

# LAFAYETTE CONSOLIDATION

HISTORY AND OPTIONS

# TOPICS TO BE DISCUSSED

How We Got Here

Is this Consolidation?

Options for the Future

## HOW WE GOT HERE

- Legal Landscape
- Other Prior Consolidations
- History of Lafayette's Consolidation Efforts

# HOW WE GOT HERE

## Legal Landscape

- Louisiana Constitution, Article 6, Section 5(D):
  - “Two or more local governmental subdivisions within the boundaries of one parish may adopt a home rule charter under this Section if approved by a majority of the electors in each affected governmental subdivision voting thereon in an election held for that purpose. The Legislature shall provide by law the method of appointment or election of a commission to prepare and propose a charter consistent with Paragraph (A) of this Section and the method by which the electors may petition for an election consistent with Paragraph (B) of this Section. However, at least one member of the commission shall be elected or appointed from each affected local governmental subdivision.”

# HOW WE GOT HERE

## Legal Landscape

- Consolidation legislation under Article 6, Section 5:
  - La. R.S. 33:1391 (1977, repealed 1990) -- authorized Lafayette Parish Police Jury to create Charter Commission
  - La. R.S. 33:1395 (1980) – general guidelines for creating charter commissions
  - La. R.S. 33:1393 (1990) -- Lafayette City-Parish Charter Commission – used for creation of charter that became first LCG charter in 1996
  - La. R.S. 33:1395.4 (2006) – clarified that amendments to existing charter can be done as specified in charter (without a charter commission)

# HOW WE GOT HERE

## Legal Landscape

- Basic Principles:
  - The Legislature decides how a charter is created
  - The Legislature decides how a charter commission is created
  - A proposed consolidated charter must be approved by at least a majority of electors in each affected local governmental subdivision
  - At least one member of the charter commission must be appointed from each affected local governmental subdivision

# HOW WE GOT HERE

## Other Prior Consolidations

- **Baton Rouge/East Baton Rouge Parish (1949)**
  - 1946 amendment to Louisiana Constitution (of 1929) to authorize creation of Baton Rouge City-Parish Charter Commission
  - Election in 1947 to consolidate functions of City and Parish government – took effect 1949
  - Election in 1982 to create single legislative body (Metropolitan Council) – took effect 1983

# HOW WE GOT HERE

## Other Prior Consolidations

- Houma/Terrebonne Parish (1984)
  - Utilized charter commission and enabling legislation of La. R.S. 33:1392
  - Original legislative body was a Parish Council consisting of 15 members
  - In 1995, Parish Council reduced to 9 members
  - Form and substance of Charter very similar to original 1996 LCG Charter



# HOW WE GOT HERE

## History of Lafayette's Consolidation Efforts

- City and Parish Government Pre-1972
  - City had a “Mayor-Trustee” form of government dating to 1914 home rule charter
  - Parish had a police jury form of government

# HOW WE GOT HERE

## History of Lafayette's Consolidation Efforts

- City and Parish Government 1972-1996
  - 1971 City election establishing new charter with “Mayor-Council” form of government with 5-member City Council – took effect 1972
  - 1982 Parish election establishing new charter with “President-Council” form of government with 7-member Parish Council – took effect 1984
  - 1990 legislation authorized creation of City-Parish Charter Commission and call of election by Parish Council only
  - 1992 – voters approved consolidated charter from City-Parish Charter Commission – “President-Council” form of government with 9-member City-Parish Council
  - 1996 – new consolidated Charter takes effect

# HOW WE GOT HERE

## History of Lafayette's Consolidation Efforts

- City and Parish Government 1996-2022
  - 2010 Charter Commission – recommended deconsolidation – failed in 2011 election
  - Several novel proposals considered but Commission could not agree:
    - Multiple-choice ballot
    - Single council with 5 City-only districts and 4 Parish-only districts
    - Mayor and Parish Manager as executive branch of government
    - Possibility of separate City Council and separate Parish Council
    - Different governance of LUS/LUS Fiber
  - 2013 Charter Commission proposed --- died without creation by Council

# HOW WE GOT HERE

## History of Lafayette's Consolidation Efforts

- City and Parish Government 1996-2022
  - 2016 Charter amendment – changed name of chief executive from “President” to “Mayor-President” and changed number of members of Zoning Commission
  - 2018 Charter amendment – divided legislative body of LCG into separate City Council and Parish Council – approved by voters December 8, 2018, took effect January 6, 2020
  - Mistakes in Council districts in 2018 Charter amendment – corrected districts adopted by Council but lawsuit filed challenging Council action – resolved by Louisiana Supreme Court July 2019 sustaining corrected districts

## IS THIS CONSOLIDATION?

“Consolidation” means combination or unification of a number of things into a single whole

To what extent does our charter carry this out?

## IS THIS CONSOLIDATION?

### “Governmental Functions” are Consolidated

- Clearly doesn't mean that governments are consolidated
- Some functions are exclusively Parish (courthouse), while some functions are exclusively City (police, fire, utilities)
- Apparent carryover from Houma/Terrebonne charter

## IS THIS CONSOLIDATION?

### City and Parish Still Both Exist as Legal Entities

- Necessary to allow exercise of exclusively City or exclusively Parish powers or services
- City retained power of annexation
- Apparent carryover from Houma/Terrebonne charter

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IS THIS CONSOLIDATION?

No Other Municipality Has Opted In

- 26 years to do so
- Was it ever seriously expected that this would happen?



# IS THIS CONSOLIDATION?

## Separate Legislative Bodies Since 2020

- Opposite direction from Baton Rouge and Houma/Terrebonne
- Objective and degree of success not clear

# IS THIS CONSOLIDATION?

## Where Is the Line?

- The allocation formula
  - Charge each of City and Parish with “fair share” of costs of government
  - According to what?

# IS THIS CONSOLIDATION?

## Where Is the Line?

- Requirement of joint legislative action
- Section 2-11(E) – according to which governing body has “legislative power” over the issue
  - If both, then joint action required
  - Joint action required on budget

# OPTIONS FOR THE FUTURE

## How Can This Charter be Amended?

- Charter Commission; or
- Amendment according to Charter:
  - 2/3 vote of both City Council and Parish Council for amendment
  - Favorable vote of:
    - Majority of City voters
    - Majority of Parish voters (including those in City)

# OPTIONS FOR THE FUTURE

## Proposals – Current and Historical

- 2013 Chamber of Commerce “Fair and Focused” Plan – similar to what 2010 Charter Commission considered
  - 5 City only districts and 4 Parish only districts
  - But what about the “joint action” issue?

## OPTIONS FOR THE FUTURE

# Proposals – Current and Historical

- Weighted votes on City issues
  - System in place in some other cities
  - Messy?

## OPTIONS FOR THE FUTURE

# Proposals – Current and Historical

- Separate chief executives
  - Easy for City-only departments
  - But what about joint departments?

## OPTIONS FOR THE FUTURE

# Proposals – Current and Historical

- Change governance of LUS and LUS Fiber
  - Weighted voting – previously discussed
  - Separate governing board



## OPTIONS FOR THE FUTURE

# Proposals – Current and Historical

- Change to elected police chief
  - Option under Lawrason Act – smaller cities
  - Litigation over budgetary and personnel issues

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Questions?