CHARTER COMMISSION MEETING MINUTES
WEDNESDAY, AUGUST 30, 2010
705 W. University Avenue, Council Auditorium

Commission members in attendance: Odon Bacque, Dale Bourgeois, Karen Carson, Bruce M Conque, George A. Lewis, Greg Manuel, D. Keith Miller, Stephen J. Oats, Aaron Walker
Absent: None

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

Council Members/Staff in attendance: Chair Jay Castille, Kenneth Boudreaux, Keith Patin, Council Clerk Norma Dugas

Administration staff in attendance: City-Parish President Joey Durel, Public Works Director Tom Carroll, Chief Financial Officer Becky Lalumia

(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 Stephen Oats 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 and/or announcements.

AGENDA ITEM NO. 4: Recognize Public Works Director Tom Carroll for a presentation on the Public Works Department

Carroll provided the mission statement for the various divisions/sections located in the department. Staff members were recognized. There was a staff of 300 employees, servicing two (2) major divisions under the department, those being, the Capital Improvements Programs/Environmental Quality Division and the Operations and Maintenance Division. Carroll provided the following information:

- Operations & Maintenance/Administration's mission was to provide clerical and administrative support to all Divisions of Operations and Maintenance. The Section had a staff of 11 and was funded by a Road/Bridge Maintenance Millage and the City General Fund;
- Operations & Maintenance/Drainage's mission was to inspect, maintain, repair and/or improve the drainage infrastructure for Lafayette Parish for the purpose of flood control. The Division had a staff of 80 employees (the largest Division) and was funded by a Drainage Millage, the City General Fund and the City Sales Tax CIP;
- Operations & Maintenance/Engineering provided engineering and survey support to the Drainage & Streets Divisions. The Section had a staff of seven (7) and was funded by Road/Bridge Maintenance Millage, Drainage Millage, the City Sales Tax CIP and the City General Fund;
- Operations & Maintenance/Streets was responsible for the safe conditions and orderly appearance of all streets, bridges, roadways, sidewalks and curbs in the City and Parish. The Division had a staff of 73

employees and was funded by the Road/Bridge Maintenance Millage, the City Sales Tax CIP, Parish General Fund and the City General Fund;

- Operations & Maintenance/Facilities Maintenance inspected, repaired and/or improved City-Parish owned buildings/facilities to ensure a safe and secure working environment. The Section had a staff of 19 and was funded by the Parish General Fund, Correctional Center Millage, Courthouse Complex Fund, City General Fund and City Sales Tax CIP;
- Operations & Maintenance/Vehicle Maintenance procured and maintained the LCG fleet and operated two service stations. The Section had a staff of 45 employees and was funded by the Central Vehicle Maintenance Fund;
- Capital Improvements/Design & Development ensured that public infrastructure constructed by both private and public entities complied with established standards and regulations. The Section had a staff of 14 employees and was funded by the Road/Bridge Maintenance Millage, the City Sales Tax CIP and the Drainage Millage;
- Capital Improvements/Rights-of-Way was responsible for acquisition of property rights for LCG projects, operations, and for the Lafayette Utilities System. The Section had a staff of seven (7) employees and was funded by the Road/Bridge Maintenance Millage, the City Sales Tax CIP and the Drainage Millage;
- Capital Improvements/Estimates and Administration provided administrative support for the Capital Improvements Division and management oversight of the Environmental Quality Division. The Section had a staff of five (5) employees and was funded by the Road/Bridge Maintenance Millage, the City Sales Tax CIP and the Drainage Millage;
- Capital Improvements/Project Control ensured that Capital Improvement projects were properly designed and constructed. The Section had a staff of 13 employees and was funded by the Road/Bridge Maintenance Millage, the City Sales Tax CIP and the Drainage Millage;
- Environmental Quality/Code Enforcement ensured that public and private properties were in compliance with LCG environmental codes and regulations. The Section had a staff of nine (9) employees and was funded by the Environmental Services Fund;
- Environmental Quality/Regulatory Compliance ensured compliance of public and private construction activities with Local, State, and Federal environmental regulations. The Section had a staff of seven (7) employees and was funded by the Environmental Services Fund;
- Environmental Quality/Recycling administered and promoted waste stream reduction and landfill diversion. The Section had a staff of three (3) employees and was funded by the Environmental Services Fund;
- Environmental Quality/Compost Facility managed wood/green waste stream reduction/landfill diversion and provided quality compost for use by the public. The Section had a staff of four (4) employees and was funded by the Environmental Services Fund;
- Environmental Quality/Administration provided management oversight of the Environmental Quality Division. The Section had a staff of two (2) employees and was funded by the Environmental Services Fund.

