

A
PROPOSED
HOME RULE CHARTER
FOR
ST. MARY PARISH

Prepared by the

St. Mary Parish Home Rule Charter Commission

February 1983

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PREFACE

We, the members of the St. Mary Parish Home Rule Charter Commission, respectfully present to you and to the citizens of St. Mary Parish a proposed home rule charter for our Parish government. The proposed charter was drafted under the authority of Article VI, Section 5, of the Constitution of Louisiana and LSA-R. S. 33:1395, as amended and the Police Jury is hereby requested to call the necessary referendum concerning adoption as provided by law.

We would hope that all actions and decisions of the commission have reflected the great responsibility placed in us by the Police Jury. We also would like to thank all persons who have participated to any extent in the preparation of the proposed charter. We especially want to express appreciation to the Public Affairs Research Council for the technical assistance rendered in the preparation of this charter.

St. Mary Parish Home Rule Charter Commission

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

Section 1-01. Home Rule Charter.

The charter commission has proposed and the electors have adopted this, their home rule charter, under the authority of Article VI, Section 5 of the Louisiana Constitution of 1974, hereinafter referred to as "constitution." The Parish of St. Mary 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 consist of an elected council which shall be called the St. Mary Parish Council and shall constitute the legislative branch of the government and an elected president who shall be the chief executive officer and who shall appoint a chief administrative officer.

Section 1-03. Boundaries.

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

Section 1-04. General Powers.

Except as otherwise provided by this charter the Parish shall continue to have all the powers, rights, privileges, immunities and authority heretofore possessed by St. Mary Parish under the laws of the state. The Parish government shall have and exercise such other powers, rights, privileges, immunities, authority and functions not inconsistent with this charter as may be conferred on or granted to a local governmental subdivision by the constitution and general laws of the state, and more specifically, the Parish government shall have and is hereby granted the right and authority to exercise any power and perform any function necessary, requisite or proper for the management of its affairs, not denied by this charter, or by general law, or inconsistent with the constitution.

Section 1-05. Special Powers.

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

Section 1-06. Joint Service Agreements.

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

Section 1-07. Definition of Parish.

The term "Parish" as used in this charter shall refer only to those departments, agencies or functions under the jurisdiction of the St. Mary Parish Council.

ARTICLE II. PARISH COUNCIL.

Section 2-01. Composition, Qualifications and Election.

A. The legislative power of the Parish government shall be vested in a council consisting of members who shall be elected for four (4) year terms from districts enumerated in Section 8-01 (Council Districts).

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

C. A council member shall 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.

D. Any council member elected after the effective date of this provision, who has represented any council districts for more than two and one-half terms in three consecutive terms shall not be elected for the succeeding term for any council district.

Section 2-02. Reapportionment.

By the end of the year following the year in which the population of Louisiana is reported to the President of the United States for each decennial federal census, the council by ordinance shall, if necessary, alter, change or rearrange council district boundaries so as to provide for population equality among the districts as near as reasonably practical. To the extent possible, council districts shall be compact and be composed of contiguous territory. If the council determines that reapportionment is not necessary, it shall pass a resolution so stating.

Section 2-03. Forfeiture of Office.

A council member shall forfeit the office if such member during the term of office: (1) lacks any qualification for the office prescribed by this charter, (2) is convicted of a state or federal felony or (3) fails to take office.

Section 2-04. Vacancies.

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

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

C. If the council does not make an appointment as required by this section within sixty (60) days after the date the vacancy occurs, the appointment shall be made by the governor.

D. The appointee shall be ineligible as a candidate at the election to fill the vacancy.

Section 2-05. Compensation.

A. The compensation of council members shall be \$450 per month, except that council members elected by all voters in the Parish shall receive \$800 per month. The compensation of council members may be increased only upon approval by a majority vote of the electors voting on the proposal in an election held in accordance with election dates as prescribed by state law.

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

Section 2-06. Prohibitions.

A. A council member shall hold no other elected public office, nor be a compensated official or employee of the Parish government or any of its political subdivisions during the term for which elected to the council. Nothing in this section shall prohibit a council member from serving as a member of a charter commission, constitutional convention or political party committee.

B. Except as specifically provided in this charter, the council or any of its members shall not remove, direct or supervise any administrative officers or employees whom the president, the chief administrative officer or any of their subordinates are empowered to appoint.

C. No council member shall serve on a Parish board or commission having administrative or policymaking authority unless the ordinance or state law creating such board or commission specifies that one or more members of the council shall serve on such board or commission.

Section 2-07. Council Meetings and Rules.

