies of water within the boundaries of the coastal zone.

Coastal zone-means that area described in R.S. 49:214.24.

Coastal Zone Management Program-means the applicable laws, regulations, policies and guidelines developed by federal, state and local government to implement the coastal zone management act.

Compensatory mitigation-means replacement, substitution, enhancement or protection of ecological values to offset anticipated losses of those values caused by a permitted activity.

Conservation Servitude-as defined at R.S. 9:1272(1), means a non-possessory interest of a holder in immovable property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic, or open-space values of immovable property, assuring its availability for agricultural, forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, archaeological, or cultural aspects of unimproved immovable property.

Contaminant-means an element causing pollution of the environment that would have detrimental effects on air or water quality or on native floral or faunal species.

Continuing Uses-are activities which by nature are carried out on an uninterrupted basis, examples include shell dredging and surface mining activities, projects involving

maintenance dredging of existing waterways, and maintenance and repair of existing levees.

Corps-means the U.S. Army Corps of Engineers (USACE).

CRMA (see also **SLCRMA**)-the Coastal Resource Management Act (of 1978, Act 361, as amended)

Cumulative Habitat Unit-a unit of measure of ecological value; for each time interval within the project years. Cumulative habitat units are calculated by a formula that is determined by the Louisiana Department of Natural Resources.

Cumulative impacts-means the influence on the environment resulting from the incremental effects of the activity when added to other past, present, and reasonably foreseeable future activities regardless of what agency or person undertakes those activities. Cumulative impacts may result from individually minor but collectively significant activity taking place over a period of time. Secondary impacts caused or enabled by a particular project are considered cumulative, including, but not limited to increased development in an area where new sewers, roads, and other infrastructure have been built, whether plans exist for this area at the time the infrastructure is built or not. Cumulative impacts to coastal zone resources may result from activity outside the coastal zone or from activity exempt under coastal zone permitting.

CZM Administrator (See also **Local Administrator**)-means the parish professional charged with implementing and administering this article and the local coastal zone management plan.

Department or DNR-means the Louisiana Department of Natural Resources.

Development Levees-those levees and associated water control structures whose purpose is to allow control of water levels within the area enclosed by the levees to facilitate drainage or development within the leveed areas. Such levee systems also commonly serve for hurricane or flood protection, but are not so defined for purposes of these guidelines.

Direct and significant impact-means an impact that perceptibly or measurably alters the physical, hydrological, chemical, or biological characteristics of coastal waters as a result of an action or series of actions undertaken by man.

Dredge or Dredging-(verb) means the removal by excavation or any other means of native material, including soil, sand, mud, clay, and semi-solid sediment, regardless of whether the material supports or is supporting vegetation, from any lands or water bottoms in the coastal zone of Louisiana.

Dredged Material-means soil, mud, and/or other sediment that will be dredged pursuant to a proposed activity for which a coastal use permit or other authorization is required.

Ecological Value-means the ability of an area to support vegetation and fish and wildlife populations.

Emergency-means a situation that poses an immediate threat to public safety, life, health or property and action in response to the threat cannot await the permitting process. Declaration of an emergency must come from a governmental body with authority to make such declarations and continues for the time that body specifies.

Endangered Species-as defined in the Endangered Species Act, as amended, any species which is in danger of extinction throughout all or a significant portion of its range other than a species of the Class *Insecta* determined by the Secretary of the U.S. Department of Interior to constitute a pest whose protection under the provisions of the Endangered Species Act, as amended, would present an overwhelming and overriding risk to man.

Environmental Management Unit (EMU)-means an area with certain distinguishing physical, hydrological, chemical, biological or cultural characteristics.

Exempted use-means any use specifically listed in this article as not requiring a permit.

Expectable Adverse Conditions-means natural or man-made hazardous conditions which can be expected or predicted to occur at regular intervals. Included are such events as 125 mile per hour hurricanes and associated tides, 100 year floods and reasonably probable accidents.

Fastlands-Lands surrounded by publicly-owned, maintained, or otherwise validly existing levees or natural formations as of January 1, 1979, or as may be lawfully constructed in the future, which levees or natural formations would normally prevent activities, not to include the pumping of water for drainage purposes, within the surrounded area from having direct and significant impacts on coastal waters.

Feasible and Practical-means those locations, methods and/or practices which are of established usefulness and efficiency and allow the use or activity to be carried out successfully.

Federal Advisory Agencies-include, but are not limited to, the U.S. Fish and Wildlife Service, the U.S. National Marine Fisheries Service, the U.S. Environmental Protection Agency, and the U.S. Natural Resources Conservation Service.

Force Majeure-means an act of God, war, blockade, lightning, fire, storm, flood, and any other cause which is not within the control of the party claiming force majeure.

Future with Project Scenario-means a portrayal of anticipated changes to ecological values (i.e., habitat values and wetland acreage) throughout the project years in a situation where a given project would be implemented.

Future without Project Scenario-means a portrayal of anticipated changes to ecological values (i.e., habitat values and wetland acreage) throughout the project years in a situation where a given project would not be implemented.

Geologic Review Procedure-a process by which alternative methods, including alternative locations, for oil and gas exploration are evaluated on their environmental, technical, and economic merits on an individual basis; alternative methods, including alternative locations, of oil and gas production and transmission activities which are specifically associated with the proposed exploration activity shall also be evaluated in this process. These alternative methods, including alternative locations, are presented and evaluated at a meeting by a group of representatives of the involved parties. A geologic review group is composed, at a minimum, of representatives of the applicant, a petroleum geologist and a petroleum engineer representing the Coastal Management Division and/or the New Orleans District Corps of Engineers, and a representative of the Coastal Management Division Permit Section, and may include, but is not limited to, representatives of the Louisiana Department of Wildlife and Fisheries, the Louisiana Department of Environmental Quality, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the U.S. National Marine Fisheries Service, and the U.S. Environmental Protection Agency.

Governmental Body-any public department, agency, bureau, authority, or subdivision of the government of the United States or the state of Louisiana and shall include parishes and municipalities and subdivisions thereof and those governmental agencies constitutionally established.

Guidelines-means L.A.C. title 43, chapter 7, entitled "Coastal Management."

Habitat-the natural environment where a plant or animal population lives.

Habitat Types-means the general wetland vegetative communities which exist in the Louisiana Coastal Zone, including fresh marsh, intermediate marsh, brackish marsh, saline marsh, fresh swamp, and bottomland hardwoods.

Hurricane or Flood Protection Levees-means those levees and associated water control structures whose primary purpose is to prevent occasional surges of flood or storm generated high water. Such levee systems do not include those built to permit drainage or development of enclosed wetland areas.

Hydrologic and Sediment Transport Modifications-means those uses and activities intended to change water circulation, direction of flow, velocity, level, or quality or quantity of transported sediment. Examples include locks, water gates, impoundments, jetties, groins, fixed and variable weirs, dams, diversion pipes, siphons, canals, and surface and groundwater withdrawals.

Hydrologic Basin-means one of the nine general drainage areas within the Louisiana Coastal Zone as delineated on pages A-2 and A-3 of the Louisiana Coastal Wetlands Conservation and Restoration Plan, April 1990.

Impoundment Levees-means those levees and associated water control structures whose primary purpose is to contain water within the levee system either for the prevention of the release of pollutants, to create fresh water reservoirs, or for management of fish or wildlife resources.

Infrastructure-means those systems which provide needed support for human social institutions and developments, including transportation systems, public utilities, water and sewerage systems, communications, educational facilities, health services, law enforcement and emergency preparedness.

In-kind mitigation-Identical to same-kind mitigation.

In-Lieu Permit-means those permits issued in-lieu of coastal use permits pursuant to 214.31 of the SLCRMA.

Interested person-means any of the following:

- (1) Any applicant, an agent or an employee of the applicant, or a person receiving consideration for representing the applicant, or a participant in a proceeding on the matter.
- (2) Any person with a financial interest in a matter before the appeals panel, or an agent or employee of the person with a financial interest, or a person representing the person with a financial interest.

- (3) A representative acting on behalf of any civic, environmental, neighborhood, business, labor, trade, or similar organization who intends to influence the decision of the appeals panel on a matter before the appeals panel.

Levee-means an embankment to control, retain or prevent movement of water or other material.

Linear Facilities-means those uses and activities which result in creation of structures or works which are primarily linear in nature. Examples include pipelines, roads, canals, channels, and power lines.

Local administrator (See also **CZM Administrator**)-means the parish professional charged with implementing and administering this article and the local coastal zone management plan.

Local coastal program advisory committee or committee-means the group of nine individuals representing coastal area user groups.

Local government-means the parish council and/or the parish administration.

Local Program-same as approved local program.

Marsh-wetlands subject to frequent inundation in which the dominant vegetation consists of reeds, sedges, grasses, cattails, and other low growth.

Master Plan-Integrated Ecosystem Restoration and Hurricane Protection: Louisiana's Comprehensive Master Plan for a Sustainable Coast, promulgated by the Coastal Protection and Restoration Authority pursuant to R.S. 49:213.1, et seq., as in effect on the date of submission of a complete application.

Minerals-oil, gas, sulfur, geothermal, geopressure, salt, or other naturally occurring energy or chemical resources which are produced from below the surface in the coastal zone. Not included are such surface resources as clam or oyster shells, dirt, sand, or gravel.

Mitigation-means all actions taken by an applicant to avoid, minimize, restore and compensate for loss of an area's ability to support vegetation, fish and wildlife populations due to a permitted activity.

Mitigation bank-means a parcel of land that has undergone or is proposed to undergo a physical change necessary to enhance, restore or create wetland habitat on the parcel expressly to offset an adverse impact to another wetland caused by an approved or future projects. Timing distinguishes a bank from off-site mitigation. Off-site mitigation is usually created concurrent with or subsequent to the project rather than before a project. Mitigation credits, as valued under L.A.C. title 43, part I, section 724E.1.b. and defined in this section, may be donated, sold, traded, or otherwise used for the purpose of compensating for ecological values lost due to a permitted activity.

