

The following ordinance was introduced by Mr. Michael Delatte in regular session convened on June 10, 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 LaFont.

ORDINANCE NO. 5482

AN ORDINANCE AMENDING ORDINANCE NUMBER 5463 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. 5463 and amending and re-enacting Chapter 2, Article III, Division 2, Section 2-105 of the Code of Ordinances as follows:

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

- (a) The 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 operating and capital budgets:
 - (1) Acquisition of Land.- The acquisition of land shall always be considered a capital outlay, regardless of the costs.
 - (2) 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 \$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 as may be required by state law for public contracts (not to include servitudes and/or right-of-way 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 **that exceeds 10% or \$15,000.00 of the original contract price** 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. 5463 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 June 24, 2014, and hereby approves amending Ordinance No. 5463 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. Lindel Toups
	Mr. Michael Delatte	Mr. Phillip Gouaux
	Mr. Aaron Caillouet	Mr. Jerry LaFont
	Mr. Joseph "Joe" Fertitta	Mr. Daniel Lorraine
	Mr. John Arnold	

NAYS: None

ABSENT: None

SECTION 5. This Ordinance shall become effective immediately.

/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

June 27, 2014, at 8:30 a.m.

APPROVED: X

UNAPPROVED:

VETOED:

/s/ Charlotte A. Randolph
Lafourche Parish President

Returned to the Council Clerk on

July 3, 2014, at 4:35 p.m.

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. 5482, enacted by the Assembled Council in Regular Session on June 24, 2014, at which meeting a quorum was present, and was finally adopted on July 3, 2014.

GIVEN UNDER MY OFFICIAL SIGNATURE AND SEAL OF OFFICE ON THIS 9TH DAY OF JULY, 2014.

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

DATE PUBLISHED: JULY 14, 2014

DATE EFFECTIVE: *EFFECTIVE IMMEDIATELY*