

*Home Rule Charter*  
*of the*  
*Parish of Lafourche, Louisiana*



*Revised December 2012*

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# **LAFOURCHE PARISH HOME RULE CHARTER**

## **PREAMBLE**

We, the People of the Parish of Lafourche (hereinafter referred to as Parish), State of Louisiana (hereinafter referred to as State), to form a government to better serve the people and secure for ourselves the responsibilities and benefits of home rule, do adopt, under God, this plan of local self-government and home rule charter.

## **ARTICLE I ESTABLISHMENT OF HOME RULE**

Lafourche Parish is a local governmental subdivision as defined by Article VI, Section 44 of the Louisiana Constitution of 1974. The Parish shall operate under this Home Rule Charter (hereinafter referred to as Charter) under authority of Article VI, Section 5 of the constitution.

## **ARTICLE II POWERS AND FUNCTIONS**

Except as otherwise provided by this Charter, the Parish shall continue to have all powers, functions, rights, privileges, immunities, and authority previously possessed under the laws of the State. The Parish shall have and exercise such other powers, rights, privileges, immunities, authority and functions not inconsistent with this Charter as may be conferred on or granted to a local governmental subdivision by the constitution and laws of the State. The Parish is hereby granted the right and authority to exercise any power and perform any function necessary, requisite, or proper for the management of its affairs, not denied by this Charter or general law, or inconsistent with the constitution. The Parish shall have the right and authority to exercise the police power. The Parish shall have the right, power, and authority to adopt any ordinance necessary, requisite, or proper to promote, protect, and preserve the general welfare, safety, health, peace, and good order of the Parish, subject only to the limitations that no ordinance shall be inconsistent with the constitution or a provision of the Charter.

## **ARTICLE III ORGANIZATION, STRUCTURE AND DISTRIBUTION OF POWERS AND FUNCTIONS**

### **SECTION 1. SEPARATION OF POWERS AND FUNCTIONS**

All of the powers and functions of the Parish, as provided for in Article II of this Charter shall be separated and distributed to two branches: legislative and executive. This plan of government is a “president-council” form of government. Except as otherwise expressly provided for in this Charter, no branch, nor any person holding office in a branch, shall exercise a power or perform a function belonging to the other branch. The exercise of any power or performance of any function by a branch, or by any person holding office in that branch, that violates this separation and distribution of powers and functions shall be absolutely null and of no legal effect.

## **SECTION 2. THE LEGISLATIVE BRANCH**

### **A. PARISH COUNCIL: GOVERNING AUTHORITY**

Except as otherwise provided for in this Charter, all legislative powers and functions of the Parish shall be vested in the Parish Council (hereinafter referred to as the Council). The Council may exercise any power and perform any function necessary, requisite or proper for the management of the legislative branch that is not denied by this charter or inconsistent with the constitution. The Council is the governing authority of the Parish.

### **B. COMPOSITION OF THE COUNCIL**

1. The Council shall consist of ten (10) members.
2. Nine (9) members of the Council shall be elected from single member districts.
3. One (1) member of the Council shall be elected at-large and shall be the Parish President (hereinafter referred to as the President). The President shall not have the power to vote on an ordinance, resolution, motion, or election for Chair and Vice Chair of the Council. The President shall not hold an office on the Council. The presence or absence of the President at a Council meeting shall not be considered in determining the number of members of the Council whose presence is required to constitute a quorum of the Council (5) and shall not be considered in determining the number of votes necessary to (a) adopt an ordinance (5), (b) adopt a resolution (5), (c) adopt a motion (majority of those present), or (d) constitute a two-thirds vote (6) or a super majority (7) vote.

### **C. ESTABLISHMENT OF COUNCIL DISTRICTS**

The geographic boundaries of Council single member districts are ratified as they presently exist. Any ordinance annexing a new area into the Parish shall designate the Council district or districts into which the annexed area is included.

### **D. REAPPORTIONMENT OF COUNCIL SINGLE MEMBER DISTRICTS**

The geographical boundaries of the present Council single member districts shall be reapportioned only by an ordinance enacted by the Council. Following official publication of the federal census by the United States Bureau of the Census and at least six (6) months prior to the next election for Council members from single member districts following publication of the census, the Council by ordinance shall, if necessary, alter, change or rearrange Council single member district boundaries so as to provide for population equality among the districts as near as reasonably practicable. Such districts shall be compact and composed of contiguous territory. If the Council fails to perform its mandatory duty to reapportion timely, the voting members of the Council shall have their compensation forfeited until that duty is performed. The Council may reapportion the Council single member districts at any other time.

### **E. QUALIFICATIONS OF A CANDIDATE FOR ELECTION AS A MEMBER OF THE COUNCIL**

1. To qualify as a candidate for the seat as the at-large member of the Council, the prospective candidate shall be a qualified elector, and shall have been domiciled in the Parish for at least one (1) year prior to the end of the period for qualifying as a candidate for that position.

2. To qualify as a candidate for a seat as a member of the Council from a Council single member district, the prospective candidate shall be a qualified elector, and shall have been domiciled in the district in which he/she seeks election for at least one (1) year prior to the end of the period for qualifying as a candidate for that position.
3. A candidate for election as a member of the Council shall not qualify as a candidate for any other elected public office.
4. A candidate for a seat as a member of the Council shall be elected when he/she receives a majority of the votes of the electors in an election for the seat.

#### F. CONTINUING DOMICILE AND QUALIFIED ELECTOR REQUIREMENTS FOR MEMBERS OF THE COUNCIL

A Council member shall continue to be a qualified elector and legally domiciled within the Parish and, if elected from a single member district, shall continue to be legally domiciled within the district, during the term of office for which he/she is elected. If a Council member ceases to be a qualified elector or changes his/her legal domicile from the Parish or from the district from which elected, the member shall forfeit the office and the office shall be vacant. However, a temporary change of actual residence made for just cause shall not be a ground for forfeiture of office.

#### G. TERM OF OFFICE

The President and each other Council member shall be elected for a term of four (4) years. The terms shall begin at 12:01 a.m. of January first in the year following the election.

#### H. COUNCIL MEETINGS AND RULES

##### 1. Chair and Vice Chair of the Council

Every January, the voting members of the Council shall elect a Chair and Vice Chair. The Chair shall be the presiding officer at meetings of the Council. The Chair, except as otherwise specified herein, shall call all meetings of the Council. In the event of a vacancy in the position of the Chair, the Council shall elect a new Chair. In the absence or temporary disability of the Chair, or if the office of the Chair becomes vacant, the Vice Chair shall not assume the office of the Chair, but shall assume the powers, functions, and duties of the Chair.

##### 2. Council Meetings

The Council shall meet regularly as prescribed by ordinance but not less than once each month. Special meetings may be held on call of the Chair or of any three (3) voting members with such notice as required by state law. The notice for a special meeting must be signed by the Chair or the Council members calling the meeting and shall state the purpose of the meeting. At a special meeting only matters specified in the call shall be considered. An emergency meeting of the Council may be called by the President, the Chair or three (3) voting members of the Council. All regular, special, emergency, and committee meetings shall be open to the public.

3. Quorum; Vote Necessary for Adoption of Action

A majority of the voting members of the Council (5) shall constitute a quorum. No ordinance or resolution of the Council shall be valid or binding unless voted upon favorably by at least a majority of the voting members (5), except when a two-thirds vote (6) or larger (7) is required. Notwithstanding the foregoing, procedural motions may be adopted by a favorable vote of a majority of the voting members present and voting.

4. Recess of a Meeting

Any meeting may be recessed to another specified date. Notwithstanding any other provisions of this Charter, if any meeting fails for want of a quorum, any number of the voting members of the Council less than a quorum may recess the meeting to another specified date. In no case shall a recessed meeting be prolonged beyond the end of the month in which it was scheduled. A meeting shall not be recessed more than once or to any date except that specified at the first recess.

5. Compelling an Absentee Council Member to Attend a Meeting

If a regular, special, emergency, or committee meeting of the Council has been properly called, and not properly canceled, and if a quorum is not present, then less than a majority of the voting members of the Council shall:

- (a) Call the meeting to order;
- (b) Compel the attendance of the absent member(s) to obtain a quorum. To obtain a quorum, the member(s) in attendance shall utilize any power and perform any function necessary, requisite or proper granted to the Parish in Article II of this Charter to compel the attendance of the absent member(s), unless the member is absent for just cause. If the meeting is properly called, and not properly canceled, and if a quorum is not obtained, then a voting member of the Council who is absent without just cause shall forfeit his/her salary for one (1) month; and
- (c) Adjourn the meeting.

6. Other Council Rules and Order of Business

In all other matters, the Council shall determine its own rules and order of business by ordinance. In the absence of any rules and order of business established by ordinance, Robert's Rules of Order shall apply.

I. INVESTIGATIONS

The Council, or any committee thereof when authorized by the Council, shall have the power to investigate the official conduct of any employee, department, office or political subdivision under its jurisdiction, or any official, officer or employee thereof, when authorized by a resolution to do so that states the purpose of the investigation. For the purpose of conducting any such investigation or any hearing therein, any voting member of the Council shall have power to administer oaths and compel the attendance of witnesses and the production of evidence. Any person refusing to obey an order, if lawfully given, shall upon conviction, be subject to

punishment as established by ordinance. The Council shall not have the power to investigate the official conduct of its members or the President, except as specifically provided for in Article III, Section 10 of this Charter.

## J. LEGISLATIVE EMPLOYEES

### 1. Council Clerk

The Council shall appoint a Council Clerk by resolution. The Clerk shall give notice of Council meetings to its members and the public, keep the minutes of its proceedings, be official Secretary of the Council, and Custodian of Records for the Legislative Branch, and perform such other duties as are assigned to the office by this Charter or by the Council. The Council may remove the Clerk by a resolution adopted by a favorable two-thirds (2/3) vote of at least six (6) of its voting members.

### 2. Council Internal Auditor

The Council may appoint an Internal Auditor by resolution. The Internal Auditor shall be responsible for reporting to the Council on budgetary and financial matters relating to the Parish and perform such other duties as are assigned to the office by the Council. The Council may remove the Internal Auditor by a resolution adopted by a favorable two-thirds (2/3) vote of at least six (6) of its voting members.

### 3. Council Employees

The Council may hire or remove any unclassified clerical employees that may be necessary to assist the Council Clerk and Internal Auditor in carrying out their duties. If a Council clerical employee is determined by ordinance to be classified, the Council Clerk shall appoint or dismiss the employee as provided for in the Civil Service Rules and Regulations.

### 4. Terms of Employment of Council Employees

All unclassified Council employees shall serve at the pleasure of the Council.

### 5. Salaries of Council Employees

The Council shall fix the salaries of all unclassified Council employees by ordinance, unless the salary or salaries previously have been fixed in the operating budget. The salaries of all classified Council employees shall be fixed by the Council Clerk as provided for in the Civil Service Rules and Regulations.

## K. PROHIBITIONS

### 1. Dual Office Holding

No member of the Council shall hold any other elected public office nor be a compensated official or employee of the Parish during the term for which elected.

