

PARISH ORDINANCE NO. PO-032-2020

AN ORDINANCE OF THE LAFAYETTE PARISH COUNCIL APPROVING THE ESTABLISHMENT, MAINTENANCE AND OPERATION OF A TEMPORARY BRANCH OFFICE BY THE LAFAYETTE PARISH REGISTRAR OF VOTERS AT THE EAST REGIONAL LIBRARY FOR CONDUCTING EARLY VOTING PURSUANT TO LA. R.S. 18:133, RECOGNIZING, RATIFYING AND CONFIRMING THE LAFAYETTE MAYOR-PRESIDENT'S EXECUTION OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE LOUISIANA DEPARTMENT OF STATE OFFICE OF SECRETARY OF STATE, THE LAFAYETTE PARISH REGISTRAR OF VOTERS, THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT AND THE EAST REGIONAL LIBRARY, AUTHORIZING AND DIRECTING THE LAFAYETTE MAYOR-PRESIDENT TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF BROUSSARD AND THE CITY OF YOUNGSVILLE FOR THE FUNDING OF THE TEMPORARY BRANCH OFFICE FOR THE LAFAYETTE PARISH REGISTRAR OF VOTERS AT THE EAST REGIONAL LIBRARY FOR CONDUCTING EARLY VOTING, AND AMENDING THE FY 19/20 OPERATING/CAPITAL BUDGET OF THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT BY INCREASING REIMBURSEMENT REVENUES TO THE PARISH OF LAFAYETTE FROM THE CITY OF BROUSSARD AND THE CITY OF YOUNGSVILLE TO PROVIDE FUNDING NEEDED FOR SAID TEMPORARY BRANCH OFFICE OF THE LAFAYETTE PARISH REGISTRAR OF VOTERS FOR CONDUCTING EARLY VOTING

BE IT ORDAINED by the Lafayette Parish Council, that:

WHEREAS, La. R.S. 18:133 provides that "the registrar of each parish, with prior approval of the parish governing authority, may establish, maintain and operate additional temporary branch offices for the registration of voters. The location of these offices shall be determined by the registrar;" and

WHEREAS, the Lafayette Parish Council, as the governing authority of the Parish of Lafayette, desires the establishment of a temporary branch office of the Lafayette Parish Registrar of Voters at the East Regional Branch of the Lafayette Public Library pursuant to La. R.S. 18:133 for the purpose of conducting seven (7) days of early voting to better serve the registered voters of Lafayette Parish during the early voting period; and

WHEREAS, in order to obtain approval for a temporary branch office for Lafayette, Louisiana, the Louisiana State Department, Office of Secretary of State requires the Lafayette City-Parish Consolidated Government, the Lafayette Parish Registrar of Voters, and the East Regional Public Library to enter into a Memorandum of Understanding to memorialize their agreement as to each party's responsibilities and expenses associated with establishing an additional temporary branch office of the Lafayette Parish Registrar of Voters at the East Regional Lafayette Public Library for conducting early voting for the registered voters in Lafayette Parish; and

WHEREAS, Article VI, Section 20 of the 1974 Constitution of the State of Louisiana states that," [e]xcept as otherwise provided by law, a political subdivision may exercise and perform any authorized power and function, including financing, jointly or in cooperation with

one or more political subdivisions, either within or without the state, or with the United States or its agencies;” and

WHEREAS, Article VII, Section 14(C) of the 1974 Constitution of the State of Louisiana and La. R.S. 33:1324, *et seq.* provide that, for a public purpose, public entities, parishes, municipalities and political subdivisions may engage in and make cooperative endeavor agreements/intergovernmental agreements between themselves for specific purposes; and

WHEREAS, the Lafayette Parish Council hereby finds and declares that entering into the Memorandum of Understanding Between the Louisiana Department of State, Office of the Secretary of State, the Lafayette Parish Registrar of Voters, the Lafayette City-Parish Consolidated Government, and the Lafayette Public Library Director of Libraries serves a public purpose and is in the best interests of the citizens of Lafayette Parish; and

WHEREAS, La. RS. 18:132(A) further provides for the governing authority of each parish to furnish the office space required for the registrar and to be responsible for the cost of all equipment and supplies, including all furniture, books, stationery, and other expenses for the operation of the office by the registrar; and

WHEREAS, the City of Broussard and the City of Youngsville have agreed to defray the costs of establishing, maintaining and operating the temporary branch office of the Lafayette Parish Registrar of Voters at the East Regional Branch of the Lafayette Public Library, in equal proportions; and