A. The council shall meet regularly at least twice a month at intervals of at least two weeks at such times and places as the council may prescribe. Special meetings may be held on the call of the president, the chief administrative officer in the absence of the president, the presiding officer of the council or one third of the membership of the council with such notice as may be required by state law. To meet a public emergency affecting life, health, property or public safety, the council may meet upon call of the president, the chief administrative officer in the absence of the president, the presiding officer of the council or one third of the membership of the council at whatever notice it shall be convenient to give. The call convening a special or emergency meeting of the council shall state the objects of the meeting. The power of the council to act at a special or emergency meeting shall be limited, under penalty of nullity, to the objects specifically enumerated in the call.

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

C. The council shall conduct its business in accordance with Roberts Rules of Order and shall provide for keeping a journal of its minutes and proceedings. This journal shall be a public record. All official actions of the council shall be published in the official journal within thirty (30) days of the action taken.

D. At all regular meetings of the council, the council shall operate from an agenda which, at a minimum, shall be posted in writing in the major population centers of the Parish at least two (2) days prior to the meeting. The agenda for special and emergency meetings shall be made available to the public as soon as practical prior to the meeting.

E. The council shall provide by ordinance a procedure whereby interested persons shall be given an opportunity to be heard at council meetings on any matter relating to Parish government in accordance with time limits established by the council.

F. At the first regular meeting of a newly elected council and annually thereafter, a chairman and vice chairman shall be elected by the council from among the council members. In the event some council members are elected at large, the chairman and vice chairman shall be selected from those council members elected at large in the Parish. The chairman shall preside at meetings of the council, and in the absence or disqualification of the chairman, the vice chairman shall preside. In the absence or disqualification of both the chairman and vice chairman, the council shall designate one of its other members as temporary presiding officer. The chairman, vice chairman and temporary presiding officer shall be voting members of the council. The chairman shall receive additional compensation of fifty dollars (\$50) per month.

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

H. Voting by secret ballot is prohibited and any such vote is null and void.

Section 2-08. Investigations.

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

Section 2-09. Independent Audit.

The council shall provide for an annual independent postaudit, and such additional audits as it deems necessary, of the accounts and other evidence of financial transactions of the Parish government, including those of all Parish government departments, offices or agencies. Audits may be by the state or the council may designate a private auditor to make such audits. The private auditor shall be without personal interest in the affairs subject to audit and shall be a certified public accountant or firm of such accountants. The audit shall be completed within one hundred twenty (120) days after the end of the fiscal year and shall be submitted to the council at the next regularly scheduled meeting following completion of the audit. The audit shall be a public record and a summary thereof shall be published at least once in the official journal.

Section 2-10. Clerk of the Council.

A. The council shall appoint a clerk of the council who shall serve at the pleasure of the council and shall be supervised by the chairman 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 shall, by ordinance, fix the salary of the clerk, except that the salary shall be comparable to secretarial salaries in the executive branch.

Section 2-11. Action Requiring an Ordinance.

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

- (1) Adopt or amend an administrative code.
- (2) Provide a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty may be imposed.
- (3) Levy taxes or assessments as provided by law in accordance with Section 2-17 (Power to Levy Taxes).
- (4) Appropriate funds and/or adopt the operating budget and capital improvement budget for the Parish government.
- (5) Grant, renew or extend a franchise.
- (6) Provide for raising revenue.
- (7) Regulate the rate or other charges for service by the Parish government.
- (8) Authorize the borrowing of money.
- (9) Incur debt in any manner authorized by law.
- (10) Abandon any property owned by the Parish government.
- (11) Convey or lease or authorize the conveyance or lease of any lands or property of the parish government.
- (12) Acquire real property on behalf of the Parish government.
- (13) Adopt or modify the official map.
- (14) Adopt or modify regulations for review and approval of plats.
- (15) Adopt or modify subdivision controls or regulations.
- (16) Adopt or modify the zoning plan, maps and regulations.
- (17) Amend or repeal any ordinance previously adopted.
- (18) Propose amendments to this charter.

B. All Parish ordinances shall be codified in accordance with Article VI, Section 10 of the constitution.

C. An action of the council which is not to have the force of law may be enacted by resolution. Actions which may be adopted by resolution shall include but shall not be limited to those which:

- (1) establish a commemorative day, week, month or year;
- (2) authorize a person to sign or execute on behalf of the council a contract which has been previously approved;
- (3) authorize a person to execute, sign or countersign a check or draft on an account of the council, or
- (4) declare a statement of public policy of the council.

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

E. Operating rules and regulations prepared by the chief administrative officer and departments, offices and agencies under his jurisdiction shall, upon approval by the chief administrative officer, be filed in the office of the president and the office of the clerk of the council. Such rules and regulations shall be codified, indexed and bound and shall be available to the public at the cost of reproduction.

