

**Caddo Parish Attorney's  
Office**

# Memo

**To:** Commissioner Steven Jackson

**From:** Donna Frazier, Caddo Parish Attorney *Dys*

**cc:** Dr. Woodrow Wilson, Jr., Parish Administrator and CEO; Henry Bernstein, Assistant Parish Attorney

**Date:** June 30, 2021

**Re:** Ad-Hoc Committees/American Rescue Plan Committee

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Commissioner Jackson:

Please see the below as a response to your email dated 6/29/2021.

I reiterate, there is no provision in the bylaws allowing the Chair to appoint ad-hoc committees. The basis for this opinion is that in Robert's Rules of Order Newly Revised, 11<sup>th</sup> Edition, method of appointing committees, on page 495, it states that the Chair cannot appoint committees/committee chairmen unless he/she is given that power by the bylaws.

The custom that Mr. Bernstein spoke of, as it applies to Commission, is addressed on page 19 of the same book, discussing rules of an assembly or organization. That provision states that a custom can be treated as a rule and should be adhered to unless the assembly, by a majority vote, agrees in a particular instance to do otherwise. However, "if a customary practice is or becomes in conflict with the parliamentary authority or any written rule and a Point of Order is raised at any time, the custom falls to the ground and the conflicting authority or written rule must thereafter be complied with. If it is then desired to follow the former practice, a special rule of order (or, in appropriate circumstances, a standing rule or bylaw provision) can be added or amended to incorporate it."

Based on the foregoing, the proper procedure to raise the issue of the status of the American Rescue Plan Committee is as follows:

- 1) A point of order needs to be raised to the body (it is my understanding that this has not been done). This can be done at either a special meeting called by the President (Bylaws Article I, Rule I) or by a majority of Commission members (Bylaws Article IX, Rule I). It can also be done at the next regular meeting. The next meetings are July 19<sup>th</sup> (work session) and July 22<sup>nd</sup> (regular session).
- 2) At that juncture, the Commission can:
  - a) Vote to sustain or reject the point of order;
  - b) If the point of order is sustained, the commission has the option to pass a resolution establishing/ratifying the committee and its members if it wishes the committee to move forward. If the commission does not wish the committee to move forward, no further action is necessary and the committee is dissolved based on sustainment of the point of order.

To avoid such conflicts in the future, my suggestion would be to either a) refer all matters to the appropriate standing committee as outlined by the bylaws; b) amend the bylaws to provide for ad hoc committees and their method of appointment.