

**BOBBY JINDAL**  
Governor



**JUNE S. WILLIAMS**  
Chairman

**State Of Louisiana**  
*Executive Board on Aging*

**MINUTES OF THE LA EXECUTIVE BOARD ON AGING (LEBA) MEETING**  
**GOVERNOR'S OFFICE OF ELDERLY AFFAIRS**  
**525 Florida, 4<sup>th</sup> Floor, Room 427, 10:02 AM**  
**Baton Rouge LA November 8, 2011**

**CALL TO ORDER**

The regularly scheduled Quarterly Meeting of the Louisiana Executive Board on Aging (LEBA) was called to order at 10:02 AM by June Williams, LEBA Chairman, with Carol Frain serving as Secretary, at the Governor's Office of Elderly Affairs, 525 Florida 4<sup>th</sup> Floor Room 427 Baton Rouge LA 70801. Invocation & the Lord's Prayer: Vanue LaCour, Jr. Pledge of Allegiance: Willie Lewis

**ROLL CALL**

**MEMBERS PRESENT**

June Williams  
Noah Aguilard  
Huey Beverly  
Vanue LaCour  
Willie Lewis  
Pat Regan  
Lee Perry Roy  
Rose Sibley  
Myrtle Winbush

**MEMBERS ABSENT**

Raymond Franklin  
Annette Kelly  
Donald Mallet  
Jo Ann Walker

**GOEA STAFF:** Martha Manuel, GOEA Executive Director; Karen Ryder, GOEA Deputy Assistant Director; Paul Colomb, GOEA Legal Counsel; Latisha Lewis, GOEA Accountant Administrator, Finance & Accounting; and Carol Frain, GOEA Administrative Assistant. **Guests: Attachment No. 1 (2 Pages)**

Chairman June Williams declared a quorum was present with (9) members in attendance. The May 10<sup>th</sup> minutes were reviewed by its members. Chairman Williams requested one change as follows: Deletion – "And if they do not want to follow this procedure, we will remove them from the board." (Page 2 2<sup>nd</sup> Paragraph). **Motion:** Lee Perry Roy – To approve amended minutes to include this deletion. Willie Lewis 2<sup>nd</sup>. **Motion carried.**

**CHAIRMAN JUNE WILLIAMS' REPORT**

Chairman Williams noted several housekeeping corrections to the LEBA member listing. A history was given on LEBA By-Laws noting deletion of Section G (PCOAs/AAAs Grievance, Grievance Committee & Courses of Action). LEBA oversees policies and procedures of GOEA and the Executive Director, Martha Manuel. LEBA has no control over PCOAs; functions as a policy board only; routinely works with GOEA, but has no control or authority over GOEA; and, along with GOEA has the authority to rescind or give charters. The current statute (R.S. 46:933) is in compliance with the proposed LEBA By-Laws. Paul Colomb explained Article III SECTION 1 (Membership) a. thru c. Absenteeism (SECTION 4.) was read to board members by Chairman Williams. Members were urged to notify Chairman Williams via phone or email when unable to attend quarterly meetings. A letter will be sent out in February by Chairman Williams inquiring the reason for your absence. Preference will be given to all board candidates sixty years of age or older. Carol Frain has been instructed to check with the Chairman before sending any correspondence or emails from members of the board. A 30-day review is required by members of the board before the proposed LEBA By-Laws can be approved. (**Attachment No. 2 – 2007 LEBA By-Laws; Attachment No. 3)**

Chairman Williams referenced ARTICLE IV – OFFICERS items a. and b. of the LEBA By-Laws. Vacancies were noted beginning January 2012 (1 Year Term) for Vice President and Secretary. Willie Lewis was recommended for LEBA Vice President. Rose Sibley will serve as Secretary. Vanue LaCour Motion: To accept and close the

**LEBA MINUTES  
NOVEMBER 8, 2011  
PAGE 2**

**CHAIRMAN JUNE WILLIAMS' REPORT (CONTINUED)**

recommendation for Vice President and Secretary made by Chairman Williams. 2<sup>nd</sup> Lee Perry Roy. Motion carried. The topic of LEBA committees will be discussed in February with Martha Manuel, Karen Ryder and Paul Colomb.

**LATISHA LEWIS, ACCOUNTANT ADMINISTRATOR 3, ACCOUNTING & FINANCE**

The GOEA FY2013 budget will remain the same as the FY2012. An increase for PCOA and Senior Center \$s has been requested in the amount of \$832,769 based on the FY 2010 census data being utilized in the population formula. No new programs will be added to the FY2013 budget. GOEA is asking for state dollars as a result of an increase in the LA population. This funding increase must be approved by the Appropriations Committee. Additional funds will be requested by Pat Jones, LACOADA Past President, and Johnny Quinn, LA Representative in the upcoming 2012 Regular Legislative Session.

