
January 23, 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 January 23, 2023, at 5:30 p.m. after full compliance with the convening of said meeting with the following present:

Gena Granger
Donna Emmons
Sid Rosteet
Carla Sigler
Danny DiPetta
Becky Venissat - absent
Justin Sittig

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 Mr. DiPetta.

The Chairman asked if there were any changes to the minutes of the previous meeting. With no changes made, motion was made by Mrs. Sigler seconded by Mrs. Emmons that the minutes stand as written. Motion carried unanimously.

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

The first item on the agenda is to discuss Articles 4, 5, 6, 7 and 8 of the Home Rule Charter and make any proposed revisions. Motion was made by Mrs. Sigler seconded by Mrs. Emmons that the following amendment be made to Section 4-01 (B):

- B. The salaries of the directors of the departments appointed by the mayor shall be set by the mayor subject to approval by the council **by adoption of the operating budget.**

A vote was then called with the results as follows:

YEAS: Mrs. Granger, Mrs. Emmons, Mr. Sittig, Mr. Rosteet, Mrs. Sigler, Mr. DiPetta
NAYS: None
ABSENT: Mrs. Venissat

And the amendment was declared duly adopted on this 23rd day of January, 2023.

ATTEST:

ARLENE BLANCHARD, Secretary

DANNY DIPETTA, Chairman

Motion was then made by Mrs. Sigler seconded by Mrs. Emmons that the following amendment be made to Section 4-02 (B):

- B. The City attorney shall be an attorney licensed to practice in the courts of Louisiana and shall have at least ~~at least~~ three (3) years continuous practice of law in Louisiana ~~and shall have a law practice in the City of Sulphur.~~

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: Mrs. Venissat

And the amendment was declared duly adopted on this 23rd day of January, 2023.

ATTEST:

ARLENE BLANCHARD, Secretary

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):

There was discussion concerning the word “registered” vs “professional”. Mrs. Sigler stated that she knows people that have passed the engineering exam and they are considered a “professional” engineer. She feels this was written many years ago and “registered” was the term back then, but times have changed. Mr. DiPetta stated that he would research this term and get back with the Commission. There was also discussion to delete the word “civil”.

- 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~~ 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. Granger, Mrs. Emmons, Mr. Sittig, Mr. Rosteet, Mrs. Sigler, Mr. DiPetta
NAYS: None
ABSENT: Mrs. Venissat

And the amendment was declared duly adopted on this 23rd day of January, 2023.

ATTEST:

ARLENE BLANCHARD, Secretary

DANNY DIPETTA, Chairman

Motion was then made by Mr. Rosteet seconded by Mrs. Emmons that the following section be deleted since this section has moved to Section 4-07 Human Resources:

~~Section 4-05. Personnel System~~

- ~~A. The personnel policy and rules in effect in the City at the time this Charter becomes effective shall continue in effect until amended by the council or as they may conflict with this Charter.~~
- ~~B. The director of finance shall serve as personnel officer until such time as the mayor, upon approval of the council, appoints another person to the office. The personnel officer shall:~~
- ~~(1) Prepare, administer and recommend changes in such personnel rules and regulations as may be necessary or desirable for carrying out provisions of this Charter.~~
 - ~~(2) Prepare, install and maintain a uniform classification and pay plan for all positions in the classified service.~~
 - ~~(3) Perform such other duties and functions as may be directed by the mayor.~~
- ~~C. Any person holding a full time appointive position in the City government when this Charter takes effect, who served in that position at the time the Charter was adopted by the electors of the City, and at least one (1) year prior thereto, shall continue in the same or a comparable position without a reduction in compensation, but shall be subject in all other respects to this section.~~

A vote was then called with the results as follows:

YEAS: Mrs. Granger, Mrs. Emmons, Mr. Sittig, Mr. Rosteet, Mrs. Sigler, Mr. DiPetta
NAYS: None
ABSENT: Mrs. Venissat

And the amendment was declared duly adopted on this 23rd day of January, 2023.

