

Parish of
Lafayette
Charter

Prior to
consolidation

PART I

HOME RULE CHARTER*

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

Section 1-01. Home Rule Charter.

The Charter commission has proposed and the electors have adopted this, their Home Rule Charter, under the authority of Article VI, Section 5 of the Louisiana Constitution of 1974, hereinafter referred to as "constitution." The Parish of Lafayette is therefore a local governmental subdivision which operates under a Home Rule Charter and, subject to said Charter, is authorized as hereinafter provided to exercise any power and perform any function necessary, requisite or proper for the management of its local affairs.

Section 1-02. Form of government.

The plan of government provided by this Home Rule Charter shall be known as the "president-council" form of government. It

**Editor's note—Part I contains the Home Rule Charter of the parish as said Charter was adopted at election on Sept. 11, 1982. Amendments have been worked into their proper places and amended and repealed provisions deleted. The sources of amendments are cited in parentheses following the sections amended. In some instances, the editor has added words or phrases in brackets [] to clarify meaning; but the addition of necessary punctuation and the correction of obvious misspellings and transpositions has not been included in brackets.*

Following Part I, the editor has included a Charter Comparative Table indicating the disposition of the various original sections of the Charter, as well as the disposition of amendatory provisions.

shall consist of an elected council which shall be called the Lafayette Parish Council and shall constitute the legislative branch of the government and an elected president who shall be the chief executive officer and head of the executive branch.

Section 1-03. Boundaries.

The boundaries of the parish shall be those in effect as of the effective date of this Charter and shall be subject to change thereafter as provided by law.

Section 1-04. General powers.

Except as otherwise provided by this Charter, the parish shall continue to have all the powers, rights, privileges, immunities and authority heretofore possessed by Lafayette Parish under the laws of the state. The parish government 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 general laws of the state, and more specifically, the parish government shall have and 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 defined by this Charter, or by general law, or inconsistent with the constitution.

Section 1-05. Special powers.

The parish government shall have the right, power and authority to pass all ordinances requisite or necessary to promote, protect and preserve the general welfare, safety, health, peace and good order of the parish, including, but not by way of limitation, the right, power and authority to pass ordinances on all subject matters necessary, requisite or proper for the management of parish affairs, and all other subject matter without exception, subject only to the limitation that the same shall not be inconsistent with the constitution or expressly denied by general law applicable to the parish.

Section 1-06. Joint service agreements.

The parish government is authorized, as provided by state law, to enter into joint service agreements or cooperative efforts with other governmental agencies and political subdivisions.

Section 1-07. Incorporated municipalities.

This Charter shall not affect the powers, rights, privileges, immunities and authority of incorporated municipalities in Lafayette Parish.

ARTICLE II. PARISH COUNCIL**Section 2-01. Composition, qualifications and election.**

(a) The legislative power of the parish government shall be vested in a council consisting of seven (7) members elected for four-year terms from districts enumerated in Section 8-01 ([entitled] "Council Districts"), one from and by the qualified electors in each district.

(b) A council member shall have attained the age of eighteen (18) years and shall be a qualified elector of the district from which elected at the time of qualification.

(c) A council member shall have been legally domiciled and shall have actually resided for at least two (2) years in the parish and one (1) year immediately preceding the time established by law for qualifying for office in an area which, at the time of qualification, is within the district from which elected.

(d) A council member shall continue to be legally domiciled and to actually reside within the district from which elected during the term of office. Should the legal domicile and/or actual residence of a council member change from the district from which elected, unless changed by reapportionment, the office shall automatically become vacant, which vacancy shall be filled as set out hereinafter.

Section 2-02. Reapportionment.

By the end of the year following the year in which the population of Louisiana is reported to the president of the United States for each decennial federal census, the council by ordinance shall, if necessary, alter, change or rearrange council district boundaries so as to provide for population equality among the districts as near as reasonably practical. To the extent possible, council districts shall be compact and be composed of contiguous territory.

Section 2-03. Forfeiture of office.

A council member shall forfeit the office if such member during the term of office:

- (1) Lacks any qualification for the office prescribed by this Charter;
- (2) Is convicted of a state or federal felony; or
- (3) Fails to take office.

Section 2-04. Vacancies.

(a) The office of a council member shall become vacant upon death, resignation, removal from office in any manner prescribed by law, or forfeiture of office.

(b) A vacancy on the council shall be filled by appointment of a person meeting the qualifications for office by a majority of the remaining members of the council. If one (1) year or less of the unexpired term remains when the vacancy occurs, the appointee shall serve out the remainder of the term. If the vacancy occurs more than one (1) year prior to the expiration of the term, the appointee shall serve until the office is filled by the vote of the qualified electors voting in a special election called by the council for that purpose, which election shall be held according to the timetable and procedures established by state law generally for the filling of vacancies in elected local offices.

(c) If the council does not make an appointment as required by this section within thirty (30) days, the appointment shall be made by the governor.

Section 2-05. Compensation.

(a) The compensation of council member shall be sixteen thousand eight hundred dollars (\$16,800.00) per year. The council may, by ordinance, increase its compensation during the term for which it is elected, except that the compensation shall not be increased by more than twenty (20) per cent of the compensation at the beginning of the term.

(b) The council, by ordinance, may adopt a system of reimbursement, upon presentation of properly documented receipts, of reasonable expenses necessary to the performance of official duties by a member while outside the parish.

Section 2-06. Prohibitions.

(a) A council member shall hold no other elected public office, nor be a compensated official or employee of the parish government or any of its political subdivisions during the term for which elected to the council and no former council member shall hold any compensated appointive office or employment of the parish government or any of its political subdivisions until two (2) years after the expiration of the term for which elected to the council. Nothing in this section shall prohibit a council member from serving as a member of a Charter commission, constitutional convention or political party committee.

(b) Except as specifically provided in this Charter, the council or any of its members shall not remove, direct or supervise any administrative officers or employees whom the president or any of his subordinates are empowered to appoint.

(c) No council member shall serve on a parish board or commission having administrative or policy making authority unless the ordinance or state law creating such board or commission specifies that one or more members of the council shall serve on such board or commission.

Section 2-07. Council meetings and rules.

(a) The council shall meet regularly at least twice a month at intervals of at least two (2) weeks at such times and places as the council may prescribe. At least one (1) of the two (2) regular

meetings shall start no earlier than 6:00 p.m. Special meetings may be held on the call of the presiding officer of the council or a majority of the membership of the council with such notice as may be required by state law. To meet a public emergency affecting life, health, property or public safety, the council may meet upon call of the president, the presiding officer of the council or a majority of the membership of the council at whatever notice it shall be convenient to give. The call convening a special or emergency meeting of the council shall state the objects of the meeting. The power of the council to act at a special or emergency meeting shall be limited, under penalty of nullity, to the objects specifically enumerated in the call.

(b) All meetings of the council and its committees shall be open to the public in accordance with the provisions of general state law.

(c) The council shall determine by resolution its own rules and order of business and shall provide for keeping a journal of its minutes and proceedings. This journal shall be a public record. All official actions of the council shall be published in the official journal within thirty (30) days of the action taken.

(d) At all regular meetings of the council, the council shall operate from an agenda which shall have been published at least two (2) days prior to the meeting. The agenda for special or emergency meetings shall be made available to the public as soon as practical prior to the meeting.

(e) The council shall provide by resolution a procedure whereby interested persons shall be given an opportunity to be heard at council meetings on any matter relating to parish government.

