

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 4008                      ORDINANCE COUNCIL SERIES NO. 09-  
COUNCIL SPONSOR MR. BINDER                      PROVIDED BY COUNCIL OFFICE  
INTRODUCED BY: MR. STEFANCIK                      SECONDED BY: MR. BURKHALTER  
ON THE 5<sup>TH</sup> DAY OF FEBRUARY, 2009

ORDINANCE TO AMEND PARISH CODE OF ORDINANCES, CHAPTER 2, ARTICLE III, PARISH COUNCIL, AND ORDINANCE C.S. NO. 01-0283, ADOPTED MARCH 1, 2001, REGARDING CELL PHONE EXPENSES.

WHEREAS, the Internal Revenue Service has advised the Parish that the value of parish issued cell phones to employees is taxable income of the employee to the extent that the cell phones are used for making or receiving personal phone calls; and

WHEREAS, St. Tammany Parish already has a policy that Parish cell phones are not to be used by employees for personal matters; and

WHEREAS, despite this policy, the Internal Revenue Service is requiring the Parish to document and verify each month that no parish employee is personally benefitting from the use of a Parish cell phone; or, in the alternative, eliminate Parish cell phones to all employees and establish a program whereby the Parish pays a taxable stipend to each employee to cover the cost of the employee using his/her private cell phone for public purpose; and

WHEREAS, it is determined that from a cost effectiveness standpoint, it is in the Parish's best interest to establish a "stipend program" for all parish employees required to be available by cell phone in conjunction with their employ; and

WHEREAS, it is necessary to establish such a program for Parish Council members and staff consistent with the provisions of Section 2-05 of the Home Rule Charter.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it amends and reenacts Parish Code of Ordinances, Chapter 2, Article III, Section 2-030.00 to provide for amendments to Parish Council salary and reimbursement policies in regards to cellular phones as follows, to wit:

PARISH COUNCIL

Sec. 2-030.00 Parish Council Salaries

1. The monthly compensation to be received by all elected members of the St. Tammany Parish Council shall be as follows (effective January 1, 2008):
  - A. Fiscal Year 2008 - \$2,000.00 per month.
  - B. Fiscal Year 2009 - \$2,100.00 per month.
  - C. Fiscal Year 2010 - \$2,200.00 per month.
  - D. Fiscal Year 2011 - \$2,300.00 per month.
  - E. Monthly Compensation for subsequent years shall be \$2,300.00 unless amended by the Parish Council.

2. Reimbursements

- A. Council members are entitled to reimbursement for reasonable expenses incurred in carrying out their official duties.
- B. Reimbursement shall be authorized only upon submission of properly documented receipts.
- C. Authorized items for reimbursement:
  - 1. Mileage shall be reimbursed for the use of a personal vehicle for out of parish business related travel. Mileage shall be based on the most current federal/state standard mileage rate. Reimbursement requests shall be documented from the vehicle's actual odometer reading or ~~and~~ calculated using the recommended route of travel.
  - 2. Expenses incurred for lodging and meals to attend out of parish government functions, when such lodging and meals are not prepaid by the parish.
  - 3. ~~Expenses incurred, up to and not exceeding \$50.00 per month, for cellular or mobile telephone usage.~~

3. Cellular Phone Stipend Program

- A. Council members are entitled to a cellular phone stipend to cover the reasonable expenses incurred in the performance of their official duties.
- B. Stipends will be paid in accordance with a multi-tier program with each tier representing an allotment of minutes and features necessary for council members to conduct business according to individual need.
- C. Council Members will each be placed in a tier level of stipend according to the number of minutes and features they require after consulting with the Council Administrator.
- D. The Council Administrator will review annually the tier level of stipend with each Council Member to confirm the appropriate amount of stipend is being paid according to actual minutes and features used during the previous year.
- E. Council staff members requiring a cellular phone as part of their duties will also participate in this stipend program.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective immediately upon final adoption and shall be retroactive for purposes of payment of stipends to January 28, 2009.

MOVED FOR ADOPTION BY: \_\_\_\_\_, SECONDED BY: \_\_\_\_\_

ORDINANCE CALENDAR NUMBER: 4008

ORDINANCE COUNCIL SERIES NO. 09-

PAGE 3 OF 3

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS ORDINANCE WAS DECLARED ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2009; AND BECOMES ORDINANCE COUNCIL SERIES NO. 09-.

\_\_\_\_\_  
JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
THERESA FORD, COUNCIL CLERK

\_\_\_\_\_  
KEVIN DAVIS, PARISH PRESIDENT

Published introduction: \_\_\_\_\_, 2009  
Published adoption on: \_\_\_\_\_, 2009

Delivered to Parish President: \_\_\_\_\_, 2009 @ \_\_\_\_\_  
Returned to Council Clerk: \_\_\_\_\_, 2009 @ \_\_\_\_\_