

PARISH ORDINANCE NO. PO-048-2024

AN ORDINANCE OF THE LAFAYETTE PARISH COUNCIL AUTHORIZING THE LAFAYETTE MAYOR-PRESIDENT TO EXECUTE AGREEMENT(S) WITH SHERIFFS, MUNICIPALITIES, POLITICAL SUBDIVISIONS OR AGENCIES CONCERNING TEMPORARY HOUSING OF JUVENILES IN THE JUVENILE JUSTICE SYSTEM AND TO AMEND THE FY 23/24 OPERATING BUDGET OF THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT BY INCREASING THE USE OF PRIOR YEAR FUND BALANCE IN FUND 265 IN THE AMOUNT OF \$125,000 AND APPROPRIATING WITHIN THE JUVENILE DETENTION DIVISION WITHIN THE CAO'S OFFICE

BE IT ORDAINED by the Lafayette Parish Council, that:

WHEREAS, Children's Code article 804(1), as amended and reenacted by Senate Bill No. 3 of the 2024 Second Extraordinary Session of the Louisiana Legislature, redefined the term "child" as "any person under the age of twenty-one, including an emancipated minor, who commits a delinquent act before attaining seventeen years of age;" and

WHEREAS, this legislative action has generated questions regarding its implications to the criminal justice system, creating significant uncertainty as to the housing and detention of minors who have attained the age of 17; and

WHEREAS, various State and Federal Statutes provide that juveniles must not be detained or confined in an institution where they come in contact with adult inmates; and

WHEREAS, for the general welfare of the citizens of the Parish of Lafayette, the Lafayette Parish Council desires to authorize the Lafayette Mayor-President to enter into such agreements with qualifying political subdivisions or agencies, including sheriffs or law enforcement districts, to temporarily house juveniles arrested and initially held in the Parish of Lafayette.

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

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

SECTION 2: The Lafayette Parish Council hereby authorizes the Lafayette Mayor-President to enter into one (1) or more agreements with any political subdivision or agency, including sheriffs or law enforcement districts, certified as a lawful juvenile detention facility to house juveniles arrested and initially held in the juvenile justice system of the Parish of Lafayette.

SECTION 3: The agreement(s) authorized herein shall be in such form, and contain such additional provisions, as the Lafayette Mayor-President may deem necessary, convenient, or desirable to carry out the intent and provisions of this ordinance.

SECTION 4: The Lafayette Parish Council hereby further authorizes the Lafayette Mayor-President to take any and all other action in connection with the agreement(s) authorized herein in order to carry out the intent of this ordinance.

SECTION 5: The FY 23/24 operating budget of the Lafayette City-Parish Consolidated Government is hereby amended by increasing the use of prior year fund balance in the amount of \$125,000 and appropriating within the Juvenile Detention Division within the CAO's Office.

SECTION 6: The increase in revenue shall be reflected in any pertinent documents which are attached and made a part hereof and filed in the Office of the Lafayette Clerk of the Council.

SECTION 7: All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 8: 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.

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Memorandum

Legal Department
Patrick S. Ottinger, City-Parish Attorney

TO: Veronica Arceneaux, Clerk of the Council DATE: August 22, 2024

THRU: Rachel Godeaux, CAO

FROM: Patrick S. Ottinger, City-Parish Attorney

SUBJECT: SPECIAL PARISH COUNCIL MEETING AGENDA – Introduction August 29, 2024; Final Adoption September 12, 2024 - An Ordinance of the Lafayette Parish Council Authorizing the Lafayette Mayor-President to Execute Agreement(s) with Sheriffs, Municipalities, Political Subdivisions or Agencies Concerning Temporary Housing of Juveniles in the Juvenile Justice System and to Amend the FY 23/24 Operating Budget of the Lafayette City-Parish Consolidated Government By Increasing the Use of Prior Year Fund Balance in Fund 265 in the Amount of \$125,000 and Appropriating Within the Juvenile Detention Division within the CAO's Office

Rachel,

Enclosed please find: (i) the Agenda Item Submittal Form; and (ii) An Ordinance of the Lafayette Parish Council Authorizing the Lafayette Mayor-President to Execute Agreement(s) with Sheriffs, Municipalities, Political Subdivisions or Agencies Concerning Temporary Housing of Juveniles in the Juvenile Justice System and to Amend the FY 23/24 Operating Budget of the Lafayette City-Parish Consolidated Government By Increasing the Use of Prior Year Fund Balance in Fund 265 in the Amount of \$125,000 and Appropriating Within the Juvenile Detention Division within the CAO's Office.

