

February 29, 2012

NEW IBERIA, LOUISIANA

IBERIA PARISH COUNCIL

The Parish Council of Iberia Parish, Louisiana met in Special Session in the Parish Council Chambers, Main Courthouse Building, New Iberia, Louisiana, on Wednesday, February 29, 2012.

The following members were recorded PRESENT:

Thomas J. Landry, Troy Comeaux, Bernard E. Broussard, David Ditch, Glenn Romero, Roger Duncan, Jerome Fitch, Aquicline Rener-Arnold, Marty Trahan, and D. Wayne Romero.

ABSENT: Maggie F. Daniels, Curtis Boudoin, Lloyd Brown, and Ricky Gonsoulin.

OTHERS IN ATTENDANCE: Errol "Romo" Romero, Parish President  
Joel Dugas, Chief Administrative Officer  
Charles Rader, Permits, Planning and  
Zoning Director  
Peggy Miguez, Human Resources Director  
Michael Moity, Attorney

The Parish Council of the Parish of Iberia, State of Louisiana, was duly convened as the Governing Authority of the Parish of Iberia by Mr. Bernard E. Broussard, its Chairman, who announced that the Council was now ready to conduct its business.

A motion was made by Mr. Glenn Romero, seconded by Mr. Jerome Fitch, that the Iberia Parish Council does hereby recess its Special Session and convene into Committee meetings.

This motion to go into Committee Meetings, having been submitted to a vote, the vote thereon was as follows:

YEAS: Thomas J. Landry, Troy Comeaux, Bernard E. Broussard, David Ditch, Glenn Romero, Roger Duncan, Jerome W. Fitch, Aquicline Rener-Arnold, Marty Trahan and D. Wayne Romero.

NAYS: None.

ABSENT: Maggie F. Daniels, Curtis Boudoin, Lloyd Brown, and Ricky Gonsoulin.

And the motion to go into Committee Meetings was adopted this 29th day of February, 2012.

A motion was made by Mr. Troy Comeaux, seconded by Mr. Glenn Romero, that the Iberia Parish Council does hereby recess its Committee Meetings and reconvene in Special Session.

This motion to reconvene Regular Session having been submitted to a vote, the vote thereon was as follows:

YEAS: Thomas J. Landry, Troy Comeaux, Bernard E. Broussard, David Ditch, Glenn Romero, Roger Duncan, Jerome W. Fitch, Aquicline Rener-Arnold, Marty Trahan and D. Wayne Romero.

NAYS: None.

ABSENT: Maggie F. Daniels, Curtis Boudoin, Lloyd Brown, and Ricky Gonsoulin.

And the motion was declared adopted this 29th day of February, 2012.

A motion was made by Mr. Thomas J. Landry, seconded by Mr. Wayne Romero, that the Iberia Parish Council does hereby recess its Special Session and convene as a Public Hearing to obtain public comments regarding Resolutions being considered for final adoption.

This motion having been submitted to a vote, the vote thereon was as follows:

YEAS: Thomas J. Landry, Troy Comeaux, Bernard E. Broussard, David Ditch, Glenn Romero, Roger Duncan, Jerome W. Fitch, Aquicline Rener-Arnold, Marty Trahan and D. Wayne Romero.

NAYS: None.

ABSENT: Maggie F. Daniels, Curtis Boudoin, Lloyd Brown, and Ricky Gonsoulin.

And the motion was declared adopted this 29th day of February, 2012.

After hearing no comments, the Chairman requested a motion to adjourn the Public Hearing and to reconvene into Special Session.

A motion was made by Mr. Troy Comeaux, seconded by Mr. Thomas J. Landry, that the Iberia Parish Council does hereby adjourn its Public Hearing and reconvene into Special Session.

This motion having been submitted to a vote, the vote thereon was as follows:

YEAS: Thomas J. Landry, Troy Comeaux, Bernard E. Broussard, David Ditch, Glenn Romero, Roger Duncan, Jerome W. Fitch, Aquicline Rener-Arnold, Marty Trahan and D. Wayne Romero.

NAYS: None.

ABSENT: Maggie F. Daniels, Curtis Boudoin, Lloyd Brown, and Ricky Gonsoulin.

And the motion was declared adopted this 29th day of February, 2012.

