

**CITY**

**OF**

**LAFAYETTE**

**HOME RULE CHARTER**

## PREFACE

July 6, 1976

To the Citizens of Lafayette

The Lafayette City Charter is the backbone of our city government. It dictates our organization, policies and procedures. It specifies the roles of the Mayor and City Council and the duties of each.

We, the elected officials of the City, agree to abide by this handbook of our city government. The guidelines are set down in our Lafayette City Charter, and we pledge to work within these guidelines. This is your guarantee for a prosperous and growing city.

KENNETH F. BOWEN, Mayor  
City of Lafayette

LAFAYETTE CITY COUNCIL  
Pat Calais  
Benny Ritchey  
Al Simon  
John Schneider  
Wilfred Pierre

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**ARTICLE I. INCORPORATION: FORM OF GOVERNMENT, BOUNDARIES, POWERS.**

**Section 1-01. Incorporation.**

The inhabitants of the City of Lafayette within the corporate limits as now established or as hereafter established by law shall be and continue a body politic and corporate in perpetuity, under the name of the "City of Lafayette," hereinafter referred to as the "City."

**Section 1-02. Form of Government.**

The municipal government provided by this charter shall be known as the "Mayor-Council" form of government. It shall consist of an elected council that shall constitute the legislative branch of the government and an elected Mayor who shall be the chief executive officer and head of the executive branch.

**Section 1-03. Boundaries.**

The boundaries of the City shall be those set forth in the last annexation ordinance adopted by the Lafayette Board of Trustees prior to the effective date of this charter.

**Section 1-04. Powers.**

The City shall have all the powers, rights, privileges, immunities and authority granted by the constitution and laws of this State and by this charter.

**Section 1-05. Joint Service Agreements.**

The City is authorized to enter into joint service agreements or cooperative efforts with other government agencies and political subdivisions, including but not limited to, the police jury, other parish offices or agencies, the school board or any special governing districts.

## ARTICLE II. CITY COUNCIL.

### Section 2-01. Composition, Qualifications and Election.<sup>1</sup>

A. The Council of the City shall consist of five (5) members elected for four (4) year terms concurrent with that of the Mayor. Members of the Council shall be eligible for re-election.

B. Councilmen shall be qualified electors of the City and shall have resided in the City at least two (2) years prior to the date of the general election. They shall continue to reside in the City as long as they are members of the City Council. They shall hold no other elected public office.

C. There shall be five (5) seats on the City Council. These shall be designated as Seat 1, Seat 2, Seat 3, Seat 4, and Seat 5. Candidates for the City Council shall qualify for one (1) seat only and be elected to one of the five (5) places. Election shall be at large by all the qualified electors of the City.

D. Elections shall be held in accordance with the election laws of the State.

### Section 2-02. Vacancies.

A. The office of Councilman shall become vacant upon death, resignation, removal from office in any manner authorized by law, or forfeiture of office.

B. Any Councilman shall forfeit his office if he (1) lacks at any time during his term of office any qualification for the office prescribed by this charter, or (2) violates any express prohibition of this charter or, (3) if he is disqualified by law from holding public office.

C. Vacancies in the office of Councilman shall be filled by appointment by the remaining members of the Council. If less than one (1) year remains of the unexpired term, the appointee shall serve out the remainder of the term. If the term is greater than one (1) year, the appointee shall serve until the office is filled by election as prescribed in Article 7, Section 69 of the Louisiana Constitution. All appointees shall have the same qualifications for the position established in Section 2-01 of this charter.

### Section 2-03. Compensation.<sup>2</sup>

The annual salary of Councilmen shall be \$3,600 paid in (12) monthly payments, until changed by ordinance. Any ordinance increasing the salary or granting any other monetary compensation shall be effective only after the next regular Council election and must have been passed at least one (1) year prior to that election. Such ordinance must be passed by a four-fifths (4/5's) majority of the elected Council members. Upon approval of the Council, members of the City Council may be reimbursed by the City for actual and reasonable expenses incurred in the performance of their duties upon presentation of properly documented receipts for expenditures.

### Section 2-04. General Power and Duties.

All powers of the City shall be vested in the Council, except as otherwise provided by law or this charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

### Section 2-05. Prohibitions.

A. No Councilman shall hold any other City office or City employment during the term for which he was elected to the Council, and no former Councilman shall hold any compensated appointive City office or employment until one (1) year after the expiration of the term for which he was elected to the Council.

B. Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the Mayor or any or his subordinates are empowered to appoint.

C. Except for the purpose of inquiries and investigations under Section 2-06 the Council or its membership shall deal with City officers and employees who are subject to the direction and supervision of the Mayor solely through the Mayor, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

D. Any citizen or City employee may bring suit in a court of proper jurisdiction against any Councilman for violation of provisions of this section.

#### SECTION 2-06. Investigations.<sup>3</sup>

The City Council may make investigations into the affairs of the City and the conduct of any City department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Such investigation may be undertaken only upon the affirmative vote of a majority of the members of the Council at a regular meeting of the Council. Any person who fails or refuses to obey any lawful order of the Council in connection with an investigation shall be guilty of a misdemeanor and shall be punished in such manner as the Council shall fix by ordinance. No Councilman shall vote on any matter under investigation in which said Councilman has a conflict of interest.