WHEREAS, the City of Broussard, the City of Youngsville, and the Parish of Lafayette wish to enter into an Intergovernmental Agreement to set forth the terms and conditions that will govern the funding and all other financial actions to be made with respect to the establishment of a temporary branch office of the Lafayette Parish Registrar of Voters at the East Regional Branch of the Lafayette Public Library; and

WHEREAS, the Lafayette Parish Council hereby finds and declares that entering into the Intergovernmental Agreement between the Parish of Lafayette, the City of Broussard and the City of Youngsville concerning the funding for the establishment, maintenance and operation of a temporary branch office for the Lafayette Parish Registrar of Voters at the East Regional Branch of the Lafayette Public Library for the purpose of conducting early voting serves a public purpose and is in the best interests of the citizens of Lafayette Parish; and

WHEREAS, the Lafayette City-Parish Consolidated Government Home Rule Charter Sections 5-04 and 5-05 provide for amendments to the operating budget and capital budget by an ordinance adopted by the favorable vote of the majority of the authorized membership of the

Lafayette Parish Council.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Lafayette Parish Council, that:

SECTION 1: All of the above “Whereas” clauses in the preamble of this ordinance are hereby adopted as part of this ordinance.

SECTION 2: The Lafayette Parish Council hereby authorizes and approves the establishment, maintenance, and operation of a temporary branch office of the Lafayette Parish Registrar of Voters at the East Regional Lafayette Public Library for the purpose of conducting early voting.

SECTION 3: The Lafayette Parish Council hereby recognizes, ratifies, and confirms the Lafayette Mayor-President’s execution of the Memorandum of Understanding, and further authorizes the Lafayette Mayor-President to execute any and all documents and/or agreements that may be necessary, and to take any other actions that may be necessary in order to complete any of the transactions related to the establishment, maintenance, and operation of a temporary branch office of the Lafayette Parish Registrar of Voters at the East Regional Lafayette Public Library for the purpose of conducting early voting.

SECTION 4: The Lafayette Parish Council hereby authorizes the Lafayette Mayor-President to execute the Intergovernmental Agreement between the Parish of Lafayette, the City of Broussard and the City of Youngsville concerning the funding for the establishment, maintenance and operation of a temporary branch office for the Lafayette Parish Registrar of Voters at the East Regional Branch of the Lafayette Public Library for the purpose of conducting early voting, in accordance with the terms, and substantially in the form, attached hereto and made a part hereof by reference, as well as any and all documents and/or agreements that may be necessary, and to take any other actions that may be necessary in order to complete any of the transactions related to the establishment, maintenance, and operation of a temporary branch office of the Lafayette Parish Registrar of Voters at the East Regional Lafayette Public Library for the purpose of conducting early voting.

SECTION 5: The F/Y 19/20 operating budget and capital budget of the Lafayette City-Parish Consolidated Government is hereby amended by increasing reimbursement revenues to the Parish of Lafayette from the City of Broussard and the City of Youngsville to provide additional funding needed for the establishment, maintenance, and operation of the temporary branch office of the Lafayette Parish Registrar of Voters, which amendment shall be as reflected in any pertinent documents which are attached hereto and made a part hereof and filed in the Office of

the Clerk of the Lafayette Parish Council.

SECTION 6: The Chief Financial Officer is hereby authorized to affect the required administrative budgetary revisions to the operating/capital budget once all transactions are processed.

SECTION 7: Once this ordinance has been adopted, the Legal Department of the Lafayette City-Parish Consolidated Government will submit the ordinance to the Louisiana Secretary of State and the Lafayette Parish Registrar of Voters.

SECTION 8: All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 9: This ordinance shall become effective upon signature of the Lafayette Mayor-President, the elapse of ten (10) days after receipt by the Lafayette Mayor-President without signature or veto, or upon an override of a veto, whichever occurs first.