### 2. Failure to Attend Meetings

No member shall fail to attend Council meetings without just cause for a period of three (3) consecutive months. The President may send a representative to the Council meetings to comply with this requirement.

3. Interference with Officers and Employees of the Executive Branch

Except for the purpose of investigations conducted pursuant to Article III, Section 2, Paragraph I, the voting members of the Council shall have a mandatory duty not to directly or indirectly interfere with, or give any orders or directives to, any officer, department head, employee, or independent contractor of the Parish who is under the direction or supervision of the executive branch. This provision is not intended to prohibit a voting member of the Council from discussing a problem, voicing a concern, or transmitting a complaint to the President, the Administrator, or a department head, or his/her designee, if the department head or his/her designee, has been authorized by the President or Administrator to discuss problems, hear concerns, or receive complaints.

4. Employment of Former Council Member

No former member shall hold any compensated employment with the Parish until two (2) years after the expiration of the term for which elected to the Council.

### **SECTION 3. THE EXECUTIVE BRANCH**

#### **A. THE PRESIDENT**

Except as otherwise expressly provided in this Charter, all executive powers and functions of the Parish shall be vested in the President. The President shall be the Chief Executive Officer of the Parish and may exercise any power and perform any function necessary, requisite or proper for the management of the executive branch that is not denied by this Charter or inconsistent with the constitution.

#### **B. GENERAL POWERS, FUNCTIONS AND DUTIES OF THE PRESIDENT**

The powers, functions and duties of the President shall include, but not be limited to, the following:

1. Appoint, suspend or remove all unclassified Parish employees and officers who are employed by the executive branch of the Parish, except as otherwise provided for in Article IV. If the employee or officer is not covered by Civil Service, he/she shall serve at the pleasure of the President. The President may authorize any executive officer who is subject to his/her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or political subdivision. The President shall fix the salaries of unclassified employees and officers of the executive branch, subject to approval by ordinance, unless otherwise provided for in the budget ordinance;
2. Except as otherwise specifically provided for in this Charter, have general power and authority to direct and supervise the administration of all departments, offices and political subdivisions in the executive branch of the Parish;
3. Prepare and timely submit the annual operating and capital budgets;

4. Submit to the Council and make available to the public a complete report on the finances and activities of the Parish at the end of each fiscal year;
5. Make such other reports as the majority of the voting members of the Council (5) may request so the Council can properly perform its legislative functions;
6. Keep the Council fully advised about the financial condition of the Parish;
7. Make appropriate recommendations to the Council about Parish affairs;
8. Faithfully and impartially perform all duties imposed upon him/her by this Charter or by ordinance, and require all officers and employees subject to his/her direction and supervision to do the same;
9. Enter into, and, if required, sign, either personally or by his/her designee, all contracts of the Parish that are authorized by Article VI, Section 2, Paragraph A of this Charter; and, if required, sign either personally or by his/her designee, all contracts of the Parish otherwise provided for by this Charter; and administer all Parish contracts in good faith and in accordance with the law;
10. Sign the commissions and appointments of all Parish Officers; and
11. Notwithstanding any other provision to the contrary, the President shall exercise all powers, perform all functions, and have all duties provided for in the Louisiana Revised Statutes 29:721 et seq. of the Louisiana Homeland Security and Disaster Act, and in particular in Louisiana Revised Statute 29:727.

#### C. THE ADMINISTRATOR

The Administrator shall be the Chief Administrative Officer of the Parish and shall have such powers and perform such functions and duties as may be prescribed by this Charter or by ordinance or delegated by the President. The Administrator shall be a qualified elector of the Parish and shall be domiciled in the Parish for at least one (1) year prior to being nominated by the President for ratification by the Council. The Administrator shall be appointed and may be removed as provided for in Paragraph D 5 and 6 of this Section.

#### D. DEPARTMENTS, OFFICES AND POLITICAL SUBDIVISIONS OF THE PARISH

##### 1. Number of Executive Branch Departments

The executive branch of the Parish shall have at least three (3) departments in its organization and structure: Finance, Public Works, and Civil Service. The President and Council shall have a mandatory duty to provide these departments with adequate funding so they can effectively and efficiently carry out the powers, functions, and duties given to them by this Charter. The Council may create up to seven (7) other departments by ordinance. The powers, functions and duties granted to a Parish department created by an ordinance of the Council shall not conflict with, be inconsistent with or concurrent with the powers, functions and duties granted to any department created by this Charter. The Council by ordinance, or the President, may grant additional powers, functions and duties to the Parish departments created by this Charter. The council by ordinance may alter, merge, consolidate or abolish any department created by it.

2. Department of Finance

The head of the Department of Finance shall be the Director of Finance. The Director of Finance shall direct and be responsible for maintaining the fiscal records and systems of the Parish; preparation and monitoring of the Parish budgets; coordinating and reviewing the annual audit; and supervising the daily administrative functions of the Department of Finance.

3. Department of Public Works

The head of the Department of Public Works shall be the Director of Public Works. The Director of Public Works shall direct and be responsible for the field operations of all employees in the department, and the maintenance and operation of all road and drainage infrastructure and equipment.

4. Department of Civil Service

The Department of Civil Service shall be as provided for in Article IV of this Charter.

5. Appointment of Department Heads and the Administrator

A newly elected or re-elected President shall within sixty (60) days after assuming office, submit nominations for the Administrator and the heads of all departments, except Civil Service, to the Council for confirmation. Within thirty (30) days after the President makes the nomination, the Council shall vote to confirm or reject each nomination by resolution. If a nomination for Administrator or head of a department is confirmed by the Council, the person confirmed shall assume the office and serve thereafter at the pleasure of the President, unless removed by the Council as provided for in this Charter. If a nomination for Administrator or head of a department is rejected by the Council, the person rejected shall not assume the office to which nominated, and the President shall submit a new nomination within sixty (60) days after the date of the rejection. The person rejected shall not be eligible for re-nomination for the position involved for a period of six (6) months after the date of the rejection vote. The President may appoint an interim Administrator or department head who shall serve until a permanent Administrator or department head is confirmed. If a vacancy occurs in the office of Administrator or any department head after a person has been initially confirmed in that position, the President shall submit a nomination to fill the vacancy to the Council within sixty (60) days after the date on which the vacancy occurs. The Council shall act on the nomination within thirty (30) days thereafter.

6. Removal of Department Heads and the Administrator

The Council may remove the Administrator or a department head by a resolution adopted by a favorable vote of at least seven (7) of its voting members.

7. Political Subdivisions and Additional Offices of the Parish

(a) Political Subdivisions

(1) Definition

As used in this Charter, a political subdivision is a special district in the executive branch of the Parish, including, but not limited to, a board, commission or a special service district, that is authorized by ordinance to perform a Parish governmental function.

(2) Ratification of Existing Political Subdivisions

All Parish political subdivisions are ratified as they exist in the Parish Code of Ordinances on the effective date of this Charter. They shall continue to effectuate the purposes for which they were created, complete any works begun or authorized, pay debts that are due and payable and levy taxes, issue bonds and impose charges as may have been or may be legally authorized. They may be altered, merged, consolidated or abolished by ordinance as provided for in Article V, Section 1, Paragraph A 22.

(3) Creation of Additional Political Subdivisions

After the effective date of this Charter, the Council may create additional political subdivisions subject to the following limitations. The ordinance creating the political subdivision shall provide whether the members thereof shall be appointed by the Council, by the President or by the President and subsequently ratified by the Council. The creating ordinance also shall specify whether the members serve at the pleasure of the Council, or the pleasure of the President, or have fixed terms of office. No voting member of the Council shall serve as an officer or voting member of a Parish political subdivision, except that one voting member of the Council may serve thereon as a non-voting liaison member.

(4) Limitation on Political Subdivision Financial Authority

No political subdivision of the Parish shall levy a tax, impose a charge or issue bonds without prior approval by ordinance.

(5) Limitations on Merger, Consolidation or Abolition of a Political Subdivision

If a political subdivision has outstanding indebtedness, it shall not be consolidated, merged or abolished until provision is made for the retirement or assumption of the indebtedness.

(b) Creation of Additional Offices

The Council by ordinance may create, and thereafter abolish, offices in the executive branch in addition to those created by this Charter, provided that the powers, functions and duties granted to such an office do not conflict with, are not inconsistent with or are not concurrent with, the powers, functions and duties granted to a Parish office or department created by this Charter.

## 8. Advisory Boards or Commissions

The Council also may appoint advisory boards or commissions to advise it and the President regarding the operations of Parish services or other activities, provided that such boards and commissions shall exercise no executive or legislative powers or functions. Members of such boards and commissions shall receive no compensation for their service.

## **SECTION 4. ELECTIONS**

The elections for President and the other members of the Council shall be held at the same time as the Governor in accordance with state law.

## **SECTION 5. COMPENSATION**

- A. The President shall receive an annual salary of \$65,000 effective January, 2008. The President shall not engage in any activity unrelated to Parish government business which would interfere with or detract from the performance of duties as President. All other members of the Council shall receive an annual salary of \$12,000 beginning January, 2008. All members of the Council shall receive a two percent (2%) raise every January, from January 2009 through January, 2027. The Council may change the annual salaries of the President and other members of the Council by ordinance enacted prior to the last year of their terms of office. Any salary change shall not take effect during the term of office of the members who enact the change. Each member shall receive his/her actual and necessary expenses incurred in the performance of his/her official duties, within limitations established by ordinance.
- B. Notwithstanding any other provision to the contrary, the Council by ordinance may raise the annual salary of the President to \$65,000 effective on the effective date of the ordinance, provided the ordinance is adopted prior to July 1, 2005.

## **SECTION 6. ORDINANCES, RESOLUTIONS AND MOTIONS**

The Council may enact ordinances, pass resolutions and make motions pursuant to the provisions of Article V.

## **SECTION 7. BUDGET**

The Parish shall adopt annual operating and capital budgets pursuant to the provisions of Article VI.

## **SECTION 8. RECALL**

Any elected official of the Parish may be removed from office by the electors through the recall procedure provided for by State law.

## **SECTION 9. FORFEITURE OF OFFICE; REMOVAL BY SUIT**

- A. A member of the Council shall forfeit his/her office if he/she fails to comply with the continuing domicile or qualified elector status requirements of Article III, Section 2, Paragraph F.
- B. A member of the Council shall forfeit his/her office if he/she violates the provisions of Article III, Section 2, Paragraphs K 1, 2 or 3.

- C. An elected official of the Parish shall forfeit his/her office if he/she is convicted of a felony and shall be removed from office pursuant to the provisions of Louisiana Revised Statute 43:1411 and 1412, or their successors.
- D. An elected official of the Parish shall forfeit his/her office if he/she violates the provisions of Article VI, Section 2, Paragraph B 1.
- E. If an elected official of the Parish forfeits his/her office for a cause set forth in paragraphs A through D above, and refuses to vacate his/her office, he/she shall be removed from office by suit as authorized by the constitution and/or pursuant to the procedures set forth in Louisiana Revised Statute 43:1412, or its successor, Louisiana Code of Civil Procedure Art. 3901 et seq., or their successor, or any other applicable law. In such a suit for removal, any elector of the Parish shall have a right and cause of action and standing to bring the suit.

