

Hammond City Charter Review Committee

March 28, 2022

To: Hammond City Council

From: The Hammond City Charter Review Committee

Frank DiVittorio,
Chairman
District 4 Nominee

Arlene Knighten,
District 1 Nominee

Nick Gagliano,
District 2 Nominee¹

Tracy Wells,
District 3 Nominee

Lesli Bolner,
District 5 Nominee

Doug Johnson,
Mayor's Nominee²

Re: Committee Report to Council

The Hammond City Charter Review Committee was first convened on December 14, 2020, per Resolution 20-1013-02 to review the Hammond City Charter and make recommendations to the Council regarding changes in laws and circumstances since the last review of the City Charter was completed, but no limitation on the scope was provided.

The report is comprised of the following parts:

- I. A list of Nine Proposed Amendments to the Hammond City Charter. Although the Mayor's representative was a non-voting liaison member he joined on all proposals.
- II. A list of eight Recommendations to the Hammond City Council that either did not require amendment to the Charter or while unanimously recommended in part unanimity could not be reached on all terms.
- III. A list of three issues that the Committee unanimously agreed warranted further discussion, but were either unable to reach a consensus on or exceeded the ability of the Committee to complete a thorough review of with its resources and time available.

Attachment 1: Copies of the minutes from the 23 meetings held by the Charter Review Committee identifying all subjects discussed and those to be recommended to the Council for approval or further review.

¹ Chris Broadwater was the original District Nominee who resigned and was replaced by Mr. Gagliano.

² Objection was lodged not having a vote on the Committee.

Introduction and Background

The Committee is comprised of representatives appointed by each Council Person and the Mayor. At the invitation of the Committee former and present mayors and council persons, former Charter Committee members, other City Officials, and the general public were specifically invited and participated. We held meeting at alternate locations and on Saturday to allow greater public participation. We invited public comment by email. We received presentations from the City attorney, administration, bond counsel and compensation consultants.

I. A list of Nine Proposed Amendments to the Hammond City Charter.

Proposal #1 (20211213):

Section 3-06: Revise to provide that effective January 1, 2023 a newly elected mayor's salary would be fixed at \$95,000.00 with 2% annual increases, with the salary reverting back to \$95,000 upon the election of a new mayor.

Basis: An independent compensation study of the compensation of the Mayor and Council was conducted by SSA Consultants, a third-party consultant. The study found that compensation of mayors in comparable municipalities were as high as \$140,916 and that the compensation for the office of mayor for the City had not been adjusted for at least a decade. Therefore, the Committee believed an increase was necessary to continue to competitively attract qualified candidates.

Proposal #2 (20211213):

Section 2-04: Revise to provide that effective January 1, 2023 a newly elected councilperson's salary would be fixed at \$15,000.00 with 2% annual increases, with the salary reverting back to \$15,000 upon the election of a new councilperson.

Basis: An independent compensation study of the compensation of the Mayor and Council was conducted by SSA Consultants, a third-party consultant. The study found that compensation of councilpersons in comparable municipalities were as high as \$25,704 and that the compensation for the office of councilperson for the City had not been adjusted since at least a decade. Therefore, the Committee believed an increase was necessary to continue to competitively attract qualified candidates.

Proposal #3 (20211213):

Section 2-08: Revise to provide the Council shall appoint, remove, direct and supervise an employee of the City who shall have the title of Clerk of the Council who shall serve at the pleasure of the Council.

Basis: The Charter contains provisions prohibiting Council involvement regarding employee oversight, which conflict with the provision that the Council have a dedicated employee such as a Council Clerk. Although not contained in the proposal, the Council could further propose modification to the Section to add other positions subject to their direct oversight including, but not limited to public relations personnel, communications personnel, and/or administrative personnel.

Proposal #4 (20211220):

Ethics Section 7-03: Revise the first sentence to add "all officers, officials, and employees of the City whether elected or appointed, paid or unpaid, shall be subject

to and comply with all State ethics laws, codes, and regulations.” Eliminate the second, third, and fourth sentence of Section 7-03.

Basis: The Charter currently provides for an Ethics Board that is not currently constituted and is not known to have functioned in recent time. It is believed that the area of regulation has been displaced by State law and attempting to regulate it could lead to conflicting duties and obligations and unnecessary redundancy.

Proposal #5 (20210221):

Section 4-01: Revise to provide All department heads during their term of office shall live within the Parish of Tangipahoa, but no farther than two miles from the nearest point of the City Limits.

Basis: Availability and immersion in the City was deemed an important qualifying factor.

Proposal #6 (20220314):

For department heads subject to confirmation by the Council, the Council Members shall receive at least 30-days prior notice to any Proposed Council Confirmation Hearing information and documentation concerning the potential candidate, including, but not limited to, the candidate’s name, application, background check, criminal check, resume, references, and qualifications.

Basis: Public input revealed that there was public concern regarding whether the Council was receiving sufficient information regarding proposed nominations to allow them to make a meaningful review of candidates. The Committee believes it might be beneficial for the Council to implement such a procedure by ordinance or resolution, but given the level of public concern and fact that it such a procedure has not been adopted the proposal is suggested.

Proposal #7 (20220321):

Amend the Charter to provide for a Planning and Zoning Commission to consist of five (5) persons, each appointed by the Mayor, subject to confirmation by the City Council. The Members of the Commission shall be chosen by the Mayor, one (1) from each Council District. Each Member shall be an elector or owner of real estate in the City (either as an individual or through a company).