* * * * *

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE
PARISH OF LAFAYETTE, THE CITY OF BROUSSARD
AND THE CITY OF YOUNGSVILLE CONCERNING THE
FUNDING FOR THE ESTABLISHMENT, MAINTENANCE
AND OPERATION OF A TEMPORARY BRANCH OFFICE
FOR THE LAFAYETTE PARISH REGISTRAR OF
VOTERS AT THE EAST REGIONAL LIBRARY FOR THE
PURPOSE OF CONDUCTING EARLY VOTING FOR THE
REGISTERED VOTERS OF LAFAYETTE PARISH**

STATE OF LOUISIANA

PARISH OF LAFAYETTE

BE IT KNOWN, that on the dates hereinafter set forth, before us, the undersigned authorities, Notaries Public, in and for the aforesaid Parish and State, duly commissioned and qualified as such, and in the presence of the undersigned competent witnesses, personally came and appeared:

THE PARISH OF LAFAYETTE, a political subdivision of the State of Louisiana represented herein by Josh Guillory, its Mayor-President, duly authorized by Ordinance No. PO-____-2020 of the Lafayette Parish Council adopted on the ____ day of _____, 2020, a copy of which is attached hereto and made a part hereof (hereinafter referred to as “Lafayette”);

THE CITY OF BROUSSARD, a political subdivision of the State of Louisiana, represented herein by its Mayor, Ray P. Bourque, duly authorized by Resolution adopted on the ____ day of _____, 2020, a copy of which is attached hereto and made a part hereof (hereinafter referred to as “Broussard”);

and

THE CITY OF YOUNGSVILLE, a political subdivision of the State of Louisiana, represented herein by its Mayor, Ken Ritter, duly authorized by Resolution adopted on the ____ day of _____, 2020, a copy of which is attached hereto and made a part hereof (hereinafter referred to as “Youngsville”)

who, having been duly sworn, did state and declare, as follows:

WHEREAS, La. R.S. 18:133 provides that “the registrar of each parish, with prior approval of the parish governing authority, may establish, maintain and operate additional temporary branch offices for the registration of voters. The location of these offices shall be determined by the registrar”; and

WHEREAS, the Lafayette Parish Council, as the governing authority of the Parish of Lafayette, desires the establishment of a temporary branch office of the Lafayette Parish Registrar of Voters at the East Regional Library pursuant to La. R.S. 18:133 for the purpose of conducting seven (7) days of early voting to better serve the registered voters of Lafayette Parish during the early voting period; and

WHEREAS, in order to obtain approval for a temporary branch office for Lafayette, Louisiana, the Louisiana State Department, Office of Secretary of State requires Lafayette, the Lafayette Parish Registrar of Voters, and the East Regional Library to enter into a Memorandum of Understanding to memorialize their agreement as to each party's responsibilities and expenses associated with establishing an additional temporary branch office of the Lafayette Parish Registrar of Voters at the East Regional Library for conducting early voting for the registered voters in Lafayette Parish; and

WHEREAS, La. RS. 18:132(A) provides for the governing authority of each parish to furnish the office space required for the registrar and to be responsible for the cost of all equipment and supplies, including all furniture, books, stationery, and other expenses for the operation of the office by the registrar; and

WHEREAS, Lafayette is responsible for providing funding for the Registrar and the Secretary of State for any equipment, operation, and supply fees necessary for a temporary branch office to conduct early voting as provided in the Memorandum of Understanding; and

WHEREAS, Broussard and Youngsville have offered to defray the costs of any equipment, operation, and supply fees necessary for the temporary branch office at the East Regional Library to conduct early voting as provided in the Memorandum of Understanding, in equal proportions; and

WHEREAS, Article VI, Section 20 of the 1974 Constitution of the State of Louisiana states that, "[e]xcept as otherwise provided by law, a political subdivision may exercise and perform any authorized power and function, including financing, jointly or in cooperation with one or more political subdivisions, either within or without the state, or with the United States or its agencies"; and

WHEREAS, Article VII, Section 14(C) of the 1974 Constitution of the State of Louisiana and LSA-R.S. 33:1324, *et seq.* provide that, for a public purpose, public entities, parishes, municipalities and political subdivisions may engage in and make cooperative endeavor agreements/intergovernmental agreements between themselves for specific purposes.

NOW, THEREFORE, in consideration of the covenants set forth herein, Lafayette, Broussard and Youngsville do hereby agree and contract, as follows:

1. OBLIGATIONS OF Lafayette. Lafayette shall establish a temporary branch office of the Lafayette Parish Registrar of Voters at the East Regional Branch of the Lafayette Public Library pursuant to La. R.S. 18:133 for the purpose of conducting early voting to better

serve the registered voters of Lafayette Parish during the early voting period. Further, Lafayette shall enter into a Memorandum of Understanding with the Louisiana State Department, Office of Secretary of State, the Lafayette Parish Registrar of Voters, and the Lafayette Public Library Director of Libraries to facilitate the establishment of a temporary branch office.