ATTEST:

ARLENE BLANCHARD, Secretary

DANNY DIPETTA, Chairman

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

Renumber Sections 4-06 through 4-12 to 4-05 through 4-11 since Section 4-05 Personnel System was moved to the Human Resources section.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: Mrs. Venissat

And the amendment was declared duly adopted on this 23rd day of January, 2023.

ATTEST:

ARLENE BLANCHARD, Secretary

DANNY DIPETTA, Chairman

Motion was then made by Mrs. Sigler seconded by Mr. Sittig that a (period) be added at the very end of Section 4-05(B).

Mrs. Sigler stated that when this charter was created there wasn't a whole host of laws that address police departments like we do now. There's a lot of laws that govern these subsections and if we were to say go see such and such section, these subsections could change, and we'll end up with an obsolete document again. She wanted to state this since there were concerns from someone that said we needed to reference sections and state laws.

Sheila Broussard addressed the Commission and stated that someone wanted her to ask why the Chief of Police isn't elected rather than appointed since it's more common that they're elected. Cade Cole, City Attorney, stated that in Louisiana most cities are under Home Rule Charter which Police Chief's are appointed. The Town of Vinton is governed by the Lawrason Act so that's why their Chief is elected.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: Mrs. Venissat

And the above amendment was declared duly adopted on this 23rd day of January, 2023.

ATTEST:

ARLENE BLANCHARD, Secretary

DANNY DIPETTA, Chairman

Motion was then made by Mrs. Sigler seconded by Mr. Sittig that the following amendment be made to Section 4-10:

Except as otherwise provided by this Charter, all City government departments, offices, agencies and functions in existence on the effective date of this Charter shall continue in existence as organized on that date until reorganized in accordance with Section 4-11~~12~~ (Administrative Reorganization).

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: Mrs. Venissat

And the amendment was declared duly adopted on this 23rd day of January, 2023.

ATTEST:

ARLENE BLANCHARD, Secretary

DANNY DIPETTA, Chairman

Motion was then made by Mrs. Sigler seconded by Mr. Rosteet that the following amendment be made to Section 5-04 (C):

- C. *Reduction of Appropriations:* If at any time during the fiscal year it appears to the mayor that the revenues available will be insufficient to meet the amount appropriated, the mayor shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken and recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent a deficit-, **and if it fails to adopt a plan to eliminate the deficit the Mayor shall instruct department heads to take actions needed to resolve the deficit.**

Mr. Cole, City Attorney, stated that the Local Budget Act would be the default to the Charter. If you fail to adopt a budget amendment that would bring you in compliance with money you have available to spend, the remedy is everybody goes to a budget that is 50% of what they started with. It's meant to put pressure on everyone to come up with a solution. In the current budget it doesn't have that 50% rule, it only states that if the Council doesn't adopt the budget, it's the budget proposed that becomes adopted.

Mr. Sittig stated that in this same section is states “without delay”. What exactly does this mean? Is it a week, a month? Mr. Cole stated that it usually means within the next Council meeting. The only time this would not be true is if you’re at the end of a fiscal year and you’re above that 5% then you’d call a special meeting. There may be a time that it’s too late for the next Council meeting, so you’d schedule the amendment at very earliest date possible. Mayor Danahay stated that this recently happened with Hurricane Laura. Our expenditures and revenues were out of compliance for the 5% so that required an amendment.

A vote was then called with the results as follows:

YEAS: Mrs. Granger, Mrs. Emmons, Mr. Sittig, Mr. Rosteet, Mrs. Sigler, Mr. DiPetta
NAYS: None
ABSENT: Mrs. Venissat

And the amendment was declared duly adopted on this 23rd day of January, 2023.

ATTEST:

ARLENE BLANCHARD, Secretary

DANNY DIPETTA, Chairman

Motion was then made by Mr. Rosteet seconded by Mrs. Emmons that the following amendment be made to Section 5-04 (D):

D. Remove the brackets around the word “Reduction:”.

A vote was then called with the results as follows:

YEAS: Mrs. Granger, Mrs. Emmons, Mr. Sittig, Mr. Rosteet, Mrs. Sigler, Mr. DiPetta
NAYS: None
ABSENT: Mrs. Venissat

And the amendment was declared duly adopted on this 23rd day of January, 2023.

