

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO.: 7388

ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR: MR. CANULETTE

PROVIDED BY: COUNCIL STAFF

INTRODUCED BY: MR. CANULETTE

SECONDED BY: MR. LAUGHLIN

ON THE 7TH DAY OF SEPTEMBER, 2023

ORDINANCE TO AMEND THE ST. TAMMANY PARISH CODE OF ORDINANCES, CHAPTER 2 – ADMINISTRATION, ARTICLE IV – OFFICERS AND EMPLOYEES, DIVISION 3 – NOTIFICATION OF CAPITAL IMPROVEMENTS, SPECIAL PROGRAMS, ETC. SECTIONS 2-157. DEFINITIONS 2-158. NOTICE REQUIRED; 2-159. PARISH COUNCIL MEMBERS TO WHOM NOTICES ARE TO BE TRANSMITTED; 2-160. SPECIAL PROGRAMS; AND 2-162. IMPROVEMENTS OR PROGRAMS UNDER CONTROL OF OTHER THAN PARISH AGENCY, FOR THE PURPOSES OF COORDINATING FUNDING AND EFFICIENT BUDGET ALLOCATION.

WHEREAS, a significant amount of funding is handled by the Parish Administration which includes, local funding, state and federal grant funds; and

WHEREAS, the Parish Council is vested with the legislative authority under the Home Rule Charter and charged with adopting operating and capital budgets and appropriating funding for Parish programs and initiatives; and

WHEREAS, a substantial portion of the funding utilized by Parish Government is in the form of grant funds and/or is carried out in conjunction with an outside agency or political subdivision of the federal, state or local municipal governments; and

WHEREAS, it is in the best interest of the public and in the interest of ~~efficiency~~ coordinating funding, efficient budget allocation, and transparency of government operations that the Parish Council is provided notice of the acceptance of outside funding, changes in use of outside funding, programs or projects in which parish and/or outside funding will be utilized in conjunction with a local, state or federal agency for a public purpose; and

WHEREAS, existing provisions within the Parish’s Code of Ordinances provide for notification to the Parish Council of capital improvements, special programs, etc. and the Council wishes to amend and supplement those requirements;

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that St. Tammany Parish Code of Ordinances, Chapter 2, Article IV, Division III – Notification of Capital Improvements, Special Programs, Etc., Sections 2-157, 2-158, 2-159, 2-160, and 2-162, be amended as follows:

Sec. 2-157. Definitions.

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

Capital improvement means the erection of any parish building structure or bridge, or the replacement or closing thereof or any portion thereof except as shown in routine maintenance; same shall also refer to parish road improvements requiring scarifying, or shaping of the base, or the overlay thereof of more than 25 feet or the pulling of ditches of more than 200 linear feet, the widening or deepening or cleaning of bayous or drainage canals to whatever extent shall constitute a capital improvement for the purposes hereof; the replacement of any culvert which is situated under any parish road and which replacement would require a delay or detour of vehicular traffic shall also constitute a capital improvement for the purposes hereof.

Detour means the rerouting of vehicular traffic to affect road, bridge or other repairs.

Routine maintenance means and includes the filling of potholes, the fixing of a bridge guardrail or patching the surface thereof or any overlay or shaping of a road/road base if less than 25 feet or the pulling of ditches of less than 200 linear feet.

Special programs, as used herein, mean any federal, state or local special program in which funds, food, commodities, produce, dairy products, building materials, insulation and the like are distributed in whole or in part to individuals through an agency of the parish; the term "special programs" shall not include welfare, Medicare, Medicaid or Veterans or unemployment programs and the like which are a matter of general classification and universal application if none of the funds are distributed in whole or in part to individuals through an agency of the parish. Special programs, as used herein, include all disaster recovery funding and any state or federal grant funding which is allocated or awarded to the Parish whether administered by the Parish directly or via another entity, non-profit or political subdivision.

Sec. 2-158. Notice required.

The administration shall designate a person thereby to be responsible for notice to the Parish Council Members, or their successors in office, required hereunder.

Sec. 2-159. Parish Council Members to whom notices are to be transmitted.

For all capital improvements performed or authorized by the Parish, the district Parish Council Member, or his successor in office, in whose district the work is to be performed, shall be notified in writing of the capital improvement proposed to be undertaken at least 7 days prior to the advertisement or award of a contract, and at least 24 hours prior to the commencement of work; the written notice shall specify the approximate commencement time, completion date, and the nature and extent of the capital improvement.

Sec. 2-160. Special programs.

In the event of special programs as defined in section 2-157 within the parish, the administration's designee shall notify all Parish Council Members and Parish Council Administrator, or their successors in office, in writing thereof within two days of the Parish Administration receiving notice of any allocation or award of grant funding. The Parish Administration shall obtain the approval of the Parish Council of any grant agreement, cooperative endeavor agreement or intergovernmental agreement prior to accepting said allocation or award. Notification to the Parish Council Members and Parish Council Administrator of any change in use of any allocated or awarded grant funds shall be made, in writing-at least thirty days prior to notification or application to the granting agency for said change in use or budgeted amount. At least thirty days prior to the distribution of funding under any special programs, written notice shall be given to the Parish Council Members and Parish Council Administrator and the writing shall designate the nature of the program and the time, date and place of the distribution and which Parish agency or department is involved in the distribution. No cooperative endeavor agreement, intergovernmental agreement or subrecipient agreement regarding the distribution or reallocation of grant funds for special programs shall be approved by the Parish Administration prior to the Parish Council approving the agreement.

Sec. 2-162. Improvements or programs under control of other than parish agency.

Should the capital improvements or special programs within the Parish be under the total administration and control of other than a Parish agency, no notice is required, unless the Chief Administrative Officer or Administration is made aware thereof, either in writing or orally, in which event the notices as required hereunder shall be transmitted to the required Parish Council Members and Parish Council Administrator.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: _____, SECONDED BY: _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 5TH DAY OF OCTOBER, 2023; AND BECOMES ORDINANCE COUNCIL SERIES NO. 23-_____.

JACOB "JAKE" A. AIREY, COUNCIL CHAIR

ATTEST:

KATRINA L. BUCKLEY, COUNCIL CLERK

MICHAEL B. COOPER, PARISH PRESIDENT

Published Introduction: SEPTEMBER 20, 2023

Published Adoption: _____, 2023

Delivered to Parish President: _____, 2023 at _____

Returned to Council Clerk: _____, 2023 at _____