

On motion of Ms. Lee-Sheng, seconded by Mr. Young, the following ordinance was offered as amended:

**SUMMARY NO. 23039      ORDINANCE NO. 23831**

An ordinance amending Ordinance No. 23752, adopted on February 10, 2010, to make certain changes to the financial disclosure requirements therein; to establish a new deadline for the filing of Financial Disclosure Statements; and otherwise providing with respect thereto. (Parishwide)

**THE JEFFERSON PARISH COUNCIL HEREBY ORDAINS:**

**SECTION 1.** That Section 1 of Ordinance No. 23752, adopted on February 10, 2010, is hereby amended to read as follows:

That Chapter 23, "Personnel", Article V, "Ethical Standards", of the Jefferson Parish Code of Ordinances is hereby amended by adding Division 4 thereto, to read as follows:

**DIVISION 4. - ELECTED OFFICIALS AND EXECUTIVE EMPLOYEE FINANCIAL DISCLOSURE.**

**Sec. 23-145. Financial disclosure required for elected officials and executive pay plan employees.**

- A. The Jefferson Parish Council members, the Parish President and all Jefferson Parish unclassified "at-will" employees and officers of Jefferson Parish whose positions are under The Executive Pay Plan for the Parish of Jefferson shall be required to file financial disclosure information annually in accordance with the provisions of this Division.
- B. The financial disclosures required under this Division shall be in the form of the Financial Disclosure Statement as specified by this Division and shall be submitted to the Parish Attorney by May fifteenth of each year during which the person required to file such statement holds an office or position included in Subsection A of this Section. The Parish Attorney shall be the official custodian of the statements filed in accordance with this Division.
- C. Notwithstanding the provisions of Subsection B of this Section, the Financial Disclosure Statement required by this Division may be filed within thirty days after the individual files his federal tax return for the year on which he is reporting, taking into consideration any extensions filed by the individual, provided that he notifies the Parish Attorney prior to the deadline provided in Subsection B of this Section of his intention to do so.
- D. Any person who is employed, elected or appointed to a position which under this Division is required to file a Financial Disclosure Statement, but who is so employed, elected or appointed after May 15<sup>th</sup> of any calendar year, shall be required to file a Financial Disclosure Statement within thirty days of the employment, election or appointment or within thirty days of the date on which said person files his federal tax return, whichever date is later, provided that said person complies with Subsection C of this Section if filing for an extension to file his federal tax return.
- E. Unless otherwise specified, the information to be provided on each Financial Disclosure Statement in accordance with the provisions of this Division shall be for the calendar year immediately prior to the year in which the statement is to be filed in accordance with the deadlines for submittal of the statement under this Section.
- F. The Department of Human Resources shall prescribe a form for the Financial Disclosure Statement that includes requests and space for all information required under Section 23-147, along with instructions and deadlines for said submittals in accordance with this Division. The person required to file may attach additional information to the Financial Disclosure Statement form which will not fit in the space allowed for the information on the form, and such additional information shall be considered to be part of the Financial Disclosure Statement as if it were fully incorporated therein. The Department of Human Resources shall annually distribute or shall make available on-line the Financial Disclosure Statement forms to all persons

required to file the statements in accordance with this Division by no later than the 31<sup>st</sup> day of January of each year.

G. When an amount is required to be disclosed by category pursuant to this Division, it shall be sufficient to report the amount by the following categories:

1. Category I, less than \$5,000.
2. Category II, \$5,000-\$24,999.
3. Category III, \$25,000-\$100,000.
4. Category IV, more than \$100,000.