Mitigation credit-means a unit of measured area that supports wetland habitat, wetland habitat value, and wetland function that did not exist at the mitigation bank site before the bank was developed. Credits are determined in accordance with L.A.C. title 43, part I, section 724.

Navigational aids-means buoys, marker piles, dolphins, piling, and/or pile clusters when in conformance with U.S. Coast Guard standards and do not involve dredge and fill activity.

Non-Continuing Uses-are activities which by nature are done on a one-time basis, examples include dredging access canals for oil and gas well drilling, implementing an approved land use alteration plan and constructing a new port or marina facility.

Normal maintenance and repair-means activity taken to reasonably preserve the utility of a lawfully existing structure in active use for the year preceding the proposed activity. It does not include expanding an existing structure, dredging and filling, or altering the magnitude or function of the original structure.

Off-Site-meaning not within or adjoining the area directly modified by the permitted activity and not directly related to implementation of the permitted activity.

Oil, Gas and Other Mineral Activities-means those uses and activities which are directly involved in the exploration, production, and refining of oil, gas, and other minerals. Examples include geophysical surveying, establishment of drill sites and access to them, drilling, on site storage of supplies, products and waste materials, production, refining, and spill cleanup.

On-site mitigation-means all measures that may be taken to offset or eliminate damage or destruction to the functional characteristics and processes of a wetland, changing the operational characteristics of the proposed activity, or creating or enhancing wetland functions or values at the project site.

Out-of-kind mitigation-means the creation of habitat functions and types at the mitigation site substantially different from those that existed at the project site; restoration of a bottomland hardwood site as mitigation for a project in a salt marsh is one example.

Overriding public interest-means that the public interest benefits of a given activity clearly outweigh the public interest benefits of compensating for wetland values lost as a result of the activity, as in the case of the construction of flood protection facilities critical for protection of existing infrastructure.

Parish Council-means the legislative authority of general jurisdiction at the parish level.

Particular Areas-areas within the coastal zone of a parish with an approved local program which has unique and valuable characteristics requiring special management procedures. Such areas shall be identified, designated, and managed by the local government following procedures consistent with those for special areas.

Permit-means a Coastal Use Permit, or an in-lieu permit.

Permitting Body-means either the Department of Natural Resources or a local government with an approved local program with authority to issue, or that has issued, a coastal use permit authorized by the SLCRMA.

Person-means any individual, partnership, association, trust, corporation, or government body.

Project years-means the anticipated number of years that the proposed activity would have a negative or positive impact on the ecological value of the site. Project years shall be 20 years for marsh habitats and 50 years for forested habitats, unless it is clearly demonstrated by the applicant and accepted by the secretary to be shorter in duration.

Public hearing-means any hearing announced to the public at least 30 and no more than 60 days in at least two newspapers covering the parish. Hearings will be held in the closest available site to the permit site or local community. All interested persons shall be afforded a reasonable opportunity to make written or oral submissions on the subject of the meeting.

Residence-means a structure built and used for noncommercial and nonprofit purposes and commonly referred to as single-family dwellings, not multiple-family dwellings and shall apply only to such structures built singly, not as part of a subdivision, tract development, speculative building, or recreational community development and intended as a primary residence.

Residential Coastal Use-means any coastal use associated with the construction or modification of one single-family, duplex, or triplex residence or camp. It shall also include the construction or modification to any outbuilding, bulkhead, pier, or appurtenance on a lot on which there exists a single-family, duplex, or triplex residence or camp or on a water body which is immediately adjacent to such lot.

Residents-means both real persons and entities whose occupancy in parish is intended to be on an ongoing, primary nature. These include, but are not limited to civic, environmental, neighborhood, business, labor, trade, or similar organizations or a legally recognized business entity.

Same-kind mitigation-means the creation of habitat functions and types at the mitigation site substantially similar to those that existed at the project site; restoration of a bottomland hardwood site as mitigation for a project in a bottomland hardwood site is one example.

Secondary impact-an impact which would:

1. Result from the proposed activity;
2. Causing significant modifications or alterations to the physical characteristics of acreage beyond the limit of the area depicted as being altered in the accepted permit application drawings; and
3. Be identified and quantified by the secretary based on an evaluation of similar and previously implemented activities.

Secretary-means the secretary of the department of natural resources or designee.

Sediment Deposition Systems-means controlled diversions of sediment-laden water in order to initiate land building or sediment nourishment or to minimize undesirable deposition of sediment in navigation channels or habitat areas. Typical activities include diversion channels, jetties, groins, or sediment pumps.

Shoreline Modifications-means those uses and activities planned or constructed with the intention of directly or indirectly changing or preventing change of a shoreline. Examples include bulk-heading, piers, docks, wharves, slips, short canals, and jetties.

SLCRMA-the State and Local Coastal Resources Management Act of 1978, Act 361 of 1978 as amended, R.S. 49:214.21-49:214.42.

Special Areas-means those portions of the coastal zone within the parish that require special management procedures due to certain unique and valuable characteristics. Examples include barrier islands, shell deposits, salt domes, archaeological sites, transportation corridors, endangered species habitat, ports, and recreational sites among others. These areas may be designated by the parish council and recommended by the committee.

Spoil Deposition-the deposition of any excavated or dredged material.

State Administrator (See also **Administrator**)-means the administrator of the Office of Coastal Management within the Louisiana Department of Natural Resources.

State Advisory Agencies-include, but are not limited to, the Louisiana Department of Wildlife and Fisheries and the Louisiana Department of Environmental Quality.

Supplemental material-means any of the following or other, unlisted material deemed appropriate by the local administrator:

- (1) A description of the physical, chemical, hydrological, biological and cultural environment in which the activity is proposed to take place;
- (2) A list of alternatives to the proposed activity including a status quo alternative;
- (3) A complete description of expected consequences to the physical, chemical, hydrological, biological and cultural environment;
- (4) How any such impacts will be mitigated or offset including when these environmental benefits will be achieved, evidence to support the proposal's intended results and how the projected results, both positive and negative, may be monitored in the future.

Surface Alterations-means those uses and activities which change the surface or usability of a land area or water bottom. Examples include fill deposition, land reclamation, beach nourishment, dredging (primarily areal), clearing, draining, surface mining, construction and operation of transportation, mineral, energy and industrial facilities, and industrial, commercial, and urban developments.

Third Party Right of Enforcement-as defined at R.S. 9:1272.(3), means a right provided in a conservation servitude to enforce any of the terms granted to a governmental body, charitable corporation, charitable association, or charitable trust, which, although eligible to be a holder, is not a holder.

Toxic Substances-those substances which, by their chemical, biological or radioactive properties, have the potential to endanger human health or other living organisms or ecosystems, by means of acute or chronic adverse effects, including poisoning, mutagenic, teratogenic, or carcinogenic effect.

Unavoidable Net Loss of Ecological Values-means the net loss of ecological value that is anticipated to occur as the result of a permitted/authorized activity, despite all efforts, required by the guidelines, to avoid, minimize, and restore the permitted/authorized impacts.

Uplands-means land that is five feet or more above sea level.

Use-means any use or activity within the coastal zone which has a direct and significant impact on coastal waters.

Waste-means any material for which no use or reuse is intended and which is to be discarded.

Waste Disposal-means those uses and activities which involve the collections, storage and discarding or disposing of any solid or liquid material. Examples include littering; landfill; open dumping; incineration; industrial waste treatment facilities; sewage treatment; storage in pits, ponds, or lagoons; ocean dumping and subsurface disposal.

Water or Marsh Management Plan-a systematic development and control plan to improve and increase biological productivity, or to minimize land loss, saltwater intrusion, erosion or other such environmental problems, or to enhance recreation.

Wetland-means

1. for the purpose of this Ordinance except for Section 724 of SLCRMA open water areas or areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions;
2. for the purpose of Section 724 (as defined in R.S. 49:214.41), an open water area or an area that is inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, but specifically excluding fastlands and lands more than 5 feet above sea level which occur in the designated coastal zone of the state. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetland functions-means a service that wetlands perform, including floodwater storage, floodwater conveyance, groundwater discharge, erosion control, wave attenuation, water quality protection, scenic and aesthetic use, food chain support, and habitat for fish, wildlife, invertebrates, and plants, among others.

1. SECTION 19-51. – PURPOSES AND CONSTRUCTION

1.1. This article is hereby enacted for the purpose of:

- 1.1.1. Recognizing the value in natural coastal ecosystems.

- 1.1.1.1. Protect, restore and enhance the coastal zone as a natural storm barrier, flood control system, and water infiltration system;
- 1.1.1.2. Protect, restore and enhance the coastal zone as a habitat for wildlife, an aquatic resource, an aesthetic resource, a parish, state and national resource, and an historic cultural resource;
- 1.1.1.3. Protect, restore and enhance the coastal zone as a legacy to future generations.
- 1.1.2. Recognizing the value in coastal-dependent commercial activity.
 - 1.1.2.1. Promote coordinated development within the coastal zone.
 - 1.1.2.2. Promote conflict resolution arising from multiple, competing uses.
 - 1.1.2.3. Promote recreational uses (respect private property) and monitor public access within the coastal zone.
- 1.1.3. Balancing these values in the parish to allow current and future residents the opportunity to enjoy the multiple benefits and cultural values associated with a healthy coastal zone.
- 1.1.4. Fostering the public safety, health and welfare of parish residents.
- 1.1.5. In the event that sections of this article may be subject to multiple interpretations, they must be read to further the purposes stated above and to be consistent with the state coastal resources program.
- 1.1.6. All exceptions shall be construed narrowly.
- 1.1.7. This article applies to all local uses defined in R.S. 49:214.25A (2).
- 1.1.8. Should any provision herein be deemed contrary to law, it shall be severed from the remainder and shall not affect other provisions that may remain applicable, irrespective of the invalid provision.
- 1.1.9. This article shall be read and construed as a whole and in accordance with this chapter.

