

CITY OF VILLE PLATTE



INVESTIGATIVE AUDIT
ISSUED MAY 8, 2019

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LOUISIANA LEGISLATIVE AUDITOR
DARYL G. PURPERA, CPA, CFE

May 8, 2019

**THE HONORABLE JENNIFER VIDRINE, MAYOR
AND MEMBERS OF THE BOARD OF ALDERMEN
CITY OF VILLE PLATTE**
Ville Platte, Louisiana

We are providing this report for your information and use. This investigative audit was performed in accordance with Louisiana Revised Statutes 24:513, *et seq.* to determine the validity of complaints we received.

We found that, between July 2017 and June 2018, the mayor and the six members of the Board of Aldermen received a total of \$40,734 in apparent excess compensation. The compensation came in the form of monthly vehicle and phone allowances and per diem payments totaling \$9,000 for the mayor, and monthly vehicle allowances and per diem payments totaling \$31,734 for board members. Since the mayor's and the aldermen's salaries are set by ordinances that do not include the allowances or per diems, the additional payments resulted in compensation above their salary amounts and could be a violation of state law.

In addition, we found that the mayor apparently used her City-issued vehicle for personal purposes and that the vehicle did not have a public license plate or a logo bearing the City's name as required by state law. The mayor also received a vehicle allowance at the same time she was provided with a city vehicle, which appears to be a duplication of benefits and is not permitted under the state Constitution.

The procedures we performed primarily consisted of making inquiries and examining selected financial records and other documents and were not an examination or review in accordance with generally accepted auditing or attestation standards. Consequently, we provide no opinion, attestation or other form of assurance with respect to the information upon which our work was based.

The accompanying report presents our findings and recommendations, as well as management's response. This is a public report. Copies of this report have been delivered to the District Attorney for the 13th Judicial District of Louisiana and others, as required by law.

Respectfully submitted,

Daryl G. Purpera, CPA, CFE
Legislative Auditor

DGP/aa
CITYOFVILLEPLATTE

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EXECUTIVE SUMMARY

Mayor and Board of Aldermen Appear to Have Received Excess Compensation

From July 2017 to June 2018, the City of Ville Platte (City) appears to have paid Mayor Jennifer Vidrine and the Board of Aldermen (Board) \$40,734 in excess compensation. Although their salaries were set by ordinance, Mayor Vidrine received monthly vehicle and phone allowances and per diem payments for attending regular monthly Board meetings, while Board members also received monthly vehicle allowances and per diem payments for attending regular monthly Board meetings. These allowances and per diem payments increased their respective compensation above the amounts set by ordinance. Payments in excess of the salaries set by the Board may violate state law.

Mayor's Use of City Vehicle

Mayor Vidrine may have violated City policy and state law by using her City vehicle for personal purposes. In addition, the City's practice of assigning a City-owned vehicle to the mayor and paying the mayor an annual vehicle allowance appears to duplicate benefits in possible violation of the Louisiana Constitution. Finally, we observed that the City-owned vehicle assigned to Mayor Vidrine did not have a public license plate or a logo bearing the City's name, in accordance with state law.

BACKGROUND AND METHODOLOGY

The City of Ville Platte (City) is located in Evangeline Parish and has a population of 7,430 (2010 Census). The City was incorporated under the provisions of the Lawrason Act and has a mayor-board of alderman form of government that consists of an elected mayor and six elected aldermen. The City provides utility, public safety, highway and streets, culture and recreation, and general administrative services.

On June 25, 2018, we received a complaint that Mayor Jennifer Vidrine receives a vehicle allowance and uses a City vehicle for personal use. We received an additional complaint on September 28, 2018, that Mayor Vidrine used a City vehicle to place a campaign sign within the City limits. This audit was initiated to determine the validity of those complaints. The procedures performed during this audit included:

- (1) interviewing City employees and officials;
- (2) interviewing other persons, as appropriate;
- (3) examining selected City documents and records;
- (4) gathering and examining external parties' documents and records; and
- (5) reviewing applicable state laws and regulations.

