

2019-0020

INTRODUCED BY: DICK GIBBS, COUNCILMAN, DISTRICT III

ORDINANCE NO. 19-2-7

An ordinance to amend the St. Charles Parish Code of Ordinances, Chapter 2, Administration, Article IV. Finance, Division 1. Generally, Section 2-75. Reimbursement of Legal Fees and Attorney's Fees as a result of a Criminal, Civil, and/or Ethics Complaint and/or Investigation.

WHEREAS, the ordinance as written provides for reimbursement of attorney's fees and expenses incurred by any appointed officer, board member, director, or elected official in connection with the defense of an Ethics Complaint and/or Investigation but currently requires pre-approval by the Parish Council of the retention of an attorney, subject to certain limitations; and,

WHEREAS, Ethics Complaints and/or Investigations are statutorily confidential which prohibits the appointed officer, board member, director, or elected official from obtaining pre-clearance or approval of the engagement or retention of an attorney as currently required.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Code of Ordinances, Chapter 2, Administration, Article IV. Finance, Division 1. Generally, Section 2-75. be hereby amended with new text underlined and deleted text in ~~strikethrough~~:

Section 2-75. Reimbursement of legal fees and Attorney's Fees and Expenses as a result of a Criminal, Civil, and/or Ethics Complaint and/or Investigation.

If any appointed officer, board member, director, or elected official of St. Charles Parish retains ~~outside counsel for legal advice or representation in an ethics action,~~ connection with a Criminal, Civil, and/or Ethics Complaint and/or Investigation, the Parish shall reimburse such appointed officer, board member, director, or elected official for reasonable attorney's fees and expenses incurred in the action connection therewith subject to the following conditions:

- 1) The Parish shall reimburse ~~such~~ the appointed officer, board member, director, or elected official for attorney's fees in accordance with terms of the written agreement at the conclusion of the ~~ethic's proceedings~~ billed to him/her and actually paid by him/her if the criminal, civil and/or ethics if the complaint and/or investigation is withdrawn, dismissed, or there is no finding of probable cause of or violation of the Code of Ethics law.
- 2) ~~A written agreement defining the proposed scope of work and~~ The appointed officer, board member, director, or elected official submits the actual detailed billing records which shall include the hourly rate, not to exceed the published rates set forth ~~charged and expenses incurred, with any reimbursement limited by and to the current Hourly Fee Schedule published by the Attorney General or other fee agreement of such counsel shall be submitted to the parish council for review and approval prior to the start of covered services and sufficient proof of actual payment of said attorney's fees and expenses by the appointed officer, board member, director, or elected official.~~
- 3) ~~The parish council shall have the authority to establish a reasonable scope of work, maximum hourly rate, not to exceed the published rates set forth by the attorney general, a schedule of reimbursable and non-reimbursable fee and expenses, and/or a reasonable monetary cap on the fees and expenses that may be paid by the parish as a part of such written agreement. Any attorneys' fees or legal fees outside the scope of work of or in excess of approved fees in the written agreement shall be the sole responsibility of the appointed officer, board member, or elected official.~~ Any attorney's fees charged in excess of the current Hourly Fee Schedule by the Attorney General shall be the responsibility of the appointed officer, board member, director, or elected official.

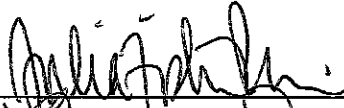
4) This amendment shall have retroactive effect to January 1, 2017.

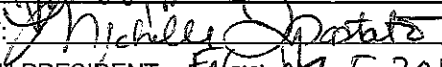
The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: BENEDETTO, HOGAN, WILSON, GIBBS, BELLOCK, FISHER-PERRIER
NAYS: NONE
ABSENT: WOODRUFF, FLETCHER
ABSTAIN: CLULEE

And the ordinance was declared adopted this 4th day of February 2019, to become effective (5) days after publication in the Official Journal.

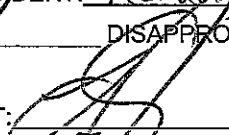
2019-0020 revised Amend Code - Chapter 2, Sect. 2-75 Reimbursement of Attorney Fees.docx

CHAIRMAN: 

SECRETARY: 

DLVD/PARISH PRESIDENT: February 5, 2019

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: 

RETD/SECRETARY: February 11, 2019

AT: 10:15am RECD BY: 