



St. Bernard Parish Council

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

#21

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, FEBRUARY 7, 2017 AT SEVEN O'CLOCK P.M.

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

ORDINANCE SBPC #1851-02-17

Summary No. 3451

Introduced by: Administration on 1/17/17
Public hearing held on 2/7/17

AN ORDINANCE TO PROVIDE FOR RE-ESTABLISHMENT OF A REGIONAL PLANNING COMMISSION TO INCLUDE THE PARISHES OF ST. CHARLES AND ST. JOHN THE BAPTIST JOINTLY WITH THE PARISHES OF JEFFERSON, ORLEANS, PLAQUEMINES, ST. BERNARD, ST. TAMMANY AND TANGIPAHOA.

WHEREAS, this governing authority desires that the Parishes of St. Charles and St. John the Baptist be included in the joint efforts of the Regional Planning Commission.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. Regional Planning Area

The regional planning area hereby established shall be comprised of the total area of Jefferson Parish, Orleans Parish, Plaquemines Parish, St. Bernard Parish, St. Charles Parish, St. John the Baptist Parish, St. Tammany Parish and Tangipahoa Parish.

There is hereby established a Regional Planning Commission in accordance with the provisions of Act 239 of the Louisiana Legislature of 1956, as now amended by Acts No. 114 of the Louisiana Legislature of 1966, Nos. 267 §1 and 288 §2 of the Louisiana Legislature of 1968, No. 329 §1 of the Louisiana Legislature of 1970, No. 607 §1 of the Louisiana Legislature of 1972, No. 112 §1 of the Louisiana Legislature of 1973, No. 249 §1 of the Louisiana Legislature of 1974, No. 132 §1 of the Louisiana Legislature of 1978, No. 569 §1 of the Louisiana Legislature of 1979, No. 377 §2 of the Louisiana Legislature of 1984 and No. 553 §1 of the Louisiana Legislature of 1985, for the purposes set out in LRS 33 § 130, et seq.

SECTION 2.

A. *Appointment.* In order to carry out the purposes contained in Section 1 of this Ordinance, there is hereby established a Regional Planning Commission which shall consist of forty-one (41) members, five (5) each being legal residents of

Kerri Callais
*Councilmember
at Large*

Richard "Richie" Lewis
*Councilmember
at Large*

Gillis McCloskey
*Councilmember
District A*

Nathan Gorbaty
*Councilmember
District B*

Howard Luna
*Councilmember
District C*

Wanda Alcon
*Councilmember
District D*

**Manuel "Monty"
Montelongo III**
*Councilmember
District E*

Roxanne Adams
Clerk of Council



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Jefferson Parish, Orleans Parish, Plaquemines Parish, St Bernard Parish, St. Charles Parish, St. John the Baptist Parish, St Tammany Parish and Tangipahoa Parish and the director of the Louisiana Department of Transportation and Development.

B. *Compensation.* The members of such Commission shall serve without compensation.

C. *Composition.* The membership of such Commission shall be composed of a simple majority of appointed or elected public officials holding office in the following municipalities and/or parishes, namely the Parish of Jefferson, the Parish of Orleans, the Parish of Plaquemines, the Parish of St. Bernard, the Parish of St. Charles, the Parish of St. John the Baptist, the Parish of St Tammany, and the Parish of Tangipahoa.

1. The five (5) members from the Parish of Jefferson shall include the following:
 - (a) The Parish President
 - (b) The Council Chairman
 - (c) A third member selected by the Parish Council, and approved by the Parish President, from among the Mayors of the Municipalities located within the Parish, which members shall represent the municipalities therein located;
 - (d) Two (2) members who must not otherwise hold elected or appointed office in the Parish, to be appointed by the Council and approved by the Parish President.
2. The five (5) members from the Parish of Orleans shall include the following:
 - (a) The Mayor
 - (b) The two (2) Councilmen elected from the Parish at large
 - (c) The remaining two (2) members must not otherwise hold elected or appointed office, and shall be appointed by the Mayor, with approval by the Council.
3. The five (5) members from the Parish of Plaquemines shall include the following:
 - (a) The Parish President
 - (b) The Chairman of the Parish Council



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- (c) One (1) member who otherwise holds elected or appointed office in the Parish of Plaquemines, provided same is not otherwise prohibited by law, to be appointed by the Parish Council.
- (d) Two (2) members who must not otherwise hold elected or appointed office in the Parish of Plaquemines, to be appointed by the Parish Council and approved by the Parish President.
4. The five members from the Parish of St. Bernard shall include the following;
- (a) The Parish President
 - (b) Two (2) Council members in the Parish of St. Bernard, provided same is not otherwise prohibited by law, to be appointed by the Parish Council
 - (c) Two (2) members who must not otherwise hold elected or appointed office in the Parish of St. Bernard to be appointed by the Parish Council.
5. The five members from the Parish of St. Charles shall include the following;
- (a) The Parish President;
 - (b) The Council Chairman
 - (c) A third member selected by the Parish Council, and approved by the Parish President, from among the Mayors of the Municipalities located within the Parish, which members shall represent the municipalities therein located;
 - (d) Two (2) members who must not otherwise hold elected or appointed office in the Parish of St. Charles to be appointed by the Parish Council and approved by the Parish President.
6. The five members from the Parish of St. John the Baptist shall include the following;
- (a) The Parish President;
 - (b) Two (2) Council members in the Parish of St. John the Baptist, provided same is not otherwise prohibited by law, to be appointed by the Parish Council.
 - (c) Two (2) members who must not otherwise hold elected or appointed office in the Parish of St. John the Baptist to be appointed by the Parish Council and approved by the Parish President.
7. The Five Members from the Parish of St. Tammany shall include the following;
- (a) The Parish President