A motion was made by Mr. Roger Duncan, seconded by Mr. Troy Comeaux, that the following be adopted:

RESOLUTION NO. 2012-68

A RESOLUTION DIRECTING THE IBERIA PARISH COUNCIL CHAIRMAN TO NOTIFY ALL CONTACTED AGENCIES<sup>1</sup> THAT THE IBERIA PARISH COUNCIL EXPRESSES ITS OPPOSITION TO THE SUBMISSION OF A COMPLAINT BY THE IBERIA PARISH PRESIDENT DATED FEBRUARY 24, 2012 REGARDING VARIOUS ALLEGATIONS INVOLVING THE 16<sup>TH</sup> JUDICIAL DISTRICT ATTORNEY'S OFFICE AS SAID COMPLAINT WAS NOT SUBMITTED ON BEHALF OF IBERIA PARISH GOVERNMENT (SECTION 1-02. OF THE HOME RULE CHARTER), BUT INSTEAD SOLELY BY THE PARISH PRESIDENT.

WHEREAS, the Iberia Parish Home Charter was adopted and approved by the voters of Iberia Parish in a special election held on March 26, 1983; and

WHEREAS, amendments were approved by the voters of Iberia Parish in a special election held on July 20, 1996; and

WHEREAS, Section 1-02. (Form of Government) of the Home Rule Charter provides that the plan of government provided by this charter shall be known as the "president-council" form of government; and

WHEREAS, Section 1-02. of the Home Rule Charter states that said government shall consist of an elected Council, which is the Iberia Parish Council and shall constitute the Legislative Branch, and an elected President, which is the Parish President and shall constitute the Executive Branch; and

WHEREAS, Section 1-02. of the Home Rule Charter provides that the official name of this form of government shall be the Iberia Parish Government; and

WHEREAS, Iberia Parish has utilized a mother pelican with babies in a nest surrounded by the words "Iberia Parish Government Louisiana" as a means of identifying said form of government in various formats, including but not limited to items pertaining to Iberia Parish Government, such as letterhead, the official map, decals for parish vehicles, the Parish's website, etc.;

WHEREAS, on February 24, 2012, the Iberia Parish President submitted a complaint making various allegations involving the 16th Judicial District Attorney and his office operations to various agencies, including (a) the Office of Disciplinary Council, (b) the Louisiana Board of Ethics, (c) the Chief Justice of the Louisiana Supreme Court, (d) the Office of the Inspector General of Louisiana, and (e) the Louisiana Attorney General; and

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<sup>1</sup>Agencies include: (a) Office of Disciplinary Council, (b) Louisiana Board of Ethics, (c) Chief Justice of the Louisiana Supreme Court, (d) Office of the Inspector General of Louisiana, and (e) Louisiana Attorney General

WHEREAS, the Iberia Parish Council was never approached and/or advised by the Parish President of his intent to submit these allegations on behalf of Iberia Parish Government and no request was made by the Parish President to bring said allegations to the attention of the Iberia Parish Council; and

WHEREAS, said complaint was presented in a booklet format containing a cover entitled "State of Louisiana, Parish of Iberia, Office of the Iberia Parish President, Honorable Errol "Romo" Romero, along with the logo of Iberia Parish Government, which gives the intended recipients the impression that said complaint is an official document supported by both branches of the Iberia Parish Government; and

WHEREAS, the Iberia Parish Council feels the need to advise the contacted agencies that said complaint was not submitted on behalf of **Iberia Parish Government**, but instead solely by the Parish President.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby direct the Iberia Parish Council to notify all contacted agencies, including (a) the Office of Disciplinary Council, (b) the Louisiana Board of Ethics, (c) the Chief Justice of the Louisiana Supreme Court, (d) the Office of the Inspector General of Louisiana, and (e) the Louisiana Attorney General, that the Iberia Parish Council expresses its opposition to the submission of a complaint by the Iberia Parish President dated February 24 2012 regarding various allegations involving the 16th Judicial District Attorney's Office.

BE IT FURTHER RESOLVED, that the Iberia Parish Council does hereby advise that said complaint was not submitted on behalf of the Iberia Parish Government, as defined in Section 1-02. of the Home Rule Charter, which is hereby attached and made a part of this Resolution.

BE IT FINALLY RESOLVED, that this Resolution shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Section 2-13 of the Iberia Parish Home Rule Charter.

This Resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Thomas J. Landry, Troy Comeaux, Bernard E. Broussard, David Ditch, Glenn Romero, Roger Duncan, Jerome Fitch, Aquicline Rener-Arnold, Marty Trahan and D. Wayne Romero.

NAYS: None.

ABSENT: Maggie F. Daniels, Curtis Boudoin, Lloyd Brown and Ricky Gonsoulin.

And the Resolution was declared adopted this 29th day of February, 2012.

A motion was made by Mr. Glenn Romero, seconded by Mr. Roger Duncan, that the following be adopted as amended by recommendation of the Executive Committee, as follows:

RESOLUTION NO. 2012-69

A RESOLUTION AUTHORIZING THE IBERIA PARISH COUNCIL CHAIRMAN TO OBTAIN A RULING FROM ALL NECESSARY AND APPROPRIATE AGENCIES REGARDING THE DISTRICT ATTORNEY'S ABILITY TO PROVIDE LEGAL SERVICES TO THE PARISH COUNCIL AND ITS BOARDS AND COMMISSIONS FOLLOWING THE SUBMISSION OF AN OFFICIAL COMPLAINT AGAINST THE DISTRICT ATTORNEY'S OFFICE BY THE IBERIA PARISH PRESIDENT.

