

Reso.

2015-0252

INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV

RESOLUTION NO. 6173

A resolution requesting an Attorney General Opinion as to whether the Parish Council can make any amendments to the annual budget following its adoption or do all amendments have to originate from the Parish President requesting an amendment.

WHEREAS, Article V, Financial Procedures of the St. Charles Parish Home Rule Charter sets forth the procedure for the adoption of the budget by the Parish Council; and,

WHEREAS, Article V, Section F, states the exceptions for amendments to the budget after its adoption by the Parish Council; and,

WHEREAS, Article V, Section F, 1. Supplemental Appropriations states that if during the fiscal year the President certifies that there are available revenues in excess of those estimated in the budget, he shall present a supplemental budget for the disposition of such revenues. The Parish Council by ordinance may make supplemental appropriations up to the amount of the excess; and,

WHEREAS, Article V, Section F, 2. Emergency Appropriations states that to meet a public emergency affecting life, health, property, or the public peace, the Parish Council may make emergency appropriations. The appropriations may be made by emergency ordinance in accordance with the provisions of Article IV, Section E. To the extent that there are no available unappropriated revenues, the governing authority may borrow money to meet the emergency. The repayment shall be a fixed charge upon the revenue of the following year and shall be included in the operating budget for that year; and,

WHEREAS, Article V, Section F, 3. Reduction of Appropriations states that if during the fiscal year it appears probable that the revenues available will be insufficient to meet the amount appropriated, the President shall report to the Parish Council without delay, indicating the estimated amount of the deficit, any remedial action taken and recommendations as to any other steps to be taken. In any event, the Parish Council shall take action as it deems necessary to prevent any deficit. The repayment shall be a fixed charge upon the revenue of the following year and shall be included in the operating budget for that year; and,

WHEREAS, Article V, Section F, 4. Transfer of Appropriations states that during the fiscal year the President may transfer part or all of any unencumbered appropriation balance among programs within a department or office of the Parish Council. Upon written request by the President, the Parish Council may transfer part or all of any unencumbered appropriation balance from one department or office to another; and,

WHEREAS, Article V, Section F, 5. Limitations and Effective Date states that no appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The ordinance authorizing a supplemental appropriation, or a reduction or transfer of appropriations may be made effective immediately upon adoption but may not be adopted at the same meeting as introduced; and,

WHEREAS, it is the interpretation of the Parish Council that if after the adoption of the budget, a situation arises that falls within the amendment exceptions listed in Article V, Section F of the Home Rule Charter; then the Parish Council may introduce and approve an amendment to the budget without the amendment originating from the Parish President.

NOW, THEREFORE, BE IT RESOLVED, THAT WE THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL, do hereby request an Attorney General Opinion as to whether the Parish Council can make any amendments to the annual budget following its adoption or do all amendments have to originate from the Parish President requesting an amendment.

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

YEAS: SCHEXNAYDRE, LEWIS, WOODRUFF, BENEDETTO, HOGAN, COCHRAN

NAYS: WILSON, FLETCHER

ABSENT: FISHER-PERRIER

And the resolution was declared adopted this 20th day of July, 2015, to become effective five (5) days after publication in the Official Journal.

2015-0252 (5-21-15) RESOL. RQST FOR AG Opinion For Amend Budget After Adopt (L 7-20-15)

CHAIRMAN: [Signature]

SECRETARY: [Signature]

DLVD/PARISH PRESIDENT: 7-21-15

APPROVED: DISAPPROVED:

PARISH PRESIDENT: [Signature]

RETD/SECRETARY: 7-22-15

AT: [Signature] RECD BY: [Signature]