

**LAFAYETTE PARISH COUNCIL
CITY-PARISH ALIGNMENT (CPA) COMMISSION MEETING MINUTES**

Wednesday, March 23, 2022; 9:00 a.m.

Lafayette City-Parish Hall, 705 West University Avenue, Council Auditorium, Lafayette, Louisiana

Commission Members present: Joseph “Bobby” Richard (Chair – Parish District 3), Purvis Morrison (Vice Chair – Area Mayors appointee), Bryan Tabor (Parish Council), Nanette Cook (City Council), Charles “Buddy” Schilling, II (Parish District 1), Kevin Naquin (Parish District 2), Paul Eason (Parish District 4), and William Thiele (Parish District 5), Timothy Breaux (Mayor-President appointee)

Commission Members absent: N/A

Council staff members in attendance: Veronica L. Williams (Clerk of the Council) and Joseph Gordon-Wiltz (Assistant Clerk)

1. Call to order

CPA Commission Chair Bobby Richard called the meeting of the City-Parish Alignment (CPA) Commission to order at 9:03 a.m.

2. Invocation and Pledge of Allegiance

Chair Richard offered the invocation and called on Commissioner Bryan Tabor to lead the Pledge of Allegiance.

3. Chair Announcements

Chair Richard provided opening statements, welcoming everyone to the CPA Commission meeting. Commissioner Tabor reminded the Commissioners about their receipt of the LCG Budget Committee meeting minutes and asked Commissioner Nanette Cook to elaborate on her experience from having attended the meeting. Commissioner Cook indicated that she and other Council members in attendance left the meeting feeling very comfortable and with a better understanding of the budget allocation formulas utilized by the LCG administration within the applicable departments. She signaled that the Councils intend to draft a resolution prior to the budget process, which will indicate the Councils’ approval of the allocation formulas. Commissioner Will Thiele expressed his appreciation for the efforts of the Budget Committee.

4. “The LCG Charter & Legal Options”

Chair Richard recognized LCG Assistant City-Parish Attorney Mike Heber for opening statements on the LCG Charter and applicable legal options. Mr. Hebert provided his legal background, notably having served six (6) Lafayette administrations. In terms of the LCG Charter, he stated that he will offer discussions on how we got here, whether this form of government is actually consolidation, and options for the future. He explained the legal landscape, with basis on Article 6, Section 5(D) of the Louisiana Constitution, which provides for two (2) or more local government subdivisions within the boundaries of one (1) parish to consolidate. Mr. Heber reviewed state

legislation that authorized the Lafayette Police Jury to create a Charter Commission, general guidelines for creating Charter Commissions, the creation of the first LCG charter in 1996, and amendments to the existing Charter being permissible as specified within the Charter (without a Charter Commission). He further explained that the Legislature decides how a charter is created, how a charter commission is created, that a proposed consolidated charter must be approved by at least a majority of electors in each affected local government subdivision, and at least one (1) member of the charter commission must be appointed from each affected local governmental subdivision. Mr. Hebert covered other prior consolidations, to include Baton Rouge/East Baton Rouge Parish in 1949, which consolidated the functions of the City and the Parish governments, which initially had two (2) legislative bodies; however, these bodies were subsequently merged into one Metro Council. He also noted the Houma/Terrebonne Parish consolidation in 1984, which initially had a legislative body consisting of 15 members, but was reduced to 9 members in 1995. He added that the form and substance of the Houma/Terrebonne Charter is very similar to the original 1996 LCG Charter.

