

CHARTER COMMISSION MEETING MINUTES

MONDAY, MARCH 14, 2011

705 W. University Avenue, Council Auditorium

Commission members in attendance: Odon Bacque, Dale Bourgeois, Karen Carson, Bruce M Conque, George A. Lewis, Greg Manual, D. Keith Miller, Stephen J. Oats, Aaron Walker

Absent: None

Charter staff members in attendance: Pat Ottinger (City-Parish Attorney) and Veronica L. Williams (Charter Commission Clerk)

Council Members/Staff in attendance: Council Members Jay Castille and Keith Patin, Council Clerk Norma Dugas

Administration staff in attendance: Director of Lafayette Utilities System Terry Huval

(5:30 p.m.) AGENDA ITEM NO. 1: Call to order
Chair George Lewis called the meeting to order.

AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance
Commissioner Keith Miller was called upon to deliver the invocation and lead the Pledge of Allegiance.

AGENDA ITEM NO. 3: Comments/Announcements from Commission Members

There were no comments from Commission members.

AGENDA ITEM NO. 4: Discussion of Consolidated Charter with five (5) City districts and four (4) Parish districts

Lewis reminded that a preliminary proposal was approved at the last meeting allowing for a single ballot issue with a 9-member City-Parish Council consisting of five (5) districts within the Lafayette City limits for the Lafayette Utilities System (LUS) purposes only; four (4) districts outside of the City of Lafayette within the Parish of Lafayette governed by the same Consolidated, but amended, charter (Carson's proposal). Lewis noted he had amended the draft charter to coincide with said proposal.

Before moving to Charter discussion on the draft of Carson's proposal, Conque noted that he favored expanding the authority of the City members, allowing the five (5) members to handle all City of Lafayette matters, including, but not limited to, LUS and budget issues.

A motion was offered by Conque, seconded by Walker to identify a preliminary Charter amendment expanding Carson's proposal and the authority of the five (5) members in the City of Lafayette, allowing the members to handle all matters related to the City, in addition to those related to LUS, with all other aspects of the governance structure remaining as proposed.

Conque went on to explain that, in Carson's original proposal, four (4) parish members would be allowed to vote on City matters, but would not have a single City of Lafayette resident in their districts. Additionally, the Parish budget amounted to \$16 million of a total \$600 million budget, with the remaining amount being the City's budget. It was his opinion, that City members should be granted further autonomy to address all matters related to the City.

Carson's original proposal, Bacque reminded, mimicked the structure of the existing LCG Charter and addressed the major issues dealing with the Lafayette Public Utilities Authority (LPUA) and LUS. He then emphasized that Mike Hebert's research determined that it was not prohibited to have multiple options on the ballot. In his opinion, two (2) issues could be placed on the ballot. Hebert reiterated that his preliminary research could find no provision in Louisiana that governed the issue of whether there could be multiple propositions on the ballot mutually exclusive of each other. The issues, as Legal viewed it, were...could there be an Option A that had two (2) choices, but did not provide an option to retain the existing structure, or an Option B that could not compute the plurality of a given option. Bacque questioned whether the ballot could be set up similar to that of a ballot for a candidate. Hebert clarified that the Legal Department's job was to best insulate the Commission from legal attack on the option proposed to the voters.

Lewis asked for clarification on the Charter provision which read: *"If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict."* Hebert reminded an Attorney General Opinion stated that the Charter could only be amended through a Charter Commission, which would override that provision. Carson expressed her disappointment in that for two months, the Commission had been working on three (3) Charters and the Commission was only now learning that there could be problems with giving voters a choice.

Bourgeois stated he would support an alternate motion for a stand-alone proposal to accomplish Conque's objective, but would not support an amendment to Carson's proposal. Conque explained that his motion did not change the composition of the government, but expanded the authority of the five members. Bacque felt the people should be able to make a choice and if three (3) proposals could be placed on the ballot, the Commission should vote to do so. Walker reiterated that the Commission should not present a plan that would be complicated for voters to understand. Carson too envisioned there would be a choice on the ballot. Her proposal, Carson continued, solved the issue of LUS, which was the most pressing problem. Oats emphasized that the Commission needed to fix areas of the Charter and forward the best proposal to the voters. Walker noted that, in his mind, the most pressing problem in the Charter related to the budget.

► Lewis Kellogg asked that the Commission move forward with a plan that would allow both entities to determine what should be done with their own budgets.

► Jeremiah Supple noted the question at hand was whether the structure should remain consolidated or be separated. In his view, the decision was how to make it all come together to become one city.

► LUS Director Terry Huval explained that, in Carson's proposal, there could be a City budgeting issue (non-LUS) with three (3) City members supporting an ordinance and two (2) City members voting along with three (3) parish members to defeat the matter. The example showed the City budgeting issue would be defeated because of the vote of parish members, although a majority of the City Council members supported the measure.