2. OBLIGATIONS OF BROUSSARD AND YOUNGSVILLE. Broussard and Youngsville shall, in equal portions, promptly and timely provide funding to Lafayette for any and all fees and costs necessary for the East Regional Library temporary branch office to conduct early voting during the term of this Agreement as provided in the current Memorandum of Understanding, which is attached hereto, and any and all subsequent versions of the Memorandum of Understanding which may be entered into by the Louisiana State Department, Office of Secretary of State, Lafayette, the Lafayette Parish Registrar of Voters, and the East Regional Library during the term of this Agreement.

3. AMENDMENT. This Agreement may be amended from time to time with the consent and approval of the governing authorities of the parties hereto. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their successors.

4. TERM. The term of this Agreement shall commence upon the signature of all of the parties to the Agreement, and the term of this Agreement shall end on December 31, 2022.

5. NON-ASSIGNABILITY. This Agreement is strictly between Lafayette, Broussard, and Youngsville, and no party has the right to assign this Agreement or any part hereof to any other party.

6. ENTIRE AGREEMENT. This Agreement shall constitute the entire agreement between the parties and shall be effective as of the date that this Agreement is fully executed; all prior agreements between the parties, whether written or oral, are merged into this Agreement and shall have no force and effect with regard to this Agreement.

7. NOTICES. All notices called for or contemplated hereunder shall be in writing and shall be given by personal delivery or by certified mail, return receipt requested, postage prepaid and addressed as set forth below:

The Parish of Lafayette
P. O. Box 4017-C
Lafayette, LA 70502

City of Broussard
310 East Main Street
Broussard, Louisiana 70518

City of Youngsville
305 Iberia Street
Youngsville, LA 70592

8. COUNTERPARTS. This Agreement may be executed in one or more counterparts, with each counterpart being deemed an original Agreement, but with all counterparts being considered one Agreement.

9. SEVERABILITY. If any term or provision of this Agreement is declared or adjudged to be invalid, illegal, or otherwise unenforceable, then the remaining terms or provisions shall remain in full force and effect.

10. SURVIVAL. All obligations to be performed after the term of this Agreement shall survive this Agreement.

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THUS DONE AND SIGNED, in multiple original, on this ____ day of _____ 2020, by THE PARISH OF LAFAYETTE in the presence of the undersigned competent witnesses who have hereunto executed, affixed and signed their names with THE PARISH OF LAFAYETTE and me, said Notary Public, all in the presence of each other after due reading of the whole.

WITNESSES:

THE PARISH OF LAFAYETTE

(Name of Witness - Please Print)

(Name of Witness - Please Print)

BY: _____

Josh Guillory
Mayor-President

NOTARY PUBLIC

(Name of Notary Public - Please Print)

(I.D. No. or Bar Roll No.)

THUS DONE AND SIGNED, in multiple original, on this ____ day of _____ 2020, by the CITY OF BROUSSARD in the presence of the undersigned competent witnesses who have hereunto executed, affixed and signed their names with the CITY OF BROUSSARD and me, said Notary Public, all in the presence of each other after due reading of the whole.

WITNESSES:

CITY OF BROUSSARD

BY: _____

Ray P. Bourque
Mayor

(Name of Witness - Please Print)

(Name of Witness - Please Print)

NOTARY PUBLIC

(Name of Notary Public - Please Print)

(I.D. No. or Bar Roll No.)

THUS DONE AND SIGNED, in multiple original, on this ____ day of _____ 2020, by the CITY OF YOUNGSVILLE in the presence of the undersigned competent witnesses who have hereunto executed, affixed and signed their names with the CITY OF YOUNGSVILLE and me, said Notary Public, all in the presence of each other after due reading of the whole.

WITNESSES:

CITY OF YOUNGSVILLE

BY: _____

Ken Ritter
Mayor

(Name of Witness - Please Print)

(Name of Witness - Please Print)

NOTARY PUBLIC

(Name of Notary Public - Please Print)

(I.D. No. or Bar Roll No.)

