

MINUTES
HOME RULE CHARTER COMMISSION
September 29, 2015

The Home Rule Charter Commission met in regular session at 6:00 p.m. on Tuesday, September 29, 2015, at the Courthouse Annex in the Police Jury Meeting Room, New Roads, Louisiana.

The meeting was called to order and Administrative Assistant Linette Pascalin called roll.

PRESENT: Messrs. Jacques LaCour, Price Gay, Mrs. Gail Hurst, Messrs. Alden Andre, Jimmy Lyles, Albert Dukes, Cornell Dukes, Cletus Langlois, Richard Maciasz, Jeremy LaCombe and Albert Sneed.

ABSENT: None.

OTHER

PRESENT: Messrs. James Fairchild, Charles Morgan, Dannie Garrett, Kyle Olinde, Justin Cox, Glenn Ray Cline and Tommy Comeaux.

WELCOME

Juror Justin Cox welcomed everyone attending and thanked the commissioners for their interest in helping the Parish to flourish for generations to come. He explained the process of drawing the charter stating once the foundation of the setup is completed the next step is to capture the interest of the public.

Juror Cox acknowledged Attorney Dannie Garrett informing the commissioners of his role in organizing the charter. He further explained the commission has a \$5,000 budget to begin with and as time continues more funds will be appropriated. He also explained the reason for an alternate member.

INTRODUCTION OF MEMEBERS

Each member introduced themselves giving a brief biography.

ELECTION OF OFFICERS

Nominations opened for the appointment of Chairman/Chairperson.

Motion by Mr. Gay and seconded by Mr. Andre:

RESOLVED, That Mr. Jimmy Lyles be Chairman of the Home Rule Charter Commission.

Unanimously carried.

Motion by Mr. Sneed and seconded by Mr. Maciasz:

RESOLVED, That Mr. Cornell Dukes be Vice Chairman of the Home Rule Charter Commission.

Unanimously carried.

Motion by Mr. Gay and seconded by Mr. Andre:

RESOLVED, That the nominations be closed.

Unanimously carried.

The organizational meeting of the Home Rule Charter was adjourned. The Commission convened in regular session at 6:15 p.m.

PUBLIC COMMENTS

There were no public comments.

INTRODUCTION OF ATTORNEY DANNIE GARRETT

Attorney Dannie Garrett introduced himself and informed the commission of his experience with Home Rule Charter. He explained the commission will have 18 months to complete the charter and if the charter is not completed within this time frame it is resolved. If the charter is completed the Police Jury will have to publish it in the official journal.

He further explained the best way to begin the charter is to know what type of charter the commission wants and start researching and writing one (1) section at a time.

DISCUSSION OF MEETING FORMAT

Attorney Garrett reviewed a presentation outline explaining the facts of Home Rule Charter as follows:

- FACTS
 - 39 Police Juries
 - 4 of largest 15 parishes (Calcasieu 192K, Ouachita 153K, Rapides 131K, Bossier 116K)
 - 14 of the smallest 15
 - 25 Home Rule Charters
 - 11 of largest 15 and all of largest 5
 - 52nd populated parish (WF – 15K) is smallest HRC
 - 8 of 9 Saint parishes HRC (St. Helena)
 - Most recent HRC – West Feliciana (2012) & Natchitoches (2011)
 - Recent Attempts that Failed – St. Helena (2001) and Vermilion (2006)

- Both appear to have been appointed Commissions
 - Both failed and parishes still are under a Police Jury
 - Population Comparison
 - Pointe Coupee – 22,802
 - WBR 23,788 and St. James 22,102 – HRC
 - Assumption 23,421 and Union 22,721 - PJ
 - Pointe Coupee Neighbors: PJ – Avoyelles and Concordia; HRC – St. Landry, West Feliciana, Iberville, West Baton Rouge
 - HRC does not necessarily mean President/Council (Note Caddo is a HRC formed as a Commission)
 - Not all HRC are Consolidated Governments
 - EBR, Orleans, Lafayette, Terrebonne
 - All Consolidated Governments are HRC's
 - Terrebonne – absorbed Houma
 - EBR & Lafayette – combined major city and parish, but left other municipalities autonomous
 - Orleans - unique
- LAW
 - RS 33:1226, et seq – Powers of Police Jury
 - Article VI § 5 – Provides for HRC
 - Article VI § 6 – Provides limit on Legislative Authority over HRC
 - Article VI § 7 – Provides for HRC powers without HRC
 - RS 33:1395, et seq – Statutes re: HRC
- COMPARE/CONTRAST PJ & HRC
 - General Authority to Act (HRC) vs Limited Authority to Act
 - Jeff Davis example
 - Bath Salts example
 - Legal representation
 - DA as statutory legal advisor - RS 16:2, 42:261 & 42:263
 - Ouachita, Morehouse, Calcasieu, Vermilion (exempt)
 - HRC (or Art. V § 7 election) exempts from RS 16:2, et seq
 - Some HRC's still use DA – Ex: Ascension, St. Mary, WF
 - Administration
 - President/Council provides for a traditional Executive/Legislative branch set-up, more like a municipality
 - Centralized day-to-day operations
 - Parish Manager/Administrator – Not elected
 - HRC tends to be Department Head Oriented
 - HRC Council is Less Involved in Operational Decisions