2. SECTION 19-52. – DEFINITIONS

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

- 2.1.1. **Act** means State and Local Coastal Resources Management Act, R.S. 49:214.21 et seq.
- 2.1.2. **Administrator** (See also **State Administrator**) means the administrator of the Office of Coastal Management within the Louisiana Department of Natural Resources.
- 2.1.3. **After-the fact permit** means a coastal use permit issued after the commencement of an activity or use.
- 2.1.4. **Aggrieved party** means any person who receives a decision adverse to their interests or proposed objectives.
- 2.1.5. **Agricultural, forestry and aquaculture activities** means those activities:
 - 2.1.5.1. That are common practice and incident to agriculture, forestry and aquaculture, provided that the activity is one of an on-going basis for a period of at least ten years, including the year previous to the activity in question;
 - 2.1.5.2. That do not require a permit from the U.S. Army Corps of Engineers; and
 - 2.1.5.3. That do not result in a new or changed use of the land.
 - 2.1.5.4. Examples include seeding, fence building and harvesting.
- 2.1.6. **Applicant** means the owner of the property for which a use requiring a coastal use permit is requested, an agent, or someone specifically authorized in writing by the owner to make an application. No "unknown owner" applicants will be allowed.
- 2.1.7. **Buffer zone** means a strip of land adjoining a wetland mitigation site to protect the wetland habitat and wildlife within the bank from the impact of an activity outside the buffer zone. The term includes a strip of land composed primarily of water or a strip of land that includes a fence, wall, or screen of

vegetation when these visual barriers also provide functional protection for the wetland.

2.1.8. **Camp** means a structure built and used for noncommercial and nonprofit purposes and commonly referred to as single-family, not multiple-family dwellings and shall apply only to such structure built singly, not as part of a subdivision, tract development, speculative building, or recreational community development and intended for periodic occupancy.

2.1.9. **Closely related actions** means those actions that:

2.1.9.1. Automatically trigger other actions which may require permits;

2.1.9.2. Cannot proceed unless other actions are taken previously or simultaneously; or

2.1.9.3. Are interdependent parts of a larger action and depend upon the larger action for their justification.

2.1.10. **Coastal use permit (CUP) or permit** means those permits required by R.S. 49:214.30.

2.1.11. **Coastal waters** means bays, lakes, inlets, estuaries, rivers, bayous and other bodies of water within the boundaries of the coastal zone.

2.1.12. **Coastal zone** means that area described in R.S. 49:214.24.

2.1.13. **Coastal zone management program** means the applicable laws, regulations, policies and guidelines developed by federal, state and local government to implement the coastal zone management act.

2.1.14. **Compensatory mitigation** means replacement, substitution, enhancement or protection of ecological values to offset anticipated losses of those values caused by a permitted activity.

2.1.15. **Continuing Uses** are activities which by nature are carried out on an uninterrupted basis, examples include shell dredging and surface mining activities, projects involving maintenance dredging of existing waterways, and maintenance and repair of existing levees.

2.1.16. **Cumulative impacts** means the influence on the environment resulting from the incremental effects of the activity when added to other past, present, and reasonably foreseeable future activities regardless of what agency or person undertakes those activities. Cumulative impacts may result from individually minor but collectively significant activity taking place over a period of time. Secondary impacts caused or enabled by a particular project are considered cumulative, including, but not limited to increased development in an area where new sewers, roads, and other infrastructure have been built, whether plans exist for this area at the time the infrastructure is built or not. Cumulative impacts to coastal zone resources may result from activity outside the coastal zone or from activity exempt under coastal zone permitting.

2.1.17. **CZM Administrator** (See also **Local Administrator**) means the parish professional charged with implementing and administering this article and the local coastal zone management plan.

2.1.18. **Department or DNR** means the Louisiana Department of Natural Resources.

2.1.19. **Direct and significant impact** means an impact that perceptibly or measurably alters the physical, hydrological, chemical, or biological characteristics of coastal waters as a result of an action or series of actions undertaken by man.

2.1.20. **Ecological Value** means the ability of an area to support vegetation and fish and wildlife populations.

2.1.21. **Emergency** means a situation that poses an immediate threat to public safety, life, health or property and action in response to the threat cannot await the permitting process. Declaration of an emergency must come from a governmental body with authority to make such declarations and continues for the time that body specifies.

2.1.22. **Environmental management unit (EMU)** means an area with certain distinguishing physical, hydrological, chemical, biological or cultural characteristics.

2.1.23. **Exempted use** means any use specifically listed in this article as not requiring a permit.

2.1.24. **Fastlands** Lands surrounded by publicly-owned, maintained, or otherwise validly existing levees or natural formations as of January 1, 1979, or as may be lawfully constructed in the future, which levees or natural formations would normally prevent activities, not to include the pumping of water for drainage purposes, within the surrounded area from having direct and significant impacts on coastal waters.

2.1.25. **Guidelines** means L.A.C. title 43, chapter 7, entitled "Coastal Management."

2.1.26. **In-kind mitigation** means providing goods, services, or funds in an amount valued equally to the fair market value of creating a mitigation site; it is similar in concept to barter trade.

2.1.27. **Interested person** means any of the following:

2.1.27.1. Any applicant, an agent or an employee of the applicant, or a person receiving consideration for representing the applicant, or a participant in a proceeding on the matter:

2.1.27.2. Any person with a financial interest in a matter before the appeals panel, or an agent or employee of the person with a financial interest, or a person representing the person with a financial interest.

2.1.27.3. A representative acting on behalf of any civic, environmental, neighborhood, business, labor, trade, or similar organization who intends to influence the decision of the appeals panel on a matter before the appeals panel.

2.1.28. **Levee** means an embankment to control, retain or prevent movement of water or other material.

2.1.29. **Local administrator** (See also **CZM Administrator**) means the parish professional charged with implementing and administering this article and the local coastal zone management plan.

2.1.30. **Local coastal program advisory committee or committee** means the group of nine individuals representing coastal area user groups.

2.1.31. **Local government** means the parish council and/or the parish administration.

2.1.32. **Mitigation** means all actions taken by an applicant to avoid, minimize, restore and compensate for loss of an area's ability to support vegetation, fish and wildlife populations due to a permitted activity.

2.1.33. **Mitigation bank** means a parcel of land that has undergone or is proposed to undergo a physical change necessary to enhance, restore or create wetland habitat on the parcel expressly to offset an adverse impact to another wetland caused by an approved or future projects. Timing distinguishes a bank from off-site mitigation. Off-site mitigation is usually created concurrent with or subsequent to the project rather than before a project. Mitigation credits, as valued under L.A.C. title 43, part I, section 724E.1.b. et al. and defined in this section, may be donated, sold, traded, or otherwise used for the purpose of compensating for ecological values lost due to a permitted activity.

2.1.34. **Mitigation credit** means a unit of measured area that supports wetland habitat, wetland habitat value, and wetland function that did not exist at the mitigation bank site before the bank was developed. Credits are determined in accordance with L.A.C. title 43, part I, section 724.

2.1.35. **Navigational aids** means buoys, marker piles, dolphins, piling, and/or pile clusters when in conformance with U.S. Coast Guard standards and do not involve dredge and fill activity.

2.1.36. **Non-Continuing Uses** are activities which by nature are done on a one-time basis, examples include dredging access canals for oil and gas well drilling, implementing an approved land use alteration plan and constructing a new port or marina facility.

2.1.37. **Normal maintenance and repair** means activity taken to reasonably preserve the utility of a lawfully existing structure in active use for the year preceding the proposed activity. It does not include expanding an existing

structure, dredging and filling, or altering the magnitude or function of the original structure.

2.1.38. **On-site mitigation** means all measures that may be taken to offset or eliminate damage or destruction to the functional characteristics and processes of a wetland, changing the operational characteristics of the proposed activity, or creating or enhancing wetland functions or values at the project site.

2.1.39. **Out-of-kind mitigation** means the creation of habitat functions and types at the mitigation site substantially different from those that existed at the project site; restoration of a bottomland hardwood site as mitigation for a project in a salt marsh is one example.

2.1.40. **Overriding public interest** means that the public interest benefits of a given activity clearly outweigh the public interest benefits of compensating for wetland values lost as a result of the activity, as in the case of the construction of flood protection facilities critical for protection of existing infrastructure.

2.1.41. **Parish Council** means the legislative authority of general jurisdiction at the parish level.

2.1.42. **Permit** means a Coastal Use Permit.

2.1.43. **Person** means any individual, partnership, association, trust, corporation, or government body.

2.1.44. **Public hearing** means any hearing announced to the public at least 30 and no more than 60 days in at least two newspapers covering the parish. Hearings will be held in the closest available site to the permit site or local community. All interested persons shall be afforded a reasonable opportunity to make written or oral submissions on the subject of the meeting.

2.1.45. **Residence** means a structure built and used for noncommercial and nonprofit purposes and commonly referred to as single-family dwellings, not multiple-family dwellings and shall apply only to such structures built singly, not as part of a subdivision, tract development, speculative building, or recreational community development and intended as a primary residence.

2.1.46. **Residents** means both real persons and entities whose occupancy in parish is intended to be on an ongoing, primary nature. These include, but are not limited to civic, environmental, neighborhood, business, labor, trade, or similar organizations or a legally recognized business entity.

2.1.47. **Same-kind mitigation** means the creation of habitat functions and types at the mitigation site substantially similar to those that existed at the project site; restoration of a bottomland hardwood site as mitigation for a project in a bottomland hardwood site is one example.

2.1.48. **Secretary** means the secretary of the department of natural resources or designee.

2.1.49. **Special areas** means those portions of the coastal zone within parish that require special management procedures due to certain unique and valuable characteristics. Examples include barrier islands, shell deposits, salt domes, archaeological sites, transportation corridors, endangered species habitat, ports, and recreational sites among others. These areas may be designated by the parish council and recommended by the committee.

2.1.50. **State Administrator** (See also **Administrator**) means the administrator of the Office of Coastal Management within the Louisiana Department of Natural Resources.

2.1.51. **Supplemental material** means any of the following or other, unlisted material deemed appropriate by the local administrator:

2.1.51.1. A description of the physical, chemical, hydrological, biological and cultural environment in which the activity is proposed to take place;

2.1.51.2. A list of alternatives to the proposed activity including a status quo alternative;

2.1.51.3. A complete description of expected consequences to the physical, chemical, hydrological, biological and cultural environment;

2.1.51.4 How any such impacts will be mitigated or offset including when these environmental benefits will be achieved, evidence to support the

proposal's intended results and how the projected results, both positive and negative, may be monitored in the future.

