

**A**

**Home Rule Charter**

**for the**

**Lafayette City-Parish**

**Consolidated Government**

Prepared by the

Lafayette City-Parish Charter Commission

April 1992

- 2<sup>nd</sup> Printing November, 1998
- 3<sup>rd</sup> Printing September, 2005
- 4<sup>th</sup> Printing January, 2008
- 5<sup>th</sup> Printing January, 2010

## TABLE OF CONTENTS

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

Section 1-01. Home Rule Charter .....	1
Section 1-02. Form of Government.....	1
Section 1-03. Boundaries .....	1
Section 1-04. Consolidation of Government .....	1
Section 1-05. General Powers.....	2
Section 1-06. Special Powers .....	2
Section 1-07. Joint Service Agreements .....	2

### ARTICLE II. CITY-PARISH COUNCIL

Section 2-01. Composition, Qualifications and Election.....	3
Section 2-02. Reapportionment.....	3
Section 2-03. Forfeiture of Office.....	3
Section 2-04. Vacancy in Council Office .....	4
Section 2-05. Compensation .....	5
Section 2-06. Prohibitions .....	5
Section 2-07. Council Meetings and Rules .....	6
Section 2-08. Investigations .....	7
Section 2-09. Independent Audit.....	7
Section 2-10. Council Employees .....	8
Section 2-11. Action Requiring an Ordinance.....	8
Section 2-12. Ordinances in General .....	9
Section 2-13. Submission of Ordinances to the President .....	9
Section 2-14. Emergency Ordinances.....	10
Section 2-15. Code of Technical Regulations.....	11
Section 2-16. Authentication and Recording of Ordinances and Resolution; Printing & Distribution .....	12
Section 2-17. Power To Levy Taxes .....	12
Section 2-18. Power of Enforcement .....	13

### ARTICLE III. EXECUTIVE BRANCH

Section 3-01. Executive Authority .....	13
Section 3-02. Election .....	13
Section 3-03. Qualifications .....	13
Section 3-04. Forfeiture of Office.....	14
Section 3-05. Vacancy in Office of President.....	14

<b>Section 3-06. President's Temporary Absence .....</b>	<b>15</b>
<b>Section 3-07. President's Disability.....</b>	<b>15</b>
<b>Section 3-08. Compensation .....</b>	<b>17</b>
<b>Section 3-09. Powers and Duties of the President .....</b>	<b>17</b>
<b>Section 3-10. Prohibitions .....</b>	<b>18</b>

**ARTICLE IV. ADMINISTRATION**

<b>Section 4-01. General Provisions .....</b>	<b>19</b>
<b>Section 4-02. Chief Administrative Officer.....</b>	<b>19</b>
<b>Section 4-03. Legal Department.....</b>	<b>19</b>
<b>Section 4-04. Finance Department.....</b>	<b>20</b>
<b>Section 4-05. Administrative Services Department .....</b>	<b>21</b>
<b>Section 4-06. Public Works Department.....</b>	<b>21</b>
<b>Section 4-07. Utilities Department .....</b>	<b>22</b>
<b>Section 4-08. Utility System, Sale or Lease .....</b>	<b>23</b>
<b>Section 4-09. Planning, Zoning and Codes Department.....</b>	<b>24</b>
<b>Section 4-10. Planning and Zoning Commission.....</b>	<b>24</b>
<b>Section 4-11. Parks and Recreation Department .....</b>	<b>25</b>
<b>Section 4-12. Community Development Department .....</b>	<b>25</b>
<b>Section 4-13. Police Department .....</b>	<b>26</b>
<b>Section 4-14. Fire Department .....</b>	<b>26</b>
<b>Section 4-15. Civil Service System .....</b>	<b>27</b>
<b>Section 4-16. Other Departments.....</b>	<b>32</b>
<b>Section 4-17. Administrative Reorganization.....</b>	<b>32</b>

**ARTICLE V. FINANCIAL PROCEDURES**

<b>Section 5-01. Fiscal Year.....</b>	<b>33</b>
<b>Section 5-02. Operating Budget Preparation and Adoption.....</b>	<b>33</b>
<b>Section 5-03. The Operating Budget Document.....</b>	<b>34</b>
<b>Section 5-04. Amendments to Operating Budget .....</b>	<b>34</b>
<b>Section 5-05. Capital Improvement Budget.....</b>	<b>35</b>
<b>Section 5-06. Administration of Operating and Capital Improvement Budgets .....</b>	<b>36</b>
<b>Section 5-07. Lapse of Appropriations .....</b>	<b>37</b>
<b>Section 5-08. Bonded Debt.....</b>	<b>37</b>
<b>Section 5-09. Facsimile Signatures.....</b>	<b>38</b>

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

**Section 6-01. Initiative and Referendum..... 38**  
**Section 6-02. Recall ..... 40**  
**Section 6-03. Removal by Suit..... 41**

**ARTICLE VII. GENERAL PROVISIONS**

**Section 7-01. Legal Process..... 41**  
**Section 7-02. Code of Ethics ..... 41**  
**Section 7-03. Amending or Repealing the Charter ..... 41**  
**Section 7-04. Bonding of Officers ..... 42**  
**Section 7-05. Oaths of Office ..... 42**  
**Section 7-06. Advisory Boards and Commissions ..... 42**  
**Section 7-07. Administrative Boards and Commissions..... 43**  
**Section 7-08. Reconstitution of Government ..... 43**  
**Section 7-09. Control Over Local Agencies and Special Districts ..... 44**  
**Section 7-10. Urban Services Districts ..... 44**

**ARTICLE VIII. TRANSITIONAL PROVISIONS**

**Section 8-01. Council Districts ..... 45**  
**Section 8-02. Continuation of Actions ..... 45**  
**Section 8-03. Special Districts ..... 46**  
**Section 8-04. Outstanding Indebtedness ..... 46**  
**Section 8-05. Fees, Charges and Tax Levies ..... 46**  
**Section 8-06. Other Municipalities in Lafayette Parish ..... 47**  
**Section 8-07. Special Legislative Acts..... 48**  
**Section 8-08. Retirement Systems..... 48**  
**Section 8-09. Declaration of Intent ..... 48**  
**Section 8-10. Severability..... 48**  
**Section 8-11. Violation of Voting Rights Act ..... 48**  
**Section 8-12. Schedule of Transition ..... 49**  
**Section 8-13. Election of Officials ..... 49**  
**Section 8-14. Required Approval By Electors ..... 49**  
**Section 8-15. Charter Ballot ..... 50**

**EDITORS NOTE**

**Council Districts and Precinct Changes ..... 51**

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

### **Section 1-01. Home Rule Charter.**

The Lafayette City-Parish Charter Commission has proposed and the electors have adopted this, their home rule charter, hereinafter referred to as "charter," under the authority of Article VI, Section 5 of the Louisiana Constitution of 1974, hereinafter referred to as "constitution." The Lafayette City-Parish Consolidated Government 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 shall consist of an elected Council which shall be called the Lafayette City-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 Lafayette Parish and the City of Lafayette 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. Consolidation of Governments.**

A. The governmental functions of the City of Lafayette are hereby consolidated with the governmental functions of Lafayette Parish. The name of the new government shall be the Lafayette City-Parish Consolidated Government, hereinafter referred to as the "City-Parish Government."

B. The City of Lafayette shall continue to exist as a legal entity and except as provided in this charter, shall exercise all powers granted by general state law and the state constitution for municipalities of the same population class.

The city shall render certain municipal services as provided under this charter and participate in federal and state grants, shared revenues and shared taxes peculiar to municipal governments.

C. The City-Parish Council shall be the governing authority of the City of Lafayette for purposes of levying property taxes in accordance with Article VI, Section 27 of the constitution, for providing municipal type services, and for purposes of annexation.

### **Section 1-05. General Powers.**

Except as otherwise provided by this charter the City-Parish Government shall continue to have all the powers, rights, privileges, immunities and authority heretofore possessed by the City of Lafayette and Lafayette Parish under the laws of the state. The 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 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 denied by this charter, or by general state law, or inconsistent with the constitution.