WHEREAS, the Iberia Parish Home Charter was adopted and approved by the voters of Iberia Parish in a special election held on March 26, 1983 and amended on July 20, 1996; and

WHEREAS, Section 9-01 of the Home Rule Charter provides that the District Attorney of the judicial district serving Iberia Parish shall serve as the legal advisor to the Parish Council, Parish President and all Parish departments, offices and agencies; and

WHEREAS, said Section 9-01 of the Home Rule Charter further provides that when the District Attorney, on its own motion or in response to submitted inquiry, determines that a conflict of interest exists on any given matter with regards to his representation of Parish government, he shall immediately notify the Parish Council of the same; and

WHEREAS, the Iberia Parish Council Chairman has received a letter dated February 28, 2012 from the Honorable J. Phil Haney, 16th Judicial District Attorney, advising that a conflict of interest may exist in his representation of Parish government and advising that his office will obtain a ruling on potential questions under the Rules of Professional Conduct regarding the District Attorney's ability to provide legal services to the Parish Council and its Boards and Commission; and

WHEREAS, serious concerns have been raised regarding not only the economic impact this may have on Iberia Parish Government and its various Boards and Commission, but also the effects this may have on the day to day operations of Parish Government and its agencies.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby authorize the Iberia Parish Council Chairman to obtain a ruling from all necessary and appropriate agencies regarding the 16<sup>th</sup> Judicial District Attorney's ability to provide legal services to the Parish Council and its Boards and Commissions.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be forwarded to the Parish's Boards and Commissions for their information and support.

BE IT FINALLY RESOLVED, that this Resolution shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Section 2-13 of the Iberia Parish Home Rule Charter.

This Resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Thomas J. Landry, Troy Comeaux, Bernard E. Broussard, David Ditch, Glenn Romero, Roger Duncan, Jerome Fitch, Aquicline Rener-Arnold, Marty Trahan and D. Wayne Romero.

NAYS: None.

ABSENT: Maggie F. Daniels, Curtis Boudoin, Lloyd Brown and Ricky Gonsoulin.

And the Resolution was declared adopted this 29th day of February, 2012.

A motion was made by Mr. Jerome Fitch, seconded by Mr. Thomas J. Landry, that the following be adopted:

RESOLUTION NO. 2012-70

A RESOLUTION EXPRESSING SUPPORT OF THE SERVICES OF THE 16TH JUDICIAL DISTRICT ATTORNEY'S OFFICE AND STAFF TO IBERIA PARISH GOVERNMENT AND THE CITIZENS OF IBERIA PARISH.

WHEREAS, Section 9-01 of the Home Rule Charter provides that the District Attorney of the judicial district serving Iberia Parish shall serve as the legal advisor to the Parish Council, Parish President and all Parish departments, offices and agencies; and

WHEREAS, 16th Judicial District Attorney's Office and Staff provide assistance and guidance to the Iberia Parish Government and its many boards, commissions and agencies for many, many years; and

WHEREAS, the 16<sup>th</sup> Judicial District Attorney's Office has further provides assistance and service to the citizens of Iberia Parish through the prosecution of criminal activities, assistance with collections of child support, assistance to businesses with collections of checks with insufficient funds, victim assistance programs, juvenile assistance programs and many other necessary services which provide a safe environment for the citizens of our Parish.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby express its support of the services of the 16th Judicial District Attorney's Office and Staff to Iberia Parish Government and the citizens of Iberia Parish.

BE IT FINALLY RESOLVED, that this Resolution shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Sections 2-11(C) and 2-13 of the Iberia Parish Home Rule Charter.

A motion was made by Mr. Roger Duncan, seconded by Mr. Thomas J. Landry, that the call for the question for the motion on the floor.

This motion to call the question having been submitted to a vote, the vote thereon was as follows:

YEAS: Thomas J. Landry, Troy Comeaux, Bernard E. Broussard, David Ditch, Glenn Romero, Roger Duncan, Jerome Fitch, Aquicline Rener-Arnold, Marty Trahan and D. Wayne Romero.

NAYS: None.

ABSENT: Maggie F. Daniels, Curtis Boudoin, Lloyd Brown and Ricky Gonsoulin.

And the motion to call the question was declared adopted this 29th day of February, 2012.

This Resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Thomas J. Landry, Troy Comeaux, Bernard E. Broussard, David Ditch, Glenn Romero, Roger Duncan, Jerome Fitch, Aquicline Rener-Arnold, Marty Trahan and D. Wayne Romero.

NAYS: None.

ABSENT: Maggie F. Daniels, Curtis Boudoin, Lloyd Brown and Ricky Gonsoulin.

And the Resolution was declared adopted this 29th day of February, 2012.

A motion was made by Mr. Bernard E. Broussard, seconded by Mr. Roger Duncan, that the Iberia Parish Council does hereby adopt Resolution Summary No. 71, which is a Resolution directing the Iberia Parish Council Chairman to request the 16th Judicial District Attorney's Office to provide recommendations for the employment of independent Special Counsel in accordance with Sections 9-01 and 9-02 of the Home Rule Charter, to perform an investigation in accordance with Section 2-08 Investigations, into the allegations filed in a complaint by the Iberia Parish President, which have been sent to various agencies.

The Council Clerk explained that there was a misunderstanding regarding the wording on this agenda item and clarified the requested item, requesting a substitute motion by the Council.

A substitute motion was made by Mr. Bernard E. Broussard, seconded by Mr. Roger Duncan, that the Iberia Parish Council does hereby adopt Resolution Summary No. 71, which is a Resolution directing the Iberia Parish Council Chairman to hire independent Legal Counsel in accordance with Sections 9-01. (Legal Services) and 9-02. (Special Counsel) of the Home Rule Charter, to perform an investigation into the allegations filed in a complaint by the Iberia Parish President, which has been sent to various agencies, and all in accordance with Section 2-08. (Investigations) of the Home Rule Charter and further authorizing notification of such action to the 16th Judicial District Attorney's Office.

A motion was made by Mr. Bernard E. Broussard, seconded by Mr. D. Wayne Romero, that the Iberia Parish Council does hereby defer action regarding Resolution Summary No. 71, as stated in the above substitute motion, until the next Regular Meeting of the Council to be held on March 7, 2012.

This motion to defer having been submitted to a vote, the vote thereon was as follows:

YEAS: Thomas J. Landry, Troy Comeaux, Bernard E. Broussard, David Ditch, Glenn Romero, Roger Duncan, Jerome Fitch, Aquicline Rener-Arnold, Marty Trahan and D. Wayne Romero.

NAYS: None.

ABSENT: Maggie F. Daniels, Curtis Boudoin, Lloyd Brown and Ricky Gonsoulin.

And the motion to defer was declared adopted this 29<sup>th</sup> day of February, 2012.

A motion was made by Mr. Bernard E. Broussard, seconded by Mr. Roger Duncan, that the following be adopted:

RESOLUTION NO. 2012-72

A RESOLUTION DIRECTING THE PARISH ADMINISTRATION TO PROVIDE THE NEEDED INFORMATION TO THE LOUISIANA POLICE JURY ASSOCIATION'S CCMSI, TO PREPARE A PROPOSAL FOR THE HEALTH CARE COVERAGE FOR IBERIA PARISH GOVERNMENT FOR THE COVERAGE YEAR STARTING APRIL 1, 2012.

WHEREAS, the Parish Administration is responsible for obtaining proposals for health care coverage for Iberia Parish Government employees; and

WHEREAS, Louisiana Police Jury Association's CCMSI provides services for health care coverage; and

WHEREAS, it is being suggested that the Parish Administration provide the needed information to the Louisiana Police Jury Association's CCMSI to allow them to submit a proposal for the health care coverage for Iberia Parish Government.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby direct the Parish Administration to provide the needed information to the Louisiana Police Jury Association's CCMSI so they may prepare a proposal for the health care coverage for Iberia Parish Government for the coverage year starting April 1, 2012.

BE IT FINALLY RESOLVED, that this Resolution shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Section 2-13 of the Iberia Parish Home Rule Charter.

This Resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Thomas J. Landry, Troy Comeaux, Bernard E. Broussard, David Ditch, Glenn Romero, Roger Duncan, Jerome Fitch, Aquicline Rener-Arnold, Marty Trahan and D. Wayne Romero.

NAYS: None.

ABSENT: Maggie F. Daniels, Curtis Boudoin, Lloyd Brown and Ricky Gonsoulin.

And the Resolution was declared adopted this 29th day of February, 2012.

**COUNCIL MEMBERS/PRESIDENT ANNOUNCEMENTS**

None.

**ORDINANCES INTRODUCED FOR PUBLICATION:**

None.

A motion was made by Mr. Troy Comeaux, seconded by Mr. Marty Trahan, that the Iberia Parish Council does hereby adjourn.

The motion carried.

I HEREBY CERTIFY THE FOREGOING TO BE EXACT AND TRUE:

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Clerk of the Council