2.1.52. **Uplands** means land that is five feet or more above sea level.

2.1.53. **Use** means any use or activity within the coastal zone which has a direct and significant impact on coastal waters.

2.1.54. **Wetland** means

2.1.54.1. for the purpose of this Ordinance except for Section 724 of SLCRMA open water areas or areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions;

2.1.54.2. for the purpose of Section 724 (as defined in R.S. 49:214.41), an open water area or an area that is inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, but specifically excluding fastlands and lands more than 5 feet above sea level which occur in the designated coastal zone of the state. Wetlands generally include swamps, marshes, bogs, and similar areas.

2.1.55. **Wetland functions** means a service that wetlands perform, including floodwater storage, floodwater conveyance, groundwater discharge, erosion control, wave attenuation, water quality protection, scenic and aesthetic use, food chain support, and habitat for fish, wildlife, invertebrates, and plants, among others.

3. SECTION 19-53. – LOCAL CZM ADMINISTRATOR

3.1. The local Coastal Zone Management (CZM) Administrator shall manage the local coastal zone management program based upon the local coastal zone management plan, as adopted by the parish council and perform the following duties:

3.1.1. Manage the local Coastal Zone Management Program based upon the approved Local Coastal Zone Management Program.

3.1.2. Issue, deny or modify CUPs consistent with the coastal zone management plan for parish.

3.1.3. Adopt any rules and regulations that are reasonable and necessary to carry out this article in conformance with the generally established procedures for parish rulemaking.

3.1.4. Conduct any investigation necessary to ascertain compliance with this article.

3.1.5. Act as liaison for parish to the U.S. Army Corps of Engineers, other parishes, and other state and local governmental entities relative to projects governed by this article or the Act which are proposed to take place in or impact the coastal zone of parish.

3.1.6. Review and comment upon uses of state concern, as defined in R.S. 49:214.25A(1).

3.1.7. Determine whether a proposed project has direct and significant impacts and whether a proposed project is a local use.

3.1.7.1. Should the local administrator determine that direct and significant impacts on coastal waters may result from the proposed activity, the local administrator will forward the application materials and any supplemental materials to the secretary for an authoritative determination. Concurrently, the local administrator will notify the project proponent of the referral to the secretary.

3.1.7.2. If the secretary determines that direct and significant impacts will result from the proposed project, the finding and application will be returned to the local administrator to continue the permit process.

3.1.7.3. If the secretary determines that direct and significant impacts will not result from the proposed project, the finding will be returned to the local administrator who will then notify the project proponent that the activity may proceed without a CUP.

3.1.8. Maintain and hold open for public inspection records pertaining to this article and activities governed by this article.

3.1.9. Regularly update the committee on actions taken by the local administrator and seek their advice on future actions.

3.1.10. Enforce this ordinance/Code Article and the Act.

3.1.11. Request and receive the assistance of other officers and employees of the parish when necessary to carry out these duties.

3.1.12. Consider written requests from parish residents to add, modify, or delete local rules implementing this article.

4. SECTION 19-54. – LOCAL COASTAL ZONE MANAGEMENT ADVISORY COMMITTEE

4.1. The committee shall include representatives from various interest groups or government agencies to encourage full use of the coastal resources recognizing that it is in the public interest of the people to establish a proper balance between development and conservation. Its membership shall be appointed by a majority vote of the parish council.

4.2. A member shall be removed by the parish council only for good cause during their four-year term. Within the first six months of each term, the Council may remove or replace Committee members without cause. With no action on the part of the Council, Committee members shall remain in their seats as there are no express term limits. The committee chairperson is to be selected by standing members.

4.3. Committee activities shall be coordinated by the CZM Administrator.

4.4. The seven-member advisory committee will be appointed by the parish council with a member appointed by each council member.

4.5. The committee shall review and comment upon any proposed rules and regulations impacting the coastal zone.

4.6. The committee shall recommend to the parish council any modifications to this ordinance.

4.7. The committee shall review and comment upon any coastal use permit at the request of the local CZM administrator.

4.8. The committee shall nominate representatives to hear appeals in accordance with this article.

4.9. The committee shall assist the CZM Administrator in submitting a regular report describing the activity of parish's coastal zone management program to the DNR secretary as required and make copies available to the public. The report shall include the number, type and characteristics of the CUP applications, decisions, appeals, variances, enforcement actions, and problem areas in the parish coastal zone management program for the past year and proposed changes in the state or local coastal zone management program.

4.10. The committee shall enforce this Ordinance and the Act.

5. SECTION 19-55. – COASTAL USE PERMIT APPLICATIONS

5.1. Undertaking a local or state use in the St Charles Parish coastal zone without a Coastal Use Permit or in violation of permit terms is unlawful. Activities listed under L.A.C. 43:1,723(B) et al. and LA R.S. 49:214.34(A) are exempt from this ordinance, except when that particular activity would have direct and significant impact on coastal waters. These exceptions noted in the revised statutes must be described in a completed permit application to allow a determination of whether they have a direct and significant impact on coastal waters. The following procedure shall be followed in applying for a coastal zone use permit:

5.1.1. All applications shall be made on the forms prescribed by the secretary, available at the parish coastal zone management office or online at the Louisiana Department of Natural Resources, Office of Coastal Zone Management's Website

5.1.2. Applications may be submitted to either the local CZM Administrator or the State Administrator.

5.1.3. Applications must include material required by L.A.C. title 43, section 723(C)(2), including, but not limited to, the following:

5.1.3.1. Maps showing actual location, size and dimensions of the real property proposed as the use site. Maps shall be the latest available (e.g., earth imaging infrared, coast and geodetic survey maps or equivalent).

5.1.3.2. Plans showing the exact location, size, and height of the buildings or structures to be developed;

5.1.3.3. A list of all applications, approvals and/or denials already made concerning the development by federal, state or local agencies;

5.1.3.4. A description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of the proposed coastal use;

5.1.3.5. A description of how the projects impacts may be tracked in the future;

5.1.3.6. If the development involves dredging, a description of the type, quantity and composition of the dredged material, the method of dredging and disposal;

5.1.4. Applicants may be requested to provide supplemental material upon determination of need by the local CZM Administrator. If after 30 days an applicant should fail to respond to the request for supplemental material, the application will be deemed withdrawn. The local administrator shall notify the applicant in writing of the withdrawal and include a copy of the request for supplemental material;

5.1.4.1. Processing will be stopped pending receipt of necessary changes or information from the applicant and the processing periods will be interrupted.

5.1.4.2. If the applicant fails to respond within 30 days to any request or inquiry of the local CZM Administrator or the State Administrator, the permitting body may advise the applicant that his application will be considered as having been withdrawn unless and until the applicant responds within 15 days of the receipt of the letter requesting changes or information.

5.1.4.3. Upon receipt of the required changes or information a new processing period will begin.

5.1.5. Assistance and consultation will be provided to any applicant so requesting;

5.1.6. Separate applications shall be made for each unrelated, single action. Actions that are closely related should be included in a single permit application;

5.1.7. Application fees may be assessed according to a schedule prepared and posted by the local CZM Administrator;

5.1.8. Each application may be required to include an acceptable surety bond of \$5,000.00 to ensure adjustment, alteration or removal should the CZM administrator or the committee determine it to be appropriate for compliance with this article, the guidelines, and the Act.

5.1.8.1. If required, the bond shall be returned to the applicant promptly when:

5.1.8.1.1. The applicant withdraws the application;

5.1.8.1.2. The permit application is denied; or

5.1.8.1.3. The completed project has been inspected and determined to be in compliance with the terms of the permit.

5.1.8.2. After demonstrating repeatedly the good faith compliance with all permit terms and conditions, an applicant may request that the local CZM Administrator waive the bond requirement or reduce the amount.

5.1.9. After following due notice to comply with all permit terms and conditions in the past six months, the local CZM Administrator may enhance the bond requirement or cause the forfeiture of the bond by the owner.

6. SECTION 19-56. – PERMIT REVIEW PROCESS

6.1.1. Upon receipt of a complete application packet, the local CZM Administrator shall make an initial review to determine whether the activity fits within the exempted activities or whether the activity would not have a direct and significant impact on the coastal waters.

6.1.2. If the activity is exempt or upon a finding of no impact(s), the local CZM Administrator forward to the OCM for an authoritative concurrence. If the activity

is not exempt or upon a finding that direct and significant impacts(s) will result from the proposed activity, the CZM Administrator shall assign it a number, acknowledge receipt, and ascertain whether the application is for a state or local use in accordance with R.S. 49:214.25 et al..

6.1.3. Application processing will begin when an application that is apparently complete is accepted by the local CZM Administrator or the State Administrator. When received by the local CZM Administrator, the local CZM Administrator shall assign it a number, acknowledge its receipt and make an initial determination of whether the proposed activity is a state or local concern in accordance with La R.S. 49:214.25(A). Copies of all applications submitted to St Charles Parish CZM Administrator along with the local CZM Administrator's initial determination shall be submitted to the Secretary within two (2) days of receipt.

6.2. When it is determined to be a Local Use/Concern:

6.2.1. Upon the determination that a permit application is a local concern either by the State Administrator, the local CZM Administrator shall make public notice of the pending local use application made in accordance with LAC 43:I,723(C)(5).

6.2.2. Notice of a pending application shall include the permit number, the location of the proposed activity, and information allowing members of the public to comment on the proposal for 25 days.

6.2.3. Before expiration of the applicable public comment period, the local CZM Administrator shall:

6.2.3.1. Forward copies of the local concern application to the local Coastal Zone Committee and appropriate parish officials

6.2.3.2. Solicit comment(s) both the Coastal Zone Committee, appropriate parish officials and as appropriate other agencies with expertise.

