

2014-0277

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

A resolution petitioning Parish President V.J. St. Pierre, Jr., to provide the Parish Council with the procedure that he will implement to secure the repayment of all cost associated with the Parish President authorizing and approving the providing of dumpsters with public funds to private individuals for their use in demolishing derelict structures, of which the repayment is required in order for the Parish President to not place himself in violation of the State Constitution which prohibits this type of use of public funds, and that the procedure be provided to the Parish Council within two (2) weeks of this resolution becoming effective, in order to avoid the Parish Council from having to consider any and all measures at its disposal to have the Parish President secure the repayment of the public funds improperly expended or to have the proper authorities address any violation relative to the Constitution of the State of Louisiana.

- WHEREAS,** St. Charles Parish has ordinances in place to address such blight; and,
- WHEREAS,** despite these ordinances, Parish President V.J. St. Pierre, Jr., decided to put in place his own Blight Reduction Program; and,
- WHEREAS,** the program in part consisted of the Parish providing dumpsters at the public's expense to the owners of the blighted property for their use in the demolition and disposal of their blighted structures; and,
- WHEREAS,** the Attorney General issued Opinion No. 13-0171 on November 26, 2013, which in part stated that the Parish may provide dumpsters to private individuals in order to assist them with the disposal of blighted property provided the Parish recovers the expenses associated with providing the dumpsters; and,
- WHEREAS,** the opinion advised that failure to collect the funds expended would amount to the using of public funds for the benefit of private land owners which is in violation of Louisiana State Constitution, Article VII, Section 14; and,
- WHEREAS,** four (4) members of the Parish Council subsequently sent a memo on December 6, 2013 to the Parish President requesting that he provide the Parish Council with the procedure that he would put in place to seek reimbursement of the roughly \$150,000 that was expended with the providing of the dumpsters; and,
- WHEREAS,** the administration failed to provide the Parish Council with the procedure it would put in place; and,
- WHEREAS,** another request was made for an AG opinion relative to the collection of the funds expended due to the lack of response by the Parish President; and,
- WHEREAS,** the AG subsequently issued another opinion identified as Opinion No. 14-0045 dated June 30, 2014, which in part stated that it is the AG's opinion that public entities must make reasonable attempts to collect debts owed to them as required by Louisiana State Constitution, Article VII, Section 14(A); and,
- WHEREAS,** Councilman Paul J. Hogan, PE sent a memo dated July 7, 2014 to the Parish President requesting once again the Parish President provide the Parish Council with the procedure that would be put in place to seek reimbursement or to advise the Parish Council if it will not pursue reimbursement of the public funds expended; and,
- WHEREAS,** the Parish President failed to provide the Parish Council with the requested procedure; and,
- WHEREAS,** the Parish President requested and received Opinion No. 14-0083 relative to providing dumpsters which once again reinforced once again that homeowners must pay for all cost associated with the providing of the dumpsters; and,
- WHEREAS,** Councilman Paul J. Hogan, PE sent another memo dated July 17, 2014 to the Parish President which requested once again that the Parish President provide the Parish Council with the procedure that would be put in place to seek reimbursement of the public funds expended; and,
- WHEREAS,** Parish President has repeatedly failed to provide the Parish Council with the requested procedure despite numerous request dating back to December 6, 2013; and,
- WHEREAS,** the Parish Council has received the Parish's Comprehensive Annual Financial Report from the Parish's independent auditor for the fiscal year ending 2013 which in its findings refers to the Attorney General Opinion No. 13-0171 noting that the Parish provided dumpsters but not in accordance with the St. Charles Parish Codes; and,

WHEREAS, it is the appeal of the Parish Council that the Parish President provides the Council with procedure that he will implement to secure the repayment of all cost associated with his authorizing and approving the use of public funds in the providing of dumpsters to private individuals for their use in demolishing derelict structures.

NOW, THEREFORE, BE IT RESOLVED, THAT WE, THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL, do hereby petition Parish President V.J. St. Pierre, Jr., to provide the Parish Council with the procedure that he will implement to secure the repayment of all cost associated with the Parish President authorizing and approving the providing of dumpsters with public funds to private individuals for their use in demolishing derelict structures, of which the repayment is required in order for the Parish President to not place himself in violation of the State Constitution which prohibits this type of use of public funds, and that the procedure be provided to the Parish Council within two (2) weeks of this resolution becoming effective, in order to avoid the Parish Council from having to consider any and all measures at its disposal to have the Parish President secure the repayment of the public funds improperly expended or to have the proper authorities address any violation relative to the Constitution of the State of Louisiana.

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

YEAS: HOGAN,

NAYS: LEWIS, WILSON, WOODRUFF, BENEDETTO, FLETCHER, FISHER-PERRIER

ABSENT: SCHEXNAYDRE, COCHRAN

PROPOSED RESOLUTION FAILED FOR LACK OF A FAVORABLE MAJORITY ON SEPTEMBER 2, 2014.

2014-0277 (08-20-14) Resolution - PETITIONING PP-Dumpsters