### **Section 1-06. Special Powers.**

The City-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 its 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 City-Parish Government.

### **Section 1-07. Joint Service Agreements.**

The City-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.

## **ARTICLE II. CITY-PARISH COUNCIL**

### **Section 2-01. Composition, Qualifications and Election.**

A. The legislative power of the City-Parish Government shall be vested in a Council consisting of nine (9) members elected from single-member districts for four (4) year terms, one from and by the qualified electors in each district as hereinafter defined.

B. A Council member who has served more than two and one-half terms in three (3) consecutive terms shall not be eligible to qualify as a candidate for Council member for the succeeding term.

C. A Council member shall be at least eighteen (18) years of age and a qualified elector of the district from which elected at the time of qualification.

D. A Council member shall have been legally domiciled and shall have actually resided for at least one (1) year in the parish and six (6) months 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.

E. 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.**

Following official publication of the federal census by the United States Bureau of the Census and at least six (6) months prior to the next election for Council members following publication of the 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 practicable. 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, or (2) is convicted of a state or federal felony.

#### **Section 2-04. Vacancy in Council Office.**

A. The office of a Council member shall become vacant upon death, resignation, removal from office in any manner authorized by law, forfeiture of office, failure to take office, or as otherwise provided in this charter.

B. A vacancy on the Council shall be filled by appointment within fifteen (15) days after the vacancy occurs of a person meeting the qualifications for that office by the favorable vote of a majority of the remaining members of the Council.

C. 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. The person appointed to fill the vacancy shall not be eligible to be a candidate for the next full term for the Council.

D. If the vacancy occurs more than one (1) year before the expiration of the term, the appointee shall serve until the office is filled by the vote of the qualified electors voting in an election called by the Council for that purpose and the person elected assumes the office. The person appointed to fill the vacancy shall not be eligible to be a candidate for the election to fill the remainder of the unexpired term. The Council, within fifteen (15) days after the vacancy occurs, shall call an election to fill the vacancy. The election shall be held according to the timetable and procedures established by state law for the filling of vacancies in elected local offices.

E. If the Council does not make an appointment as required by this section within fifteen (15) days of the occurrence of the vacancy, the appointment shall be made by the governor of the State of Louisiana. If an election is required and the Council fails to call the election within fifteen (15) days after the vacancy occurs, the governor of the State of Louisiana shall call the election.

## **Section 2-05. Compensation.** <sup>1</sup>

A. The salary of a Council member shall be \$18,000 per year and Council members shall be eligible for health and hospital insurance benefits which are available to employees of the City-Parish Government. Council members participating in the health and hospital insurance program shall be liable for the full premium rate.

B. The Council may, by ordinance, increase its salary during the term for which elected. The total of all salary increases during a term shall not exceed ten (10) percent of the salary at the beginning of the term.

C. Council members may be reimbursed for properly authorized vouchered expenses incurred in conducting official business of the City-Parish Government.

## **Section 2-06. Prohibitions.**

A. A Council member shall hold no other elected public office, nor be a compensated official or employee of the City-Parish Government during the term for which elected to the Council and no former Council member shall hold any compensated appointive City-Parish Government office or employment until one (1) year 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, neither the Council nor any of its members shall remove, direct or supervise any administrative officers or employees whom the President or any subordinates of the President are empowered to appoint.

C. No Council member shall serve on a board or commission of the City-Parish Government having administrative or policy making authority unless the ordinance or state law creating such board or

---

<sup>1</sup> Section 2-05 (a): Salary increases for Council members

O-387-97 (11/16/97) 2% or \$18,360 annually  
 O-225-98 (09/30/98) 5% or \$19,278 annually  
 O-232-99 (09/30/99) 2% or \$19,664 annually  
 O-186-02 (09/26/02) 3% or \$20,253 annually  
 O-184-03 (09/25/03) 4% or \$21,063.60 annually  
 O-178-04 (09/30/04) 2% or \$21,484.93 annually  
 O-214-05 (09/29/05) 2% or \$21,914.64 annually  
 O-151-06 (09/28/06) 4% or \$22,791.00 annually  
 O-170-07 (09/27/07) 1.66% or \$23,170.00 annually  
 O-143-2008 (09/30/08) authorized to 10% (\$2,317.00) for term of office

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. Special meetings may be held on the call of the presiding officer of the Council or a majority of the authorized 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 authorized 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 record of its minutes and proceedings. 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, excluding Saturdays, Sundays and holidays, 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 City-Parish Government.

F. At the first regular meeting of a newly elected Council and annually thereafter, a chair and vice chair shall be elected by the Council from among the Council Members. The chair shall preside at meetings of the Council, supervise or delegate supervision of Council employees, and carry out such other duties as the Council may authorize.

G. In the absence or disqualification of the chair, the vice chair shall preside. In the absence or disqualification of both the chair and vice chair, the Council shall designate one of its other members as temporary presiding

officer. The chair, vice chair and temporary presiding officer shall be voting members of the Council.

H. All voting shall be by roll call, and the ayes 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 authorized 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 Council may make investigations into the affairs of the City-Parish Government and the related conduct of any City-Parish official, officer, employee, department, office, or agency. For this purpose the Council 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 authorized membership of the Council. Any person who fails or refuses to obey any lawful order of the Council may be cited for contempt. No Council member shall vote on any matter under such investigation in which said Council member has a conflict of interest.

### **Section 2-09. Independent Audit.**

The Council shall provide for an annual independent post fiscal year audit, and such additional audits as it deems necessary, of the accounts and other evidence of financial transactions of the City-Parish Government, including those of all City-Parish Government departments, offices or agencies. The Council shall designate a private auditor to make such audits. The private auditor shall be without personal interest in the affairs subject to audit, shall not participate in budget preparation and adoption, 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. Such employee shall serve at the pleasure of the Council.

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, assessments and charges.
- (4) Adopt the operating budget and capital improvement budget and appropriate funds for the City-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 City-Parish Government.
- (8) Authorize the borrowing of money, in any manner authorized by law.
- (9) Incur debt in any manner authorized by law.
- (10) Dispose of any real property owned by the City-Parish Government.
- (11) Convey or lease or authorize the conveyance or lease of any lands or property of the City-Parish Government.
- (12) Acquire real property on behalf of the City-Parish Government.
- (13) Adopt or modify the official 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 ordinances shall be codified in accordance with Article VI, Section 10 of the constitution.

C. An act of the Council which is not to have the force of law may be enacted by resolution. A resolution may be used by the Council for purposes such as a formal expression or will of the Council; to authorize a person or persons to sign legal and financial documents for a project or purpose previously approved by ordinance; and as may be authorized by this charter. The President's veto authority shall not apply to resolutions.

D. All ordinances and resolutions shall be passed by the favorable vote of at least a majority of the authorized 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 at a meeting of the Council 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 the official journal by title within fifteen (15) days of introduction, except that ordinances proposing amendments to the charter shall be published in full. Except as otherwise provided in the section on "Emergency Ordinances," no ordinance shall be considered for final passage until at least two (2) weeks from date of introduction and after 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 or in summary at the Council's discretion in the official journal by the clerk of the Council within seven (7) days after adoption. Every enacted ordinance, unless it shall specify another date, shall become effective at the expiration of ten (10) days after final adoption.

### **Section 2-13. Submission of Ordinances to the President.**

A. Every ordinance adopted by the Council shall be signed by the presiding officer or the Clerk of the Council. The Clerk of the Council shall certify to its passage, and it shall be presented to the President within three

(3) days after adoption, excluding Saturdays, Sundays and 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) days after the President's receipt of an ordinance, 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 adopted. If the ordinance has been adopted, it shall be considered finally enacted and become effective as provided in the section on "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 and capital improvement budgets and amendments thereto.