ATTEST:

ARLENE BLANCHARD, Secretary

DANNY DIPETTA, Chairman

There was then discussion on Section 5-05(C). Mr. Sittig asked if they need to change “published in the official journal” to “according to applicable state law”. Mr. Cole stated that they should leave it as written since there isn’t a state law on publishing the whole budget.

Motion was then made by Mrs. Sigler seconded by Mrs. Emmons that the following amendment be made to Section 5-09:

Section 5-09. Electronic signature and/or Facsimile signatures

Electronic signature and/or facsimile signatures are authorized for negotiable instruments and multiple certificates of indebtedness in those cases where an official is required by law to sign.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: Mrs. Venissat

And the amendment was declared duly adopted on this 23rd day of January, 2023.

ATTEST:

ARLENE BLANCHARD, Secretary

DANNY DIPETTA, Chairman

There was then discussion on Section 6-01. Mr. Cole stated that the City of Sulphur was very progressive, forward thinking when it came to democracy that did not exist in state law. Other cities generally don't have this option in their charter. DeQuincy has this since they copied Sulphur's charter. This section came into play when the Council wanted a hazardous waste facility to be in Sulphur, but the citizens didn't want it. The citizens got their required signatures, and the facility was banned. It was also used for the redlight cameras not too long ago. The amendment in Section 6-01 (6) has to do with state law and the Bonding Commission. The way the current charter is written its impossible to meet the deadlines. Motion was then made by Mr. Rosteet seconded by Mr. Sittig that the following amendment be made to Section 6-01 (6):

- (6) If an initiative ordinance is submitted to a vote of the electors as provided in Section 6-01(4) above, the election shall take place ~~at the first election already scheduled for other purposes which occurs at least thirty (30) days after the date the council proposes to submit the proposal to the electors~~ **in accordance with applicable state law.** The results shall be determined by a majority vote of the electors voting on the proposal.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: Mrs. Venissat

And the amendment was declared duly adopted on this 23rd day of January, 2023.

ATTEST:

ARLENE BLANCHARD, Secretary

DANNY DIPETTA, Chairman

There was then discussion concerning Section 6-02 (A). Mrs. Broussard stated that “in the general laws of the state” it says 30% of electors shall do a petition for a recall. She wants to make sure there’s more information in this section because Administration told her that they didn’t know much about the recall process. She’d like percentages to be in this section. The State Constitution also says that the person in the recall cannot run in the special election. In Louisiana that person can’t get their seat back so she would like that language in Section 6-02 (B) also. Mrs. Sigler stated that her problem with being more specific is that state law changes and redesignates sections/numbers all the time and then our charter wouldn’t be correct. It’s better to keep it generic and just say “general laws of the state”. Cade Cole stated that the state law is registered voters determinative and Sulphur is done by 1/3. As the number of registered voters goes up and the city grows, that bracket changes. He suggested keeping this section as written. Mrs. Sigler than stated that she thinks it’s best to amend from “general laws” to “in accordance with applicable state law” to keep it uniform throughout the charter.

Mrs. Sigler then made a motion to amend Section 6-02 (A) as follows:

- Change “in the general laws of the state” to “in accordance with applicable state law”.

Mr. DiPetta then stated that he’d like to take this under advisement before amending it. Mrs. Sigler then withdrew her motion and stated that she would research this some more for Section 6-02 and 6-03.

Mr. Cole then stated that he wants to highlight what the difference is between “in the general laws of the state” and “in accordance with applicable state law”. When you say, “applicable to state law”, that could mean ANY act of legislator including one specifically passed for the City of Sulphur. When you say “general laws of the state” you are boxing out the legislature from passing a special law applicable only for the City of Sulphur. After Mr. Cole explained the difference, Mrs. Sigler stated that she no longer needed to research this.