**SECTION 10. INQUIRY INTO ABSENCES; DETERMINATION OF THE INABILITY OF A MEMBER OF THE COUNCIL TO SERVE**

**A. INQUIRY INTO ABSENCES**

If a member of the Council fails to attend regular meetings of the Council for three (3) consecutive months, then immediately prior to the adjournment of the first regular meeting thereafter, the Council shall commence a public inquiry to determine whether the absences were with or without just cause. The public inquiry shall be held during the course of the regular meeting and may be continued for no more than two (2) consecutive regular meetings. The member of the Council who is the subject of the inquiry shall be notified of the commencement of the inquiry, either personally or by written notice sent by certified mail to the residence address he/she has given to the Council, and shall have a right to present evidence in his/her defense. For the purpose of conducting such an inquiry, any member of the Council shall have the power to administer oaths and compel the attendance of witnesses and the production of evidence. Any person refusing to obey an order, if lawfully given, shall upon conviction, be subject to punishment as provided by ordinance. If a two-thirds (2/3) majority (6) of the voting members of the Council determine that a preponderance of the evidence produced by the inquiry establishes that the absences were without just cause, the Council immediately shall declare by resolution that the absentee Council member has forfeited his/her office for violating Article III, Section 2, Paragraph K 2 of this Charter, declare the Council member's office vacant and fill the vacancy as provided for in Article III, Section 11, Paragraph B or C. If a two-thirds (2/3) majority (6) of the voting members of the Council determine that a preponderance of the evidence produced during this inquiry establishes that the Council member is either permanently or temporarily unable to discharge the powers, functions, and duties of his/her office, the Council shall proceed in accordance with Paragraphs B or C of this Section. If the evidence does not satisfactorily prove absence without just cause or temporary or permanent inability to serve, no further action shall be taken and the inquiry shall be terminated.

**B. INABILITY TO SERVE**

The inability of a member of the Council to serve in office can be established in three ways: (1) by a voluntary written statement to that effect submitted and signed by the Council member and filed with the Council Clerk; (2) by a finding to that effect by an inquiry into absences as provided for in Paragraph A of this Section; and (3) by a public inquiry conducted by the Council for the specific purpose of determining inability to serve. Such an inquiry shall only be

commenced by a resolution adopted by a two-thirds (2/3) majority (6) of the Council. The member of the Council who is the subject of the inquiry shall be notified of the commencement of the inquiry, either personally or by written notice sent by certified mail to the residence address he/she has given to the Council, and shall have a right to present evidence in his/her defense.

C. PERMANENT INABILITY TO SERVE

When the permanent inability of a member of the Council has been properly established in accordance with the requirements of this Section, a two-thirds (2/3) majority (6) of the voting members of the Council immediately shall declare by resolution that the office of the Council member is vacant for that reason and fill the vacancy as provided for in Article III, Section 11, Paragraph B or C.

D. TEMPORARY INABILITY TO SERVE

When the temporary inability of a member of the Council to serve has been properly established in accordance with the requirements of this Section, a two-thirds (2/3) majority (6) of the voting members of the Council immediately shall declare by resolution that the member is temporarily unable to discharge the powers, functions, and duties of his/her office. When this occurs, the Council shall continue to function with the remaining members of the Council; provided, however, if the President is temporarily unable to perform the powers, functions, and duties of his/her office, the Administrator shall perform the powers, functions, and duties of the office. If the member of the Council continues to be unable to serve for more than ninety (90) calendar days after the date of adoption of the resolution declaring temporary inability, a two-thirds (2/3) majority (6) of the voting members of the Council shall declare by resolution that the seat of the disabled member is vacant for that reason. Thereafter, the remaining members of the Council shall proceed to fill the vacancy as provided for in Article III, Section 11, Paragraph B or C.

E. EXPERT MEDICAL TESTIMONY

If the existence and/or extent of the temporary or permanent inability of a member of the Council to serve is contested, and if expert medical testimony is required to resolve the dispute, a panel of three (3) medical physicians shall be created by a resolution adopted by a majority (5) of the voting members of the Council. The opinions of the physicians may be presented to the Council by their testimony given at a public meeting of the Council or by way of filing a written report with the Council Clerk. Each Council member shall be furnished a copy of each report prior to voting on this issue.

**SECTION 11. VACANCY**

A. A vacancy shall occur in an elective office of the Parish when the office is, or will be, unoccupied by reason of:

1. death;
2. retirement;
3. resignation;
4. removal from office by forfeiture, inability to serve, recall, or other means; or
5. failure to take office.

- B. If there is a vacancy in the office of President, the Administrator shall immediately assume the powers, functions, and duties of the office. If the Administrator is unable to fulfill this obligation, the Council Chair immediately shall assume the powers, functions, and duties of the office. In either case, the person acting as President shall receive the higher of their salary or the President's, but not both. If the unexpired term of office is one (1) year or less, the person acting as President shall serve out the remainder of the term. If the unexpired portion of the term of office exceeds one (1) year, the vacancy shall be filled by a special election called by a resolution of the Council within ten (10) days after the vacancy occurs, which election shall be held at the earliest date authorized by law. The person acting as President shall fulfill the powers, functions, and duties of the office until the person elected to fill the vacancy assumes the office. The Council Chair shall lose his/her voting privileges on the Council while acting as President.
- C. A vacancy in the office of a voting member of the Council shall be filled within thirty (30) days by at least a majority vote of the remaining voting members of the Council. The appointee shall have, and shall maintain, the qualifications for the seat being filled as required by Article III, Section 2, Paragraphs E and F. If the unexpired portion of the term of office is one (1) year or less, the appointee shall serve out the remainder of the term. If the unexpired portion of the term of office exceeds one (1) year, the vacancy shall be filled by a special election called by a resolution of the Council within ten (10) days after the vacancy occurs, which election shall be held at the earliest date authorized by law. The appointee shall serve in office until the person elected to fill the vacancy assumes the office. The appointee shall be ineligible to be a candidate in any election to fill the vacancy in the seat that he/she filled.
- D. Any vacancy occurring on any Parish political subdivision shall be filled by a resolution of the Council adopted within ninety (90) days of the vacancy. If the Council does not make the appointment within ninety (90) days, the President shall make the appointment within thirty (30) days.
- E. If a vacancy occurs in an elected office provided for in Louisiana Constitution Article VI, Section 13 or Louisiana Constitution Article V, Section 30, the Council shall fill the vacancy as provided for in Louisiana Constitution Article X, Section 27 and Article III, Section 11, Paragraph C of this Charter.

**ARTICLE IV  
CIVIL SERVICE DEPARTMENT**

**SECTION 1. CIVIL SERVICE SYSTEM**

The Parish shall have a Civil Service System, (hereinafter referred to as Civil Service). It shall be the policy of the Parish to employ those persons best qualified to exercise the powers, functions and duties of the Parish and to foster effective career service in Parish employment. Except as provided hereunder, all employments, appointments and promotions in the service of the Parish and each of its departments shall be made on the basis of merit and fitness that shall be determined, insofar as practical, by competitive testing.

**SECTION 2. PERSONS EXCLUDED FROM THE CIVIL SERVICE SYSTEM**

All persons not excluded from Civil Service shall be included in the Civil Service System. Those excluded are:

- A. All elected officials.
- B. Department heads and one deputy department head per department, excluding the Civil Service Director and the Civil Service Deputy Director.
- C. The Administrator.
- D. Members of advisory boards.
- E. Organizations and their employees and other persons who are employed by the Parish on an independent contractual basis.
- F. Employees of the legislative branch as provided for in Article III, Section 2, Paragraph J, provided, however, these persons may be classified at a later date by ordinance.
- G. All persons employed and paid exclusively with federal funds administered by the Parish, unless specifically required by federal regulation or law to be included under this Merit System of Public Employment.
- H. Employees of political subdivisions of the Parish; however, these persons may be classified at a later date by a request of a majority of the voting members of the political subdivision and adoption of an ordinance by the Council, if allowed by state law.
- I. Temporary appointees as defined in the Civil Service Rules and Regulations.

**SECTION 3. APPOINTMENT AND DISMISSAL OF PARISH CIVIL SERVICE EMPLOYEES**

- A. Except as provided for in Paragraph B of this Section, all appointments and dismissals of Civil Service employees in the Executive Branch of the Parish shall be made by the President, or his/her designee, subject to the provisions of Civil Service rules and regulations.
- B. The appointment and dismissal of the Civil Service Director or Deputy Director shall be made by the Civil Service Board, subject to the provisions of this Charter and Civil Service Rules and Regulations.
- C. All appointments and dismissals of classified employees in the Legislative Branch of the Parish shall be made by the Council Clerk as provided for in the Civil Service Rules and Regulations.

**SECTION 4. ORGANIZATION, STRUCTURE AND DISTRIBUTION OF THE POWERS AND FUNCTIONS IN THE DEPARTMENT OF CIVIL SERVICE**

**A. THE DEPARTMENT**

There shall be a Department of Civil Service. It shall consist of a Civil Service Board (hereinafter referred to as the Board) and a classified Civil Service Director, (hereinafter referred to as the Director). The head of the Department of Civil Service shall be the Board.

## B. THE BOARD

### 1. Composition of the Board

The Board shall consist of five (5) electors of the Parish who shall (a) have been domiciled in the Parish for at least the last two (2) years prior to their appointments, (b) hold no other public office or position in Parish government and (c) be in sympathy with merit principles of public personnel administration. Members of the Board shall serve without compensation.

### 2. Method of Appointment to the Board

Nominations for the five (5) seats on the Board shall be made by the following:

- (a) One (1) member shall be nominated by the Board of Directors of the Alumni Association of Nicholls State University.
- (b) One (1) member shall be nominated by the Board of Directors of the Alumni Association of Louisiana State University in Baton Rouge.
- (c) One (1) member shall be nominated by the Board of Directors of the Alumni Association of Tulane University.
- (d) One (1) member shall be nominated by the Board of Directors of the Alumni Association of Southern University in Baton Rouge.
- (e) One (1) member shall be nominated by the Lafourche Parish Bar Association.

Each nominating authority shall transmit the name of its nominee to the President who shall thereafter submit the name to the Council for approval or rejection of the appointment. Appointments shall be for four (4) year terms.

### 3. Filling a Vacancy on the Board

Immediately after receiving notice of a vacancy on the Board, the Director shall notify the President, the Chair and the nominating authority of the fact. Within sixty (60) days after the vacancy occurs, the respective nominating authority shall submit a nominee to fill the vacancy. Within thirty (30) days thereafter, the Council must ratify or reject the appointment. If the nomination is rejected, another nomination shall be solicited from the same source. If the Council fails to act within thirty (30) days after the receipt of the name of the nominee, the appointment shall be automatically ratified. If a nominating authority fails to submit a nominee in the time required, the Board of Directors of the Louisiana Civil Service League shall make the appointment. If one (1) of the named nominating authorities ceases to exist, the Council shall choose the alumni association of another accredited College, University or organization within Louisiana to replace it. The outgoing Board member shall serve on the Board until replaced by the newly appointed member.