- Ordinances
 - Budget Issues
 - HRC Does Pose Executive vs. Legislative Conflicts
 - This can be a positive check & balance
 - This can be a negative – controversy
 - Cost
 - Parish President can result in some increased costs
 - HRC can often be a more efficient form of government in the long run
- PROCESS
 - Establish HRC Commission
 - By action of the Police Jury
 - Appointed – Can be members of the Police Jury
 - Elected
 - By Petition – Must be by election: Election may not be held less than 120 days after submission of petition
 - 7 – 13 members – Number and qualifications to be set by the Police Jury (AGO 86-291)
 - Section 5 Pre-clearance Required
 - Action of the HRC Commission
 - 18 Months to Propose A Charter
 - Terms end on sooner of adoption or rejection of charter or 18 months
 - Public body that must comply with Open Meetings, Public Records and Ethics
 - Proposed Charter
 - Submit to Police Jury
 - NO CHANGES
 - Publish FULL TEXT in the Official Journal
 - Election
 - Next Regular Election (at least 60 days after publication)
 - Redistricting (if # of members changes)
- TRANSITION
 - Effective Date of Charter
 - Status of Existing Police Jurors
 - HRC may cut PJ terms short – abolish the office of PJ
 - HRC may reduce number
 - Most HRC establish the next regular election cycle as effective date
 - Election of Parish President (if President / Council created)

- Section 5 Pre-clearance – No longer Applicable (*Shelby County v. Holder*)

SELECT MEETING DATE

Chairman Jimmy Lyles inquired with Attorney Garrett as to how many meeting should be conducted within the 18 months. Attorney Garrett recommended the commission consider establishing three (3) subcommittees for the following: President, Council and Administration. Have the subcommittees report to the Commission twice a month. After discussion the following resolution was offered:

Motion by Mr. Langlois and seconded by Mr. Gay:

RESOLVED, That the Home Rule Charter Commission meetings be held on Monday's at 5:00 p.m. in the Police Jury Meeting Room; and be it

RESOLVED further, The 1st meeting be Monday, October 12, 2015 and all meetings last no longer than 1½ hours.

Unanimously carried.

BEGIN WRITING OF CHARTER

No action taken.

OPEN DISCUSSION

Mr. Jeremy LaCombe inquired about the process in reducing the amount of jurors. Attorney Garrett recommended hiring a professional to draw the plan for the appropriate boundaries.

Attorney Garrett stressed the ultimate decision at this time is to determine which form of council to change to.

Mr. Cletus Langlois recommended all commissioners refer to www.municode.com and review all the different charters.

Attorney Garrett reminded the commission they are a public body and operate under the open meeting law. He cautioned them in avoiding a quorum of six (6) or more outside of a public meeting.

During discussion Attorney Garrett recommended once a draft of the charter is written, have town meetings in the different municipalities.

Vice Chairman Cornell Dukes recommended the secretary email a list of the different charters and municode information to all commissioners.

September 29, 2015

6

Administrative Assistant Linette Pascalin informed the commission part of the budget is to pay secretary and attorney fees. She explained the different fees for the secretary. After discussion the following resolution was offered:

Motion by Mr. Langlois and seconded by Mr. A. Dukes:

RESOLVED, That the secretary fee be \$200 per meeting.

Unanimously carried.

The commission inquired with Attorney Garrett on his fees, the following resolution was offered:

Motion by Mr. C. Dukes and seconded by Mr. Langlois:

RESOLVED, That Attorney Dannie Garrett's fee be \$175 per hour.

Unanimously carried.

ADJOURNMENT

Motion by Mr. A. Dukes and seconded by Mr. Langlois, the meeting adjourned at 7:25 p.m.

JIMMY LYLES, CHAIRMAN