Basis: There was significant public input and discussion regarding the City’s Planning and Zoning process. The input was substantially negative. Complicating corrective action is that state statutes essentially create a “Planning Commission”, “Zoning Commission”, and “Board of Adjustments” that regulate them to different degrees. The result is that three regulators of sorts operating in substantially similar area with sometimes conflicting requirements. In Hammond the three units have

been comprised of the same five people that although technically operate separately rarely reveal any distinguishable existence to the public. The Committee also found difficulty obtaining decisive legal opinions regarding whether specific proposals were even within the City's authority to alter. It is likely that the regulation of growth and development in the City is ripe for a substantial revision, possibly through the creation of a specialized committee with the Council retaining and assigning specialized legal counsel to advise it.

Proposal #8 (20220321):

To add to the Charter the formation of an Advisory Committee which could create a community forum for discussion of community concerns. The Committee would meet quarterly and take minutes of discussions, but not have any power of investigation or subpoena. The Committee would not take any votes but would keep Minutes and submit the notes from the Meeting to the Council and Mayor for review. The Committee shall consist of the following Members to serve for one (1) year terms: Members appointed by each Council Member, Members appointed by the Mayor, and one (1) Member appointed by each of the following groups: Tangipahoa Chamber of Commerce, local NAACP, Downtown Development District, and Southeastern Louisiana University. The Committee shall elect a Chairman, a Vice-Chairman and a Secretary from among its Members, which shall all be electors of the City of Hammond. The Meetings of the Committee shall be open to the public, subject to reasonable rules of participation.

Basis: There was substantial public input communicated to the Committee that public concerns were not being heard and addressed by the Administration. That the public felt powerless, fearful, and that intimidation tactics were being used to subvert public complaints. The hope was that a public advisory committee could create a venue for public complaint to an advocate able to withstand the pressure experienced by members of the public. This committee could be created by Ordinance or Resolution, but there was concern about the fact that although it would be easier to create through those means it would also be easier to dissolve.

Proposal #9 (20220321):

Charter Amendment to require Annual Evaluations for each Department Head designated in the Charter which shall be disseminated to the Mayor, the Council, and the Public.

Basis: This was proposed as a method to increase accountability. A lack of accountability to the public was repeatedly raised by public input.

II. A list of eight Recommendations to the Hammond City Council that either did not require amendment to the Charter or while unanimously recommended in part unanimity could not be reached on all terms.

1. **Budget Review (20220210):** Unanimous recommendation that the Council consider retaining a consultant to review the budget contents for compliance with the existing requirements of the Charter.

Based upon discussions that resulted from public input, the resulting analysis of the existing requirements currently contained in the Charter, and what was presented to the Committee as what is generally delivered to the Council as a prospective budget it was discovered that there does not seem to even be a dispute that what the Council has been receiving as a proposed budget does not meet the requirements contained in the Charter.

2. **Department Organizational Structure (20220304):** Unanimously recommended that the Council conduct a review of the current departments in relationship to the Charter which provides for certain department heads and a process under Section 4-10 for altering the organizational structure. The current organizational chart does not reflect the department heads listed in the Charter and were not adopted pursuant to a reorganization plan adopted pursuant to Section 4-10.
3. **Master Plan (20220323):** Unanimously recommended the Council update the Hammond Master Plan and adopt an ordinance requiring the systematic and periodic review and update of the Master Plan in the future.
4. **Public Records (20211220):** Unanimously recommended that the Council consider action requiring all of its meeting minutes, ordinances, resolutions, codes, and technical regulations be available online in a searchable form for public access and review.

The Committee believed this was an issue worthy of being addressed, but not requiring an amendment to the Charter to execute.

5. **Department Heads (20210221):** The Committee unanimously agreed that, "All department heads shall be appointed by mayor and shall serve at the pleasure of the mayor subject to council approval. Said department heads shall be subject to reconfirmation upon the renewal of each mayoral term." However, the Committee could not reach a consensus on whether it should require a simple majority to reappoint or a minority (effectively a supermajority to terminate) a serving department head.
6. **Public Records (20210128):** Requiring the Independent Audit required by Section 2-07 be made available on the City website.

7. **Term limits** (20220210): Unanimous recommendation that they be left as they currently stand.
8. **Investigations** (20220210): Unanimous recommendation that Section 2-06 be left unchanged.

III. A list of three issues that the Committee unanimously agreed warranted further discussion, but were either unable to reach a consensus on or exceeded the ability of the Committee to complete a thorough review of with its resources and time available.

1. **Debt** (20210325, 20210524): The issue of the City's ability to incur debt came up and was discussed at length. Initially the Administration offered substantial argument in favor of amending the Charter to allow the City to incur bonded debt without an election of the people. However, the Mayor's nominee to the Committee voiced strong opposition to the removal of the requirement that voters approve bonded debt. The Mayor himself also suggested that the requirement was fine as is. The only argument in favor of removing the requirement completely seemed to be a matter of convenience. There were examples made of when it could be beneficial for the City to incur smaller amounts of debt that the costs of holding an election would not justify. The possibility of a hybrid system where debt up to a certain threshold would be permitted without an election however fixing that threshold seemed somewhat arbitrary with the information available to the Committee so a proposal was not adopted, but it is believed that the issue warrants further consideration by the Council.
2. **Accountability of the Police Chief** (20210628): Increasing accountability to public particularly came up regarding police chief. Ideas were discussed such as election versus appointment of the police chief, recall by public petition, etc.
3. **Community Policing** (20210712): Calls for implementation of true community policing activities in compliance with national standards on a systemic citywide permanent basis were repeatedly communicated to the Committee by public input. The Mayor's Nominee repeatedly offered his lifelong experience as a city resident and his desire to achieve true community policing that City residents have long demanded. His calls for improvement were joined by the other members of the Committee.