Regarding the history of Lafayette's Consolidation Efforts, Mr. Hebert explained that the City of Lafayette had a Mayor-Trustee form of government dating to the 1914 home rule charter. He added that in 1972, the City established a Mayor-Council form of government with a 5-member City Council. In 1984, the Parish established a new charter with a President-Council form of government with a 7-member Parish Council. In 1990, he said that legislation authorized the creation of the City-Parish Charter Commission and call of the election by the Parish Council only, which he noted was perfectly legal. In 1992, Mr. Hebert stated that voters approved the consolidated charter from City-Parish Charter Commission to form a President-Council form of government with a 9-member City-Parish Council, which took effect in 1996. He highlighted the creation of the 2010 Charter Commission, which recommended deconsolidation, but failed in a 2011 election. Mr. Hebert stated that several novel proposals were considered, but the Commission could not agree on multiple-choice ballot, single council with 5 City-only districts and 4-Parish-only districts, a Mayor and Parish Manager as the executive branch of government, the possibility of a separate City Council and a separate Parish Council, and different governance of LUS/LUS Fiber. There was subsequently a proposal for a 2013 Charter Commission, but this effort died without its creation by the Council. In 2016, Mr. Hebert noted that there was a minor Charter amendment that resulted in the changed name of the chief executive from "President" to "Mayor-President" and changed the number of members of the Zoning Commission. In 2018, he highlighted the Charter amendments that divided the legislative body of LCG into separate City Council and Parish Council, which was voter-approved. He noted some mistakes that were made within the 2018 amendments, which were corrected.

Mr. Hebert gave a definition of consolidation and questioned whether that definition describes the current structure of LCG. He noted that the Charter states that "government functions" are consolidated; however, this does not mean that the governments are consolidated and that some functions are exclusively Parish (such as the courthouse) and some functions are exclusively City (such as police, fire, and utilities). He highlighted that the City and the Parish both exist as separate legal entities, which is necessary to allow exercise of exclusively City or exclusively Parish powers or services. He noted that the City also retained its power of annexation. Mr. Hebert explained that no other municipality within the Parish opted into consolidation, but the municipalities were

allowed 26 years to do so. He questioned whether it was ever seriously expected that this would happen. Mr. Hebert stated that LCG has had separate legislative bodies since 2020, which went the opposite direction of what we see in Baton Rouge/East Baton Rouge and Houma/Terrebonne. He noted that the objective and degree of success of the current structure of government are not yet clear. In terms of how we decide what is consolidated and what is not, Mr. Hebert cited the allocation formula as an example (charging both the City and the Parish with “fair share” of governmental costs, without certainty as to what this is according to). Additionally, he cited the question of what would require joint legislative action, which is clarified by identifying which governing body has “legislative power” over the issue. He explained that if it is both bodies, then joint action is required. Further, he stated that joint action is required on the budget.

Regarding options for the future, Mr. Hebert posed the question of how the Charter can be amended, which he stated could be accomplished by a Charter Commission, amendment according to the Charter, which could be accomplished by a 2/3 vote of both the City and the Parish Councils, along with citizen petition. He gave an overview of current and historical proposals, citing the 2013 Chamber of Commerce “Fair and Focused” Plan, which was similar to what the 2010 Charter Commission considered. This would have proposed five (5) City only districts and four (4) Parish only districts, but did not contemplate the issue of “joint action.” He also explained the proposal of weighted votes on City issues, which is a system that is in place in other cities, but can be complicated. He provided information on a proposal for separate chief executives, which would be easy for City-only departments, but difficult for joint departments. Mr. Hebert also discussed a change in governance of LUS and LUS Fiber, also with weighted voting having been discussed, along with the idea of a separate governing board. He covered the proposal for a change to an elected police chief, which is an option under the Lawrason Act (in effect in many smaller cities), but comes with litigation over budgetary and personnel issues.

Mr. Hebert offered to answer any questions from the Commissioners. Commissioner Purvis Morrison raised the issue of an elected police chief and noted that a large complaint in many governments with an elected police chief is the tension between the mayor and the police chief. He gave distinctions between the merits of elected police chiefs and appointed police chiefs. Commissioner Tabor questioned whether the current structure of government is a “functional consolidation,” to which Mr. Hebert responded that some functions are clearly consolidated and agreed that this is a “hybrid functional consolidation,” as opined by Commissioner Tabor. Commissioner Cook questioned whether the City could place a measure on a ballot to City-only voters, to which Mr. Hebert responded in the affirmative. Commissioner Cook then questioned whether a ballot measure could be proposed to City-only voters as to whether they would like to have their own mayor, to which Mr. Hebert responded in the negative because the nature of this matter would be considered to be joint. Commissioner Cook discussed allocation formulas and questioned whether a reorganization within the current form of government could be accomplished without a Charter amendment, to which Mr. Hebert responded that the reason why a reorganization could be done without a Charter amendment is because there is a provision in the Charter for administrative reorganizations, pursuant to Section 4-17 of the Charter. He added that administrative reorganizations could be rejected by the Council(s), but there is a certain timeframe within which the Council(s) must act; however, when there is no action by the Council(s) within 60 days of submission by the administration, the proposed reorganization shall become effective.

