

RESOLUTION NO. R-001-2008

A RESOLUTION OF THE LAFAYETTE CITY-PARISH COUNCIL AND THE LAFAYETTE PUBLIC UTILITIES AUTHORITY RESCINDING RESOLUTION NOS. R-005-96, R-052-98, R-079-98, R-008-99, R-011-2000, R-063-2000, R-011-2001, R-105-2006, R-001-96(LPUA) AND R-013-98(LPUA) AND ESTABLISHING RULES AND ORDER OF BUSINESS FOR THE LAFAYETTE CITY-PARISH COUNCIL AND THE LAFAYETTE PUBLIC UTILITIES AUTHORITY, AND REPEALING ALL RESOLUTIONS, OR PARTS THEREOF, IN CONFLICT HEREWITH

BE IT RESOLVED by the Lafayette City-Parish Council (the "Council") and the Lafayette Public Utilities Authority (the "LPUA"), that:

WHEREAS, the Home Rule Charter for the Lafayette City-Parish Consolidated Government (the "Home Rule Charter") provides, at Section 2-07C, that the Council shall, by resolution, set its meetings and determine its own rules and its order of business as well as all other ancillary matters; and

WHEREAS, the Council and the LPUA have previously adopted one (1) or more resolutions to establish Council and LPUA rules and order of business but said Council and LPUA now wish to repeal such resolutions to the extent that any such resolution is inconsistent herewith and the Council and LPUA also wish to establish new Council and LPUA rules and order of business for its meetings; and

WHEREAS, the Council now wishes to further implement the provisions of Section 2-07C of the Home Rule Charter, concerning Council meetings and the LPUA wishes to implement the provisions of Section 4-07A of the Home Rule Charter concerning LPUA meetings, in order to determine its own rules and its order of business.

NOW THEREFORE, BE IT FURTHER RESOLVED by the Lafayette City-Parish Council and the LPUA, that:

SECTION 1: All of the aforementioned "Whereas" clauses are adopted as part of this resolution.

SECTION 2: LAFAYETTE CITY-PARISH COUNCIL AND LAFAYETTE PUBLIC UTILITIES AUTHORITY MEETINGS. Except for any calendar month during which it is not possible to hold three meetings due to a legal holiday falling on a Tuesday or any other lawful cause, the Council and the LPUA will meet on the first, third and fourth Tuesday of every month in its regular meetings which shall commence at 5:30 o'clock p.m. in the Ted A. Ardoin City-Parish Council Auditorium at Lafayette City-Parish Hall, 705 West University Avenue, Lafayette, Louisiana. In no calendar month, shall there ever be less than two (2) meetings of the Council in accordance with Section 2-07A of the Home Rule Charter. On the first and third regular meeting of

the month, and at any special or emergency meeting of the LPUA and the Council, which might be convened in accordance with the Home Rule Charter or State law, the LPUA, as the governing authority of the Utilities Department, and the Council, as the governing authority of the Lafayette City-Parish Consolidated Government, shall meet in joint session to conduct such business as is necessary or appropriate to bring before both bodies. The joint meeting of the LPUA, as the governing authority of the Utilities Department, and the Council, as the governing authority of the Lafayette City-Parish Consolidated Government, may be in conjunction with a meeting of the Council and appropriately indicated on the agenda of such body. For this purpose, the Chair of the Council shall serve as Chair of both bodies. All such meetings shall take place at the specified time and place unless a different time and/or place would be noticed. Special meetings may be held on the call of the presiding officer of the Council or on the call of a majority (5) of the authorized membership of the Council or the majority (3) of the LPUA, if applicable, with such notice as may be required by State law. Likewise, to meet a public emergency and pursuant to the provisions of the Home Rule Charter, the Council and/or the LPUA may meet in an emergency meeting. All meetings of the Council and the LPUA shall be open to the public in accordance with the provisions of State law. At all regular meetings of the Council and the LPUA, the meetings shall operate from an agenda which shall have been published at least two (2) days, excluding Saturdays, Sundays and holidays, prior to the meeting. The agenda for special Council and/or special LPUA meetings shall be made available to the public no later than 24 hours prior to the meeting. Such notice shall include the agenda, date, time, and place of the meeting. The agenda for emergency meetings shall be made available to the public as soon as practical prior to the meeting with said notice including the agenda, date, time and place of the meeting. No joint meeting of the LPUA and of the Council shall be held unless there is a quorum of each such body present, but, at the discretion of the Chair of the body for which a quorum is present, a meeting of such body may be conducted in accordance with State law. Nothing herein contained shall preclude the LPUA and/or the Council from having a separate meeting for the purpose of conducting such business as is necessary or appropriate to bring before both bodies.