C. Ordinances vetoed by the President shall be submitted to the Council by the Clerk of 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 override the President's veto of the ordinance by the favorable vote of at least two thirds of its authorized membership, said ordinance shall be considered finally enacted in accordance with the section on "Ordinances in General" and become law irrespective of the veto by the President. The procedure for overriding vetoed ordinances 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 ordinances for: plans for reapportionments; amendments to this charter; establishing, altering or modifying Council procedure; appropriating funds for auditing or investigating any part of the executive branch; or as may be otherwise provided by this charter.

#### **Section 2-14. Emergency Ordinances.**

A. To meet a public emergency affecting life, health, property or public safety, the Council 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 the section on "Emergency Appropriations"; adopt or amend an official map, platting or subdivision controls or zoning regulations; or change rates, fees or charges adopted by the City-Parish Government. Each emergency ordinance shall contain a specific statement describing the emergency. After adoption, the ordinance shall be printed and published as prescribed for other approved ordinances.

B. Notwithstanding the provisions of the section on "Submission of Ordinances to the President," any emergency ordinance adopted by the Council 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 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 adopted, it shall become effective immediately. If the emergency ordinance is vetoed, the President shall submit to the Council 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 of its authorized membership, said emergency ordinance shall be considered finally adopted 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 adopted emergency ordinance shall be published by title in the official journal as soon as practical thereafter.

C. Emergency ordinances shall be effective for no longer than thirty (30) consecutive days after final adoption, except that the Council, by the favorable vote of two-thirds vote of its authorized membership, may extend the life of the emergency ordinance for a period not to exceed an additional thirty (30) consecutive days.

### **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 codes shall be as prescribed for ordinances generally, except that a period of sixty (60) days shall be allowed between the time of

introduction and adoption 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 City-Parish Government. Such adopted codes of technical regulations shall be published 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. Such printed or reproduced amendments and ordinances, including codes of technical regulations adopted by reference pursuant to the section on "Codes of Technical Regulations," shall be available in the office of the clerk of the Council for review by any citizen. Other copies may be distributed to the public at no cost 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 City-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 to issue bonds and other evidences of indebtedness, as is now or hereafter conferred on governing authorities of local governments 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 or the City of Lafayette on the effective date of this home rule charter is ratified.

C. All proposals to levy property taxes in excess of that which the constitution authorizes 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 renew, 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 City-Parish Government, the Council shall have the power to grant franchises, to require licenses and permits and fix the fees to be paid therefor, 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 City-Parish Government and shall exercise general executive and administrative authority over all departments, offices and agencies of the City-Parish Government, except as otherwise provided by this charter.

### **Section 3-02. Election.**

The President shall be elected at large by the qualified voters of the parish according to the election laws of the state for a four (4) year term. A person who has served as President for more than two and one-half terms in three (3) consecutive terms shall not be eligible to qualify as a candidate for President for the succeeding 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 parish for 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. Vacancy in Office of President.**

A. The office of President shall become vacant upon death, resignation, removal from office in any manner authorized by law, forfeiture of office, failure to take office, or as otherwise provided in this charter.

B. A vacancy in the office of President shall be filled by the chair of the Council. Should the chair of the Council be unwilling or unable to serve as acting President, the Council shall, by resolution, designate another member of the Council to serve as acting President. While serving as acting President, the member shall not have a vote on the Council or participate in Council activities.

C. If one (1) year or less of the unexpired term remains when the vacancy occurs, the acting President shall serve for the remainder of the term.

D. If the vacancy occurs more than one (1) year before the expiration of the term, the acting President shall serve until such time as the office is filled by the vote of the qualified electors voting in an election called by the Council for that purpose and the person elected assumes office. The Council, within fifteen (15) days after the vacancy occurs, shall call an election to fill the vacancy. The election shall be held according to the timetable and procedures established by state law for the filling of vacancies in elected local offices.

E. If an election is required and the Council fails to call the election within fifteen (15) days after the vacancy occurs, the governor of the State of Louisiana shall call the election.

F. If the remainder of the unexpired term exceeds 90 days or if the election to fill the vacancy is scheduled more than ninety (90) days after the

vacancy occurs, the seat of the Council member serving as acting President shall become vacant and shall be filled as provided in the section, "Vacancy in Council." The person appointed to fill the Council seat of the acting President shall serve in that position only until such time as the President is elected and assumes office. At that time the acting President shall return to the Council.

G. The acting President shall not be eligible to be a candidate for the office of President at the next election.

H. The acting President shall receive the same compensation as the President while serving in that capacity.

### **Section 3-06. President's Temporary Absence.**

A. When the President is absent from and unavailable to Lafayette Parish for more than 48 hours, the powers and duties of the office of President shall be exercised by the chair of the Council

B. Should the chair of the Council be unwilling or unable to serve as acting President, the Council shall designate by resolution another member of the Council to serve as acting President. When serving as acting President, the Council member shall not have a vote on the Council or participate in Council activities.

C. If a temporary absence of the President extends to more than thirty (30) consecutive days, the office shall become vacant and shall be filled in accordance with the section on "Vacancy in Office of President," except that the Council, by the favorable vote of a majority of its authorized membership, may authorize a longer absence.

### **Section 3-07. President's Disability.**

A. Disability of the President may be determined either by action of the President or by action of the Council as follows:

- (1) 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 the section on the "President's Temporary Absence."
- (2) Whenever a majority of a panel of three (3) qualified medical experts, designated by resolution adopted by the favorable vote of at least a majority of the authorized 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 the section on "President's Temporary Absence." 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 a majority of the authorized membership of the Council, transmits to the clerk of the Council its unanimous written declaration that the President's disability 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 by a unanimous vote of the three (3) medical experts.

B. Should the President, due to disability, 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 a majority of its authorized membership to declare the office of President vacant due to disability or to extend the disability for a period not to exceed an additional six (6) consecutive months. Provided, however, that the Council shall hold a public hearing on the issue before any such action.

C. The acting President shall receive the same compensation as the President while serving during the disability period.

D. The acting President shall not have a vote on the Council or participate in Council activities. During the absence of the acting President from the Council, the remaining members of the Council shall, by majority vote, appoint a person meeting the qualifications for that office to serve until such time as the acting President returns to the Council.

E. If an election for Council Members occurs during the time one of its members is serving as acting President, the Council member serving as acting President shall be eligible to seek election to the Council from the district for which the member is qualified. The person appointed to serve on the Council in the absence of the Council member serving as acting President shall not be eligible to be a candidate for that office at that election.

### **Section 3-08. Compensation.** <sup>2</sup>

A. The salary of the President shall be seventy-five thousand dollars (\$75,000) per year. The Council may, by ordinance, increase the salary of the President during the term for which elected. The total of all salary increases during a term shall not exceed ten (10) percent of the salary at the beginning of the term.

B. The President shall be eligible for health and hospital insurance and retirement benefits which are available to employees of the City-Parish Government.

C. 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 City-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 the President's direction and supervision, are faithfully executed.
- (2) Appoint and suspend or remove for just cause all City-Parish Government employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by this charter or other personnel rules adopted pursuant to this charter. 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.

