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August 19, 2021

VIA EMAIL AND US MAIL

Honorable Donald Landry
District Attorney, Fifteenth Judicial District
P.O. Box 3306
Lafayette, LA 70502

*Re: Lafayette Economic Development Authority --
Louisiana Open Meetings Law Issues*

Dear Mr. Landry:

I have been engaged by the Lafayette Economic Development Authority (“LEDA”) to provide advice and assistance with regard to certain issues that have arisen regarding potential or apparent violations of the Louisiana Open Meetings Law. I have been authorized to self-report these potential or apparent violations to your office.

LEDA is currently searching for a new President/CEO to replace Gregg Gothreaux, who has held that position for approximately 26 years. To undertake this task, the LEDA Board of Commissioners created a Selection Committee, alternately called the Personnel Committee (hereinafter the “Committee”). The mission of the Committee is to make a recommendation to the LEDA Board of Commissioners for one or more candidates to be considered for the soon-to-be-vacant President/CEO position. None of the actions of the Committee are binding on the LEDA Board of Commissioners.

The LEDA Board of Commissioners is a “public body” as defined by La. R.S. 42:13(A)(3) and conducts itself in accordance with the Louisiana Open Meetings Law. The definition of “public body” in La. R.S. 42:13(A)(3), however, also includes within its scope “any committee or subcommittee of any of these bodies enumerated in this paragraph.” The “committee or subcommittee” aspect of this definition is sometimes overlooked by public bodies, particularly where, as here, the public body is addressing a situation that it has not previously addressed. Such appears to be the case with LEDA in the present situation.

Specifically, not understanding that it met the definition of a “public body,” a quorum of the Committee gathered on the following dates to consider various aspects of its designated mission without posting a notice of its meeting as required by the Louisiana Open Meetings Law (see La. R.S. 42:19):

March 24, 2021

March 31, 2021

April 19, 2021

May 27, 2021

July 22, 2021

July 30, 2021

Not every one of these gatherings resulted in a particular action or vote of the Committee. But actions were purported to be taken on several of these dates, as follows:

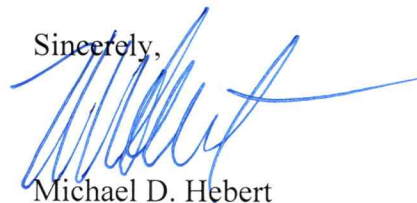
1. March 24, 2021 – addition of Willie Leday to Selection Committee.
2. March 31, 2021 – addition of two members to Selection Committee: E. J. Krampe and Mike Michot.
3. April 22, 2021 – recommendation to retain Next Move Group as selection firm.
4. May 27, 2021 – establishment of selection process and timeline, preliminary job description, and potential compensation.
5. July 22, 2021 – selection of eight candidates to interview: Monique Boulet, Verdell Hawkins, Larry Holt, Mandi Mitchell, John O'Toole, Bob Shark, Nathan Sparks, and Troy Wayman.

Considering the foregoing, in addition to this self-report, LEDA has agreed on my recommendation to place on its next Committee agenda, in a properly noticed open meeting today, the ratification of the above listed actions that were taken by the Committee without posting a notice of its meeting. Further, I will present to LEDA a training session on the Louisiana Open Meetings Law and the Louisiana Public Records Law to further assist in avoiding future similar issues.

I present this matter to you for your review and consideration. LEDA is prepared to accept whatever additional requirements you may see fit to impose, and I would be happy to answer any questions or discuss this matter further at your convenience.

With kindest personal regards, I remain

Sincerely,



Michael D. Hebert

MDH/lds

cc: Gregg Gothreaux (via email only)
Pamela LaFleur (via email only)