#### 4. Removal of a Board Member

A member of the Board may be removed for just cause by a resolution, after having been served with a written specification of the charges against him/her and afforded an opportunity for a public hearing thereon by the Council.

#### 5. General Powers, Functions and Duties of the Board

The Board shall review, may amend, and shall adopt the position classification plan, the uniform plan of salary ranges, and the Civil Service rules and regulations. In addition, it:

- (a) Shall conduct investigations and take action on complaints by or against any Civil Service employee;
- (b) Shall hold hearings on dismissals, demotions, and other disciplinary matters as may be provided for in the Civil Service rules. The right to appeal any decision of the Board shall exist to the appropriate State District Court;
- (c) May exercise witness and document subpoena powers;
- (d) Shall appoint a Director when a vacancy occurs;
- (e) May make any investigations it deems desirable concerning Civil Service in the Parish and report its findings to the President and Council; and
- (f) Shall exercise all necessary powers and perform such other policymaking and administrative functions and duties as may be required or allowed under the Civil Service rules and regulations, provided that such powers, functions and duties are not in conflict with, inconsistent with or concurrent with the provisions of this Charter and are relevant to the Civil Service System.

### C. THE DIRECTOR

#### 1. Appointment and Qualifications

The Director shall be appointed by the Board. The Director shall be qualified and experienced in personnel administration and shall be responsible to the Board for the administration of the Civil Service System for the Parish in accordance with Civil Service rules adopted pursuant to this Article.

#### 2. Powers, Functions and Duties

The powers, functions, and duties of the Director shall include, but shall not be restricted to, the following:

- (a) To develop and administer a position classification plan that shall provide for the classification of all positions on the basis of duties and responsibilities. The Director shall submit the classification plan to the Board. The Board shall hold a public hearing on the plan and may make amendments thereto. Thereafter, the Board shall adopt the plan. The plan becomes effective upon adoption by the Board.

- (b) To develop and, upon adoption, administer an annual uniform plan of salary ranges for all persons in the Parish Civil Service System. The annual plan for each succeeding fiscal year shall be submitted by the Director to the Board not later than April 1st of each year. The Board shall review the plan and, after a public hearing, shall submit it, together with such amendments it deems appropriate, to the President not later than the last day of May of each year. The President shall review the plan and may amend it. Thereafter, the President shall include the plan in the annual operating budget for consideration by the Council.
  
- (c) To prepare Civil Service rules to carry out the provisions of this Article. These rules shall be submitted to the Board which, after public hearing, shall make amendments as it deems necessary. These rules shall become effective upon approval by the Board, and shall have the full force of law. Such rules shall apply to all persons covered by this Article and shall provide for:
  - (1) Policies and procedures for the administration of the classification plan;
  - (2) Policies and procedures for furnishing forms and records to the Civil Service Department from the President or the President's designee;
  - (3) Policies and procedures for the administration of the salary plan;
  - (4) Policies and methods for holding Civil Service tests to determine the merit and fitness of candidates for all regular position appointments;
  - (5) The establishment and maintenance of lists of persons eligible for appointment by reason of successful participation in competitive tests; and procedures for the certification of persons from eligible lists for filling vacancies;
  - (6) The procedure for lay-offs, suspension, demotion, and dismissal of employees, which shall provide for hearings before the Board in these cases;
  - (7) Hours of work, attendance regulations, leaves of absence with or without pay, working test periods and temporary appointments;
  - (8) Prohibition against political activity of employees and assessment for political purposes; and
  - (9) Other policies, practices, and procedures necessary for the administration of the Parish Classified Civil Service System;

3. Removal of the Director

The Director may be removed, for just cause, by the Board, after having been served with a written specification of the charges against him/her and being afforded an opportunity for a public hearing thereon by the Board. Any Director who is removed by the Board is reserved the right to appeal the removal to the appropriate State District Court.

**SECTION 5. PROHIBITED POLITICAL ACTIVITY**

No member of the Board or employee covered under this Article shall participate or engage in political activity; be a candidate for nomination or election to public office or be a member of any national, state, or local committee of a political party or faction; make or solicit contributions for any political party, faction, or candidate; or take active part in the management of the affairs of a political party, faction, candidate, or any political campaign, except to exercise the right as a citizen to express an opinion privately, to serve as a commissioner or official watcher at the polls, and to cast a vote as he/she desires.

**A. CONTRIBUTIONS.**

No person covered under this Article shall solicit contributions for political purposes from any classified employee or use or attempt to use a position in Parish service to punish or coerce the political action of a classified employee.

**B. POLITICAL ACTIVITY DEFINED.**

As used in this Part, “political activity” means an effort to support or oppose the election of a candidate for a political office or to support a particular political party in an election.

**SECTION 6. CLASSIFICATIONS RATIFIED**

Upon the effective date of this revised Home Rule Charter, all persons who have status in the classified service of the Parish shall retain said status in the position, class and rank that they have on such date and shall thereafter be subjected to and be governed by the provisions of this Charter and the rules and regulations adopted pursuant thereto.

**SECTION 7. CONTINUATION OF PLANS AND RULES**

Rules and Regulations, classification plans, and pay plans presently in effect for classified persons in the Parish, will remain in effect until modified as provided for in this Article.

**SECTION 8. SUPREMACY CLAUSE**

The provisions of this Article shall prevail if conflicts are found between this Article and other Articles of this Charter.

**ARTICLE V  
ORDINANCES, RESOLUTIONS, AND MOTIONS**

**SECTION 1. DEFINITIONS**

**A. DEFINITION OF AN ORDINANCE**

An ordinance is an act of the Council that has the force and effect of law. Except as specifically provided for in Paragraph B of this Section, any act of the Council that is intended to have the force and effect of law shall be adopted by an ordinance. Acts of the Council that shall be adopted by ordinance include, but are not limited to those that;

1. Adopt or amend an administrative code;
2. Define a misdemeanor crime and provide a penalty therefor; define a civil offense and provide a sanction therefor;
3. Levy taxes or assessments as provided by law, subject to the provisions of Section II, Paragraph G of this Article;
4. Adopt the operating budget and capital budget, or amendments thereto, for the Parish as provided for in Article VI;
5. Grant, renew, extend, or extinguish a franchise, provided that the franchise shall not be for longer than twenty (20) years;
6. Provide for raising revenue;
7. Regulate the rate or other charges for service by the Parish;
8. Authorize the borrowing of money;
9. Incur debt in any manner authorized by law, in excess of budgeted appropriations;
10. Abandon any property owned by the Parish;
11. Sell or lease or authorize the sale or lease of any real rights of the Parish;
12. Acquire real rights on behalf of the Parish;
13. Adopt or modify the official Parish map;
14. Adopt, modify, or repeal regulations for review and approval of plats;
15. Adopt, modify, or repeal subdivision controls or regulations;
16. Adopt, modify, or repeal the zoning plan, maps, and regulations;
17. Amend or repeal any ordinance previously adopted;
18. Propose the amendment or repeal of this Charter;
19. Provide for reapportionment of Council election districts as provided for in Article III, Section 2, Paragraph D;
20. Expropriate a real right;
21. Establish the procedure for issuing permits;
22. Create, alter or abolish any Parish department, office or political subdivision created by it, as provided for in Article III, Section 3, Paragraph D; and
23. Except as otherwise provided for in this Charter, create, amend or extinguish a contract.

#### B. DEFINITION OF A RESOLUTION

Except as expressly provided for in this paragraph, a resolution is a written act of the Council that does not have the force and effect of law. A resolution is not subject to approval or a veto by the President. Acts that may be adopted by resolution shall include, but are not limited to, those that establish a commemorative day, month or year or those that declare a statement of public policy of the Council. However, an adopted resolution shall have the force and effect of substantive law if its purpose is to:

1. Authorize an investigation by the Council, or a committee thereof, pursuant to Article III, Section 2, Paragraph I;
2. Authorize the employment of legislative employees pursuant to Article III, Section 2, Paragraph J;
3. Confirm or reject nominations for Administrator or department heads pursuant to Article III, Section 3, Paragraph D5;
4. Remove the Administrator or a department head pursuant to Article III, Section 3, Paragraph D 6;
5. Declare that a member of the Council has forfeited his/her office for excessive absences without just cause pursuant to Article III, Section 10, Paragraph A;
6. Commence an inquiry into the inability of a member of the Council to serve in office pursuant to Article III, Section 10, Paragraph B;
7. Declare the permanent inability of a member of the Council to serve pursuant to Article III, Section 10, Paragraph C;
8. Declare the temporary inability of a member of the Council to serve pursuant to Article III, Section 10, Paragraph D;
9. Create a panel of medical experts to determine the inability of a member of the Council to serve pursuant to Article III, Section 10, Paragraph E;
10. Call an election to fill a vacancy on the Council pursuant to Article III, Paragraphs B and C;
11. Fill a vacancy on any Parish political subdivision pursuant to Article III, Section 11, Paragraph D;
12. Remove a member from the Civil Service Board pursuant to Article IV, Section 4, Paragraph B4;
13. Request supplemental information about the operating budget pursuant to Article VI, Section 1, Paragraph C2;
14. Grant President authority to suspend or terminate a capital outlay project pursuant to Article VI, Section 2, Paragraph C2;
15. Ratify a contract for professional services pursuant to Article VI, Section 2, Paragraph D;
16. Receive, accept, amend or extinguish a contract created through a public bid process pursuant to Article VI, Section 2, Paragraph E;
17. Approve the designees of the President who are authorized to countersign instruments for disbursement of Parish funds pursuant to Article VI, Section 2, Paragraph F;

18. Approve the transfer of unencumbered appropriations pursuant to Article VI, Section 3; Paragraph D;
19. Approve the report showing the anticipated annual debt service and anticipated coverage of such debt service by revenues pledged to payments of Parish obligations required as a condition precedent to adoption of an ordinance providing for the obligation pursuant to Article VI, Section 6;
20. Designation of the auditor for the annual audit pursuant to Article VI, Section 7;
21. Call an election for an initiative and referendum proposal or a proposal to amend or repeal this Charter pursuant to Articles VII or IX;
22. Select fiscal agents (mandataries) for the Parish which shall confer upon the President all the authority necessary, requisite and proper to enter into contracts of mandate, deposit, employment or any other type essential for the fiscal agents to perform their contractual obligations; and
23. Call an election for voter approval of a bond issue, sales tax, revenue bond issue or any other tax or charge after it has been approved by ordinance and when such election is required by state law.

No substantive resolution listed above shall be adopted at a meeting of a committee of the Council. Any resident of the Parish shall have a right to speak on a proposed substantive resolution prior to its adoption.

