

CHARTER COMMISSION MEETING MINUTES

MONDAY, DECEMBER 13, 2010

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 Chair Jay Castille, Council Members Don Bertrand & Keith Patin, Council Clerk Norma Dugas

Administration staff in attendance: Director of Lafayette Utilities System Terry Huval, Finance Director 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 Don Bacque 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 the Commissioners.

AGENDA ITEM NO. 4: Continuation of discussion of detailed issues on Governance

Lewis stated that the discussion would continue with questions on how to address various matters on governance and noted that an item from last week would be revisited with reference to the Council member's pay increase. The preliminary vote was to make the Council's increase consistent with the general pay increase given to LCG employees. It was realized that the parish council would have very limited employees and there was concern on how the provision would impact the parish council. Bacque stated that he did not see a problem with applying the provision to the parish council. Lewis added that an employee with the parish could be recommended for a 5% pay increase, while city employees could be recommended for a 2%. Conque suggested that the parish pay increase be based on the Consumer Price Index (CPI).

Manuel concurred and questioned whether there was a CPI that could be used, other than the National CPI. Lalumia noted that Lafayette could follow a CPI based on the regional or southern CPI. Manuel suggested that the CPI used for Lafayette follow the most local index (regional or southern) when determining an increase for the Parish. Ottinger stated that a search on ethic laws would be performed to review provisions related to different compensations vs. across-the-board pay. Bourgeois asked if the two Councils could be treated differently with reference to pay increases and Ottinger responded that he did not foresee a problem with it, as long as it was written in the Charter and the citizens approved it.

A motion was offered by Bacque, seconded by Bourgeois **to identify a preliminary Charter amendment to**

draft the appropriate language for inclusion in the Charter stating that...the Parish Council Members would be eligible for a pay increase based on the Consumer Price Index (CPI) effective upon the commencement of the term of the next sitting Council, with the final vote for an increase being six months prior to the next term and the vote was as follows:

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

NAYS: None

ABSENT: None

ABSTAIN: None

The motion was approved.

●3-01 Executive Branch – What type of Executive should there be for the parish?

Lewis stated that he preferred a Parish President, given the Commission would set the salary via the Charter. The second issue dealt with vetoing of ordinances, should there not be a president. Bacque added that, generally, when there was a Parish Manager, there was a part time Parish President. Oats favored a Parish Manager; otherwise, a Parish President would have to have administrative or managerial experience. Conque noted that the City of Kansas had a hybrid, where there was a weak president/strong council form of government. The president was a member of the Council and only voted when there was a tie. Oats recommended that the Commission keep it simple and allow a Parish Manager to run the Parish government. Carson disagreed, stating that a citizen needed one “go-to” person for the Parish to hold accountable. Walker asked if the executive would work only for the unincorporated parish and Lewis responded that the executive would work parishwide and citizens across the entire parish would vote to elect the President.

A motion was offered by Bacque, seconded by Manuel **to identify a preliminary Charter amendment to have a Parish President as the Executive of the Parish Government** and the vote was as follows:

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

NAYS: Oats, Walker

ABSENT: None

ABSTAIN: None

The motion was approved.

●3-05 B: In the case of a vacancy, should the Commission allow the Acting President to run in the next election?

In the current Charter the Chair of the Council automatically assumed the office. Lewis asked if the Commission wanted to restrict it to being only limited to the Chair of the Council. Manuel indicated that he would like to open the position up to others.

A motion was offered by Bourgeois, seconded by Manuel **to identify a preliminary Charter amendment to open up applications to all eligible citizens when there is a vacancy in the Office of the Mayor or President** and the vote was as follows:

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

NAYS: None

ABSENT: None

ABSTAIN: None

The motion was approved.

Lewis questioned whether the 15-day time limit provided in the Charter would be enough time to make the appointment to fill a vacancy of the Council, Mayor or President, given the Commission had approved a preliminary provision that the Council shall take applications for vacancies. Ottinger replied that the 15-day time limit may follow State law; however, he would determine whether the time limit could be extended.

When he was on the previous Council, Bourgeois recalled that applications were accepted to fill a vacant seat on the Council; however, the vote ended in a tie. The appointment then went to the Governor to appoint someone and fill the vacancy. In the end, the Governor appointed someone who chose not to go through the Council's application process. Bourgeois questioned whether a requirement could be included in the Charter that the appointee would have to come from the list of applicants. Ottinger responded that he was unsure if a provision as such could tie the hands of the Governor in that respect; however, he would perform research and confirm.

●3-06 A: Under the Section on Mayor's Temporary Absence, does the Commission want to discuss the words "*absent and unavailable*" and how it applies in today's internet world?

Ottinger stated that when the existing Charter was written, there was no talk of email, internet and smart phones. It would be restrictive to say a Mayor or President would be unavailable if that person were out of the City or Parish. Further, he would provide language that would apply to facsimile signatures, relating to signage when an Executive would be unable to sign a document.

●3-06 B: The absence period that triggers a vacancy varies from the City and Parish...

Lewis stated that under the existing Charter the disability of the City-Parish President could be limited to six (6) consecutive months and may be extended for another six months for a total of one year. Bacque stated that he would like it limited to a six month period, without an option to extend the term beyond that time. Carson reminded that this language and other preliminary amendments should apply to the City Charter, Parish Charter and the Lafayette Consolidated Government's Charter.

A motion was offered by Carson, seconded by Bourgeois **to identify a preliminary Charter amendment to limit the disability of the Executive to a six (6) month period, with no option to extend the term beyond that time** and the vote was as follows:

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

NAYS: None

ABSENT: Oats

ABSTAIN: None

The motion was approved.

Conque reminded that the amended language needed to be included with reference to Section 2-02 on Reapportionment, where the proper terminology would be "Redistricting".

Carson asked for clarification on whether there was a time limit to have contracts negotiated and signed. Ottinger explained that the Council approved the funding for the contracts through the ordinance process, with the understanding that the Administration would negotiate a contract prior to the end of the fiscal year. Lalumia added that if the funding for that contract were not used by the end of the fiscal year, the funds would lapse.

On another note, Ottinger expressed concern about the wording on a previously approved preliminary amendment stating that “*at the beginning of each term*” the Council shall adopt a resolution setting forth an attendance policy for Council Members. Ottinger recommended that the language “*at the beginning of each term*” be changed to allow for 30 days from the beginning of the commencement of the term for a new Council to consider and approve a policy.

A motion was offered by Conque, seconded by Manuel **to identify a preliminary Charter amendment that the Council shall adopt a resolution setting forth an attendance policy for Council Members “*within 30 days of beginning a new term*”** and the vote was as follows:

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

NAYS: None

ABSENT: None

ABSTAIN: None

The motion was approved.

Lewis stated that he would work on drafting the portion of the Charters highlighting the Administration and general provisions.

Bacque explained that there was a misconception that the Commission would be going with the separate City Council and Parish Council and clarified that the Commission had not yet made that decision. Carson pointed out that it was the citizens who would vote to give the Charter its power.

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 December 20, 2010.

AGENDA ITEM NO. 7: Adjourn
There being no further business, the meeting adjourned at 7:29 p.m.