SECTION 3: ELECTION OF OFFICERS - LAFAYETTE CITY-PARISH COUNCIL.

At the first regular meeting of a newly elected Council and annually thereafter, a Chair and Vice-Chair shall be elected from among the Council members. The Chair shall preside at meetings of the Council, and carry out such other duties as the Council shall authorize. In the absence of the Chair, the Vice-Chair shall preside. In the absence and/or disqualification of the Chair and Vice-Chair, the

Council shall designate one (1) of the other members as temporary Chair or Vice-Chair. Any temporary presiding officer shall be a voting member of the Council.

SECTION 4: ELECTION OF OFFICERS - LAFAYETTE PUBLIC UTILITIES

AUTHORITY: At the first meeting in the month of January and annually thereafter, the members of the LPUA as provided in Section 4-07A of the Charter shall elect a Chair and Vice-Chair from among such members.

SECTION 5: VOTING.

Separate votes of the members of each body shall be taken and recorded with respect to the conduct of such business as is necessary or appropriate to bring before both bodies. For such purpose, the Chair of the LPUA shall first call for the vote of the members of the LPUA and the Chair of the Council shall then call for the vote of the members of the Council.

All voting of the Council shall be by roll call, and the ayes and nays shall be recorded in the minutes of the Council by the individual vote of each Council member. No less than the majority (5) of the authorized membership of the Council shall constitute a quorum to transact business, but if a seated quorum is lost during a meeting, a smaller number may recess from time to time and compel the attendance of the absent member(s).

All voting of the LPUA shall be by roll call, and the ayes and nays shall be recorded in the minutes of the LPUA by the individual vote of each LPUA member. No less than the majority (3) of the authorized membership of the LPUA shall constitute a quorum to transact business, but if a seated quorum is lost during a meeting, a smaller number may recess from time to time and compel the attendance of the absent member(s).

Amendments to any ordinance or resolution shall also require a separate vote by the Council and LPUA (if applicable). Public comments on the amendment shall also be heard with interested persons given the opportunity to submit a speaker card to the Clerk at the time the amendment is offered. However, if the proposed amendment materially alters the original ordinance or resolution, interested persons, who did not previously sign in to speak, will be allowed to submit a speaker card to speak on the ordinance as proposed to be amended. The speaker will be limited to a maximum of five (5) minutes of comment with the speaker receiving indication through a visible timer (showing green, yellow and red lights). No additional comment time is allowed; thus, the speaker will not receive any additional time.

Except as otherwise provided in the Home Rule Charter, the affirmative vote of a majority of the authorized membership of the Council and LPUA (if applicable) shall be necessary to adopt an ordinance or a resolution or to grant an appeal properly brought before either body.

**SECTION 6: RULES, ORDER OF BUSINESS AND PROCEDURES WHEREBY
INTERESTED PERSONS SHALL BE GIVEN THE OPPORTUNITY TO BE HEARD AT
LAFAYETTE CITY-PARISH COUNCIL AND/OR LAFAYETTE PUBLIC UTILITIES**

AUTHORITY MEETINGS. The Council and LPUA hereby adopt the following rules, order of business, and procedures for interested persons to be heard at meetings:

- (a) All meetings of the Council and the LPUA, its committees and/or members should be conducted in accordance with the rules set forth by the presiding officer, unless a preferential motion is made and seconded and voted affirmatively by a majority (5) of the members of the Council and by a majority (3) of the members of the LPUA (if applicable) that Roberts Rules of Order be used, in which event Roberts Rules of Order shall be used to conduct the remainder of the meeting and any matter then under consideration.
- (b) The procedure is hereby established whereby interested parties shall be given the opportunity to be heard at Council meetings on the following issues:
 1. **Resolutions.** Any interested persons wishing to address the Council and/or the LPUA concerning a resolution up for adoption shall execute a speaker card. The speaker card must be filled out completely. The speaker card will be given to the Clerk of the Council prior to the agenda item being read. All speaker cards will have a notation that any material that an individual wants to distribute to Council and/or LPUA members will be given to the Clerk of the Council for distribution. The speaker will be limited to a maximum of five (5) minutes of comment with the speaker receiving indication through a visible timer (showing green, yellow and red lights). No additional comment time is allowed; thus, the speaker will not receive any additional time.
 2. **Ordinances for final adoption.** Any interested persons wishing to address the Council and/or the LPUA concerning an ordinance up for final adoption shall execute a speaker card. The speaker card must be filled out completely. The speaker card will be given to the Clerk of the Council prior to the agenda item being read. All speaker cards will have a notation that any material that an individual wants to distribute to Council and/or LPUA members will be given to the Clerk of the Council for distribution. The speaker will be limited to a maximum of five (5) minutes of comment with the speaker receiving indication through a visible timer (showing green, yellow and red lights). No additional comment time is allowed; thus, the speaker will not receive any additional time.
 3. **Introductory Ordinances.** The Council and LPUA will receive public input on introductory ordinances after all introductory ordinances have been read. Any interested persons wishing to address the Council and/or the LPUA concerning introductory ordinances shall execute a speaker card. The speaker card must be filled out completely. The speaker card will be given to the Clerk of the Council prior to the beginning of the reading of the introductory ordinances. All speaker cards will have a notation that any material that an individual wants to distribute to Council and/or LPUA members will be given to the Clerk of the Council for distribution. The speaker will be limited to a maximum of five (5) minutes of comment with the speaker receiving indication through a visible timer (showing green, yellow and red lights). No additional comment time is allowed; thus, the speaker will not receive any additional time.
 4. **Discussion items.** Any interested persons wishing to address the Council and/or the LPUA concerning a discussion item shall execute a speaker card. The speaker card must be filled out completely. The speaker card will be given to the Clerk of the Council prior to the agenda item being read. All speaker cards will have a notation that any material that an individual wants to distribute to Council and/or LPUA members will be given to the Clerk of

the Council for distribution. The speaker will be limited to a maximum of five (5) minutes of comment with the speaker receiving indication through a visible timer (showing green, yellow and red lights). No additional comment time is allowed; thus, the speaker will not receive any additional time.

5. **Comments from the public.** Any interested person wishing to address the Council and/or the LPUA on any matter related to City-Parish Government or LPUA will be allowed to do so at the third Tuesday of the month meeting in that portion of the agenda known as “Comments from the Public”. Any interested persons wishing to address the Council and/or LPUA shall execute a speaker card. The speaker card must be filled out completely and given to the Clerk of the Council prior to the agenda item being read. All speaker cards will have a notation that any material that an individual wants to distribute to Council and/or LPUA members will be given to the Clerk of the Council for distribution. The speaker will be limited to a maximum of five (5) minutes of comment with the speaker receiving indication through a visible timer (showing green, yellow and red lights). No additional comment time is allowed. The speaker will not receive any additional time.
 6. Notwithstanding the foregoing, the Chair, in his/her discretion, may grant additional time to a speaker in order to extend reasonable accommodation to such speaker in accordance with applicable law. A person who completes a speaker's card may only speak in his or her own right, and no person may yield or assign all or any portion of his/her time to another person for any purpose.
 7. Any citizen who has a question on any agenda item should submit that question in writing to the Clerk of the Council at least seventy-two (72) hours before the meeting at which the agenda item will be discussed and the Council will make every effort to provide a response to the question at the Council meeting during which the agenda item will be discussed. No public comment will be permitted in the event a matter is taken up for a vote upon “Call for the Question” or if a matter is “deferred or tabled”.
- (c) The following is the order of business for the regular Council /LPUA meetings, which will be held on the **FIRST** Tuesday of the month:
1. Call to order.
 2. Pledge and Invocation.
 3. Executive/President’s Report.
 4. Ceremonial Presentations.
 - a. Recognitions.
 - b. Proclamations.
 5. Council Announcements.*
 6. Executive Sessions.
 7. Resolutions.
 8. Ordinances for Final Adoption.
 9. Announcement(s) of Vacancy on Boards/Commissions.
 10. Consideration of Appointment(s) by Council, as a whole, to Boards/Commissions.
 11. Appointment(s) by Councilmember(s) and/or City-Parish President, and/or any other direct appointment authority.
 12. Introductory Ordinances.

13. Adjourn.

*A Council announcement is a public statement giving people information or news regarding an event. Time allowed for each announcement shall not exceed 45 seconds.

(d) The following is the order of business for the regular Council/LPUA meetings, which will be held on the **THIRD** Tuesday of the month:

1. Call to order.
2. Pledge and Invocation.
3. Executive/President's Report.
4. Ceremonial Presentations.
 - a. Recognitions.
 - b. Proclamations.
5. Council Announcements.*
6. Executive Sessions.
7. Comments from the Public
8. Resolutions.
9. Ordinances for Final Adoption.
10. Announcement(s) of Vacancy on Boards/Commissions.
11. Consideration of Appointment(s) by Council, as a whole, to Boards/Commissions.
12. Appointment(s) by Councilmember(s) and/or City-Parish President, and/or any other direct appointment authority.
13. Introductory Ordinances.
14. Adjourn.