(f) At the first regular meeting of a newly elected council and annually thereafter, a chairman and vice-chairman shall be elected by the council from among the council members. The chairman shall preside at meetings of the council, and in the absence or disqualification of the chairman, the vice-chairman shall preside. In the absence or disqualification of both the chairman and the vice-chairman, the council shall designate one of its other members as temporary presiding officer. The chairman, vice-chairman and temporary presiding officer shall be voting members of the council.

(g) All voting shall be by roll call, and the yeas and nays shall be recorded in the minutes of the council by the individual vote of each council member. Not less than a majority of the membership of the council shall constitute a quorum to transact business, but if a quorum is lost during a meeting, a smaller number may recess from time to time and compel the attendance of absent members in the manner and subject to the penalties prescribed by council rules.

Section 2-08. Investigations.

The parish council may make investigations into the affairs of the parish government and the related conduct of any parish official, officer, employee, department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Investigations shall be for a specified purpose and may be undertaken only by 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 shall be guilty of a misdemeanor and shall be punished in such manner as the council shall fix by ordinance. No council member shall vote on any matter under investigation in which said council member has a conflict of interest.

Section 2-09. Independent audit.

The council shall provide for an annual independent postaudit, and such additional audits as it deems necessary, of the accounts and other evidence of financial transactions of the parish government, including those of all parish government departments, offices or agencies. Audits may be by the state or the council may designate a private auditor to make such audits. The private auditor 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 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.

Section 2-10. Council employees.

(a) The council shall appoint a clerk of the council who shall serve at the pleasure of the council. The clerk shall give notice of council meetings to its members and the public, keep the journal of its proceedings, be official secretary of the council and perform such other duties as are assigned to the position by this Charter or by the council.

(b) The council may, by ordinance, authorize the hiring of such other employees as may be necessary to assist the council in carrying out its duties and responsibilities.

(c) The council shall, by ordinance, fix the salaries of its employees.

Section 2-11. Action requiring an ordinance.

(a) An act of the council having the force of law shall be by ordinance. An act requiring an ordinance shall include, but not be limited to, those which:

- (1) Adopt or amend an administrative code.
- (2) Provide a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty may be imposed.
- (3) Levy taxes or assessments as provided by law in accordance with Section 2-17 ([entitled] "Power to Levy Taxes").
- (4) appropriate funds and/or adopt the operating budget and capital improvement budget for the parish government.
- (5) Grant, renew or extend a franchise.
- (6) Provide for raising revenue.
- (7) Regulate the rate or other charges for service by the parish government.
- (8) Authorize the borrowing of money.
- (9) Incur debt in any manner authorized by law.
- (10) Abandon any property owned by the parish government.
- (11) Convey or lease or authorize the conveyance or lease of any lands or property of the parish government.

- (12) Acquire real property on behalf of the parish government.
- (13) Adopt or modify the official parish map.
- (14) Adopt or modify regulations for review and approval of plats.
- (15) Adopt or modify subdivision controls or regulations.
- (16) Adopt or modify the zoning plan, maps and regulations.
- (17) Amend or repeal any ordinance previously adopted.
- (18) Propose amendments to this Charter.

(b) All parish ordinances shall be codified in accordance with Article VI, Section 10 of the constitution.

(c) A resolution may be used by the council for the purpose of expressing an opinion as to some given matter or thing and shall not have the force of law. A resolution shall not be subject to the veto authority of the president.

(d) All ordinances and resolutions shall be passed by the favorable vote of at least a majority of the membership of the council except as otherwise provided in this Charter.

Section 2-12. Ordinances in general.

(a) All proposed ordinances shall be introduced in writing and in the form required for adoption and, except for codifications, the operating budget and capital improvement budget, shall be confined to one subject, expressed clearly in the title.

(b) All proposed ordinances shall be read by title when introduced and published in full, in summary or by title within three (3) days after introduction, except that ordinance[s] proposing amendments to the Charter shall be published in full. Except as otherwise provided in Section 2-14 ([entitled] "Emergency Ordinances"), no ordinance shall be considered for final passage until at least two (2) weeks from date of introduction and a public hearing has been held on the ordinance.

(c) With the final approval of ordinances by the president, or the council in case of a veto by the president, such enacted ordinances shall be published in full in the official journal by the

clerk of the council as soon as practical thereafter; provided, however, that ordinances adopting codes of technical regulations or adopting or amending the operating budget or capital improvement budget may be published in full or in summary at the council's discretion. Every enacted ordinance, unless it shall specify another date, shall become effective at expiration of thirty (30) days after publication by the council.

Section 2-13. Submission of ordinances to the president.

(a) Every ordinance adopted by the council shall be signed by the presiding officer, except that upon failure of the presiding officer to sign the ordinance, the clerk of the council shall certify to its passage and it shall be presented to the president within three (3) calendar days after adoption, excluding Saturdays, Sundays and parish holidays. The clerk of the council shall record upon the ordinance the date and hour of its delivery to the president.

(b) Within ten (10) calendar days after the president's receipt of an ordinance, excluding Saturdays, Sundays and parish holidays, it shall be returned to the clerk of the council with the president's approval, or with the president's veto. The clerk shall record upon the ordinance the date and hour of its receipt from the president. If the proposed ordinance is not signed or vetoed by the president within ten (10) days after receipt, it shall be considered approved. If the ordinance has been approved, it shall be considered finally enacted and become effective as provided in Section 2-12 ([entitled] "Ordinances in General"). If the ordinance is vetoed, the president shall submit to the council through the clerk a written statement of the reasons for the veto. The veto statement shall be published in full in the official journal by the clerk as soon as practical thereafter. All ordinances vetoed by the president shall be vetoed in full, except that the president shall have authority to veto individual appropriation items in the ordinances adopting the operating budget and capital improvement budget.

(c) Ordinances vetoed by the president shall be submitted by the clerk to the council no later than the next regular meeting held after publication of the veto statement. Should the council vote, not later than the second regular meeting held after receipt

of the vetoed ordinance, to readopt the ordinance by the favorable vote of at least two-thirds ($\frac{2}{3}$) of its membership, said ordinance shall be considered finally enacted and become law irrespective of the veto by the president. The same procedure shall apply to individual appropriation items in the operating and capital improvement budgets vetoed by the president.

(d) The right of the president to veto as provided in this section shall apply to all ordinances adopted by the council except for plans for reapportionment; amendments to this Charter; [ordinances to] establish, alter or modify council procedure; or appropriate funds for auditing or investigating any part of the executive branch.

Section 2-14. Emergency ordinances.

(a) To meet a public emergency affecting life, health, property or public safety, the council, by the favorable vote of at least two-thirds ($\frac{2}{3}$) of the membership, may adopt an emergency ordinance at the meeting at which it is introduced; 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 5-04(b) ([entitled] "Emergency Appropriations"); adopt or amend an official map, platting or subdivision controls or zoning regulations; or change rates, fees or charges established by the parish government. Each emergency ordinance shall contain a specific statement of the emergency claimed.

(b) Notwithstanding the provisions of Section 2-13 ([entitled] "Submission of Ordinances to the President"), any emergency ordinance adopted by the council shall be signed by the presiding officer, except that upon failure of the presiding officer to sign the ordinance, the clerk of the council shall certify to its passage and it shall be presented to the president within six (6) hours after adoption. Within twelve (12) hours after the president's receipt of an emergency ordinance, it shall be returned to the clerk of the council with the president's approval, or with the president's veto. If the proposed ordinance is not signed or vetoed by the president within twelve (12) hours after receipt, it shall be considered adopted. If the emergency ordinance has been approved, it shall be considered finally enacted and become effective imme-

diately upon receipt by the clerk. If the emergency ordinance is vetoed, the president shall submit to the council through the clerk a written statement of the reasons for the veto. The clerk shall record upon the emergency ordinance the dates and hours of its delivery to and receipt from the president. Should the council vote, not later than twelve (12) hours after receipt of the vetoed emergency ordinance from the president, to readopt the emergency ordinance by the favorable vote of at least two-thirds ($\frac{2}{3}$) of its membership, said emergency ordinance shall be considered finally enacted and become law immediately upon readoption, irrespective of the veto by the president. Upon final approval by the president, or the council in case of a veto by the president, such enacted emergency ordinance shall be published in full in the official journal by the clerk as soon as practical thereafter.

