

ORDINANCE NO. JO-003-2022

**A JOINT ORDINANCE OF THE LAFAYETTE CITY COUNCIL AND THE
LAFAYETTE PARISH COUNCIL AMENDING CHAPTER 98 OF THE LAFAYETTE
CITY-PARISH CONSOLIDATED GOVERNMENT CODE OF ORDINANCES
RELATIVE TO THE LETTER OF CREDIT REQUIREMENTS FOR OPERATORS OF
SHARED MOBILITY DEVICES**

BE IT ORDAINED by the Lafayette City Council and the Lafayette Parish Council, that:

WHEREAS, on August 4, 2020, the Lafayette City Council and Lafayette Parish Council adopted Joint Ordinance No. JO-071-2020, later amended by Joint Ordinance No. JO-109-2020, to promulgate certain rules and regulations for the permitting and operation of Shared Mobility Devices within the City of Lafayette and unincorporated Parish of Lafayette; and

WHEREAS, these rules and regulations currently provide that all Operators who desire to offer Shared Mobility Devices for use or rental in the City of Lafayette and unincorporated Lafayette Parish shall, among other things, obtain and submit an Irrevocable Letter of Credit in favor of Lafayette City-Parish Consolidated Government in the amount of \$50,000; and

WHEREAS, the Lafayette City Council and Lafayette Parish Council desire to amend the provisions related to the requirement of an Irrevocable Letter of Credit in order to authorize the SMD Management Committee to establish the amount of the required Irrevocable Letter of Credit and provide flexibility in establishing the amount of same to be commensurate with or related to the prospective Operator's offering of Shared Mobility Devices in the City of Lafayette and unincorporated Parish of Lafayette, while sufficiently protecting the public's interest.

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

SECTION 1: All of the aforescribed "Whereas" clauses are adopted as part of this joint ordinance.

SECTION 2: The Lafayette City-Parish Consolidated Government Code of Ordinances, Chapter 98, Article X, Division 2, Section 98-204 "Permit Application," is hereby amended and reenacted in the following particulars, with words in ~~strike through~~ being deletions from existing law, and words **underscored and boldfaced** being additions:

Sec. 98-204. Permit Application

A. Operators who desire to offer Shared Mobility Devices for use or rental in the City of Lafayette and the unincorporated Lafayette Parish shall submit an application for permit to the Director.

...

D. If the application meets all of the requirements of this Article in the discretion of the Director, the Director shall notify Operator or Permittee in writing, and the Operator or

Permittee shall then submit the items below to the Director within 35 calendar days of the date of the written notice prior to issuance of the permit:

- a. Program Administrative Fee in the amount of \$120 per Shared Mobility Device. Program Administrative Fees remitted in connection with a new permit issued for less than a calendar year shall be prorated. Permittee shall pay this Program Administrative Fee for any approved Shared Mobility Device fleet expansions during the permit year. The Program Administrative Fee must be remitted annually.
- b. Irrevocable Letter of Credit in the amount of ~~of \$50,000.00, in and~~ form satisfactory to the ~~Director~~ **SMD Management Committee pursuant to Sec. 98-206(G)(6)**, and which shall remain in effect for the duration of the Permittee’s permit and any renewal thereof. The Irrevocable Letter of Credit must be a “clean letter of credit,” i.e., as a condition of payment, it may require no more than presentation of a draft or other demand by the Director and must contain the following statement:

Said funds are available by draft drawn at sight accompanied by a dated statement signed by the Director of the Lafayette City-Parish Consolidated Government Department of Public Works that [insert Permittee name] has not satisfied the conditions of its Shared Mobility Device Permit and is in non-compliance with and/or has violated of Article X of LCG Code of Ordinances and/or any supplemental rules and regulations promulgated by the SMD Management Committee.

- c. In the event such a draw is made, Permittee shall replenish or reinstate the Irrevocable Letter of Credit funds within 30 days to **the amount established by the SMD Management Committee** ~~maintain, at a minimum, a \$50,000.00 availability at all times.~~ Nothing herein shall be construed to limit the liability of a Permittee for Permittee-caused damages, impoundment costs and/or any other fines or penalties that exceed the Permittee’s Irrevocable Letter of Credit balance.

...

SECTION 3: The Lafayette City-Parish Consolidated Government Code of Ordinances, Chapter 98, Article X, Division 3, Section 98-206 “SMD Management Committee; Established,” is hereby amended and reenacted in the following particulars, with words in ~~strikethrough~~ being deletions from existing law, and words **underscored and boldfaced** being additions:

Sec. 98-206. SMD Management Committee; Established

- A. The SMD Management Committee is hereby created and shall be made up of the following persons:

...

- G. In addition, and without limiting the generality of the foregoing, the SMD Management Committee is specifically authorized to:

- 1. Promulgate and establish rules of procedure for conducting its meetings not inconsistent with this Article or state law.

...

