



St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
www.sbpq.net

#16

Guy McInnis
*Councilman
at Large*

George Cavignac
*Councilman
at Large*

Ray Lauga, Jr.
*Councilman
District A*

Nathan Gorbaty
*Councilman
District B*

Richard "Richie" Lewis
*Councilman
District C*

Casey W. Hunnicutt
*Councilman
District D*

**Manuel "Monty"
Montelongo III**
*Councilman
District E*

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, JULY 15, 2014 AT THREE O'CLOCK P.M.

On motion of Mr. Montelongo, seconded by Mr. Lauga, it was moved to **adopt** the following resolution:

RESOLUTION SBPC #1199-07-14

A RESOLUTION RESPECTFULLY REQUESTING THAT ATTORNEY GENERAL JAMES "BUDDY" CALDWELL PROVIDE THE ST. BERNARD PARISH COUNCIL WITH AN OPINION REGARDING AN AMENDMENT THAT WAS VOTED ON AND PASSED BY A VOTE OF THE PEOPLE TO SECTION 2-06 OF THE ST. BERNARD PARISH HOME RULE CHARTER.

WHEREAS, the St. Bernard Parish Council is respectfully requesting an official opinion regarding an amendment to the Home Rule Charter introduced on August 18, 2009 and ultimately adopted after a public vote on November 17, 2009; and,

WHEREAS, on August 18, 2009, the Parish Council adopted "An ordinance to call for a special election to amend Sec. 2-06 of the St. Bernard Parish Home Rule Charter to ensure that councilmen may not receive any compensation for any board or state political subdivision." This motion was declared adopted on the 18th day of August, 2009; and,

WHEREAS, on September 15, 2009, the Parish Council held a public hearing whereby the subject ordinance was brought to the public under Summary No. 2538; and,

WHEREAS, Summary No. 2538 states, "An ordinance to call for a special election to amend Sec. 2-06 of the St Bernard Parish Home Rule Charter to ensure that councilmen may not receive any compensation for any board or state political subdivision."; and,

WHEREAS, on November 17, 2009, the council adopted resolution SBPC #571-11-09 providing for the canvassing of returns and declaring the results of the election to authorize the Amendment of Section 2-06(a); and,



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Extract #16, continued
July 15, 2014

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WHEREAS, the opinion that the St. Bernard Parish Council, the governing authority, is requesting pertains to the language actually used in the actual amendment. Although every mention of this amendment is to ensure that councilmen may not receive any compensation for any board or state political subdivision; the actual amendment adopted states:

Sec. 2-06. Prohibitions.

- (a) A council member shall hold no other elected public office, or any compensated appointive office or employment of the parish government or compensated office of any state political subdivisions until one (1) year after leaving office. Appointments to boards and commissions are allowed as long as said appointments are not compensated.

WHEREAS, it is the belief of some Councilmembers that the wording used in the actual amendment is over-broad and does not effectively convey the intent of the ordinance voted upon by the public; and,

WHEREAS, since the adoption of this amendment, there have been several councilmen that subsequently ran for public office immediately after their term has expired, and we are attempting to resolve possible future issues that may arise if sitting members of this council wish to seek election to another office; and,

WHEREAS, this Council is also able to provide sworn affidavits from a few of the sitting councilmen at the time this was passed to further show that the language used in the actual amendment was not their intent. In fact, their only intent was to ensure that councilmen not receive any compensation for any board or state political subdivision; and,

WHEREAS, the particular; the opinions that we are requesting are as follows:

1. Whether the language of Section 2-06(a) actually requires a one year waiting period for a sitting Councilmember to seek any other elected office, and then hold that office if elected immediately following their current term?
2. Does the legislative intent of the current language carry weight with regard to any vagueness if present?
3. Whether another election to amend the home rule charter is necessary?



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4. Can a Councilman run for their current seat?
5. Can a district Councilman run for an At-Large seat?
6. Can a Councilman run for Parish President?
7. Can a Councilman run for any other elected office outside of St. Bernard Parish Government?
8. Can a At-Large Councilman run for a district seat?

NOW THEREFORE, BE IT RESOLVED that the St. Bernard Parish Council, the Governing Authority, does hereby respectfully request an official opinion regarding an amendment that was made to Section 2-06 of the St. Bernard Parish Home Rule Charter in 2009.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Lauga, Hunnicutt, Montelongo

NAYS: Gorbaty

ABSENT: Lewis, Cavignac

The Council Chair, Mr. McInnis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 15th day of July, 2014.

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, July 15, 2014.

Witness my hand and the seal
of the Parish of St. Bernard on
this 15th day of July, 2014.

ROXANNE ADAMS
CLERK OF COUNCIL