(c) Emergency ordinances shall be effective for no longer than thirty (30) days after final approval.

Section 2-15. Codes of technical regulations.

The council, by ordinance, may adopt any standard code of technical regulations by reference. The procedure and requirements governing the adopting of such ordinances shall be as prescribed for ordinances generally, except that a period of sixty (60) days shall be allowed between the time of introduction and final passage of the ordinance. During this interim, copies of any proposed code shall be available for public review. A copy of each adopted code of technical regulations as well as the adopting ordinance shall be authenticated and recorded by the clerk of the council in the official records of the parish government. Such adopted codes of technical regulations shall be published at least by title or by reference in the official journal by the clerk as soon as practical following such final adoption.

Section 2-16. Authentication and recording of ordinances and resolutions; printing and distribution.

(a) All finally enacted ordinances and resolutions shall be authenticated, numbered and recorded by the clerk of the council. All ordinances shall be indexed and codified in a book or books

kept for this purpose. All resolutions shall be indexed and recorded in the minutes of the council meeting at which the resolution was approved.

(b) The council shall cause each ordinance and each amendment to this Charter to be printed or otherwise reproduced promptly following enactment and such printed or reproduced amendments and ordinances, including codes of technical regulations adopted by reference pursuant to Section 2-15 ([entitled] "Codes of Technical Regulations"), shall be distributed or sold to the public at cost.

Section 2-17. Power to levy taxes.

(a) The power to perform any service or provide any facility granted to the parish government by this Charter or by the constitution and general laws of the state shall in all cases carry with it the power to levy taxes and to borrow money within the limits and in accordance with procedures prescribed by the constitution and general laws of the state. The council shall have, and is hereby granted, all of the authority to levy and collect taxes, to incur debt, and issue bonds and other evidences of indebtedness, as is now or hereafter conferred on governing authorities of parishes by the constitution and general laws of the state, or as may be hereafter specially conferred by the electors of the parish.

(b) Any tax being levied by Lafayette Parish on the effective date of this Charter is ratified.

(c) All proposals to levy property taxes in excess of that authorized by the constitution to be levied without a vote of the people shall be submitted to the voters for approval in accordance with the election laws of the state.

(d) All proposals to levy a new or increase an existing sales and use tax shall be submitted to the voters for approval in accordance with the election laws of the state.

Section 2-18. Powers of enforcement.

For the purpose of carrying out the powers generally or specially conferred on the parish government, the council shall have

the power to grant franchises, to require licenses and permits and fix the fees to be paid therefore, to charge compensation for any privilege or franchise granted or service rendered, and to provide penalties for the violation of any ordinance or regulation, as provided by law.

ARTICLE III. EXECUTIVE BRANCH

Section 3-01. Executive authority.

The president shall be the chief executive officer of the parish government and shall exercise general executive and administrative authority over all departments, offices and agencies of the parish government, except as otherwise provided by this Charter.

Section 3-02. Election.

The president shall be elected at large from and by the qualified electors of the parish according to the election laws of the state for a four-year term.

Section 3-03. Qualifications.

(a) The president shall be at least eighteen (18) years of age and a qualified elector of the parish at the time of qualification and shall have been legally domiciled and shall have actually resided within the state for at least the two (2) years and in the parish at least the one (1) year immediately preceding the time established by law for qualifying for office.

(b) The president shall continue to be legally domiciled and to actually reside within the parish during the term of office. Should the legal domicile and/or actual residence of the president change from the parish, the office shall automatically become vacant, which vacancy shall be filled as set out hereinafter.

Section 3-04. Forfeiture of office.

The office of president shall be forfeited if during the term of office the officeholder:

- (1) Lacks at any time any qualification for the office prescribed by this Charter; or
- (2) Is convicted of a felony under state or federal law.

Section 3-05. Vacancies.

(a) The office of president shall become vacant upon death, resignation, removal from office in any manner authorized by law, forfeiture of office or failure to take office.

(b) A vacancy in the office of president shall be filled by appointment of a person meeting the qualifications for the office by a majority vote of the authorized membership of the council. If one (1) year or less of the unexpired term remains when the vacancy occurs, the appointment shall be for the remainder of the term. If the vacancy occurs more than one (1) year prior to the expiration of the term, the appointment shall be until such time as the office is filled by the vote of the qualified electors voting in a special election called by the council for that purpose, which election shall be held according to the timetable and procedures established by state law generally for the filling of vacancies in elected local offices.

(c) If the council does not make an appointment as required by this section within thirty (30) days, the appointment shall be made by the governor.

(d) If a member of the council is appointed to fill the vacancy in the office of the president, the seat of the council member shall become vacant and shall be filled in accordance with Section 2-04 (entitled "Vacancies").

Section 3-06. President's temporary absence.

(a) Whenever the president is absent from the parish, the powers and duties of the office of president shall be exercised by the chief administrative officer for a period not to exceed fifteen (15) consecutive days. The chairman of the council shall assume the powers and duties of the office in the absence of the chief administrative officer and on the sixteenth (16th) day of the absence of the president and shall serve in that capacity until the return of the president. In the absence or inability of the chairman to serve

as acting president, the office shall be filled by the vice-chairman or, in his absence or inability to serve, by a member of the council selected by the council.

(b) When the president expects to be absent from the parish for more than seventy-two (72) consecutive hours, the president shall notify the clerk of the council in writing of the expected duration of the absence.

(c) If a temporary absence of the president extends to more than sixty (60) consecutive days, the office shall become vacant and shall be filled in accordance with Section 3-05 ([entitled] "Vacancies").

(d) The council member serving as acting president shall not have the right to vote on the council while serving in that capacity.

Section 3-07. President's disability.

(a) Whenever the president transmits to the clerk of the council a written declaration stating inability to discharge the powers and duties of the office, and until the president transmits to the clerk of the council a written declaration to the contrary, the office of president shall be filled in the same manner as in Section 3-06(a).

(b) Whenever a panel of three (3) qualified medical experts, designated by resolution adopted by the favorable vote of at least two-thirds ($\frac{2}{3}$) of the membership of the council, transmits to the clerk of the council its written declaration that the president is unable to discharge the powers and duties of the office, the office of president shall be filled in the same manner as in Section 3-06(a). The person filling the office shall serve until a panel of three (3) qualified medical experts, designated by resolution adopted by the favorable vote of at least two-thirds ($\frac{2}{3}$) of the membership of the council, transmits to the clerk of the council its written declaration that the president's inability has ended. The medical experts shall review the president's disability at least once every three (3) months until such time as it has been determined that the disability has ended.

(c) Should the president be unable to discharge the powers and duties of the office for a period exceeding six (6) consecutive

months, the council shall have the authority upon the favorable vote of at least two-thirds ($\frac{2}{3}$) of its membership to declare the office of president vacant due to disability; provided, however, that the council shall hold a public hearing on the issue prior to any such declaration.

Section 3-08. Compensation.

The salary of the president shall be fifty-four thousand dollars (\$54,000.00) annually until changed by ordinance. The council may by ordinance increase the salary of the president during the term of office, except that the salary shall not be increased by more than twenty (20) per cent of the salary at the beginning of the term. The president shall, upon presentation of properly documented receipts, be reimbursed for reasonable expenses incurred in carrying out the official duties of the office.