6.2.3.3. Make a determination regarding the appropriateness of calling a public hearing on the proposed local use based on the same requirements noted for state concerns or at the request of the applicant or a majority of the coastal advisory committee. To be considered, the request must be received within 25 days of the official journal publication. A decision to call a public hearing shall interrupt the timeline for deciding the appropriateness of issuing or denying the permit application, however, the hearing shall be scheduled in a prudent manner. Any documents, studies or other data in the applicant's possession relevant to the proposed use must be made available to the public for review, study, and duplication at least five (5) days prior to the hearing. As additional materials are developed, they must also be made available. When appropriate, the local CZM Administrator shall hold a public hearing in accordance with the St Charles Parish's procedures governing public hearing. After expiration of the applicable public comment period, the local CZM Administrator shall take one of the following actions:

6.2.3.3.1. Consider and address in writing each comment received on the application in the final permit decision.

6.2.3.3.2. Include a short, plain statement explaining the basis for decision on each final permit decision.

6.2.3.3.3. Either

6.2.3.3.3.1. Issue the local use permit, based on this article, the guidelines and the Act; OR

6.2.3.3.3.2. Issue the local use permit with conditions, based on the parish coastal zone management plan, the guidelines and the Act.

6.2.3.3.3.2.1. send a draft permit to the applicant for acceptance and signature or send notice of denial to the applicant within 30 days of the giving of public notice or within 15 days after the closing of the record of a public hearing, if held, whichever is later and in accordance with LAC 43:I.723(C)(8).

6.2.3.3.4. Or

6.2.3.3.4.1 Deny the local use permit, based upon the parish coastal zone management plan, the guidelines, and the Act.

6.3. When it is determined to be a State Use/Concern:

6.3.1. Upon the determination that a permit application is a use of state concern, concern, the local administrator shall review the proposed activity for consistency with their program guidelines and with the goals, objectives and policies developed for the environmental management units(s) in which the proposed activity would take place. Based on this review the local administrator shall:

6.3.1.1. Forward copies of the state concern application to appropriate parish officials,

6.3.1.2. Solicit comments from the local program committee and parish officials,

6.3.1.3. Request a public hearing when there is significant public opposition to a proposed use, or when there have been requests from legislators or local governments or other local authorities, or in controversial cases involving significant economic, social, or environmental issues.

6.3.1.4. Follow the guidelines for public hearing for a local concern and then after expiration of the applicable public comment period, the local CZM Administrator shall take one of the following actions:

6.3.1.4.1. Comment upon a state use application.

6.3.1.4.2. Solicit comment upon a state use application from the committee.

6.3.1.5. The local CZM Administrator may submit comments to the State Administrator regarding the application within 25 days from the date of the official journal publication of the notice.

6.3.2. Note: General permits have a shorter window of review time and the local administrator should forward comments in accordance with the general permit timelines.

6.4. Any person may obtain a copy of the permit application and supporting documents by making a request to parish office of coastal zone management and providing reasonable costs of copying, postage, and handling.

6.5. Terms and acceptance of permits

6.5.1. Term of issued permits. A CUP shall remain valid for two years after the date of issuance. Should a project proponent desire more time, they may seek to either:

6.5.1.1. Have the permit renewed based on a demonstration that diligent efforts have been made to complete the project within the allotted time but that events beyond the proponent control delayed completion; or

6.5.1.2. Have the permit issued for a longer period up to three years based upon conclusive evidence demonstrating that the use will extend beyond a year under ordinary circumstances. After three years, a new permit application must be made.

6.5.2. The local CZM Administrator has discretion to grant an applicant more time under either of the circumstances in subsection 6.6.1. of this section.

6.5.3. By accepting the permit, the applicant agrees to the following:

6.6.3.1. To act in accordance with the plans and specifications as contained in the approved application;

6.5.3.2. To comply with permit conditions imposed to ensure compliance with this article;

6.5.3.3. To adjust, alter or remove any structure or physical alteration if the local CZM Administrator and a majority of the committee determine such action is necessary to achieve compliance with this article;

6.5.3.4. To provide an acceptable surety bond, in an appropriate amount as posted by the CZM Administrator, to ensure adjustment, alteration, or removal should the applicant fail to take such action when requested;

6.5.3.5. To hold the state, the parish and all officers and employees thereof harmless from any injury to persons or property resulting from actions undertaken to carry out the permit;

6.5.3.6. To certify that the permitted activity has been completed in accord with permit or, upon request of the local administrator, provide certification from a licensed professional to that effect;

6.5.3.7. To allow reasonable inspection of the project for purposes of monitoring and compliance inspections.

7. SECTION 19-57. - AFTER THE FACT PERMITS.

7.1. A CUP may be issued as an after-the-fact permit under one of the following circumstances:

7.1.1. The activity taken was undertaken in response to an emergency and the parish official was notified of the activity;

7.1.2. The activity taken was in violation of this article but would likely have been permitted if the applicant had applied for a permit;

7.1.3. The activity taken was in violation of this article but would likely have been permitted if the applicant had accurately described the project as completed in the application materials.

7.2. An after-the-fact permit may be limited in duration at the discretion of the local administrator but shall not exceed the time allocated for issuance of similar CUPs obtained through the normal process.

7.3. An after-the-fact permit must be requested within 15 days of the activity subject to permitting, at which time the application will proceed as any other application.

7.4. When an after-the-fact permit is issued as part of an enforcement action, additional terms and conditions may be included at the discretion of the local administrator or committee as consideration of circumstances unique to the particular applicant, including, but not limited to fines, posting of larger bonds to assure compliance and reporting requirements to monitor the project. Increased mitigation requirements may be required on or off site over normal permit requirements.

7.5. An applicant for an after-the-fact permit may be required to fulfill conditions in the permit despite completion of the activity or return the area to its pre-emergency state if the application is denied.

7.6. For purposes of this article, an after-the-fact permit shall be treated as any other permit after it is issued.

8. SECTION 19-58 MITIGATION

8.1. Applicability; requirements

8.1.1. Provisions on mitigation shall be read and construed as a whole and in accordance with applicable state regulations, L.A.C. title 43, part I, chapter 7, section 724, which designate the secretary of the Louisiana Department of Natural Resources (LDNR) as the authority responsible for all decisions respecting mitigation.

8.1.1.1. In accordance with R.S. 49:214.41(C), compensatory mitigation is not required in a CUP for an activity that does not have direct and significant coastal zone impacts:

8.1.1.1.1. In a wetland existing in a fastland;

8.1.1.1.2. In a wetland more than five feet above mean sea level; or

8.1.1.1.3. When an applicant has satisfactorily demonstrated to the secretary that the required mitigation would render impracticable an activity proposed to be permitted and that such activity serves a clearly overriding public interest, and the provisions of R.S. 49:214.41(C) are met.

8.1.1.2. Projects exempt from the compensatory mitigation requirements may still be required to include other forms of mitigation or to mitigate for other types of impacts under regulations promulgated in accordance with R.S. 49:214.41, such as L.A.C. title 43, section 724(B)(1)(a) and (b).

8.1.2. The local CZM Administrator shall implement mitigation activities in accordance with the directives of Louisiana's Coastal Resources Program (LCRP).

8.1.3. Actions of the local administrator respecting mitigation - Actions by the local administrator respecting wetlands mitigation may include the following:

- 8.1.3.1. Authorizing or making a continuing study of wetland areas and wetland mitigation programs;
- 8.1.3.2. Consulting with, providing information to, and entering into an agreement with a federal agency, state agency, or private entity to identify and publish information about wetland areas;
- 8.1.3.3. Cooperating with a federal or state agency in connection with a study or investigation regarding the adequacy of a local measure with respect to a federal or state wetland program;

9. SECTION 19-59 - APPEALS

9.1. Any person adversely affected by a permit decision, any landowner in, or resident of parish and any government authority may request an administrative appeal of the local CZM Administrator's decision by filing a written notice to the local CZM appeals panel within 15 days from the date the decision was issued. The party requesting any appeal shall provide:

9.1.1. A copy of the notice shall be provided to all parties of record and to the local CZM Administrator by the party requesting any appeal.

9.1.2. The party requesting an appeal shall include in the submission to the local CZM Administrator a copy of the permit decision being appealed and a copy of the permit application.

9.2. Notice of appeal shall:

9.2.1. Identify how the permit decision of the local CZM Administrator is contrary to law and any issues providing grounds for appeal;

9.2.2. State sufficient facts regarding the proposed project to allow adequate analysis of whether or not the local administrator's decision was supported by fact;

9.2.3. Include the name, address, and phone number of the party requesting review and, if applicable, the party's legal representative;

9.2.4. Provide a short statement indicating how the party requesting the appeal would like the appeals panel to remedy the situation;

9.2.5. Include a statement that the party requesting an appeal has read the notice and believes the contents to be true, followed by the party's signature and that of the party's representative, if any.

9.2.6. Not include issues not raised during the application process constitute except for allegations of any of the following:

9.2.6.1. New evidence pertinent to the key issues upon which the permit decision was based that may not have been discovered before or during the application review process by using due diligence;

9.2.6.2. Fraud, as defined by state law, or corruption in the application process; or

9.2.6.3. Other good grounds for further consideration in the public interest. The term "good grounds" includes, but is not limited to a failure to consider pertinent issues or facts in the initial review process.

9.3. Upon receipt of a completed appeals packet, containing proper notice as defined above, a copy of the decision and a copy of the application, the local CZM Administrator shall notify the appellant of its receipt by mail.

9.4. A public appeal may be held upon the request of ten or more residents of parish or any parish in which impacts of the project may be realized or a combination thereof.

9.4.1. The request for public appeal must be made in writing to the local CZM Administrator:

9.4.1.1. Within ten days of the notice for administrative appeal or within ten days of the local administrator's decision; and

9.4.1.2. Contain the names, signatures, address of legal residence, and phone numbers of each resident requesting a public appeal and of their legal representative, if any.

9.4.2. The public appeal shall replace the form of the administrative appeal described in this article, when properly requested. All provisions applicable to the

administrative appeal shall be equally applicable to the public appeal unless clearly contradictory, impossible, or specifically expected.

9.5. The local CZM administrator shall schedule an administrative appeal or public appeal within ten days of receiving a completed administrative appeals packet or proper request for a public appeal.

9.5.1. The local CZM Administrator shall promptly send each party of record the date, time, and location of the administrative appeal by registered mail.