**Sec. 23-146. Definitions.**

For purposes of this Division, the following words shall have the following meanings:

- (1) "Business" shall mean any corporation, company, partnership, sole proprietorship, firm, enterprise, franchise, association, business, organization, self-employed individual, holding company, trust, or any other legal entity or person.
- (2) "Financial Disclosure Statement" shall mean the form prescribed by the Department of Human Resources in accordance with this Division and all of the information as provided by the person required to file the statement on or attached to said form.
- (3) (a) "Income" for a business shall mean gross income less both of the following:
  - (i) Costs of goods sold.
  - (ii) Operating expenses.
- (b) "Income" for a person required to file shall mean taxable income and shall not include any income received pursuant to a life insurance policy.
- (4) "Immediate family" or shall mean the children, sons-in-law, daughters-in-law, brothers, sisters, brothers-in-law, sisters-in-law, parents, spouse, mother-in-law and/or father-in-law of the person required to file.
- (5) "Parish contractor" shall mean any person or business which is party to a contract with the Parish of Jefferson or with any of Parish's political subdivisions, including, but not limited to, any Parish agencies, divisions or special district. "Parish contractor" shall also include any principal, owner, employee, lobbyist or agent of any such person or business.
- (6) "Parish employee" shall mean any Jefferson Parish unclassified "at-will" employee or officer of Jefferson Parish whose position is under The Executive Pay Plan for the Parish of Jefferson.
- (7) "Person required to file" shall mean any Jefferson Parish unclassified "at-will" employee or officer of Jefferson Parish whose position is under The Executive Pay Plan for the Parish of Jefferson who is so employed as of May 15<sup>th</sup> of each year; and the Parish President and each Jefferson Parish Councilmember who is serving in such capacity as of May 15<sup>th</sup> of each year.
- (8) "Spouse" shall mean the husband or wife of any person required to file or any person with whom the person required to file has been living in open concubinage for at least one year prior to the date on which said person submits the Financial Disclosure Statement as required by this Division.

**Sec. 23-147. Information to be disclosed by elected officials and executive pay plan employees.**

The following information shall be provided by the person required to file in accordance with the requirements of this Division on the Financial Disclosure Statement prescribed by the Department of Human Resources:

**A. GENERAL INFORMATION.**

**1. Identification.**

- a. The full name and residential address of the person required to file.
- b. The full name of the spouse of the person required to file, if any, and the spouse's residential address if different from the address of the person required to file.

**2. Parish employment.**

- a. The job title of the current position with Jefferson Parish of the person required to file and a brief description of said position including whether or not said position is full-time or part-time.

**3. Other employment.**

- a. The name and address of the employer, job title, and a brief job description for each full-time or part-time non-Parish employment position held by the person required to file.
- b. The name and address of any employer, job title, and a brief job description for each full-time or part-time employment position held by the spouse of the person required to file.

**4. Business interests.**

- a. The name, address, brief description of, and nature of association with and the amount of interest in each business in which the person required to file or spouse is a director, officer, owner, partner, member, or trustee, or in which the person required to file or spouse, either individually or collectively, owns an interest which exceeds ten percent (10%).
- b. The name, address, brief description of, and nature of association with a nonprofit organization in which the person required to file or spouse is a director or officer.

**5. Immediate family.**

- a. The name and relationship to the person required to file of any immediate family member of said person who has any ownership, employment or other economic interest in a Parish contractor, or who has an economic interest in any person or business which has been a Parish contractor at any time in the period beginning on January 1st in the year prior to the year that the Financial Disclosure Statement is due under the provisions of this Division and ending on the date of the submittal of this Statement.
- b. The name and address of any and all Parish contractors as to which any member of the immediate family of the person required to file has any ownership, employment or other economic interest as specified in Subsection A(5)(a) of this Section, along with the name of the immediate family member having said interest and a general description of said interest.

**B. FINANCIAL DISCLOSURE.**

**1. Income from public sources or from public contractors.**

- a. The type and specific amount of any and all income and the name and address of the source of any and all income received by the person required to file or spouse, or by any business in which the person required to file or spouse, either individually or collectively, owns an interest which exceeds ten percent of that business, from the State of Louisiana, the Parish of Jefferson or from any political subdivision of either the State or the Parish.
- b. The type and specific amount of any and all income and the name and address of the source of any and all income received by the person required to file or spouse, or by any

business in which the person required to file or spouse, either individually or collectively, owns an interest which exceeds ten percent of that business, from any Parish contractor or from any person or business which has been a Parish contractor at any time in the period beginning on January 1st in the year prior to the year that the Financial Disclosure Statement which includes this disclosure is due under the provisions of this Division and ending on the date of the submittal of this Statement.

