

TUESDAY, AUGUST 23, 2016
MATHEWS, LOUISIANA

STATE OF LOUISIANA
PARISH LAFOURCHE

A SPECIAL MEETING OF THE LAFOURCHE PARISH COUNCIL, PARISH OF LAFOURCHE, STATE OF LOUISIANA, WAS SCHEDULED FOR TUESDAY, AUGUST 23, 2016 AT 4:00 P.M., HELD AT THE MATHEWS GOVERNMENT COMPLEX, 4876 HIGHWAY 1, MATHEWS, LOUISIANA.

The Lafourche Parish Council was duly convened as the Governing Authority of said Parish by Mr. Jerry LaFont, Chairman, who then stated that the Lafourche Parish Council was ready for the transaction of business at 4:00 p.m.

Proceedings of the meeting were called to order with the following:

PRESENT:	Mr. Jerry Jones – Vice Chairman	Mr. Corey Perrillioux
	Ms. Luci Sposito	Mr. Armand “Noonie” Autin
	Mr. Michael Gros	Mr. Jerry LaFont - Chairman
	Mr. Aaron “Bo” Melvin	Mr. Daniel Lorraine
	Mr. James H. Bourgeois	Mr. James B. Cantrelle, Parish President

ABSENT: None

Chairman LaFont *announced* that the **invocation** would be led by Mr. Gros. The Council then recited the **Pledge of Allegiance** led by Mr. Autin.

OVERRIDE VETOED ORDINANCE

[4:07:15 PM](#) The first item (1) was the following **Ordinance** was **vetoed** by Parish President Cantrelle on August 15, 2016: (SIX (6) VOTES ARE NEEDED TO OVERRIDE THE VETO)

ORDINANCE NO. 5783

AN ORDINANCE AMENDING ORDINANCE NO. 5732 AND AMENDING AND RE-ENACTING SECTION 2:66 OF CHAPTER 2 OF THE LAFOURCHE PARISH CODE OF ORDINANCES AS IT PERTAINS TO PARISH EXECUTIVE DEPARTMENTS HEREBY ESTABLISHING THAT ALL DEPARTMENTS WITHIN THE EXECUTIVE BRANCH AS WELL AS ITS RESPECTIVE DEPARTMENT HEADS AND DIRECTORS SHALL BE FULL-TIME POSITIONS AND TO FURTHER ESTABLISH THAT NO DEPARTMENT HEADS, DIRECTORS OR DEPUTY DIRECTORS SHALL BE APPOINTED TO MORE THAN ONE FULL-TIME POSITION AT ANY GIVEN TIME WITHIN THE EXECUTIVE BRANCH. (J. JONES)

Mr. Jones relinquished time to District Attorney Cam Morvant. Chairman LaFont recognized District Attorney Cam Morvant and Assistant District Attorney Lisa Orgeron in the audience.