#### Section 2-07. Independent Audit.

A. The Council shall provide for an annual independent post audit, and such additional audits as it deems necessary, of the accounts and other evidence of financial transactions of the City, including those of all City departments, offices or agencies. Auditors shall be designated by the Council, shall be without personal interest in the affairs subject to audit and shall be a certified public accountant or firm of such accountants. The audit shall be submitted to the Council at one (1) of its regularly scheduled meetings and shall be a public record, and a summary thereof shall be published at least once in the official journal in not less than eight (8) point type.

B. The City Council shall provide for an evaluation of functions and programs carried out by administrative agencies and shall submit a biennial report to the public on such functions and programs. Such report shall be published in full or in summary at least once in the official journal in not less than eight (8) point type. The City Council is hereby empowered to hire or secure whatever assistance as may be necessary to evaluate such programs. The Mayor shall provide all such information as may be requested by the City Council in such evaluations.

#### Section 2-08. City Clerk.

The Council shall appoint an officer of the City who shall have the title of City Clerk. The City Clerk shall give notice of Council meetings to its members, the Mayor and the public, keep the journal of its proceedings, be official secretary to the City Council and perform such other duties as are assigned to him by this charter or by the Council.

#### Section 2-09. Council Meetings and Rules.

A. The Council shall meet regularly at least every other week at such times and places as the Council may prescribe by rule adopted annually at the first meeting of the Council. Such meeting times and places shall prevail for the ensuing twelve (12) months. Special meetings may be held on the call of the President of the Council or of three (3) or more members of the Council and upon no less than twelve (12) hours' notice to each member. Such special meetings shall be held at the regularly appointed place. To meet a public emergency affecting life, health, property or public safety, the Council may meet upon call of the President of the Council or three (3) or more Council members at whatever notice it shall be convenient to give. All meetings shall be open to the public. The Council may adjourn into executive session during the course of a regular Council meeting if such executive session is approved by a four-fifths (4/5's) vote of the Council. No official action can be taken in executive session.

B. At the first regular meeting of a newly elected Council, a President and Vice-President of the Council shall be elected from among the Council membership for a one (1) year term of office. The President shall preside at meetings of the Council except when he shall be acting Mayor. In the absence or disqualification of the President, the Vice-President shall be the presiding officer of the Council.

C. During the temporary absence from the City or temporary inability of the Mayor to perform the duties of his office, the President of the Council shall serve as acting Mayor provided the temporary absence or inability exceeds seventy-two (72) hours, and the City Council shall by four-fifths (4/5's) of its entire authorized membership certify these

facts by resolution. Should the President serve as acting Mayor for a period exceeding thirty (30) days, he shall be paid at a rate equal to that of the Mayor for the entire period served.

D. The Council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record. At its regularly scheduled meetings, the City Council shall operate from an agenda which has been published in the official journal not later than the day preceding the meeting. Special or emergency meetings do not require the publication of an agenda.

E. Voting shall be by roll call, and the ayes and nays shall be recorded in the journal. A majority of the Council membership shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council. No action of the Council shall be valid or binding unless adopted by the affirmative vote of a majority of the Council membership.

#### Section 2-10. Action Requiring an Ordinance.

In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

- (1) Adopt or amend an administrative code or establish, alter or abolish any City department, office or agency.
- (2) Provide a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.
- (3) Levy taxes or assessments.
- (4) Appropriate funds and/or adopt the budget for the City.
- (5) Grant, renew or extend a franchise.
- (6) Provide for raising revenue.
- (7) Regulate the rate or other charges for service by the City, including any utility.
- (8) Authorize the borrowing of money.
- (9) Incur debt in any manner.

- (10) Abandon any property owned by the City.
- (11) Convey or lease or authorize the conveyance or lease of any lands or property of the City.
- (12) Acquire real property on behalf of the City.
- (13) Adopt or modify the official map, platting or subdivision controls or regulations or the zoning plan.
- (14) Adopt, without substantive amendment, ordinances proposed under the initiative power.
- (15) Amend or repeal any ordinance previously adopted.
- (16) Authorize any contract on behalf of the City.
- (17) Propose amendments to this charter.

Acts other than those referred to above may be done either by ordinance or by resolution.

#### Section 2-11. Ordinances in General.

A. All proposed ordinances shall be introduced in writing and in the form required for final adoption and except for codifications and the annual budgets, shall be confined to one subject, expressed clearly in the title.

B. All ordinances shall be read by title, published in full or by title, and notice given by one publication in the official journal of the time, place and date of public hearing, laid over for at least seven (7) days from date of publication and subject to public hearing before passage. No ordinance may be adopted at the same meeting at which it is introduced except emergency legislation under the provisions of Section 2-13.

C. All ordinances and resolutions shall be passed in open public meeting by the vote of a majority of the Council membership. The vote on final passage shall be recorded in the minutes of the Council by the individual vote of each Councilman.