**MARTHA MANUEL, GOEA EXECUTIVE DIRECTOR**

Martha Manuel gave a brief update on the GOEA Training Conference of November 2 & 3<sup>rd</sup> held in Pineville LA. There was a large number of attendees from AAAs, COAs, Senior Centers, Elderly Protective Services, Ombudsmen and others. Participants rated the conference as 57% excellent, 36% good, 6% fair, and 1% poor. A GOEA Training Conference Manual is also available. An itinerary of AAA/COA visits will be sent out soon. A private rating/suggestion form was provided at the conference in each attendee's packet. Many suggestions/ideas were received by Ms. Manuel to be compiled in an upcoming report to all legislators by parish. Van LaCour requested that LEBA members be advised of when Ms. Manuel would visit their areas. **Handouts – Top 10 Websites for Seniors; Citizens' Rights Card to Open Meetings and Public Records**

**PAT JONES, PAST PRESIDENT, LACOADA**

A meeting of LACOADA was conducted in conjunction with the OEA Training Conference in November 1st. Representative Johnny Quinn (2 Term – Jeff Davis parish) will redo the new formula, ask each COA to submit a resolution by their board of directors, and forward to the legislators of every parish. Pat Jones is now President of the Louisiana Aging Network Association (LANA). A conference will be held in Baton Rouge at the Crown Plaza, March 20, 21 and 22<sup>nd</sup>.

The new President of LACOADA is Joyce McElroy (Winn CoA). The next conference and Legislative Breakfast will be held the first part of May at the Downtown Hilton, Baton Rouge. Invitations will be sent out to everyone. Member Pat Regan inquired what the strategy is to increase state funding. LACOADA will ask to raise the base according to population for PCOA funding and LANA will request an increase for Senior Center funding.

Pat Regan (Ouachita parish) expressed concern regarding legislators supporting the idea that seniors must pay for meals received from the CoA (currently \$ .93/meal cost). The Older Americans Act (OAA) and Federal Legislation support asking for a donation for a congregate meal regardless of a senior's age and economic status. A fee for service is being considered in the reauthorization of the Older Americans Act. Member Van LaCour and wife operate a food pantry in Natchitoches parish. Pat Regan requested that Karen Ryder provide talking points of what the AAAs, COAs, Senior Centers, etc., actually do be sent to LEBA members per Chairman Williams. Al Robichaux, Executive Director of Jefferson COA, commented the elderly in his parish receive meals only when no one can prepare a meal for them.

Pat Regan requested a meeting schedule for 2012. Discussion of utilizing conference calls to satisfy meeting attendance requirement. Paul Colomb said this would not suffice due to Open Meeting Law.

LEBA MINUTES  
NOVEMBER 8, 2011  
PAGE 3

**NEXT MEETING**

**LEBA'S FIRST MEETING FOR 2012 is scheduled for Tuesday, February 14, at the Governor's Office of Elderly Affairs, 10:00 AM, 525 Florida, 4<sup>th</sup> Floor, Room 427, Baton Rouge, LA.**

**ADJOURN**

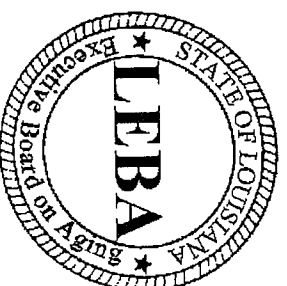
LEBA members were invited to join in the GOEA festivities for Thanksgiving Luncheon, November 16<sup>th</sup>.  
Huey Beverly: Motion: To Adjourn, 2<sup>nd</sup> Vanue LaCour, Jr  
Meeting Adjourned: 11:14 AM  
Prepared by Carol S. Frain, GOEA Administrative Assistant

**Handouts:**

- (1) LEBA Sign In Sheet, November 8, 2011
- (2) 2007 LEBA By-Laws
- (3) Draft 2011 LEBA By-Laws
- (4) Top 10 Websites for Seniors
- (5) Citizens' Rights Card to Open Meetings and Public Records

# LEBA QUARTERLY MEETING

TUESDAY, NOVEMBER 8, 2011

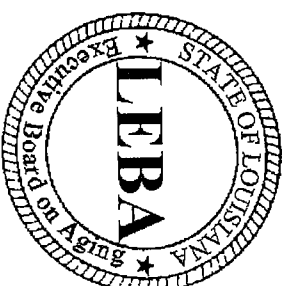


## ATTENDEES

1. Willie Lewis "COFA"
2. Rose Sullivan
3. Jo Mary J Riv.
4. Ross Mook Riv.
5. Lee Wynn Ross Acadia
6. Ellie Ross Sweet
7. Mike Ross Leba
8. Scott Russell Leba
9. Pat Regan LEBA
10. ~~Bob~~ Teoa
11. Joyce McElroy Winn COA
12. Brock Woodland Mount COA
13. Jay D Nealy Mount COA
14. Hudson hamaker Hill Dale COA
15. Pat Jurek Open COA
16. Anne Korman LEBA
17. Paul H. Belmont COEA
18. Steve Rd COEA
- James Wilkins CHAIRMAN LEBA

# LEBA QUARTERLY MEETING

TUESDAY, NOVEMBER 8, 2011



## ATTENDEES

1. Martha Grindica
2. Martha Manuel BOZA
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_
11. \_\_\_\_\_
12. \_\_\_\_\_
13. \_\_\_\_\_
14. \_\_\_\_\_
15. \_\_\_\_\_
16. \_\_\_\_\_
17. \_\_\_\_\_
18. \_\_\_\_\_

**BOBBY JINDAL**  
Governor



**JUNE WILLIAMS**  
Chair

**State Of Louisiana**  
**Executive Board on Aging**

Governor's Office of Elderly Affairs  
525 Florida Boulevard, 4<sup>th</sup> Floor, Room 427  
Baton Rouge, LA  
Tuesday, November 8, 2011  
10:00 A.M.