**2. Other income.**

- a. The name and address of any employer, including self-employment, which provides income to the person required to file or spouse pursuant to the full-time or part-time employment of the person required to file or spouse, including a brief description of the nature of the services rendered pursuant to such employment and the amount of such income by category, excluding information required to be reported pursuant to Subsection B(1) of this Section.
- b. The name and address of all businesses which provide income to the person required to file or spouse, including a brief description of the nature of services rendered for each business or of the reason such income was received, and the aggregate amount of such income by category, excluding information required to be reported pursuant to Subsection B(1) of this Section or Subparagraph (a) of this Subsection B(2).
- c. A description of all property by lot, square, subdivision and municipal address located in unincorporated Jefferson Parish in which the person required to file or spouse holds an ownership interest that, either individually or collectively, exceeds two thousand dollars (\$2,000.00) as determined by the assessor for purposes of ad valorem taxes for such parcel of immovable property; and any income, to be reported by category, received from these properties by the person required to file or spouse, excluding information required to be reported pursuant to Subsection B(1) of this Section or Subparagraphs (a), or (b) of this Subsection B(2).
- d. A description of the type of any other income exceeding one thousand dollars (\$1,000.00) received by the person required to file or spouse, or by both collectively, including a brief description of the nature of the services rendered for the income or the reason such income was received, and the amount of income by category, excluding information required to be reported pursuant to Subsection B(1) of this Section or Subparagraphs (a), (b), or (c) of this Subsection B(2).

**3. Liabilities.**

- a. The name and address of each Parish contractor as defined in this Division, if any, to whom the person required to file, or spouse owes any liability or from which the person required to file or spouse has received any loan.
- b. The specific amount of any liability or loan identified pursuant to Subsection B(3)(a) herein, and the reason for the incurrence of any such liability or for any such loan.
- c. For purposes of this Division, the terms "loan" or "liability" shall not include:
  - 1) any liability incurred for ordinary consumer transactions for which the amount(s) paid for goods or services is on terms and in amounts available to any similarly situated member of the public for the same goods or services; and

- 2) any loan or other liability from a licensed financial institution made by said institution on terms and in amounts available to any similarly situated member of the public for the purpose(s) for which the loan was made or for which the liability was incurred.

**Sec. 23-148. Procedural requirements for filing of Financial Disclosure Statements.**

- A. The Financial Disclosure Statement shall include a certification by the person required to file the statement that said person has filed his federal and state income tax returns, or has filed for an extension of time for filing such tax returns.
- B. The Financial Disclosure Statement shall be filed with the Parish Attorney and shall be accompanied by an affidavit of the person filing it certifying that the information contained in the statement is true and correct to the best of his knowledge, information, and belief.
- C. The Financial Disclosure Statement shall be a public record, subject to the provisions of Chapter 1 of Title 44 of the Louisiana Revised Statutes of 1950 and the following provisions:
  - 1) *Privacy, safety and security requests.*
    - (a) Any person required to file a Financial Disclosure Statement as required by this Division may, at the time the Financial Disclosure Statement is filed or at any time thereafter, except at any time after a request for inspection of the statement has been filed with the Parish Attorney, submit a request to the Parish Attorney to withhold from public inspection any item or items disclosed therein on the grounds that disclosure of the item or items would constitute an unwarranted invasion of the privacy of the person required to file or would cause a risk to the safety or security to the person required to file or to any other person.
    - (b) The Parish Attorney shall evaluate each such request, and shall consider the following factors in such evaluation:
      - (1) whether the item is privileged or otherwise protected from disclosure by any applicable law or judicial precedent;
      - (2) whether the item is of a highly personal nature;
      - (3) whether the item relates in any way to the duties of the positions held by the person required to file and whether or not issues of safety or security as it relates to those duties may be affected by disclosure of any such item
      - (4) whether the disclosure of the item may pose a safety or security risk to the person required to file or to any other person(s); and
      - (5) whether the item involves an actual or potential conflict of interest or other ethical breach by the person required to file.
    - (c) Upon a finding by the Parish Attorney that the disclosure to the public or the inspection by the public of any item would constitute an unwarranted invasion of the privacy of the person required to file or would cause a risk to the safety or security to the person required to file or to any other person, such item shall be withheld from public inspection and shall not be disclosed to the public.
    - (d) Any information regarding any financial interest of the spouse or unemancipated child of a person required to file in which the person required to file has no