D. With the final approval of ordinances by the Mayor or the City Council, in case of a veto by the Mayor, such enacted ordinances shall be published in full in the official journal by the City Clerk as soon as practical thereafter except as provided in Section 2-14 of this charter. Every enacted ordinance, unless it shall specify another date, shall become effective at expiration of ten (10) days after publication

by the Council, or if the ordinance be submitted to a referendum election, then upon a favorable vote of a majority of those voting thereon ten (10) days after promulgation of election results by the City Council.

#### Section 2-12. Submission of Ordinances to the Mayor.

A. Every ordinance adopted by the City Council shall be signed by the City Clerk and presented to the Mayor within three (3) official working days after adoption.

B. The Mayor, within ten (10) calendar days of the receipt of an ordinance, shall return it to the City Clerk with or without his approval, or with his veto. If the ordinance has been approved or is not specifically vetoed, it shall become effective as provided in Section 2-11. If the ordinance is vetoed, the Mayor shall submit to the City Council through the City Clerk a written statement of the reasons for his veto. The City Clerk shall record upon the ordinance the date of its delivery to and receipt from the Mayor. All ordinances that the Mayor vetoes, shall be vetoed in full.

C. Ordinances vetoed by the Mayor shall be submitted promptly to the City Clerk who in turn shall submit them to the City Council at the next regular meeting following receipt thereof. Should the Council vote to readopt the ordinance by an affirmative vote of four-fifths (4/5's) of all its members, said ordinance shall become law irrespective of the veto by the Mayor.

D. The right of the Mayor to veto as provided in this section shall apply to all ordinances adopted by the City Council except those which propose amendments to this charter; establish, alter or modify Council procedure; establish Council compensation; create staff agencies or officers for the Council; or those ordinances requiring Council action pursuant to a petition, this charter, the general laws of the State or which the Council has received specific approval to enact following a referendum vote of the people; nor shall it apply to appropriations for auditing or investigating any part of the executive branch.

#### Section 2-13. Emergency Ordinances.

A. To meet a public emergency affecting life, health, property or public safety, the Council by vote of a majority

of its membership, may adopt an emergency ordinance at the meeting at which it is introduced and may make it effective immediately, upon approval of the Mayor, provided that no such ordinance may be used to levy taxes or special assessments, grant or extend a franchise, incur debt, except as provided in Section 5-05B, or adopt or amend the official map, platting or subdivision controls or zoning regulations or change rates charged by any utility. Each emergency ordinance shall contain a specific statement of the emergency claimed. After adoption of an emergency ordinance, the Council shall cause it to be printed and published as prescribed for other approved ordinances.

B. Emergency ordinances shall be effective for no longer than thirty (30) days. The Council, however, upon a vote of four-fifths (4/5's) of the Council members may extend the life of an emergency ordinance for an additional thirty (30) days, but no such ordinance may be extended beyond that period.

#### Section 2-14. Codes of Technical Regulations.

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

#### Section 2-15. Authentication and Recording: Printing and Distribution of Ordinances and Resolutions.

A. The City Clerk shall authenticate by his signature and record in a properly indexed book or books kept for the purpose, all approved ordinances and resolutions. Each such approved ordinance and resolution shall be given a number for reference and identification.

B. The Council shall cause each ordinance an ch

amendment to this charter to be printed or otherwise reproduced promptly following its approval, and such printed or reproduced amendments and ordinances, including codes of technical regulations adopted by reference pursuant to Section 2-14, shall be distributed or sold to the public at reasonable prices.

C. The Council shall cause each resolution approved by it to be recorded in the minutes of the Council meeting at which the resolution was approved.

### ARTICLE III. THE MAYOR.

#### Section 3-01. Executive Authority.

The Mayor shall be the executive officer of the City. All executive and administrative authority shall be exercised by and through the Mayor except as set forth in this charter.

#### Section 3-02. Election.

The Mayor shall be elected according to the election laws of the state for a four (4) year term concurrent with that of the Council and shall be eligible for re-election.

#### Section 3-03. Qualifications.

The Mayor shall be a qualified elector of the City and shall have resided in the City at least two (2) years prior to the date of the general election. He shall hold no other elected or appointed public office nor salaried employment except that of Notary Public or membership in the National Guard or the Reserve Defense Establishment.

#### Section 3-04. Vacancies.

A. The office of Mayor shall become vacant upon death, resignation, removal from office in any manner authorized by law or forfeiture of office.

B. The Mayor shall forfeit his office if he (1) lacks at any time during his term of office any qualification for the office prescribed by this charter, or (2) violates any express prohibition of this charter or (3) is disqualified by law from holding public office.

C. In the event of a vacancy in the office of Mayor when the term will expire in less than one (1) year, the President of the Council shall succeed to the Mayoralty. A vacancy shall then be created on the Council to be filled in the manner prescribed in Section 2-02C. If the term of office of the Mayor shall be vacant for a period greater than one (1) year, the President of the Council shall serve as acting Mayor in accordance with the provisions of Section 2-09C until the office is filled by election as prescribed in Article 7 Section 69 of the Louisiana Constitution.