**AGENDA**

<b>Call to Order</b>	<b>June S. Williams, Chairman</b>
<b>Invocation</b>	<b>Vanne Lacour, PSC 5</b>
<b>Pledge of Allegiance</b>	<b>Willie Lewis, PSC 2</b>
<b>Roll Call / Approval of August 9, 2011</b>	<b>Carol Frain, Adm. Assist.</b>
<b>Chairman's Report</b>	<b>June S. Williams, Chairman</b>
<b>*Introduction of Proposed Changes in LEBA By-Laws</b>	
<b>GOEA Accounting &amp; Finance FY13 Budget Report</b>	<b>Latisha Lewis, Accountant Adm 3</b>
<b>GOEA Executive Director's Report</b>	<b>Martha Manuel</b>
<b>Date For Next Board Meeting</b>	
<b>Adjourn</b>	

DRAFT

LOUISIANA EXECUTIVE BOARD ON AGING

BY-LAWS

ARTICLE I - NAME

The name of the organization shall be The Louisiana Executive Board on Aging as authorized by Act 648 of the 1992 Regular Session of the Louisiana Legislature.

ARTICLE II - POWERS, DUTIES, FUNCTIONS

The powers, duties and functions of the Louisiana Executive Board on Aging shall include, but not be limited to, the following:

SECTION 1.

- a. Develop and implement policies and procedures pertaining to the Office of Elderly Affairs and its functions,
- b. Approve matters of policy and all rules and regulations promulgated by the Office of Elderly Affairs which pertain to elderly affairs and voluntary Parish Council's on Aging prior to their becoming an official act of the "Office",
- c. Review and make recommendations to the Executive Director of the Office of Elderly Affairs on matters of general importance and relevance to the planning, monitoring, coordination and delivery of services to the elderly of Louisiana.
- d. Prepare and submit an annual report to the Legislature and to the Governor sixty days prior to the Legislative Session,
- e. Adopt rules governing the functions of the "Office" including rules that

prescribe the policies and procedures followed by the Board and the Office of Elderly Affairs in the administration of its programs, all in accordance with the Administrative Procedures Act.

f. May recommend discharge of the Executive Director, or in case of a vacancy recommends to the Governor a person to serve at his pleasure, subject to confirmation by the Senate.

SECTION 2. The Board by rule, or its order, may delegate any portion of its rights, powers and duties that it so desires to the Executive Director by a majority vote of the Board members.

### ARTICLE III - MEMBERSHIP, TERM OF OFFICE

SECTION 1. The Louisiana Executive Board on Aging (LEBA) shall consist of fifteen

(15) members appointed as follows:

- a. Five members shall be appointed by the President of the Senate, one from each of the five districts of the Public Service Commission (PSC).
- b. Five members shall be appointed by the Speaker of the House of Representatives, one from each of the five districts of the PSC.
- c. Five members shall be appointed by the Governor, one from each of the five districts of the PSC. Each appointment of the Governor shall be submitted to the Senate for confirmation.
- d. Preference shall be given to persons sixty years of age or older.
- e. A person is ineligible for appointment as stipulated in R.S. 46:933(D).



## SECTION 2. TERM OF OFFICE

The term of office of members of the Board shall be five years except that the appointing authority shall appoint the original members as follows:

- a. Three members for a term of one year, three members for a term of two years, three members for a term of three years, three members for a term of four years, and three members for a term of five years.

## SECTION 3. VACANCIES

Vacancies that may develop on the Board shall be filled by appointment by the Governor for the remainder of the unexpired term only, if said Board member is a Governor's appointee, or by the President of the Senate if said Board member is a Senate appointee or by the Speaker of the House if said Board member is a House appointee.

## SECTION 4. ABSENTEEISM

For any member who misses two consecutive regular meetings of the Board without just cause as determined by the Board Chairman, the Board may declare the position vacant.

## ARTICLE IV - OFFICERS

- a. The officers of the Board shall be Chairman, Vice-Chairman and Secretary.
- b. The Chairman will be appointed by the Governor; The Vice-Chairman and Secretary will be elected from the membership for one year terms.

c. Duties:

(a) Chairman:

1. Presides at meetings of the Board,
2. Signs and executes contracts or obligations in the name of the Board,
3. Serves as liaison between the Executive Director of the GOEA, the Board and the Governor.

(b) Vice-Chairman:

1. Presides over meetings in the absence of the Chairman,
2. Performs other duties as assigned.

(c) Secretary:

1. Performs the duties of Secretary as set forth in Roberts Rules of Order.

#### ARTICLES V - MEETINGS

SECTION 1. The Board shall meet at least one time per quarter of the fiscal year, and as often thereafter as deemed necessary by the Chairman.

SECTION 2. Meetings may be requested by the Director of the G.O.E.A.

SECTION 3. Members shall serve without salary but may be reimbursed at the established per diem rate for attendance at board and committee meetings.

