

ST. MARY PARISH CHARTER REVIEW COMMITTEE
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March 10, 2020

St. Mary Parish Council
Fifth Floor – Courthouse
Franklin, Louisiana 70538

Re: Final Report of committee

Dear Councilpersons:

In October 2018, the St. Mary Parish Council (the “Council”) formed this committee with the purpose of a review of its Home Rule Charter (the “HRC”) and to advise the Council regarding recommended amendments to the HRC.

This committee has worked diligently, has conducted several meetings, and has researched similar HRCs in adjacent parishes.

The review has been conducted and the following are the recommendations of this committee.

CHARTER PROVISIONS INCONSISTENT WITH STATE LAW

As set forth in the HRC Section 1-04, the HRC has certain limits on the authority of the President and the Council. Specifically, Section 1-04 states that the provisions of the HRC cannot contain subject matter which is inconsistent with state law.

SECTIONS 2-03 AND 3-05

The committee Section 2-03 is somewhat inconsistent with state law regarding Forfeiture of Office. State law provides more and different criteria for forfeiture of office. This Section should be amended to track the state law in effect.

SECTIONS 2-04 (b) AND 3-06 (b)

Whenever a vacancy occurs on the Parish Council by a Councilperson who has not reached his full term, state law provides that an election is required if the unexpired term of that Councilperson exceeds 18 months. LA R.S. 18:602 (e). Thus, this section must be amended to conform to state law.

SECTIONS 2-04 (c) AND 3-06 (c)

State law provides for the Governor of Louisiana to appoint a replacement for a vacancy on the Parish Council to 20 days rather than 30 days in order to conform to the provisions of LA R.S. 18:602 (A).

SECTION 2-07

Presently, Section 2-07 requires the publication of the minutes of the Council within 30 days. State law provides that publication be within 20 days. This section should be amended to conform to state law.

SECTION 3-08

At present Section 2-08 provides that when the president expects to be absent from the parish for more that seventy-two (72) hours, the powers and duties of the president shall be exercised by the Chief Administrative Officer.

The current HRC provides that, should the president be unable to discharge the powers and duties of the office for a period exceeding six (6) months, the parish counsel by a majority vote may declare the office vacant.

The committee perceives the danger that for more than 6 months a person who was not elected to the office of president will be discharging the responsibilities and duties of the president.

SECTION 3-10 (8)

Presently this section provides that the president is a non-voting member on all boards, commissions and authorities. State law governs and controls both the number and method of selection of members of boards and commissions. Accordingly, this section should be amended to conform to state law.

INCORPORATION, FORM OF GOVERNMENT, BOUNDARIES, POWERS

SECTION 1-02

The committee recommends that the position of Chief Administrative Officer should be retained, and that the president shall *nominate* a proposed CAO, subject to approval by a majority vote of the council. In addition, the charter should limit (as much as practicable) the power and authority of the CAO.

We further recommend that the duties and responsibilities of the office of president be expanded to include his present duties and responsibilities together with assuming the role of economic developer which position should be eliminated.

SECTION 2-01

The committee found that the provisions of section 2-01 are internally inconsistent with the provisions of 3-03. At present, a parish councilperson must be a qualified elector of the district from which elected at the time of his qualification.

Section 3-03A sets forth the qualification for election to the office of president and requires that the candidate be legally domiciled and shall have actually resided in the parish at least one (1) year immediately preceding the election.

These sections should be amended to require *actual residency* as opposed to *legal domicile*.

SECTION 2-02

The committee is uncomfortable with the provisions of this section regarding reapportionment.

At present, after each decennial federal census, the council shall alter, change or rearrange council district boundaries, so as to provide for population equality among the districts.

Under the present provisions, that council has final authority over whether reapportionment is even necessary.

The committee recommends that reapportionment should be explored by a committee with the assistance of a qualified demographics expert.

SECTION 2-05 AND 3-04

The committee reviewed compensation to parish councilpersons and recommends that the word “compensation” be changed to “salary” and the salaries be changed to \$800 per month for district councilpersons and \$1,000 per month to councilpersons elected at large.

The president’s salary be increased a level commensurate with these additional duties and responsibilities), but not to exceed \$_____.

The committee further recommends that the salary of the president should be determined based upon the salaries of parish officers charged with similar duties and responsibilities.

SECTION 2-05 (B)

The issue of how reimbursable travel expenses was one of the specific items this committee was directed to.

The problem of paying reimbursement for travel is cured by changing the term compensation to the term salary (as above described).

The committee recommends that council develop a system of reimbursement for travel expenses that is specific and consistently apply such policy to the reimbursement of travel expenses.

SECTION 2-07 D

The committee finds that the provisions of this section are too vague. Presently it requires the agenda and notice of public meetings be posted in writing in “major population centers”. The section should be more specific as to when and where such agendas and notices need be posted.

SECTION 2-12

The committee recommends that the twenty-day period following introduction of a proposed ordinance begins to run only after publication of the proposed ordinance.

Further, the term “may” should be changed to “shall” so that this section would require a public hearing prior to being considered for final passage.

SECTION 2-13

The present HRC provides that the president enjoys a line-item veto of individual appropriation items in the ordinance adopting the operating budget and the capital improvement budget.

The committee feels that these budgets once submitted and approved by the council should be either vetoed or become law without the right of the president to remove individual line items.

SECTION 4-03 AND 4-08

The authority of the CAO should be limited. At present, the CAO is authorized to appoint all department heads, subject to approval by majority vote of the council, to fix their salaries subject to approval by majority vote of the council. At present, the CAO possesses all power to terminate department heads “at his pleasure”.

The authority to terminate the department heads is the responsibility of the council composed of elected officers.

SECTION 4-05

The president, without regard to the “directions” of the CAO, should prepare the annual operating budget and the capital improvement budget. Perhaps the term “assistance” could be substituted for the word “direction”.

SECTION 4-05 B (6)

This section should be amended to provide for Generally Accepted Accounting Principles for governmental entities.

SECTION 5-05 E

This section should be amended to provide that any construction project or method of financing a construction project submitted to and rejected by the voters shall not be submitted to the voters for at least one (1) year. The provision exempting this time period should be deleted.

SECTION 6-01 A (8)

At present an ordinance adopted by the electorate through the initiative process shall not be amended or replaced by council action for a period of one (1) year after the election at which it was adopted. The committee recommends extending that time period to two (2) years.

SECTION 6-02 B

This section should specify that an official of the parish government is removed by a recall election, such officer should not be able to run for election from his district or *at large*.

SECTION 7-08

The committee recommends that this section be expanded to include in addition to agencies, boards and commissions. The “without limitation” should be amended to state to the extent of state law.

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The committee hopes that all actions and decisions of the committee have reflected the great responsibility and trust placed in us by the St. Mary Parish Government.

We hope that we have fulfilled your expectations.

For the Committee

Nicholas F. LaRocca, Jr., Chairman