



St. Bernard Parish Council

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

#32

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, MAY 5, 2020 AT SEVEN O'CLOCK P.M.

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

RESOLUTION SBPC #2042-05-20

A RESOLUTION RESPECTFULLY REQUESTING THAT ATTORNEY GENERAL JEFF LANDRY PROVIDE THE ST. BERNARD PARISH COUNCIL WITH AN OPINION REGARDING PARISH GOVERNMENT EMPLOYEES BEING PAID FROM DIFFERENT FUNDS.

WHEREAS, the St. Bernard Parish Council is respectfully requesting an official opinion regarding whether or not a full time parish government employee can be paid from two separate funds without a budget amendment as per Article V of the St. Bernard Parish Home Rule Charter; and,

WHEREAS, Article V; Financial Procedures of the St. Bernard Parish Home Rule Charter is attached for your reference.

NOW THEREFORE, BE IT RESOLVED that the St. Bernard Parish Council, the Governing Authority, does hereby respectfully request that Attorney General Jeff Landry provide the St. Bernard Parish Council with an opinion regarding parish government employees being paid from different funds.

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

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

NAYS: None

ABSENT: None

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

And the motion was declared **adopted** on the 5th day of May, 2020.

Kerri Callais
*Councilmember
at Large*

Richard "Richie" Lewis
*Councilmember
at Large*

Gillis McCloskey
*Councilmember
District A*

Joshua "Josh" Moran
*Councilmember
District B*

Howard Luna
*Councilmember
District C*

Wanda Alcon
*Councilmember
District D*

Fred Everhardt, Jr.
*Councilmember
District E*

Roxanne Adams
Clerk of Council



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Kerri Callais
*Councilmember
at Large*

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May 5, 2020

Richard "Richie" Lewis
*Councilmember
at Large*

Gillis McCloskey
*Councilmember
District A*

Joshua "Josh" Moran
*Councilmember
District B*

Howard Luna
*Councilmember
District C*

Wanda Alcon
*Councilmember
District D*


Fred Everhardt, Jr.
*Councilmember
District E*

Roxanne Adams
Clerk of Council

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, May 5, 2020.

Witness my hand and the seal
of the Parish of St. Bernard on
this 5th day of May, 2020.


ROXANNE ADAMS
CLERK OF COUNCIL

ARTICLE V. FINANCIAL PROCEDURES

Sec. 5-01. Fiscal Year.

The fiscal year of the parish government shall be established by ordinance by the council.

Sec. 5-02. Operating budget preparation and adoption.

At least ninety (90) calendar days prior to the beginning of each fiscal year, the president shall submit to the council a proposed operating budget for the subsequent fiscal year in the form required by this Charter. At the meeting of the council at which the operating budget is submitted, the council shall order a public hearing on the budget. Notice of the public hearing, published in the official journal at least ten (10) calendar days prior to the date of such hearing, shall include the date, the time, and place of the hearing, a general summary of the proposed budget, and the times and places where copies of the proposed budget are available for public inspection. On the date and at the time and place so advertised, the council shall hold a public hearing on the budget as submitted. Changes in the proposed operating budget by the council shall be by the favorable vote of at least a majority of the total membership of the council. The budget shall be finally adopted not later than the second-to-last regular meeting of the current fiscal year. Upon final adoption, the budget shall be in effect for the subsequent fiscal year and copies shall be filed with the clerk of the council. The budget as finally adopted shall be reproduced and sufficient copies shall be made available for use by all offices, departments, and agencies of the parish government. Copies shall be available for public use in the office of the clerk, and additional copies may be purchased at cost.

Sec. 5-03. Operating budget document.

(a) The operating budget for the parish government shall present a complete financial plan for the ensuing fiscal year.

(b) The total proposed expenditures shall not exceed the total estimated revenues.

(c) The operating budget shall include the following:

- (1) A budget message prepared by the president which shall outline the proposed fiscal plan for the parish government and describe significant features of the budget for the forthcoming fiscal period;
- (2) A general budget summary which with supporting schedules shall show the relationship between total proposed expenditures and total anticipated revenues for the forthcoming fiscal period and which shall compare these figures to corresponding actual figures for the last completed fiscal year and estimated figures for the year in progress;
- (3) Detailed estimates of all proposed expenditures, showing the corresponding estimated expenditures for each item for the current fiscal year and actual figures for the last completed fiscal year with explanations of increases or decreases recommended related to performance standards or workload measurements, to the extent of availability of such information;

- (4) Manning or organizational tables for each of the departments, agencies, or programs;
- (5) Detailed estimates of all anticipated revenues and other income showing the corresponding estimated revenue or income for each item for the current fiscal year and actual figures for the last completed fiscal year with explanations of increases or decreases;
- (6) Delinquent taxes for current and preceding years with the estimated percentage collectible;
- (7) Statement of the indebtedness of the parish government, showing debt redemption and interest requirements, debt authorized and unissued, and conditions of the sinking funds;
- (8) A proposed complete draft of the appropriation ordinance with all appropriations identified by department and/or program;
- (9) Such other information as may be requested by the council.

