

FACT SHEET

<u>TITLE</u> An ordinance to amend Section 38.5-3 of the City of Shreveport, Louisiana, Code of Ordinances relative to the procedure for the appointment of Hearing Officers to the City's Environmental Court and to otherwise provide with respect thereto	<u>DATE</u> August 14, 2022	<u>ORIGINATING DEPARTMENT</u> City Attorney's Office <u>COUNCIL DISTRICT</u> City-wide <u>SPONSOR</u>
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PURPOSE
This ordinance will amend the appointment process by the City Council for Hearing Officer's to the City's Environmental Court, so the process is in compliance with the requirements of the City Charter. It will amend Section 38.5-3(b) of the City of Shreveport, Louisiana Code of Ordinances.

BACKGROUND INFORMATION
Section 38.5-3(b) of the City of Shreveport Code of Ordinances, relative to the appointment of Hearing Officers to the City's Environmental Court, currently provides that: "There shall be two hearing officers appointed for the adjudication of proceedings under this article who shall serve in accordance with a schedule determined and approved by the city attorney. Appointment of hearing officers shall be as follows: Mayoral appointment. There shall be one hearing officer appointed by the mayor subject to approval and confirmation of the city council who shall serve at the pleasure of the mayor. City council appointment. There shall be one hearing officer appointed and confirmed by the city council"

Section 38.5-3(b), relative specifically to the appointment of a Hearing Officer by the City Council, is currently not in compliance with Section 5.02 of the City Charter, which provides in part: "Specifically, but not by way of limitation of the other provisions herein made, the mayor shall: (a) Subject to the provisions of [Article 14](#) of this Charter, appoint all officers and employees of the several departments of the city, except those officers and employees who are to be appointed in some other manner under the provisions of this Charter;..."

<u>TIMETABLE</u> Introduction: August 23, 2022 Final Passage: September 13, 2022	<u>ATTACHMENTS</u>
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SPECIAL PROCEDURAL REQUIREMENTS
NA

<u>FINANCES</u> NA	<u>SOURCE OF FUNDS</u> NA
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ALTERNATIVES
(1) Adopt the ordinance as submitted, or (2) Amend the ordinance, or (3) Reject the ordinance.

RECOMMENDATION
It is recommended that the City Council adopt the ordinance.

FACT SHEET PREPARED BY: David Kaplovitz
Assistant City Attorney

ORDINANCE NO. 125 OF 2022

AN ORDINANCE TO AMEND SECTION 38.5-3 OF THE CITY OF SHREVEPORT, LOUISIANA CODE OF ORDINANCES RELATIVE TO THE PROCEDURE FOR THE APPOINTMENT OF HEARING OFFICERS TO THE CITY'S ENVIRONMENTAL COURT AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY COUNCILMEMBER

WHEREAS, the City of Shreveport Code of Ordinances Section 38.5-3(b), provides for the procedure for the appointment of two Hearing Officers to adjudicate matters brought before the City's Environmental Court, stating that "...There shall be two hearing officers appointed for the adjudication of proceedings under this article who shall serve in accordance with a schedule determined and approved by the city attorney. Appointment of hearing officers shall be as follows: Mayoral appointment. There shall be one hearing officer appointed by the mayor subject to approval and confirmation of the city council who shall serve at the pleasure of the mayor. City council appointment. There shall be one hearing officer appointed and confirmed by the city council...."

WHEREAS, Section 5.02(a) of the Charter of the City of Shreveport of 1978 provides in part "Specifically, but not by way of limitation of the other provisions herein made, the mayor shall: (a) Subject to the provisions of Article 14 of this Charter, appoint all officers and employees of the several departments of the city, except those officers and employees who are to be appointed in some other manner under the provisions of this Charter;..."

WHEREAS, Section 38.5-3(b) of the City of Shreveport Code of Ordinances, relative specifically to the appointment of a Hearing Officer by the City Council, is currently not in compliance with the requirements of the City Charter.

WHEREAS, the City Charter requires all appointments to be made by the Mayor of Shreveport and confirmed by the City Council.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, acting in due, legal, and regular session convened, that Section 38.5-3 of the City of Shreveport, Louisiana Code of Ordinances is hereby amended to read as follows:

Sec. 38.5-3. - Appointment of hearing officer for city environmental court.

...

- (b) There shall be two hearing officers appointed for the adjudication of proceedings under this article who shall serve in accordance with a schedule determined and approved by the city attorney. Appointment of hearing officers shall be by the mayor, subject to confirmation by the city council. The two hearing officers shall serve at the pleasure of the mayor.

...

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

BE IT FURTHER ORDAINED that all Ordinances or parts thereof in conflict herewith are hereby repealed.

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

APPROVED AS TO LEGAL FORM:

City Attorney's Office