



ST. CHARLES PARISH

PAUL J. HOGAN, PE
COUNCILMAN, DISTRICT IV

November 24, 2010

Mr. James D. "Buddy" Caldwell
Louisiana Attorney General
P.O. Box 94005
Baton Rouge, LA 70804

Dear Attorney General Caldwell:

I am requesting an opinion on the attached proposed resolution which changes Parish Council Rule 31.

Rule 31 As written:

"A vote may be reconsidered at any time during the same meeting. A vote can be reconsidered at any future meeting provided the Ordinance has not become law."

Rule 31 As revised:

"A vote may be reconsidered at any time during the same meeting."

By reading the attached proposed resolution you will get a full explanation of why I feel this rule should be changed and why in its present state is unfair to the citizens of our Parish.

If you have any questions, please contact the Council Secretary, Mrs. Barbara Jacob-Tucker at (985) 783-5127.

Sincerely,

PAUL J. HOGAN, PE
COUNCILMAN, DISTRICT IV

PJH/BJT306:ag

attachment

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2010-0361

**INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV
RESOLUTION NO. _____**

A resolution to amend the Parish Council Rules to revise Rule 31 to only allow reconsideration of Ordinances and Resolutions at the same meeting.

WHEREAS, the St. Charles Parish Home Rule Charter, Article IV, Ordinances and Resolutions, provides for the enactment of an Ordinance and the submission of ordinances and resolutions to the Parish President; and,

WHEREAS, the procedure includes that upon adoption by the Parish Council each ordinance and resolution shall be signed by the Council Secretary and Chairman and presented to the Parish President within two (2) days after adoption; and,

WHEREAS, the Parish President, within six (6) calendar days, shall return it to the Council Secretary, with or without his approval; and,

WHEREAS, with or without the Parish Presidents approval it shall be effective the fifth day following publication in the official journal and if vetoed it shall be returned to the Parish Council to vote whether or not to override the veto; and,

WHEREAS, once an Ordinance or Resolution is signed by the Council Secretary and Council Chairman and submitted to the Parish President the procedural disposition of the Ordinance or Resolution is clearly prescribed in the Home Rule Charter and the only "reconsideration" allowed by the Council is upon the veto of the Parish President; and,

WHEREAS, any Councilmember at any regular or special Council Meeting may propose the introduction of an Ordinance or consideration of a Resolution, the effect of which is to repeal or amend a prior Ordinance or Resolution all in accordance with the Home Rule Charter; and,

WHEREAS, to reconsider an Ordinance (after publication and public hearing requirements of the law have been met) without giving the public prior written public notice of the intent to reconsider by publication in the Official Journal (whereby affording the public a Public Hearing on the reconsideration) is unfair to the citizens and is something the Council wishes to avoid.

NOW, THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL, do hereby amend Rule 31 as follows:

RULE 31. (AS WRITTEN)

A vote may be reconsidered at any time during the same meeting. A vote can be reconsidered at any future meeting provided the ordinance has not become law.

RULE 31. (REVISED)

A vote may be reconsidered at any time during the same meeting.

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

And the resolution was declared adopted this ____ day of _____, 2010 to become effective five (5) days after publication in the Official Journal.

Amend Council Rule 31 (10-2-10)

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED : _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____