
TERREBONNE PARISH COUNCIL

POLICY, PROCEDURE, AND LEGAL COMMITTEE

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Mr. Darrin W. Guidry, Chairman
Sr. Vice-Chairman
Mr. John Navy Member
Ms. Arlanda Williams Member
Mr. Scotty Dryden Member
Ms. Christa Duplantis- Member
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Mr. Al Marmande Member
Mr. Dirk Guidry Member
Mr. Steve Trosclair



In accordance with the Americans with Disabilities Act, if you need special assistance, please contact Venita H. Chauvin, Council Clerk, at (985) 873-6519 describing the assistance that is necessary.

AGENDA

July 24, 2017
5:50 PM

Parish Council Meeting Room

NOTICE TO THE PUBLIC: If you wish to address the Council, please complete the "Public Wishing to Address the Council" form located on either end of the counter and give it to either the Chairman or the Council Clerk prior to the beginning of the meeting. Individuals addressing the council should be respectful of others in their choice of words and actions. Thank you.

ALL CELL PHONES, PAGERS AND ELECTRONIC DEVICES USED FOR COMMUNICATION SHOULD BE SILENCED FOR THE DURATION OF THE MEETING

INVOCATION

PLEDGE OF ALLEGIANCE

CALL MEETING TO ORDER

ROLL CALL

1. Consider authorizing TPCG to co-sponsor the Terrebonne Parish School System College and Career Fair at the Houma-Terrebonne Civic Center on October 11, 2017.
2. Introducing an ordinance that will amend Section 21-87 and enact Sections 21-88, 21-89 and 21-90 of the Terrebonne Parish Code of Ordinances at Article IV of Chapter 21 to provide for the removal of any board member of any Recreation District established by the Terrebonne Parish Consolidated Government to establish fiscal oversight of the Terrebonne Parish Recreation Districts as applicable; calling a public hearing on August 9, 2017 at 6:30 p.m. and to provide for related matters

3. Adjourn

Category Number:
Item Number:



Monday, July 24, 2017

Item Title:
INVOCATION

Item Summary:
INVOCATION

Category Number:
Item Number:



Monday, July 24, 2017

Item Title:

PLEDGE OF ALLEGIANCE

Item Summary:

PLEDGE OF ALLEGIANCE

Category Number:
Item Number: 1.



Monday, July 24, 2017

Item Title:

Terrebonne Parish School System College & Career Fair Cosponsorship

Item Summary:

Consider authorizing TPCG to co-sponsor the Terrebonne Parish School System College and Career Fair at the Houma-Terrebonne Civic Center on October 11, 2017.

ATTACHMENTS:

Description

Letter and application

Upload Date

7/19/2017

Type

Cover Memo

TERREBONNE

Parish School District

201 Stadium Drive
Houma, LA 70360
(985) 876-7400 / www.tpsd.org

Engage, Educate and Empower Every Student, Every Day

July 14, 2017

Terrebonne Parish Consolidated Government
Parish Council
P O Box 2768
Houma, LA 70361

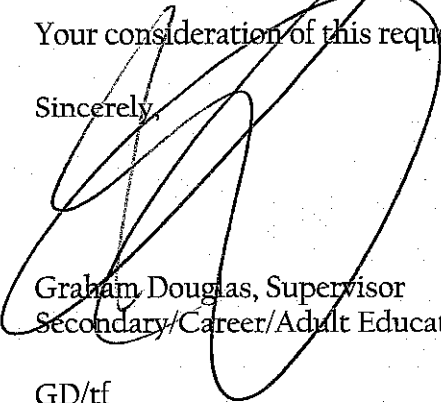
Re: College & Career Fair Co-Sponsorship

The Terrebonne Parish School District hereby respectfully requests the Terrebonne Parish Consolidated Government to co-sponsor our Annual College and Career Fair on Wednesday, October 11, 2017 at the Terrebonne Parish Civic Center. Attached is the Request Form for Co-Sponsorship with regard to this request.

The College and Career Fair will have a diverse group of universities, community colleges, technical schools, and industry participating in the event along with all high schools in Terrebonne Parish. Student attendance is expected to be over 1500 seniors from our seven high schools in Terrebonne Parish.

Your consideration of this request is greatly appreciated and admired.

