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February 16, 2023

The City of Sulphur Home Rule Charter Commission held their meeting at its temporary location located at 1551 East Napoleon Street in the Council Chambers, Sulphur, Louisiana, on February 16, 2023, at 5:30 p.m. after full compliance with the convening of said meeting with the following present:

Donna Emmons  
Sid Rosteet  
Carla Sigler  
Danny DiPetta  
Becky Venissat  
Justin Sittig

ABSENT - Gena Granger

After the meeting was called to order and the roll called with the above result, prayer was led by Mr. DiPetta, followed by the reciting of the Pledge of Allegiance led by Mrs. Blanchard.

The Chairman asked if there were any changes to the minutes of the previous meeting.

Motion was made by Mr. Rosteet seconded by Mrs. Venissat that the following amendment be made:

Negativity that ~~Mrs. Broussard~~ is putting out there about the Mayor and Administration will not get the people to come to the meetings.

Motion carried unanimously.

Motion was then made by Mrs. Sigler seconded by Mr. Rosteet that the previous minutes be adopted as amended.

Motion carried unanimously.

Motion was then made by Mr. Sittig seconded by Mrs. Emmons that the agenda stand as written.

Motion carried unanimously.

Mr. DiPetta stated that there are a few amendments that need to be made prior to discussions.

Motion was made by Mr. Venissat seconded by Mrs. Emmons that the following amendment be made to Section 2-7 to provide for (I):

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- I. All public notices required pursuant to this Article shall be made in accordance with the generally applicable laws of the state, and the Council shall provide by ordinance requirements for additional electronic notice.

A vote was then called with the results as follows:

YEAS: Mrs. Emmons, Mr. Sittig, Mr. Rosteet, Mrs. Venissat, Mrs. Sigler, Mr. DiPetta

NAYS: None

ABSENT: Mrs. Granger

And the amendment was declared duly adopted on this 16th day of February, 2023.

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ARLENE BLANCHARD, Secretary

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DANNY DiPETTA, Chairman

Motion was then made by Mrs. Sigler seconded by Mr. Sittig that the following amendment be made to Section 4-04 (A):

- A. The head of the public works department shall be the director of public works.

The director of public works, at the time of appointment, shall be a graduate **registered civil professional licensed** engineer with at least two (2) years related experience in a responsible managerial or administrative position OR have at least five (5) years related public works experience in a responsible managerial or administrative position.

A vote was then called with the results as follows:

YEAS: Mrs. Emmons, Mr. Sittig, Mr. Rosteet, Mrs. Venissat, Mrs. Sigler, Mr. DiPetta

NAYS: None

ABSENT: Mrs. Granger

And the amendment was declared duly adopted on this 16th day of February, 2023.

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ARLENE BLANCHARD, Secretary

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DANNY DiPETTA, Chairman

Mr. DiPetta then opened the meeting for discussion on proposed changes that were made by the public and Commissioners.

The following are 12 emails that were received from Sheila Broussard:

**Email 1 of 12:**

Please advertise all of the ways the Commission has decided or is considering to get public input:

1. email to [ablanchard@sulphur.org](mailto:ablanchard@sulphur.org)
2. IT to send announcement via city notifications and Facebook
3. Commission calendar to website
4. Commissioner bios

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5. Tentative charter draft for public discussion

OTHER ideas from National Civic League document that were not decided on that I hope will be discussed/implemented:

1. Online forum "to collect views about the charter revision
2. Invite high school school students to sit in meetings

**ANSWER:** We are posting Commission meeting dates to the City's website calendar. None of our other boards have bio's on the website. Council is the only ones.

Also, through notifications sent out notifying the public of our HRC Meetings.

Mr. DiPetta had stated at a previous meeting all the different ways the city notifies the public.

Mr. Sittig asked if these notifications were for all meetings or just the Charter meetings. Mr. DiPetta stated that he's referring to Charter meetings. The Council can add any additional notifications if they chose.

**Email 2 of 12:**

Please ask the Commission to consider changing their agenda to put the discussion of public input before discussing the articles.

I am attaching excerpts from the Guide for Charter Commissions put out by the National Civic League. It is highlighted for a quick read to see the importance the League puts on public input.

Articles 1-3 of our Charter should take as much or more time than all of the other articles put together.

As it will take many hours to cover the first three articles, I imagine the public input will not be discussed tonight if it will be done after the first three articles are discussed.

Also attached is the complete Guide.

**ANSWER:** Discussion is at the end, so things run smoothly. Mrs. Sigler stated that we're having so many meetings that the citizens will have a chance to ask questions.

**Email 3 of 12:**

I believe I was incorrect that adding items to the agenda at the beginning of the meeting is in RROO. Justin - thanks for trying to find it!