Section 3-09. Powers and duties of the president.

(a) The president, as chief executive officer of the parish government shall have the following powers and duties:

- (1) See that all laws, provisions of this Charter and acts of the council, subject to enforcement by the president or by officers subject to the president's direction and supervision, are faithfully executed.
- (2) Appoint and suspend or remove for just cause all parish government employees and appointive administrative officers provided for, by or under this Charter, except as otherwise provided by law. The president may authorize any administrative officer who is subject to the president's direction and supervision to exercise these powers with respect to subordinates in the officer's department, office or agency.
- (3) Direct and supervise the administration of all departments, offices and agencies of the parish government, except as otherwise provided by this Charter.
- (4) Prepare and submit the annual budget and five-year capital budget to the council.

- (5) Submit to the council and make available to the public, within sixty (60) days after the end of the fiscal year, a complete report on the finances and administrative activities of the parish 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) Perform such other duties as are specified in this Charter or may be required by the council, not inconsistent with this Charter.

Section 3-10. Prohibitions.

(a) The president shall be a full-time official and shall hold no other elected public office nor any compensated appointive office or employment of the parish government or any of its political subdivisions during the term of office for which elected and shall hold no compensated appointive office or employment of the parish government or any of its political subdivisions until two (2) years after expiration of the term for which elected. The president shall not engage in any activity unrelated to parish government business that would interfere with or detract from the performance of duties as president.

(b) Nothing in this section shall prohibit the president from serving as an elected member of a political party committee, Charter commission or constitutional convention.

(c) These provisions shall not apply to a council member serving as acting president.

ARTICLE IV. ADMINISTRATION

Section 4-01. General provisions.

(a) Except as otherwise provided by this Charter, all departments, offices and agencies shall be under the direction and supervision of the president, and the heads of all departments created by or under this Charter shall be appointed by the presi-

dent, subject to approval by the council, and shall serve at the pleasure of the president.

(b) The salaries of the directors of the departments appointed by the president shall be set by the president subject to approval by the council.

Section 4-02. Chief administrative officer.

(a) The chief administrative officer shall be appointed by the president, subject to approval by the council, and serve at the pleasure of the president.

(b) Subject to the direction of the president, the chief administrative officer shall supervise all departments, offices and agencies of the parish government, and perform such other functions as may be directed by the president.

Section 4-03. Legal department.

(a) The head of the legal department shall be the parish attorney who shall be appointed by the president on an annual basis and shall serve by written contract upon a favorable vote of two thirds ($\frac{2}{3}$) of the council.

(b) The parish attorney shall be an attorney licensed to practice in the courts of Louisiana and shall have at least five (5) years' continuous practice of law and shall be a resident of the parish for at least two (2) years prior to the date of appointment.

(c) The parish attorney shall serve as chief legal adviser to the president and all departments, offices and agencies of the executive branch and shall perform other duties prescribed by this Charter or by ordinance.

(d) Any assistant to the parish attorney shall be appointed by the parish attorney and shall serve by written contract. Said appointment and contract shall be subject to annual approval by the council. Such assistant shall serve at the pleasure of the parish attorney.

(e) No special counsel shall be retained to represent the parish or any department, office, board or commission of the parish government except by written contract approved by the favorable

vote of a majority of the council members; except that such authorization shall specify the compensation, if any, to be paid for such service.
(Ord. No. 059-88, 6-9-88)

Section 4-04. Department of finance.

(a) The head of the department of finance shall be the director of finance.

(b) The director of finance shall direct and be responsible for the following duties:

- (1) Collection (except where specifically otherwise provided by law) and custody of all monies of the parish government from whatever source.
- (2) Assistance to the president in the preparation of the annual operating budget and capital improvement budget.
- (3) Maintenance of a record of indebtedness and the payment of the principal and interest on such indebtedness.
- (4) Ascertaining that funds are available for payment of contracts, purchase orders and any other documents which incur financial obligation for the parish government and that such documents are in accordance with established procedures.
- (5) Disbursement of all funds from the parish treasury.
- (6) Administration of a uniform central accounting system for all parish departments, offices and agencies, using nationally accepted standards where applicable.
- (7) Preparation of a monthly statement of revenues and expenditures which shall be completed and made available for public inspection not later than twenty (20) days after the end of each month.
- (8) Procurement of all personal property, materials, supplies and services required by the parish government under a central purchasing system for all departments, offices and agencies in accordance with applicable state law, local policy and administrative requirements.

- (9) Preparation of all intergovernmental grant applications on behalf of the parish government and informing departments, offices and agencies of all relevant local, state and federal programs.
- (10) Administration of federal housing grants.
- (11) Maintenance of an inventory of all property, real and personal.
- (12) Investment of idle funds, as permitted by law, so as to receive the maximum rate of return.
- (13) Provide data processing administration.
- (14) Provide general administrative services.
- (15) Other actions as may be directed by the president.

Section 4-05. Public works department.

(a) The head of the public works department shall be the director of public works.

(b) The director of public works shall direct and be responsible for the following activities:

- (1) Engineering services for all parish departments and agencies.
- (2) Supervision of all contract construction work.
- (3) Maintenance of parish property.
- (4) Mapping and surveying.
- (5) Construction and maintenance performed by the parish government or roads, sidewalks, bridges and drainage facilities.
- (6) Inspections, licensing and permit issuance in conjunction with the enforcement of any zoning ordinances and building, housing and other technical codes.
- (7) Garbage and trash collection and disposal.
- (8) Operation of a central facility for the repair and maintenance of parish government vehicles and equipment.
- (9) Operation of all utilities.

- (10) Development of a system of fire protection.
- (11) Other such activities as may be directed by the president.

Section 4-06. Parks and recreation department.

(a) The parks and recreation department shall be headed by the director of parks and recreation.

(b) The director of parks and recreation shall direct and be responsible for:

- (1) Parks and playgrounds.
- (2) Recreational activities.
- (3) Cultural activities and facilities.
- (4) Other leisure time activities.
- (5) Other such activities as may be directed by the president.

Section 4-07. Department of personnel.

(a) There shall be a department of personnel which shall consist of a director of personnel, who shall be the executive head of the department, and a parish personnel board which shall be quasi-judicial in nature.

(b) The personnel department shall operate within a merit system and shall be responsible for:

- (1) Recruiting, selecting and advancing employees on the basis of their relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment.
- (2) Providing for equitable and adequate compensation.
- (3) Training employees as needed to assure high-quality performance.
- (4) Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance and separating employees whose inadequate performance cannot be corrected.

- (5) Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex or religious creed, and with proper regard for their privacy and constitutional rights as citizens.
- (6) Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

(c) The parish personnel board shall be composed of seven (7) members who shall be elected and/or appointed in the following manner:

- (1) One member shall be elected from among the permanent employees of the parish. The parish council shall provide, by ordinance, the time, date and manner of such election.
- (2) One member shall be appointed by the Greater Lafayette Chamber of Commerce, Incorporated, or assigns.
- (3) One member shall be appointed by the local chapter of the Black Alliance for Progress, or assigns.
- (4) One member shall be appointed by the Lafayette League of Women Voters, or assigns.
- (5) One member shall be appointed by the local chapter of the American Federation of State, County, and Municipal workers, or assigns.
- (6) One member shall be appointed by the Acadiana Personnel Managers Association, or assigns.
- (7) One member shall be appointed by the local chapter of the National Association for the Advancement of Colored People, or assigns.