#### Section 3-05. Compensation.<sup>4</sup>

The annual salary of the Mayor shall be twenty-one thousand (\$21,000) dollars until changed by ordinance. Any ordinance decreasing or increasing the salary or granting any other monetary compensation shall be effective only after the next regular Mayoralty election and must have been passed at least one (1) year before that election.

#### Section 3-06. Powers and Duties of the Mayor.

The Mayor shall be the chief executive officer of the City. He shall have the following powers and duties:

- (1) Appoint and suspend or remove for just cause all City employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter, civil service or other personnel rules adopted pursuant to this charter. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
- (2) Direct and supervise the administration of all departments, offices and agencies of the City except as otherwise provided by this charter or by law.
- (3) See that all laws, provisions of this charter and acts of the Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.
- (4) Prepare and submit the annual budget and five (5) year capital program to the Council.

- (5) Submit to the Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.
- (6) Make such other reports as the Council may reasonably request to enable the Council to conduct its councilmanic function.
- (7) Keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City as he deems desirable.
- (8) Appoint a consulting utility engineer, or engineering firm, subject to the provisions of the bond resolution of March 12, 1963 as amended or revised.
- (9) Perform such other duties as are specified in this charter or may be required by the Council.
- (10) Appoint his secretary and any assistant(s) to the Mayor.

#### ARTICLE IV. ADMINISTRATION.

##### Section 4-01. General Provisions.

A. The City Council may establish City departments, offices or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices and agencies. The City Council may also abolish or consolidate City departments, offices and agencies for the more effective operation of the City government. Nothing in this charter shall prohibit the consolidation of any City department, office or agency with a similar Parish department, office or agency for the furnishing of the same or similar service. All actions provided in Section A shall be by ordinance.

B. All departments, offices and agencies under the direction and supervision of the Mayor shall be administered by an officer appointed by and subject to the direction and supervision of the Mayor.

C. The salary of directors of departments appointed by the Mayor shall be set by the Mayor subject to approval of the City Council. The salary of any employee of the City directly appointed by the City Council shall be fixed by the City Council.

##### Section 4-02. Chief Administrative Officer.

When the Mayor feels that the administration of City affairs requires assistance, he shall so certify to the Council, and the position of Chief Administrative Officer shall be created unless rejected by a majority vote of the members of the Council within sixty (60) days after the Mayor proposes this position to the Council. The Chief Administrative Officer shall be appointed by the Mayor to serve at his pleasure. Under the direction of the Mayor, the Chief Administrative Officer shall supervise all departments except the Legal Department.

##### Section 4-03. Legal Department.

The head of the Legal Department shall be the City Attorney who shall be appointed by the Mayor, subject to confirmation by the Council. He shall be an attorney licensed to practice in the courts of Louisiana with at least five (5) years' experience in the practice of law. The City Attorney shall serve as chief legal adviser to the City Council, the Mayor and all City departments, offices and agencies, shall represent the City in all legal proceedings and shall perform any other duties prescribed by this charter or by ordinance. Any Assistant City Attorneys authorized by the City Council shall be appointed by the City Attorney and serve at his pleasure. No special legal counsel shall be employed by the City except by written contract and approval of the City Council.

##### Section 4-04. Department of Administration.

A. The head of the Department of Administration shall be the Director of Administration, who shall be appointed by the Mayor.

B. Duties of the Director of Administration shall be as follows:

- (1) Collect and have custody of all monies of the City from whatever source.
- (2) Assist the Mayor in the preparation of the operating and capital budgets.
- (3) Maintain a record of indebtedness and have charge of the payment of the principal and interest on such indebtedness.
- (4) Ascertain that funds are available for payment of all

contracts, purchase orders and any other documents which incur financial obligation for the City, and that such documents are in accordance with established procedures.

- (5) Disburse all funds from the City treasury.
- (6) Administer a uniform central accounting system for all City departments using nationally accepted standards where applicable.
- (7) Prepare a monthly statement of revenues and expenditures to show the financial condition of the City.
- (8) Procure all personal property, materials, supplies and services required by the City under a central purchasing system for all departments in accordance with applicable State law, Council policy and administrative requirements.
- (9) Maintain an inventory of all City property, real and personal.
- (10) Perform utility billing and collection.
- (11) Provide data processing administration.
- (12) Provide personnel services, other than those performed by Civil Service.
- (13) Provide general administrative services.
- (14) Do and perform such other actions as may be directed by the Mayor or the terms of this charter or applicable law.

#### Section 4-05. Department of Public Works.

A. The head of the Department of Public Works shall be the Director of Public Works, who shall be appointed by the Mayor.

B. The Director of Public Works shall direct and be responsible for the following activities:

- (1) Engineering services for City agencies except as may be otherwise provided for the Utilities Department.
- (2) Supervision of all contract construction work except as may be otherwise provided for the Utilities Department.
- (3) Maintenance of City property.

- (4) Maintenance of the City map and mapping and survey.
- (5) Construction and maintenance of streets, sidewalks, and bridges and drainage connected therewith performed by the City.
- (6) Traffic engineering.
- (7) Street cleaning.
- (8) Garbage and trash collection and disposal system.
- (9) Inspections and licensing in conjunction with the enforcement of zoning ordinances and building and other technical codes.
- (10) Operation of the municipal transit system.
- (11) Operation of a central garage facility for all City departments.
- (12) Other such activities as may be directed by the Mayor.