Carroll then talked about how Consolidation affected the department. The department operated under the same day-to-day protocol as when it was the City; however, it was on a different magnitude. When compared to the Parish, the City had more staff resources pre-consolidation. A major parish program did not exist at that time. The Parish's funding resources were not as significant as the City. Carroll felt that Consolidation worked well for Public Works.

Conque asked if funds from the Parish millage were also used in the City and Lewis noted that it could be used

for projects throughout the entire parish. Carroll added that a majority of those funds was used strictly for projects in the unincorporated parish. Bourgeois asked when parish millages were increased last. Finance would provide that information.

Bacque asked if Consolidation made Public Works more efficient and Carroll responded affirmatively. The benefits of Consolidation, Carroll continued, was the expertise that the merger brought to unify the department, which further eliminated the need for intergovernmental agreements. Bacque questioned how deconsolidation would impact the department and Carroll reminded that the City was much more financially stable than the Parish and there would only be a minimal capital program in the Parish. Should a separation take place, Bacque asked if it would be feasible to contract with the City's Public Works Department to provide assistance for a Parish Public Works Department and Carroll responded that this option could be reviewed for implementation.

Manuel asked why the Parish funds were minimal and Carroll noted that as other municipalities annexed areas into their communities, a loss of revenue occurred. In spite of this, it was noted that the needs of the Parish never lessened. Lewis reminded that there was a $26 million Parish bond issue for road and bridge improvements in the unincorporated areas of the parish. In response to the question "*what would you change*", Carroll stated that there was not much to change in the Charter relative to the department; however, there internal policies could be reassessed.

Walker added that prior to Consolidation, it was said that the merger of the two governments would be beneficial in that it would save the government money and Carroll stated that one Public Works Director's position was eliminated which realized a savings; however, he could not be certain that a significant overall savings within the department had been realized.

Oats noted that Public Works also performed maintenance for the correctional center (jail) and Carroll responded that, by State law, LCG was mandated to provide certain services for the jail. The millages funded $3 million of the operational costs for the jail; and, the total cost for operations was $5 million, requiring a subsidy of $2 million. Lalumia reminded that City residents contributed to those Parishwide millages, which accounted for 63% of the total revenues collected. Oats asked for recommendations on right-sizing the millage to cover the actual cost of operations for the jail and Lalumia responded that an increase in the millage rates would be needed, especially to cover capital improvement needs.

Lewis asked if the same level of service was being provided by the department when comparing services post-consolidation and pre-consolidation and Carroll noted that, although the staffing levels were the same as ten years ago and demand had not decreased, in his opinion, the services the department provided was much more efficient.

<u>AGENDA ITEM NO. 5:</u> Update by Legal on Attorney General Opinion

Assistant City-Parish Attorney for the Charter Commission Tammy Pratt stated that several calls had been made to the Attorney General's (AG's) Office in follow up to the request for a response to questions posed by Legal on behalf of the Commission. The only response received was that the request had been assigned a number by the Office. A summation of the questions posed is as follows:

1) What is the earliest date when changes to our Charter if approved by the electorate, might be implemented?
2) Is it a valid distinction to note that certain changes to the Charter as might be proposed by the Commission – those described herein as "cosmetic" or "administrative" -- may go into effect without in

any manner being implicated by La. R.S. 33:1395.6? Seemingly, this, in turn, involves consideration of the question of, what is meant by the word "term" in the cited statute? Does that word purely and exclusively have reference to a term of time?

3) If there is not sufficient time to accomplish these essential steps so as to actually call the election "on the date allowed under the provisions of R.S. 18:402", may the Council call the election for the next subsequent available date in order to accomplish the various steps of approval as required by applicable law.

Given that the Commission had to wait for the AG's opinion for more definitive answers to these questions, Conque felt that time was not on the side of the Commission and extending the terms of both the City-Parish President and Council (item #6) should be considered.

AGENDA ITEM NO. 6: Consider extending the terms of the City-Parish President and Council (Letter from Commissioner Bruce Conque is attached). A motion to adopt by Conque, seconded by Manuel was later withdrawn after discussion on the issue. No action was taken.

Conque placed the item on the table for discussion to extend the term of the President and Council for a 12-month period. Conque stated that he was recommending the extension to allow voters an opportunity to have all recommendations (minor and major) take effect at the beginning January 2013, in lieu of in 2016. Pratt reminded that it was possible that some of the cosmetic or structural changes could take effect in 2012. Miller asked if any recommended changes (whether minor or major) would require approval by the Department of Justice and Pratt responded affirmatively.