**ANSWER:** Robert's Rules of Order is only a guide/outline. There's no statutory law that says a Charter Commission shall use RROO.

**Email 4 of 12:**

I hope your wording to publish/advertise will address using:

1. All city notification portals including but not limited to: *Sulphur Citizen Alerts notification system*", Sulphur Facebook page
2. All local media including but not limited to: print, television, radio

**ANSWER:** Mr. DiPetta stated that the Sulphur notification system has gone by the wayside and was addressed at a previous meeting. Mr. Rosteet stated that technology changes all the time and if we put the notification system in the Charter then that could lock us into something that we can't change. Mrs. Sigler stated that even Facebook may change, and a different platform may be introduced.

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### Email 5 of 12:

**In my last email**, I meant to include the locations in the charter where publish/advertise type items are located. Here are the locations I found:

- Section 2-02 B for "advertised"
- Section 2-04 B for "proclamation"
- Section 2-07 D for "made available to the news media"
- Section 2-09 for "published"
- Section 2-10 for "give notice"
- Section 2-12 B for "published"
- Section 2-15 for "shall be available for public review"
- Section 2-16 for "distributed or sold to the public at cost", Cade said these items can be found on the website for free. That they are available for free on the website needs to be stated in this paragraph.
- Section 3-05 A (5) for "make available to the public"
- Section 3-07 B for "issue a proclamation"

This is one of the most vital parts of the rewrite of the charter as public awareness is at the heart of our democracy.

**ANSWER:** Mr. DiPetta stated that the advertisements that are done go over and above what's legal and the Council has the right to expand on this if they want. Mrs. Sigler stated that the Commission wants to use every possible way to let citizens know about meetings, but social media could all change tomorrow and if we lock it in too much it won't be workable in the future.

### Email 6 of 12:

**Sec 2-06 A** states a council member can be on the Charter Commission.

This needs to be changed to **FORMER** member as it was for the mayor.

**ANSWER:** Mr. DiPetta stated that as of today, they are still checking into this. Mrs. Sigler stated that she thinks this is covered under the Ethics conflict laws under dual office holdings. Mr. DiPetta stated that our City Attorney is reviewing this section.

### Email 7 of 12:

**Sec 2-07 B** - the wording, "but only for routine administrative matters", should be left in the charter or a good reason for omitting it should be given to the public.

As I stated or at least intimated in last night's meeting, removing the wording impedes upon the citizens right to know.

How does removing the wording help the city of Sulphur?

**ANSWER:** It should read Section 2-07 "D", not "B". Mr. DiPetta stated that this was a change by the City Attorney, Cade Cole. Mrs. Blanchard then explained the process of sending out the final agenda. The final agenda is sent out 7 days prior to the Council meeting which means for 7 days there's nothing that can be added to the agenda UNLESS it's added at the Council meeting. If we change this section to read as the state law reads, it would allow me to send out my final agenda the Friday prior to the Council meeting (rather than 7 days) and by doing this it would eliminate add-ons at the Council meeting. By doing it this way, the public would know of all items on the agenda rather than hearing about it for the first time at the Council meeting. Not to say this would eliminate any add-ons but it would cut down most of them. Mr. Rosteet then verified that this would be in accordance with R.S. 42:19.

Mrs. Broussard stated that she understands this process and doesn't fully agree but she's having a hard time with deleting "for routine administrative matters". The Council can hold an item back and the

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day of the meeting they slide it on the agenda. Mrs. Sigler stated that you can call anything an administrative matter, but you can have a ton of things that develop within that 7-day window. Mr. DiPetta stated that there's less of a chance that things will get added to the agenda if we follow state law. Mrs. Broussard then stated that the remedy to this is they can just wait a month to be put on the agenda or call a special meeting. Mrs. Sigler then stated that if you're a business owner every day is viable and sometimes you need things to happen quickly. If it's postponed a month that could be very crucial to a business owner.

Mr. Rosteet then read R.S. 42:19(b)(i):

*(b)(i) All public bodies, except the legislature and its committees and subcommittees, shall give written public notice of any regular, special, or rescheduled meeting no later than twenty-four hours, exclusive of Saturdays, Sundays, and legal holidays, before the meeting.*

Mayor Danahay then stated that further down in the statute it lists things that may not be added to an agenda. He also stated that the city doesn't operate 3 weeks out of the month. We operate 4 weeks out of the month. We're currently blacking out a whole week where things can't be added to the agenda. That's why we have to add items to the agenda since our deadline is a whole week before the meeting. Any item that is added at the meeting must be by a unanimous vote of the Council. Mayor Danahay also stated that we will send the final agenda out either on Thursday or Friday prior to the meeting.