---

<sup>2</sup> Section 3-08 (a): Salary Increases for President

O-387-97 (11/16/97) 2% or \$76,500 annually  
 O-225-98 (09/30/98) 5% or \$80,325 annually  
 O-232-99 (09/30/99) 2% or \$81,932.56 annually  
 O-186-02 (09/26/02) 3% or \$84,389.52 annually  
 O-184-03 (09/25/03) 4% or \$87,765.12 annually  
 O-178-04 (09/30/04) 2% or \$89,520.42 annually  
 O-214-05 (09/29/05) 2% or \$91,310.76 annually  
 O-151-06 (09/28/06) 4% or \$94,963 annually  
 O-170-07 (09/27/07) 1.66% or \$96,542 annually  
 O-143-2008 (09/30/08) authorized to 10% (\$9,653.20) for term of office

- (3) Direct and supervise the administration of all departments, offices and agencies of the City-Parish Government, except as otherwise provided by this charter.
- (4) Prepare and submit the annual operating budget and five (5) year capital improvement budget to the Council.
- (5) Sign contracts for projects, equipment, non-professional services and materials and supplies specifically identified in the approved operating and capital improvement budgets or as specifically identified by ordinance. Contracts for projects, equipment, nonprofessional services or materials and supplies not so identified shall be submitted to the Council for approval.
- (6) Sign contracts for professional services only after receiving recommendations from a professional services review committee created by ordinance. The committee shall consist of not more than five (5) members, two (2) to be appointed by the President and three (3) to be appointed by the Council.
- (7) Submit to the Council and make available to the public, within one hundred twenty (120) days after the end of the fiscal year, a complete report on the finances and administrative activities of the City-Parish Government as of the end of each fiscal year.
- (8) Make such other reports as the Council may reasonably request to enable the Council to conduct its functions.
- (9) The President or designee shall attend all meetings of the Council and keep the Council fully advised as to the financial condition and future needs of the City-Parish Government and make such recommendations to the Council concerning the affairs of the City-Parish Government as deemed desirable.
- (10) 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 nor any compensated appointive City-Parish Government office or employment during the term of office for which elected and shall hold no compensated appointive City-Parish Government office or employment until one (1) year after expiration of the term for which elected. The President shall not engage in any activity unrelated to City-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. The directors of all departments created by or under this charter shall be appointed by the President and shall serve at the pleasure of the President, except as otherwise provided by his charter.

B. The salaries of the directors of the departments appointed by the President shall be set by the President.

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

A. The chief administrative officer shall, subject to the direction of the President, supervise all departments, offices and agencies of the City-Parish Government under the direction and supervision of the President except the legal department, and perform such other functions as may be directed by the President.

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

A. The director of the legal department shall be the City-Parish attorney who shall be appointed by the President. Such appointment shall be subject to approval by a majority of the authorized membership of the Council.

B. The City-Parish attorney shall be an attorney licensed to practice in the courts of Louisiana, 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 City-Parish attorney shall serve as chief legal adviser to the President, Council and all departments, offices and agencies; represent the City-Parish Government in all legal proceedings; and perform other duties prescribed by this charter or by ordinance.

D. Assistant attorney positions shall be authorized by the Council. The assistant attorneys shall be appointed by and serve at the pleasure of the City-Parish attorney.

E. No special legal counsel shall be retained by the City-Parish Government except by written contract for a specific purpose approved by the favorable vote of a majority of the authorized membership of the Council. Such authorization shall specify the compensation, if any, to be paid for such services.

#### **Section 4-04. Finance Department.** <sup>3</sup>

A. The director of the finance department shall direct and be responsible for:

- (1) Collection (except where specifically otherwise provided for by law) and custody of all monies of the City-Parish Government from whatever source.
- (2) Assistance to the President in the preparation of the annual operating budget and the 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 all contracts, purchase orders and any other documents which incur a financial obligation for the City-Parish Government, and that such documents are in accordance with established procedures.
- (5) Disbursement of City-Parish funds.
- (6) Administration of a uniform central accounting system for all City-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 thirty-one (31) days after the end of each month.
- (8) Procurement of all personal property, materials, supplies and services required by the City-Parish Government under a central purchasing system for all departments, offices and agencies in accordance with applicable state law, Council policy and administrative requirements.

---

<sup>3</sup> Section 4-04: Finance Department abolished and Associate CAO-Finance & Management placed under CAO's office. O-144-98 (05/26/98)

- (9) Investment of idle funds, as permitted by law, so as to receive the maximum rate of return.
- (10) Utility billing and collection. <sup>4</sup>
- (11) Other such activities as may be directed by the President.

#### **Section 4-05. Administrative Services Department.**

A. The director of the administrative services department shall direct and be responsible for:

- (1) Personnel matters for employees other than those under the jurisdiction of the civil service director and civil service board. Responsibilities shall include but not be limited to personnel policies, employee relations, employee counseling and unemployment and worker's compensation reports and hearings.
- (2) Data processing, records management, microfilming, printing, copier services and related administrative services. <sup>5</sup>
- (3) Developing and implementing a communications system.
- (4) Risk management, insurance and safety programs.
- (5) Maintenance of an inventory of all property, real and personal. <sup>6</sup>
- (6) Other such activities as may be directed by the President.

#### **Section 4-06. Public Works Department.**

A. The director of the public works department shall direct and be responsible for:

- (1) Engineering services for all departments and agencies, except as may be otherwise provided by the utilities department.
- (2) Supervision of all contract construction work except as may be provided by the utilities department.
- (3) Maintenance of City-Parish Government property.
- (4) Mapping and surveying.

---

<sup>4</sup> Section 4-04 (10): Duties of Utility billing & collection transferred to Department of Utilities. O-144-98 (05/26/98)

<sup>5</sup> Section 4-05 A (2): Created Department of Information Services Technology. O-178-2004 (09/30/2004)

<sup>6</sup> Section 4-05 A (5): Maintenance of inventory property transferred to Finance Department. O-011-96 (06/03/96)

- (5) Construction and maintenance performed by the City-Parish Government on roads, sidewalks, bridges and drainage facilities.
- (6) Traffic engineering.<sup>7</sup>
- (7) Garbage and trash collection and disposal, and other environmental services.
- (8) Operation of a central facility for the repair and maintenance of City-Parish Government vehicles and equipment.
- (9) Animal control.<sup>8</sup>
- (10) Operation of the transit system.<sup>9</sup>
- (11) Other such activities as may be directed by the President.

#### **Section 4-07. Utilities Department.**

A. The governing authority of the utilities department shall be the Lafayette Public Utilities Authority. The authority shall consist of those members of the City-Parish Council whose Council districts include sixty (60) percent or more of persons residing within the boundaries of the City of Lafayette as they exist on the date the charter becomes effective or as they may be changed in the future. If the boundaries of the City of Lafayette are changed, the latest census reports of the United States Bureau of the Census shall be the basis for determining the Council districts including sixty (60) percent or more of persons residing within the City of Lafayette.

B. The director of the utilities department shall be appointed by the President, subject to approval by the authority, in accordance with provisions included in current or future bond resolutions and covenants.

C. The director of utilities shall direct and be responsible for:

- (1) Production and distribution of electricity.
- (2) Water production, treatment and distribution.
- (3) Sewerage collection, treatment and disposal.
- (4) Utility engineering services.
- (5) Supervising contract construction work for the utility system.
- (6) Maintaining utility equipment in cooperation with the central garage.

---

<sup>7</sup> Section 4-06A (6): Traffic Engineering duties from Public Works to separate department.  
O-144-98 (5/26/98);

<sup>8</sup> Section 4-06A(9): Duties of animal control transferred to Police Department O-011-96 (6/3/96)  
Duties of animal control transferred to Office of Emergency Operations & Security O-170-2007 (09/27/07)

<sup>9</sup> Section 4-06A(10): Operation of Transit System from Public Works to Traffic & Transportation  
O-144-98 (05/26/98)

- (7) Reading of utility meters.
- (8) Other such activities as may be directed by the President and the authority which are necessary or incidental to the operation of the utility system.<sup>10</sup>

D. Nothing in this charter shall in any manner affect franchises and contracts in existence at the time this charter becomes effective for the remaining life of the aforementioned franchises and contracts.

E. The Lafayette Public Utilities Authority, subject to approval by the President and the City-Parish Council by ordinance, may expand the area of end user electric service only into areas authorized by R.S. 45:123 or other controlling state law, or into areas annexed into the City of Lafayette by the City-Parish Government. The foregoing notwithstanding, the Lafayette Public Utilities Authority may enter into contracts with governmental bodies exclusive of the City-Parish Government and other public or private utilities for other than end user service.

F. The utility department shall function in accordance with conditions included in current or future bond resolutions and covenants except that the reference to "city" therein shall refer to the Lafayette Public Utilities Authority.

G. Funds paid by the utility to the City-Parish in lieu of taxes shall be used only for programs and services within the City of Lafayette.