#### C. DEFINITION OF A MOTION

A motion is an act of the Council that procedurally brings any particular subject before it for consideration and is a parliamentary procedure that does not have the force and effect of substantive law.

#### D. EFFECT OF VIOLATING THIS SECTION

Any act of the Council that is intended to have the force and effect of law that is adopted in violation of this Section shall be absolutely null and of no legal effect.

### **SECTION 2. ENACTMENT OF AN ORDINANCE**

#### A. EXCLUSIVE METHOD OF ENACTMENT

Except for emergency, budget, initiative or referendum ordinances, an ordinance shall be enacted only in the manner provided in this section. Except for budget (Article VI) or initiative or referendum (Article VII) ordinances, only a voting member of the Council shall have the right to propose an ordinance.

## B. ENACTING CLAUSE

Each ordinance shall begin with the words: "Be it ordained by the Lafourche Parish Council:" or "The Lafourche Parish Council ordains:". Repetition of the ordaining clause in succeeding portions shall not be required.

## C. INTRODUCTION, FORM AND TITLE OF ORDINANCES; REFERENCE TO THE CODE OF ORDINANCES

Each ordinance shall be introduced by a voting member of the Council at a public meeting of the Council. It shall be typewritten or printed and in the form required for final adoption. The substance of the ordinance shall be confined to one subject, and that substance shall be expressed in the title. An ordinance that adds to, amends, or repeals part of the Code of Ordinances shall refer specifically to the affected part of the Code of Ordinances in its title and body.

## D. INITIAL PUBLICATION

Each proposed ordinance shall be published by title in the official journal of the Parish within fourteen (14) days after introduction. This publication shall be included in the publication required in Paragraph E 1 of this Section.

## E. PUBLIC HEARINGS

### 1. General Hearing

The Council shall conduct a general public hearing for every proposed ordinance, except when such a hearing is not feasible for an emergency ordinance. The date, time, and place of the public hearing or hearings shall be published in the official journal of the Parish not less than five (5) nor more than fourteen (14) days prior to such hearing or hearings. At any such public hearing any resident of the Parish shall have a right to speak on the proposed ordinance.

### 2. Regional Hearing

If requested in writing by at least one-half ( $\frac{1}{2}$ ) percent of the qualified voters of any region in the Parish, the Council shall hold a regional public hearing on the proposed ordinance in that region. For the purpose of this subsection, three (3) regions shall be established by the Council to include the entire Parish and shall be the North, Central, and South Lafourche regions. A regional public hearing shall be conducted by the members of the Council from the region. It shall not be necessary to hold a regional public hearing in the region where the general public hearing is held.

## F. AMENDMENT

A proposed ordinance may be amended at the meeting during which the public hearing is held, or at any public meeting held thereafter, provided that the amendment is presented and acted upon prior to the time that the ordinance is enacted. A proposed ordinance may not be amended to change its original purpose or to accomplish an objective not consistent with its original purpose. Only a voting member of the Council may propose an amendment to a proposed ordinance. The proposed amendment shall be in writing and shall be filed with the Council Clerk not less than

three (3) calendar days before the meeting at which the amendment is to be considered. Immediately after receiving a proposed amendment, the Council Clerk shall transmit copies of it to the President and the other members of the Council. At a public hearing on the proposed ordinance, the Chair or a majority (5) of the voting Council members may allow a proposed oral amendment after a showing of just cause as to why the amendment was not submitted in writing. An amendment is adopted when voted upon favorably by at least a majority (5) of the voting members of the Council, unless otherwise provided for in this Charter.

#### G. ENACTMENT

An ordinance shall be enacted at a public meeting when voted upon favorably by at least a majority (5) of the voting members of the Council; except when otherwise provided for in this Charter. An ordinance to increase a tax, service charge, occupational license fee, or special fee shall only be enacted only when voted upon favorably by at least a two-thirds (2/3) majority (6) of the voting members of the Council. Any resident of the Parish shall have a right to speak on the proposed ordinance.

#### H. PROHIBITION

All acts of the Council required to enact an ordinance shall be done during a regular, special, or emergency meeting of the Council; they shall not be done during a committee meeting. Any ordinance enacted in violation of this prohibition shall be absolutely null and of no legal effect.

#### I. SIGNING OF ORDINANCES

The Chair and the Council Clerk shall sign each ordinance within five (5) days after it has been enacted.

#### J. ACTION BY THE PRESIDENT ON AN ENACTED ORDINANCE

##### 1. Delivery of an Ordinance to the President

The Council Clerk, or his/her designees, shall deliver the enacted ordinance to the President for his/her consideration within five (5) days after enactment, excluding Saturdays, Sundays, and legal holidays. The date and time of delivery to the President shall be recorded upon the ordinance.

##### 2. Action by the President on an Ordinance

The President shall have a mandatory duty to take one of the following actions on the enacted ordinance and return it to the Council Clerk within five (5) days, exclusive of Saturdays, Sundays and legal holidays:

- (a) Sign it, and thus approve it;
- (b) Not sign it and return it without approval; or
- (c) Veto it.

If the President vetoes the ordinance, he/she shall prepare a written statement of the reasons for his/her veto and shall attach it to the ordinance prior to returning it to the

Council Clerk. The Council Clerk shall record upon the ordinance the reasons for the veto and the date and time they are received from the President. Except as provided for in Article VI (Finance), any ordinance vetoed by the President shall be vetoed in full.

The President shall have no power to veto an ordinance that:

- (a) Proposes an amendment to, or the repeal of, this Charter;
  - (b) Establishes, alters or modifies Council procedure;
  - (c) Was adopted by the Council pursuant to the initiative or referendum procedure set forth in Article VIII; or
  - (d) Reapportions Council districts.
3. Notification to the Council of the President's Veto

When the Council Clerk receives an ordinance that has been vetoed by the President, he/she shall immediately notify the members of the Council of the veto by certified mail, return receipt requested, at the address provided by them.

#### K. COUNCIL ACTION ON THE PRESIDENT'S VETO

The Council may reconsider the vetoed ordinance at its next regular meeting following receipt thereof, or it may reconsider it at a special meeting called for that purpose. Any such special meeting shall be held within ten days (10) of the date of the veto. At least a two-thirds (2/3) majority (6) vote of the voting members of the Council is required to override the President's veto.

#### L. FINAL ADOPTION

An enacted ordinance shall be finally adopted when:

1. The President does not have the power to veto it;
2. It is returned to the Council Clerk signed by the President;
3. It is returned to the Council Clerk unsigned and without the President's approval; or
4. It is readopted by at least a two-thirds (2/3) majority (6) affirmative vote of the voting members of the Council after being vetoed by the President.

#### M. FINAL PUBLICATION

Within ten (10) days after an ordinance has been adopted, it shall be delivered to the official journal by the Council Clerk for publication.

## N. EFFECTIVE DATE

An ordinance shall become effective on the tenth day after final publication, unless an earlier or a later date is provided therein.

## SECTION 3. EMERGENCY ORDINANCES

### A. ENACTMENT BY THE COUNCIL

To meet a public emergency, the Council may enact an emergency ordinance by a majority (5) vote of its voting members at the meeting at which it is introduced. No such ordinance may be used to: levy taxes or special assessments; grant or extend a franchise; incur debt, except as provided for in Article VI, Section 3, Paragraph B (Emergency Appropriations); adopt or amend an official map, plat, subdivision controls, or zoning regulations; or change rates, fees, or charges established by the Parish. Every emergency ordinance shall contain a specific statement of the emergency claimed.

### B. FINAL ADOPTION OF AN EMERGENCY ORDINANCE

Any emergency ordinance enacted by the Council shall be signed by the Chair and presented to the President within six (6) hours after enactment. The Council Clerk shall record upon the emergency ordinance the date and hour of its delivery to the President. Within six (6) hours after the President's receipt of an emergency ordinance, it shall be returned to the Council Clerk with the President's signature and approval or veto. The emergency ordinance shall be finally adopted if the President does not timely act. If the emergency ordinance has been approved, it shall be considered finally adopted and shall become effective immediately upon receipt by the Council Clerk. If the emergency ordinance is vetoed, the President shall submit to the Council, through the Council Clerk, a written statement of the reasons for the veto. The Council Clerk shall record upon the emergency ordinance the date and hour of its receipt from the President. Within six (6) hours after the Council Clerk's receipt of a vetoed emergency ordinance, the Council may vote to override the vetoed emergency ordinance by at least a two-thirds (2/3) majority (6) vote, in which event said emergency ordinance shall be considered finally adopted and shall become effective immediately. If the Council does not act timely to override the veto, it shall stand. Upon final adoption, the emergency ordinance shall be published in the official journal of the Parish as soon as practical, either in full or in or in summary, at the discretion of the Council.

### C. DURATION OF AN EMERGENCY ORDINANCE

An emergency ordinance shall be effective for no longer than sixty (60) days.

## SECTION 4. CODES OF TECHNICAL REGULATIONS

The Council may adopt any standard code of technical regulations by reference thereto in an ordinance. The procedure and requirements governing the adoption of such an ordinance shall be as prescribed for ordinances generally in this Article, except that a period of thirty (30) days must be allowed between the time of introduction and enactment of the ordinance. A copy of each adopted code of technical regulations and the adopting ordinance shall be authenticated and recorded by the Council Clerk in the official records of the Parish. An adopted code of technical regulations shall be published by title, or by reference, in the official journal as soon as practical following final adoption.

## **SECTION 5. MAINTAINING THE PARISH CODE OF ORDINANCES**

The Council shall have a mandatory duty to maintain the Parish Code of Ordinances and keep it current. All general ordinances that are finally adopted shall be amendments, additions or repeals to the Parish Code of Ordinances, except ordinances of a recurring nature, such as one that incurs a debt, imposes an annual levy of taxes or enacts a budget. The Council shall have a mandatory duty to have the Parish Code of Ordinances available for examination by the public and for sale to the public at a reasonable price. Ordinances that are not placed in the Parish Code of Ordinances shall be recorded and indexed by the Council Clerk. The Parish Code of Ordinances shall be maintained by a paper copy and may be maintained by electronic data management.

## **SECTION 6. MAINTAINING RECORDS OF RESOLUTIONS**

The Council shall cause each resolution adopted to be recorded in the minutes of the Council meeting at which it was adopted. Resolutions also shall be separately recorded and indexed by the Council Clerk and may be maintained by electronic data management.

# **ARTICLE VI FINANCE**

## **SECTION 1. THE ANNUAL BUDGETS**

The Parish shall have annual operating and capital budgets. The budgets shall present a complete financial plan for the ensuing fiscal year for the general fund, the auxiliary funds, and each special revenue fund.

The budget adoption and amendment procedure in this Article shall be the exclusive method for appropriation of the Parish's funds. The procedure in this Article shall not be used to adopt acts that are required to be approved by the ordinance procedure in Article V; any attempt to do so shall be absolutely null and of no legal effect.

### **A. BUDGET PREPARATION; BALANCED BUDGET**

The President shall have a mandatory duty to prepare the proposed Parish budgets. The total of proposed expenditures shall not exceed the total of estimated funds available for the ensuing fiscal year in each budget.