#### Section 4-06. Department of Utilities.

A. The head of the Department of Utilities shall be the Director of Utilities, who shall be appointed by the Mayor subject to conditions of the bond resolution of March 12, 1963 as revised or amended.

B. The Director of Utilities shall direct and be responsible for the following activities:

- (1) Production and distribution of electricity.
- (2) Water production, treatment and distribution.
- (3) Sewerage collection, treatment and disposal.
- (4) Utility engineering services.
- (5) Supervise contract construction work for the Utility System.
- (6) Maintain utility equipment in cooperation with the central garage.
- (7) Reading of utility meters.
- (8) Other such activities as may be directed by the Mayor which are necessary or incidental to the operation of the City's Utility System.

#### Section 4-07. Police Department.

A. The head of the Police Department shall be the

Chief of Police who shall be appointed by the Mayor in accordance with applicable State law.

B. The Chief of Police shall direct and be responsible for the prevention of crime; law enforcement; assistance to the courts and other law enforcement officials; and the maintenance of the peace and order of the City.

C. No persons shall exercise police authority in the City except regularly constituted law enforcement officers of the City.

#### Section 4-08. Fire-Department.

A. The head of the Fire Department shall be the Fire Chief who shall be appointed by the Mayor in accordance with applicable State law.

B. The Fire Chief shall direct and be responsible for fire prevention; fire extinguishment and salvage operations; inspections and recommendations concerning the fire code of the City; investigations of fires and their causes; and the conduct of fire safety and prevention programs.

#### Section 4-09. Department of Community Affairs.

A. The head of the Department of Community Affairs shall be the Director of Community Affairs who shall be appointed by the Mayor.

B. The Director of Community Affairs shall direct and be responsible for parks and playgrounds; municipal auditoriums; recreational activities; cultural activities such as concerts, art museums and exhibits; programs of athletics; and other leisure time and cultural activities and functions of the City.

#### Section 4-10. Civil Service.

A. The classified civil service for the City of Lafayette heretofore established is hereby incorporated into this charter and shall continue in full force and effect and be carried out and regulated in accordance with the provisions of said statutes, except that the following shall not be members of the classified personnel system:

- (1) The Mayor, his secretary and any assistant(s) to the Mayor.

- (2) The City Clerk.
- (3) The City Attorney and any Assistant City Attorneys.
- (4) Directors of departments created in accordance with the provisions of this charter.
- (5) Any employee appointed directly by the City Council.

B. The City Council shall replace the Board of Trustees as the appointing agent for three (3) members of the Civil Service Board. The two (2) remaining members shall be elected by vote of all the permanent employees in the classified system.

C. Any person who is a member of the classified service of the City of Lafayette who shall be appointed to the unclassified position of "Director" of any City department created by this charter or created hereafter by the City Council shall serve in the appointed position as "Acting Director" for a period of six (6) months. During this six (6) month period, he shall retain his status in the classified service and no appointment shall be made to fill his vacated position. At the conclusion of the six (6) month period, the person so appointed shall be subject to the following choices: (1) with the approval of the Mayor, he shall be named as "Director" of the department and shall give up his status in the classified service, or (2) he may elect to return to his former position in the classified service.

### ARTICLE V. FINANCIAL PROCEDURES.

#### Section 5-01. Fiscal Year.

The fiscal year of the City shall begin on the first day of November and end on the last day of October until such time as it may be changed by ordinance of the City Council.

#### Section 5-02. Budget Preparation and Adoption.

At least seventy-five (75) days prior to the beginning of each fiscal year, the Mayor shall submit to the Council a proposed budget in the form required by this charter. At the meeting of the Council at which the budget is submitted.

the Council shall order a public hearing on the budget and shall cause to be published in the official journal, at least seven (7) days prior to the date of such hearing the time and place thereof. At the time and place so advertised the Council shall hold a public hearing on the budget as submitted, at which time all interested persons shall be given an opportunity to be heard. The budget shall be finally adopted not later than thirty (30) days prior to the beginning of the new fiscal year. Upon final adoption, the budget shall be in effect for the budget year, and copies shall be filed with the City Clerk. The final budget shall be reproduced, and sufficient copies shall be made available for use of all offices, departments and agencies of the City, and for the use of interested persons.

#### Section 5-03. The Budget Document.

The budget of the City government shall present a complete financial plan for the ensuing fiscal year, and shall consist of three (3) parts as follows:

Part I shall contain (1) a budget message, prepared by the Mayor, which shall outline his proposed fiscal plan for the City and describe significant features of the budget for the forthcoming fiscal period; (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 the year in progress.

Part II shall contain (1) detailed estimates of all proposed expenditures, showing the corresponding expenditures for each item for the current fiscal year and the last preceding fiscal year with explanations of increases or decreases recommended; (2) detailed estimates of anticipated revenues and other income; (3) delinquent taxes for current and preceding years, with the estimated percentages collectible; (4) statement of the indebtedness of the City, showing debt redemption and interest requirements, debt authorized and unissued, and conditions of the sinking funds; and (5) such other information as may be requested by the City Council. The total of proposed expenditures shall not exceed the total of estimated revenues.