H. The authority shall fix rates, incur indebtedness, approve the utility budget, and approve proposals for the improvement and extension of the utilities.

I. A person residing in an area served by the utility department may appeal to the authority any proposed rate increases or issuance of bonds. The decision of the authority shall be final subject to appeal to the appropriate courts.

J. The authority shall submit annually to the President and members of the City-Parish Council a report on the operations of the utility department and projections for the future.

K. City-Parish Council Members serving on the authority shall receive no additional compensation.

#### **Section 4-08. Utility System, Sale or Lease.**

A. The Lafayette Public Utilities Authority shall not sell, lease or in any manner dispose of the utility system or any substantial part thereof

---

<sup>10</sup> Section 4-07C(8) Division of Communication Services is hereby created within Utilities O-263-2004 (11/16/2004)

without approval by a majority vote of the qualified electors residing within the boundaries of the City of Lafayette voting in an election called for that purpose. This shall not be construed to prevent the disposal, 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.

B. In the event of the sale or lease of the public utility, the proceeds shall be used for capital improvements in the City of Lafayette.

#### **Section 4-09. Planning, Zoning and Codes Department.**

A. The director of the planning, zoning and codes department shall be appointed by the President from one or more qualified nominees submitted by the planning and zoning commission. The director shall direct and be responsible for the following activities:

- (1) Function as staff of the planning and zoning commission.
- (2) Maintenance of zoning maps and other maps related to the functions of the department.
- (3) Coordination of planning activities.
- (4) Issuance and enforcement of building permits and the conduct and approval of building inspections.<sup>11</sup>
- (5) Other such activities as may be directed by the President.

#### **Section 4-10. Planning and Zoning Commission.**

A. The planning and zoning commission shall consist of five (5) members appointed by the City-Parish Council for five (5) year staggered terms as determined by the Council. Three (3) members shall be qualified electors residing within the corporate limits of the City of Lafayette and two (2) members shall be qualified electors residing within the parish in an area outside the corporate limits of any municipality. Vacancies on the commission shall be filled by the Council.

B. The staff of the planning, zoning and codes department shall serve as staff for the planning and zoning commission.

C. The commission shall constitute a parish planning commission in that portion of the parish outside the City of Lafayette and a city planning

---

<sup>11</sup> Section 4-09: Transfer duties of Housing Inspection and Codes Compliance to the Planning, Zoning, and Codes Department. O-175-2009 (09-15-2009)

and zoning commission for the City of Lafayette. Except as otherwise provided by this charter, the City-Parish planning and zoning commission shall have all the powers and duties conferred or imposed on parish and city planning commissions by the general laws of the state.

D. Whenever the commission recommends to the City-Parish Council a zoning plan for the City of Lafayette, including the text of a zoning ordinance and the accompanying map or maps, the Council may, by ordinance, divide the City of Lafayette into districts or zones of such number, shape and area as it may determine, and for such purposes may regulate the erection, construction, conversion, alteration, and uses of buildings and structures and the uses of land.

E. The commission shall constitute the zoning commission for those areas included within the boundaries of the City of Lafayette.

F. Appeals from decisions of the commission shall be to the City-Parish Council. The decision of the Council shall be final, subject to appeal to the appropriate court.

G. The commission shall review the capital improvement budget prepared by the President and, prior to submission of the budget to the Council, shall advise the President as to the conformance or nonconformance of the budget to the master plan for the consolidated government.

H. This section shall not apply to municipalities in the parish which are not a part of the consolidated government, except that a municipality, by contract, may participate in the master plan.

#### **Section 4-11. Parks and Recreation Department.**

A. The director of the parks and recreation department shall direct and be responsible for:

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

#### **Section 4-12. Community Development Department.**

A. The director of the community development department shall direct and be responsible for:

- (1) Developing a program of economic development in the parish.

- (2) Promoting trade with foreign countries and businesses in the parish.<sup>12</sup>
- (3) Cooperating with the state and other governments in the development and implementation of economic development, housing and human services programs.
- (4) Cultural activities and facilities.
- (5) Preparation of all intergovernmental grant applications on behalf of the City-Parish Government and informing departments, offices and agencies of all relevant local, state and federal programs.<sup>13</sup>
- (6) Other such activities as may be directed by the President.

#### **Section 4-13. Police Department.**<sup>14</sup>

A. The director of the police department shall be the chief of police who shall be appointed by the President in accordance with applicable state police civil service law.

B. The chief of police shall direct and be responsible for the preservation of public peace and order, prevention of crime, apprehension of criminals, assistance to the courts and other law enforcement officials, and the enforcement of the laws of the state and ordinances of the Council in the police protection urban services district consisting of the geographic limits of the City of Lafayette, as provided in the section on "Urban Services Districts."

C. Law enforcement personnel of the police protection urban services district shall be a part of the police civil service system as provided by state law.

#### **Section 4-14. Fire Department.**

A. The director of the fire department shall be the fire chief who shall be appointed by the President in accordance with applicable state fire civil service law.

---

<sup>12</sup> Section 4-12A(2): Promoting trade with foreign countries and businesses in the parish transferred under CAO's office. (O-068-96) (09/24/96)

<sup>13</sup> Section 4-12A(5): Transfer various duties of the Criminal Justice Support Services to the Community Development Department. O-175-2009 (09-15-2009)

<sup>14</sup> Section 4-13: Transfer duties of Alcohol Traffic Action Campaign and noise control to the Police Department. O-175-2009 (09-15-2009)

B. The fire chief shall direct and be responsible for fire prevention, fire extinguishment and salvage operations, inspection and recommendations concerning the fire code, investigations of fires and their causes, and the conduct of the fire safety and prevention program in the fire protection urban services district consisting of the geographic limits of the City of Lafayette, as provided in the section on "Urban Services Districts."

C. The fire chief shall cooperate with the volunteer and private fire departments in the parish.

D. Fire personnel of the fire protection urban services district shall be members of the firemen's civil service system as provided by state law.

#### **Section 4-15. Civil Service System.**

A. It shall be the policy of the City-Parish Government to employ those persons best qualified to perform the functions of the City-Parish Government and to foster effective career service in City-Parish Government. All appointments and promotions in the service of the City-Parish Government and of each of its departments, offices and agencies shall be made on the basis of merit and fitness, which shall be determined, insofar as practicable, by competitive test, except that the following shall not be subject to the provisions of this section.

- (1) All elected officials.
- (2) All department heads except the civil service director.
- (3) Members of advisory boards, administrative boards and other unpaid bodies who are not City-Parish Government employees.
- (4) Organizations and their employees and other persons who are employed by the City-Parish Government on a contractual basis.
- (5) City-Parish attorney and legal assistants.
- (6) Executive secretary to the President and any administrative assistants to the President.
- (7) Chief administrative officer and executive secretary to the chief administrative officer.
- (8) Part-time or temporary employees.
- (9) Employees appointed directly by the Council.

B. The appointment and dismissal of City-Parish Government employees subject to this section shall be by the City-Parish President, or designee, in accordance with the provisions of this section.

C. There shall be a civil service department, which shall receive annual funding for salaries, administrative expenses, office space, furnishings and equipment in order to carry out the department's function as provided by this charter. It shall consist of a classified civil service director, who shall be the executive head of the department, staff personnel and a civil service board, which shall be policymaking and quasi-judicial in nature.

- (1) The civil service director shall be appointed by the civil service board. The civil service director shall be qualified and experienced in personnel administration and shall be responsible to the board for the administration of the classified civil service system for the City-Parish Government, including all City-Parish departments, offices, and agencies in accordance with civil service rules adopted pursuant to this section.
- (2) The civil service board shall consist of five (5) electors of Lafayette Parish who hold no other public office or position in the City-Parish Government and who have resided within the parish for at least two (2) years. Members of the board shall serve without compensation.
- (3) No employee of the City-Parish Government shall be eligible for appointment to the civil service board.
- (4) The first members shall be appointed for terms of one (1), two (2), three (3), four (4) and five (5) years as determined by the City-Parish Council. Thereafter appointments shall be for four (4) year terms.
- (5) The City-Parish Council shall appoint four (4) members of the board as follows:
  - a. One (1) from a list of three (3) nominees by the President of the University of Southwestern Louisiana.
  - b. One (1) from a list of three (3) nominees by the President of the Louisiana State University System.
  - c. One (1) from a list of three (3) nominees by the President of the Southern University System.
  - d. One (1) from a list of three (3) nominees by the President of the Lafayette League of Women Voters.
- (6) The President of the Greater Lafayette Chamber of Commerce shall submit three (3) names to the employees of the City-Parish Government who shall vote in an election called for the purpose of determining the board appointee. The nominee receiving the most votes will become a Board member and serve a four (4) year term.