### **B. SUBMITTAL OF BUDGETS**

At least ninety (90) days before the beginning of each fiscal year, the President shall submit to the Council a line item operating budget and a capital budget in accordance with accepted accounting procedures in the format outlined below.

### **C. THE OPERATING BUDGET**

The operating budget for the Parish shall present a complete financial plan for the ensuing fiscal year, follow general accounting practices, and shall consist of at least three (3) parts as follows:

1. Part I shall contain: (1) a budget message, prepared by the President, which shall outline the proposed fiscal plan for the Parish and describe significant features of the budget for the forthcoming fiscal period, and explain all major increases and decreases in budget recommendations as compared with expenditures from the prior year; and (2) a general budget summary which, with supporting schedules, shall show the relationship between total proposed expenditures and total anticipated revenues for the forthcoming fiscal period and which shall compare these figures with corresponding figures for the last completed fiscal year and estimated figures for the year in progress.
2. Part II shall contain: (1) a statement for the general fund and each special revenue fund showing the estimated fund balances at the beginning of the year; detailed estimates of all revenues and other income itemized by source, showing the corresponding estimated revenue or income for each item for the current fiscal year and actual figures for the last preceding fiscal year; detailed estimates of all proposed expenditures itemized by any agency, fund, department, function, and character, showing the corresponding estimated expenditures for each item for the current fiscal year and actual figures for the last preceding fiscal year; other financing sources and uses by source and use; and the estimated fund balance at the end of the fiscal year; (2) manning or organizational tables for each of the departments, agencies, or programs; (3) delinquent taxes for current and preceding years, with the estimated percentage collectible; (4) statement of indebtedness of the Parish, showing debt redemption and interest requirements, debt authorized and unissued, and conditions of the sinking funds; (5) a section for legislative branch expenses; and (6) such other information as may be requested by the Council by resolution.
3. Part III shall contain a proposed complete draft of the appropriation ordinance.

#### D. THE CAPITAL BUDGET

Each year, no later than the time of submission of the operating budget for the ensuing fiscal year, the President shall prepare and submit to the Council a capital budget for the Parish covering a period of at least five (5) years. The amount indicated to be spent during the first year of the capital budget shall be the capital budget for that year. The capital budget shall include:

1. A clear general summary of its contents.
2. A list of all capital improvements and acquisitions which are proposed to be undertaken for at least the five (5) fiscal years ensuing with appropriate supporting information as to the necessity for such improvements and acquisitions.
3. Cost estimates, method of financing and recommended time schedules for each such improvement or acquisition.
4. The estimated annual cost of operating and maintaining the capital improvement to be constructed or acquired.

The information shall be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

## E. COUNCIL ACTION ON THE SUBMITTED BUDGETS

### 1. Council Public Hearings on the Budgets

At the first regular meeting of the Council following submittal of the budget, the Council shall schedule at least two (2) public hearings on the budgets. These public hearings shall be conducted during regular and/or special meetings of the Council.

### 2. Publication of Dates of Public Hearings

At least ten (10) days prior to the date of the first public hearing, the Council shall cause a notice to be published in the official journal of the Parish. This notice shall: (1) State that the proposed budgets are available for inspection in the Office of the Parish; (2) State the date, time, and place of the meeting for the first public hearing on the proposed budgets; (3) State that any resident of the Parish has a right to speak on the proposed budgets prior to their enactment by the Council; and (4) Include a general summary of the proposed budgets. At least ten (10) days prior to each subsequent public hearing on the proposed budgets, the Council shall cause a notice to be published in the official journal of the Parish stating the date, time, and place of the meeting for the public hearing.

### 3. Council Amendments of the Proposed Budgets

A proposed budget may be amended at any meeting of the Council during which a public hearing on the budget is held or at any public meeting of the Council held thereafter, provided the amendment is adopted prior to the time the budget is passed by the Council. Only a voting member of the Council may propose an amendment to a budget. The proposed amendment shall be in writing and shall be filed with the Council Clerk not less than three (3) calendar days before the meeting at which the amendment is to be considered. Immediately after receiving a proposed amendment, the Council Clerk shall transmit copies of it to the President and the other members of the Council. The Chair, or a two-thirds (2/3) majority (6) of the voting Council members, may allow a proposed oral amendment only after a showing of just cause as to why the amendment was not submitted in writing. An amendment shall be enacted when voted upon favorably by at least a majority (5) of the voting members of the Council.

### 4. Enactment of the Budgets by the Council

The Council shall have a mandatory duty to take action on each budget not later than thirty (30) calendar days prior to the commencement of the ensuing fiscal year. If the Council amends a budget, it shall have a mandatory duty to ensure that the amended budget is balanced. A budget shall be enacted by the Council when it is voted upon favorably by at least a majority (5) of the voting members of the Council. If the Council fails to timely enact a budget, it shall be finally adopted as submitted by the President. The Chair shall sign each enacted budget.

## F. ACTION OF THE PRESIDENT ON AN ENACTED BUDGET

1. Not later than ten (10) calendar days after the expiration of the time for the Council to take action on a submitted budget provided for in Paragraph E 4 of this Section, the

President shall have a mandatory duty to take one of the following actions on an enacted budget and advise the Council of the action taken:

- (a) Sign it; or
  - (b) Veto any line item and sign approval of the remainder of the budgets. A line item veto only affects an amendment made by the Council to a budget submitted by the President, and it does not affect the line item as originally submitted by the President.
2. The President shall note the action taken on each budget and its date and time and return it to the Council. If the President vetoes one (1) or more line items in a budget, he/she shall prepare written reasons for each line item veto and shall attach it, or them, to the budget prior to returning the budget to the Council. The President shall have no power to line item veto: (1) Expenses for auditing, or (2) Costs of investigating any part of the executive branch.

If the President fails to timely act on a budget, it shall be finally adopted as enacted by the Council. If the President exercises the line item veto, he/she shall have a mandatory duty to insure that the resulting budget is balanced.

#### G. COUNCIL ACTION TO OVERRIDE A PRESIDENTIAL VETO

The Council may reconsider any budget item that was line item vetoed by the President at its next regular meeting or at a special meeting of the Council called for that purpose, provided that such meeting shall take place prior to the beginning of the ensuing fiscal year. At least a two-thirds (2/3) majority (6) vote of the voting members of the Council is required to override a line item veto of the President. If the Council successfully overrides a Presidential veto, it has a mandatory duty to ensure that the resulting budget is balanced.

#### H. FINAL ADOPTION OF THE BUDGETS

An operating or a capital budget shall be finally adopted when:

1. The Council fails to timely enact it as provided for in Paragraph E 4 of this Section;
2. The President fails to timely act on it as provided for in Paragraph F 2 of this Section;
3. The President signs it;
4. The President exercises the line item veto power and the Council fails to hold a meeting of the Council before the beginning of the ensuing fiscal year; or
5. The President exercises the line item veto power and the Council timely holds a meeting of the Council to override the line item veto or vetoes and succeeds and/or fails to override the veto or vetoes.

A finally adopted budget shall become executory on the first day of the ensuing fiscal year.

## I. FINAL PUBLICATION

After the budgets are adopted, a notice shall be published in the official journal certifying that all actions required by Louisiana Revised Statute 39:1307 of the Louisiana Local Government Budget Act, or its successor, and by this Charter, have been completed. This notice may be published in the official minutes of the meeting at which the budget was finally adopted.

## SECTION 2. ADMINISTRATION OF THE BUDGETS

### A. EXPENDITURES THAT MAY BE MADE WITHOUT FURTHER AUTHORITY

A finally adopted operating budget, and any subsequently adopted amendment thereto, shall constitute full authority to incur liabilities and authorize expenditures from the budgeted operating funds of the Parish during the fiscal year, unless the finally adopted operating budget, or any subsequently adopted amendment thereto, specifically provides otherwise; provided, however, no such limitation shall affect the ability of the Executive Branch to effectively and efficiently carry out the powers, functions and duties given to it by this Charter. No expenditure from the finally adopted capital budget, and any subsequently adopted amendment thereto, shall be made without the submittal of a contract to the Council for approval as provided for in Article V of this Charter. Contracts entered into pursuant to this authority shall comply with Article III, Section 3, Paragraph B 9 of this Charter.

### B. PROCEDURE FOR MAKING EXPENDITURES OF APPROPRIATED FUNDS

1. No payment shall be made or obligation incurred against any appropriation except in accordance with the approved operating budget or capital budget, or amendment thereto, unless the President, or the President's designee, first certifies that there is a sufficient unencumbered balance in the appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. However, this provision shall not limit the authority of the Parish to borrow funds in anticipation of revenues as provided in the general laws of the State. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made absolutely null and of no legal effect; such action shall be just cause for removal of any official, officer or employee who knowingly authorized or made such payment or incurred such obligation or who caused such payment to be authorized or made or obligation to be incurred. Such person also shall be liable to the Parish for any amount so paid or obligated.
2. Nothing in this Charter shall be construed to prevent passage of any ordinance making or authorizing payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year.

### C. CAPITAL OUTLAY APPROPRIATIONS

1. It shall be the mandatory duty of the President to initiate any capital outlay item that was finally adopted in the original capital budget, or any supplemental appropriation to it, during the fiscal year.

2. If the President can show just cause why a proposed capital budget expenditure cannot be initiated, or is no longer in the best interest of the Parish, then he/she may notify the Council of this in writing stating his/her reasons therefore and request that the Council by resolution authorize him/her to suspend or terminate the capital outlay project. If the Council agrees, it may adopt the resolution and grant the relief.

#### D. CONTRACTS FOR PROFESSIONAL SERVICES

##### 1. Definition

Professional services are services provided by a person or firm whose occupation requires specialized knowledge and long intensive academic preparation, and include, but are not limited to, engineering, architectural, scientific and legal services.

##### 2. Employment Contract

Except as otherwise provided by law, any person or firm employed to perform professional services for the Parish shall be selected and have the Parish's employment contract negotiated by the President, subject to ratification by a resolution of the Council, as provided for in Article V, Section 1, Paragraph B 15. This Paragraph is applicable only when: (1) the provider of the professional services is in an independent contractor relationship with the Parish; or (2) the contract was not created through a public bid procedure. This Paragraph is not applicable when: (1) the provider is a regular employee of the Parish; or (2) the contract is between the Parish and the Parish Auditor as provided for in Section 7 of this Article. Open ended professional services contracts are specifically prohibited and are absolutely null.

##### 3. Term of Employment Contract

If a Parish contract for professional services is not created through a public bid procedure, and unless an earlier termination date is provided for therein, its term shall expire and it shall be extinguished not later than the expiration of the terms of office for members of the Council and the President who were in office when the contract was created, with the following exceptions:

- (a) General Consulting Contracts, Retainer Agreements, and Service Contracts associated with operations and maintenance shall expire at the expiration of the terms for which they are contracted;
- (b) Professional Services in association with a multi-year Capital Outlay Project, such as a road and drainage project, shall continue to the end of the specified contractual term;
- (c) Professional Services in association with a Capital Outlay Construction and Renovation Project shall continue to the end of the specified contractual term;
- (d) Professional Services associated with major governmental services, such as Solid Waste, Disposal, and Mosquito Abatement, shall continue through the specified contractual term; and

- (e) Professional Services associated with Capital Projects requiring outside matches, such as federal, state, and private grant sources, shall continue through the specified contractual term.