(d) The terms of the first members of the personnel board shall be as follows: Six-year terms shall be served by the member elected from among the permanent employees of the parish, the appointee of the Greater Lafayette Chamber of Commerce, and the appointee of the local chapter of the Black Alliance for Prog-

ress; four-year terms shall be served by the appointees of the Lafayette League of Women Voters and the local chapter of the American Federation of State, County, and Municipal Workers; and two-year terms shall be served by the appointees of the Acadiana Personnel Managers Association and the local chapter of the National Association for the Advancement of Colored People. Thereafter, all appointments shall be for six-year terms.

(e) Selection of the personnel board members shall be made in no more than sixty (60) days after the effective date of this Charter.

(f) Whenever the term of a board member expires or there is a vacancy in an unexpired term, the selection of the new member shall be in the same manner as the original appointment was made. The selection shall be made within sixty (60) days of the expiration of the term or the date the vacancy is created.

(g) Should the designated agencies fail to appoint a member of the personnel board within the designated time period, the parish president shall make the appointment from among the members of the designated agency which failed to make the appointment.

(h) The personnel board shall:

- (1) Hold hearings on dismissals, demotions and other disciplinary matters as may be provided in the rules. The decisions of the personnel board in these matters shall be final.
- (2) Draft and submit to the council for approval rules and regulations for the filing and hearing of appeals.
- (3) Perform such other quasi-judicial duties as may be required under the rules developed pursuant to this section.

(i) On appeal to the personnel board by an employee relative to the actions of the employer, the burden of proof shall be on the employee.

(j) The duties of the personnel director shall include, but shall not be restricted to, the following:

- (1) To develop and, upon adoption, to administer a position classification plan which shall provide for the classification of all positions on the basis of the duties and responsibilities of each position.

- (2) To develop and, upon adoption, to administer a salary plan for all positions in the parish service.
- (3) To prepare personnel rules to carry out the provisions of this section. Such rules shall apply to all parish departments, offices, agencies and special districts and shall provide for:
 - a. Policies and procedures for the administration of the classification plan.
 - b. Policies and procedures for the administration of the salary plan.
 - c. Policies and methods for holding competitive tests or other methods approved by the council to determine the merit and fitness of candidates for original appointment and promotion.
 - d. The establishment and maintenance of lists of persons eligible for appointment by reason of successful participation in competitive tests or other approved methods and procedures for the certification of persons from the eligible lists for filling vacancies.
 - e. The procedure for layoff, suspension, demotion and dismissal of employees.
 - f. Hours of work, attendance regulations, and sick and vacation leave.
 - g. Prohibition against political activity of employees and assessment for political purposes.
 - h. A retirement system for parish employees which shall take into account any existing retirement system or systems.
 - i. Other policies, practices and procedures necessary to the administration of the parish personnel system.

(k) The personnel director shall submit to the president all proposed rules, regulations and procedures required in accordance with subsection (i) above. The president shall submit the proposed rules, regulations and procedures with or without amendments to the council. The council may amend the proposed rules, regulations and procedures, and they shall become effective only upon adoption by the council by ordinance in accordance with Section 2-12 ([entitled] "Ordinances in General").

(1) The following shall not be members of the classified personnel system of the parish:

- (1) All elected officials of the parish government.
- (2) The president's secretary and any assistants to the president.
- (3) The chief administrative officer.
- (4) Employees hired on a temporary or contractual basis.
- (5) The parish attorney and any assistant attorneys.
- (6) Department heads created by or under this Charter or continued in accordance with the provisions of this Charter.
- (7) Employees appointed directly by the council.
- (8) Employees hired under a special state or federal grant program.

(m) Any person holding a full-time position subject to this section when this Charter takes effect, who served in that position at the time the Charter was adopted by the electors of the parish, and at least one (1) year prior thereto, shall continue in that position without competitive test or other method approved by the council, but shall be subject in all other respects to this section.

Section 4-08. Other departments.

Except as otherwise provided by this Charter, all parish government departments, offices, agencies and functions in existence on the effective date of this Charter shall continue in existence as organized on that date until reorganized in accordance with Section 4-09 ([entitled] "Administrative Reorganization").

Section 4-09. Administrative reorganization.

(a) The president may propose to the council the creation, change, alteration, consolidation or abolition of parish departments, offices and agencies and/or the reallocation of the functions, powers, duties and responsibilities of such departments, offices or agencies, including those provided for in this Charter.

(b) Upon receipt of the president's proposed plan of reorganization, the presiding officer of the council shall cause to be introduced an ordinance to implement the proposed reorganization plan. The ordinance shall follow the same procedure as provided in Section 2-12 ([entitled] "Ordinances in General") and Section 2-13 ([entitled] "Submission of Ordinances to the President"), of this Charter.

(c) The reorganization plan submitted by the president shall become effective if the council fails to act on the proposed reorganization within sixty (60) days of its submission to the council.

(d) The council may by ordinance propose the creation, change, alteration, consolidation or abolition of parish departments, offices and agencies and/or the reallocation of the functions, powers, duties and responsibilities of such departments or agencies, including those provided for in this Charter. Such ordinance shall be subject to the veto authority of the president.

(e) This section shall not apply to the department of personnel. Changes in the structure, functions, powers, duties and responsibilities of the department of personnel shall be by amendment to this Charter.

ARTICLE V. FINANCIAL PROCEDURES

Section 5-01. Fiscal year.

The fiscal year of the parish government shall be January first through December thirty-first, subject to change by ordinance by the council.

Section 5-02. Operating budget preparation and adoption.

(a) At least ninety (90) days prior to the beginning of each fiscal year, the president shall submit to the council a proposed operating budget in the form required by this Charter. At the meeting of the council at which the operating budget is submitted, the council shall order a public hearing on it and shall cause it to be published in the official journal, at least ten (10) days prior to the date of such hearing, the time and place of the

hearing, a general summary of the proposed budget and the times and places where copies of the proposed budget are available for public inspection. At the time and place so advertised, the council shall hold a public hearing on the budget as submitted. Changes in the proposed operating budget by the council shall be by the favorable vote of at least a majority of the membership of the council. The budget shall be finally adopted not later than the second-to-last regular meeting of the fiscal year. Upon final adoption, the budget shall be in effect for the budget year and copies shall be filed with the clerk of the council. The budget as finally adopted shall be reproduced and sufficient copies shall be made available for use by all offices, departments and agencies of the parish government. Copies shall be available for public use in the office of the clerk and additional copies may be purchased at cost.

(b) Upon failure of the council to adopt a budget prior to the end of the fiscal year, fifty (50) per cent of the amount appropriated for the prior fiscal year shall be reappropriated for the new fiscal year and shall be in effect until such time as a new budget is adopted.

Section 5-03. The operating budget document.

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

Part I shall contain: (1) A budget message, prepared by the president which shall outline the proposed fiscal plan for the parish government and described significant features of the budget for the forthcoming fiscal period; 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 actual figures for the last completed fiscal year and estimated figures for the year in progress.

Part II shall contain: (1) Detailed estimates of all proposed expenditures, showing the corresponding estimated expenditures for each item for the current fiscal year and actual figures for the

last preceding fiscal year with explanations of increases or decreases recommended related to performance standards or workload measurements, to the extent of availability of such information; (2) manning or organizational tables for each of the departments, agencies or programs; (3) detailed estimates of all anticipated revenues and other income, showing the corresponding estimated revenue or income for each item for the current fiscal year and actual figures for the last preceding fiscal year with explanations of increases or decreases; (4) delinquent taxes for current and preceding years, with the estimated percentage collectible; (5) statement of the indebtedness of the parish government, showing debt redemption and interest requirements, debt authorized and unissued, and conditions of the sinking funds; and (6) such other information as may be requested by the 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. All appropriations shall be by department and/or program.

