

Bossier City adjusts for open meetings rules

By Drew Pierson • dpierson@gannett.com • November 15, 2008

Name three things on Bossier City's agenda next week. No answer?

If you don't know what's on the agenda, then you don't know that city staff have proposed spending \$14.5 million to rebuild Red River Chevrolet to widen a road; that the council will consider adopting a budget for the third year in a row that spends more money than the city brings in; and that the city will pay \$65,000 for the 2009 Bass Masters Classic to come to town in February.

Agendas are a preview of what's to come, and all governments in Louisiana are legally required to publish agendas at least 24 hours before the meeting is scheduled. But Bossier City, until recently, did not adhere to state law for some of its meetings, and the city is now publishing the agenda for some meetings in a way that some public policy observers say is still skirting the law.

"I'm not sure how to get the city to understand that if they are going to meet at all, they need to follow proper notice requirements AND they need to provide a written agenda of the items to actually be discussed," wrote Ann Heath, staff attorney and research analyst with the Public Affairs Research Council of Louisiana, a public policy think tank headquartered in Baton Rouge.

Bossier City meets four times a month although its charter requires only two meetings. The extra two meetings are essentially run-throughs: council members meet in the council chambers, discuss items given to them to vote on at the next meeting, and then adjourn.

In October, The Times asked that the agenda for those run-through meetings always be made available 24 hours prior to the meeting, as required by state law. But City Attorney Jimmy Hall argued that because these meetings weren't in the charter, they were essentially voluntary workshops and thus not subject to state open meetings laws.

"Your request is simply impractical because the item you request has not been prepared 24 hours before it is passed on to the City Council," Hall wrote.

The Times contacted the office of the Louisiana attorney general explaining the situation, and requested an unofficial opinion on the matter (only elected officials can request official opinions from the attorney general's office). In response, the attorney general's staff called Hall and explained that notice and agendas must be issued 24 hours prior to any public meeting.

"These meetings, should they continue to convene a quorum (a quorum means majority in this case) of the City Council for these purposes, must comply with the open meetings law," wrote Emalie Boyce, assistant attorney general.

Tuesday was Bossier City's first meeting since Boyce's phone call. Here's what appeared on the agenda:

1. Determine what items should be included on the Agenda for the Bossier City Council Meeting on November 18, 2008.
2. Announcements.
3. Adjourn.

Once the meeting started, however, the city clerk proceeded to read off a separate, printed checklist of 15 specific items to be discussed, some of them major items, such as the city's 2009 budget. That checklist had been distributed only to council members and staff. There was no discussion of what items to include on the agenda, as Bossier City's agenda stated. Council members and staff simply read off the checklist.

David Woolridge, general counsel for the Louisiana Press Association, said the checklist was clearly the actual agenda, and that the city, in his opinion, was still failing to provide notice 24 hours ahead of time.

"The agenda has to be sufficient to give the public notice of what will be discussed," Woolridge said. "When you (Bossier City) just say something about 'setting the agenda,' that's clearly not sufficient. That doesn't cut it. So to me, that is a violation right there."

Hall said the city had met the attorney general's requirements and felt that was sufficient.

"I talked to the attorney general's office and we are following the EXACT procedure that is required," Hall replied by e-mail.

Hall is right in that the attorney general's office did not consider Bossier City's latest go-around to be in violation of the law, in the unofficial opinion of Rick McGimsey, assistant attorney general. McGimsey said so long as Bossier City published an agenda, the checklist was, in his view, allowable.

Members of the City Council said they would follow Hall's lead.

"I understand from the city attorney's office that he is carefully following the advice and requirements set forth in his conversation with the state attorney general's office," wrote Councilman Timothy Larkin. "Assuming this is accurate and we are complying with the law, I am in support of an agenda preparation workshop approach to setting the following week's agenda."

Council President Scott Irwin agreed.

"I have no objections complying with any laws concerning council meetings or agenda meetings," Irwin wrote. "I rely on Jimmy Hall, the city attorney to guide us on matters such as this."

Woolridge said, in his opinion, Bossier City had still failed to provide a true agenda 24 hours ahead of time.

"I would say, 'Whoa you guys: that's in left field, way in left field.' ... I would call them on that," Woolridge said. "I would say, 'That's not sufficient. That's not a sufficient agenda to say you're going to 'discuss business.' That's absurd.'"