9.5.2. The local CZM Administrator shall publish the date, time and location of any public appeal in a newspaper of general circulation in the parish of the proposed site for the project at issue.

9.5.3. The local CZM Administrator shall require the applicant to post notification of the upcoming appeal on the proposed site of the activity at issue.

9.6. Interested parties may appear personally or be represented by counsel at the public appeal to produce any competent evidence on their behalf.

9.7. The panel may administer oaths, examine witnesses, and issue notices of hearings or subpoenas requiring the testimony of witnesses and production of books, records or other relevant documents.

9.7.1. The appeals panel may admit and give probative effect to evidence that possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs. The appeals panel may exclude evidence they find incompetent, irrelevant, immaterial or unduly repetitive.

9.7.2. The appeals panel shall give effect to the rules of privilege recognized by law.

9.7.3. Objections may be made and considered, and shall be noted in the record.

9.7.4. The appeals panel may take notice of judicially cognizable facts, as requested by interested parties. Such facts include, but are not limited to, recognized technical or scientific facts.

9.7.5. Depositions may be taken in accordance with provisions governing the taking of depositions for civil court proceedings and admitted in the public appeal or administrative appeal.

9.7.6. Discovery may occur in accordance with provisions governing discovery for civil court proceedings in the district court of parish.

9.8. A verbatim transcript of testimony at the public appeal shall be prepared and, in addition to exhibits and documents introduced, constitute the record.

9.9. The appeals panel shall make findings of fact and a decision based upon the record when a public appeal is held. When an administrative appeal is held, the findings of fact and decision shall be based upon the following:

9.9.1. Written submissions from interested parties prepared for purposes of administrative appeal;

9.9.2. The original permit application and associated documentation; and

9.9.3. Any legislative facts (such as scientific studies) or documented communications the panel deems trenchant relative to material issues in the permit.

9.10. The appeals panel shall issue a written decision of a length and depth to enable a court to evaluate the rationale and fundamental facts underlying the decision. A copy of the appeals panel's decision shall be provided to each of the interested parties by the local administrator.

9.11. The appeals panel hearing appeals of permit decisions on applications for a CUP in parish shall be composed of three, unbiased members as follows:

9.11.1. The parish council shall appoint three local representatives to an ad hoc hearing panel.

9.11.2. The parish council shall appoint a local representative from the committee to serve as an appeals officer for purposes of this section. This representative can be removed only for cause. Local representatives shall be available on a rotating basis to hear administrative appeals and public appeals.

- 9.11.3. In addition to definition by pertinent state law, bias may include, but is not limited to interest in the outcome of the appeal, prior commitment, or individual prejudice towards an interested party.
- 9.11.4. Each member of the appeals panel has an equal vote and decisions shall be determined by majority rule.
- 9.11.5. The three member composition shall be used for both administrative appeals and public appeals.
- 9.12. Members of the appeals panel shall have no outside contact with any interested party regarding a fact in issue without prior notice to the other interested parties.
- 9.13. Members of the appeals panel shall not communicate privately with anyone outside the department of natural resources regarding the merits of the appeal without documenting such communication.
- 9.13.1. Documentation shall include:
- 9.13.1.1. The date, time, form and location of the communication;
- 9.13.1.2. The identity of the persons initiating and receiving the communication; and
- 9.13.1.3. A description of the content of the communication.
- 9.13.2. Interested parties may review the documentation upon written request to the appeals panel.
- 9.14. No appeals panel member shall make, participate in making, or attempt to use in any other way, the position of appeals panel member to influence a decision about which he has knowingly had communications required to be documented but that were not documented. In addition to any other applicable penalty, an appeals panel member who violates this provision shall be subject to a civil fine and be barred from participation in the current appeal and all future appeal decisions.
- 9.15. Any appeals panel member shall withdraw from any adjudicative proceeding in which he cannot accord a fair and impartial hearing or consideration.
- 9.15.1. The parish president may request the disqualification of an appeals panel member based on the inability of the member to make a fair and impartial decision by filing an affidavit, upon discovery of the alleged grounds for disqualifications. The affidavit shall state with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded.
- 9.15.2. The issue of disqualification shall be heard and determined promptly by the parish president or a designee.
- 9.15.3. Upon the disqualification of a member of the appeals panel, a substitute shall be obtained from the pool of local representatives in accord with the rotation schedule when the disqualified member is a local representative.
- 9.16. The party requesting an appeal bears the burden of presenting a prima facie case, as that standard is determined by state law for civil trials.
- 9.17. The standard for review of the local administrator's decision by the appeals panel is whether the decision on the permit application was supported by substantial evidence, as defined in state law. (See R.S. 49:964.)
- 9.18. Review of the decision of the appeals panel by a competent court shall be provided if the following criteria are met:
- 9.18.1. Written request is made;
- 9.18.2. The request is filed within 15 days of the appeals panel's final decision in the district court in the parish of the proposed project location;
- 9.18.3. The request is made by any interested party who participated in the process before the appeals panel.
- 9.19. Judicial review of the appeals panel's decision shall be based on the substantial evidence standard, as defined by state law. (See R.S. 49:964.)
- 9.20. Nothing in this provision shall impede other authorized means for review.
- 9.21. The local CZM Administrator may establish a fee system to cover administrative costs associated with implementing the appeals process, including, but not limited to reasonable charges for copies and postage.

9.22. Good faith efforts to reach a resolution through mediation or another alternative dispute resolution process recognized by the state shall stop the running of the timeline for filing a request for either an administrative appeal or a public appeal.

9.22.1. Using an alternative dispute resolution process as a delay tactic constitutes bad faith and may subject that party to a penalty equal to five percent of the cost of the proposed project for each calendar day of delay.

9.22.2. Any interested party who believes alternative dispute resolution processes are being used in bad faith, as defined above and in state law, may request a determination by the district court in which the proposed project site exists.

9.22.2.1. The court will determine whether bad faith exists and may issue penalties.

9.22.2.2. Finding of bad faith by a court begins the running of the time for filing a request for an administrative or a public appeal, among such other consequences defined by state law and that the judge may find appropriate.

9.23. Reconsiderations, judicial review

9.23.1. A decision or determination shall be subject to reconsideration if a petition for reconsideration is filed in writing with the CZM Administrator within ten days following public notice of a final coastal use permit or receipt of written notice of a determination.

9.23.2. Any person authorized by the Subpart to appeal a coastal use permit decision or any local government aggrieved by a final decision on approval of a local program may seek judicial review of that decision whether or not a petition for reconsideration has been filed under this Section. A preliminary, procedural, or intermediate action by the secretary or a determination of local or state concern under R.S. 49:214.30(C)(1) or of direct and significant impact under R.S. 49:214.34 is immediately reviewable if review of the secretary's final permit decision or action would not provide an adequate remedy or would inflict irreparable injury.

9.23.3. Proceedings for review may be instituted by filing a petition in the district court of the parish in which the proposed use is to be situated within thirty days after mailing of notice of the final decision by the secretary or, if reconsideration is requested, within thirty days after the decision thereon.

9.23.4. Judicial review shall otherwise be pursuant to the Louisiana Administrative Procedure Act, provided that all such cases be tried with preference and priority. Trial de novo shall be held upon request of any party.

10. SECTION 19-60 ENFORCEMENT IN GENERAL

10.1. After a written request sent to the committee upon which no action is taken within 15 days, any person may commence a civil action on his own behalf to enforce this article:

10.1.1. Against any person (including parish officials in their capacity as government agents and the parish government) who is alleged to be in violation of this article or an order issued pursuant to this article; or

10.1.2. Against the local administrator where there is alleged a failure of the local CZM Administrator to perform any act or duty under this article which is not discretionary.

10.2. Upon a prima facie showing of a violation of this article, the person shall be granted preliminary equitable relief to restrain any further violation.

10.3. Each violation of an individually named condition of a permit or order and each day a violation continues shall constitute a separate violation. A fine of \$2,000.00 per offense per day may be assessed by the parish coastal zone management administrator, subject to coastal zone management committee approval. Such fines will be in addition to fines imposed by other government agencies.

10.4. Enforcement may be initiated in any of three ways:

10.4.1. Investigation and monitoring as a matter of course under R.S. 49:214.36(A);

10.4.2. Referrals from other agencies; or

10.4.3. Complaints from individuals or groups.

10.5. Every effort is made to use the investigation and monitoring to correct deficiencies in site compliance whenever possible.

10.5.1. The inspection shall include a routine check-list, examination of specialized provisions in the permit, photographs, and notes or other documentation developed during the permit process.

10.5.2. Should compliance fail to be achieved or if the inspecting official deems a violation serious enough to warrant enforcement; considering the gravity of the violation and the actor's compliance history; the violation may be deemed either noncompliance or significant noncompliance:

10.5.2.1. Significant noncompliance exists when the violation poses an imminent threat to the public welfare, is egregious in nature or results from action by a person that has been in violation of this article within the preceding two years; in these instances, a cease and desist order shall be issued promptly by the local CZM Administrator.

10.5.2.2. Noncompliance exists when the violation is of a minor nature or can be remedied without significant hardship; in these instances, a letter of warning shall be issued promptly by the local CZM Administrator.

10.5.2.2.1. letter of warning describes the observations of the inspector, identifies the corrective actions that may be taken to come into compliance, provides a date by which the actions must be made, identifies the provisions of this article in violation and is signed by the inspector.

10.5.2.2.2. A letter of warning must be sent by certified mail to the permit applicant or record owner of the property when no permit exists.

10.5.3. The inspector shall investigate the response. After examining the timeliness, completeness, documents, and any meetings or interviews necessary, the inspector determines whether or not compliance has been achieved.

10.5.4. When compliance has not been achieved, the local CZM Administrator shall issue a cease and desist order or, when a cease and desist order has been issued previously, undertake proceedings to enforce the cease and desist order.

11. SECTION 19-61 – REFERRALS FROM OTHER AGENCY OFFICIALS

11.1. When state or local officials become aware of a possible violation of this article, they are to contact the local CZM administrator.