SECTION 4. Members shall be reimbursed for actual travel and other expenses incurred while in the performance of their duties in accordance with the Department of Administration regulations.

SECTION 5. A quorum exists when there is one member present from each of the five (5) Public Service Commission districts or, 51% of the filled board positions present.

SECTION 6. Voting shall be by voice vote or a show of hands. No secret or proxy voting will be permitted, however, the Chairman may authorize a telephonic poll of the members if he deems it necessary.

#### ARTICLE VI - COMMITTEES

SECTION 1. The Executive Committee shall consist of all elected officers and two other members of the Governor's Executive Board on Aging appointed by the Chairman.

SECTION 2. The Executive Committee shall have all the powers of the Board in intervals between meetings and on such business as may be submitted by the Board for Executive Committee decision. Actions of the Executive Committee are subject to ratification by the Board. The Executive Committee shall meet on call of the Chairman.

SECTION 3. The term of office of the appointed members of the Executive Committee shall be one year serving at the pleasure of the Chairman.

SECTION 4. The Board shall form such committees and clothe them with the powers and duties as the Board sees fit.

#### ARTICLE VII - PARLIAMENTARY AUTHORITY

SECTION 1. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Board and its committees in all cases to which they are applicable and in which they are not inconsistent with the law, these By-Laws and any special rules of order the Board may adopt.

ARTICLE VIII - AMENDMENTS

SECTION 1. These By-Laws may be amended at any regular meeting by a majority vote, provided that the amendment has been submitted in writing at a previous meeting and fourteen or more days have elapsed since that previous meeting.

LOUISIANA EXECUTIVE BOARD ON AGING

BY-LAWS

ARTICLE I - NAME

The name of the organization shall be The Louisiana Executive Board on Aging as authorized by Act 648 of the 1992 Regular Session of the Louisiana Legislature.

ARTICLE II - POWERS, DUTIES, FUNCTIONS:

The powers, duties and functions of the Louisiana Executive Board on Aging shall include, but not be limited to, the following:

SECTION 1.

- a. Develop and implement policies and procedures pertaining to the Office of Elderly Affairs and its functions,
- b. Approve matters of policy and all rules and regulations promulgated by the Office of Elderly Affairs which pertain to elderly affairs and voluntary Parish Council's on Aging prior to their becoming an official act of the "Office",
- c. Review and make recommendations to the Executive Director of the Office of Elderly Affairs on matters of general importance and relevance to the planning, monitoring, coordination and delivery of services to the elderly of Louisiana.
- d. Prepare and submit an annual report to the Legislature and to the Governor sixty days prior to the Legislative Session,

- e. Adopt rules governing the functions of the "Office" including rules that prescribe the policies and procedures followed by the Board and the Office of Elderly Affairs in the administration of its programs, all in accordance with the Administrative Procedures Act.
- f. May recommend discharge of the Executive Director, or in case of a vacancy recommend to the Governor a person to serve at his pleasure, subject to confirmation by the Senate.
- g. A Parish Council on Aging (PCOA), Area Agency, or any other agency contracting with the Office of Elderly Affairs that feels that it has received unfair, improper, or illegal treatment from the Governor's Office of Elderly Affairs (GOEA) may appeal that procedure to the Louisiana Executive Board on Aging (LEBA) for review and adjustment if LEBA determines that there is validity to the complaint.  
The following procedure should be utilized:  
The President of the complaining board registering a complaint must submit a written formal complaint to LEBA stating the details and extent of damage caused by action of GOEA that the complainant feels has caused damage. The letter shall contain specific actions the complainant desires GOEA to perform that would nullify or rectify the damage the complainant feels was done to the complainant by GOEA's original action as well as the reason therefore.

Upon receipt of the written complaint the Chairman of LEBA will

appoint a grievance committee of five (5) members of LEBA to schedule a meeting with representatives of the complainant board and staff within 30 days. The LEBA Committee, representatives of the complainant agency and GOEA staff members, as necessary will be invited to attend the meeting.

All parties shall be allowed sufficient time to present their cases.

Upon conclusion of the presentation the committee may elect to take one of the following courses of action:

1. Dismiss the case without taking action.
2. Reach a decision by majority vote prior to adjournment of meeting.
3. Take the case under advisement and report its decision within 30 days.
4. Refer the case to the full LEBA.

In the event that the Grievance Committee is unable to reach a definite decision within the 30 days, or arrives at a decision unfavorable to the complainant agency, the complainant may, within seven (7) days after the decision has been rendered, notify the Chairperson of the Grievance Committee that they desire to appeal that ruling to the full LEBA Board.

The Chairman of the Grievance Committee will then notify the Chairman of LEBA of the request to appeal within one week of the receipt

of that request.

The Chairman of LEBA, at his/her discretion may call a special LEBA meeting, or schedule the appeal at the next regular meeting of the Board.

The Chairman shall notify the Director of GOEA and the plaintiff in writing of the time and place of the meeting. The full Board, plaintiff, and staff, as necessary, may attend. Legal representation shall be permitted if desired.

All parties shall be allowed sufficient time to present their cases.