Sincerely,


Graham Douglas, Supervisor
Secondary/Career/Adult Education

GD/tf

Attachment

c: Philip Martin, Superintendent

RECEIVED
JUL 18 2017

**TERREBONNE PARISH
COUNCIL**

Excellence in Education with a Commitment to All
AN EQUAL OPPORTUNITY EMPLOYER

TERREBONNE PARISH CONSOLIDATED GOVERNMENT
P.O. BOX 2768
HOUMA, LOUISIANA 70361

REQUEST FORM FOR CO-SPONSORSHIP

ALL REQUESTS MUST BE RECEIVED 30 DAYS PRIOR TO THE DATE OF EVENT

The constitutional norm for the lawful use of public funds and property is found in the Louisiana Constitution, Article VII, Section 14 (1974). Paragraph (A) generally prohibits the loan, pledge or donation of the "funds, credit, property, or things of value of the state or of any political subdivision."

Exceptions to the above prohibition are found within paragraph (B) and include "the use of public funds for programs of social welfare for the aid and support of the needy."

Paragraph (C) authorizes the state and its political subdivisions to engage in cooperative endeavors for a public purpose with other government agencies, public or private corporations, or individuals. However, the authorization of cooperative endeavors for a public purpose is violated whenever a political subdivision seeks to give up something of value in the absence of a legal obligation to do so. Furthermore, any such contemplated use of public funds and property must also create a public benefit proportionate to its cost.

Accordingly, the Terrebonne Parish Consolidated Government (TPCG) has established the policy of the TPCG that co-sponsorship of events may be authorized by the Council, within budget, for the following situations:

- (I) The EVENT serves a public purpose for the expenditure or transfer that comports with the governmental purpose the public entity has legal authority to pursue; and
- (II) that the expenditure or transfer, taken as a whole, does not appear to be gratuitous; and
- (III) that the public entity has a demonstrable, objective, and reasonable expectation of receiving at least equivalent value in exchange for the expenditure or transfer of public funds.

NAME OF APPLICANT/AGENCY
TERREBONNE PARISH SCHOOL DISTRICT

(seeking co-sponsorship)

NAME OF AUTHORIZED REPRESENTATIVE & CAPACITY (if applicant is not an individual)
GRAHAM DOUGLAS

MAILING ADDRESS 201 STADIUM DRIVE, HOUMA, LA 70360

TELEPHONE NUMBER 985-876-7400, EXT. 234

LOCATION and DATE OF EVENT Houma-Terrebonne Civic Center October 11, 2017

DESCRIBE THE REASON FOR CO-SPONSORSHIP, THE NATURE OF THE CONTEMPLATED EVENT AND HOW SUCH SERVES A PUBLIC PURPOSE:

This event will provide resources, materials, and speakers from over 100 businesses, military and employers from the State of Louisiana. Over 1,500 students will be in attendance from public and non-public schools.

SERVICES REQUESTED: Use of Houma-Terrebonne Civic Center

Graham Douglas
SIGNATURE

July 14, 2017
DATE

(TPCG USE ONLY)

DATE RECEIVED

APPROVAL FOR CO-SPONSORSHIP (CIRCLE ONE) YES NO

NAME

POSITION

SIGNATURE



Monday, July 24, 2017

Item Title:

Introduce ordinance - Rec. Board fiscal responsibility

Item Summary:

Introducing an ordinance that will amend Section 21-87 and enact Sections 21-88, 21-89 and 21-90 of the Terrebonne Parish Code of Ordinances at Article IV of Chapter 21 to provide for the removal of any board member of any Recreation District established by the Terrebonne Parish Consolidated Government to establish fiscal oversight of the Terrebonne Parish Recreation Districts as applicable; calling a public hearing on August 9, 2017 at 6:30 p.m. and to provide for related matters

ATTACHMENTS:

Description	Upload Date	Type
Proposed ordinance	7/21/2017	Ordinance

OFFERED BY: MR. J. NAVY

SECONDED BY:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 21-87 AND ENACT SECTIONS 21-88, 21-89 AND 21-90 OF THE TERREBONNE PARISH CODE OF ORDINANCES AT ARTICLE V OF CHAPTER 21 TO PROVIDE FOR THE REMOVAL OF ANY BOARD MEMBER OF ANY RECREATION DISTRICT ESTABLISHED BY THE TERREBONNE PARISH CONSOLIDATED GOVERNMENT TO ESTABLISH FISCAL OVERSIGHT OF THE TERREBONNE PARISH RECREATION DISTRICTS AS APPLICABLE; AND TO PROVIDE FOR RELATED MATTERS.