There was then discussion on Section 7-03 Amending or Repealing the Charter. Mrs. Broussard stated that when she started doing her petition, she contacted Administration, and they told her that they would follow the charter. The only thing she could find regarding a petition is this section. This section particularly deals with specific wording in the charter. Mr. Cole stated that Mrs. Broussard is referring to the “election” of a charter commission. This section only deals with specific charter amendments. The charter commission petition is only written in the Louisiana Constitution and there’s nothing the Commission could put in the Charter that would overrule the Constitution. Only 10% of registered voters is needed to call an election for a Charter Commission. The reason it’s not written in the Charter is because whatever the Commission puts in the Charter is irrelevant because we have to follow whatever is in the Constitution. Mrs. Broussard then clarified that she only needed 10% of the registered voters to call an election for the Commission, rather than 20%. Mr. Cole stated, yes.

There was then discussion on Section 7-05 Oaths of Office. Mrs. Sigler showed concern about “qualified person”. Mr. Sigler and Mrs. Blanchard thought that this wording was a little open ended and needed more to it. Mrs. Sigler also suggested adding wording that the oaths shall be filed with Secretary of State. She stated that she would research it for the next meeting.

There was then discussion on Section 7-06 Boards and Commission. Mr. Sittig stated that he doesn’t see a section that says the Council can dismiss someone on a board. Mr. Cole stated that each board usually has something that sets up their board and its usually written in there that says how to remove a member. This doesn’t deal with boards such as the Industrial Board, West Cal Airport Board, etc. This deals with boards such as a study commission or neighborhood advisory board, etc.

Mr. Broussard stated that in Section 7-06 (D) it states, “open to the public”. When she was doing her petition, she had citizens state that they wanted meetings videoed. Mrs. Broussard asked that the Commission put in the Charter that all meetings be videoed and posted within 7 days. She also stated that the Mayor said they would just follow state law on meetings. She says in the Constitution is says it should be viewed liberally, not restrictively. She thinks the city’s notification system would be the best way to let people know when there are meetings. Mr. DiPetta then listed all the people and ways that the citizens were notified of this Charter

public meeting. (1) the Mayor's office (2) all Council members (3) City Attorney (4) all Department Heads (5) all Home Rule Charter Commissioners (6) KPLC (7) American Press (8) City of Sulphur website on the main page (9) under Recent News section (10) under Upcoming Events section (11) under the Monthly Calendar (12) under Document Center under Toolbar it's also there. Under this tab it also shows all minutes and agendas for all the BZA, Land Use, Council, and Civil Service meetings. It's also under the Department header. All it takes is one or two clicks. There's also a telephone. If anyone ever has any questions all they have to do is call City Hall. Mrs. Granger then stated that if you have a child in school, it's the parents' responsibility to find out what's going on at your child's school. She then stated that her school use to send out messages about what was going on at their school but then they stopped because parents were asking them to please stop sending all the messages. If you're a parent you're going to get on your cell phone and check that school to see what's going on. The people that are here at the meeting are interested in what's going on or you wouldn't be here, right? Mrs. Broussard then stated that this meeting is far more important than a road closure that is sent out through the notification system. Mr. Sittig then stated that he wouldn't put in the charter how to notify citizens of meetings such as the notification system. Just keep it generic and then let the Council adopt an ordinance that states how to notify citizens. Mr. Rosteet stated that all the people that Mrs. Broussard spoke to when signing her petition, where are they tonight? There are very few people that are here. It's hard to get people to participate. This is Civics 101 and he thanked Mrs. Broussard for coming.

Mrs. Ellender then stated that the city used to call everybody about everything then the citizens started complaining and wanting off the notification system. At that time, a decision was made on what would be announced through the notification system. She also stated that she went to people's homes 4 different times asking for their vote and they still didn't get out to vote. Negativity that Mrs. Broussard is putting out there about the Mayor and Administration will not get the people to come to the meetings. Saying that the Mayor is trying to hide things from the public, will not get people to come to the meetings. The Mayor has done what he's supposed to do. It's just an apathy. Mr. DiPetta then stated that people don't get out to vote anymore but the Registrar of Voters office gets the word out but still no one votes. Mr. Cole then reiterated what Mrs.

Ellender stated that Administration has to be careful what's sent out on the notification system because you don't want people dropping out of it because when there is an emergency like a water leak, gas leak, you need those people to be notified.

