

CHARTER COMMISSION MEETING MINUTES
MONDAY, AUGUST 2, 2010
705 W. University Avenue, Council Auditorium

Commission members in attendance: Dale Bourgeois, Karen Carson, Bruce M Conque, George A. Lewis (Chair), Greg Manual, Stephen J. Oats, Aaron Walker

Absent: Odon Bacque, D. Keith Miller

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

Council Members/Staff in attendance: Purvis Morrison, Jay Castille, Brandon Shelvin, Kenneth Boudreaux, Don Bertrand, Keith Patin, William Theriot, Council Clerk Norma Dugas

Administration staff in attendance: City-Parish President Joey Durel and CAO Dee Stanley

(Compact Disk #1)

AGENDA ITEM NO. 1: Call to order
Chair Lewis called the meeting to order.

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

(5:33: 56) AGENDA ITEM NO. 3: Comments/Announcements from Commission Members
Conque stated that the Commission had less than nine (9) months to recommend amendments to the Charter. Of most concern, was the fact that voters would not have the opportunity to cast their vote no earlier than the Fall of 2011 or possibly February of 2012. This would mean that Charter amendments approved during the election would not be effective until January 2016. Conque then proposed that the terms of the President and Council Members be extended by one year, so that any proposed amendments could go through the necessary process and if approved, would take effect in January 2013, at the same time as the newly elected President and Council. With that said, Conque requested that the Legal Department respond to questions by the August 11 Commission meeting. The questions, as submitted by Conque in writing, are as follow:

- 1) May the terms of the Lafayette City-Parish Council and the City-Parish President be extended?
- 2) May the Commission make a recommendation to the City-Parish Council for a vote by the people of Lafayette Parish?
- 3) If the Commission was unable to make a recommendation due to ordinance restrictions, how would the Commission convey these wishes to the Council, which then could consider an ordinance to amend the Charter?
- 4) Could a schedule of legal events be provided which would be necessary to present this proposed charter amendment to the voters no later than April 2011?

AGENDA ITEM NO. 4: Consider Standing Rules of Order
Lewis asked if there were any comments from Commissioners on the recommended Rules and Order to be followed during Commission meetings. Under Rule #4, there was a question on whether the word “unanimous” could be changed to “majority”. Pat Ottinger opined that the word unanimous was in keeping with State Law as

that related to adding an item, not identified, on the meeting agenda. There were no other comments on the “*Standing Rules and Order As Prescribed by the Chair*”. These rules would be followed for Charter meetings.

(5:39: 43) AGENDA ITEM NO. 5: Discuss Open Meetings Law and its application to Commission Members. Pat Ottinger gave a power point presentation and stated that the Open Meetings Law applied to a “public body”. The Charter Commission was considered a public body and was subject to the Open Meetings Law. The Law would be triggered when there was “a meeting” convening a quorum (simple majority) of the Commission. The Law shall not apply to social gatherings or chance meetings. Telephone discussions were allowed among members as long as the phone conference did not involve a quorum. Ottinger then covered the basic requirements of Law for Charter meetings as that related to agendas, minutes, executive sessions, etc.

(5:50: 11) AGENDA ITEM NO. 6: Recognize City-Parish Officials for input on the Charter:

- City-Parish President Joey Durel – identified in a power point presentation the duties of the President and provided the following input:

- ❖ A real important issue was that of “taxation without representation”. He explained that there were three (3) Council Members that had very few city constituents, but could vote on how funds were appropriated for City-only departments, i.e. Fire and Police;
- ❖ Suggested that the title of the City-Parish President be changed to “Mayor-President”;
- ❖ Believed the 10% salary cap should be eliminated on the President’s salary with the change to take effect 2016;
- ❖ Suggested that the President should be the highest paid elected official in the parish.

Carson requested that the Commission be provided with a list of the Council districts by population with a breakdown by jurisdiction. In his experience, Durel explained that the form of Consolidated Government worked well for LCG, with a need for the Commission to only tweak certain problem areas identified in the Charter.

- CAO Dee Stanley provided a list noting the duties of the Chief Administrative Officer along with an organizational chart. Post 9-11, Walker questioned whether LCG had adequate emergency procedures in place to respond to disasters and Stanley stated that there was an Emergency & Security Operations Coordinator for LCG. This person worked very closely with the Office of Homeland Security, the local Emergency Communications District and other first responders necessary to handle disasters.

Referring to the departmental directors reporting to the CAO under the organizational structure, Durel thought that certain departments should report directly to him, like the Finance Department. Lewis asked the amount of time spent by the CAO on City vs. Parish matters and Stanley responded 84%/16%. Looking for cost effective ways to receive input from other communities across the country that have assembled to discuss the various forms of government, Oats requested that the Administration comment on information they may have gained regarding forms of governments through their involvement as members of the National League of Cities (NLC), the National Association of Counties (NACo) or through any other organizations.

