

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

An ordinance to provide for the amendment of the St. Charles Parish Home Rule Charter Section B.3.b of Article IV to allow for the adoption of an ordinance at the same meeting at which it is introduced or at which a motion is made for it to be taken up in accordance with the provision provided for by Louisiana R.S. 42:19 allowing a public body to take up a matter not on the agenda.

**WHEREAS,** the St. Charles Parish Home Rule Charter currently states that no ordinance may be adopted at the same meeting at which introduced unless declared an emergency ordinance; and,

**WHEREAS,** Attorney General Opinion 16-0075 dated June 20, 2016 stated "...the Parish Council may not adopt an ordinance which is not an emergency at the same meeting it is introduced" due to the provisions of the Home Rule Charter; and,

**WHEREAS,** Louisiana R.S. 42:19 states: Upon unanimous approval of the members present at a meeting of a public body, the public body may take up a matter not on the agenda. Any such matter shall be identified in the motion to take up the matter not on the agenda with reasonable specificity, including the purpose for the addition to the agenda, and entered into the minutes of the meeting. Prior to any vote on the motion to take up a matter not on the agenda by the public body, there shall be an opportunity for public comment on any such motion in accordance with R.S. 42:14 or 15. The public body shall not use its authority to take up a matter not on the agenda as a subterfuge to defeat the purposes of this chapter; and,

**WHEREAS,** proposing an amendment to the St. Charles Parish Home Rule Charter would allow for the adoption of an ordinance at the same meeting at which it is introduced or at which a motion is made for it to be taken up provided it is unanimously approved to do so by the Parish Council; and,

**WHEREAS,** the citizens of St. Charles Parish should be given the opportunity to decide if this authority should be given to the Council.

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** Do hereby provide for the amendment to the St. Charles Parish Home Rule Charter Section B.3.b of Article IV to allow for the adoption of an ordinance at the same meeting at which it is introduced or at which a motion is made for it to be taken up in accordance with the provision provided for by Louisiana R.S. 42:19 allowing a public body to take up a matter not on the agenda.

**SECTION II.** That the proposal shall be presented to the electorate of St. Charles Parish on the next regular scheduled election date, December 10, 2016, to amend the St. Charles Parish Home Rule Charter Section B.3.b of Article IV to allow for the adoption of an ordinance at the same meeting at which it is introduced or at which a motion is made for it to be taken up in accordance with the provision provided for by Louisiana R.S. 42:19 allowing a public body to take up a matter not on the agenda.

**SECTION III.** That said amendment shall become effective on the tenth day following promulgation of the election results.

**SECTION IV.** That the St. Charles Parish Council shall adopt forthwith a resolution calling an election for the purpose of presenting the following proposition:

**CHARTER AMENDMENT PROPOSITION NO. 1**

Shall Article IV, Section B.3.b of the St. Charles Parish Home Rule Charter be amended in the last sentence to read:

- b. No ordinance may be adopted at the same meeting at which introduced or offered for consideration at a meeting except when declared an emergency ordinance or with the exception of an introduced ordinance or an ordinance taken up by motion which is taken up in accordance with the provisions provided for by State law allowing a public body to take up a matter not on the agenda upon unanimous approval of the council members present at the meeting. No ordinance shall be declared invalid by reason of any defect in publication or title if the publication gives reasonable notice of its intent.

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

**YEAS:** NONE

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

**ABSENT:** NONE

**PROPOSED ORDINANCE FAILED FOR LACK OF A FAVORABLE MAJORITY ON SEPTEMBER 6, 2016.**