Motion was then made by Mrs. Sigler seconded by Mr. Rosteet that the following amendment be made to Section 8-03 (B) Fees, Charges and Tax Levies:

- B. No special assessment for improvement shall be imposed on property owners until **approval of property owners is obtained in accordance with applicable state law, or** a written petition, including signatures of not less than sixty (60) percent of property owners of abutting real estate within limits of improvements, and not less than sixty (60) percent lineal frontage of abutting real estate owners within limits of improvements, has been presented to the City Council. Upon receipt of petition, the council shall have the petition published in the official journal three (3) times within fifteen (15) days. At any time on or before the tenth (10th) day following the last publication of the petition, property owners may withdraw or add their signatures to the petition at City Hall. The withdrawals and additions shall not necessitate the republication of the petition. Ten (10) days after final publication, the council shall call for the improvements by ordinance in compliance with state laws.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: Mrs. Venissat

And the amendment was declared duly adopted on this 23rd day of January, 2023.

ATTEST:

ARLENE BLANCHARD, Secretary

DANNY DIPETTA, Chairman

Motion was then made by Mrs. Sigler seconded by Mrs. Emmons that the following amendment be made to Section 8-04 Special Legislative Acts:

All special legislative acts pertaining to the City of Sulphur, insofar as they are in **express** conflict with the provisions of this Charter, shall **henceforth** be inoperative and of no effect.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: Mrs. Venissat

And the amendment was declared duly adopted on this 23rd day of January, 2023.

ATTEST:

ARLENE BLANCHARD, Secretary

DANNY DIPETTA, Chairman

Motion was then made by Mr. Rosteet seconded by Mrs. Sigler that the following amendment be made to Section 8-10 (A) Election of Officials:

- A. The first election for the officials provided for by this Charter shall be held in the primary and general elections in ~~April and May 1986~~ **the Spring General election of 2026**, and subsequent elections shall be held on corresponding dates every fourth year thereafter. Persons elected under the provisions of this Charter shall take office at noon **on the first day of July or on the following day that is not a legal holiday, Saturday, or Sunday, that follows** ~~on the first Tuesday following~~ certification of the results of the general election.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: Mrs. Venissat

And the amendment was declared duly adopted on this 23rd day of January, 2023.

ATTEST:

ARLENE BLANCHARD, Secretary

DANNY DIPETTA, Chairman

Motion was then made by Mrs. Sigler seconded by Mr. Sittig that the following amendment be made to Section 8-11 Required Approval By Electors:

The Charter shall become effective ~~only if approved by majority of those voting on the Charter~~
upon approval of a majority of the registered voters for the City of Sulphur.

A vote was then called with the results as follows:

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

NAYS: None

ABSENT: Mrs. Venissat

And the amendment was declared duly adopted on this 23rd day of January, 2023.

ATTEST:

ARLENE BLANCHARD, Secretary

DANNY DIPETTA, Chairman

Motion was then made by Mrs. Sigler seconded by Mr. Rosteet that the following amendment be made to section 8-12 Charter Ballot:

"Shall the **revisions of the** Home Rule Charter ~~and plan of government~~ for the City of Sulphur, prepared and submitted ~~for~~ **by** the duly constituted Charter Commission according to Article VI, Section 5, of the Constitution of Louisiana and other applicable law, be adopted?"

_____ YES

_____ NO

The next item on the agenda is open discussion with Commissioners. Mr. DiPetta explained what will happen at the next few meetings. There are 3 public meetings left. At the next meeting Mrs. Sigler will present her minor changes (punctuation, etc. which will be submitted to the Commissioners no later than Feb. 9) and we'll also review Mrs. Broussard's suggested changes. After the Feb. 16th meeting, we should have a final draft for the public to review and we'll take public comments/concerns. This is an active document for the next several meetings so public input is welcomed. Mr. Cade stated that the proposal will be presented to the Council at their April 10, 2023, City Council meeting to Call Election. The Commission should have a final draft no later than March 27, 2023. It will then be placed on the October 14, 2023, ballot.

At this time, Mrs. Broussard thanked the Commissioners for having an open discussion like they did today since this document is very important to the citizens of Sulphur.

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

ATTEST:

ARLENE BLANCHARD, Secretary

DANNY DIPETTA, Chairman

1/23/23
7:30 P.M.