Whereas, the Terrebonne Parish Consolidated Government (TPCG) is a Home Rule Charter local government and is granted the liberally construed “right and authority to exercise any power and perform any function necessary, requisite or proper for the management of its affairs” and “to promote, protect, and preserve the general welfare, safety, health, peace and good order of the parish,” not denied by the Charter, by general law, or inconsistent with the Constitution, per Louisiana Constitution Articles VI §§ 5-6 and Terrebonne Parish Charter Sections 1-01, 1-05, 1-06, and 8-08; and

Whereas, both the Louisiana Constitution at Article VI, Section 15 and the Terrebonne Parish Charter at Section 7-09 afford the governing authority of Terrebonne Parish the “general power over any agency heretofore or hereafter created by it, including, without limitation, the power to abolish the agency and require prior approval of any charge or tax levied or bond issued by the agency”; and

Whereas, Terrebonne Parish Code Section 2-1 requires all special districts created by the Council to submit their proposed budgets to the Council prior to the beginning of their fiscal years; and

Whereas, as authorized by Louisiana Revised Statute 33:4562(A), the Terrebonne Parish Consolidated Government, created several recreation districts within the Parish of Terrebonne for the purposes mandated under Louisiana Revised Statute 33:4563, those being “to own and operate playgrounds and other facilities; or generally to engage in activities which would promote recreation and any related activity designed to encourage recreation and promote the general health and wellbeing of youths”;

Whereas, the boundaries of those recreation districts are defined at Terrebonne Parish Code Section 21-86 and whose members are appointed by the Council; and

Whereas, Louisiana Revised Statute 33:1415(B) provides that “In any case where the governing authority of any parish or municipality shall have created or established . . . any district . . . having governmental functions, power or authority, such governing authority is hereby authorized to provide appropriate budgetary and fiscal controls over said agency or entity [including, but not limited] to, approval of operating budgets with the right to veto or reduce line-items [and] such other budgetary and fiscal controls as are necessary and proper to ensure the maximum feasible coordination of government on the local level”; and

Whereas, the Terrebonne Parish Council desires to adopt an ordinance to establish operation control oversight and fiscal oversight over the recreation districts within Terrebonne Parish in an effort to ensure the maximum feasible coordination of representative taxation and spending within the districts’ jurisdictions and board operation structure for the benefit of the public; and

NOW THEREFORE, BE IT ORDAINED by the Terrebonne Parish Council on behalf of the Terrebonne Parish Consolidated Government that:

SECTION I

Section 21-87 of the Code of Ordinances of Terrebonne Parish at Chapter 21, Article V, is hereby amended, using ~~striketrough~~ to indicate deletions and underlining to indicate additions, and same are hereby adopted to read as follows:

Sec. 21-87. - Powers.

The recreation districts shall constitute bodies corporate and political subdivisions of the state, and as such shall have all the rights, powers and privileges granted and conferred by the constitution and statutes of the state, including the authority to incur debt, issue bonds and levy taxes, subject to the management, budgetary and fiscal controls in this Article, as applicable.

SECTION II

Sections 21-88 through 21-90 of the Terrebonne Parish Code of Ordinances shall be and are hereby enacted as follows:

Section 21-88. Appointment and removal of board members.

- (a) The members of the boards of the recreation districts created by this Article shall be appointed by the Terrebonne Parish Council.
- (b) The Terrebonne Parish Council may remove, with or without cause, and replace any recreation district board member. Any member who has been removed by the Council or has resigned from the appointment shall not be eligible for reappointment until five years from the date of the member's removal or resignation.

Section 21-89. Compliance with laws.

- (a) Each recreation district shall comply with Louisiana Bid Laws, Public Works Laws, Public Records Laws, Open Meetings Laws, the Local Government Budget Act, Chapter 8 of Title 24 of the Louisiana Revised Statutes governing audit requirements applicable to political subdivisions, and any other federal, state, and local laws, ordinances and regulations applicable to the districts.
- (b) Contracts for public works and for services to be performed for or on behalf of the recreation district shall be in writing.
- (c) Each recreation district shall maintain its records in an orderly fashion pursuant to the Louisiana Public Records Law and make its records available as soon as possible at the request of Terrebonne Parish administrators or the Terrebonne Parish Council.
- (d) Each Recreation District Board shall seek technical assistance and advice for compliance herein from the Terrebonne Parish President or the Parish President's designee. The Parish President may designate or appoint a parish official, director, or employee to be present at any recreation district facility for the purpose of assisting in managing the daily operations of the recreation district.