Upon conclusion of the presentations the Board may elect to take one of the following courses of action:

1. Dismiss the case without further action,
2. Reach a decision, by majority vote, prior to adjournment of the meeting, or
3. Take the case under advisement and report their decision within (30) days.

The decision of LEBA will be final, and the appeal procedure will be terminated.

**SECTION 2.** The Board by rule, or its order, may delegate any portion of its rights, powers and duties that it so desires to the Executive Director by a majority vote of the Board members.

### ARTICLE III - MEMBERSHIP, TERM OF OFFICE



SECTION 1. The Louisiana Executive Board on Aging (LEBA) shall consist of fifteen (15) members appointed as follows:

- a. Five members shall be appointed by the President of the Senate, one from each of the five districts of the Public Service Commission (PSC).
- b. Five members shall be appointed by the Speaker of the House of Representatives, one from each of the five districts of the PSC.
- d. Five members shall be appointed by the Governor, one from each of the five districts of the PSC. Each appointment of the Governor shall be submitted to the Senate for confirmation.
- d. Preference shall be given to persons sixty years of age or older.
- e. A person is ineligible for appointment as stipulated in ACT NO. 6488933 C & D(1)(2).

#### SECTION 2. TERM OF OFFICE

The term of office of members of the Board shall be five years except that the appointing authority shall appoint the original members as follows:

- a. Three members for a term of one year, three members for a term of two years, three members for a term of three years, three members for a term of four years, and three members for a term of five years.

#### SECTION 3. VACANCIES

Vacancies that may develop on the Board shall be filled by appointment by the Governor for the remainder of the unexpired term only.

#### SECTION 4. ABSENTEEISM

For any member who misses two consecutive regular meetings of the Board without just cause, the Board may declare the position vacant.

#### ARTICLE IV - OFFICERS

- a. The officers of the Board shall be Chairman, Vice-Chairman and Secretary.
- b. The Chairman will be appointed by the Governor: The Vice-Chairman and Secretary will be elected from the membership for one year terms.
- c. Duties:
  - (a) Chairman:
    1. Presides at meetings of the Board,
    2. Signs and executes contracts or obligations in the name of the Board,
    3. Serves as liaison between the Executive Director of the GOEA, the Board and the Governor.
  - (b) Vice-Chairman:
    1. Presides over meetings in the absence of the Chairman,
    2. Performs other duties as assigned.
  - (c) Secretary:
    1. Performs the duties of Secretary as set forth in Roberts Rules of Order.

#### ARTICLES V - MEETINGS

SECTION 1. The Board shall meet at least one time per quarter of the fiscal year, and as often thereafter as deemed necessary by the Chairman.

SECTION 2. Meetings may be requested by the Director of the G.O.E.A.

SECTION 3. Members shall serve without salary but may be reimbursed at the established per diem rate for attendance at board and committee meetings.

SECTION 4. Members shall be reimbursed for actual travel and other expenses incurred while in the performance of their duties in accordance with the Department of Administration regulations.

SECTION 5. A quorum exists when there is one member present from each of the five (5) Public Service Commission districts or, 51% of the filled board positions present.

SECTION 6. Voting shall be by voice vote or a show of hands. No secret or proxy voting will be permitted, however, the Chairman may authorize a telephonic poll of the members if he deems it necessary.

#### ARTICLE VI - COMMITTEES

SECTION 1. The Executive Committee shall consist of all elected officers and two other members of the Governor's Executive Board on Aging appointed by the Chairman.

SECTION 2. The Executive Committee shall have all the powers of the Board in intervals between meetings and on such business as may be submitted by the Board for Executive Committee decision. Actions of the Executive Committee are subject to ratification by the Board. The Executive Committee shall meet on call of the Chairman.

SECTION 3. The term of office of the appointed members of the Executive Committee shall be one year serving at the pleasure of the Chairman.

SECTION 4. The Board shall form such committees and clothe them with the powers and duties as the Board sees fit.

#### ARTICLE VII - PARLIAMENTARY AUTHORITY

SECTION 1. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Board and its committees in all cases to which they are applicable and in which they are not inconsistent with these By-Laws and any special rules of order the Board may adopt.

#### ARTICLE VIII - AMENDMENTS

SECTION 1. These By-Laws may be amended at any regular meeting by a majority vote, provided that the amendment has been submitted in writing at a previous meeting and fourteen or more days have elapsed since that previous meeting.

### Top Ten (10) Websites for Seniors

1. **Governor's Office of Elderly Affairs** serves as a focal point for Louisiana's senior citizens and administers a broad range of home and community based services through a network of Area Agencies on Aging. <http://goea.louisiana.gov/>
2. **LawHelp.Org/LA** is Louisiana's online guide to free legal information and resources, especially for low-income people, including community help and self-help. <http://www.lawhelp.org/la/>
3. **Louisiana Civil Justice Center (LCJC)** is a non-profit corporation facilitating the provision of pro bono and low-fee legal services to low-income, elderly, or disaster-affected persons in Louisiana. <http://lajustice.org/>
4. **Louisiana Attorney General's Website:** The Consumer Protection Section works to educate the public about common forms of fraud targeted at the elderly, such as sweepstakes and telemarketing scams. <http://ag.state.la.us/index.aspx>
5. **National Center on Elder Abuse Website:** The National Center on Elder Abuse (NCEA) serves as a national resource center dedicated to the prevention of elder mistreatment. <http://ncea.aoa.gov>

