

CHARTER COMMISSION MEETING MINUTES

MONDAY, DECEMBER 20, 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, Aaron Walker

Absent: D. Keith Miller, Stephen J. Oats

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

Council Members/Staff in attendance: Council Members Kenneth Boudreaux & Keith Patin, Council Clerk Norma Dugas

Administration staff in attendance: Director of Finance Becky Lalumia and Director of Lafayette Utilities System Terry Huval

(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 Aaron Walker 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: Discussion of remainder of separate City of Lafayette Charter

Lewis stated that the Commission would review the remaining sections of the Charter, given that a preliminary review of the governance structure had been completed. Commissioners had been provided with a draft of the City Charter beginning with the Administration Sections/General Provisions. The Commission reviewed the draft of the City Charter beginning under Section 4-01 (General Provisions).

●4-01. GENERAL PROVISIONS

Lewis noted that the draft did not list the duties and responsibilities of each department, as was done in the existing Charter.

Under Paragraph A, new language was recommended by Ottinger to better clarify the services that the City of Lafayette shall provide to “*or for the benefit of*” the citizens. Lewis asked for comments from the Commissioners on eliminating the duties and responsibilities of each department. Hearing none from the Commissioners, Ottinger suggested that the words “water and wastewater services” be moved to the next sentence to coincide with the services that the Lafayette Utilities System would provide.

Paragraph B: Lewis included the draft language with reference to the consolidated services/functions. Bacque asked if the word “*equitable*” in the first sentence needed to be included and Ottinger stated the word could be

omitted. There was concurrence among Commissioners to delete the word “equitable” from the 1st sentence of Paragraph B. Conque expressed concern about the reference to the zoning function, inasmuch as the service only applied to the City. Lalumia recommended that the word zoning remain in the language and the 1st sentence be changed to read as follows:

“The City of Lafayette will also provide, subject to reimbursement of associated costs from Parish funds, certain supervisory and *operational services to the Parish of Lafayette* including administration and finance, information technology, public works...”

Ottinger approved the new language.

Lalumia referred to the language on mandated services and asked for clarification and Lewis stated that he was attempting to maintain the same level of operational services currently being provided to the Parish with reference to mandated services. To better clarify the language and with consensus from the Commission, Ottinger suggested that the following language be omitted: “*excluding those services mandated by State law or services being provided by other elected officials or boards and commissions established by state statute or prior ordinances of the Parish.*” Ottinger then recommended that the following sentence be added as the last sentence of Paragraph B: “*Nothing contained in this section shall require the City of Lafayette or provide any governmental program, function or service which, pursuant to State law, is the sole responsibility of the parish.*”

Paragraph C: Lewis stated that this paragraph addressed cost allocation. Lalumia expressed concern regarding the reference to “OMB Circular A-87”. To better clarify cost allocation, Lalumia suggested the following language that was used under the User Fee Plan as read from the current contract: “*The plan will identify the various costs incurred by the Parish to support the City, as well as cost incurred by the City to support the Parish, including the cost of shared capital equipment assets. This will allow both City and the Parish to determine and equitably assess the cost of services provided to one another.*”

Lalumia then expressed concern that the cost allocation study would be approved by both Councils, given the function was administrative in nature. Ottinger stated that he approved the omission of the phrase “, *and such study shall be approved by the Council of both governments.*”. Referring to the last sentence, Bacque suggested that the cost allocation study amount or percentage be identified, inasmuch as, there would be a shared cost. With consensus from the Commission, Lalumia requested that the last sentence be changed to read as follows: “The cost allocations determined by that study, *including the cost of said study*, shall be used as the basis for billing the Parish for shared costs until such time as the next study is performed.”

●4-02. ORGANIZATION

Lewis stated that this section addressed the elimination of the departments, with the intent to provide each Administration with flexibility on how to structure their respective organizations.

Paragraph A: After discussion on the proper verbiage on the organization’s structure, Ottinger recommended that the first sentence in (A.) be changed to read to: *Within 30 days of commencement of the first term of office under this charter, the Mayor...*”

●CIVIL SERVICE SYSTEM

Lewis stated that he elected to include the Section on Civil Service, given the departmental function was so basic to government.

