

2016-0056

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

A resolution requesting an Attorney General Opinion as to whether the Parish Council can take up and act upon an ordinance, which is not an emergency and which is not on the agenda, in accordance with the provisions of State Law R.S. 42:19 (A)(1)(b)(ii)(cc) in light of the Home Rule Charter which states that no ordinance may be adopted at the same meeting at which it is introduced unless declared an emergency ordinance.

WHEREAS, the St. Charles Parish Home Rule Charter Article IV, Section B3(b) states that an ordinance may be introduced by any Council member or by the Parish President at any regular or special meeting of the Council. Upon introduction of any ordinance, the Council Secretary shall distribute at least one copy to each of the Council members and to the Parish President. After the ordinance has been introduced and unless it is rejected at the same meeting by the affirmative vote of not less than two-thirds of the Councilmembers, the Council shall cause the ordinance, or a summary thereof to be published in the Official Parish Journal at least once together with a notice of the date, time, and place, when and where it will be given a public hearing and be considered for final passage. The publication shall be at least one week prior to the time advertised for the hearing. No ordinance may be adopted at the same meeting at which introduced unless declared an emergency ordinance and no ordinance shall be declared invalid by reason of any defect in publication or title if the publication gives reasonable notice of its intent.

WHEREAS, LA R.S. 42:19 (A)(1)(b)(ii)(cc) states that 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.

NOW, THEREFORE, BE IT RESOLVED, THAT WE THE MEMBERS OF THE ST. CHARLES PARISH COUNCIL, do hereby request an Attorney General Opinion as to whether the Parish Council can take up and act upon an ordinance, which is not an emergency and which is not on the agenda, in accordance with the provisions of State Law R.S. 42:19 (A)(1)(b)(ii)(cc) in light of the Home Rule Charter which states that no ordinance may be adopted at the same meeting at which it is introduced unless declared an emergency ordinance.

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

YEAS: HOGAN

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

ABSENT: WILSON

PROPOSED RESOLUTION FAILED FOR LACK OF A FAVORABLE MAJORITY ON MARCH 21, 2016.