FINDINGS AND RECOMMENDATIONS

Mayor and Board of Aldermen Appear to Have Received Excess Compensation

From July 2017 to June 2018, the City of Ville Platte (City) appears to have paid Mayor Jennifer Vidrine and the Board of Aldermen (Board) \$40,734 in excess compensation. Although their salaries were set by ordinance, Mayor Vidrine received monthly vehicle and phone allowances and per diem payments for attending regular monthly Board meetings, while Board members also received monthly vehicle allowances and per diem payments for attending regular monthly Board meetings. These allowances and per diem payments increased their respective compensation above the amounts set by ordinance. Payments in excess of the salaries set by the Board may violate state law.^{1,2}

State law¹ requires the Board of Aldermen (Board) to set the mayor and Board members' salaries by ordinance. State law³ also requires the mayor to preside at all meetings of the Board of Aldermen and further requires the mayor and Board of Aldermen to hold at least one regular meeting per month. On December 8, 2015, the Board approved *Ordinance No. 12-08-15-2*, setting the mayor's annual salary^A at \$70,000 and Board members' annual salary at \$8,400 each. The ordinance did not include any provisions for the mayor or Board members to receive vehicle allowances, phone allowances, or per diem payments for attending Board meetings.

We reviewed the compensation paid to the mayor and Board members from July 2017 to June 2018 and found that the City paid them a total of \$40,734 more than the amounts set by *Ordinance No. 12-08-15-2*. Of this amount, Mayor Vidrine received an extra \$9,000, which included a \$6,000 vehicle allowance, \$1,500 phone allowance, and per diem payments totaling \$1,500 for attending Board meetings. In addition, we found that the six Board members received an extra \$31,734, which included a \$3,600 vehicle allowance and per diem payments between \$1,440 and \$1,500 each for attending Board meetings.

Board Members' Vehicle Allowances

We found no evidence that the Board members submitted mileage or other documentation of actual expenditures related to their use of personal vehicles. (The mayor drove a City car and received a vehicle allowance. Her situation is addressed in the finding titled "Mayor's Use of City Vehicle," on p.6 of this report.) Instead, it appears the Board members received a flat, monthly amount of \$300 each regardless of how much they used their personal vehicles. In addition, the vehicle allowances were reported as taxable income on the Board members' W-2 forms for IRS reporting purposes, indicating this was additional compensation to Board members and not reimbursement for expenses incurred. See Louisiana Attorney General (A.G.) *Opinion No. 12-0136*.

^A *Ordinance No. 12-08-15-2* provides that a full-time mayor, holding no outside employment, shall be paid an annual salary of \$70,000. An elected mayor not functioning as a full-time mayor shall be paid an annual salary of \$39,000.

Phone Allowance

Like the vehicle allowances, we found no evidence that the mayor submitted phone bills or other documentation of actual expenditures related to the use of her personal phone showing phone usage for City business. Rather, it appears the mayor received a flat, monthly amount of \$125 regardless of how much she used her personal phone for City business. In addition, the mayor's phone allowance was reported as taxable income on her W-2 form for IRS reporting purposes. These facts support our belief that the mayor's phone allowance was additional compensation to the mayor not reimbursement for expenses incurred. Moreover, it appears that \$125 is excessive for a single phone with unlimited phone, text, and data in today's competitive marketplace.

Per Diem Payments to Attend Board Meetings

State law³ requires the mayor to preside at all meetings of the Board of Aldermen and further requires the mayor and Board of Aldermen to hold at least one regular meeting per month. In A.G. *Opinion No. 15-198*, the Attorney General concluded, "there is no state law requiring a member of a municipal board of aldermen to attend meetings. However, failure to hold at least one regular meeting each month with quorum could be considered malfeasance in office." See also A.G. *Opinion No. 93-374*, which opined that an alderman's compensation does not appear to be statutorily contingent upon attendance at meetings. However, the opinion did note that, "the town can pass a new or amending ordinance that hinges receipt of compensation upon attendance at meetings." Although that opinion dealt with requiring aldermen to attend meetings to receive their regular pay, it seems that the City could also include language authorizing a per diem in the ordinance fixing the mayor and Board members' salaries. In this case, the Board did not pass such an ordinance and, therefore, appears to be paying themselves additional compensation to which they are not entitled.