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- (b) Two (2) members who must otherwise hold elected or appointive office in the Parish of St. Tammany, provided same is not otherwise prohibited by law, to be appointed by the Parish Council
- (c) Two (2) members who must not otherwise hold elected or appointed office in the Parish of St. Tammany, provided same is not otherwise prohibited by law, to be appointed by the Parish Council and approved by the Parish President.

8. The five members from the Parish of Tangipahoa shall include the following:
- (a) The Parish President
 - (b) The Chairman of the Parish Council;
 - (c) The Mayors of the Cities of Hammond and Ponchatoula shall serve on an annual rotating basis;
 - (d) Two (2) members who must not otherwise hold elected or appointed office in the Parish of Tangipahoa, provided same is not otherwise prohibited by law, to be appointed annually by the Parish President.

D. *Removal.* The governing bodies of Jefferson Parish, Plaquemines Parish, St Bernard Parish, St. Charles Parish, St. John the Baptist Parish, St. Tammany Parish and Tangipahoa Parish may remove their respectively appointed members of the Commission, after public hearing, for inefficiency, neglect of duty or malfeasance in office. The chief executive of Orleans Parish may remove any of the members of the Commission appointed by him, after public hearing, for inefficiency, neglect of duty or malfeasants in office.

E. The Secretary of Louisiana Department of Transportation and development shall serve as a member of the Regional Planning Commission.

F. *Terms.* Members of the Regional Planning Commission who may hold other public offices, appointed or elected, including the Secretary of the Louisiana Department of Transportation and Development shall serve terms co-existent with their terms of their other public office.

G. *Terms.* The successors of the Regional Planning Commission members first appointed who do not hold any other appointed or elected public office shall be appointed for a term of five years from and after the expiration of the terms of their predecessors in office.



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H. *Vacancies.* If a vacancy occurs other than for expiration of term, the same shall be filled by appointment for the unexpired term. Such appointment shall be made by the original appointing authority.

SECTION 3. The Regional Planning Commission so established shall elect a chairman from its membership and create and fill such other of its offices as it may determine, the term of chairman shall be one year, with eligibility for re-election. The Commission shall hold at least one regular meeting in each month. It shall adopt rules for transaction of business and shall keep records of its resolutions, transactions, findings, and determinations, which records shall be public.

SECTION 4. In order to carry out its functions and responsibilities, the Regional Planning Commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same general provisions as govern other corresponding civil employees of the parishes and municipality cooperating to engage in regional planning. The Commission may also contract with planning experts, engineers, architects and other consultants for such services as it may require. The expenditures of a Commission, exclusive of those made from funds received by gift, grants of federal, state and other such agencies, shall be within the amounts appropriated for the purpose by the cooperating local legislative bodies, which shall provide the funds, equipment, and accommodations necessary for the Commission's work.

SECTION 5. Upon the preparation of the regional development plan, or of any phase or functional part thereof, or upon the preparation of an amendment or revision of the plan or any part thereof, or upon the preparation of any extension or addition to the plan, the Regional Planning Commission shall file such a plan, part of a plan, amendment, revision, extension or addition in the office of the state director of Public Works, and shall transmit copies of the same to the chief administrative officers, the legislative bodies and to the planning agencies of the parishes, municipalities or other local governments within its area, as well as to regional planning commissions established for adjoining areas. The Regional Planning Commission shall make copies of the regional development plan or part of a plan available for general distribution or sale.

SECTION 6.

A. The Regional Planning Commission shall not be authorized to exercise the functions of any municipal planning commission or parish planning commission, where such are established within a regional planning area, except as hereinafter provided.