Section 2-12. Ordinances in General.

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

B. All proposed ordinances shall be read by title when introduced and published in full or in summary within seven (7) days after introduction, except that ordinances proposing amendments to the charter shall be published in full. Except as otherwise provided in Section 2-14 (Emergency Ordinances), no ordinance shall be considered for final passage until at least twenty (20) days from the date of introduction and after a public hearing has been held on the ordinance. The public hearing may be held at the meeting at which final passage is to be considered.

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

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

A. Every ordinance adopted by the council shall be signed by the presiding officer, except that upon failure of the presiding officer to sign the ordinance, the clerk of the council shall certify to its passage and it shall be presented to the president within five (5) calendar days after adoption, excluding Saturdays, Sundays and Parish holidays. The clerk of the council shall record upon the ordinance the date and hour of its delivery to the president.

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

C. Ordinances vetoed by the president shall be submitted by the clerk to the council no later than the next regular meeting held after publication of the veto statement. Should the council vote, not later than the second regular meeting held after receipt of the vetoed ordinance, to readopt the ordinance by the favorable vote of at least three fourths of its membership, said ordinance shall be considered finally enacted and become law irrespective of the veto by the president. The same procedure shall apply to individual appropriation items in the operating and capital improvement budgets vetoed by the president.

D. The right of the president to veto as provided in this section shall apply to all ordinances adopted by the council except ordinances for reapportionment; amendments to this charter; establishing, altering or modifying council procedure; or appropriating funds for auditing or investigating any part of the executive branch.

Section 2-14. Emergency Ordinances.

A. To meet a public emergency affecting life, health, property or public safety, the council by the favorable vote of at least two thirds of the membership, may adopt an emergency ordinance at the meeting at which it is introduced, provided that no such ordinance may be used to levy taxes or special assessments; grant or extend a franchise; incur debt, except as provided in Section 5-04 B (Emergency Appropriations); adopt or amend an official map, platting or subdivision controls or zoning regulations; or change rates, fees or charges established by the Parish government. Each emergency ordinance shall contain a specific statement of the emergency claimed.

B. Notwithstanding the provisions of Section 2-13 (Submission of Ordinances to the President), any emergency ordinance adopted by the council shall be signed by the presiding officer, except that upon failure of the presiding officer to sign the ordinance, the clerk of the council shall certify to its passage and it shall be presented to the president within six (6) hours after adoption. Within twelve (12) hours after the president's receipt of an emergency ordinance, it shall be returned to the clerk of the council with the president's approval, or with the president's veto. If the proposed ordinance is not signed or vetoed by the president within twelve (12) hours after receipt, it shall be considered adopted. If the emergency ordinance has been approved, it shall be considered finally enacted and become effective immediately upon receipt by the clerk. If the emergency ordinance is vetoed, the president shall submit to the council through the clerk a written statement of the reasons for the veto. The clerk shall record upon the emergency ordinance the dates and hours of its delivery to and receipt from the president. Should the council vote, not later than twelve (12) hours after receipt of the vetoed emergency ordinance from the president, to readopt the emergency ordinance by the favorable vote of at least three fourths of its membership, said emergency ordinance shall be considered finally enacted and become law immediately upon readoption, irrespective of the veto by the president. Upon final approval by the president, or the council in case of a veto by the president, such enacted emergency ordinance shall be published in full in the official journal by the clerk as soon as practical thereafter.

C. Emergency ordinances shall be effective for no longer than sixty (60) days after final approval. The council, upon a two-thirds vote of its membership, may extend the life of an emergency ordinance for an additional thirty (30) days, but no such ordinance may be extended beyond that period.

Section 2-15. Codes of Technical Regulations.

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

Section 2-16. Authentication and Recording of Ordinances and Resolutions; Printing and Distribution.

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

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

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

Section 2-17. Power to Levy Taxes.

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

B. Any tax being levied in St. Mary Parish on the effective date of this charter is ratified.

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

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

Section 2-18. Powers of Enforcement.

For the purpose of carrying out the powers generally or specially conferred on the Parish government, the council shall have the power to grant franchises, to require licenses and permits and fix the fees to be paid 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 Parish government and shall exercise such general executive authority as authorized by this charter.

Section 3-02. Election, Term.

The president shall be elected at large from and by the qualified electors of the Parish according to the election laws of the state for a four (4) year term. A person who has served as president for more than one and one-half terms in two consecutive terms shall not be elected president for the succeeding term.

Section 3-03. Qualifications.

A. The president shall be at least twenty-five (25) 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 in the Parish at least the one (1) year immediately preceding the time established by law for qualifying for office.

