



OFFICE OF INSPECTOR GENERAL
JEFFERSON PARISH

DAVID N. McCLINTOCK
INSPECTOR GENERAL



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Councilwoman Cynthia Lee-Sheng
1221 Elmwood Park Blvd., Suite 1018
Jefferson, LA 70123

Councilman Christopher L. Roberts
1221 Elmwood Park Blvd., Suite 1016
Jefferson, LA 70123

Councilman Ricky J. Templet
200 Derbigny Street, Suite 6200
Gretna, LA 70053

Councilman Paul D. Johnston
1221 Elmwood Park Blvd., Suite 1013
Jefferson, LA 70123

Councilman Mark D. Spears, Jr.
200 Derbigny Street, Suite 6500
Gretna, LA 70053

Councilman Dominick Impastato
1221 Elmwood Park Blvd., Suite 1015
Jefferson, LA 70123

Councilwoman Jennifer VanVrancken
1221 Elmwood Park Blvd., Suite 1014
Jefferson, LA 70123

POSITION PAPER
(PROPOSED) AMENDMENTS JEFFERSON PARISH CODE OF ORDINANCE
SECTIONS 2-34.2, PREFILING OF ORDINANCES
AND SECTION 2-35, COUNCIL AGENDA AND SUPPLEMENTAL AGENDA

This position paper is offered by the Jefferson Parish Office of Inspector General (“JPOIG”) pursuant to the provisions of the Jefferson Parish Code of Ordinances (“JPCO”), Section 2-155.10(11)(f) which provides, in pertinent part, the authority to “[e]ngage in prevention activities” including but not limited to “review of legislation.”

The Jefferson Parish Council will meet on Wednesday, 04/04/2018. At that time, the Parish Council will have before it for consideration Summary No. 24931 which calls for amendments to the JPCO, Sections 2-34.2, *Prefiling of ordinances*, and Section 2-35, *Council agenda and supplemental agenda*. It appears as Item No. 80 on the agenda.

The JPOIG is in favor of the proposed legislation for reasons articulated below.

CURRENT LEGISLATION

Presently, JPCO 2-34.2, *Prefiling of ordinances*, provides that any proposed ordinance of the Parish Council which was placed in summary in caption form only at the prior Parish Council meeting shall be prefiled with the Parish Clerk in complete form prior to the meeting at which the proposed ordinance is scheduled to be considered. At the end of Council meetings, the Parish Clerk reads aloud summary ordinances for introduction and publication. The public, therefore,

must be listening as the summary ordinances are read aloud for any ordinance of interest. Later, the summaries are published with the minutes of the Council meeting.

Presently, JPCO 2-35, *Council agenda and supplemental agenda*, provides that all items for inclusion on the Council agenda shall be submitted to the Parish Clerk no later than 3:00 p.m. on the Tuesday in the week prior to the week of the Parish Council meeting at which the issue is scheduled. The ordinances, however, does not require that Council members receive an advance copy of a proposed, amendment to an ordinance.

PROPOSED LEGISLATION

The proposed amendment to JPCO 2-34.2 would require that ordinances to be approved upon first reading (read into summary) must be submitted to the Parish Clerk in full or in summary-only form no later than 3:00 p.m. on the Tuesday in the week prior to the week of the council meeting. The “Clerk shall publish the ordinances to be read into summary on the agenda for the meeting at which the ordinances will be submitted for approval upon first reading.” The proposed amendment will change the current ordinance in that it will provide that summaries be published on the agenda.

With some exceptions, the proposed amendment to JPCO 2-35 requires that all Council members receive a copy of any amendment to an ordinance in advance of a Council meeting. The proposed amendment to JPCO 2-35 provides that any “amendment to an ordinance which appears on the agenda for final adoption may only be presented for consideration by the council if the amendment has been distributed to all council members in written and/or electronic form on or before the day before the date of the meeting at which the ordinance to be amended is to be considered.”

ANALYSIS

Beginning with its first published report, the JPOIG has valued transparency of government. Writing about compliance with the Louisiana Open Meetings, the JPOIG acknowledged that “An essential element of good governance is the public’s opportunity to exercise its right to observe and evaluate public officials, public conduct and public institutions.”¹

Parish Council meetings are subject to compliance with the Louisiana Open Meetings law. La.R.S. 42:19, *Notice of meetings*, specifically requires that all public bodies “shall give written public notice of any regular, special, or rescheduled meeting...” Further, “each item on the agenda shall be listed separately and described with reasonable specificity.”

La.R.S. 42:12, *Public policy for open meetings; liberal construction*, provides that:

It is essential to the maintenance of a democratic society that public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the

¹ <http://www.jpoig.net/images/pdf/2013-0023-Combined-Public-Response-12032013.pdf>

making of public policy. Toward this end, the provisions of this Chapter shall be construed liberally.

The proposed amendments enhance the transparency of process regarding potential ordinance amendments both for those who are observing and for those that are serving. For the public who is observing the proposed amendment would serve to provide more timely information on Parish business in an open and public manner. For those that are participating, the elected Council members, the proposed amendment ensures Council members have sufficient and equal opportunity to be fully informed of proposed amendments in a more timely manner prior to Council meetings.

For these reasons, the JPOIG supports the proposed amendments as representative of good government.

Respectfully,



David McClintock

cc: Michael S. Yenni, Parish President
Keith Conley, Chief Operating Officer,
Michael J. Power, Parish Attorney,