The vote was then called on the motion offered by Conque, seconded by Walker **to identify a preliminary**

Charter amendment expanding Carson’s proposal and the authority of the five (5) members in the City of Lafayette, allowing the members to handle all matters related to the City, in addition to those related to LUS, with all other aspects of the governance structure remaining as proposed, and the vote was as follows:

YEAS: Conque, Lewis, Oats, Walker

NAYS: Bacque, Bourgeois, Carson, Manuel, Miller

ABSENT: None

ABSTAIN: None

The motion was failed.

A motion was then offered by Conque, seconded by Bacque **to identify a preliminary Charter amendment to** have a second ballot issue with a 9-member City-Parish Council consisting of five (5) districts within the Lafayette City limits for the purpose of handling all City of Lafayette matters, in addition to those related to LUS, with four (4) districts being located outside of the City of Lafayette within the Parish of Lafayette and the vote was as follows:

YEAS: Bacque, Bourgeois, Carson, Conque, Manuel, Miller

NAYS: Lewis, Oats, Walker

ABSENT: None

ABSTAIN: None

The motion was approved.

Oats requested that the Legal Department review whether Carson’s proposal, which focused on handling only LUS matters would pass legal muster if it were placed on the ballot and subsequently challenged. Inasmuch as the City of Lafayette was a legal entity, Conque asked whether his proposal, whereby the five (5) City members would handle all matters for the City, could include a Mayor for the City of Lafayette to be voted on exclusively by City of Lafayette voters. Hebert responded that a Mayor could be included, if the Charter was written to include same. Conque then asked for clarification on whether the Mayor could be voted on exclusively by City of Lafayette voters.

Bacque expressed concern regarding Section 2-05B, which related to Compensation and a decreased salary amount for Parish Council members.

A motion was then offered by Bacque, seconded by Bourgeois **to identify a preliminary Charter amendment to** delete Section 2-05B from the amended Consolidated Charter with five (5) members of the 9-member body handling issues related only to the Lafayette Utilities System (Carson’s proposal), which read “B. *The annual salary of a Council Member who is not a member of the Lafayette City Council as defined in Section 2-01 first serving under this Charter shall be 85% of the average annual salary of a City-Parish Council Member from the Lafayette City-Parish Council immediately preceding the effective date of this Charter.*” and the vote was as follows:

YEAS: Bacque, Bourgeois, Carson, Conque, Lewis, Manuel, Miller, Oats, Walker

NAYS: None

ABSENT: None

ABSTAIN: None

The motion was unanimously approved.

On another note, Conque suggested that the LUS be defined separately, with clarification on the Lafayette Public Power Authority (LPPA). Hebert reminded that LUS Fiber was an operational division under the LUS Department and further commented that both the LPPA and the Consolidated Sewerage District of Lafayette should be included in the Charter for handling by the five (5) member body when addressing LUS matters.

A motion was then offered by Conque, seconded by Oats **to identify a preliminary Charter amendment to include provisions related to the LPPA and the Consolidated Sewerage District for the City of Lafayette in the draft Charters for both Carson and Conque's proposed structures related to the 9-member body including a five (5) member City Council and the vote was as follows:**

YEAS: Bacque, Bourgeois, Carson, Conque, Lewis, Manuel, Miller, Oats, Walker

NAYS: None

ABSENT: None

ABSTAIN: None

The motion was unanimously approved.

Carson referred to Section 2-17, Power to Levy Taxes, and presented amended language that all new taxes would be voted on by all citizens prior to being assessed. The new language was presented by Attorney Buzz Durio. Durio added that his proposed language would require a vote of the people when new taxing districts were being considered, even in areas where there were no voters. Hebert stated that Tax Incremental Financing Districts (TIFs) were created via state legislation and the proposed language could conflict with State legislation. Oats recommended that the proposed language be reviewed by bond counsel. Bacque suggested that the item be deferred to the next meeting to allow the Lafayette Economic Development Authority (LEDA) to review the language.

Lewis stated that the recommended changes would be made and the amended charters would be posted on the website. Bacque questioned why there could not be multiple options on the ballot and asked that Legal determine whether there were State Laws or provisions related to same. Hebert would complete his research and provide the Commission with the findings at the next meeting.

AGENDA ITEM NO. 5: General comments from the public on Consolidation

There were no comments from the public.

AGENDA ITEM NO. 6: Next meeting date

The next meeting was scheduled for March 21 to hear comments from Bond Counsel Jerry Osborne and hold a public hearing.

AGENDA ITEM NO. 7: Adjourn

There being no further business, the meeting adjourned at 7:32 p.m.