

**THIS ORDINANCE WAS AMENDED BY ORDINANCE NO. 5482
AT THE JUNE 24, 2014 LPC MEETING**

The following ordinance was introduced by Mr. Michael Delatte in regular session convened on April 22, 2014.

PROPOSED ORDINANCE

The following ordinance, having been previously introduced and published, was offered for final adoption by Mr. Michael Delatte, seconded by Mr. Jerry Jones.

ORDINANCE NO. 5463

AN ORDINANCE AMENDING ORDINANCE NUMBER 3658 AND AMENDING AND RE-ENACTING CHAPTER 2, ARTICLE III, DIVISION 2, SECTION 2-105 OF THE CODE OF ORDINANCES OF THE LAFOURCHE PARISH COUNCIL REGARDING DEFINITION OF TERMS FOR USE IN CAPITAL OUTLAY PROJECTS FOR THE ANNUAL PARISH OPERATING AND CAPITAL BUDGETS AND AUTHORIZING THE PARISH PRESIDENT TO SIGN, EXECUTE AND ADMINISTER ANY AND ALL RELEVANT DOCUMENTS.

WHEREAS, this ordinance is amending Ordinance No. 3658 and amending and re-enacting Chapter 2, Article III, Division 2, Section 2-105 of the Code of Ordinances as follows:

~~SECTION 1.~~

~~**WHEREAS**, In preparation for the 2006 Operating Budget and the 2006 Capital Budget, the Lafourche Parish Government administration feels that it is necessary to define certain term to clarify the classification of proposed capital budget items in accordance with the separate budgets as outlined in the Home Rule Charter~~

~~**WHEREAS**, current finance department processes and generally accepted accounting principles provide that any and all purchases valued at \$1,000 or more be considered a Capital Assets and included on the parishes list of assets and all Capital Assets valued at \$5,000 or more are depreciated;~~

~~**WHEREAS**, the Charter provides for a separation of Capital Outlay items from other Operations and Maintenance items with nothing to determine what is to be considered Capital Outlay; and~~

Sec. 2-105. Definition of terms for use in capital outlay projects for the annual parish operating and capital budgets.

~~THEREFORE BE IT ORDAINED THAT,~~

(a) Tthe following policy and definitions in accordance with generally accepted accounting principles **shall** be used for budgetary purposes in the preparation and administration of the annual ~~O~~perating and ~~C~~apital ~~B~~udgets:

(1) Acquisition of Land.- ~~†~~**T**he acquisition of land shall always be considered a capital outlay, regardless of the costs.

(2) In the Five Year Capital Budget, Capital Outlay will be defined as any and all expenditures with an estimated price tag of over fifteen thousand dollars (\$15,000) that are required by ordinance and the Home Rule Charter to come before the Council for prior contract approval. In the Operating Budget, Capital Outlays will be defined as any and all expenditures that are valued over five thousand (\$5,000) and above that are to be depreciated.

The purpose of this section is to establish the policy and procedure for the development and coordination of parish professional services, public works, consulting and other contracts and change orders; and to clearly detail the procedures for initiating, authorizing, detailing and

signing contracts and change orders.

(3) All departments and divisions of the parish government are affected by this section.

(4) Any contract requiring the cumulative expenditure of thirty thousand (\$30,000.00) fifteen thousand (\$15,000.00) or more annually shall be approved by the council by resolution.

(5) When a resolution has been passed authorizing the contract, the contractor shall be responsible for preparing the contract and submitting it to the appropriate parish department and the legal department for review.

(6) Upon review and approval by the appropriate department and the legal department, the contract shall be submitted to the parish president for signing.

(7) The Council Clerk's Office shall record with the Clerk of Court all contracts, including any contract which affects immovable property, and any public works contract (not to include servitudes and/or right-of-way contracts) as may be required by state law for public contracts, along with the necessary attachments. This requirement shall exclude contracts for supplies and materials unless otherwise required by law. Copies of all contracts shall be provided to the department of finance and other departments which may be involved in the project.

(8) Any change order and/or amendment to any contract ~~which has been approved by the council shall be presented to the council for approval~~ shall be approved by the Council prior to any work being performed or any payment submitted.

(9) Notwithstanding anything in this section to the contrary, no contract shall be approved unless funds have been appropriated.