Section 5-04. Amendments to operating budget.

(a) *Supplemental appropriations:* If during the fiscal year the president certifies that there are available for appropriation revenues in excess of those estimated in the operating budget, the president may present a supplemental 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 shall be made by emergency ordinance in accordance with the provisions of this Charter. 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 fiscal year next following the fiscal year in which the sums are borrowed.

(c) *Reduction of appropriations:* If at any time during the fiscal year it appears to the president that the revenues available will be insufficient to meet the amount appropriated, the president shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken and recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent a deficit.

(d) Subject to the limitations in subsection (f) of this section, the council may, by ordinance, reduce any appropriation at any time.

(e) *Transfer of appropriations:* At any time during the fiscal year the president may transfer part or all of any unencumbered appropriation within programs or functions. An unencumbered appropriation balance may be transferred from one department, office or agency to another or from one program or function to another only upon council action by ordinance.

(f) *Limitations:* 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.

Section 5-05. Capital improvement budget.

(a) 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 improvement budget covering a period of at least five (5) years. The amount indicated to be spent during the first year of the capital improvement budget shall be the capital budget for that year.

(b) 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 next 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 process of construction or acquisition.

(c) At the meeting of the council at which the capital improvement budget is submitted, the council shall order a public hearing on such capital improvement budget and shall cause to be published in the official journal, at least ten (10) days prior to the date of such hearing, the time and place of the hearing, a general summary of the proposed capital improvement budget and the times and places where copies of the proposed capital improvement budget are available for public inspection. At the time and place so advertised, the council shall hold a public hearing on the capital improvement budget as submitted. Changes in the proposed capital improvement budget by the council shall be by the favorable vote of at least a majority of the membership of the council. The capital improvement budget shall be finally adopted not later than the second-to-last regular meeting of the fiscal year. The capital improvement budget as finally adopted shall be reproduced and sufficient copies shall be made available for use by all offices, departments and agencies of the parish government. Copies shall be available for public use in the office of the clerk of the council and additional copies may be purchased at cost.

(d) Amendments to the finally adopted capital improvement budget shall be by ordinance in accordance with provisions of this charter relative to ordinances.

Section 5-06. Administration of operating and capital budgets.

(a) No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with the approved operating and capital budgets and appropriations duly made and unless the president or the president's 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 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 illegal; such action shall be 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 persons shall also be liable to the parish government for any amount so paid.

(b) 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 authorized by ordinance, except that contracts for services not covered by the public bid law shall be for a period not to exceed three (3) years.

(c) Deficit spending is prohibited except for emergencies as provided in Section 5-04(b) (entitled "Amendments to Operating Budget").

Section 5-07. 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 5-08. Bonded debt.

The parish government is empowered to incur bonded debt in accordance with this Charter and the constitution and laws of the Supp. No. 15

state. When voter approval is required, 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 5-09. Facsimile signatures.

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

Section 5-10. Purchasing.

Purchasing of all property, supplies, materials and services shall be under a central purchasing system and shall be in accordance with applicable state law, council policy and administrative requirements.

ARTICLE VI. INITIATIVE, REFERENDUM, RECALL AND REMOVAL BY SUIT

Section 6-01. Initiative and referendum.

The electors of the parish shall have the power, except as herein restricted, to propose to the council passage or repeal of ordinances and to vote on the question if the council refuses action. This power shall not extend to the proposing or repealing of ordinances making or reducing the appropriation of money. This power may be exercised to authorize the repeal or reduction of the levy of any taxes or to change the salaries of parish government officers or employees, except that such a repeal or reduction or change must be approved by the voters at least ninety (90) days prior to the end of a fiscal year and shall not become effective until the next fiscal year. This power may not be exercised to repeal or reduce any taxes levied for retirement of bonds or any other outstanding indebtedness. The initiative power shall be exercised in the following manner:

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- (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 fifteen (15) per cent of the total registered voters of the parish. 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, upon filing, the council shall order a canvass of the signatures through the office of the parish registrar of voters to determine their sufficiency and authenticity. The council's canvass shall be completed within thirty (30) days for filing of additional papers, at the end of which time the sufficiency and correctness of the petition shall be determined finally.
- (4) Within thirty (30) days after a petition shall have been certified as sufficient and correct by the council, the council shall cause the proposed ordinance, and a summary thereof, to be published in the official journal of the parish government 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 seven (7) days prior to the time advertised for the hearing. At the time and place so advertised the council shall hold a public hearing. Subsequent to such hearing, the council shall either:
 - a. Adopt the proposed ordinance submitted in an initiative petition, without substantive amendments, or effect the repeal referred to by such petition; or

- b. Determine to submit the proposal to the electors. Proposals to repeal or reduce any taxes must be submitted to the electors for approval and cannot be adopted by the council by its own actions.
- (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 initiative 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 of the public hearing in an election already scheduled for other purposes. 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. 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 initiative process shall not be amended or repealed by council action 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.
- (9) Ordinances adopted through the initiative process shall not be subject to veto by the president.

Section 6-02. Recall.

- (a) Any elected official of the parish government may be removed from office by the electors of the parish through a recall process. The recall procedure shall be the same as is provided in

the general laws of the state, except that the number of registered voters required to commence the recall process shall be twenty-five (25) per cent of the registered voters in the area from which the official is elected.

(b) If, in a recall election, the majority of those voting vote for recall, the official named in the recall petition shall be removed *ipso facto* from office, and the vacancy thereby created shall be filled as in the case of ordinary vacancies in accordance with this Charter. The person recalled shall not be eligible for appointment to fill the vacant position.

Section 6-03. Removal by suit.

Any elected official of the parish government may be removed from office by court suit as provided in the constitution and general laws of the state.

ARTICLE VII. GENERAL PROVISIONS

Section 7-01. Legal process.

Legal process against the parish government shall be served upon the president or in his absence upon the presiding officer of the council.

Section 7-02. Code of ethics.

All officers, officials and employees of the parish government shall comply with the provisions of the state code of ethics pertaining to local governments.

Section 7-03. Amending or repealing the Charter.

(a) Proposals to amend or repeal this Charter may be made by a two-thirds ($\frac{2}{3}$) vote of the council membership or by petition signed by not less than fifteen (15) per cent of the total number of registered voters of the parish. A petition shall contain the full text of the proposed amendment or amendments. The procedures and time limits for filing such a petition shall be the same as for an initiative ordinance as provided in Section 6-01(1), (2) and (3).

(b) Within thirty (30) days after a petition shall have been certified as sufficient and correct by the council, the council shall cause the amendment or amendments being proposed, and summaries thereof, to be published in the official journal of the parish.

(c) Proposals to amend or repeal this Charter shall be submitted for ratification to the qualified electors of the parish at an election already authorized for other purposes or at a special election called for the purpose of considering proposed Charter amendments. The results shall be determined by a majority vote of the electors voting on any particular proposal.

(d) Proposals by the council and by petition may be submitted to the voters at the same election and voters may, at their option, accept or reject any or all such proposals. Should conflicting proposals be approved at the same election, the one receiving the greater number of affirmative votes shall prevail to the extent of such conflict.

(e) Upon passage or rejection of a proposal by the voters, at least one (1) year shall lapse before the same issue can again be submitted to the voters.

(f) Except as provided in Section 8-08 ([entitled] "Severability") and Section 8-09 ([entitled] "Violation of Civil Rights Act"), no proposal to amend or repeal this Charter shall be submitted during the first one (1) year of operations under this Charter. No amendment or repeal shall shorten the term for which any incumbent official was elected or reduce the salary of office for that term.

Section 7-04. Bonding of officers.