- 6. **Establish the amount of the Irrevocable Letter of Credit an Operator or Permittee is required to submit pursuant to Sec. 98-204(D)(2), which amount**

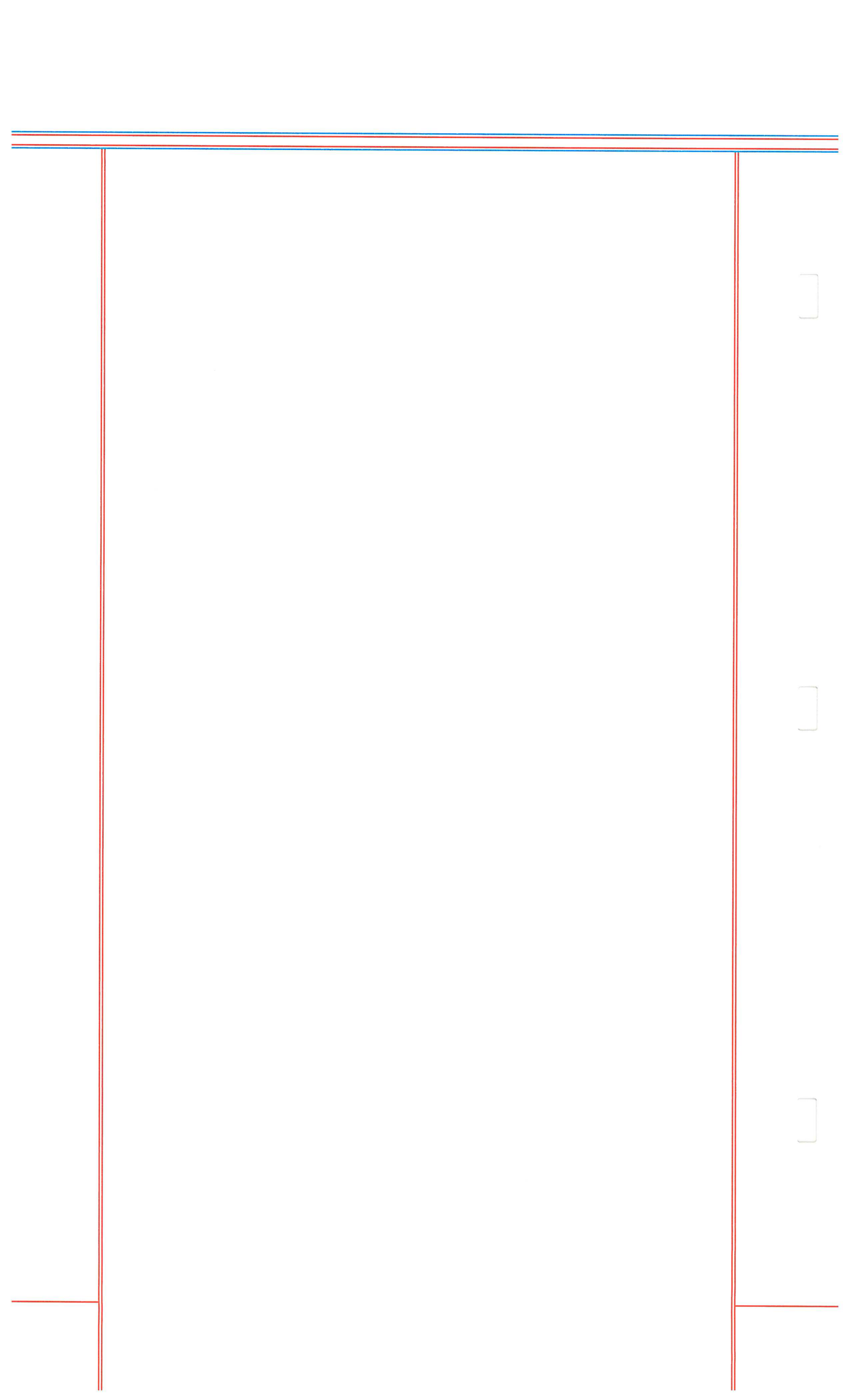
shall be commensurate with or related to the Operator's fleet size and type of Shared Mobility Device offered. Notwithstanding the foregoing, in no event shall the Irrevocable Letter of Credit be in an amount less than \$10,000.00 nor more than \$50,000.00, and the amount shall be subject to change at any time during the permit year or during any renewal thereof by the SMD Management Committee.

...

SECTION 4: All ordinances or resolutions, or parts thereof, in conflict herewith, including but not limited to those conflicting portions of Joint Ordinance No. JO-071-2020, are hereby repealed.

SECTION 5: After first having been adopted by a majority of the authorized membership of both the Lafayette Parish Council and the Lafayette City Council, this joint ordinance shall become effective upon signature of this joint ordinance by the Lafayette Mayor-President, the elapse of ten (10) days after receipt by the Lafayette Mayor-President without signature or veto, or upon override of a veto, whichever occurs first.