- (7) Within sixty (60) days after a vacancy occurs, the nominating authority concerned shall submit the required nominations. Within sixty (60) days thereafter the City-Parish Council shall make the appointment. If the City-Parish Council fails to appoint within sixty (60) days, the nominee whose name is first on the list of nominees shall become a member of the board. If one of the nominating authorities fails to submit nominees in the time required, the President of the Acadiana Personnel Managers Association shall select the three (3) nominees. If one of the named nominators ceases to exist, the City-Parish Council shall choose the President of an accredited college or university within Louisiana to replace the nominator. The outgoing board member shall serve on the board until replaced by the newly appointed member.
- (8) Whenever the term of a board member expires or there is a vacancy in an unexpired term, the vacancy shall be filled by appointment in accordance with the procedures of the original appointment, and from the same source.
- (9) A member of the civil service board may be removed by the City-Parish Council for cause after being served with written specifications of the charges and being afforded an opportunity for a public hearing thereon by the City-Parish Council.

D. The duties of the civil service director shall include, but shall not be limited 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 duties and responsibilities of each position. The classification plan shall be submitted to the civil service board, and it shall become effective upon approval by the civil service board after public hearing.
- (2) To develop and, upon adoption, to administer a salary plan for all positions in City-Parish Government. Such salary plan shall be submitted to the civil service board, which, after public hearing, shall submit it, together with such amendments as it deems necessary, to the City-Parish Council for adoption or rejection.
- (3) To prepare civil service rules to carry out the provisions of this section. These rules shall be submitted to the civil service board, which, after public hearing, shall make amendments as it deems necessary. These rules shall become effective upon

approval by the civil service board, and shall have the full force of law. Such rules shall apply to all City-Parish departments, offices, agencies and special districts covered by this section and shall provide for:

- a. Policies and procedures for the administration of the classification plan.
- b. Policies and procedures for furnishing forms and records to civil service from the appointing authority.
- c. Policies and procedures for the administration of the salary plan.
- d. Policies and methods for holding civil service tests to determine the merit and fitness of candidates for all regular position appointments.
- e. The establishment and maintenance of lists of persons eligible for appointment by reason of successful participation in competitive tests and procedures for the certification of persons from eligible lists for filling vacancies.
- f. The procedure for layoffs, suspension, demotion, and dismissal of employees. Public hearings before the civil service board shall be held in cases of demotion or dismissal of permanent employees.
- g. Hours of work, attendance regulations, leaves of absence with or without pay, working test periods and temporary appointments.
- h. Prohibition against political activity of employees and assessment for political purposes.
- i. Other policies, practices, and procedures necessary for the administration of the City-Parish Government classified civil service system.

E. The civil service board shall review and adopt the classification plan, the pay plan proposal, and the personnel rules and in addition thereto shall:

- (1) Conduct investigations and take action on complaints by or against any employee in the classified service. Although it is incumbent upon the appointing authority to initiate corrective or disciplinary action, if warranted, in the absence of such action by the appointing authority the board may take such action as it deems necessary.

- (2) Hold hearings on dismissals, demotions, and other disciplinary matters as may be provided in the rules. The right to appeal from any decision of the board, or from any action taken by the board under these provisions, shall lie direct to the court of original and unlimited jurisdiction in civil suits for Lafayette Parish.
- (3) Exercise witness and record subpoena powers.
- (4) Make any investigations it deems desirable concerning civil service management in the City-Parish Government and report its findings to the City-Parish Council.
- (5) Perform such other policymaking or quasi-judicial duties as may be required under the rules developed pursuant to this section.
- (6) Make, alter, amend and promulgate rules necessary to carry out effectively the classified civil service system.

F. No member of the civil service board, or employee covered under this section, shall participate or engage in political activity; be a candidate for nomination or election to public office or be a member of any national, state, or local committee of a political party or faction; make or solicit contributions for any political party, faction, or candidate; or take active part in the management of the affairs of a political party, faction, candidate, or any political campaign, except to exercise rights as a citizen to express opinions privately, to serve as a commissioner or official watcher at the polls, and to cast a vote as desired.

- (1) No person shall solicit contributions for political purposes from any classified employee or use or attempt to use a position in City-Parish Government to punish or coerce the political action of a classified employee.
- (2) As used in this Part, [the term] "political activity" means an effort to support or oppose the election of a candidate for political office or to support a particular political party in an election.

G. Rules and regulations, classification plans, and pay plans presently in effect for the employees of the City of Lafayette and Lafayette Parish shall remain in effect until rules and regulations under this section have been approved by the civil service board.

H. Any person holding a full-time position subject to this section on its effective date who has served as an employee of the City of Lafayette or Lafayette Parish for at least one year prior thereto shall continue in that

position without competitive test but shall be subject in all other respects to this section.

I. The provisions of this section shall prevail if conflicts are found between this section and other laws of the City-Parish Government.

**Section 4-16. Other Departments.** <sup>15 16 17 18 19</sup>

Except as otherwise provided by this charter, all City of Lafayette and Lafayette 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 the section on "Administrative Reorganization."

**Section 4-17. Administrative Reorganization.** <sup>20</sup>

A. The President may propose to the Council the creation, change, alteration, consolidation or abolition of City-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 the section on "Ordinances in General" 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.

---

<sup>15</sup> Section 4-16: Creation of Traffic & Transportation Department; O-144-98 (5/26/98);

<sup>16</sup> Section 4-16: Creation of Juvenile Detention Department; O-165-98 (6/16/98).

<sup>17</sup> Section 4-16: Creation of Department of Information Services Technology within Administrative Services Division; O-178-2004 (9/30/2004)

<sup>18</sup> Section 4-16: Creation of Division of Communication Services within Utilities Department; O-263-2004 (11/16/2004)

<sup>19</sup> Section 4-16: Reorganization within the Lafayette Juvenile Detention Home. O-019-2008 (01-22-2008)

<sup>20</sup> Section 4-17: The Lafayette Juvenile Detention Home (JDH) is recognized as a division of LCG Office of the Chief Administrative Officer. O-055-2006 (03-21-06)

D. This section shall not apply to the department of civil service. Changes in the structure, functions, powers, duties and responsibilities of the department of civil service shall be by amendment to this charter.

## **ARTICLE V. FINANCIAL PROCEDURES**

### **Section 5-01. Fiscal Year.** <sup>21</sup>

The fiscal year of the City-Parish Government shall be January 1 through December 31, 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 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 thereof, 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 authorized 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 City-Parish Government. Copies shall be available for public use in the main branch of the public library and in the office of the clerk of the Council. Additional copies may be purchased at cost.

B. Upon failure of the Council to adopt a budget before the end of the current fiscal year, the budget for the current fiscal year shall continue in effect for no more than six (6) months into the next fiscal year and expenditures shall be limited to no more than fifty (50) percent of the amount appropriated for the current fiscal year.

---

<sup>21</sup> Section 5-01: Fiscal year change to November 1 through October 31.O-009-96 (6/3/96).

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

The operating budget for the City-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 City-Parish Government and describe 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 available funds 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 of 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 City-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 and other funds legally available for expenditure.

Part III shall contain a proposed complete draft of the appropriation ordinance. All appropriations shall be by department and/or programs.