11.2. After receiving a referral, the local CZM Administrator shall promptly take whatever investigatory actions are necessary in order to ascertain whether or not a violation does in fact exist.

11.3. When a violation does not exist, the local administrator informs the agency official who made the referral of such in writing.

11.4. If the inspecting official deems a violation serious enough to warrant enforcement considering the gravity of the violation and the actor's compliance history, the violation may be deemed either noncompliance or significant noncompliance.

11.4.1. Significant noncompliance exists when the violation poses an imminent threat to the public welfare, is egregious in nature or results from action by a person that has been in violation of this article within the preceding two years; in these instances, a cease and desist order shall be issued promptly by the local administrator.

11.4.2. Noncompliance exists when the violation is of a minor nature or can be remedied without significant hardship; in these instances, a letter of warning shall be issued promptly by the local administrator.

11.4.2.1. A letter of warning describes the observations of the inspector, identifies the corrective actions that may be taken to come into compliance, provides a date by which the actions must be made, identifies the provisions of this article in violation, and is signed by the inspector.

11.4.2.2. A letter of warning must be sent by certified mail to the permit applicant or record owner of the property when no permit exists.

11.5. The inspector shall investigate the response to any notice of violation. After examining the timeliness, completeness, documents, and any meetings or interviews necessary, the inspector determines whether or not compliance exists.

11.6. When compliance does not exist, the local CZM Administrator shall issue a cease and desist order. If a cease and desist order has already been issued, the local administrator may suspend, revoke, or modify a coastal use permit or bring injunctive, declaratory or other actions necessary to enforce the ordinance.

12. SECTION 19-62 – COMPLAINTS FROM CONCERNED CITIZENS OR OTHERS

12.1. All complaints will be directed to a parish official to determine whether or not a violation exists or make a referral.

12.2. If the inspecting official deems a violation serious enough to warrant enforcement; considering the gravity of the violation and the actor's compliance history, the violation may be deemed either noncompliance or significant noncompliance:

12.2.1. Significant noncompliance exists when the violation poses an imminent threat to the public welfare, is egregious in or results from action by a person that has been in violation of this article within the preceding two years; in these instances, a cease and desist order shall be issued promptly by the local administrator.

12.2.2. Noncompliance exists when the violation is of a minor nature or can be remedied without significant hardship; in these instances, a letter of warning shall be issued promptly by the local administrator.

12.2.2.1. A letter of warning describes the observations of the inspector, identifies the corrective actions that may be taken to come into compliance, provides a date by which the actions must be made, identifies the provisions of this article in violation, and is signed by the inspector.

12.2.2.2. A letter of warning must be sent by certified mail to the permit applicant or record owner of the property when no permit exists.

12.3. The inspector shall investigate the response. After examining the timeliness, completeness, documents, and any meetings or interviews necessary, the inspector determines whether or not compliance exists.

12.4. When compliance does not exist, the local administrator shall issue a cease and desist order. If a cease and desist order has already been issued, the local administrator may suspend, revoke, or modify a coastal use permit or bring injunctive, declaratory or other actions necessary to enforce the ordinance.

13. SECTION 19-63 – CONTENTS OF CEASE AND DESIST ORDER

13.1. In addition to any other information required by parish or state law, a cease and desist order shall contain the following:

13.1.1. A concise statement of the facts alleged to constitute a violation;

13.1.2. A statement of the amount of the potential penalties for violating the cease and desist order;

13.1.3. A copy of the regulation, permit, order, statute or other legal provision applicable;

13.1.4. Information enabling the recipient to contact the local administrator; and

13.1.5. Information on how the recipient may obtain a hearing to contest the cease and desist order.

13.2. A recipient of a cease and desist order may challenge the validity of the order in the parish district court.

14. SECTION 19-64 – CONDITIONS FOR ENTERING PROPERTY FOR EXAMINATION

14.1. To perform the duties required under this article, parish personnel may enter upon any land and make examinations in accordance with R.S. 49:214.36(A) and SECTION 19-60 et. Seq. provided that:

14.1.1. A warrant is obtained or the examinations do not interfere with the use of the land by its owners or possessors; and

14.1.2. Prior to inspection, the owner or possessor of the land is informed that an inspection is to take place and allowed to accompany the inspector if he so desires.

15. SECTION 19-65 – USE OF FUNDS

15.1. Funds collected for violations in parish shall be maintained in a coastal monitoring enforcement fund. These monies, including interest accruing thereon, shall be used by parish for the cost of providing aircraft overflights or boat use for coastal monitoring and similar surveillance and enforcement activities conducted by parish.

16. SECTION 19-66 – MITIGATION TRUST FUND

16.1. A mitigation trust fund is hereby created as the depository of monies collected in accordance with R.S. 49:214.36(J), which states that 25 percent of the monies collected for violations relating to minimal wetland impacts shall be forwarded to local government whereby 100 percent of the monies received shall be placed in local government mitigation bank and can only be used for mitigation projects. All monies to be spent on mitigation projects will be for coastal restoration projects as approved by the governing authority.

16.2. If the coastal parishes do not have a local mitigation bank, the 25 percent of the monies collected are placed into the wetland conservation and restoration fund (WCRF).

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

YEAS: SCHEXNAYDRE, LEWIS, WILSON, TASTET, HOGAN, COCHRAN,
FLETCHER, FISHER-PERRIER
NAYS: NONE
ABSENT: BENEDETTO

And the ordinance was declared adopted this 19th day of October, 2015, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____
SECRETARY: _____
DLVD/PARISH PRESIDENT: 10/21/15
APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: [Signature]
RETD/SECRETARY: 10/21/15
AT: 10/25/15 RECD BY: [Signature]

2015-0330

**INTRODUCED BY: V.J. ST. PIERRE, JR, PARISH PRESIDENT
(DEPARTMENT OF PLANNING & ZONING)**

A resolution providing mandatory supporting authorization for approval of a Special Permit Use for an accessory dwelling unit (ADU) on land zoned R-1A with the condition that all utilities are extended from the primary structure at 11202 River Road, as requested by John M. Cole.

WHEREAS, the applicant, John M Cole, desires to obtain a Special Permit Use for an accessory dwelling unit on land zoned R-1A at 11202 River Road St. Rose; and,

WHEREAS, the Planning & Zoning Department recommended approval of the Special Permit Use for an accessory dwelling unit on land zoned R-1A with the condition that utilities are extended from the primary structure at 11202 River Road, St. Rose; and,

WHEREAS, The Planning & Zoning Commission approved the Special Permit Use for an accessory dwelling unit on land zoned R-1A with the condition that utilities are extended from the primary structure at 11202 River Road, St. Rose.

NOW, THEREFORE, BE IT RESOLVED THAT THE ST. CHARLES PARISH COUNCIL provides this resolution in support of the Planning and Zoning Commission's decision to issue a Special Permit Use for an accessory dwelling unit on land zoned R-1A at 11202 River Road St. Rose with the condition that all utilities are extended from the primary structure, as requested by John M Cole.

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

YEAS: NONE

NAYS: SCHEXNAYDRE, LEWIS, WILSON, TASTET, HOGAN, COCHRAN, FLETCHER, FISHER-PERRIER

ABSENT: BENEDETTO

PROPOSED RESOLUTION FAILED FOR LACK OF A FAVORABLE MAJORITY ON OCTOBER 19, 2015.

2015-0330 Failed John Cole Resolution

2015-0372

**INTRODUCED BY: V.J. ST. PIERRE, JR, PARISH PRESIDENT
(DEPARTMENT OF PLANNING & ZONING)**

RESOLUTION NO. 6193

A resolution providing mandatory supporting authorization for approval of a Special Permit Use for an accessory dwelling unit (ADU) on land zoned R-1A with a waiver to the requirement that ADU shall use the electrical service to the primary structure and with the condition that utilities shall remain extended from the primary structure at 320 Wade Street, Luling as requested by Coastal Permitting LLC for James and Gena DeSoto.

WHEREAS, the applicants, Coastal Permitting LLC for James and Gena DeSoto, desire to obtain a Special Permit Use for an accessory dwelling unit on land zoned R-1A at 320 Wade Street Luling; and,

WHEREAS, the applicants are requesting a waiver to the requirement that the accessory dwelling utilities shall remain extended from the primary structure at 320 Wade Street Luling; and,

WHEREAS, the Planning & Zoning Department recommended approval of the Special Permit Use for an accessory dwelling unit on land zoned R-1A with the condition that utilities shall remain extended from the primary structure at 320 Wade Street Luling; and,

WHEREAS, the Planning & Zoning Commission approved the Special Permit Use for an accessory dwelling unit on land zoned R-1A with the condition that the utilities extending from the ADU shall remain extended from the primary structure at 320 Wade Street Luling.

NOW, THEREFORE, BE IT RESOLVED THAT THE ST. CHARLES PARISH COUNCIL provides this resolution in support of the Planning and Zoning Commission's decision to issue a Special Permit Use for an accessory dwelling unit on land zoned R-1A with the condition that the accessory dwelling shall use the electrical service to the primary structure and with the condition that utilities shall remain extended from the primary structure at 320 Wade Street Luling as requested by Coastal Permitting LLC for James and Gena DeSoto.

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

YEAS: SCHEXNAYDRE, LEWIS, WILSON, TASTET, HOGAN, COCHRAN,
FLETCHER, FISHER-PERRIER
NAYS: NONE
ABSENT: BENEDETTO

And the resolution was declared adopted this 19th day of October, 2015, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____
SECRETARY: _____
DLVD/PARISH PRESIDENT: 10/21/15
APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: 10/21/15
RETD/SECRETARY: _____
AT: 10:55 RECD BY: _____

2015-0377

INTRODUCED BY: V.J. ST. PIERRE, JR, PARISH PRESIDENT
(COASTAL ZONE MANAGEMENT SECTION)

RESOLUTION NO. 6194

A resolution supporting the Land and Water conservation Fund and its benefits for conservation and outdoor recreation.

