

RES 109A

A resolution to launch a city council investigation as authorized by Section 4.29 of the City of Shreveport, Louisiana, charter, and to otherwise provide with respect thereto. (C/Taliaferro, D/Boucher)

FACT SHEET

<u>TITLE</u> A RESOLUTION TO LAUNCH A CITY COUNCIL INVESTIGATION AS AUTHORIZED BY SECTION 4.29 OF THE CITY OF SHREVEPORT, LOUISIANA, CHARTER, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.	<u>DATE</u> August 14, 2023	<u>ORIGINATING DEPARTMENT</u> City Council <u>COUNCIL DISTRICT</u> City-wide <u>SPONSOR</u>
<u>PURPOSE</u> The City Council wishes to conduct an investigation regarding the receipt of documentary evidence of unauthorized salary increases to employees of the Council.		
<u>BACKGROUND INFORMATION</u> Members of the Council have received documentary evidence indicating the salaries of some City Council employees were increased without the consent of a majority of the City Council. Pursuant to Section 4.29 of the Charter of the City of Shreveport, the council, or any committee thereof when authorized by the council may investigate the conduct of any office, department of the city government or of any officer of employee thereof. Further, La. R.S. 42:17(A)(5) provides that a public body may hold an executive session pursuant to La R.S. 42:16 to investigate proceedings regarding allegations of misconduct. With respect to the Charter and Louisiana law, the City Council wishes to launch this investigation.		
<u>TIMETABLE</u> Introduction: August 22, 2023 Final Passage: August 22, 2023	<u>ATTACHMENTS</u>	
<u>SPECIAL PROCEDURAL REQUIREMENTS</u> NA		
<u>FINANCES</u> NA	<u>SOURCE OF FUNDS</u> NA	
<u>ALTERNATIVES</u> (1) Adopt the resolution as submitted, or (2) Amend the resolution, or (3) Reject the resolution.		
<u>RECOMMENDATION</u> It is recommended that the City Council adopt the resolution.		
<u>FACT SHEET PREPARED BY:</u> Marcus E. Edwards		

RESOLUTION NO. 109A OF 2023

A RESOLUTION TO LAUNCH A CITY COUNCIL INVESTIGATION AS AUTHORIZED BY SECTION 4.29 OF THE CITY OF SHREVEPORT, LOUISIANA, CHARTER, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY: COUNCILMEN TALIAFERRO AND BOUCHER

WHEREAS, Section 4.29 of the Charter of the City of Shreveport, (the “Charter”) authorizes “The council, or any committee thereof when authorized by the council, ... to investigate the official conduct of any office, department, ...of the city government or of any officer or employee thereof.”; and

WHEREAS, Section 8 of the City Council Rules of Procedure provides for a *City Council Investigation* as authorized by the Charter; and

WHEREAS, La. R.S. 42:16 authorizes a public body to hold an executive session for one or more of the reasons listed in La. R.S. 42:17, and La. R.S. 42:17A(4), authorizes executive sessions for “Investigative proceedings regarding allegations of misconduct,”; and

WHEREAS, Section 4.12 of the Charter states: “[t]he council may employ and fix the salaries of only such employees as are necessary for the exercise of its function as set out in this Charter”; and

WHEREAS, members of the Council have received evidence indicating the salaries of the employees of the Council were increased without the consent of a majority of the City Council; and

WHEREAS, as a consequence of the increased salary adjustments of the employees of the Council without the consent of a majority of the City Council, it is necessary for the City Council to conduct an investigation pursuant to Section 4.29 of the Charter and Section 8 of the City Council Rules of Procedure.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport, Louisiana, in due, legal and regular session convened that:

SECTION 1. INVESTIGATION. The City Council hereby launches an investigation pursuant to Section 4.29 of the Charter concerning the receipt of documentary evidence of unauthorized salary increases of the employees of Council.

SECTION 2. POWERS. With respect to conducting this investigation, the City Council is granted the following powers in accordance with Section 4.29 of the Charter:

1. **Investigate.** The City Council shall have power to investigate official conduct of any office, department, commission, board or agency of the City government or of any officer or employee thereof.

2. **Oaths, Subpoena Witnesses and Production of Records.** Any member of City Council shall have the power to administer oaths, and the City Council may also compel the attendance of witnesses and require the production of records.

3. **Penalty.** Any person who refuses to obey the lawful subpoena of the City Council shall upon conviction in any court of competent jurisdiction be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days or both.

4. **Executive Sessions.** The City Council is authorized to conduct “investigative proceedings” in executive session(s) as authorized by La. R.S. 42:16 and La. R.S. 42:17.

SECTION 3. LEGAL COUNSEL. The City Council is authorized to solicit the assistance and legal advice of the City Attorney, or his designee(s). The City Council is also authorized to engage special legal counsel employed with the consent of, and supervised by, the City Attorney in accordance with Section 8.03 of the Charter.

BE IT FURTHER RESOLVED that if any provision or item of this Resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Resolution which can be given effect without the invalid provisions, items or applications and to this end the provisions of this Resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions, ordinances or parts thereof in conflict herewith are hereby repealed.

BE IT FURTHER RESOLVED pursuant to Section 4.21 (b) of the Charter, the Mayor does not have veto powers related to the adoption of this Resolution regarding investigations by the City Council.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon adoption.

THUS DONE AND RESOLVED by the City Council of the City of Shreveport, Louisiana.

APPROVED AS TO LEGAL FORM:

City Attorney's Office