6. **National Consumer Law Center** is a nonprofit advocacy organization that seeks to build economic security and family wealth for low-income and other economically disadvantaged Americans. <http://www.nclc.org/>
7. **Senior Citizens' Resources:** Find government resources for seniors on money, housing, health, consumer protection and more: <http://www.usa.gov/Topics/Seniors.shtml>
8. **NIH Senior Health:** Easy-to-use website features basic health and wellness information for older adults from the National Institutes of Health. <http://nihseniorhealth.gov/>
9. **Federal Trade Commission** is the nation's consumer protection agency. The FTC's Bureau of Consumer Protection works for the consumer to prevent fraud, deception, and unfair business practices in the marketplace. [www.ftc.gov](http://www.ftc.gov)
10. **Administration on Aging** provides a website that connects older persons, care givers and professionals to important federal, national, and local programs. [http://aoa.gov/aaroot/elders\\_families/](http://aoa.gov/aaroot/elders_families/)

This public document was published at a total cost of \$250.00 for 1,000 copies by the Louisiana Office of Elderly Affairs, P. O. Box 61, Baton Rouge, LA 70821 in accordance with standards set by R.S. 43:31.

## Notice and Minutes of Public Meetings Required

At least 24 hours' written public notice must be given for all regular, special or rescheduled meetings of public bodies except in cases of "extraordinary emergencies." The notice may be posted at the office of the public body, or meeting place if there is no office, or published in the official journal of the public body. It must include the meeting agenda, date, time and place. Upon approval by two-thirds of the members present, the public body may take up a matter not on the agenda. The notice sent to members of the public body must be sent to members of the news media if requested.

If a public body's regular meetings are fixed by state or local law, written public notice of these meetings must be given (showing the dates, times and places of the meetings) every January. All public bodies also must post a copy of the open meetings law.

The Legislature and its committees and subcommittees are not required to comply with the notice provisions applicable to other public bodies. The law does, however, direct each legislative house to adopt rules to provide for reasonable public notice of meetings. During legislative sessions, the House of Representatives' rules require committee meeting notices to be posted on bulletin boards in the lobbies of the House and Senate no later than 4 p.m. or one hour after the House convenes (whichever is later) on the legislative day preceding the meeting. The Senate's rules require that its committee chairmen post such notices in the lobbies "as soon as practicable," but no later than 1 p.m. on the day preceding the meeting. Committee chairmen of both houses are required to file notice of interim meetings with the Clerk of the House (for House meetings) and the Secretary of the Senate (for Senate meetings). For \$25 per year, citizens can receive notice of House and Senate interim committee meetings as well as joint committee meetings. (Contact the Clerk of the House to subscribe.)

Public bodies must keep written public minutes of open meetings showing the substance of all matters decided. The minutes must also include the date, time and place of the meeting; a list of the members who were present and those who were absent; and, at the request of any member, a record, by individual member, of any votes taken. The minutes of meetings are public records.

Uncompensated private citizens' advisory groups or committees established by a public body, except state textbook advisory committees, do not have to keep written minutes. Meeting notices for such groups must be provided by the parent public body.

## Reasons for Closed Meetings (Executive Sessions)

A public body may close a meeting to the public to: (1) discuss the character, professional competence or health of a person (except in emergency, the person must be given 24 hours' written notice), but in meetings other than those of the Legislature or its committees the person may require a public discussion; the exemption may not be used to discuss a person's appointment to a public body; (2) discuss strategy or negotiations regarding collective bargaining or prospective litigation after formal written demand, or litigation "when an open meeting would have a detrimental effect on the bargaining or litigation position of the public body" (an agenda must identify litigation to be discussed); (3) discuss security personnel, plans or devices; (4) investigate alleged misconduct; or (5) deal with "natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude."

To hold a closed meeting, two-thirds of the members present must vote in an open meeting to do so, and the minutes must show the reason for holding the closed session. Public bodies are not required to say how long they will be in an executive session. No final or binding action can be taken during a closed meeting. A closed meeting cannot be used "as a subterfuge to defeat the purposes" of the law.

The Legislature may hold closed meetings to discuss confidential communications; the character, professional competence or health of anyone subject to appointment or confirmation of appointment; investigations that may elicit testimony of illegalities; and any other matters provided by joint legislative rules. Also exempted are proceedings of certain state boards and discussions between a school board and a student or parents, unless they request a public discussion. Relevant agency statutes may also provide more exemptions to the open meetings law.

## What To Do If A Public Body Violates the Law

Anyone may file a complaint with the state attorney general or a district attorney against a public body believed to have violated the law. The attorney general may enforce the law in any jurisdiction in the state; a district attorney may enforce the law with respect to public bodies within his jurisdiction. Both officials may institute proceedings on their own initiative; they *must* institute suit upon receiving a complaint unless they give written reasons for not doing so. In addition, an individual may file a civil suit to require compliance with, prevent violations of, determine the applicability of, or nullify any action taken in violation of the law. A suit to nullify an action taken by a public body must be commenced within 60 days of the action.