Mayor Vidrine stated that she and the Board members receive allowances and per diem payments because that is what the previous administration did. Mayor Vidrine could not provide documentation to show that the allowances and per diem payments were authorized by ordinance. We spoke with the City's payroll clerk, who told us that allowances and per diem payments have been paid to the mayor and Board members since at least 2003. Because the mayor and Board members' salaries were set by ordinance, and the Board did not authorize any increases by ordinance, the allowances and per diem payments received by Mayor Vidrine and the Board members appear to have increased their compensation above the amounts approved by ordinance. Payments in excess of the salaries set by the Board may violate state law.^{1,2}

Recommendations

We recommend that the City adopt policies and procedures to ensure municipal officers are paid according to the appropriate salary ordinances adopted by the Board and that additional compensation in the form of allowances and per diems be addressed clearly in such ordinances. We also recommend that, in lieu of providing individual phone allowances, the City consider providing phones needed for public purposes at a lower group volume price.

Mayor's Use of City Vehicle

Mayor Vidrine may have violated City policy and state law⁴ by using her City vehicle for personal purposes. In addition, the City's practice of assigning a City-owned vehicle to the mayor and paying the mayor an annual vehicle allowance appears to duplicate benefits in possible violation of the Louisiana Constitution.⁵ Finally, we observed that the City-owned vehicle assigned to Mayor Vidrine did not have a public license plate or a logo bearing the City's name in accordance with state law.⁶

The City's policies and procedures manual states that City-owned vehicles may only be used for business travel, and personal use is strictly prohibited. The policies and procedures manual does not require documentation or provide for the implementation of controls, such as the completion of vehicle mileage and use logs to ensure that City-owned vehicles are not being used for personal purposes. Statements from City employees and officials and City records indicate that Mayor Vidrine was provided a City-owned vehicle and vehicle allowance (currently \$6,000 per year) when she took office in 2011. The City could not provide any documentation, such as vehicle mileage and use logs, to support the purposes for which this vehicle has been used.

Mayor Vidrine's Vehicle Usage

In September 2018, a City resident provided the Louisiana Legislative Auditor with a video purportedly showing Mayor Vidrine using her City-owned vehicle to move campaign signs. Mayor Vidrine acknowledged that she has used her City-owned vehicle to remove and place her campaign signs. Mayor Vidrine stated that she uses her City-owned vehicle to commute to and from City hall and in the performance of her duties as Mayor. She stated that she drives the vehicle to meetings throughout the City and to funerals for constituents of the City.

In A.G. *Opinion No. 01-0198*, the Attorney General opined that public vehicles must be used for public purposes. "A public vehicle cannot be used personally because such would be tantamount to a donation of public funds which is prohibited by the constitution." In addition, state law⁷ prohibits the use of public funds to urge any elector to vote for or against any candidate or proposition, or be appropriated to a candidate or political organization. Mayor Vidrine's use of a City-owned vehicle to move campaign signs may have violated the Louisiana Constitution⁵ and state law.^{4,7} Further, because Mayor Vidrine has a take-home vehicle, there does not appear to be a valid public purpose for providing her with a vehicle allowance. This duplication of benefits may violate the Louisiana Constitution,⁵ which prohibits the donation of public funds.

City Vehicle Not Marked in Accordance with State Law

State law⁶ requires any vehicle belonging to the state or any of its political subdivisions to bear a Louisiana public license plate, and that each vehicle must also have a logo that is inscribed, painted, decaled, or stenciled conspicuously on it, bearing the name of the agency. The City resident that provided video of the mayor's City-owned vehicle also provided

photographs of the vehicle which showed that it did not have a Louisiana public license plate, and there were no decals or other identification on it that displayed the City's name.