### **Section 5-04. Amendments to Operating Budget.**

A. Supplemental Appropriations: If during the fiscal year the President certifies that there are available for appropriation funds in excess of those estimated in the operating budget, the President may present a supplement to the budget for the disposition of such funds, 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 funds 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 funds 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, except that no transfer shall be made to or from the salary account unless approved by the Council by ordinance. An unencumbered appropriation balance may be transferred from one department, office or agency to another or from one program 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.

### **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 improvement 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.

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 thereof, 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 authorized 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 City-Parish Government. Copies shall be available for public use in the main branch of the public library and in the office of the clerk of the Council. 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. The information shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

### **Section 5-06. Administration of Operating and Capital Improvement Budgets.**

A. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with the approved operating

budget and capital improvement budget 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 City-Parish Government for any amount so paid.

B. Nothing in this charter shall be construed to prevent passage of any ordinance 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. Contracts for services not covered by the public bid law shall be for a period not to exceed the term for which the Council Members and the President are elected.

C. Deficit spending is prohibited except for emergencies as provided in the section on "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 appropriations shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

### **Section 5-08. Bonded Debt.**

The City-Parish Government is empowered to incur bonded debt in accordance with this charter and the constitution and general laws of the 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.

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

### **Section 6-01. Initiative and Referendum.**

The electors of the Lafayette City-Parish Consolidated Government shall have the power, except as herein restricted, to propose to the Council passage, amendment 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 or to changing the salaries of the government's officers or employees. This power may be exercised to authorize the repeal or reduction of the levy of any taxes, 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:

- (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) percent of the total registered voters of the City-Parish Government. 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(s) 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. 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 sufficiency or deficiency and allow thirty (30) days for filing of additional papers, at the end of which time the sufficiency and correctness of the petition(s) 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 City-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 by [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 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 or at a special election set 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. 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 it may be amended or repealed any time by a vote of the electorate. After one (1) year, such ordinance may be amended or repealed in the same manner 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 City-Parish Government may be removed from office by the electors of the City-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) percent 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 City-Parish Government may be removed from office by court suit as provided for in the constitution and general laws of the state.

## **ARTICLE VII. GENERAL PROVISIONS**

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

Legal process against the City-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 City-Parish Government shall be subject to 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 vote of the authorized membership of the Council or by petition signed by not less than fifteen (15) percent of the total number of registered voters of the City-Parish Government for amending the charter and not less than twenty (20) percent of the registered voters to repeal the charter. A petition shall contain the full text of the proposed amendment, amendments, or repeal of the charter. 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, amendments, or repeal provisions being proposed to be published in the official journal of the City-Parish Government.

C. Proposals to amend or repeal this charter shall be submitted for ratification to the qualified electors of the City-Parish Government at an election already authorized for other purposes or at a special election called by the Council. 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 the section on "Severability," 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.**

City-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 City-Parish Government.

#### **Section 7-05. Oaths of Office.**

All elected officials of the City-Parish Government shall take an oath of office to be administered by the clerk of the district court.

#### **Section 7-06. Advisory Boards and Commissions.**

A. The Council, by resolution, and the President may appoint advisory boards and commissions to provide advice regarding the operations of the City-Parish Government. No such board or commission shall have any administrative or legislative authority.

B. Appointments now made by the mayor of the City of Lafayette or President of Lafayette Parish shall be made by the President of the City-Parish Government. Appointments now made by the city Council or parish Council shall be made by the City-Parish Council.

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

D. 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.

E. All meetings of advisory boards and commissions shall be open to the public.

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

### **Section 7-07. Administrative Boards and Commissions.**

A. This section pertains to boards and commissions created by ordinance or in accordance with general state law.

B. The Council and the President may appoint members to boards and commissions as provided in ordinances and general state laws creating such boards and commissions. Appointments now made by the mayor of the City of Lafayette or the President of Lafayette Parish shall be made by the President of the City-Parish Government. Appointments now made by the city Council or parish Council shall be made by the City-Parish Council.

C. No such board or commission shall have legislative authority.

D. Members of all existing administrative boards and commissions shall complete their terms of office, except as may be provided by this charter or by action of the Council.

E. All meetings of administrative boards and commissions shall be open to the public.

F. The Council may, by ordinance, create, consolidate, merge, abolish or reorganize any administrative boards or commissions in existence at the date this charter becomes effective or as may be created in the future.

### **Section 7-08. Reconstitution of Government.**

In the event of war or public disaster that incapacitates the President and/or a 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 City-Parish Government. It shall be the intent of this section that these emergency powers shall subsist only so long as an emergency exists and the 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 City-Parish Council shall have general power over any agency heretofore created by the governing authorities of Lafayette Parish or the City of Lafayette or hereafter created by the Council including, without limitation, the power to abolish the agency and require prior approval of any charge, tax levy or bond issue by the agency.

B. The City-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 City-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 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.

### **Section 7-10. Urban Services Districts.**

A. The Council shall be the governing authority of all urban services districts created by this charter and shall have the authority to create by ordinance such other urban services districts, as it considers appropriate.

B. Urban services districts shall exist for the purpose of providing specified municipal type services in the City of Lafayette. The boundaries of all urban services districts shall coincide with the boundaries of the City of Lafayette as they exist on the effective date of this charter or as they may exist in the future.

C. Boundaries of the City of Lafayette may be changed in the manner provided by state law for changing boundaries of municipalities.

## **ARTICLE VIII. TRANSITIONAL PROVISIONS**

### **Section 8-01. Council Districts.** <sup>22</sup>

---

<sup>22</sup> **\*\* Please find Footnote 22 on the last 3 pages of booklet\*\***

Council districts for the election of the first Council Members elected under this charter shall be as follows until such time as they are changed by reapportionment.

District 1: Precincts 1, 3, 4, 7, 8, 9, 10, 25, 26, and 27

District 2: Precincts 14B, 15A, 2, 5, 6, 11, 12, 13, 16, 55, and 59

District 3: Precincts 14A, 18A, 19, 22, 23, 24, 50, 51, 64, 65, 66, 67, 68, 71, 72, and 74

District 4: Precincts 15B, 18B, 17, 20, 21, 52, 53, 54, 56, 57, 58, 59, 60, 61, 62, and 63

District 5: Precincts 28, 29, 30, 31, 32, 33, 34, 35, 36, and 37

District 6: Precincts 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 69, and 70

District 7: Precincts 73, 87, 88, 89, 90, 91, 92, 93, 94, 96, and 97

District 8: Precincts 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, and 86

District 9: Precincts 95, 98, 99, 100, 101, 102, 103, 104, 105, and 106,

### **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 or the City of Lafayette, 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 and the City of Lafayette 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 or the City of Lafayette 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. Outstanding Indebtedness.**

Principal and interest payments due on any outstanding indebtedness incurred by the City of Lafayette shall continue to be the obligation of the geographical area constituting the boundaries of the municipality and all approved taxes to retire the indebtedness shall continue to be levied until such time as the indebtedness is retired.

**Section 8-05. 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 Lafayette Parish and within the geographical boundaries of the City of Lafayette as they exist at the time of consolidation or as they may be changed in the future. No property taxes levied for the City of Lafayette shall be levied in areas outside the geographical boundaries of the City of Lafayette.

B. All fees, charges and taxes levied by Lafayette Parish and the City of Lafayette shall continue to be levied by the City-Parish Government for purposes and services as prior to consolidation until changed by the Council by ordinance or by a vote of the people when a vote is required for tax purposes.

C. Receipts from fees, charges, rentals and royalties, taxes, federal and state grants, and shared revenues and taxes applicable to the geographic area of the City of Lafayette or special districts which are less than parishwide 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 Lafayette Parish, the City of Lafayette, or a special district shall continue to be levied by the City-Parish Government and used for the approved purposes. Such levies may be renewed upon the favorable vote of the electors within the geographical area involved.

**Section 8-06. Other Municipalities in Lafayette Parish.**

A. This charter shall not be applicable to municipalities in Lafayette Parish, other than the City of Lafayette, except as the charter relates to functions and responsibilities of the parish.