This is a Parish Ordinance as it pertains to the Juvenile Detention Division.

If all is in order, kindly sign and present to the Council Office in order that it be put on the Parish Council agenda to be introduced at a Special Meeting of the Parish Council on Tuesday, August 29, 2024, with final adoption on Tuesday, September 12, 2024.

A handwritten signature in blue ink, appearing to read "P. Ottinger", is written over a horizontal line.

Patrick S. Ottinger

t: 337.291.8015 / pspottinger@lafayettela.gov / f: 337.232.9867

LAFAYETTE PARISH COUNCIL MEETING

AGENDA ITEM SUBMITTAL FORM

1) **JUSTIFICATION FOR REQUEST:** An Ordinance of the Lafayette Parish Council Authorizing the Lafayette Mayor-President to Execute Agreement(s) with Sheriffs, Municipalities, Political Subdivisions or Agencies Concerning Temporary Housing of Juveniles in the Juvenile Justice System and to Amend the FY 23/24 Operating Budget of the Lafayette City-Parish Consolidated Government By Increasing the Use of Prior Year Fund Balance in Fund 265 in the Amount of \$125,000 and Appropriating Within the Juvenile Detention Division within the CAO's Office

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

3) **COUNCIL DISTRICT(S) (CIP PROGRAM/PROJECTS ONLY):** N/A

4) **REQUESTED ACTION OF COUNCIL:**

A) INTRODUCTION: August 29, 2024

B) FINAL ADOPTION: September 12, 2024

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

A) Cover Memo (1 page)

B) Submittal Form (1 page)

C) Ordinance w/ budget documents (3 pages)

6) **FISCAL IMPACT:**

X Fiscal Impact (Explain) - There is a use of fund balance in Fund 265 of \$125,000.

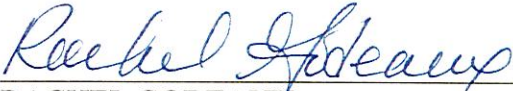
 No Fiscal Impact

RECOMMENDED BY:





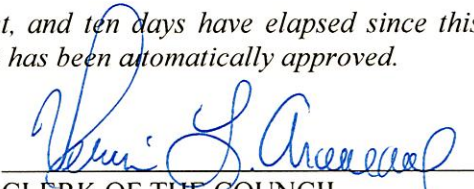
PATRICK S. OTTINGER
CITY-PARISH ATTORNEY

APPROVED FOR AGENDA:



RACHEL GODEAUX
CHIEF ADMINISTRATIVE OFFICER

DISPOSITION OF ORDINANCE NO. PO-048-2024

1. This ordinance was introduced: August 20, 2024
YEAS: Tabor, Richard, Stansbury, Guilbeau, Rubin
NAYS: None
ABSENT: None
ABSTAIN: None
- Final disposition by Council: September 17, 2024
YEAS: Tabor, Richard, Stansbury, Guilbeau, Rubin
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 August 23, 2024.
3. This ordinance was presented to the Mayor-President for approval on September 18, 2024, at 11:45 o'clock 2.m.
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CLERK OF THE COUNCIL
4. Disposition by Mayor-President:
I hereby:
- A. Approve this ordinance, the 25th day of September, 2024, at 11 o'clock 2.m.
- B. Veto this ordinance, the _____ day of _____, 2024, at _____ o'clock ____m., veto message is attached.
- C. Line item veto certain items this _____ day of _____, 2024, at _____ o'clock ____m., veto message is attached.
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MAYOR-PRESIDENT
5. Returned to Council Office with/without veto message on September 26, 2024, at 10:25 o'clock 2.m.
6. Reconsideration by Council (if vetoed):
On _____, 2024, the Council 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 _____, 2024, 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.*
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CLERK OF THE COUNCIL
8. Full publication of this ordinance was made in the Advertiser on September 20, 2024.