Mayor Vidrine stated that she received the City-owned vehicle from her predecessor who also received a vehicle allowance. She stated that there is a sticker in the window of the car which included the City's placard; however, auditors did not see this sticker on the vehicle. Mayor Vidrine said that she removed the public plate over concerns that people would try to hit a public vehicle in order to sue the City. By removing the public plate from her City-owned vehicle and failing to affix the proper identification to the vehicle, Mayor Vidrine may have violated state law.⁶

Recommendations

We recommend that the City develop and implement policies and procedures for the use of City vehicles to ensure that public vehicles are used only for public purposes. These policies and procedures should require that vehicle mileage and use logs be maintained for all City vehicles. We further recommend that the City obtain public license plates for City vehicles and mark all City vehicles in accordance with state law.

LEGAL PROVISIONS

¹ **Louisiana Revised Statute (La. R.S.) 33:404.1** states, “The board of aldermen shall by ordinance fix the compensation of the mayor, aldermen, clerk, chief of police, and all other municipal officers. The board of aldermen may by ordinance increase or decrease their compensation and the compensation of any nonelected municipal officer and may increase the compensation of other elected officials. However, the board of aldermen shall not reduce the compensation of any elected official during the term for which he is elected.”

² **La. R.S. 42:1461(A)** states, “Officials, whether elected or appointed and whether compensated or not, and employees of any ‘public entity,’ which, for purposes of this Section shall mean and include any department, division, office, board, agency, commission, or other organizational unit of any of the three branches of state government or of any parish, municipality, school board or district, court of limited jurisdiction, or other political subdivision or district, or the office of any sheriff, district attorney, coroner, or clerk of court, by the act of accepting such office or employment assume a personal obligation not to misappropriate, misapply, convert, misuse, or otherwise wrongfully take any funds, property, or other thing of value belonging to or under the custody or control of the public entity in which they hold office or are employed.”

³ **La. R.S. 33:405(A)** states, in part, “(1) The mayor shall preside at all meetings of the board of aldermen, and in case there is an equal division, he shall give the deciding vote. (2) The mayor and board of aldermen shall hold not less than one regular meeting in each month on a date and at a place and hour to be fixed by ordinance. The board shall give public notice of the contents of this ordinance pursuant to R.S. 42:19.”

⁴ **La. R.S. 14:68(A)** states, “Unauthorized use of a movable is the intentional taking or use of a movable which belongs to another, either without the other’s consent, or by means of fraudulent conduct, practices, or representations, but without any intention to deprive the other of the movable permanently. The fact that the movable so taken or used may be classified as an immovable, according to the law pertaining to civil matters, is immaterial.”

La. R.S. 14:134(A) states, “Malfeasance in office is committed when any public officer or public employee shall: (1) Intentionally refuse or fail to perform any duty lawfully required of him, as such officer or employee; or (2) Intentionally perform any such duty in an unlawful manner; or (3) Knowingly permit any other public officer or public employee, under his authority, to intentionally refuse or fail to perform any duty lawfully required of him, or to perform any such duty in an unlawful manner.”

La. R.S. 42:1461(A) states, “Officials, whether elected or appointed and whether compensated or not, and employees of any ‘public entity,’ which, for purposes of this Section shall mean and include any department, division, office, board, agency, commission, or other organizational unit of any of the three branches of state government or of any parish, municipality, school board or district, court of limited jurisdiction, or other political subdivision or district, or the office of any sheriff, district attorney, coroner, or clerk of court, by the act of accepting such office or employment assume a personal obligation not to misappropriate, misapply, convert, misuse, or otherwise wrongfully take any funds, property, or other thing of value belonging to or under the custody or control of the public entity in which they hold office or are employed.”

⁵ **Article VII, Section 14 of the Louisiana Constitution** provides, in part, “that except as otherwise provided by this constitution, the funds, credit, property, or things of value of the state or of any political subdivision shall not be loaned, pledged, or donated to or for any person, association, or corporation, public or private.”