Commissioner Thiele revisited the topic of reorganization and joint departments, then questioned whether we could put ourselves on a path to create Public Works for the City and Public Works for the Parish in anticipation of the implementation of separate City and Parish executives, to which Mr. Hebert responded in the affirmative and signaled the possibility of legal consequences. Commissioner Kevin Naquin explained that for a department such as Parks, Arts, Recreation & Culture (PARC), the Parish realized that the City was funding the Parish parks and the municipalities would be better suited to cover the operation of these assets. Commissioner Thiele echoed the idea of possibly differentiating duties of joint departmental employees' roles for Parish and City duties that could prepare for the possibility of separate executives, to which Mr. Hebert responded that this could theoretically be accomplished. Chair Richard questioned whether the Councils could require that the Mayor-President enact reorganizations, to which Mr. Hebert responded in the negative. Commissioner Thiele sought clarification on the City of Lafayette residents having "voted twice," to which Mr. Hebert responded that the count of the Parish was inclusive of the voters in the City. Commissioner Thiele questioned whether the Mayor-President position could be separately approved by the voters of the City of Lafayette, to which Mr. Hebert clarified from the Charter that the Mayor-President shall be approved by the votes of Lafayette Parish as a whole. Chair Richard recapped this matter to ensure understanding of the issue, to which Mr. Hebert explained that Commissioner Thiele's concern was whether the Mayor-President could be subject to having to be approved by a majority vote of the voters within the City of Lafayette as an added layer to ensure that the City of Lafayette residents agree on who their chief executive would be. Commissioner Cook questioned whether both Councils could present an idea for a reorganization in the form of a resolution, to which Mr. Hebert responded in the affirmative, but clarified that the Mayor-President would be under no obligation to implement such a proposed reorganization. Chair Richard stated that from a legal perspective, the possibilities are endless and that from an organizational perspective, reorganizations may produce a greater conflict. He sought clarification on the concept of weighted votes, to which Mr. Hebert explained that every Council member would have a vote that would count at varying weights based on the makeup of their constituents. Chair Richard questioned whether it is legally possible for the Charter to mandate that the Mayor-President would have to live within the City of Lafayette, to which Mr. Hebert responded that he would have to further research that, particularly because the position is elected Parish-wide.

CFO Lorrie Toups was recognized by Chair Richard to offer clarification that the Public Works Department is not split 80% City/20% Parish. She explained that the Public Works Department's budget is \$53.6 million, only \$5.8 million of which is allocated. She added that the Finance and Management Department is 100% allocated. Commissioner Thiele indicated his discomfort with the City of Lafayette not being able to have its own mayor because of the small amount of funds that have to be allocated. Commissioner Naquin noted that candidates from the City of Lafayette have typically been elected, as is the case with the incumbent Mayor-President. Commissioner Buddy Schilling recalled Council members indicating earlier in the meeting that they are not receiving calls from residents and questioned the reason for the formation of this Commission. He added that an elected police chief would be risky because citizens may not be familiar with that person's qualifications. Commissioner Thiele revisited Commissioner Naquin's comments and clarified that he would like the mayor for the City of Lafayette to be elected by City of Lafayette voters. Commissioner Cook offered comments suggesting that the Commissioners individually

answer the questions of the resolution because she feels as though the Commission could finalize its work.

5. Comments from the Public

No citizens signed in to address the Commission.

6. Discussion on Next Meeting Agenda and Forecasted Agenda

Chair Richard encouraged the Commissioners to complete their responses to the questions posed in the CPA Commission resolution so that the members of the Drafting Committee could compile the answers. Commissioner Thiele recommended reconvening the Commission meetings in May to allow time for the Commissioners to submit their responses to the Drafting Committee, who could then work on a rough draft of the compilation. The next meeting of the full Commission would, then, be on Wednesday, May 11, 2022. Chair Richard asked that all Commissioners e-mail their responses to the resolution questions by March 30, 2022.

7. Adjourn

Chair Richard declared the meeting adjourned at 11:18 a.m.