Section 21-90. Budgetary and fiscal controls – Terrebonne Parish Recreation District No. 11.

- (a) Application. The provisions of this Section apply to Terrebonne Parish Recreation District No. 11 only. The Council reserves the right to amend the applicability of this Section in the future to add or remove recreation districts.
- (b) Definitions. For the purposes of this Section, the following terms shall have the following meanings.
 - 1. "Board" shall refer to the governing authority of each recreation district named in Subsection (a) of this Section.
 - 2. "CFO" shall mean the Chief Financial Officer of the Terrebonne Parish Consolidated Government.
 - 3. "Council" shall mean the Terrebonne Parish Council, the governing authority of the Terrebonne Parish Consolidated Government.

4. "CPA" shall mean Certified Public Accountant.
 5. "District" shall mean the recreation district(s) named in Subsection (a) of this Section, whether one or more.
 6. "Facility" or "Facilities" shall mean any facility, land, or improvement to land, whether permanent or temporary, which is owned, leased, or acquired by the District.
 7. "Parish President" shall mean the elected President of the Terrebonne Parish Consolidated Government.
- (c) Annual Financial Statements. The Board shall provide to the CFO and Council annual sworn financial statements of the District, showing the financial status of the District and the District's properties, facilities, funds, and indebtedness. Financial statements shall be prepared in accordance with standards set forth in Louisiana Revised Statute 24:514, as may be amended. This requirement may be satisfied by submitting to the CFO and Council true copies of the annual sworn financial statements provided by the District to the legislative auditor, in accordance and compliance with Louisiana Revised Statute 24:514.
- (d) Budget. At least 75 days prior to the beginning of the District's fiscal year, the Board shall prepare and file with the CFO and the Council the District's proposed budget for the next fiscal year. The Council shall include the District's proposed budget on the calendar for the next regularly scheduled meeting of the full Council, and shall take the necessary action to approve, amend, or reject the proposed budget.
1. If the Council rejects the proposed budget, at least 30 days prior to the Board's deadline to adopt the budget, the Council shall send written notice with specific instruction to the Board for amendments to the proposed budget. The Board shall then submit the amended proposed budget to the CFO and Council for the next regularly scheduled meeting for approval.
 2. Board may adopt the proposed budget only after Council approval, subject to line item veto or reduction by the Parish President.
 3. This subpart (d) is intended to supplement the Local Government Budget Act, and District shall comply with the provisions of said Act in addition to this subpart.
- (e) Expenditure Oversight. Prior to making any expenditure or entering into any contract to carry out the purposes and powers of the District, including a lease or other contract connected with, incident to, or affecting the acquisition, financing, construction, equipment, maintenance, renovation, repair, improvement, payroll or operation of facilities, programs or expenditure of any nature, District shall request and obtain written approval for such expenditure or contract from the CFO. The CFO may approve the expenditure or contract, provided District timely submits to CFO supporting documentation for the expenditure or contract, including, but not limited to, the proposed check, requisition order, purchase order, supporting purchasing or payment documents, and any information necessary for the CFO to determine whether the expenditure is appropriate and legal.
- (f) Payroll and Payment Oversight. Prior to issuing any employee paychecks, board per diem and reimbursements, and contractor/consultant payments, District shall request and obtain written approval for such items from the CFO, whose approval shall not be unreasonably withheld, provided District submits to CFO supporting documentation for the expenditure or contract, including, but not limited to, the proposed check, and any information necessary for the CFO to determine whether the expenditure is appropriate and legal. Considering that time is of the essence when issuing payment to employees and contractors, the District shall submit the necessary supporting documentation immediately upon its availability to ensure timely approval of such expenditures.
- (g) Board Oversight.