Sec. 5-04. Amendments to operating budget.

(a) Supplemental appropriations: If during the fiscal year the president certifies that there are available for appropriation revenues in excess of those estimated in the operating budget, the president may present a supplemental budget for the disposition of such revenues, and the council by ordinance may make supplemental appropriations for the year up to the amount of such excess in the same manner required for adoption of the budget.

(b) Emergency appropriations: To meet a public emergency affecting life, health, property, or the public peace, the council may make emergency appropriations. Such appropriations shall be made by emergency ordinance in accordance with the provisions of this Charter. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by such emergency ordinance borrow money in sums necessary to meet the emergency. The repayment of such sums shall be a fixed charge upon the revenues of the fiscal year next following the fiscal year in which the sums are borrowed.

(c) Reduction of appropriations: If at any time during the fiscal year it appears to the president that the revenues available will be insufficient to meet the amount appropriated, the president shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken, and recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent a deficit.

(d) Subject to the limitations in subsection (f) of this section, the council may by ordinance reduce any appropriation at any time.

(e) Transfer of appropriation: At any time during the fiscal year the president may transfer part, or all of any unencumbered appropriation within programs or functions. An unencumbered appropriation balance may be transferred from one (1) department, office,

or agency to another or from one (1) program or function to another only upon council action by ordinance.

(f) Limitations: No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof.

Sec. 5-05. Capital budget.

(a) Each year, no later than the time of submission of the operating budget for the ensuing fiscal year, the president shall prepare and submit to the council a capital budget covering a period of at least five (5) years. The amount indicated to be spent during the first year of the capital budget shall be the capital budget for that year.

(b) The capital budget shall include the following:

- (1) A clear general summary of its contents;
- (2) A list of all capital expenditures which are proposed to be undertaken for At least the five (5) subsequent fiscal years with appropriate supporting information as to the necessity for such expenditures;
- (3) Cost estimates, method of financing, and recommended time schedules For each such expenditure;
- (4) The estimated annual cost of operating and maintaining each capital improvement to be constructed or acquired;
- (5) Annual revisions and extensions with regard to capital projects still pending or in process of construction or acquisition.

(c) At the meeting of the council at which the capital budget is submitted, the council shall order a public hearing on such capital budget and shall cause to be published in the official journal, at least ten (10) calendar days prior to the date of such hearing, the date, time, and place of the hearing, a general summary of the proposed capital budget, and the times and places where copies of the proposed capital budget are available for public inspection. On the date and at the time and place so advertised, the council shall hold a public hearing on the capital budget as submitted. Changes in the proposed capital budget by the council shall be by the favorable vote of at least a majority of the total membership of the council. The capital budget shall be finally adopted not later than the second-to-last regular meeting of the current fiscal year. The capital budget as finally adopted shall be reproduced and sufficient copies shall be made available for use by all offices, departments, and agencies of the parish government. Copies shall be available for public use in the office of the clerk of council, and additional copies may be purchased at cost.

(d) Amendments to the finally adopted capital budget shall be by ordinance in accordance with provision of this Charter relative to ordinances.

Sec. 5-06. Administration of operating and capital budgets.

(a) No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with the approved operating and capital budgets and appropriations duly made, and unless the president or the president's designee first certified that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. This provision shall not limit the authority to borrow funds in anticipation of revenues as provided in the general laws of the state. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void, and any payment so made illegal. Any such violation shall be cause for removal of any official, officer, or employee who knowingly authorized or made such payment or incurred such obligation or who caused such payment to be authorized or caused such obligation to be incurred. Such person shall also be personally financially liable to the parish government for any amount so paid.

(b) Nothing in this Charter shall be construed so as to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease, provided that such action is authorized by ordinance. Contracts for services not covered by the public bid law shall not be for a period exceeding three (3) years.

(c) Deficit spending is prohibited except for emergencies as provided in section 5-04(b).

Sec. 5-07. Lapse of appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

Sec. 5-08. Bonded debt.

The parish government is empowered to incur bonded debt in accordance with this Charter and with the constitution, statutes, and laws of the State of Louisiana. When voter approval is required, no resolution shall be passed calling for a referendum to incur a bonded debt until an engineering and economic feasibility report shall have been made to the council and a summary thereof published in the official journal at least sixty (60) calendar days prior to the proposed date of the election, unless the council is required to call such an election pursuant to a petition as provided for under the general laws of this state.

Sec. 5-09. Facsimile signatures.

Facsimile signatures are authorized for negotiable instruments and multiple certificates of indebtedness in those cases where an official is required by law to sign.

Sec. 5-10. Purchasing.

Purchasing of all property, supplies, material, and services shall be under a central purchasing system and shall be in accordance with applicable state law, council policy, and administrative requirements.