

**2019-0068**

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

A resolution requesting that the Louisiana Attorney General provide an Opinion with regards to the following question: "Is a public body, such as the St. Charles Parish Council, required to hold a public comment period prior to a vote being taken to table items at its meetings?" In other words, does the action of taking a vote to table constitute as an action on an agenda item which requires a public comment period prior to the council voting on whether or not to table?

**WHEREAS,** pursuant to R.S. 42:14, D. Except school boards, which shall be subject to R.S. 42:15, each public body conducting a meeting which is subject to the notice requirements of R.S. 42:19(A) shall allow a public comment period at any point in the meeting prior to action on an agenda item upon which a vote is to be taken. The governing body may adopt reasonable rules and restrictions regarding such comment period; and,

**WHEREAS,** pursuant to Robert's Rule of Order, Improper Motions, Votes that are Null and Void even if Unanimous. No motion is in order that conflicts with the laws of the nation, state, or with the assembly's constitution or by-laws. If such a motion is adopted, even by a unanimous vote, it is null and void. No rule that conflicts with a rule of a higher order is of any authority; thus, a by-law providing for the suspension by general consent of an article of the constitution would be null and void; and,

**WHEREAS,** St. Charles Parish Council Rules, Rule 18 states, the rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Council in all cases to which they are applicable and in which they are not inconsistent with the special rules for this Council; and,

**WHEREAS,** St. Charles Parish Council Rules, Rule 26 states, when a question is under debate, the following motions shall be in order and shall have precedence over each other in order, as listed: Subsidiary Motions: 6. Lay on the Table (temporary in an emergency.) Referenced on the Rule 26 chart as not Debatable, not Amendable and May not be reconsidered; and,

**WHEREAS,** St. Charles Parish Council Rules, Rule 28 states, a motion to lay on the table is not debatable and it takes to the table all its adhering motions. A motion to take from the table shall require an affirmative vote of at least five members of the Council. Except that when it is moved at the same meeting at which it was laid on the table, it shall require an affirmative vote of two-thirds (6 members) of the Council.

**NOW, THEREFORE, BE IT RESOLVED, THAT WE THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL,** do hereby request that the Louisiana Attorney General provide an Opinion with regards to the following question: "Is a public body, such as the St. Charles Parish Council, required to hold a public comment period prior to a vote being taken to table items at its meetings?" In other words, does the action of taking a vote to table constitute as an action on an agenda item which requires a public comment period prior to the council voting on whether or not to table?

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

**YEAS:** HOGAN, WOODRUFF

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

**ABSENT:** NONE

**PROPOSED RESOLUTION FAILED FOR LACK OF A FAVORABLE MAJORITY ON MARCH 11, 2019.**

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**RESOLUTION NO. \_\_\_\_\_**

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

And the resolution was declared adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2019, to become effective five (5) days after publication in the Official Journal.

2019-0068 RQST FOR AG OPINION-Public Body required to hold Public comment prior to a vote to table (03-27-19) (1\_3-11-19) revised.docx

CHAIRMAN: \_\_\_\_\_

SECRETARY: \_\_\_\_\_

DLVD/PARISH PRESIDENT: \_\_\_\_\_

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

PARISH PRESIDENT: \_\_\_\_\_

RETD/SECRETARY: \_\_\_\_\_

AT: \_\_\_\_\_ RECD BY: \_\_\_\_\_