#### **Email 8 of 12:**

The voting in meetings should be streamlined as outlined in RROO Art VIII. Fewer than 12 members has easier voting guidelines.

Please compare RROO to Sec 2-07 G.

**ANSWER:** Mrs. Broussard then stated that the Commission already does this.

#### **Email 9 of 12:**

**Sec 2-13 A** directly relates to what Arlene does. I hope you will get her input before deciding to leave this section as is.

**ANSWER:** Arlene is good with the amendments you've made to this section.

#### **Email 10 of 12:**

Sec 2-18 says the council can increase utilities by 10 percent ANNUALLY.

This seems incredibly high. This should be discussed in a charter meeting. Not just taken "under advisement".

**ANSWER:** Mr. DiPetta stated that raising rates without justification is political suicide. Mr. Sittig stated that in the charter it does state that anything above 10% must be submitted to the voters. Mrs. Sigler stated that this follows state law. Mrs. Ellender stated that this is probably in the charter because for a long time the water rate was \$7.50 and the city was going under. It was probably changed at that time because the city couldn't maintain everything. Mayor Danahay stated that in the 90's the rate hadn't changed in a very long time and the city got into a situation where they were way behind the 8-ball in revenue, so they raised the rate by 10% every year for 5 years. The 10% is also a protection for the citizens. Mr. DiPetta stated that he's spoke to people from Lake Charles to Cleveland, Ohio and the amount that citizens pay here in Sulphur is a bargain. Mrs. Ellender stated that when the increase is on the agenda she just doesn't vote "yes". She finds out the ins and outs of why we do need the increase. Mrs. Sigler stated that she looked up a case from 3<sup>rd</sup> Circuit of Appeal for Westlake and it looks like the

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city can raise rates to provide for utilities. Mr. Sittig stated that just because you can raise rates, doesn't mean you should. Mrs. Sigler stated the City Council and Mayor Danahay will do due diligence before they increase rates. Mr. DiPetta then stated that just because they can go up 10% doesn't mean they will. Mr. Sittig stated that they had to go up on their rates in Vinton as well.

**Email 11 of 12:**

Sec 3-07 B says, "timetable and procedures established by state law"

It should reference where it is found in state law.

**ANSWER:** Mrs. Sigler stated that state laws are redesignated and/or moved all the time. So, for us to reference the state law in the Charter it could be moved or be redesignated a session later. This document is going to be active for many decades and she doesn't think that referencing state laws are a good idea.

Mrs. Broussard stated that the Charter doesn't necessarily have to reference state law but at least for the draft have a reference sheet. Mrs. Sigler stated that a "source document" would be helpful and thinks this is a good idea. Mayor Danahay stated that there could be a reference sheet on the draft Charter.

**Email 12 of 12:**

Was there anything added/deleted/changed in the charter that was not suggested by Blanchard/Cole/Danahay?

I was anticipating lively discussion between commissioners. But the charter meeting felt like council meetings. Read through, get a unanimous vote, and move on.

Most charter commissions last 6 to 18 months because they read through the document and comment whether or not to leave as is. And then debate the changes.

This will be a hard sell to the electorate if the only changes come from the administration and nothing is debated. It will be a hard sell if changes give more power to the council (ie making it easier to add items to agenda at the beginning of the meeting) and do not add things to protect freedoms/rights of the citizenry.

It will also be a hard sell if concerns of the citizens are not debated and added or not at the meeting where the Article is supposed to be discussed. To simply say it will be "taken under advisement" is nonproductive and obviously dismissive of citizen concerns.

**ANSWER:** Mr. DiPetta stated that changes to this document are a team effort. There were a lot of people involved in the changes and studying this night after night and line after line to come up with this proposed document. The Commission doesn't have to drag out a proposed Charter amendment for 6-18 months. If it's done correctly and in accordance with the law, it shouldn't take 6 months. He also stated that he believes this document will not be a hard sell to the citizens of Sulphur. He has brought this document before prominent people and not so prominent people, and they've read it and they have no issues with it. The Commission didn't have to reinvent the wheel for a new document. When we take things under advisement that means we look at each individual items brought before us, we look at it and discuss it and we get input from the citizens.

Mrs. Sigler stated that she's impressed with how well written this document is, even from the 1980's it was far advanced as to what was going on in government at that time. This document has not been a rubber stamp on anything. We've all had our input on these changes. It's important that we take things

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under advisement to make sure it's all correct and legal. It would be a dereliction of duties if they didn't do this.

Mrs. Broussard stated that this meeting and last meeting she can see that this is really happening. The Commission engaging but the first meeting didn't look like this at all. She sent this email right after the first meeting and doesn't represent how she feels about this today.

Mr. Sittig stated that at the first meeting everyone was getting to know each other and didn't know the process but we've gotten better.

