

April 5, 2019

Lafayette Parish Clerk of Court  
15<sup>th</sup> Judicial District  
800 S. Buchanan Street  
Lafayette, LA 70501

***Via Hand Delivery***

**RE:** *Keith Kishbaugh*  
**VS:** *City of Lafayette Government, et al*  
**DKT:** New Suit / 15<sup>th</sup> JDC / Lafayette Parish, Louisiana  
**OFN:** 1-176859

To Whom it May Concern:

Enclosed please find the following pleadings for filing into the record:

- (1) Suit for Injunctive Relief;
- (2) Proposed Order setting this matter for hearing; and
- (3) Request for Notice of Date of Trial, etc.

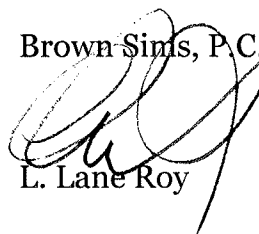
Please forward the Suit for Injunctive Relief and the Order to the Judge as soon as this matter has been assigned to be set for hearing as ***it requires an expeditious hearing and must be done within 10 days.***

Further, pursuant to my office's telephone conference with Heather in your civil cost department, enclosed please find my firm check in the amount of \$400.00 to cover the filing and service fees associated with this matter.

With kind regards, I am

Yours very truly,

Brown Sims, P.C.



L. Lane Roy

LLR/ymh/#4827-6570-6640

Enclosure

Cc: Paul Escott – *(Via Email)*  
Keith Kishbaugh – *(Via Email)*

**KEITH KISHBAUGH**

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**15<sup>TH</sup> JUDICIAL DISTRICT COURT**

**VERSUS**

**DOCKET NO.: \_\_\_\_\_**

**THE CITY OF LAFAYETTE  
GOVERNMENT, LAFAYETTE  
PARISH GOVERNMENT, and  
LAFAYETTE CITY-PARISH  
CONSOLIDATED GOVERNMENT**

**LAFAYETTE PARISH, LOUISIANA**

**SUIT FOR INJUNCTIVE RELIEF**

**NOW INTO COURT**, through undersigned counsel, comes **KEITH KISHBAUGH**, a resident of the full age of majority of Lafayette Parish, Louisiana, appearing herein as plaintiff, and respectfully avers as follows:

**I.**

Made defendants herein are **THE CITY OF LAFAYETTE GOVERNMENT, THE PARISH OF LAFAYETTE GOVERNMENT, and THE FORMER LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT**, said parties all being political entities and divisions of governmental entities in the state of Louisiana, said parties being currently responsible for the governing of the City of Lafayette, governing the Parish of Lafayette, and formerly governing the Consolidated City-Parish of Lafayette Parish.

**II.**

Recently, an election to amend the Home Rule Charter for the Lafayette City-Parish Consolidated Government took place. The Charter amendment was ratified by the voters of the City of Lafayette and the Parish of Lafayette December 8, 2018, and subsequently promulgated by the council December 18, 2018. The amended Charter sets forth the descriptions and boundaries of the Lafayette Parish Council Districts and the City of Lafayette Council Districts.

**III.**

After ratification of the Charter amendment as referred to above, it was discovered that some existing precincts were inadvertently omitted from the Charter amendment. Under the Charter, as amended, voters within the omitted precincts will not be permitted to vote in any elections called for the City council, Parish council, and/or Consolidated City-Parish government.

IV.

The Lafayette Parish Council Districts and the City of Lafayette Council Districts are established in the Amended Charter by reference to existing precincts within the City of Lafayette and Lafayette Parish, specifically Art. VIII, Transitional Provisions, Section 8-01, Council Districts, deal with the subject.

V.

The current governance of the City of Lafayette and the Parish of Lafayette, the Council and Mayor-President, have advised that the Lafayette City-Parish Council proposes to rectify the omission of the precincts referenced above by adopting Ordinance O-042-2019 (“Ordinance”). The proposed Ordinance adds the omitted precincts, and voters residing in those precincts, back to these districts by amending the district descriptions set forth in Section 8-01 of the Amended Charter.

VI.

The Ordinance proposed, which is set to be passed by the Lafayette City Council and the Lafayette Parish Council, is an illegal measure which conflicts with the Charter of the Lafayette Consolidated Government, as well as the current City of Lafayette Government and Lafayette Parish Government, as Section A-12 of the Amended Charter states that the amendments “that are necessary to carry out the election of City Council positions and Parish Council positions” become effective on promulgation, which occurred December 18, 2018. Section 8-01 of the Amended Charter provides:

Council districts for the election of the first City Council members and Parish Council members for the elections authorized by Section 8-13(D) of the Charter shall be as follows, and shall remain as follows until changed by reapportionment:

[City and Parish Districts are then described in Section 8-01 by precinct].

Section 8-13(D) of the Amended Charter provides that “the first election for City Council members and Parish Council members whose positions are established by the amendments to this Charter shall be held at the same time as the primary and general elections for the election of governor in 2019.” Thus, the Amended Charter provides that the election of City and Parish Council members **shall** be held concurrently with the gubernatorial election in 2018 and **shall** be held in those districts established and described in Section 8-01 of the Amended Charter.

## VII.

The mandatory provisions of the Amended Charter with respect to the first election of members cannot be altered, amended or revised by Ordinance. La. Constitution Art. 7 Section 5(C) provides that “a Home Rule Charter shall be adopted, amended, or repealed when approved by a majority of the electors voting thereon at an election held for that purpose.”

