

**2017-0079**

**INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN-AT-LARGE, DIVISION B**

A resolution requesting an Attorney General's Opinion with respect to the executive power of the Parish President to execute the budget not being absolute in accordance with the St. Charles Parish Home Rule Charter Article IV, Section A (7) which specifically requires an ordinance from the Council to incur a debt in any manner, the Charter controlling over La. RS 39:1301, *et seq*, the Louisiana Local Government Budget Act, and the application of this Charter provision noted in a judgment rendered in Case No. 82,015 by the 29<sup>th</sup> Judicial Court for the Parish of St. Charles taking into account the Charter provision and the Charter controlling over La. RS 39:1301, in addition to advising on which budgeted funds, when spent, results in the incurring of debt which requires and ordinance.

**WHEREAS,** St. Charles Parish operates under a Home Rule Charter (Charter); and,

**WHEREAS,** the St. Charles Parish Council adopts an annual budget; and,

**WHEREAS,** upon its adoption by the Council, the Parish President is responsible for executing the budget; and,

**WHEREAS,** Charter Article IV, Section A (7) specifically requires an ordinance from the Council to incur a debt in any manner; and,

**WHEREAS,** the spending of nearly all, if not all, of the funds allocated in the adopted budget results in the incurring of debt; and,

**WHEREAS,** the Charter is controlling over La. RS 39:1301, *et seq*, the Louisiana Local Government Budget Act, with respect to the execution of the budget as noted in the judgment; and,

**NOW, THEREFORE, BE IT RESOLVED, THAT WE THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL,** do hereby request an Attorney General's Opinion with respect to the executive power of the Parish President to execute the budget not being absolute in accordance with the St. Charles Parish Home Rule Charter Article IV, Section A (7) which specifically requires an ordinance from the Council to incur a debt in any manner, the Charter controlling over La. RS 39:1301, *et seq*, the Louisiana Local Government Budget Act, and the application of this Charter provision noted in a judgment rendered in Case No. 82,015 by the 29<sup>th</sup> Judicial Court for the Parish of St. Charles taking into account the Charter provision and the Charter controlling over La. RS 39:1301, in addition to advising on which budgeted funds, when spent, results in the incurring of debt which requires an ordinance.

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

YEAS: HOGAN

NAYS: BENEDETTO, WILSON, CLULEE GIBBS, WOODRUFF, BELLOCK, FLETCHER, FISHER-PERRIER

ABSENT: NONE

**PROPOSED RESOLUTION FAILED FOR LACK OF A FAVORABLE MAJORITY ON MARCH 6, 2017.**

2017-0079 Failed 3-6-17 RQST FOR AG - PP AUTHORITY TO EXECUTE BUDGET (02-15-17)-revised(L\_3-6-17)