If the court determines that a public body violated the law, it will award reasonable attorney fees and other costs of litigation to the plaintiff. If partially successful, the plaintiff may be awarded

(Continued Inside)

is seriously compromised" may be removed.

All public bodies (except the Legislature and its committees) must provide an opportunity for public comment at meetings, subject to reasonable rules and restrictions adopted by the public body. A school board must allow public comment on each agenda item prior to taking a vote. Other state and federal laws specify instances wherein some public bodies must receive public input before acting. Anyone disrupting a public meeting "to the extent that orderly conduct of the meeting is seriously compromised" may be removed.

All public bodies (except the Legislature and its committees) must provide an opportunity for public comment at meetings, subject to reasonable rules and restrictions adopted by the public body. A school board must allow public comment on each agenda item prior to taking a vote. Other state and federal laws specify instances wherein some public bodies must receive public input before acting. Anyone disrupting a public meeting "to the extent that orderly conduct of the meeting is seriously compromised" may be removed.

All meetings of public bodies must be open to the public unless closed for reasons permitted by the law and according to procedures set by the law. "Meeting" is defined as the "convening" of a majority of the total membership of a public body to deliberate, act or receive information on a matter over which the body has supervision, control, jurisdiction or advisory power. The law does not apply to chance meetings or social gatherings at which no vote or other action, including polling members, is taken.

## Meetings That Must Be Open to the Public

The law grants the public the right to attend and record the deliberations of public bodies including city and parish governing bodies; school boards; levee boards; port commissions; boards of public utilities; planning, zoning and airport commissions; other state, local or special district boards, commissions or authorities with policy making, advisory or administrative functions; and committees or subcommittees of those bodies. Judicial proceedings are exempted.

The Legislature is subject to parts of the open meetings law, but its own rules of procedure govern in most instances.

The Open Meetings Law was enacted to insure "that public business be performed in an open and public manner and that citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy."

## CITIZENS' RIGHTS UNDER THE OPEN MEETINGS LAW (R.S. 42:4.1-13)



"The Public Affairs Research Council (PAR) is an independent voice, offering solutions to critical public issues in Louisiana through accurate, objective research and focusing public attention on unimportant issues that deserve attention."

To receive additional information about PAR or other available publications, write P. O. Box 14776, Baton Rouge, LA 70898-84776, or call (225) 926-8414.

This card explains your rights and responsibilities under Louisiana's open meetings and public records laws. The Louisiana Constitution states that "No person shall be denied the right to observe the deliberations of public bodies and examine the public documents, except in cases established by law." (Article XII, Section 3)

ed reasonable attorney fees or a portion thereof. If a suit is found frivolous and unjustified, the plaintiff may have to pay reasonable attorney fees of the other party. A member of a public body who participates in an illegal meeting may be penalized up to \$100 per violation, which may be awarded to the plaintiff.

## CITIZENS' RIGHTS UNDER THE PUBLIC RECORDS LAW (R.S. 44:1-41)

Anyone 18 or older has the right to examine, copy or obtain a copy of a public record (unless specifically exempted) of any public body including any state, parish or municipal agency or board (including the legislature). Public records requests may be submitted by mail (by court rulling). Generally anything "having been used, being in use or prepared" for use in the conduct of public business is a public record, regardless of physical form. Public records include such things as drafts of documents, statistics, maps, letters, memos, budget requests, budgets, tapes, electronic data, payrolls, certain retirement information, and tax assessment rolls.

### Records Exempted

The public records law exempts certain records of state and local agencies and cites all exemptions found in other state laws. Federal laws and court rulings provide additional exemptions. In general, exemptions are designed to prevent disclosure of confidential medical and personal information; proprietary and financial data of individuals and businesses (including tax returns and some information regarding occupational licensing); and selected records of financial institutions.

Exemptions in the state public records law include records pertaining to legislative investigation in progress and certain records of prosecutive, investigative, law enforcement and correctional agencies or public health investigators. Some law enforcement records become public once relevant litigation is settled or a final judgment of conviction is made.

The following information in an initial police report is public record: a narrative description of the alleged offense; its time, date and location; the name and identification of each person charged with the alleged offense or arrested for it; the property or vehicles involved and the names of the investigating officers. Subsequent investigations and reports are not public record.

Other exemptions include nonfinancial records in the governor's custody as well as internal municipal auditors' working papers until the audit is completed. Certain public employee information is exempt including unlisted home phone numbers, home addresses and phone numbers (at employee's request), Social Security numbers, personnel evaluations ("by-court ruling"); and medical, insurance and some retirement records. Attorney and expert work product done in preparation for trial is exempt.

(For additional detail and exemptions, see full text of the public records law, available from PAR.)

### Exercising The Right to See a Public Record

A request for a record should be as specific as possible. A written request can provide documentation for subsequent action if the custodian denies the request. (See sample request letter.)

No fees may be charged for inspecting records during regular business hours. A requester may be asked to pay in advance if overtime is required to make a public record available.

The custodian of a record may ask for identification and proof of age. He is also allowed to ask whether a requester is a convicted felon. (A convicted felon who has exhausted all appeals may only request certain records.) A requester may also be required to sign a register. The custodian must provide "all reasonable comfort and facility" for reviewing the record. A copy must be provided, if requested, although a reasonable fee may be charged. The law directs state agencies to charge 25 cents per page for standard size copies. Other public bodies may charge what they deem to be "reasonable." These charges vary significantly among public bodies. An attorney general opinion has recommended that custodians follow the state agency fee schedule.