1. Monthly Reports. District shall submit to the CFO, no later than the second Wednesday of each month, copies of the following, reflecting current, to-date information:
 - a. its general ledger and financial statements itemizing any and all expenditures and income of the District, including, but not limited to expenditures for payroll, employee benefits, commissioner per diem and reimbursements, projects, programs, bonds, facility insurance, facility improvements, facility and program operations, facility maintenance, consultants' and contractors' payments, auto and equipment expense and purchase reports, and payouts for claims and litigation; and including, but not limited to income from millage, concessions, interest, donations, and facility rental;
 - b. list of current contractors, engineers, and consultants, under written contract with District, including statements the specific projects or general work being performed by them on behalf of the District, along with their EINs;
 - c. list of current District employees, including statements of their job titles, salary or hourly wage, area of work assignments, and whether they are part time or full time;
 - d. copies of District employee time cards and paychecks;
 - e. reports of District employees' accrued and paid vacation leave, accrued and paid sick leave, paid overtime, accrued and paid comp time and instances of leave without pay;
 2. Board Agendas and Minutes. Board shall submit copies of its meeting agendas to the CFO and Council through the Terrebonne Parish Council Clerk at least 24 hours prior to each Board meeting. Board shall submit copies of the minutes of its meetings no later than five days, not including legal holidays and weekends, following each Board meeting.
 3. Executive Sessions. Board shall not convene into Executive Session during its meetings without providing at least 48 hours' prior written notice to CFO and Council through the Terrebonne Parish Council Clerk. The Parish President or designee and any elected Council member may attend any executive session of the Board.
- (h) Direction by the Council. From time to time, Council may reasonably advise the District Board to take action with regard to District facilities, programs, employees, expenditures, and revenues for the purposes for which the District was created. Board shall make every effort to work towards the goal(s) directed by the Council.
 - (i) Audit by CFO. The CFO, or any auditor designated by the Parish, may conduct a general audit and issue a financial statement of the District at any time the Council or Parish President considers appropriate. For the purpose of this subsection (i), the auditor shall have the access and assistance privileges afforded the legislative auditor in Louisiana Revised Statute 24:513(E) and (I), as may be amended.
 - (j) Audit by Others. District shall immediately provide copies to CFO and Council of any audits of the District performed in house, by the Legislative Auditor, or by any other outside agency or CPA.
 - (k) Cooperation. Board shall fully cooperate with the Council and Parish President to ensure maximum feasible coordination of local government and recreation programs.
 - (l) Reimbursement of Fees and Costs. The CFO may impose necessary fees or charge District for any necessary costs expended by the Terrebonne Parish Consolidated Government or Council in accordance with the authority granted to them under this

Section. The amount charged shall not exceed the maximum allowable fee as authorized by law.

SECTION III

Any and all other provisions of the Code not amended herein, shall remain in full force and effect. If any word, clause, phrase, section or other portion of this ordinance shall be declared null, void, invalid, illegal, or unconstitutional, the remaining words, clauses, phrases, sections and other portions of this ordinance shall remain in full force and effect, the provisions of this ordinance hereby being declared to be severable.

SECTION IV

This ordinance shall become effective upon approval by the Parish President or as otherwise provided in Section 2-12 or 2-13(b) of the Home Rule Charter or as otherwise required by the Home Rule Charter for a Consolidated Government for Terrebonne Parish, whichever occurs sooner.

This ordinance, having been introduced and laid on the table for at least two weeks, was voted upon as follows:

THERE WAS RECORDED:

YEAS:

NAYS:

NOT VOTING.

ABSTAINING:

ABSENT:

The Chairman declared the ordinance adopted on this, the ____ day of _____ 2017.

CHAIRMAN
TERREBONNE PARISH COUNCIL

VENITA H. CHAUVIN
COUNCIL CLERK
TERREBONNE PARISH COUNCIL
Date and Time Delivered to Parish President:

Approved _____ Vetoed

Gordon E. Dove, Parish President
Terrebonne Parish Consolidated Government

Date and Time Returned to Council Clerk:

I, VENITA H. CHAUVIN, Council Clerk for the Terrebonne Parish Council, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Assembled Council in Regular Session on _____, 2017, at which meeting a quorum was present.

GIVEN UNDER MY OFFICIAL SIGNATURE AND SEAL OF OFFICE THIS _____ DAY OF _____, 2017.

VENITA H. CHAUVIN
COUNCIL CLERK
TERREBONNE PARISH COUNCIL