WHEREAS, for 50 years, the Land and Water Conservation Fund has been the premier law to protect public lands and waters for outdoor recreation in America; and,

WHEREAS, the Fund relies on offshore oil production revenues rather than tax dollars, and is specified in the Gulf of Mexico Energy Security Act (GOMESA) as a recipient of Gulf production revenues, along with Louisiana and the other Gulf Coast States; and,

WHEREAS, Louisiana has benefited substantially from the Land and Water Conservation Fund, which has helped create, expand, and enhance our two National Parks and twelve of the National Wildlife Refuges located in the state, as well as over 700 state and local projects since 1965; and,

WHEREAS, St. Charles Parish has utilized the Land and Water Conservation Fund to create and improve local parks and recreation facilities, including Beach Park (1969), Ama Park (1986), Killona Park (2011), and Rathborne Park (2014); and,

WHEREAS, the Land and Water Conservation Fund plays a critical role in providing both access and areas for outdoor recreation – hunting, fishing, birdwatching, hiking, paddling, and local sports – that contributes over \$4 billion annually to the state’s economy, including \$3.2 billion in retail sales and services, \$225 million in state sales tax, and supports 48,000 jobs; and,

WHEREAS, the Land and Water Conservation Fund is currently up for reauthorization in Congress, and if reauthorized can continue to help meet the future conservation and recreation needs of St. Charles Parish and Louisiana, as well as the nation.

NOW, THEREFORE, BE IT RESOLVED THAT THE ST. CHARLES PARISH COUNCIL AND THE PARISH PRESIDENT, do hereby express support for the Land and Water Conservation Fund and its benefits for conservation and outdoor recreation.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Louisiana Federal Delegation.

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

YEAS: SCHEXNAYDRE, LEWIS, WILSON, TASTET, HOGAN, COCHRAN, FLETCHER

NAYS: NONE

ABSENT: BENEDETTO, FISHER-PERRIER

And the resolution was declared adopted this 19th day of October, 2015, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____
SECRETARY: _____
DLVD/PARISH PRESIDENT: 10/21/15
APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: [Signature]
RETD/SECRETARY: _____
AT: 10:55a RECD BY: [Signature]

2015-0379

INTRODUCED BY: TRACI A. FLETCHER, COUNCILWOMAN, DISTRICT VI
RESOLUTION NO. 6195

A resolution to grant permission to the Knights of Columbus, Red Church Council No. 3634, 375 Spruce Street, Norco, LA 70079, to solicit contributions at the intersections of I-310 and River Road (Hwy 48) by the Eastbank Bridge Park, Ormond Boulevard and Airline Drive (U.S. 61), Ormond Boulevard and River Road, Greaud's Grocery Store on Apple Street, Winn Dixie at 12519 Airline Drive (U.S. 61), Destrehan, and River Road Market at 13572 River Road, Destrehan on October 23rd and 24th, 2015, between the hours of 9:00 A.M. and 7:00 P.M.

WHEREAS, Louisiana Revised Statute 32:218 B provides for the solicitation of contributions by non-profit organizations on a public roadway; and,

WHEREAS, the Knights of Columbus, Red Church Council No. 3634, 375 Spruce Street, Norco, LA 70079 has requested permission to solicit contributions at the intersections of I-310 and River Road (Hwy 48) by the Eastbank Bridge Park, Ormond Boulevard and Airline Drive (U.S. 61), Ormond Boulevard and River Road, Greaud's Grocery Store on Apple Street, Winn Dixie at 12519 Airline Drive (U.S. 61), Destrehan, and River Road Market at 13572 River Road, Destrehan on October 23rd and 24th, 2015, between the hours of 9:00 A.M. and 7:00 P.M. for the purpose of contributing to the Mentally Impaired Children of St. Charles Parish, divided between the ARC, Special Olympics, and St. Basil School for the Disabled.

NOW THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL, do hereby grant permission to the Knights of Columbus, Red Church Council No. 3634, 375 Spruce Street, Norco, LA 70079 to solicit contributions at the intersections of I-310 and River Road (Hwy 48) by the Eastbank Bridge Park, Ormond Boulevard and Airline Drive (U.S. 61), Ormond Boulevard and River Road, Greaud's Grocery Store on Apple Street, Winn Dixie at 12519 Airline Drive (U.S. 61), Destrehan, and River Road Market at 13572 River Road, Destrehan on October 23rd and 24th, 2015 between the hours of 9:00 A.M. and 7:00 P.M.

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

YEAS: SCHEXNAYDRE, LEWIS, WILSON, TASTET, HOGAN, COCHRAN, FLETCHER, FISHER-PERRIER
NAYS: NONE
ABSENT: BENEDETTO

And the resolution was declared adopted this 19th day of October, 2015, to become effective five (5) days after publication in the Official Journal.

Knights of Columbus - Red Church 2015

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: 10/21/15

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: [Signature]

RETD/SECRETARY: 10/21/15

AT: 10.55a RECD BY: [Signature]

2015-0373

**INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV
RESOLUTION NO. 6196**

A resolution requesting that Senator Gary L. Smith, Jr., and Representative Gregory A. Miller seek to enact a bill in the next Legislative Session to amend the Louisiana Revised Statute 14:95.6 to indicate that there may be individuals with guns authorized by law located within the currently restricted areas or that they have Louisiana Revised Statute 14:95.6 repealed in its entirety.

WHEREAS, changing the wording "Gun Free Zone" to "Unauthorized Gun Free Zone" or "Select-gun Zone" or some other wording that says to criminals "you take a risk of someone having a legal or unauthorized gun if you come in here" as compared to "Gun Free Zone" which tells criminals "no guns here"; and,

WHEREAS, "Gun Free Zones" have a double effect: on one hand, they embolden criminals to strike where they know resistance will be weakest, and on the other hand, they take away good people's only way to fight back; and,

WHEREAS, so as to no longer advertise to criminals "No guns here to stop you if you want to attack us", this resolution is being offered.

NOW, THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL, do hereby request that Senator Gary L. Smith, Jr., and Representative Gregory A. Miller seek to enact a bill in the next Legislative Session to amend the Louisiana Revised Statute 14:95.6 to indicate that there may be individuals with guns authorized by law located within the currently restricted areas or that they have Louisiana Revised Statute 14:95.6 repealed in its entirety.

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

YEAS: SCHEXNAYDRE, LEWIS, WILSON, TASTET, HOGAN, COCHRAN, FLETCHER, FISHER-PERRIER
NAYS: NONE
ABSENT: BENEDETTO

And the resolution was declared adopted this 19th day of October, 2015, to become effective five (5) days after publication in the Official Journal.

2015-0373 Request Revising Gun Free Zones (10-01-15) (10-19-15) - PH

CHAIRMAN: _____
SECRETARY: _____
DLVD/PARISH PRESIDENT: 10/21/15
APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____
RETD/SECRETARY: 10/21/15
AT 10:55a RECD BY: _____

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

A resolution to authorize the Council Chairman to employ Special Legal Counsel to represent the St. Charles Parish Council to compel the Parish President to perform his legal obligation to enter into a contract to perform a budgeted task, which he is legally obligated to do, to raise and dispose the sunken vessel "Pretty Boy" from the Scenic Waterway Bayou Des Allemands and/or to defend the St. Charles Parish Council should the Parish President elect to file suit against the St. Charles Parish Council as a result of anything having to do with anything relative to the sunken vessel "Pretty Boy".

WHEREAS, on October 28, 2014, the Parish Council approved Amendment No. 7 which amended the proposed Consolidated Operating and Capital Budget for Fiscal Year 2015, to add \$30,000.00 in Special Revenue Funds - Road & Drainage/Drainage (Account Number: 112-420260) - Operating Services/Drainage - Professional Services for raising and disposal of the vessel; and,

WHEREAS, on October 28, 2014, the Parish Council adopted Ordinance No. 14-10-20, which approved and adopted the appropriation of Funds for the St. Charles Consolidated Operating and Capital Budget for Fiscal Year 2015 which included the funds necessary to raise and dispose of the vessel; and,

WHEREAS, on March 16, 2015, the Parish Council adopted Resolution No. 6146, which requested an Attorney General Opinion as to the steps and/or actions it has at its disposal to have a project for which funds have been appropriated and approved in the Parish budget implemented; and,

WHEREAS, the Attorney General has issued Opinion 15-0041 which opined that the Parish President must execute the authorizations set forth in the budget; and,

WHEREAS, the Parish President has been taking every step possible at his disposal to avoid having to perform the budgeted task; and,

WHEREAS, the Parish President requested bids to dispose of the vessel with the hope and expectation that the cost would be in excess of the budgeted funds; and,

WHEREAS, the Parish President subsequently received a quote in the amount of \$29,000 from Couvillion Group, LLC to dispose of the vessel which ended up being under the budgeted amount; and,

WHEREAS, based upon the funds appropriated, the Parish Home Rule Charter, the Attorney General Opinions, and the Parish President's refusal to execute an authorization set forth in the budget to which he is required by law to execute, the St. Charles Parish Council desires that the Parish President enter into an agreement in the amount of \$29,000 with Couvillion Group, LLC in a timely manner to raise the vessel in accordance with the provisions and authorization provided by State law (LA R.S. 34:843); and,

WHEREAS, should the Parish President fail to provide the Council with a signed contract with Couvillion Group, LLC within 14 days of the adoption of this resolution, the Council Chairman shall immediately take the steps needed to employ legal counsel to compel the Parish President to perform his legal duty.

NOW, THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL, do hereby authorize the Council Chairman to employ Special Legal Counsel to represent the St. Charles Parish Council to compel the Parish President to perform his legal obligation to enter into a contract to perform a budgeted task, which he is legally obligated to do, to raise and dispose the sunken vessel "Pretty Boy" from the Scenic Waterway Bayou Des Allemands and/or to defend the St. Charles Parish Council should the Parish President elect to file suit against the St. Charles Parish Council as a result of anything having to do with anything relative to the sunken vessel "Pretty Boy".

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

YEAS: SCHEXNAYDRE, TASTET, HOGAN

NAYS: LEWIS, WILSON, COCHRAN, FLETCHER, FISHER-PERRIER

ABSENT: BENEDETTO

PROPOSED RESOLUTION FAILED FOR LACK OF A FAVORABLE MAJORITY ON OCTOBER 19, 2015.