RECEIVED

JUL 07 2020

Lafayette Consolidated Government
Chief Administrative Officer



Internal Memorandum

Legal Department

TO: Cydra Wingerter, Chief Administrative Officer
CC: Josh Carlson, District 3 Parish Councilman
CC: Paul D. Escott, Assistant City-Parish Attorney
FROM: Paige Casselman Beyt, Assistant City-Parish Attorney
SUBJECT: Ordinance for an Additional Early Voting Location at the East Regional Library
DATE: July 7, 2020

Cydra,

I hereby submit the following, to wit:

(a) An Ordinance Of The Lafayette Parish Council Approving The Establishment, Maintenance And Operation Of A Temporary Branch Office By The Lafayette Parish Registrar Of Voters At The East Regional Library For Conducting Early Voting Pursuant To La. R.S. 18:133, Recognizing, Ratifying And Confirming The Mayor-President's Execution Of The Memorandum Of Understanding Between The Louisiana Department Of State Office Of Secretary Of State, The Lafayette Parish Registrar Of Voters, The Lafayette City-Parish Consolidated Government And The East Regional Library, Authorizing And Directing The Lafayette Mayor-President To Enter Into An Intergovernmental Agreement With The City Of Broussard And The City Of Youngsville For The Funding Of The Temporary Branch Office For The Lafayette Parish Registrar Of Voters At The East Regional Library For Conducting Early Voting, And Amending The Fy 19/20 Operating/Capital Budget Of The Lafayette City-Parish Consolidated Government By Increasing Reimbursement Revenues To The Parish Of Lafayette From The City Of Broussard And The City Of Youngsville To Provide Funding Needed For Said Temporary Branch Office Of The Lafayette Parish Registrar Of Voters For Conducting Early Voting

(b) Intergovernmental Agreement Between The Parish Of Lafayette, The City Of Broussard And The City Of Youngsville Concerning The Funding For The Establishment, Maintenance And Operation Of A Temporary Branch Office For The Lafayette Parish Registrar Of Voters At The East Regional Library For The Purpose Of Conducting Early Voting For The Registered Voters Of Lafayette Parish

(c) Agenda Item Submittal Form

I request that this Ordinance be placed on the July 21, 2020 agenda for the Parish Council.



Paige Casselman Beyt
Assistant City-Parish Attorney

LAFAYETTE PARISH COUNCIL MEETING

AGENDA ITEM SUBMITTAL FORM

1) **JUSTIFICATION FOR REQUEST:** An Ordinance Of The Lafayette Parish Council Approving The Establishment, Maintenance And Operation Of A Temporary Branch Office By The Lafayette Parish Registrar Of Voters At The East Regional Library For Conducting Early Voting Pursuant To La. R.S. 18:133, Recognizing, Ratifying And Confirming The Mayor-President's Execution Of The Memorandum Of Understanding Between The Louisiana Department Of State Office Of Secretary Of State, The Lafayette Parish Registrar Of Voters, The Lafayette City-Parish Consolidated Government And The East Regional Library, Authorizing And Directing The Lafayette Mayor-President To Enter Into An Intergovernmental Agreement With The City Of Broussard And The City Of Youngsville For The Funding Of The Temporary Branch Office For The Lafayette Parish Registrar Of Voters At The East Regional Library For Conducting Early Voting, And Amending The Fy 19/20 Operating/Capital Budget Of The Lafayette City-Parish Consolidated Government By Increasing Reimbursement Revenues To The Parish Of Lafayette From The City Of Broussard And The City Of Youngsville To Provide Funding Needed For Said Temporary Branch Office Of The Lafayette Parish Registrar Of Voters For Conducting Early Voting

2) **ACTION REQUESTED:** Adoption of Ordinance

3) **REQUESTED ACTION OF COUNCIL:**

A) **INTRODUCTION:** July 21, 2020

B) **FINAL ADOPTION:** August 4, 2020

4) **DOCUMENTATION INCLUDED WITH THIS REQUEST:**

A) Internal Memorandum (2 Page)

B) Parish Ordinance (4 Pages)

C) Intergovernmental Agreement (7 Pages)

D) Submittal Form (2 Page)

5) **FISCAL IMPACT:**

 x Fiscal Impact (Explain)

The 19/20 FY Operating/Capital Budget will need to be amended to accept reimbursement revenues from the City of Youngsville and the City of Broussard for the costs of the early voting site at the East Regional Library pursuant to the attached Intergovernmental Agreement.

_____ No Fiscal Impact

SUBMITTED BY:



PAIGE CASSELMAN BEYT
ASSISTANT CITY-PARISH ATTORNEY

APPROVED BY:



CYDRA WINGERT
LCG CHIEF ADMINISTRATIVE OFFICER