Except for General Consulting, Retainer Agreements, and Service Contracts associated with operations and maintenance, contracts for Professional Services must specify a project name and a finite list of work to be accomplished. Nothing in these exceptions shall prohibit the Parish from canceling or terminating a Professional Service contract for cause or convenience as provided for in the contract or as provided for by law.

#### E. CONTRACT CREATED THROUGH A PUBLIC BID PROCESS

A contract created through a public bid process shall be received, accepted, amended or extinguished by resolution, as provided for in Article V, Section 1, Paragraph B 16.

#### F. DISBURSEMENT OF PARISH FUNDS

All disbursement of Parish funds, including, but not limited to, checks, drafts, notes, orders, negotiable instruments or certificates of indebtedness, shall be authorized by the signature of the President and counter signature of one (1) of three (3) of his/her designees who shall have positions in the executive branch. The designees shall be approved by a resolution of the Council. Facsimile or mechanical signatures may be authorized.

### **SECTION 3. AMENDMENT OF A BUDGET AFTER ADOPTION**

#### A. SUPPLEMENTAL APPROPRIATIONS

If during the fiscal year the President certifies in writing that there are available revenues in excess of those estimated, or fund balance, in the budget, he/she may present a supplemental budget for the disposition of such revenues. The Council may approve supplemental appropriations up to the amount of the excess.

#### B. EMERGENCY APPROPRIATIONS

To meet a public emergency as defined in Article VIII, Section 12, Paragraph E, the Council may make emergency appropriations. The appropriations may be made by emergency ordinance in accordance with the provisions of Article V, Section 3. To the extent that there are no available unappropriated revenues, the Council may borrow money to meet the emergency. The repayment of the money borrowed shall be a fixed charge upon the revenue of the following year and shall be included in the operating budget for that year.

#### C. REDUCTION OF APPROPRIATIONS

If during the fiscal year it appears probable that the revenues available will be insufficient to meet the amount appropriated, the President shall report this fact in writing to the Council within ten (10) days of receiving knowledge of such probability. He/she shall advise the Council of the estimated amount of the deficit, any remedial action taken and recommend any other steps that need to be taken. In any event, the Council shall take such action as it deems necessary to prevent any deficit. If a deficit results, the payment of it shall be a fixed

charge upon the revenue of the following year and shall be included in the operating budget for the year.

#### **D. TRANSFER OF APPROPRIATIONS**

During the fiscal year, the President may transfer part or all of any unencumbered appropriation balance among programs within an agency, fund, or department of the Parish. Upon written request by the President, the Council may authorize the transfer of part or all of any unencumbered appropriation balance from one agency, fund, or department to another by resolution, as provided for in Article V, Section 1, Paragraph B 18. During the fiscal year, the Chair or his/her designee may transfer part or all of any unencumbered appropriation balance in the legislative branch's expenses to another appropriation, or for another legislative purpose, in the legislative branch's expenses, provided Article VI, Section 2, Paragraph B is complied with.

#### **E. EFFECTIVE DATE OF AMENDMENT**

An ordinance authorizing a supplemental appropriation or a reduction of an appropriation shall be adopted as provided for in Article V and may be made effective immediately upon adoption but shall not be adopted at the same meeting as introduced.

#### **F. LIMITATION ON AMENDMENT**

No appropriation for debt service shall be reduced or transferred, and no appropriation shall be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof.

### **SECTION 4. LAPSE OF APPROPRIATIONS**

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

### **SECTION 5. REVENUE**

The Parish shall have all rights and authority granted by the constitution and laws of the state to raise revenue, including the right to levy taxes and impose rates, fees and charges. The Parish additionally shall have the right to raise revenue in any manner not denied by the Constitution or laws of the State, providing a proposition authorizing such revenue measure is approved by a majority of the electors voting at an election held for that purpose. Such proposition may provide the method of enforcement of such revenue measure and may also provide for funding such revenue into bonds or other obligations.

### **SECTION 6. DEBT**

The Parish is authorized to incur debt and to issue bonds, certificates, notes, or other evidences of indebtedness and to pledge revenues to the payment of such obligations in every manner provided by the Constitution and laws of the State. The Parish is further authorized to incur debt

and to issue bonds, certificates, notes, or other evidences of indebtedness and to pledge revenues to the payment of such obligations in any manner not prohibited by the Constitution and laws of the State. No ordinance shall be adopted providing for the issuance of an issue or series of such obligations unless the Council shall have approved by resolution prior to the introduction of such an ordinance a report that shall show the anticipated annual debt service on such obligations and the anticipated coverage of such debt service by the revenues pledged to their payment. Such report shall also discuss the proposed means of funding the operation and maintenance costs of the facilities or improvements to be constructed or acquired with the proceeds of such obligations. The above report requirements shall not apply to obligations with maturities of less than one (1) year or to certificates secured wholly or in part by assessments against benefitted properties such as paving, water, gas, and sewer assessment certificates.

## **SECTION 7. ANNUAL AUDIT**

The Council shall provide for an annual financial and compliance audit of the financial statements of the Parish, to include all funds and account groups representing the financial transactions of the Parish and all departments and offices. Political subdivisions of the Parish shall submit their audit report to the Parish upon completion of the audit within six (6) months from the end of the fiscal year. The auditors shall be designated by a resolution of the voting members of the Council and approved by the Legislative Auditor, and shall be independent of the Parish and all Parish officials as provided by the Government Auditing Standards. Auditors shall be certified public accountants or a firm duly licensed or permitted to conduct audits of local governments in the State of Louisiana by the State Board of Certified Public Accountants or its successor. The audit shall be submitted to the Council in accordance with the provisions of state law at a regularly scheduled meeting, or a special meeting, and shall be a public record. The Council shall cause a notice to be published in the official journal, within thirty (30) days of receipt of the audit report by the Council, of the availability of the report for inspection by the public at the office of the Council Clerk.

## **SECTION 8. BONDING OF OFFICERS OR EMPLOYEES**

The Director of Finance and such other Parish officers or employees designated by the Council shall be bonded in the amount and with the surety prescribed by the Council. The premiums on such bonds shall be paid by the Parish.

## **SECTION 9. OBLIGATIONS EXTENDING BEYOND THE FISCAL YEAR**

Nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract providing for payments beyond the end of the fiscal year, provided that such action is authorized by ordinance or by a resolution approving a public bid contract, and is not in conflict with Section 2, Paragraph D of this Article.

# **ARTICLE VII INITIATIVE AND REFERENDUM**

## **SECTION 1. GENERAL**

The qualified electors of the Parish shall have the power to propose to the Council passage, amendment or repeal of an ordinance and to vote on the question if the Council refuses to take

the proposed action. This power shall not extend to the proposing or repealing of an ordinance affecting revenues, budget, salaries or bonded indebtedness.

## **SECTION 2. PROCEDURE**

This power shall be exercised in the following manner:

- A. Any qualified elector may submit the proposal to the Council which shall specify within thirty (30) days a form of petition for circulation. The petition shall contain the full text of the proposed ordinance.
- B. The signatures of at least ten percent (10%) of the qualified electors as of the date of submission or at least ten thousand (10,000) qualified electors, whichever is fewer, shall be obtained. After each signature, the address, ward and precinct of the signer and the date of signing shall be noted. Each person circulating the petition shall attach an affidavit stating the number of signers and verifying that each signature was made in the presence of the circulator.
- C. The petition shall be filed at the office of the Council within sixty (60) days of the specification of the form of the petition. Within thirty (30) days thereafter, the Council shall order and complete a canvass of the signatures to determine sufficiency and authenticity. If the number of signatures is insufficient or the petition is deficient as to form, the Council shall give written notice to the person filing the petition as to the deficiencies. Thirty (30) days shall be allowed to correct deficiencies. The final sufficiency of the petition shall be determined within ten (10) days thereafter.
- D. The Council shall call a public hearing which shall be held within thirty (30) days of certification of sufficiency and shall cause the proposed ordinance to be published in the official journal together with the date, time, and place of the public hearing. Such publication shall appear at least one (1) week prior to the date of the hearing. At the public hearing any resident of the Parish shall have a right to speak on the proposal. Within thirty (30) days thereafter the Council shall adopt the proposed ordinance or submit the proposal to the electors.
- E. When an ordinance is to be submitted to a vote of the electors, the election shall be called by a resolution of the Council to take place at the earliest date provided by law. The proposed ordinance shall be considered adopted if approved by a majority of the electors voting thereon and shall become effective on the tenth day after promulgation of the election results. Such an ordinance shall be treated in all respects in the same manner as an ordinance adopted by the Council except as hereinafter provided.
- F. An ordinance adopted through this process shall not be amended or repealed by the Council for a period of one (1) year after it was adopted, but the Council may submit a proposal amending or repealing such an ordinance to the vote of the electors as provided in Subsection E. Thereafter it may be amended or repealed as any other ordinance.

## **ARTICLE VIII GENERAL PROVISIONS**

### **SECTION 1. LEGAL PROCESS**

Legal process against the Parish shall be served upon the President or, in his/her absence, upon the Administrator, the Chair, or the Council Clerk in that respective order.

**SECTION 2. ETHICS AND DUAL OFFICE HOLDING**

All elected officials, officers, and employees of the Parish shall comply with the State ethics laws, and, except as provided for in Louisiana Revised Statute 43:66(D), or its successor, the state dual office holding and dual employment laws.

**SECTION 3. CONTINUATION OF OBLIGATIONS, DEBTS AND RIGHTS OF THE PARISH**

All obligations, contracts, licenses, franchises, debts, rights and/or causes of action, claims, demands, titles, and other rights of the Parish existing on the effective date of this revised Charter shall continue in full force and effect.

**SECTION 4. CONTINUATION AND REPEAL OF ORDINANCES, RESOLUTIONS, ADMINISTRATIVE RULES AND REGULATIONS, AND PRIOR CHARTER PROVISIONS**

- A. All existing ordinances, resolutions, and administrative rules and regulations not in conflict with this revised Charter shall remain in full force and effect until they are amended, repealed, or expire by their own terms.
- B. All existing ordinances, resolutions, administrative rules and regulations, and prior Charter provisions in conflict with this revised Charter are repealed on its effective date.

**SECTION 5. IMPAIRMENT OF DEBT OBLIGATIONS PROHIBITED**

Nothing in this Charter shall be construed or applied in such a manner as to impair the obligation, validity, or security of any bonds or other debt obligation authorized prior to the effective date of this revised Charter.