Part III shall contain a proposed complete draft of the

appropriation ordinance, the tax levying ordinance and any other ordinances required to effectuate the budget.

#### Section 5-04. Administration of the Budget.

No payment shall be made nor obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the Mayor or his designee first certifies that there is a sufficient unencumbered balance in such allotment or 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 City to borrow funds in anticipation of revenues as provided in the general laws of the state.

Nothing in this charter shall be construed so as 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 or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

#### Section 5-05. Amendments after Adoption.

A. Supplemental Appropriations: If during the fiscal year the Mayor certifies that there are available for appropriation revenues in excess of those estimated in the budget, he shall present a preliminary budget for the disposition of such revenues, and the Council by ordinance may make supplemental appropriations for the year up to the amount of such excess in the same manner required for adoption of the budget.

B. Emergency Appropriations: To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of Section 2-13. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by such emergency ordinance borrow money in sums necessary to meet the emergency. The repayment of such sums shall be a fixed charge upon the revenues of the year next following the year in which the sums are borrowed and shall be included in the operating budget for that year.

C. Reduction of Appropriations: If at any time during the fiscal year it appears probable to the Mayor that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit. The Council may, by ordinance, reduce any appropriation at any time by the same procedure used for the preliminary budget.

D. Transfer of Appropriations: At any time during the fiscal year the Mayor may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency. Upon written request by the Mayor, the Council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another by the same procedure used for the preliminary budget.

E. Limitations, Effective Date: No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

#### Section 5-06. 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 5-07. Capital Outlay Program.

A. The Mayor each year shall prepare and submit to the Council a capital outlay program covering a period of at least five (5) years no later than the time he submits his operating

budget for the ensuing fiscal year. The amount indicated to be spent during the first year of the capital outlay program shall be included within the operating budget.

B. The capital budget shall include:

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

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

#### Section 5-08. Public Hearing.

At the meeting of the Council at which the capital outlay program is submitted, the Council shall order a public hearing on such capital outlay program and shall cause to be published in the official journal, at least seven (7) days prior to the date of such hearing, the time and place thereof. At the time and place so advertised the Council shall hold a public hearing on the capital outlay program as submitted, at which time all interested persons shall be given an opportunity to be heard. The capital outlay program shall be finally adopted not later than thirty (30) days prior to the beginning of the new fiscal year. The final capital outlay program shall be reproduced, and sufficient copies shall be made available for use of all offices, departments and agencies of the City, and for the use of all interested persons.

#### Section 5-09. Bonded Debt.

The City is empowered to incur bonded debt in accordance with this charter and the constitution and statutes of this State. No resolution shall be passed calling for a referendum to incur a bonded debt until an engineering and economic feasibility report shall have been made to the Council and a summary thereof published in the official journal at least sixty (60) days prior to the proposed date of the election,

unless the Council is required to call such an election pursuant to a petition as provided for under the general laws of this State.

Section 5-10. Fiscal Agent.

The fiscal agent for the City shall be selected by the Council in accordance with applicable State law.

ARTICLE VI. INITIATIVE, REFERENDUM AND RECALL.

Section 6-01. Initiative and Referendum.

The electors of the City of Lafayette shall have the power, except as herein restricted, to propose to the City Council passage or repeal of ordinances and to vote on the question if the Council refuses action. These powers shall comprise the initiative power. The initiative power shall not extend to the proposing or repealing of ordinances making or reducing the appropriation of money, fixing the salaries of City officers or employees or authorizing the repeal or reduction of the levy of any taxes. The initiatory power shall be exercised in the following manner:

- (1) The person or persons proposing the exercise of this power shall submit the proposal to the Council which shall specify within thirty (30) days a form of petition for circulation in one or multiple copies as the proposer may desire. The petition shall contain the full text of the proposed ordinance.
- (2) Within sixty (60) days after the form of the petition shall have been specified, the person or persons circulating the petition shall obtain the signatures of at least ten (10) per cent of the total registered voters of the City. There shall be noted after each signature on the petition the date signed and the address of the signer. Each person circulating a copy of the petition shall attach a sworn affidavit to it stating the number of signers and the fact that each signature was made in the presence of the circulator of the petition.
- (3) The signed petition shall be filed with the Council within sixty (60) days of the specification of the form of the petition, and within thirty (30) days the Council shall order a canvass of the signatures

thereon to determine the sufficiency and authenticity of the signatures. The Council's canvass shall be completed within thirty (30) days. If the number of signatures is insufficient or the petition is deficient as to form or compliance with this section, the Council shall notify the person or persons filing the petition of such insufficiency and allow thirty (30) days for filing of additional papers, at the end of which time the sufficiency or insufficiency of the petition shall be determined finally.

