



PARISH OF ST. CHARLES

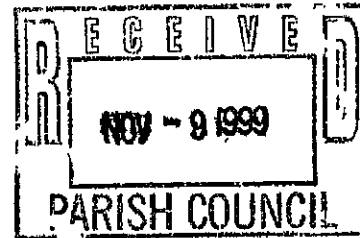
OFFICE OF THE PARISH PRESIDENT

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November 9, 1999

CHRIS A. TREGRE
PARISH PRESIDENT

St. Charles Parish Council
P. O. Box 302
Hahnville, LA 70057



Dear Mr. Chairman and Members of the Council:

In accordance with the provisions of Article IV, Section C. of the St. Charles Parish Home Rule Charter, I am hereby notifying you that I have vetoed Budget Amendment No. 21 to line item 001-40011027, Council Contractual Services, to provide for \$50,000.00 to contract an attorney for the Parish Council. Said amendment, amending Ordinance No. 99-11-1 an Ordinance for the appropriations of funds for the St. Charles Parish Consolidated Operating and Capital Budget for fiscal year 2000.

I offer the following reasons for the veto of Budget Amendment No. 21. The St. Charles Parish Home rule Charter is very specific providing the manner in which legal advise or services are provided to the St. Charles Parish Government. Article III, Section C.3.a states "The District Attorney of the 29th Judicial District shall continue to serve as the legal advisor to the Parish Council and Parish President and all Parish departments, offices and agencies, provided, however, that at such time the Council determines that the Parish would be better served by a separate full or part-time legal department, it may create such a department and provide for its organization and functions by ordinance in accordance with general provisions of Section C, Sub-section 1 of this Article. In special matters, the Council may retain special attorneys to represent the Parish or perform certain duties subject to the restrictions imposed by the statutes of this State."

While the Home Rule Charter mandates that the District Attorney of the 29th Judicial District shall serve as the legal advisor to the Parish, the Charter also allowed for the creation of a Legal Department should the Council feel the Parish would be better served by such a department. The Home Rule Charter provided two options to provide legal services to the Parish. Either through District Attorney, or through the creation of a Parish Legal Department, created in accordance with Article III, Section C, Sub-section 1 of the Home Rule Charter.

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In 1984, the Parish Council adopted Ordinance No. 84-11-4 which created the Department of Legal Services and outlined the Department's function and purpose. This information is found in Section 2-21 of the St. Charles Parish Code (copy attached). To execute this amendment in its present state would not only violate the provisions of the Home Rule Charter but also violate the provisions of Ordinance No. 84-11-4 which created the Department of Legal Services.

Furthermore, this action would require an executed contract with the party selected to perform legal advisory services to the Council. The Home Rule Charter has no provision which allows the Council to sign and execute a contract. This is outside the authority of the Legislative powers granted to the Council. This would constitute a hiring. The only hiring authority presently granted to the Council by the Home Rule Charter is the hiring of the Council Secretary. By Ordinance, the Council may authorize the execution of a contract but that contract can only be executed and administered by the Parish President, who is granted the executive power of the Parish by the Home Rule Charter. I might also add, that in order to execute the contract and provide for its funding would constitute an execution of the budget. The Home Rule Charter grants responsibility of executing the budget only to the Parish President. So even if the Council would attempt to circumvent the Charter and enter into such a contract, there would be no funding without the approval of the Parish President. The Council has no authority to execute the budget, only to appropriate funds.

In closing, I am not totally opposed to acquiring additional legal assistance, I believe the time is fast approaching that one attorney will not be able to handle the growing demand. I am however opposed to the proposed process. The proper approach would be to amend the Legal Department Budget in order to provide additional legal assistance under the direction of the Director of the St. Charles Parish Department of Legal Services.

For these reasons, I have executed my authority to veto Amendment No. 21 to Ordinance No. 99-11-1. I respectfully ask for your support in sustaining my veto.

Sincerely,



Chris A. Tregre
Parish President

CAT/dpl

Attachment