If not in "active use" when requested, the record must be "immediately presented." The custodian is required to delete the confidential portion of a record and make the remainder available. If it is unreasonably burdensome or expensive for the custodian to separate the public portion of the record from the confidential portion, the custodian must provide a written statement explaining why. If the record is in "active use," the agency must "promptly certify this in writing" and set a day and an hour within three working days from receipt of the request when the record will be available.

If the agency says the record requested is not in its custody, it must "promptly certify this in writing" and "state in detail" the reason for the record's absence, its location and who has custody.

### Enforcing The Public Records Law

A custodian who determines a record is not public, must provide written reasons, including the legal basis, within three working days. If a requester is denied a public record by a custodian or if five business days have passed since the initial request and the custodian has not responded, the requester may file a civil suit to enforce his right to access. The custodian bears the burden of proving that the record is not subject to disclosure because of either privacy rights or a specific

exemption. The law requires the courts to act expeditiously in such suits and to render a decision "as soon as practicable."

If the requester prevails in the suit, the court will award reasonable attorney's fees and other costs. If the requester partially prevails, the court may, at its discretion, award reasonable attorney's fees or an appropriate portion thereof. (The custodian and the public body may each be held liable for the payment of the requester's attorney's fees and other costs of litigation; however, the custodian cannot be held personally liable for these fees and costs if he acted on advice from a lawyer representing the public body.)

The court may also award the requester civil penalties of "up to \$100 for each day the custodian arbitrarily failed to give a written explanation of the reasons for denying the request. In addition, if the court finds that the custodian arbitrarily or capriciously withheld a public record, it may award actual damages proven by the requester to have resulted from the custodian's action. (The custodian may be held personally liable for the actual damages unless his denial of the request was based on advice from a lawyer representing the public body.)

In addition to civil remedies, the law also provides criminal penalties. Anyone with custody or control of a public record who violates the law or hinders the inspection of a public record will be fined \$100 to \$1,000, or imprisoned for one to six months upon first conviction. For a subsequent conviction, the penalty is a fine of \$250 to \$2,000 or imprisonment from two to six months, or both.

### Sample Letter to Request Public Records

Director, Association of Public Records

This office has received your request for a copy of the public records concerning the following matter: [state the matter clearly and concisely, including the date of the request, the name of the requester, and the name of the public body.]

The following information is being provided to you: [state the information being provided to you, including the date of the request, the name of the requester, and the name of the public body.]

The following information is being provided to you: [state the information being provided to you, including the date of the request, the name of the requester, and the name of the public body.]

The following information is being provided to you: [state the information being provided to you, including the date of the request, the name of the requester, and the name of the public body.]

The following information is being provided to you: [state the information being provided to you, including the date of the request, the name of the requester, and the name of the public body.]

The following information is being provided to you: [state the information being provided to you, including the date of the request, the name of the requester, and the name of the public body.]

The following information is being provided to you: [state the information being provided to you, including the date of the request, the name of the requester, and the name of the public body.]

The following information is being provided to you: [state the information being provided to you, including the date of the request, the name of the requester, and the name of the public body.]

The following information is being provided to you: [state the information being provided to you, including the date of the request, the name of the requester, and the name of the public body.]

The following information is being provided to you: [state the information being provided to you, including the date of the request, the name of the requester, and the name of the public body.]

The following information is being provided to you: [state the information being provided to you, including the date of the request, the name of the requester, and the name of the public body.]

The following information is being provided to you: [state the information being provided to you, including the date of the request, the name of the requester, and the name of the public body.]

The following information is being provided to you: [state the information being provided to you, including the date of the request, the name of the requester, and the name of the public body.]

The following information is being provided to you: [state the information being provided to you, including the date of the request, the name of the requester, and the name of the public body.]

The following information is being provided to you: [state the information being provided to you, including the date of the request, the name of the requester, and the name of the public body.]

The following information is being provided to you: [state the information being provided to you, including the date of the request, the name of the requester, and the name of the public body.]

The following information is being provided to you: [state the information being provided to you, including the date of the request, the name of the requester, and the name of the public body.]

The following information is being provided to you: [state the information being provided to you, including the date of the request, the name of the requester, and the name of the public body.]

The following information is being provided to you: [state the information being provided to you, including the date of the request, the name of the requester, and the name of the public body.]

The following information is being provided to you: [state the information being provided to you, including the date of the request, the name of the requester, and the name of the public body.]

The following information is being provided to you: [state the information being provided to you, including the date of the request, the name of the requester, and the name of the public body.]

The following information is being provided to you: [state the information being provided to you, including the date of the request, the name of the requester, and the name of the public body.]

The following information is being provided to you: [state the information being provided to you, including the date of the request, the name of the requester, and the name of the public body.]

The following information is being provided to you: [state the information being provided to you, including the date of the request, the name of the requester, and the name of the public body.]



Louisiana Press Association

Special thanks and appreciation to:  
Louisiana Press Association  
for underwriting this publication.