The director of finance and such other parish government officers or employees as the council may designate shall give bond in the amount and with the surety prescribed by the council. The premiums on such bonds shall be paid by the parish government.

Section 7-05. Oaths of office.

All elected officials of the parish government shall take an oath of office to be administered by the clerk of the district court.

Section 7-06. Boards and commissions.

(a) The council, by resolution, and the president may appoint advisory boards and commissions to provide advice regarding the operations of parish services or other activities. No such board or commission shall exercise any administrative or legislative responsibility.

(b) A member of an advisory board or commission shall receive no compensation for service and shall serve at the pleasure of the appointing authority.

(c) 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 council.

(d) All meetings of advisory boards and commissions shall be open to the public.

(e) This section shall not apply to a board or commission created by ordinance or in accordance with general state law.

Section 7-07. Parish planning commission.

(a) There shall be a parish planning commission created in accordance with state law.

(b) The director of planning shall be appointed by and serve at the pleasure of the planning commission.

Section 7-08. Reconstitution of government,

In the event of war or public disaster that incapacitates the president and/or majority of the council, the remaining members of the council may act on an emergency basis and shall appoint such other officials as are necessary to reconstitute the parish government. 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 7-09. Control over local agencies and special districts.

(a) The council shall have general power over any agency heretofore created by the governing authority of Lafayette Parish or hereafter created by the council including, without limitation, the power to abolish the agency and require prior approval of any charge or tax levied or bond issued by the agency.

(b) The parish government may consolidate and merge into itself any special district or local public agency, except a school district, situated and having jurisdiction entirely within the boundaries of the parish. Upon the consolidation and merger, the parish government shall succeed to and be vested with all of the rights, revenues, resources, jurisdiction, authority and powers of the special district or local public agency. A consolidation and merger shall become effective only if approved by a majority of the electors voting thereon in the parish as a whole and by a majority of the electors voting thereon in the affected special district. A local public agency shall be consolidated and merged only if approved by a majority of the electors voting thereon in the parish as a whole.

(c) If the special district or local public agency which is consolidated and merged has outstanding indebtedness, the authority provided by this section shall not be exercised unless provision is made for the retirement or assumption of the indebtedness.

ARTICLE VIII. TRANSITIONAL PROVISIONS**Section 8-01. Council districts.**

Council District A. Northern boundary is parish boundary with St. Landry Parish; eastern boundary is parish boundary with St. Martin Parish; southern boundary is along a line beginning at the Vermilion River and St. Martin Parish boundary, running west along the river to the eastern corporate boundary of the City of Lafayette, then south along the corporate boundary to Larrabee Pit Road, then south along Larrabee Pit Road to the Southern Pacific Railroad Line, then west along the railroad to U.S. 167, then north on U.S. 167 to Interstate 10, and then west on Interstate 10 to LA 182; and western boundary is along a line beginning at the intersection of Interstate 10 with LA 182, then north along LA 182 to Prejean Road, then west along Prejean Road to a line running directly north to Cankton Road, then north along

that line to Cankton Road, then north along Cankton Road to LA 98, then east along LA 98 to the western boundary of Carencro, then north along the western boundary of Carencro to the northern boundary of Carencro, then east along the northern boundary of Carencro to Breaux Road, then north on Breaux Road to LA 182, and then north along LA 182 to the northern boundary of the parish with St. Landry Parish.

Council District B. Northern boundary is parish boundary with St. Landry Parish; eastern boundary is along a line beginning at intersection of LA 182 with St. Landry Parish boundary, then south along LA 182 to Breaux Road, then south on Breaux Road to the northern boundary of Carencro, then east along the northern boundary of Carencro to the western boundary of Carencro, then south along the western boundary of Carencro to LA 98, then west along LA 98 to Cankton Road, then south along Cankton Road to a line running directly south to Prejean Road, then south along that line to Prejean Road, then east along Prejean Road to LA 182, then south along LA 182 to Interstate 10, then west on Interstate 10 to [the] right-of-way for Ambassador Caffery Parkway Extension (Metro Loop), then south on [the] right-of-way for Ambassador Caffery Parkway Extension (Metro Loop) to Ambassador Caffery Parkway, then south on Ambassador Caffery Parkway to U.S. 167, then south on U.S. 167 to E Guidry Road, then West on E Guidry Road to Coulee Ile Des Cannes, and then south on Coulee Ile Des Cannes to parish boundary with Vermilion Parish; southern boundary is parish boundary with Vermilion Parish; and western boundary is parish boundary with Acadia Parish.

Council District C. Northern boundary is along a line beginning at the intersection of Interstate 10 with [the] right-of-way for Ambassador Caffery Parkway Extension (Metro Loop), then east along Interstate 10 to U.S. 167, then south along U.S. 167 to the Southern Pacific Railroad Line, then east on the railroad line to Larrabee Pit Road, then north on Larrabee Pit Road to the eastern corporate boundary of the City of Lafayette, then north along the corporate boundary to the Vermilion River, and then east along the river to the parish boundary with St. Martin Parish; eastern boundary is the parish boundary with St. Martin Parish; southern boundary is along a line beginning at the Ver-

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million River and the St. Martin Parish boundary, then east along the river to the eastern corporate boundary of the City of Lafayette, then north and west along the corporate boundary to Clifford Road, then west along Clifford Road to East Pinhook Road, then south on East Pinhook Road to Dorian Drive, then south on Dorian Drive to East Simcoe Street, then west on East Simcoe Street to Champagne Street, then south on Champagne Street to Surrey Street, then west on Surrey Street to East Pinhook Road, then south on East Pinhook Road to St. Charles Street, then west on St. Charles Street to 14th Street, then north on 14th Street to a line connecting with Bachert Street, then north and east on Bachert Street to South General Marshall, then north on South General Marshall to East Simcoe Street, then west on East Simcoe Street to Louisiana Avenue, then north on Louisiana Avenue to Mudd Avenue, then west on Mudd Avenue to Moss Street, then south on Moss Street to East Simcoe Street, then west on East Simcoe Street to the Southern Pacific Railroad Line, then south on along the railroad to West 2nd Street, then west on West 2nd Street to Olivier Street, then west on Olivier Street to Monroe Street, then north on Monroe Street to West Simcoe Street, then west on West Simcoe Street to West University Avenue, then north on West University Avenue to the Southern Pacific Railroad Line, and then west along the railroad to [the] right-of-way for Ambassador Caffery Parkway Extension (Metro Loop); and western boundary is along a line beginning at intersection of [the] right-of-way for Ambassador Caffery Parkway Extension (Metro Loop) with Southern Pacific Railroad Line, then north on [the] right-of-way for Ambassador Caffery Parkway Extension (Metro Loop) to the intersection with Interstate 10.

Council District D. Northern boundary is along a line beginning at the intersection of West University Avenue and West Simcoe Street, then east along West Simcoe Street to Monroe Street, then south on Monroe Street to Olivier Street, then east on Olivier Street to West 2nd Street, then east on West 2nd Street to the Southern Pacific Railroad Line, then north on railroad to East Simcoe Street, then east on East Simcoe Street to Moss Street, then north on Moss Street to Mudd Avenue, then east on Mudd Avenue to Louisiana Avenue, then south on Louisiana Avenue to East Simcoe Street, then east on East Simcoe Street to

South General Marshall, then south on South General Marshall to Bachert Street, then west and south on Bachert Street to a line connecting with 14th Street, then south along that line and 14th Street to St. Charles Street, then east on St. Charles Street to East Pinhook Road, then north on East Pinhook Road to Surrey Street, then east on Surrey Street to Champagne Street, then north on Champagne Street to East Simcoe Street, then east on East Simcoe Street to Dorian Drive, then north on Dorian Drive to East Pinhook Road, then north on East Pinhook Road to Clifford Road, then east on Clifford Road to the eastern corporate boundary of the City of Lafayette, and then east and south along the corporate boundary to the Vermilion River; the eastern and southern boundary is the Vermilion River; and the western boundary is along a line beginning at the intersection of the Vermilion River and the Coulee Mine, then north along the Coulee Mine to the Coulee Mine Branch, then west along the Coulee Mine Branch to Johnston Street, then east on Johnston Street to Coliseum Road, then north on Coliseum Road to Souvenir Gate, then east on Souvenir Gate to West St. Mary Boulevard, then south on West St. Mary Boulevard to Souvenir Gate, then east on Souvenir Gate to West University Avenue, and then north on West University Avenue to West Simcoe Street.

