

ORDINANCE NO. O- -2018

AN ORDINANCE OF THE LAFAYETTE CITY-PARISH COUNCIL PROPOSING AMENDMENTS TO VARIOUS SECTIONS OF THE HOME RULE CHARTER OF LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT, FOR THE FOLLOWING PURPOSES: TO ABOLISH THE LAFAYETTE CITY-PARISH COUNCIL, AND IN ITS PLACE, CREATE A LAFAYETTE CITY COUNCIL AND A LAFAYETTE PARISH COUNCIL, AS THE GOVERNING AUTHORITY FOR THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT; TO ESTABLISH THE CITY COUNCIL AS THE GOVERNING AUTHORITY AND LEGISLATIVE BRANCH OF THE CITY OF LAFAYETTE AND THE PARISH COUNCIL AS THE GOVERNING AUTHORITY AND LEGISLATIVE BRANCH OF THE PARISH OF LAFAYETTE, TO ABOLISH THE LAFAYETTE PUBLIC UTILITIES AUTHORITY AND TO SUBSTITUTE IN ITS PLACE THE LAFAYETTE CITY COUNCIL AS THE GOVERNING AUTHORITY OF THE UTILITIES DEPARTMENT AND OF THE LAFAYETTE PUBLIC POWER AUTHORITY; TO PROVIDE THAT TEMPORARY OCCUPANTS OF THE POSITION OF MAYOR-PRESIDENT, CITY COUNCIL MEMBER, OR PARISH COUNCIL MEMBER DURING A PERIOD OF VACANCY SHALL BE ELIGIBLE TO RUN IN AN ELECTION FOR THE VACANT POSITION; TO ABOLISH THE LAFAYETTE CITY-PARISH PLANNING AND ZONING COMMISSION AND TO SUBSTITUTE IN ITS PLACE A SEPARATE CITY PLANNING AND ZONING COMMISSION FOR THE CITY OF LAFAYETTE AND A SEPARATE PARISH PLANNING AND ZONING COMMISSION FOR THE PARISH OF LAFAYETTE; TO CHANGE THE METHOD OF NOMINATION OF PROSPECTIVE APPOINTEES TO THE LAFAYETTE MUNICIPAL CIVIL SERVICE BOARD; TO CHANGE THE METHOD OF COUNTING THE REQUIRED PERCENTAGES OF VOTERS FOR AN INITIATIVE OR REFERENDUM PETITION; TO CHANGE THE METHOD OF COUNTING THE NUMBER OF VOTES NECESSARY TO AMEND THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT HOME RULE CHARTER; TO PROVIDE THAT ANY PROPOSAL FOR THE MANAGEMENT OF A SUBSTANTIAL PART OF THE CITY'S UTILITY SYSTEM MUST BE APPROVED BY VOTE OF THE ELECTORS OF THE CITY OF LAFAYETTE AT AN ELECTION CALLED FOR THAT PURPOSE BY THE LAFAYETTE CITY COUNCIL; TO PROVIDE THAT MEMBERS OF THE EXISTING CITY-PARISH COUNCIL WHO WILL BE TERM-LIMITED AT THE CONCLUSION OF THE CURRENT TERM SHALL NOT BE ELIGIBLE TO QUALIFY AS A CANDIDATE FOR EITHER THE NEW CITY COUNCIL OR THE NEW PARISH COUNCIL FOR THE FIRST TERM OF EITHER COUNCIL; AND CALLING FOR AN ELECTION OF THE DULY QUALIFIED ELECTORS OF THE PARISH OF LAFAYETTE BY APPROPRIATE RESOLUTION, IN ORDER TO CONSIDER SUCH PROPOSAL

BE IT ORDAINED by the Lafayette City-Parish Council, that:

WHEREAS, the Home Rule Charter of the Lafayette City-Parish Consolidated Government (the "Home Rule Charter") currently establishes the Lafayette City-Parish Council as the sole legislative branch of Lafayette City-Parish Consolidated Government; and
and

WHEREAS, the Home Rule Charter currently establishes the Lafayette Public Utilities Authority ("LPUA") as the governing authority for the Utilities Department, and by operation of Louisiana law, the full Lafayette City-Parish Council is the governing authority of the Lafayette Public Power Authority; and

WHEREAS, the Home Rule Charter currently provides that temporary occupants of the office of Mayor-President or City Council member during a period of vacancy are ineligible to run in an election to fill the vacant position; and

WHEREAS, the Home Rule Charter currently establishes a single City-Parish Planning and Zoning Commission, which is the planning commission for the Parish of Lafayette and the planning and zoning commission for the City of Lafayette; and

WHEREAS, the Home Rule Charter currently provides for nominations for prospective appointees to the Municipal Civil Service Board from certain specified organizations; and

WHEREAS, the Home Rule Charter currently provides for certain methods of computing the percentage of registered voters necessary for the placement of an initiative or referendum petition on the ballot; and