⁶ **La. R.S. 49:121(A)(1)** states, “Every boat, watercraft, aircraft, automobile, truck, or other vehicle belonging to the state or to any of its political subdivisions, or to any department, board, commission, or agency of any of its political subdivisions shall, if required by law to bear a Louisiana license plate, bear a public license plate, and each such vehicle also shall have inscribed, painted, decaled, or stenciled conspicuously thereon, either with letters not less than two inches in height and not less than one-quarter inch in width or with an insignia containing not less than one

hundred forty-four square inches, or if circular, not less than eight inches in diameter, the name of the board, commission, department, agency, or subdivision of the state to which the boat, watercraft, aircraft, automobile, truck, or other vehicle belongs, such as “Louisiana Department of Highways”, or “Louisiana Conservation Commission”, or “School Board-East Baton Rouge”, or “Sheriff-East Baton Rouge”, or “City of Baton Rouge”; however, recognized and approved abbreviations such as “La.”, “Dept.”, “Com.”, “Bd.”, and the like, may be used.”

⁷ **La. R.S. 18:1465(A)** states, “No public funds shall be used to urge any elector to vote for or against any candidate or proposition, or be appropriated to a candidate or political organization. This provision shall not prohibit the use of public funds for dissemination of factual information relative to a proposition appearing on an election ballot.”

APPENDIX A

Management's Response

City of Ville Platte

126 East Main Street
Post Office Box 390
Ville Platte, LA 70586



Phone: (337)363-2939

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Jennifer Vidrine

Mayor

May 3, 2019

Mr. Daryl G. Purpera, CPA, CFE
Louisiana Legislative Auditor
Post Office Box 94397
Baton Rouge, Louisiana 70804-9397

Dear Mr. Purpera:

Thank you for the audit report regarding the City of Ville Platte. We appreciate your work and review of the City's operations and operating policies. Based on your report and recommendations, as provided for herein, the City shall implement the following policy changes to ensure that the City operates in compliance with the law. The Mayor and Council will work together to make Ville Platte better in every way possible. We have prepared the following report to address the below captioned items listed in your report:

- 1) Mayor and Board of Alderman Appear to Have Received Excess Compensation
- 2) Phone Allowances
- 3) Per Deim Payments

The payments made to Council Members and the Mayor described as auto allowance, phone allowance and per deim date back to 2003 or possibly earlier. Consistent with the compensation policy adopted by previous administrations, the current Mayor and Council continued to provide for those allowances and issued W-2 forms to the Mayor and Council Members for tax purposes.

In order for the City to come into compliance with the law and what is certainly considered best practices, the Mayor and Council can confirm that the current budget for 2018-2019 and the draft of the proposed 2019-2020 budget provide a specific appropriation for each of these line items. In addition, the City

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Equal Employment Opportunity

Council Members

Faye Lemoine
District "A"

Jerry Joseph
District "B"

Mike Perron
District "C"

Lionel Anderson
District "D"

Donald Sam
District "E"

Bryan Riggs
District "F"

Eric LaFleur
City Attorney

Council will timely adopt an appropriate ordinance to properly define all of these items as compensation and will continue to issue appropriate tax filings consistent with provisions of the IRS Tax Code. At this time, we believe that a phone allowance is appropriate and will be provided as an "allowance" only to the Mayor and the Chief of Police, however, it will be reduced per your recommendation to \$60.00 so that it properly corresponds with those costs.

4) Mayor's Use of City Vehicle

The Mayor acknowledged, while in her city vehicle in 2018, she removed campaign signs placed in the City's right-a-ways. She recognized the unlawful location of those signs, exited her city vehicle and removed the signs out of the City's right-a-ways and moved them appropriately onto private property.

5) City Vehicle Not Marked in Accordance with the State Law

The Mayor inherited the 2007 city vehicle, with a city decal on the front driver's side corner window. The city decal was weather -worn and is no longer clearly identifiable. New city vehicle decals for placement on the vehicle as required by law have been ordered and the weather- worn decal has been replaced. The appropriate public license plate has been placed on the vehicle.

Thank you for the courtesy and professionalism shown during your visit.

Sincerely,

Jennifer Vidrine

Jennifer Vidrine, MPA, ABD
Mayor, City of Ville Platte

Cc: Ville Platte City Council Members
City Attorney, Eric LaFleur

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