Oats asked for clarification on the urgency to extend the terms at tonight's meeting and Conque explained that, if approved by the Commission, it could take approximately six (6) months to have the item identified on the ballot. If all timelines were met, this would provide the electorate the opportunity to consider the extension on the April 2011 ballot, which would be prior to the currently scheduled President/Council election of October 2011. Carson felt that more information on the AG opinion would be needed prior to a vote to extend the term. Bacque and Walker concurred, stating that this was not the time to consider a vote to extend the terms.

COMMENTS FROM THE PUBLIC:

Jay Castille expressed concern about Conque's proposal. If the proposal would be the only item on the April ballot, the cost to taxpayers would be just under $200,000. He felt a vote on this matter, was premature as the Commissioners were still learning about LCG and the Charter. Castille was against extending the terms. As an example, if a change was proposed to recommend two governments or two legislative branches, it would take time to implement such a change and ensure that all issues were addressed. Conque noted that, at this time, it would be the only item on the ballot if approved for the April; however, he reminded that the School Board could be considering a proposal that may be on that same ballot, which would require cost sharing.

Conque expressed concern on Oats' comment regarding a trigger, in that the placement of an item on the ballot, could, in essence, end the term of the Charter Commission.

Joey Durel stated that he too thought voting on this matter was premature, given that the Commission had just recently started to accumulate information. The process of gathering information needed to take place. He recommended that the Commission move forward with gathering Charter amendments and suggestions.

With Conque's concurrence, Manuel withdrew his second to the motion, which removed the term extension off

the table for consideration. No action was taken.

AGENDA ITEM NO. 7: Next Meeting Date
Lewis stated that the next meeting would be held on September 13, 2010 for a presentation by various LCG Departments.

In closing, Oats questioned whether the Commission could hear from persons with expertise in addressing matters of a Charter Commission. There were professionals in the community that could offer input on charter amendments/revisions, etc. Also, consultants could offer input, similar to what was done with the Public Affairs Research Council, who provided services to the last Commission.

AGENDA ITEM NO. 8: Comments from the public on the above referenced agenda items
There were no further comments from the public.

AGENDA ITEM NO. 9: Adjourn
There being no further business, the meeting adjourned at 7:20 p.m.

Item #6
Bruce Conque

Dear Fellow Commission Member:

I will be submitting for your consideration and vote on August 30th a recommendation for the calling of a referendum so that Lafayette voters can decide whether to extend the current term of the Council and City-Parish President by 12 months. If we do not delay the election of Council and Parish President in the fall of 2011, Lafayette City-Parish government will continue in its present form for another four years beginning January 2012 with the inauguration of these elected officials; according to state law, the term of an incumbent may not be shortened.

Arguably, based on testimony already presented, there is a need to "tweak" the current governing document. However, even minor amendments to the Lafayette City-Parish Home Rule Charter, if approved by Lafayette Parish voters, may not take effect until January, 2016, based on the current election schedule. That would be nearly five years after we report our findings; and, over four years after the issue is presented to voters.

Legal Counsel has opined that a term extension is legally permissible; although it has been noted that the steps to achieve voter consideration are "challenging, if not impossible" based on the political calendar. While I have great respect for the legal wisdom of Counsel, I cannot concede the issue of time constraints and do nothing to advance our work product.

Based on my research, I submit to you that Legal Counsel would have six months in which to prepare a proposition for submission to the voters on April 30, 2011. This following is a proven timeline given a similar political schedule which placed a Charter amendment on the upcoming November ballot:

- August 30, 2010 – commission recommendation
- September 7, 2010 – introduction of council ordinance calling for referendum on commission recommendation
- September 20, 2010 – final adoption of council ordinance
- March 15, 2011 – deadline for submission of proposition to Louisiana Secretary of State
- April 30, 2011 - ballot proposition

We will have completed our deliberations and made our recommendations prior to the proposed April 30, 2011, vote on the term extension proposal. Thus, voters will make their decision armed with the knowledge of the changes being recommended by the Lafayette Charter Commission. Whatever is the outcome of my proposal, it will not impact a public referendum, expected in February, 2012, on our recommendations.

A secondary benefit of this proposal, but unrelated to our work, is that it would allow more time for the redistricting of the Council representative seats in 2011. Even if voters approve the amendment to the Lafayette City-Parish Charter this fall, there will be a very tight time frame in which to redistrict based on the new 2010 federal census. The census numbers will be released

no earlier than March, 2011 and redistricting must be done prior to election qualifying in July, 2011. Without a July deadline, the redistricting process can take until the end of 2011.

Thank you for your public service on the Lafayette Charter Commission. This will be the first of many decisions that will have historical significance as we ponder the future governing of Lafayette City and Parish.