*A Council announcement is a public statement giving people information or news regarding an event. Time allowed for each announcement shall not exceed 45 seconds.

(e) The following is the order of business for the regular Council/LPUA meeting, which will be held on the **FOURTH** Tuesday of the month:

1. Call to order.
2. Pledge and Invocation.
3. Executive/President's Report.
4. Council Announcements.*
5. Resolutions.
6. Reports and/or Discussion Items.
7. Zoning Ordinances for final adoption.
8. Appeals.

9. Adjourn.

*A Council announcement is a public statement giving people information or news regarding an event. Time allowed for each announcement shall not exceed 45 seconds.

(f) The Chair of the Council will set the agenda for any special or emergency meeting.

(g) The Chair shall review the agenda for all meetings prior to publication.

SECTION 7: ALTERING USUAL ORDER OF BUSINESS. The Chair, on his/her own volition, or upon the majority vote of the Council and LPUA (if applicable), may alter the usual order of business and take any matter out of order.

SECTION 8: MINUTES OF PROCEEDING. The Council Clerk shall keep a record of the minutes and proceedings of all meetings. All official actions shall be published in the official journal in accordance with the Home Rule Charter and State law.

SECTION 9: AGENDA ITEM SUBMITTAL FORM. All items submitted for the agenda of a Council and LPUA meeting shall be submitted on an Agenda Item Submittal Form and forwarded to the Clerk of Council in accordance with the time lines established by the Clerk. The Agenda Item Submittal Form will state the action requested and will list all pertinent information including the author of the agenda item and fiscal impact. For a matter to be placed on the agenda, it must be authored or sponsored by a City-Parish Council Member, the City-Parish President, the Chief Administrative Officer and/or the City-Parish Attorney.

SECTION 10: DEFERRAL OF ITEM. In order to prevent a backlog of ordinances, resolutions or other agenda items which were deferred or otherwise not acted upon, a policy is hereby established such that, if an item is deferred or otherwise not acted upon and it is not rescheduled within ninety (90) days from the date of introduction (ordinance) for action, then it will be considered as if said matter had never been proposed. In order to bring the item up again for Council and/or LPUA action, it must be reintroduced.

SECTION 11: RECONSIDERATION OF ITEMS. A motion to reconsider an item that was acted upon by the Council and/or LPUA in the same meeting must be motioned by any member of the Council and/or LPUA.

SECTION 12: ORDER OF ROLL CALL VOTE. At any meeting of the Council and LPUA, the roll call vote will be called by the Clerk of the Council, or the Clerk’s designee. Said voting will be called by Council Districts and rotated in the following manner:

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|--------------------------------------|--|
| <u>Issue to be Voted Upon</u> | <u>LPUA District Voting First</u> |
| First Issue | District Number 3 |
| Second Issue | District Number 4 |
| Third Issue | District Number 6 |

Fourth Issue District Number 7
 Fifth Issue District Number 8

| <u>Issue to be Voted Upon</u> | <u>Council District Voting First</u> |
|-------------------------------|--------------------------------------|
| First Issue | District Number 1 |
| Second Issue | District Number 2 |
| Third Issue | District Number 3 |
| Fourth Issue | District Number 4 |
| Fifth Issue | District Number 5 |
| Sixth Issue | District Number 6 |
| Seventh Issue | District Number 7 |
| Eighth Issue | District Number 8 |
| Ninth Issue | District Number 9 |

Then the above rotation process for roll call vote will be repeated as necessary.

SECTION 13: EFFECTIVE DATE. The Council and LPUA rules and order of business set forth in this resolution will become effective immediately upon an affirmative vote of the majority (5) of the Council and majority (3) of the LPUA thereafter unless and until amended and/or repealed by further action of the Council and the LPUA.

SECTION 14: REPEAL. All resolutions, or parts thereof, in conflict herewith are hereby repealed; however, this shall not repeal or otherwise modify Resolution No. R-009-96 or Resolution No. R-004-2006(LPUA).

This resolution having been submitted to vote, the results were as follows:

LPUA VOTE:

YEAS: Shelvin, Boudreaux, Conque, Bertrand, Patin

NAYS: None

ABSENT: None

ABSTAIN: None

COUNCIL VOTE:

YEAS: Morrison, Castille, Shelvin, Boudreaux, Bellard, Conque, Bertrand, Patin, Theriot

NAYS: None

ABSENT: None

ABSTAIN: None

AND the resolution was declared adopted on the 8th day of January, 2008.

NORMA A. DUGAS, CLERK
 LAFAYETTE CITY-PARISH COUNCIL