Council District E. Northern boundary is along a line beginning at the intersection of the right-of-way for Ambassador Caffery Parkway Extension (Metro Loop) and the Southern Pacific Railroad Line, and east along the Southern Pacific Railroad Line to West University Avenue; eastern boundary is along a line beginning at the intersection of railroad and West University Avenue, then south along West University Avenue to Souvenir Gate, then west on Souvenir Gate to West St. Mary Boulevard, then north on West St. Mary Boulevard to Souvenir Gate, then west on Souvenir Gate to Coliseum Road, and then south on Coliseum Road to Johnston Street; southern boundary is Johnston Street (U.S. 167); and western boundary is along a line beginning at the intersection of U.S. 167 and Ambassador Caffery Parkway, then north on Ambassador Caffery Parkway to [the] right-of-way for Ambassador Caffery Parkway, then north on Ambassador Caffery Parkway to [the] right-of-way for Ambassador Caffery Parkway Extension (Metro Loop) to Southern Pacific Railroad Line.

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Council District F. Northern boundary is along a line beginning at the intersection of Johnston Street (U.S. 167) and the Coulee Mine Branch, then east on the Coulee Mine Branch to the Coulee Mine, then south on the Coulee Mine to Vermilion River, and then east along the river to Pinhook Road; eastern boundary is along a line beginning at the intersection of the river and Pinhook Road, then south along Pinhook Road to Kaliste Saloom Road, then south on Kaliste Saloom Road to LA 733, then west on LA 733 to Vermilion River, and then south on Vermilion River to the parish boundary with Vermilion Parish; southern boundary is parish boundary with Vermilion Parish; and western boundary is along a line beginning at the intersection of Coulee Ile Des Cannes and the parish boundary with Vermilion Parish, then north along the Coulee Ile Des Cannes to E Guidry Road, then east on E Guidry Road to U.S. 167, and then north on U.S. 167 (Johnston Street) to intersection with Coulee Mine Branch.

Council District G. Northern boundary is along a line beginning at the intersection of Pinhook Road and the Vermilion River, and then east and north along the river to the parish boundary with St. Martin Parish; eastern boundary is parish boundary with St. Martin and Iberia Parishes; southern boundary is parish boundary with Vermilion Parish; and western boundary is along a line beginning at the intersection of Vermilion River to LA 733, then east on LA 733 to Kaliste Saloom Road, then north on Kaliste Saloom Road to Pinhook Road, then north on Pinhook Road to the Vermilion River.

Section 8-02. Continuation of actions.

(a) All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, contracts, franchises, debt or other obligations due by Lafayette Parish, rights or causes of action, claims, demands, titles and rights existing on the effective date of this Charter shall continue unaffected. All sentences for punishment for ordinance violations or for crime shall be executed according to their terms.

(b) All actions, ordinances, and administrative rules and regulations of Lafayette Parish in force prior to the effective date of this Charter shall, insofar as they are not inconsistent with this

Charter, remain in full force and effect until amended or repealed by the council or until they expire by their own limitation.

Section 8-03. Special districts.

Any special district heretofore established and existing in Lafayette Parish shall continue to exist to effectuate the purpose for which it was created, to complete any works begun or authorized therein, to pay the debts of the district and to levy taxes and other charges as may have been or may be legally authorized in the district.

Section 8-04. Fees, charges and tax levies.

(a) Constitutional limitations on the maximum property tax millages that can be levied without voter approval shall continue to be applicable to the parish.

(b) All fees, charges and taxes levied by Lafayette Parish shall continue to be levied by the parish government until changed by the council by ordinance or by a vote of the people when a vote is required.

(c) Receipts from fees, charges, rentals and royalties, taxes, federal and state grants, and shared revenues and taxes applicable to special districts which are less than parish-wide geographically shall be used only for services to be rendered in those geographic areas.

(d) The levy of property tax millages above the constitutional maximum previously approved by the voters of a special district shall continue to be levied by the parish government and used only for the approved purposes. Such levies may be renewed upon the favorable vote of the electors within the geographical area involved.

Section 8-05. Special legislative acts.

All special legislative acts pertaining to Lafayette Parish, insofar as they are in conflict with the provisions of this Charter, shall henceforth be inoperative and of no effect.

Section 8-06. Parish retirement systems.

No pension or retirement systems of the parish in existence at the time the Charter is approved shall be 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 laws and procedures.

Section 8-07. Declaration of intent.

This Charter shall be liberally construed in aid of its declared intent which is to establish for the people of Lafayette Parish effective home rule free from legislative interference as to the structure and organization of its local government, and with the power and authority to manage its local affairs, all as contemplated and intended by the provisions of Article VI, Section 5 of the Constitution.

Section 8-08. Severability.

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

Section 8-09. Violation of Civil Rights Act.

In the event the Civil Rights Division of the United States Department of Justice or any court of competent jurisdiction declares any part of this Charter to be in violation of the Civil Rights Act prior to the date the Charter becomes effective, the Lafayette Parish Home Rule Charter Commission shall reconvene for a period not to exceed sixty (60) days for the purpose of drafting and proposing amendments to the Charter to the electors of Lafayette Parish.

Section 8-10. Schedule of transition.

The provisions of this Charter pertaining to the election of parish government officials created hereunder shall become effective on the date this Charter is adopted. The remaining provisions of this Charter shall become effective on the date of taking of office of the newly elected officials provided for by this Charter,

such date being established in Section 8-11 ([entitled] "Election of Officials").

Section 8-11. Election of officials.

(a) The first election for the officials provided for by this Charter shall coincide with the 1983 elections for governor, and subsequent elections shall be held on corresponding dates every fourth year thereafter. Persons elected under the provisions of this Charter shall take office at noon on the second Monday in January next following their election.

(b) All parish officers elected under provisions of the policy jury system of government applicable to the parish prior to the adoption of this Home Rule Charter shall continue to hold their offices and discharge the duties thereof until the officials elected under the provisions of this Charter have taken office. Thereafter, their offices shall cease to exist.

Section 8-12. Required approval by electors.

The Charter shall become effective only if approved by a majority of those voting on the Charter.

Section 8-13. Charter ballot.

The ballot form for the referendum on this proposed Charter shall be:

"Shall the Home Rule Charter and plan of government for Lafayette Parish, prepared and submitted by the duly constituted Charter Commission according to Article VI, Section 5 of the Constitution of Louisiana and other applicable law, be adopted?"	<u> </u> YES <u> </u>
	<u> </u> NO <u> </u>

CHARTER COMPARATIVE TABLE

Date of Election	Disposition Art./Sec.
9-11-82	I 1-01-1-07 II 2-01-2-18 III 3-01-3-10 IV 4-01-4-09 V 5-01-5-10 VI 6-01-6-03 VII 7-01-7-09 VIII 8-01-8-13

Ordinance Number	Date	Disposition Art./Sec.
O59-88	6- 9-88	IV 4-03