B. Municipalities in the parish not a part of the City-Parish Government may become a part of the consolidated Government in the following manner:

- (1) An ordinance approved by the mayor and governing body of the municipality shall be submitted to the City-Parish Council requesting the Council to call an election relative to incorporating the municipality into the City-Parish Government.
- (2) The City-Parish Council shall submit the proposal to the voters of the affected municipality and to voters of the parish at the next scheduled election occurring at least sixty (60) days after submission of the ordinance to the City-Parish Council.
- (3) The consolidation shall become effective only if approved by a majority of electors voting thereon in the area of Lafayette Parish outside the municipality proposing to become a part of the consolidated government and approved by a majority of the electors voting thereon in the affected municipality.

C. If the voters approve the consolidation, the City-Parish Council shall, by ordinance, provide for the orderly transition of the municipality into the consolidated government within six (6) months after the election, except that no term of office of an elected official of the affected municipality shall be shortened.

D. The affected municipality shall have the same rights and privileges of a municipality as are provided in this charter for the City of Lafayette.

### **Section 8-07. Special Legislative Acts.**

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

### **Section 8-08. Retirement Systems.** <sup>23</sup>

---

<sup>23</sup> Section 8-08: Retirement systems -- fire and police;  
 O-151-98 (6/2/98) fire employees transferred to state system;  
 O-152-98 (6/2/98) police employees transferred to state system.

No pension and retirement plans for employees of Lafayette Parish and the City of Lafayette in existence at the time this charter is approved shall be affected in any way by this charter. The plans shall remain in full force and effect and shall be carried out and regulated in accordance with applicable laws and procedures until such time as the Council shall adopt a pension and retirement plan applicable to all City-Parish government employees except employees of the police and fire departments. The creation of the system shall not cause a reduction in benefits for those persons employed at the time the charter becomes effective. Police and fire department employees shall continue to be members of their respective Pension and Relief Funds as provided by state law.

### **Section 8-09. Declaration of Intent.**

This charter shall be liberally construed in aid of its declared intent which is to establish for the people of the Lafayette City-Parish Consolidated Government 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, Sections 5 and 6 of the constitution.

### **Section 8-10. 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 8-11. Violation of Voting 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 Voting Rights Act prior to the date the charter becomes effective, the Lafayette City-Parish Charter Commission shall reconvene for a period not to exceed ninety (90) days for the purpose of drafting and proposing amendments to the charter to the electors of Lafayette Parish.

---

**Section 8-12. Schedule of Transition.**

The provisions of this charter pertaining to the election of City-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 the section on "Election of Officials."

**Section 8-13. Election of Officials.**

A. The first election for officials under this charter shall be held at the same time as the primary and general elections for the governor of Louisiana in 1995. Subsequent elections shall be held on corresponding dates every fourth year thereafter.

B. Officials elected under provisions of this charter in the election of 1995 shall take office on the first Monday in June next following their election. Thereafter, officials elected under provisions of this charter shall take office at noon on the first Monday in January next following their election.

C. All elected officials of the City of Lafayette and Lafayette Parish elected under provisions of the home rule charters of the City of Lafayette and Lafayette Parish shall continue to hold their offices and discharge the duties thereof until the officials elected under provisions of the charter for the Lafayette City-Parish Consolidated Government take office. Thereafter, their offices shall cease to exist.

**Section 8-14. Required Approval By Electors.**

The charter shall become effective only if approved by a majority of those voting on the charter residing in Lafayette Parish and approved by a majority of those voting on the charter residing in the City of Lafayette.

**Section 8-15. Charter Ballot.**

The ballot form for the referendum on this proposed Charter shall be:  
"Shall the Home Rule Charter and plan of government for the Lafayette City-Parish Consolidated Government, 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?"

FOR consolidation of the City of Lafayette and the Parish of Lafayette

AGAINST consolidation of the City of Lafayette and the Parish of Lafayette

*(Ord. No. O-32-94, 4-28-94, approved at ref. on 10-1-94) Footnote 22*  
**Editor's note: Section 8-01: Council Districts;**

**Election held 10/1/94 prior to consolidation to substitute Council districts identical to Lafayette Parish School Board; Districts approved by the United States Justice Department in 1993 and thus Council districts amended to read as follows:**

District 1: Precincts 1, 3, 4, 7, 8, 9, 10, 25, 26 and 27.

District 2: Precincts 14B, 15A, 2, 5, 6, 11, 12, 13, 16, 55 and 59.

District 3: Precincts 14A, 18A, 19, 22, 23, 24, 50, 51, 64, 65, 66, 67, 68, 71, 72 and 74.

District 4: Precincts 15B, 18B, 17, 20, 21, 52, 53, 54, 56, 57, 58, 60, 61, 62 and 63.

District 5: Precincts 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37.

District 6: Precincts 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 69 and 70.

District 7: Precincts 73, 87, 88, 89, 90, 91, 92, 93, 94, 96 and 97.

District 8: Precincts 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85 and 86.

District 9: Precincts 95, 98, 99, 100, 101, 102, 103, 104, 105 and 106.

**Precinct change O-082-96 (8/20/96)**

Precinct 85 split to 85A and 85B.

**Precinct change O-083-96 (8/20/96)**

Precinct 18A combined with 19.

Precinct 18B changed to 18.

Precinct 63 and 57 combined as 57.

Precinct 71 combined with 74.

Precinct 67 and 68 combined as 68.

**Precinct change O-161-98 (6/16/98)**

Precinct 94 split to 94A and 94B.

**Precinct change O-163-98 (6/16/98)**

Divide Precinct 93 with portion to 96.

**Precinct change O-164-98 (6/16/98)**

Precinct 91 combined with 92.

**Precinct change O-247-98 (9/1/98)**

Census 2000 boundaries.

**Precinct change O-034-2002 (2/26/2002)**

Precinct 28 split to 28A and 28B.

Precinct 30 split to 30A and 30B.

Precinct 64 split to 64A and 64B.

Precinct 97 split to 97A and 97B.

District 1 Precincts - 3, 4, 8, 9, 25, 26, 27, 28A, 30, 39, 71.

District 2 Precincts - 1, 2,5,6,7,11,12,13,55, 64A.

District 3 Precincts - 10, 17, 18, 19, 22, 23, 24, 50, 51, 64B, 66, 68, 72, 74.

District 4 Precincts - 14, 15, 16, 20, 21, 52, 53, 54, 56, 57, 58, 59, 60, 61, 62, 63, 65.

District 5 Precincts - 28, 29, 30A, 31, 32, 33, 34, 35, 36, 37.

District 6 Precincts - 38, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 69, 70, 75, 77.

District 7 Precincts - 73, 88, 89, 91, 92, 93, 94, 96, 97A, 98, 99.

District 8 Precincts - 67, 76, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87.

District 9 Precincts - 95, 97B, 101, 102, 103, 104, 105, 106, 107.

**Precinct change O-106-2003 (5-20-2003)**

Precincts 91 & 104 changed to 104Y & 104Z.

Precinct 2 changed to 2Y & 2Z.

Precinct 4 changed to 44 & 42.

Precinct 85 changed to 85Y & 85Z.

Precinct 87 changed to 87Y & 87Z.

Precinct 95 changed to 95Y & 95Z.

Precinct 96 changed to 96Y & 96Z.

Precinct 104 changed to 104Y & 104Z.

Precinct 105 changed to 105Y & 105Z.

Precinct 107 changed to 107Y & 107Z.

**Precinct change O-218-2004 (10-05-2004)**

Precincts 30B & 29 merged into Precinct 39.

Precinct 105 split to Precinct 105 & 109.

Precinct 107 split to 107 & 108.

**Precinct change O-040-2006 (03-07-2006)**

Precinct 64B merged into Precinct 19

**Precinct change O-059-2008 (03-19-2008)**

Precincts 107 & 108 split to 107, 108 & 111

**Precinct change O-060-2008 (03-19-2008)**

Precinct 101 split to 101 & 110