Mr. Cam Morvant, District Attorney, said, "Thank y'all for allowing me to come here and address you tonight. I did a *Supplement on this issue* that you are getting ready to vote on regarding the overriding the veto of the Parish President. I issued an Opinion on this on August 2, 2016 of this month. After talking with some of you and kind of getting some information about what occurred at the meeting I felt it was *necessary for me to issue a supplemental* report to clarify because I do believe maybe there was some misunderstanding about what my August 2nd report actually said. So, what I've done is, if I can, I'll just pass them out over here, try to clarify the issue. It's basically an issue I have discussed with various Council Members for the past 14 years. I think y'all are at least the fourth maybe the fifth group we represent. It just deals with the *separation of powers* as for as the separation of the branches and the issue that was before you when you voted on it back when, was to basically pass an ordinance that the Parish President could not appoint someone, one person, to represent two departments and also require the department heads to be full time. Those are issues that are *Administrative issues*. The Parish President has sole authority in the Parish Charter to deal with and I guess the best example I can give to you would be that Ms. Carleen is the Council Clerk. Ms. Carleen is hired by this group, by the Council. The Parish President cannot set her hours. The Parish President can't say whether she will be full time or part time. She is *your employee*. The Parish President cannot dismiss her from her job only you can do that. The Charter is clear that once this Council approves a department head under the convictions and circumstances that are given to you to vote on, then that person is a department head. It's under those conditions and that person can only be removed by going back to the Charter and the Charter sets forth removal with the department heads. Now, I don't want to get into that too much because that's not necessarily what this particular part of the meeting is about although it does cover it a bit. Obviously, I don't want to *stray from the agenda* that we are here for on this special meeting tonight. The agenda is just whether or not you are going to override the veto. I would ask you not to do that. I'm going to tell you why I would ask you to do it. I don't come before y'all very often. As I thought I had clearly set out in the August 2, 2016 Opinion, the Parish President is the only one that has the authority regarding the particular issues that y'all have here with this tonight to override this veto. The Parish President does. So, I will be quite candid with you. Even if you *overrode his veto* nothing is going to change. You can't vote to do something contrary to what the Charter is. We can't do that. For those of you who know me well, when I come here I always will say is there any questions or did I miss anything in my opinion. In other words, if there is a portion of the Charter when we issued this opinion on August 2nd asking you not to do this, if there is a part of the Charter that I missed then I'd like somebody to point it out to me tonight so we can clarify it and maybe you can go on with your vote. *I can't find it*. I can't find anywhere in the Charter where this Council has the authority to tell the Parish President that the department head has to be full time or that one person cannot be in charge of two departments and actually y'all are the ones who voted on it when it got that way. So, the way it works is this. I would suggest to you if it is a concern of the Council whether or not a department head is full time or part time, the next time a person or an individual is put up to be a department head *ask that question* and if the Parish President says they are not going to be full time and as a Council you want them full time, guess what don't approve them. There's checks and balances all the way through this Charter if you really read it carefully. There really is. It's been on my desk since I've been elected D.A. It is a great document. It really is. It works if you allow it to work. So, *y'all have authority*. Your authority is on the front end. You say okay, is this person going to be full time and the President says no they are not then as a Council if you want the department head full time you don't approve that person. If the Parish President comes

here and says I'm going to put somebody in charge of Public Works and Finance. If you say as a Council Mr. President we do not want you to put one person in charge of two departments then guess what you do, you *don't approve that person*. It's kind of like contracts. I used to have some Councilmen years ago that would tell me the Parish President in Lafourche has way too much authority. They deal with contracts and do this and do that. My response always was the only time they can deal with a contract is when you give them the *authority to do it*. The Parish President can't sign a contract unless the Council gives him authority. So, you can't give them the authority and get mad at them after the way the contract's going because you are the one who gave them the authority to sign it. Council has their own authority. You have your authority and the Parish President has the authority and it's all delineated in the Home Rule Charter which like I said if you *really look at it and read it*, it works. It has worked over the years since it was amended, I think, in 2005 when the Commission came and we redid a bunch of stuff on it and it has worked and it is a good document. So, with that being said, I am going to ask you not to override the veto. Obviously I never come here and tell you that you are not necessarily breaking the law if you did it but I want to remind you, you are the lawmaking body in the Parish. If you make laws that pertain to other people like if you set a speed limit on a parish road at 25 and somebody says I don't feel like doing that and I'm going to do 50 they will pay the price for it. So, if you are the ones passing the laws I would just ask you to *follow your own laws* and it's in the Charter that you don't have authority to dictate to the Parish President that particular issue. That should have been done on the front end. Now, any questions. I'll be happy to see if I can answer them."

Mr. Jones stated, "Mr. Morvant, in reference to appointing department heads, if we ask the question will they be holding two positions or one position and we get the answer no, one position, and after we appoint him he comes back and they give him authority over another department. *Is that legal?*"

Mr. Cam Morvant, District Attorney stated, "Well, it would not be, so I would hope I mean I understand the question and it's a hypothetical. I know as lawyers we deal with hypothetical questions all the time. I would hope if a Parish President stood up in front of you and said I'm only going to put this *person in charge of one department* then he does and I will tell you another reason why it would not work because you would not be approving that person to be head of another department. So, in other words, if the Parish President comes and says I'm appointing Mr. LaFont in charge of Public Works."

