

Reso.

2015-0307

INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV
RESOLUTION NO. 6179

A resolution requesting an Attorney General (AG) Opinion as to whether the actions taken by St. Charles Parish President V.J. St. Pierre, Jr., with respect to that which is needed in order to avoid having ran afoul of La. Const. art. VII, Sec. 14(A) as noted in AG Opinions 13-0171 and 14-0045, were reasonable and requires no more action on his part or to advise on further action required should it be opined that the actions taken were not reasonable.

- WHEREAS,** AG Opinion 13-0171 stated "... in order to avoid running afoul of La. Const. art. VII, Sec. 14(A), which prohibits the gratuitous alienation of public funds, the Parish must seek to recover the expenses associated with providing the dumpsters"; and,
- WHEREAS,** AG Opinion 14-0045 stated "We have also opined that based on the language of La. Const. art. VII, Sec. 14(A), a public entity has no authority to set-aside, reduce, or otherwise forgive a debt owed to the public entity. See La. Atty. Gen. Op. Nos. 13-0079, 10-0287 and 10-0264. Therefore, if money is owed to the Parish, the Parish should take reasonable steps to recover it"; and,
- WHEREAS,** AG Opinion 14-0045 stated "...with regards to the means or method the Parish should use to recover any funds owed to it, our office will defer to the Parish's legal counsel; and,
- WHEREAS,** AG Opinion 14-0045 stated "Counsel to the Parish is in the best position to determine which debts are collectable and what collection methods to pursue..."; and,
- WHEREAS,** the Parish's legal counsel determined that the best collection means or method was to send a form letter to the individuals that received dumpsters written to "Dear Resident" which did not state how much was owed and did not advise on how to learn of how much they owed; and,
- WHEREAS,** the form letters were reportedly sent standard mail to each individual that received a dumpster but there is no evidence showing that they were sent to and received by each individual since they were not sent by any documentable means; and,
- WHEREAS,** with respect to the collection means or method taken, AG Opinion 14-0045 stated "...it is the opinion of this office that public entities must make reasonable attempts to collect debts owed to them as required by La. Const. art. VII, Sec. 14(A)."; and,
- WHEREAS,** the question at hand is whether or not sending of the form letters via standard mail, if they were all sent as the Parish stated they were, were reasonable steps to collect the debt owed as they were required to be reasonable according to AG Opinion 14-0045; and,
- WHEREAS,** it is requested that the AG advise on the steps needing to be taken should it be determined that the actions taken were not reasonable.

NOW, THEREFORE, BE IT RESOLVED, THAT WE THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL, do hereby request an Attorney General (AG) Opinion as to whether the actions taken by St. Charles Parish President V.J. St. Pierre, Jr., with respect to that which is needed in order to avoid having ran afoul of La. Const. art. VII, Sec. 14(A) as noted in AG Opinions 13-0171 and 14-0045, were reasonable and requires no more action on his part or to advise on further action required should it be opined that the actions taken were not reasonable.

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

YEAS: WILSON, TASTET, HOGAN, COCHRAN, FLETCHER, FISHER-PERRIER
NAYS: BENEDETTO
ABSENT: SCHEXNAYDRE, LEWIS

And the resolution was declared adopted this 8th day of September, 2015, to become effective five (5) days after publication in the Official Journal.

2015-0307 RESOL - RQST FOR AG opinion - actions taken by PP - public funds (8-24-15) (L_9-8-15)

CHAIRMAN: _____
SECRETARY: _____
DLVD/PARISH PRESIDENT: 9/10/15
APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: W. St. Pierre
RETD/SECRETARY: _____
AT: 9:40c RECD BY: [Signature]