WHEREAS, the Home Rule Charter currently provides for certain methods of counting the votes within the City of Lafayette and Parish of Lafayette that are necessary to amend the Home Rule Charter; and

WHEREAS, the Home Rule Charter currently provides for certain term limits of members of the City-Parish Council; and

WHEREAS, the Home Rule Charter currently provides that any proposal for the sale, lease, or disposal of the utility system or any substantial part thereof requires approval of a majority of the electors of the City of Lafayette voting in an election called for that purpose by the City-Parish Council; and

WHEREAS, the City-Parish Council desires to propose certain amendments to the Home Rule Charter to effect changes to the above subjects of the Home Rule Charter by amending various provisions of the Home Rule Charter, in the particulars more fully shown in the text of the proposed Home Rule Charter amendments attached hereto and made a part hereof by reference; and

WHEREAS, Section 7-03(A) of the Home Rule Charter provides, in relevant part, that “[p]roposals to amend or repeal this charter may be made by a two-thirds vote of the authorized membership of the council”; and

WHEREAS, Section 7-03(C) of the Home Rule Charter provides that “[p]roposals to amend or repeal this charter shall be submitted for ratification to the qualified electors of the City-Parish government at an election already authorized for other purposes or at a special election called by the council,” and provides further that the “results shall be determined by a majority vote of the electors voting on any particular proposal”; and

WHEREAS, in accordance with applicable law [including but not limited to Title 18, Section 402(F), of the Louisiana Revised Statutes], propositions may be voted on at an election called for such purpose on the first Tuesday after the first Monday in November of even-numbered years, among other specified dates; and

WHEREAS, subsequent to the adoption of this ordinance, and in accordance with the provisions of Title 18, Sections 1284 and 1300(A), of the Louisiana Revised Statutes, an appropriate resolution will be considered by the Lafayette City-Parish Council relative to the calling of an election to consider the proposition stated in such resolution.

NOW THEREFORE, BE IT FURTHER ORDAINED by the Lafayette City-Parish Council, that:

SECTION 1: All of the aforescribed “Whereas” clauses are adopted as part of this ordinance.

SECTION 2: Subject to compliance with other requirements of law, the Lafayette City-Parish Council proposes that the Home Rule Charter be amended for the following general purposes (by way of summary only) as more fully shown in the text of the proposed amendments to the Home Rule Charter attached hereto and made a part hereof by reference (which attachment shall be controlling in the event of any conflict or inconsistency with the summary below):

1. to abolish the Lafayette City-Parish Council, and in its place, create a Lafayette City Council and a Lafayette Parish Council, as the governing authority for the Lafayette City-Parish Consolidated Government;
2. to establish the City Council as the governing authority and legislative branch of the City of Lafayette and the Parish Council as the governing authority and legislative branch of the Parish of Lafayette;
3. to abolish the Lafayette Public Utilities Authority and to substitute in its place the Lafayette City Council as the governing authority of the utilities department and of the Lafayette Public Power Authority;
4. to provide that temporary occupants of the position of Mayor-President, City Council member, or Parish Council member during a period of vacancy shall be eligible to run in an election for the vacant position;
5. to abolish the Lafayette City-Parish Planning and Zoning Commission and to substitute in its place a separate City Planning and Zoning Commission for the City of Lafayette and a separate Parish Planning and Zoning Commission for the Parish of Lafayette;
6. to change the method of nomination of prospective appointees to the Lafayette Municipal Civil Service Board;

7. to change the method of counting the required percentages of voters for an initiative or referendum petition;
8. to change the method of counting the number of votes necessary to amend the Lafayette City-Parish Consolidated Government Home Rule Charter;
9. to provide that any proposal for the management of a substantial part of the City's utility system must be approved by vote of the electors of the City of Lafayette at an election called for that purpose by the Lafayette City Council;
10. to provide that members of the existing City-Parish Council who will be term-limited at the conclusion of the current term shall not be eligible to qualify as a candidate for either the new City Council or the new Parish Council for the first term of either Council.

SECTION 3: The City-Parish Attorney shall seek all necessary consents, pre-clearances and approvals as required by law, including but not limited to the United States Department of Justice, the State Bond Commission and the Secretary of State, and is authorized to file all papers or other documents necessary or appropriate to seek such consent, pre-clearance and approval.

SECTION 4: Concurrently with the adoption of this ordinance, an appropriate resolution will be considered in connection with the calling of an election and the preparation of the proposition to be considered at such election.

SECTION 5: All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 6: In accordance with the provisions of Section 2-13(D) of the Home Rule Charter, this ordinance is not subject to the veto power of the Lafayette City-Parish Mayor-President and, accordingly, is effective upon signature of the Lafayette City-Parish President, or the elapse of ten (10) days after receipt by the Lafayette City-Parish President without signature, whichever occurs first, but subject to the favorable approval and ratification of the qualified electors of City-Parish Government at an election already authorized for other purposes or at a special election called by the Council.

* * * * *