financial interest shall not be subject to public disclosure or inspection as an unwarranted invasion of privacy unless the Parish Attorney, after considering all factors under Section 23-148(C)(1)(b) herein, determines that such information involves an actual or potential conflict of interest or other ethical breach on the part of the person required to file.

- (e) Regardless of whether or not a person required to file has submitted a request to the Parish Attorney to withhold from public inspection any item or items in said person's Financial Disclosure Statement, the Parish Attorney may, upon his or her own initiative withhold any item items in the statement from public disclosure or inspection if the Parish Attorney finds that such disclosure or inspection would constitute a risk to the safety or security of the person required to file.
- (f) The provisions of subsections (B) and (C) of Section 23-148 herein shall be applicable to any amendment to a Financial Disclosure Statement which may be filed by a person required to file.

**Sec. 23-149. Claiming of privilege or other exemption from requirement to report.**

- A. Any person required to file who claims a privilege or exemption recognized under law from a requirement to report or disclose any information which said person is otherwise required to include in a Financial Disclosure Statement under this Division shall state the nature, source and legal basis for said privilege or exemption on the Financial Disclosure Statement.
- B. A person required to file who claims a privilege or exemption under this Section shall generally describe the nature of the privilege or exemption and the nature of the business relationship between the person required to file and the source of income for which the privilege or exemption is requested, and said person shall deliver this information in writing to the Parish Attorney on or before the deadline for submittal of said person's Financial Disclosure Statement. The Parish Attorney may require the person claiming a privilege or exemption to provide more detailed information regarding the matter for which the person is claiming the privilege or exemption if the Parish Attorney deems that the information originally submitted in this regard is insufficient to allow the Parish Attorney to ascertain the validity of the claim of privilege or exemption.
- C. The Parish Attorney shall review all information provided in accordance with this Section and shall report to the Council his opinion as to whether the information is legally privileged or exempt from the requirement to report and disclose such information under this Division; and whether, in his opinion, the information indicates that the person submitting the information is in violation of any applicable law or ethical regulation.
- D. Any and all information submitted to the Parish Attorney in accordance with the provisions of the Section under a claim of privilege or exemption shall not be included in the Financial Disclosure Statement of the person submitting said information and shall not be considered to be a public record, unless and until the Parish Attorney delivers in writing to the Council his opinion that the information so submitted is not legally exempt from disclosure under any legally recognized privilege or under any exemption pursuant to the Public Record Law under the provisions of Chapter 1 of Title 44 of the Louisiana Revised Statutes of 1950.

**Sec. 23-150. Transfers of assets to avoid disclosure prohibited.**

- A. For purposes of this Section, a person required to file or the spouse of the person required to file shall not transfer any asset, interest, or liability required to be disclosed pursuant to this Division to any person or business for the purpose of avoiding disclosure, unless such transfer is irrevocable. A transfer shall not be irrevocable if there exists any contract, letter, counter letter, note, or any other legally enforceable agreement or authority which if exercised or enforced would require or authorize any asset, interest, or liability transferred by a person required to file or the spouse of the person required to file to a person or business to revert back to such person or spouse.
- B.
  - 1. The sale of property subject to owner financing shall not be a transfer prohibited by Subsection A of this Section.
  - 2. A recorded bond for deed contract shall not be a transfer prohibited by Subsection A of this Section.