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B. In any municipality or parish located in the regional planning area as hereinabove defined, the legislative body of the municipality or parish may designate the Regional Planning Commission as the municipal planning commission, or the parish planning commission, provided all requirements, if any, of the local home rule charters are met. Upon such designation the Regional Planning Commission shall have all the powers and functions relating to making, adopting, amending, and adding to the master plan of the municipality or parish or part thereof, or relating to the planning of the municipality or parish as provided or granted by Louisiana Revised Statutes 33§101 through §119 inclusive or by other laws to the planning commission of the municipality or parish; and the master plan, its parts, amendments, and additions made and adopted by the designated commission for the municipality or parish shall have the same force and effect in the municipality or parish as though made and adopted by a municipal planning commission appointed by the municipality or a parish planning commission appointed by the parish. In acting as the planning commission of the municipality or the parish, the designated Regional Planning Commission shall follow the procedure specified by the provisions of Louisiana Revised Statutes 33§101 through §119 inclusive, and other laws relating to municipal or parish planning commissions. Any municipality or parish so designating a regional planning commission as its planning commission shall pay to the designated commission that portion of the expenses of the designated commission which is properly chargeable to the planning service rendered to the municipality or parish plan.

C. In cases where a municipality or a parish has a municipal or a parish planning commission functioning within a regional planning area, then the Regional Planning Commission shall recommend measures for the coordination of all plans, and if appropriate, recommend plans for adoption by the said municipal or parish planning commission.

SECTION 7. To facilitate effective and harmonious planning of the region or metropolitan area, all parish and municipal legislative bodies, and all parish, municipal or other local planning agencies shall file with the Regional Planning Commission, for its information, all parish or municipal plans, zoning ordinances, official maps, building codes, subdivision regulations, or amendments or revisions or any of them, as well as copies of their regular and special reports dealing in whole or in part with planning matters.

Parish or municipal legislative bodies, or parish, municipal or other local planning agencies may also submit proposals for such plans, ordinances, maps, codes, regulations, amendments, or revisions, prior to their adoption, in order to afford an



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*Councilmember
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opportunity to the Regional Planning Commission or its staff to study such proposals and to render advice thereon.

Gillis McCloskey
*Councilmember
District A*

SECTION 8. The Regional Planning Commission may request and accept grants of funds or services from the federal government or any of its agencies, from the state government or any of its agencies, or from parish, municipal or other local governments within their planning area, or from private sources. The parishes and municipalities are hereby authorized to appropriate funds for the purposes of the Regional Planning Commission established for all or parts of their area. The books and accounts of the Regional Planning Commission shall be public records open for public inspection, and shall show the amounts and sources of all receipts and the amounts of all disbursements.

Nathan Gorbaty
*Councilmember
District B*

Howard Luna
*Councilmember
District C*

SECTION 9. Members of the Commission, when duly authorized by the Commission, may attend planning conferences or meetings or planning institutes or hearings upon pending planning legislation, and the Commission may, by resolution, pay the reasonable traveling expenses incident to such attendance. When so directed and authorized by the Regional Planning Commission, members thereof who hold no other elected or appointed office may be paid a per diem of fifty dollars each for attendance at regular or specially called meetings of the full Commission or the executive committee thereof in no event to exceed two such meetings per month, i.e. in no event is payment of a total per diem per such member to exceed one hundred dollars per month, payable out of the funds of the Regional Planning Commission.

Wanda Alcon
*Councilmember
District D*

Manuel "Monty" Montelongo III
*Councilmember
District E*

Roxanne Adams
Clerk of Council

All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members, officers, and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. In general, the Commission shall have such powers as may be necessary to enable it to fulfill its functions, promote planning, and in all respects, carry out the purposes of this ordinance.

SECTION 10. The boundaries of the regional planning area hereby established are to be comprised of the total area of Jefferson Parish, Orleans Parish, Plaquemines Parish, St. Bernard Parish, St. Charles Parish, St. John the Baptist Parish, St. Tammany Parish, and Tangipahoa Parish.

SECTION 11. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential



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Councilmember
at Large

veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

Gillis McCloskey
Councilmember
District A

SECTION 12. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.

Nathan Gorbaty
Councilmember
District B

Howard Luna
Councilmember
District C

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

Wanda Alcon
Councilmember
District D

YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo, Callais

NAYS: None


Manuel "Monty" Montelongo III
Councilmember
District E

ABSENT: None

Roxanne Adams
Clerk of Council

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

And the motion was declared **adopted** on the 7th day of February, 2017.


ROXANNE ADAMS
CLERK OF COUNCIL


RICHARD J. LEWIS
COUNCIL CHAIR

Delivered to the Parish President

2/10/2017 11:15am
Date and Time

Approved 

Vetoed _____



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Gillis McCloskey
*Councilmember
District A*

Parish President



Guy McInnis

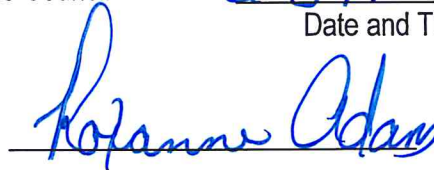
Nathan Gorbaty
*Councilmember
District B*

Returned to Clerk of the Council

2-13-17 10:38am
Date and Time

Howard Luna
*Councilmember
District C*

Received by



Roxanne Adams

Wanda Alcon
*Councilmember
District D*

**Manuel "Monty"
Montelongo III**
*Councilmember
District E*

Roxanne Adams
Clerk of Council