- City-Parish Council Member Kenneth Boudreaux, District 4 (6:33:30) (*went first given he had a Neighborhood meeting to attend.*) Boudreaux provided a breakdown of the District’s population by jurisdiction, adding that he had the 2nd fewest number of parish residents. With Consolidation, there was more sharing and some things were slower in coming. In looking at the Charter, only someone from the

City of Lafayette could be C-P President. Boudreaux stated that as the process continued, he would like to discuss more changes with the Commission.

- City-Parish Council Member Purvis Morrison, District 1 – attended the meeting to address the Commission but had to leave for another engagement.
- City-Parish Council Member Jay Castille, District 2 – stated that his district was comprised of 48% City and 52% Parish residents. He resided in the City of Lafayette. Responding to the statement “*taxation without representation*”, he noted that his votes were based on what would be beneficial to City residents. Castille will present his suggestions to the Commission and would be attending future meetings. Referring to the process it would take for Charter amendments to take effect, Castille asked Legal to explain the process. Ottinger explained that the process included, to name a few, the work of the Commission, the completion of their process, calling an election by the Council, Bond Commission submission, Justice Department submission/approval, advertising, in addition to other steps. Lewis clarified for the listening audience that the Commission had not come to any decisions with reference to Charter amendments and/or changes.
- City-Parish Council Member Brandon Shelvin, District 3 – attended the meeting but did not plan on addressing the Commission at this time, as he too had to leave for a neighborhood/church meeting.
- City-Parish Council Member Don Bertrand, District 7 (6:59:08) – provided a handout, which included a proposed structure for the Commission to discuss. He felt that “autonomy” was important and the City of Lafayette should not be looked at any differently than other municipalities in the parish. The illustration proposed having a separate City Council and Parish Council as well as a C-P President with Consolidated departments. The illustration further suggested an independent board (LPUA) to address matters related to the Lafayette Utilities System (LUS). Bertrand stated that he would be available to discuss changes to the Charter.
- City-Parish Council Member Keith Patin, District 8 – noted that his district was predominantly City. For City people who continually contacted him regarding Charter matters, the overriding comment was that they believed Consolidation would be true Consolidation (including the small municipalities). Patin stated that a big issue was LUS and contradictions in the Charter on how it should be governed. He expressed concern that his vote, which may represent 30,000 City customers of the City-owned utilities, had no more bearing than another Council Member who had 5,000 customers. He stated that he would be available to participate in further discussions of the Commission. Walker asked how did the small municipalities have the ability to be autonomous of Consolidation and Ottinger responded that legislation provided that the municipalities could not be required to participate in Consolidation; however, they could choose to opt-in.
- City-Parish Council Member William Theriot, District 9 – advised that with the new population results from the upcoming census, the City and Parish were estimated to be 50/50. If the new numbers determined there were more Parish residents than City residents, the thought was that the 9-member Council could potentially consist of five (5) Parish Council members and (4) City members. His district was the largest in the Parish; and he did not support deconsolidation.

Lewis thanked the Council Members for taking the time to provide the Commission with comments/input on the Consolidated Charter.

- Clerk of the City-Parish Council Norma Dugas (7:41: 32) – provided the makeup of the staff and stated the office was funded at \$580,000, which included auditing and Charter Commission fees. After years of thoroughly reviewing the Charter, she noted that there were several areas of the Charter in need of general “housekeeping” amendments, some of which being related to publication notices, roll call requirements and LUS. Lewis asked if there was a way to determine which ordinances and resolutions applied only to the city matters or parish matters and Dugas responded that it would take time to determine this, in that several ordinances/resolutions covered two or more jurisdictions. Oats requested a copy of Dugas’ suggested changes and then asked for an explanation on the process used to place the reapportionment issue on an upcoming ballot. Dugas advised that every 20 years following the census count, there was only about 37 - 38 days to complete the reapportionment process. Ottinger added that a Charter “Committee” was established by the Council to consider the reapportionment issue, in order to allow sufficient time to complete the process prior to the next Council term. Oats emphasized the need to discuss options to eliminate the reapportionment problem through, if necessary, an amendment to the Charter.

AGENDA ITEM NO. 7: Tentative schedule for future meetings / Next meeting date

Lewis stated that a tentative meeting schedule had been included in the packets for review by the Commissioners. Oats advised that he would be unable to attend the meeting on August 11 to hear the scheduled presentation by the Finance Department and asked whether the meeting could be changed. Lewis reminded that availability of the Auditorium was limited because of Council budget hearings, with the only two open dates for August being, the 11th and 30th. Further, there would be a DVD and CD available for Commissioners unable to attend meetings, as well as the option to view the meetings Live via UStream on the internet. Oats stated that being present at the Finance session would allow the opportunity to question matters brought out during the presentation. Although he would review the possibility of a meeting change, it was Lewis’ opinion that the Commission should meet on the next available date due to the limited time the Commission had to review the Charter.

AGENDA ITEM NO. 8: Comments from the public on the above referenced agenda items

No one signed in to address the Commission.

AGENDA ITEM NO. 9: Adjourn

There being no further business, the meeting adjourned at 7:55 p.m.