- (4) Within thirty (30) days after a petition shall have been certified as sufficient by the Council, the Council shall cause the proposed ordinance, or a summary thereof, to be published in the official journal at least once together with a notice of the date, time and place when and where it will be given a public hearing and be considered for passage, which notice shall appear at least one (1) week prior to the time advertised for the hearing. This public hearing shall be conducted as required generally for public hearings by this charter. After all persons have been given the opportunity to be heard, the Council shall either:
  - a. Adopt the proposed ordinance submitted in an initiatory petition, without substantive amendments, or effect the repeal referred to by such petition, or
  - b. Determine to submit the proposal to the electors.
- (5) If the Council adopts an ordinance following the submission of an initiatory petition as provided above, it shall not amend or repeal the ordinance by its own action within one (1) year following the date of submission of the petition proposing the ordinance, but it may submit proposals amending or repealing such ordinances to a vote of the electors. After the expiration of one (1) year, the ordinance may be amended or repealed as any other ordinance.
- (6) If an initiatory ordinance is submitted to a vote of the electors as provided in Section 6-01(4) above, the election shall take place within ninety (90) days

after the date the petition is presented to the Council, preferably in an election already scheduled for other purposes, otherwise in a special election called by the Council. The results shall be determined by a majority vote of the electors voting on the proposal.

- (7) If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (8) An ordinance adopted by the electorate through the initiatory process shall not be amended or repealed by the Council for a period of one (1) year after the election at which it was adopted, but thereafter it may be amended or repealed as any other ordinance.

#### Section 6-02. Recall.

A. The Mayor or any member of the City Council may be removed from office by the electors of the City through a recall process. The procedure for a recall shall be the same as is provided in the general laws of this State.

B. If, in a recall election, the majority of those voting vote for recall, the officer named in the recall petition shall be *ipso facto* removed from office, and the vacancy thereby created shall be filled as is the case of ordinary vacancies in accordance with this charter.

### ARTICLE VII. GENERAL PROVISIONS.

#### Section 7-01. Legal Process.

Legal process against the City shall be served upon the Mayor or in his absence, upon the President of the Council.

#### Section 7-02. Prohibitions.

No privilege, rebate, reduced rate or any other type of monetary gain may be directly or indirectly solicited or re-

ceived by an officer, official or employee of the City from any person, firm or corporation doing business with the City.

Any City officer or employee who has a substantial financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the City or in the sale of any land, material, supplies or services to the City or to a contractor supplying the City shall make known that interest and shall refrain from voting or otherwise participating in his capacity as a City officer or employee in the making of such sale or in the making or performance of such contract. Any City officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to the City shall render the contract or sale voidable by the Mayor or the City Council.

#### Section 7-03. Amendments.

Amendments to this charter may be made in accordance with Louisiana Revised Statutes 33:1381 et seq.

#### Section 7-04. Employee Representation.

A. The right of City employees to be represented by union organization(s) for the purpose of collective bargaining with reference to wages or working conditions is hereby recognized.

B. Any negotiations by the City with any such employee union representatives shall be by the Mayor or his designate. Final approval of any labor contracts with municipal employees shall rest with the City Council.

C. Nothing in this section shall be construed as requiring union membership as a condition for city employment.

#### Section 7-05. Bonding of Officers.

The Director of Administration and such other City officers or employees as the City Council may provide shall give bond in the amount and with the surety prescribed by the Council. The premiums on such bonds shall be paid by the City.

**Section 7-06. Effect of the Charter, Severability Clause.**

This charter shall be liberally construed in aid of its declared purpose which is to establish effective home rule government in this City of Lafayette responsive to the people. If any article, section, subsection, sentence, clause or provision of this charter shall be held invalid for any reason, the remainder of the charter and any ordinances or regulations made thereunder shall remain in full force and effect. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

**Section 7-07. Firemen's Pension Fund.**

The City of Lafayette Firemen's Pension Fund is not affected in any way by this charter and shall remain in full force and effect and shall be carried out and regulated in accordance with applicable State law.

**Section 7-08. Policemen's Pension Fund.**

The City of Lafayette Policemen's Pension Fund is not affected in any way by this charter and shall remain in full force and effect and shall be carried out and regulated in accordance with applicable State law.

**Section 7-09. Boards and Commissions.**

The City Council may, at its option, appoint boards and commissions to advise it and the Mayor regarding the operations of City services or other activities, provided that such boards and commissions shall exercise no administrative or legislative responsibility. Members of such advisory boards shall receive no compensation for such service. Members of all existing boards and commissions shall complete their terms of office, except as may be provided by this charter or by action of the City Council.

**Section 7-10. Prior Actions and Ordinances.**

All actions of the Board of Trustees, or its predecessors, and all administrative rules and regulations not inconsistent with this charter shall remain in full force and effect until changed or repealed.

**Section 7-11. Legal Actions, Franchises, Contracts.**

All legal actions, proceedings, contracts, labor contracts franchises, obligations due by and to the City and all allied kindred and associated matters shall continue unaffected and remain pending regardless of the adoption of this charter.

**Section 7-12. Special Acts.**

All special acts of the Legislature pertaining to the City insofar as they are in conflict with the provisions of this charter, shall henceforth be inoperative and of no effect.

**Section 7-13. Facsimile Signatures.**

Facsimile signatures are authorized for negotiable instruments and multiple certificates of indebtedness in those cases where an official is required to sign by law.