**SECTION 6. RECONSTITUTION OF GOVERNMENT**

If an emergency incapacitates the President and/or a majority of the Council, the remaining elected official or officials of the Parish shall have the power and duty to appoint such officials as are necessary to reconstruct the legislative and executive branches of the Parish. The emergency power granted herein shall continue to exist only so long as the emergency continues to exist. Elections shall be held as soon as possible to fill any vacancy caused by the emergency.

**SECTION 7. INTERGOVERNMENTAL COOPERATION**

Except as otherwise provided by law, the Parish may exercise any power and/or perform any function, including financing, jointly, or in cooperation with, one or more political subdivisions, as that term is defined in the Louisiana Constitution Article VI, Section 44(2), or its successor, with the state or any special district, board, agency, commission or authority thereof, and/or with the United States, or any of its agencies.

**SECTION 8. DECLARATION OF INTENT: STANDARD FOR INTERPRETATION**

This Charter shall be liberally interpreted to establish for the people of the Parish efficient and effective Home Rule, free from legislative interference with its organization, structure and

distribution of powers and functions of its government and with the powers and functions to manage its affairs as contemplated and intended by the constitution.

#### **SECTION 9. SEVERABILITY CLAUSE**

If any provision of this Charter is declared invalid for any reason, it shall not affect the validity of any other provisions of this Charter.

#### **SECTION 10. GENERAL LIMITATIONS**

This Charter shall not affect the School Board, the offices of District Attorney, Sheriff, Clerk of Court, Assessor or Coroner, or the courts and their officers. The Council has no authority to enact an ordinance defining and providing for the punishment of a felony, and, except as provided by law, no authority to enact an ordinance governing private or civil relationships.

#### **SECTION 11. THE RIGHT OF ANY ELECTOR OF THE PARISH TO COMPEL COMPLIANCE WITH THIS HOME RULE CHARTER**

Any elector of the Parish shall have a right and cause of action and standing to bring an action in a state district court of competent jurisdiction against any elected official, officer or employee of the Parish to enforce the provisions of this Charter. In any enforcement proceeding, the plaintiff may seek, and the court may grant, any or all of the following relief:

- A. A writ of mandamus to compel the performance of any duty required by this Charter;
- B. An injunction to stop an act being performed in violation of this Charter;
- C. A declaratory judgment to determine any question of construction or validity of any provision of this Charter, or obtain a declaration of his/her rights, status or other legal relations thereunder;
- D. A judgment rendering an act void; or
- E. A judgment declaring that an elected official, officer or employee of the Parish has forfeited or lost his/her right to hold his/her office or position and forbidding him/her from occupying the office or position, as provided for in Article III, Article IV or any other provision of this Charter.

#### **SECTION 12. DEFINITIONS**

- A. Appropriation: an authorization to make an expenditure for a specified purpose contained in a budget or amendment thereto.
- B. Balanced Budget: a budget in which the total of proposed expenditures does not exceed the total of estimated funds available for the fiscal year.
- C. Contract: an agreement by two or more parties whereby obligations are created, modified, or extinguished, as defined by and provided for in Louisiana Civil Code Article 1906 et seq., or their successor.
- D. Elector: a qualified elector of the Parish.

- E. Emergency: natural disaster, epidemic, threat of epidemic, civil disturbance, suppression of insurrection, repelling of invasion, or an unforeseen event that brings with it destruction or injury of life or property, or threat to public peace, or the imminent threat of such destruction or injury.
- F. Funds Available: current fiscal year revenues plus accumulated unreserved and undedicated excesses of revenues over expenditures.
- G. Just Cause: a cause that is based on reasonable grounds. Reasonable grounds are those that are fair and honest. The reason must be one that an ordinary person would find is a justifiable rationale for doing or not doing a particular act.
- H. May: the word may is permissive.
- I. Person: any natural person or legal entity as defined in Louisiana Civil Code Article 24, or its successor.
- J. Shall: the word shall is mandatory.
- K. Technical Regulations: rules dealing with the details of procedures of crafts, skills, mechanics or other specialized subjects that are affected with a public interest, including but not limited to, building, electrical, plumbing, and safety codes.
- L. Unencumbered Appropriation: an appropriation in a budget that has not been committed by a contract or purchase order.

**ARTICLE IX  
AMENDMENT AND REPEAL**

**SECTION 1. RIGHT TO AMEND OR REPEAL**

The electors of the Parish shall have the right to amend or repeal this Charter by any one of the procedures set forth in this Article.

**SECTION 2. PROCEDURES TO AMEND OR REPEAL**

The following procedures may be used to propose the amendment or repeal of this Charter: (1) an ordinance of the Council; or (2) a petition of the electors, or a Charter Commission, as provided for in Louisiana Constitution Article VI, Section 5, and Louisiana Revised Statute 33:1395 et seq., or their successors. An amendment may add, delete or amend any provision of this Charter.

**A. AMENDMENT OR REPEAL BY COUNCIL ORDINANCE**

The Council may propose an amendment to, or the repeal of, this Charter by adopting an ordinance to do so by an affirmative vote of at least two-thirds (2/3) majority (6) of its voting members. The President shall have no power to veto this ordinance.

## **B. AMENDMENT OR REPEAL BY A PETITION OF THE ELECTORS**

If the proposed amendment or repeal is proposed by petition the following procedure shall be followed:

1. Any qualified elector may submit the proposal to the Council which shall specify within thirty (30) days a form of petition for circulation. The Petition shall contain the full text of the proposed amendment or repeal.
2. The signatures of at least ten percent (10%) of the qualified electors as of the date of submission or at least ten thousand (10,000) qualified electors, whichever is fewer, shall be obtained. After each signature, the address, ward and precinct of the signer and the date of signing shall be noted. Each person circulating the petition shall attach an affidavit stating the number of signers and verifying that each signature was made in the presence of the circulator.
3. The petition shall be filed at the office of the Council Clerk within sixty (60) days of the specification of the form of the petition. Within thirty (30) days thereafter, the Council shall order and complete a canvass of the signatures to determine sufficiency and authenticity. If the number of signatures is insufficient or the petition is deficient as to form, the Council shall give written notice to the person filing the petition as to the deficiencies. Thirty (30) days shall be allowed to correct deficiencies. The final sufficiency of the petition shall be determined within ten (10) days thereafter. If the Council finally determines that the number of signatures is insufficient or that there are enough deficiencies in the petition, or petitions, to invalidate the submission, it shall declare that the attempt to amend or repeal the Charter by a petition of the electors has failed and shall take no further action. If the Council finally determines that the number of signatures is sufficient and that the petition, or petitions, are not deficient, it shall have a mandatory duty to declare that the electors are entitled to have the proposed amendment or repeal submitted to a vote of the electors and shall call an election to do so.

## **SECTION 3. ELECTION**

Within thirty (30) calendar days after the Council either adopts an ordinance to amend or repeal this Charter or declares that the electors are entitled to have the proposed amendment or repeal of the Charter submitted to a vote of the electors, the Council shall call an election within ninety (90) days by resolution. The election shall occur preferably in an election already scheduled, but it may occur in a special election called for that purpose. If a majority of the electors voting in the election vote in favor of the proposal, it shall be considered adopted upon certification of the election results by the Secretary of State. Within fifteen (15) days thereafter, the proposal shall be submitted in full for publication in the official journal of the Parish; it shall become effective on the tenth day after publication.

## **SECTION 4. LIMITATIONS ON AMENDMENT OR REPEAL OF THIS CHARTER**

Substantially the same proposal to amend or repeal this Charter shall not be submitted to the electors more frequently than every two (2) years.

**ARTICLE X  
TRANSITIONAL PROVISIONS**

**SECTION 1. EFFECTIVE DATE**

The provisions of this revised Home Rule Charter shall become effective at 12:01 a.m. on January 1, 2005.

**SECTION 2. OFFICIAL BALLOT FOR THE REVISED HOME RULE CHARTER**

The proposed revised Home Rule Charter for the Parish shall be submitted for adoption to the electors of the Parish by an official ballot containing the following propositions and instructions.

**SECTION 3. TRANSITIONAL PROVISION FOR PROPOSED AMENDMENT OF ARTICLE III, SECTION 3, PARAGRAPH C**

If the proposed amendment to Article III, Section 3 Paragraph C is approved by a vote of the electors as provided for in Article IX of this Charter, then pursuant to Article IX, Section 3 of this Charter this amendment shall become effective on the tenth day after publication. On that date the Office of Administrator shall become vacant and thereafter shall be filled as provided for in Article III, Section 3, Paragraph 5 of this Charter.

**OFFICIAL BALLOT**

**TO ADOPT THE REVISED HOME RULE CHARTER**

**FOR THE PARISH OF LAFOURCHE**

(Instructions to voters: Place an "X" in the box that expresses your preference. The full text of the proposed revised Home Rule Charter for the Parish of Lafourche is available for inspection at the polling place. If the proposed Home Rule Charter for the Parish of Lafourche receives a majority of the votes cast thereon, it shall become the Home Rule Charter for the Parish of Lafourche. If the proposed revised Home Rule Charter for the Parish of Lafourche fails to receive a majority of the votes cast thereon, it shall fail.)

The proposition submitted to the electors shall be the following:

**PROPOSITION**

Do you favor or oppose the adoption of the proposed revised Home Rule Charter for the Parish of Lafourche?

(Vote for one)

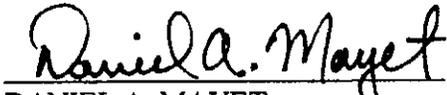
FOR adoption of the revised Home Rule Charter .....1 ( )

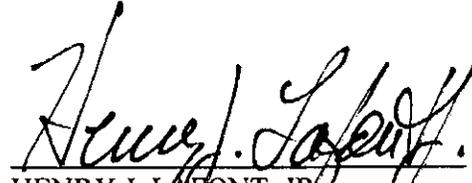
AGAINST adoption of the revised Home Rule Charter .....2 ( )

Done and signed in Commission in Raceland, Parish of Lafourche, State of Louisiana, on the 19<sup>th</sup> day of July, 2004.

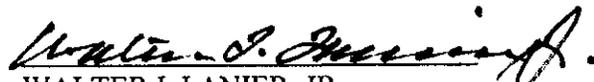
  
JOHN J. BLAISANCE, II  
Chairman of the Commission

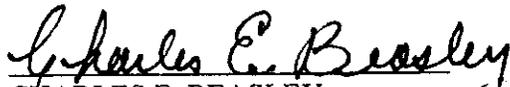
  
SHARLEEN F. HOTARD  
Commissioner

  
DANIEL A. MAYET  
Vice Chairman of the Commission

  
HENRY J. LAFONT, JR.  
Commissioner

  
MARY R. KITCHEN  
Secretary of the Commission

  
WALTER I. LANIER, JR.  
Commissioner

  
CHARLES E. BEASLEY  
Commissioner

  
JOSEPH F. MICKLES  
Commissioner

  
ELIZABETH A. BREAU  
Commissioner

  
O. E. MONNIER, JR.  
Commissioner

  
JOSEPH E. FERTITTA  
Commissioner