(10) All persons, firms or companies submitting proposals for professional service and consulting contracts with parish government shall identify by affidavit all subcontractors, excluding full-time employees of the person, firm or company, and shall acknowledge with each invoice submitted that no subcontractors, excluding full-time employees of the person, firm or company, have been added without prior notification to the project manager. The parish president shall terminate a professional service and/or consulting contract in the event false or misleading information is given to parish government in either the affidavit identifying all subcontractors or in subsequent acknowledgements submitted with each invoice.

(b) It is the policy and preference to use parish employees, community service or voluntary labor when feasible for new construction, renovation, repair or maintenance of buildings, infrastructure or equipment. When this occurs as part of a capital outlay project and contracts are not required to complete the project, the administration shall follow the public bid laws and the parish's requisition process and shall not be required to obtain supplementary council approval for individual purchases of material, parts and supplies necessary to complete capital outlay project.

WHEREAS, this ordinance was sponsored for Administration by Mr. Michael Delatte, Councilman, District 2; and

WHEREAS, it is the recommended by the Administration of the Lafourche Parish Government that Council approve amending Ordinance No. 3658 and amending and re-enacting Chapter 2, Article III, Division 2, Section 2-105 of the Code of Ordinances of the Lafourche Parish Council regarding definition of terms for use in capital outlay projects for the annual parish operating and capital budgets and authorizing the Parish President to sign, execute and administer any and all relevant documents.

THEREFORE, BE IT ORDAINED, by the Lafourche Parish Council, convened in Regular Session on May 13, 2014, and hereby approves amending Ordinance No. 3658 and amending and re-enacting Chapter 2, Article III, Division 2, Section 2-105 of the Code of Ordinances of the Lafourche Parish Council regarding definition of terms for use in capital outlay projects for the annual parish operating and capital budgets and authorizing the Parish President to sign, execute and administer any and all relevant documents.

BE IT FURTHER ORDAINED, that a certified copy of this ordinance shall be forwarded to MUNICODE, Lafourche Parish Government Department of Finance, Department of Risk Management, Department of Public Works, Department of Human Resources, Department of Community Services, Department of Parks and Recreation, Office of Emergency Preparedness, Department of Civil Service, Department of Grants and Economic Development, Department of Planning and Permitting, and

Lafourche Parish Government Office of Parish Administrator.

SECTION 1. If any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not effect other provisions, items or application of this ordinance which can be given affect without the invalid provisions, items or application, and to this end the provisions of this ordinance are declared severable.

SECTION 2. All Ordinances by the Lafourche Parish Council conflicting with or inconsistent with the provisions of these regulations are hereby repealed.

SECTION 3. This Ordinance shall be published in the Official Journal of the Lafourche Parish Council in the manner provided by law.

SECTION 4. This Ordinance, having been submitted in writing, having been read and adopted by sections at a public meeting of said Council, was then submitted to an official vote as a whole, the vote thereon being as follows:

YEAS: Mr. Jerry Jones
Mr. Michael Delatte
Mr. Joseph "Joe" Fertitta
Mr. John Arnold
Mr. Lindel Toups
Mr. Jerry LaFont
Mr. Daniel Lorraine

NAYS: None

ABSENT: Mr. Aaron Caillouet
Mr. Phillip Gouaux

SECTION 5. This Ordinance shall become effective on the tenth day after final publication.

/s/ Daniel Lorraine
DANIEL LORRAINE, CHAIRMAN
LAFOURCHE PARISH COUNCIL

/s/ Carleen B. Babin
CARLEEN B. BABIN, COUNCIL CLERK
LAFOURCHE PARISH COUNCIL

Delivered to the Parish President on

May 15, 2014, at 8:20 a.m.

APPROVED: X

UNAPPROVED:

VETOED:

/s/ Charlotte A. Randolph
Lafourche Parish President

Returned to the Council Clerk on

May 28, 2014, at 1:40 p.m.

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I, CARLEEN B. BABIN, Council Clerk for the Lafourche Parish Council, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 5463, enacted by the Assembled Council in Regular Session on May 13, 2014, at which meeting a quorum was present, and was finally adopted on May 28, 2014.

GIVEN UNDER MY OFFICIAL SIGNATURE AND SEAL OF OFFICE ON THIS 29TH DAY OF MAY, 2014.

/s/ Carleen B. Babin
CARLEEN B. BABIN, COUNCIL CLERK
LAFOURCHE PARISH COUNCIL

DATE PUBLISHED: JUNE 2, 2014

DATE EFFECTIVE: JUNE 12, 2014