Mr. Rosteet stated that he certainly wants to hear what the Mayor, Council and Administration says about the changes because they will know what the issues are. He's read every word in this document more than one time. It's a learning process for the Commission and they have gained traction. We all want what's best for the city. He's sad that more people don't attend these meetings. It's going before the citizens so there will be discussion with them in the future. Mr. Rosteet commended Mrs. Broussard for coming to the meetings and videoing and showing her concerns via her emails.

This concludes all the emails/concerns from Sheila Broussard.

Motion was then made by Mrs. Sigler seconded by Mr. Sittig that the following amendment be made to

Section 2-7 (C):

- Put an (') apostrophe in "Roberts" on the first line.

A vote was then called with the results as follows:

YEAS: Mrs. Emmons, Mr. Sittig, Mr. Rosteet, Mrs. Venissat, Mrs. Sigler, Mr. DiPetta

NAYS: None

ABSENT: Mrs. Granger

And the amendment was declared duly adopted on this 16th day of February, 2023.

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ARLENE BLANCHARD, Secretary

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DANNY DiPETTA, Chairman

Motion was made by Mrs. Sigler seconded by Mr. Sittig that the following amendment be made:

- Throughout the entire document, change the (S) to (s) in state law.

A vote was then called with the results as follows:

YEAS: Mrs. Emmons, Mr. Sittig, Mr. Rosteet, Mrs. Venissat, Mrs. Sigler, Mr. DiPetta

NAYS: None

ABSENT: Mrs. Granger

And the amendment was declared duly adopted on this 16th day of February, 2023.

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ARLENE BLANCHARD, Secretary

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DANNY DiPETTA, Chairman

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Mrs. Sigler also stated that she'll go over the entire document to make sure we're correct in stating "general state law" and "special laws". She'll verify and let the Commission know.

Another concern Mrs. Sigler had that she discussed with her City Council representative, Mandy Thomas, was recording the City Council meetings. Most public bodies in the state of Louisiana are recorded and taped. So many people can't make these meetings and by videoing them they can stay informed. The Police Jury has their own video equipment and it's probably very affordable to purchase this equipment so the city can video their own meetings. Mr. Rosteet stated that its state law that meetings have audio but not video. Mr. Sittig stated that he's not opposed to the videoing but if we're keeping everything in general let's keep it in accordance with state law. Mr. DiPetta stated that the City Council already voted twice on this issue. The first time it failed unanimously. The second time, there was a motion, but it failed for lack of a second. The Council clearly doesn't want Council meetings videoed. This should be a Council action and the Commission should not put this in the Charter. If they want to take up videoing again, they can do that at any given time. He doesn't want to force an issue to make the citizens spend money on videoing when that's not what the Council wants. If videoing is forced and mandatory, that will not lower the cost of videoing, that will only increase the cost.

Mrs. Sigler stated that she just wanted to bring it up for discussion to see how the Commission felt. Mr. Rosteet stated once it's in the Charter, it's done. He wants to give the Council latitude. If the public doesn't like the fact that the Council doesn't want to video the meetings, then vote them out of office. Mrs. Venissat stated that she feels it should be left up to the Council.

Mrs. Broussard stated that she feels the Commission should poll the citizens and their concerns should override what the Commission wants. This isn't life or death stuff. It's important for transparency. Mr. DiPetta stated that that's why we have elected officials, so they can make these kinds of decisions. That's what they are elected for.

This concluded Mrs. Sigler's concerns.

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Mr. DiPetta then stated that the meeting date scheduled for March 16, 2023 needs to be changed to either March 9, 23 or 30. After discussion, motion was made by Mrs. Sigler seconded by Mrs. Venissat that the Charter Commission meeting date be moved from March 16, 2023 to March 23, 2023.

A vote was then called with the results as follows:

YEAS: Mrs. Emmons, Mr. Sittig, Mr. Rosteet, Mrs. Venissat, Mrs. Sigler, Mr. DiPetta

NAYS: None

ABSENT: Mrs. Granger

And the said meeting date was changed on this 16th day of February, 2023.

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ARLENE BLANCHARD, Secretary

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DANNY DiPETTA, Chairman

Mr. DiPetta then stated that the next meeting held will be another open forum. Anything that Administration, Commission or the public want to bring up or address can be done at the next meeting. The deadline to get it to the Council is the April 10, 2023, agenda, so it can be placed on the October ballot.

Mrs. Sheila Broussard stated that the video for the Charter Commission meetings can be found on Concerned Citizens for Sulphur Facebook page

There being no further business to come before the Commission, the Chairman declared the meeting adjourned.

ATTEST:

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ARLENE BLANCHARD, Secretary

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DANNY DIPETTA, Chairman

2/16/23

6:55 P.M.