## VII.

Consistent therewith, the Lafayette City-Parish Charter, as amended, provides in Section 7-03 that the Charter may be amended by submission for ratification of the qualified electors of the City-Parish Government. A charter amendment must be approved by a majority vote of the electors of the City of Lafayette and a majority vote of the electors of the Parish of Lafayette. Otherwise, there is nothing in the law or the Charter document that would allow the Council acting alone to amend the Charter.

## VIII.

According to the above, any changes in district boundaries for the purposes of the first election of council members under the Amended Charter may be made **only** by further amendment to the Charter. Such changes cannot be made by Ordinance of the governing body and thus, the proposed Ordinance is one that is illegal and should be restrained.

## IX.

Allowing the proposed Ordinance to go into effect disenfranchises the voters of the City of Lafayette and the Parish of Lafayette who have a right to vote on any change in the Charter, as that Charter, under the terms of the Charter and under Louisiana Constitution, acts as a constitution for the governing of the City of Lafayette and the Parish of Lafayette. Those constitutional rights cannot be deprived of the citizens in the City of Lafayette and the Parish of Lafayette and thus, the proposed Ordinance, which would be a deprivation of the rights of the citizens of the City of Lafayette and the Parish of Lafayette, should be restrained.

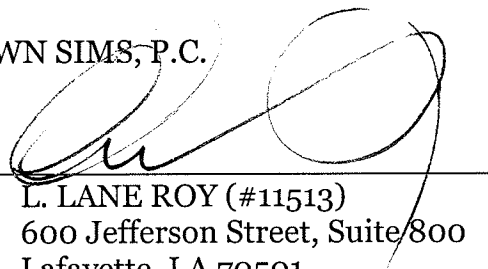
**WHEREFORE**, premises considered, plaintiff prays that after due proceedings had, there be judgment herein declaring that the proposed Ordinance, #O-042-2019 of

the City of Lafayette Council and the Parish of Lafayette Council, be declared illegal and that passage of such and enforcement of such be restrained as illegal.

Respectfully submitted,

BROWN SIMS, P.C.

BY:



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COUNSEL FOR: ***Keith Kishbaugh***

**PLEASE SERVE:**

**City of Lafayette Government  
Parish of Lafayette Government, and  
Former Lafayette City-Parish Consolidated Government**  
Through the Mayor-President  
Joel Robideaux  
705 West University Avenue  
Lafayette, Louisiana 70506

<b>KEITH KISHBAUGH</b>	*	<b>15<sup>TH</sup> JUDICIAL DISTRICT COURT</b>
	*	
<b>VERSUS</b>	*	<b>DOCKET NO.: _____</b>
	*	
<b>THE CITY OF LAFAYETTE</b>	*	<b>LAFAYETTE PARISH, LOUISIANA</b>
<b>GOVERNMENT, LAFAYETTE</b>	*	
<b>PARISH GOVERNMENT, and</b>	*	
<b>LAFAYETTE CITY-PARISH</b>	*	
<b>CONSOLIDATED GOVERNMENT</b>	*	

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**ORDER**

Considering plaintiff, **KEITH KISHBAUGH**'s Suit for Injunctive Relief,

**IT IS HEREBY ORDERED** that **THE CITY OF LAFAYETTE GOVERNMENT, LAFAYETTE PARISH GOVERNMENT and the FORMER LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT** appear and show cause on \_\_\_\_\_, 2019 at \_\_\_\_:00 \_\_\_m CST why the Suit for Injunctive Relief and the relief requested therein should not be granted.

\_\_\_\_\_, Louisiana, this \_\_\_\_ day of \_\_\_\_\_, 2019.

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15<sup>th</sup> JUDICIAL DISTRICT JUDGE

**PLEASE SERVE:**  
**CITY OF LAFAYETTE GOVERNMENT**  
**PARISH OF LAFAYETTE GOVERNMENT**  
**FORMER LAFAYETTE CITY-PARISH GOVERNMENT**  
 Through their Mayor-President  
 Joel Robideaux  
 705 West University Avenue  
 Lafayette, Louisiana 70506

KEITH KISHBAUGH

VERSUS

THE CITY OF LAFAYETTE  
GOVERNMENT, LAFAYETTE  
PARISH GOVERNMENT, and  
LAFAYETTE CITY-PARISH  
CONSOLIDATED GOVERNMENT

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15<sup>TH</sup> JUDICIAL DISTRICT COURT

DOCKET NO.: \_\_\_\_\_

LAFAYETTE PARISH, LOUISIANA

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**REQUEST FOR NOTICE OF DATE OF TRIAL, ETC.**

TO THE CLERK OF COURT of the 15<sup>th</sup> Judicial District Court in and for the Parish of Lafayette, Louisiana;

Please take notice that Brown Sims, P.C., attorneys for Plaintiff, **KEITH KISHBAUGH**, does hereby request written notice of the date of trial of the above matter as well as notice of hearings (whether on merits or otherwise), orders, judgments and interlocutory decrees, and any and all formal steps taken by the parties herein, the Judge, or any member of Court, as provided in Louisiana Code of Civil Procedure of 1960, particularly Articles 1572, 1913 and 1914.

Respectfully submitted,

BROWN SIMS, P.C.

BY: 

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COUNSEL FOR: **Keith Kishbaugh**