* * * * *



DEC 10 2021

Lafayette Consolidated Government
Chief Administrative Officer

Internal Memorandum

Development and Planning Department
Office of the Director (Route 9041)**TO:** Cydra Wingerter**DATE:** December 8, 2021**FROM:** Mary Sliman**SUBJECT:** Joint Ordinance Amending Chapter 98 relative to the Letter of Credit Requirement for Operators of Shared Mobility Devices

In working through our SMD application for Blue Duck, there was discussion about the \$50,000 requirement for the Letter of Credit. The SMD Management Committee met on December 2, 2021 and motioned to recommend the following changes in the SMD ordinance to the Councils:

1. The SMD Management Committee would like the ability to set the Letter of Credit amount on a vendor-by-vendor basis. This amount will be set based on fleet size and type of device being deployed.
2. The SMD Management Committee can change the amount of the Letter of Credit for a vendor at any time or upon annual renewal of their application.
3. The Letter of Credit requirement must be between \$10,000 and \$50,000.

We request that this joint ordinance be placed on the January 4, 2022 agendas for the Lafayette City Council and Lafayette Parish Council meetings.

Sincerely,



Mary M. Sliman
Director

Attachment

LAFAYETTE JOINT COUNCIL MEETING

AGENDA ITEM SUBMITTAL FORM

1) **JUSTIFICATION FOR REQUEST:** The SMD Management Committee is recommending to the Councils the attached changes for the Shared Mobility Device ordinance. The changes are related to the Letter of Credit required with an SMD application. The committee is requesting the flexibility to determine the amount of the Letter of Credit for each vendor based on fleet size and type of device being deployed. There are minimum and maximum dollar amounts set to give the SMD Management Committee parameters that they must work within.

2) **ACTION REQUESTED:** Adoption of joint ordinance.

3) **REQUESTED ACTION OF COUNCIL:**

A) INTRODUCTION: January 04, 2022

B) FINAL ADOPTION: January 18, 2022

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

A) Cover Memo (1 page)

B) Submittal Item Justification Form (1 page)

C) Ordinance (3 pages)

5) **FISCAL IMPACT:**

 Fiscal Impact (Explain)

 X No Fiscal Impact

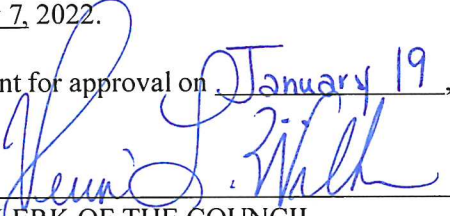
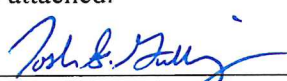
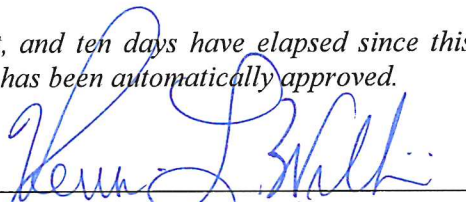
RECOMMENDED BY:

Mary M. Shiman
DIRECTOR

APPROVED FOR AGENDA:

Cynthia W. Wertz
CHIEF ADMINISTRATIVE OFFICER

DISPOSITION OF ORDINANCE NO. JO-003-2022

1. This ordinance was introduced:
January 4, 2022
YEAS: Tabor, K. Naquin,
Carlson, Guilbeau, Rubin
NAYS: None
ABSENT: None
ABSTAIN: None
- Final disposition by **Parish Council**:
January 18, 2022
YEAS: Tabor,
Carlson, Guilbeau, Rubin
NAYS: None
ABSENT: K. Naquin
ABSTAIN: None
- This ordinance was introduced:
YEAS: Lewis, A. Naquin,
Cook, Lazard
NAYS: None
ABSENT: Hebert
ABSTAIN: None
- Final disposition by **City Council**:
YEAS: Lewis, A. Naquin,
Hebert, Cook, Lazard
NAYS: None
ABSENT: None
ABSTAIN: None
2. Notice of Public Hearing: This ordinance was published by Title and Notice of Public Hearing was published in the Advertiser on January 7, 2022.
3. This ordinance was presented to the Mayor-President for approval on January 19, 2022, at 9:45 o'clock 2 .m.
- 
CLERK OF THE COUNCIL
4. Disposition by Mayor-President:
- I hereby:
- A. Approve this ordinance, the 20 day of JANUARY, 2022, at 2:10 o'clock p .m.
- B. Veto this ordinance, the _____ day of _____, 2022, at _____ o'clock ____ .m., veto message is attached.
- C. Line item veto certain items this _____ day of _____, 2022, at _____ o'clock ____ .m., veto message is attached.
- 
MAYOR-PRESIDENT
5. Returned to Council Office with/without veto message on January 20, 2022, at 4:17 o'clock p .m.
6. Reconsideration by Council (if vetoed):
- On _____, 2022, the Councils did/refused to adopt this ordinance after the Mayor-President's veto.
7. Returned to the Council Office without signature of Mayor-President (*unsigned*) on _____, 2022, at _____ o'clock ____ .m.
- If not signed or vetoed by the Mayor-President, and ten days have elapsed since this ordinance was presented to him for action, same has been automatically approved.*
- 
CLERK OF THE COUNCIL
8. Full publication of this ordinance was made in the Advertiser on January 21, 2022.