Paragraph A(3): Lewis noted that he listed the “*Members of the fire and police civil service system*” under A (3) as not being subject to the provisions of this section. Conque asked if the Commission should delineate between the Municipal Civil Service System and the Fire and Police Civil Service System. Lewis reminded that the Fire and Police Civil Service was considered a State Board. Lalumia suggested that the current number (3) be replaced with the following language: *(3) Any employee subject to other Civil Service Systems.*

Paragraph F: Lewis reminded that the existing Charter requested nominations from different entities. In the proposed City Charter, this was changed to allow three (3) appointments by the Council and two (2) by the employees. Conque asked if the new board makeup would abolish the current structure of the Municipal Civil Service Board and create a new board structure and Lewis responded affirmatively. However, Lewis noted that the change in the board would not impact the way the office currently operated. Walker asked who established the makeup of the existing board and Norma Dugas responded it was established by the previous Charter Commission. Walker expressed concern about the Council having three (3) direct appointments and supported an appointment by the mayor.

Lalumia questioned whether the employees appointed to the board would be from a pool of “classified” employees. Terry Huval pointed out that appointing active classified employees to the board could be problematic when considering an issue related to a fellow co-worker or supervisor. Walker referred to the existing charter whereby board nominees were recommended by the League of Women Voters and Southern University, and stated that these entities may have had appointments to maintain diversity on the board (allowing for a female and African America appointment). Huval concurred that an appointment should be designated a minority appointment. Ottinger confirmed that existing nominations for the employee representative were being submitted through the Chamber of Commerce, among a pool of retired employees. Conque suggested that the Council appointee be designated a minority position. After discussion and consensus among Commissioners, it was decided that:

- ▶ “No employee of the City-Parish government shall be eligible for appointment to the civil service board” as stated in the existing charter under Section 4-15 C(3).
- ▶ The appointments to the board would be changed as follow:
 - One appointed by the Mayor of the City of Lafayette;
 - One elected by the employees of the municipal civil service system who shall be a retired employee of a municipal civil service system;
 - Three appointed by the City Council, one of whom shall be selected from a list of three nominees submitted by the *President of the University of Louisiana at Lafayette*; one of whom shall be selected from a list of three nominees submitted by the *President of the Lafayette Bar Association*, and one of whom shall be a minority as selected by the *City Council*.
- ▶ The terms would remain as identified in the current Charter under Section 4-15C(4).

Conque asked if the existing LCG employees would become City employees and Ottinger responded affirmatively.

A motion was offered by Bourgeois, seconded by Castille **to identify a preliminary Charter amendment to include the following language within the Section on the “Civil Service System”:**

- ▶ **“No employee of the City-Parish government shall be eligible for appointment to the civil service board” as stated in the existing charter under Section 4-15 C(3).**

► **The appointments to the board would be changed as follow:**

- **One appointed by the Mayor of the City of Lafayette;**
- **One elected by the employees of the municipal civil service system who shall be a retired employee of a municipal civil service system;**
- **Three appointed by the City Council, one of whom shall be selected from a list of three nominees submitted by the President of the University of Louisiana at Lafayette; one of whom shall be selected from a list of three nominees submitted by the President of the Lafayette Bar Association, and one of whom shall be a minority as selected by the City Council.**

► **The terms would remain as identified in the current Charter under Section 4-15C(4), stating that “The first members shall be appointed for terms of one (1), two (2), three (3), four (4) and five (5) years as determined by the City Council. Thereafter appointments shall be for four (4) year terms.” and the vote was as follows:**

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

NAYS: None

ABSENT: Manuel, Oats, Miller

ABSTAIN: None

The motion was approved.

●5-01. FISCAL YEAR (under ARTICLE V. FINANCIAL PROCEDURES)

At the request of the Finance Director, the fiscal year was changed to November 1 to October 31, in lieu of the calendar year (January to December).

●5-02. OPERATING BUDGET PREPARATION AND ADOPTION

Dugas noted that provisions should allow sufficient time for the Finance Department to complete changes to budget, once the budget was adopted. Under (A), Lalumia recommended that the sentence beginning “The budget shall be finally adopted...” be changed to read: The budget shall be finally adopted “*no later than 30 days before the beginning of the fiscal year*”.

Lalumia suggested that the language under 5-03 (Part II) #4 be deleted. Bacque expressed concern regarding a property owner who did not maintain their property and were repeat offender. After no response by the property owner on cleaning the property, LCG would clean the property. He suggested that a threshold be established for taking legal action against these repeat violators. Lalumia suggested that a list be published that would identify the repeat offenders. Bacque stated that this issue be reviewed and addressed at a later date.

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

Lewis reiterated that the meeting of December 27 would be cancelled due to the holidays. The next meeting was scheduled for January 3, 2011.

AGENDA ITEM NO. 7: Adjourn

There being no further business, the meeting adjourned at 7:32 p.m.