**Section 7-14. Reconstitution of Government.**

In the event of war or public disaster that incapacitates the Mayor and a majority of the Council, the remaining member or members of the government may act on an emergency basis and appoint such other officials as is necessary to reconstitute a government of the City. It shall be the intent of this section that these emergency powers shall subsist only so long as an emergency exists and that regularly constituted elections shall be held as soon as it is judicially determined that conditions permit their being held.

**Section 7-15. City Code.**

The Code of the City of Lafayette, Louisiana, as amended, and other ordinances and resolutions in effect at the adoption of this charter, except as inconsistent with this charter, shall remain in full force and effect. In those instances wherein the meaning is not clearly established the word "Council" shall be construed to substitute for "Board of Trustees."

**Section 7-16. Utility System Financing.**

The finances, bonded debt, receipts and disbursements of the City's utilities shall be subject to the provisions of the bond resolution of the City adopted March 12, 1963 as amended or revised.

**Section 7-17. Utility System, Sale or Lease.**

The City shall not sell, lease or in any manner dispose of the Utility System or any substantial part thereof without approval by a majority vote of the qualified electors voting in an election called for that purpose. This shall not be construed to prevent the disposal by the City, with the approval of the consulting engineers, of property which has become obsolete, unserviceable and not necessary for the efficient operation of the Utility System. The proceeds of the sale of such property shall be used to purchase or construct other capital improvements for the Utility System.

**Section 7-18. Schedule of Transition.**

The provisions of this charter pertaining to the election of the Mayor and members of the City Council created hereunder shall go into effect on December 15, 1971, the intent being to provide for the election of the officials of the government in the Lafayette Municipal elections of 1972. The remaining provisions of the charter shall become effective on the date of taking of office of the newly elected Mayor and City Council; such date being provided in Section 7-19.

**Section 7-19. Election of Officials.<sup>5</sup>**

The general election for the offices of Mayor and members of the City Council shall be held on the first Monday in May, 1972 and on the corresponding first Monday in May of every fourth year thereafter. Persons elected under the provisions of this charter shall take office on the first Monday in June following their election.

**FOOTNOTES**

<sup>1</sup>This Section to the extent that it provides for at-large membership on the Lafayette City Council was declared unconstitutional in the matter entitled, "Black Alliance for Progress vs. City of Lafayette, Et Al," Civil Action Number 74-247, U. S. District Court for the Western District of Louisiana. The Order rendered by Honorable Ben C. Dawkins, Jr., Judge, dated February 26, 1976, in that litigation provided for the division of the City of Lafayette into five single-member districts; District 1, District 2, District 3, District 4, and District 5, said districts having the boundaries shown on the map on file in the Court, a copy of which is on file in the office of the Lafayette City Council Clerk. These districts shall correspond with Council Seats 1 through 5 according to Judge Dawkins' order and candidates for the City Council shall reside in that district which has a number corresponding with the seat number for which the candidate has qualified and shall be voted on by the qualified electors residing in that district.

<sup>2</sup>See Ordinance No. 0-912, raising Council members' salaries from \$3,000 to \$6,000 per annum.

<sup>3</sup>This section was amended by Charter Amendment Election held as a special election on Saturday, October 11, 1975.

<sup>4</sup>See Ordinance No. 0-913, raising the Mayor's salary from \$21,000 to \$30,000 per annum.

<sup>5</sup>The operation and effect of this Section has been superceded and/or varied by reason of the adoption of a Louisiana State General Election Law. See Opinion No. 75-1123 of the Louisiana Attorney General consisting of letters dated October 7, 1975, an October 14, 1975, attached as an appendix for an explanation of the application of the State General Election Laws to the City of Lafayette. See also legal opinion letter dated December 22, 1975, of the City of Lafayette Legal Department pertaining to swearing in of elected officials.

## APPENDIX\*

September 18, 1971

The Lafayette City Charter Commission was created on January 26, 1971 by the Board of Trustees in accordance with the provisions of Louisiana Revised Statutes 33:1383 for the purpose of preparing a charter for the City of Lafayette.

The Lafayette City Charter Commission is pleased to report that this assignment has now been completed. A proposed home rule charter for the City of Lafayette is hereby presented to the Lafayette Board of Trustees, and the Board of Trustees is respectfully requested to call for the referendum concerning its adoption.

The organizational structure proposed by this charter should improve the City's normal operating activities and facilitate planning concerning the future consolidation of functions of the City and the Parish.

The Lafayette City Charter Commission would like to express its appreciation for the opportunity and privilege of serving the citizens of Lafayette as members of the charter commission. It would also like to express its appreciation to all of those citizens of Lafayette who have participated to any extent in the preparation of this charter.

Technical assistance to the charter commission was rendered by the Public Affairs Research Council of Louisiana, Inc.

Lafayette City Charter Commission

Dr. Herbert A. Hamilton, Chairman

J. J. Davidson, Jr.

Lloyd Foote

Rene Pellessier

William Leece

\*The above was contained in the original booklet prepared by the Lafayette City Charter Commission entitled, "A Proposed Home Rule Charter for the City of Lafayette."