



PARISH OF ST. CHARLES

OFFICE OF THE COUNCIL SECRETARY

February 26, 2004

Mr. Charles C. Foti, Jr.
Attorney General
Department of Justice
P. O. Box 94005
Baton Rouge, LA 70804-9005

Dear Attorney General Foti:

On February 2, 2004, at the regular scheduled meeting of the St. Charles Parish Council, the Council tabled File No. 2004-0033, until an opinion could be secured from the Attorney General's Office.

I have enclosed for your review and assistance in making your decision, a copy of the St. Charles Parish Home Rule Charter, St. Charles Parish Council Rules, File No. 2004-0033, and excerpts from the tape of the Parish Council Meeting.

Rule 31 as presently written by the Council Rules reads as follows:

A vote may be reconsidered at any time during the same meeting, or at the next regular or special meeting. A motion for reconsideration having been rejected shall not be reconsidered. A motion that has been rejected may be renewed at a future meeting.

Under the Home Rule Charter, Article IV, Section B-3-d and Section C, it states that signed Ordinances and Resolutions must be presented to the Parish President within 2 days and returned within 6 calendar days, and then 5 days after publication in the Official Journal it becomes law, and we have 10 days to present to the Official Journal. This time frame falls within the time frame of the next scheduled meeting.

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If the Home Rule Charter is followed to the letter it would allow a Council Member to reconsider their vote before the Ordinance or Resolution becomes law. The explanation below is the format we are presently following.

Explanation:

Presently - normally this is the format:

Meeting December 2nd
Sent to Parish President, December 3rd
Back signed from Parish President, December 4th
Sent to Official Journal, December 6th
Published in Official Journal, December 11th
Becomes law, December 15th – day before the next Council Meeting

Follow the Home Rule Charter:

Meeting December 2nd
Sent to Parish President, December 4th
Back signed from Parish President, December 10th
Sent to Official Journal, December 13th
Published in Official Journal, December 18th
Becomes law, December 22nd, one week after next Council Meeting

Below is Rule 31 as revised in File No. 2004-0033 which was tabled at the February 2, 2004, Council Meeting until the Attorney General's Opinion could be obtained.

Rule 31. as revised per File No. 2004-0033

A vote on an Ordinance or a Resolution may be reconsidered at any time during the same meeting. A vote on a matter, other than an Ordinance or Resolution, may be reconsidered at any time during the same meeting, or at the next regular or special meeting.

Questions to the matter are below:

1. What consequence would derive from the adoption of this Resolution in restricting Council Members' duties as an Elected Official? Should a Council Member, in light of new facts or evidence regarding an Ordinance or Resolution, have the option to change their minds in a regular scheduled or special meeting, following the meeting in which the decision was made?

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2. If the Home Rule Charter is followed as written, but the Parish President returns the documents signed the same day he receives them, do we hold the documents for the amount of days as prescribed by the Charter, which would allow for these to become law after the next Council Meeting, or it is required that we send to the Official Journal immediately after receiving the documents signed by the Parish President, which then would become law before the next Council Meeting.

Please call at (985) 783-5000 if you need additional information.

Sincerely,



BARBARA JACOB-TUCKER
COUNCIL SECRETARY

BJT/ag

enclosures