Chairman LaFont said, "I pass."

Mr. Cam Morvant, District Attorney stated, "I don't blame you. Let's say he does that. He could not come back and say to himself later on or whatever without coming back before you saying I'm also putting him in charge of Human Resources. He would still have to *come back to you*. So, at that point, right back to what I am saying the Charter works. You say wait a minute we've approved and ratified him for one position now you are trying to put him in another one and we are not going to do that or you can say okay we'll let him do it. Do you follow what I am saying? So you have a part. The Parish President is *not cutting y'all out* on this thing. You have authority to stop that. So, if he comes and tells you it's for one department that's what it is and he can't do it on another one unless he comes back to you."

Chairman LaFont said, "You mentioned part time. Are department heads part time now?"

Mr. Cam Morvant, District Attorney, stated, "You know Jerry, the Federal Government I know regulates that for like insurance purposes and things of that nature. I don't really know the definition and I don't know if a lot of people could give you the definition of full time and part time. I think the *Federal Government is 30 hours* or something of that nature for the insurance purposes or 25 or whatever it is. I don't know. I am not an expert on that but to me full time is this. Full time is when the doors open you are there and when the door's closing you are leaving. That to me is full time. Anything

less than that to me would be part time. That's just *my definition* of it. I'm not saying that's the legal definition. You know, the building's open and you are a department head but again that is up to the Parish President. You can also request job duties and job duties would include when they are at work and what they are doing. If you are going to do that if the Parish President puts someone up for a department head you can ask him can you *give us the written job description* which should include the hours that person is working and he has on there the person works from 8-12 then that's what the meetings are for. You ask him questions about that." *See Exhibit "A"*.

Chairman LaFont said, "Thank you we appreciate you so much."

Mr. Cam Morvant, District Attorney, said, "*Thank y'all for the time.*"

Mr. Jones stated, "At this time Mr. Chairman I would like to pull that item."

Mr. Jones *pulled* this item.

PULLED

ADJOURNMENT

On **motion** by Mr. Perrillioux and seconded by Mr. Gros, and with no further business, the Lafourche Parish Council Meeting of August 23, 2016 *adjourned* at 4:14 p.m.

JERRY LAFONT, CHAIRMAN
CARLEEN B. BABIN, COUNCIL CLERK

PATRICIA GHERE, MINUTE CLERK
LAFOURCHE PARISH COUNCIL

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District Attorney

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Parish of Lafourche

Child Support Office:
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August 23, 2016

Lafourche Parish Council

RE: District Attorney Opinion No. 16-023

Dear Council Members:

Based upon the inclusion of the item contained on the Special Meeting Agenda dated Tuesday, August 23, 2016, it appears as though there is some confusion regarding the content of the above referenced opinion. The effect of the language contained within the proposed amendment of Section 2:66 that was approved by the Council at the last meeting goes beyond the legislative powers conferred by the Lafourche Parish Home Rule Charter. As explained in Opinion No. 16-023, although the Charter grants the Council some authority over the creation of departments and gives them sole authority to approve the appointment and the salaries of department heads, the Charter does not give the Council authority to supervise or otherwise direct the day to day duties of department heads. Setting the work hours of department heads comes under the purview of the Parish President as does the assignment of job duties. The Council is entitled to ask at the time of appointment questions regarding work hours, job duties etc. and if the Council is not satisfied with the answer(s), the Council does not have to approve the appointment. Likewise, if the Council is not satisfied with the performance of department heads, the Charter grants them the authority to remove the department head by a vote of seven (7) members. I hope this clears up any confusion you all may have had.

Sincerely,

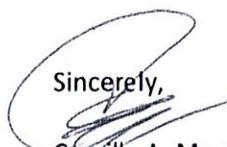

Camille A. Morvant, II
District Attorney



Exhibit "A"