**Sec. 23-151. Penalties for violation of the financial disclosure provisions.**

- A. Each violation of any of the provisions of this Division shall be punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding six (6) months or by both such fine and imprisonment, within the discretion of the court.
- B. In addition, any violation of any of the provisions of this Division by any Parish employee shall be grounds for the immediate suspension or dismissal from Parish service of the person found to be in violation.
- C. Nothing in this Division shall require the disclosure or reporting of income derived from child support and alimony payments contained in a court order or from the reporting or disclosure of income derived from disability payments from any source.

**Sec. 23-152. Review and reporting of the financial disclosure information.**

- A. The Parish Attorney shall notify the members of the Jefferson Parish Council and the Parish President of all violations of the provisions of this Division.
- B. The Parish Attorney, the Director of the Office of Research and Budget Analysis and the Jefferson Parish Compliance and Ethics Officer shall annually review the Financial Disclosure Statements and shall make a report to the Council by no later than July 31<sup>st</sup> of each year of their findings and recommendations concerning said statements. The Parish Attorney, the Director of the Office of Research and Budget Analysis and the Jefferson Parish Compliance and Ethics Officer shall provide to the Council supplemental reports as necessary for any Financial Disclosure Statements filed after May 15<sup>th</sup> of any year in accordance with the provisions of this Division, said supplemental reports to be submitted to the Council within thirty days of the filing of any statements filed after May 15<sup>th</sup> of any year.

**SECTION 2.** That Section 3 of Ordinance No. 23752, adopted on February 10, 2010, is hereby amended to read as follows:

Notwithstanding any provision of this ordinance to the contrary, for the year 2010 and only for said year, the following provisions shall be applicable: 1) any person required to file a Financial Disclosure Statement under the provisions of this ordinance shall file said statement in accordance with the provisions of this ordinance by no later than 4:30 p.m. on July 19, 2010; and said statement shall include information only for the period beginning on February 22, 2010 and ending on the date that the statement is filed; 2) the Parish Attorney shall return any Financial Disclosure Statement filed prior to the adoption of this ordinance to the person who filed said statement so that said person may refile a statement in accordance with the provisions of this ordinance unless said person requests the Parish

Attorney to retain the originally filed statement in fulfillment of the requirements of this ordinance; and 3) the Parish Attorney, the Director of the Office of Research and Budget Analysis and the Jefferson Parish Compliance and Ethics Officer shall review the Financial Disclosure Statements filed in 2010 and shall make a report to the Council by no later than September 22, 2010, of their findings and recommendations concerning said statements.

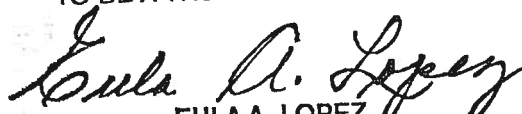
**SECTION 3.** It is hereby declared to be the intention of the Parish Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise illegal by the valid judgment of any court of competent jurisdiction, such unconstitutionality or other illegality shall not affect any remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the Parish Council without the incorporation in this ordinance of any such unconstitutional or otherwise illegal phrase, clause, sentence, paragraph or section.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

**YEAS: 6 NAYS: None ABSENT: (1) Roberts**

The ordinance was declared to be adopted on this 9<sup>th</sup> day of June, 2010, and shall become effective as follows: if signed forthwith by the Parish President, ten (10) days after adoption; thereafter, upon the signature by the Parish President, or, if not signed by the Parish President, upon expiration of the time for ordinances to be considered finally adopted without the signature of the Parish President, as provided in Section 2.07 of the Charter. If vetoed by the Parish President and subsequently approved by the Council, this ordinance shall become effective on the day of such approval.

THE FOREGOING IS CERTIFIED  
TO BE A TRUE & CORRECT COPY

  
EULA A. LOPEZ  
PARISH CLERK  
JEFFERSON PARISH COUNCIL