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

Section 3-04. Compensation.

The salary of the president shall be \$12,000 annually. The salary of the president may be increased only upon approval by a majority vote of the electors voting on the proposal in an election held in accordance with election dates as prescribed by state law.

Section 3-05. 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, (2) is convicted of a felony under state or federal law or (3) fails to take office.

Section 3-06. Vacancies.

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

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

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

Section 3-07. Prohibitions.

A. The president shall hold no other elected public office nor any compensated appointive office or employment of the Parish government or any of its political subdivisions during the term of office for which elected and shall hold no compensated appointive office or employment of the Parish government or any of its political subdivisions until one (1) year after expiration of the term for which elected.

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.

Section 3-08. President's Temporary Absence.

A. When the president expects to be absent from the Parish for more than seventy-two (72) consecutive hours, the president shall notify the clerk of the council in writing of the expected duration of the absence. The powers and duties of the office shall be exercised by the chief administrative officer.

B. If a temporary absence of the president extends to more than sixty (60) consecutive days, the office shall become vacant and shall be filled in accordance with Section 3-06 (Vacancies).

Section 3-09. President's Disability.

A. Whenever the president transmits to the clerk of the council a written declaration stating inability to discharge the powers and duties of the office, and until the president transmits to the clerk of the council a written declaration to the contrary, the office of president shall be filled in the same manner as in Section 3-08 (A) [President's Temporary Absence].

B. Whenever a panel of three (3) qualified medical experts, designated by resolution adopted by the favorable vote of at least a majority of the membership of the council, transmits to the clerk of the council its written declaration that the president is unable to discharge the powers and duties of the office, the office of president shall be filled in the same manner as in Section 3-08 (A) [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 membership of the council, transmits to the clerk of the council its written declaration that the president's inability has ended. The medical experts shall review the president's disability at least once every three (3) months until such time as it has been determined that the disability has ended.

C. Should the president be unable to discharge the powers and duties of the office for a period exceeding six (6) consecutive months, the council shall have the authority upon the favorable vote of at least a majority of its membership to declare the office of president vacant due to disability provided, however, that the council shall hold a public hearing on the issue prior to any such declaration.

Section 3-10. Powers and Duties of the President.

A. The president, as chief executive officer of the Parish government, shall have the following powers and duties:

- (1) See that all laws, provisions of this charter and acts of the council, subject to enforcement by the president or by officers subject to the president's direction and supervision, are faithfully executed.
- (2) Submit the annual budget and five (5) year capital budget to the council.
- (3) Submit to the council and make available to the public, within sixty (60) days after the end of the fiscal year, a complete report on the finances and administrative activities of the Parish as of the end of each fiscal year.
- (4) Make such other reports as the council may reasonably request to enable the council to function.
- (5) Sign such contracts, deeds and other obligations as may be authorized by the council.
- (6) Attend or be represented by his designee at council meetings and furnish such information as may be requested by any member of the council.
- (7) Perform such other duties as are specified in this charter or may be required by the council, not inconsistent with this charter.

- (8) Serve as a nonvoting member on all boards, commissions and authorities.

ARTICLE IV. ADMINISTRATION.

Section 4-01. Chief Administrative Officer.

A. The president shall appoint, subject to approval by a majority vote of the council membership, a chief administrative officer.

B. The chief administrative officer shall be appointed on the basis of executive and administrative qualifications and shall have at least five (5) years' experience in government management or formal training in government management plus at least three (3) years' experience in government management. The chief administrative officer shall establish a residence in the Parish no later than thirty (30) days after assuming office.

C. The salary of the chief administrative officer shall be set by the president, subject to approval by a majority vote of the council membership.

Section 4-02. Removal.

A. The first person serving as chief administrative officer as provided by this charter shall not be subject to removal from office for one (1) year following the date of appointment, except by the favorable vote of four fifths of the membership of the council.

B. After the first year of the first chief administrative officer, a chief administrative officer shall be subject to removal in accordance with the following procedures:

- (1) The president shall notify the chief administrative officer and council by letter that it is his intent to remove the chief administrative officer.
- (2) Within five (5) days after delivery of the letter to the chief administrative officer, the chief administrative officer may file with the council a written request for a public hearing. Such a hearing shall be held by the council not earlier than five (5) nor more than ten (10) days after the request is filed.
- (3) The council may adopt by the affirmative vote of a majority of its membership a resolution for immediate removal of the chief administrative officer at any time after five (5) days from the date a copy of the letter is delivered to the chief administrative officer, if the chief administrative officer has not requested a public hearing, or at any time after a public hearing requested by the chief administrative officer.

Section 4-03. Powers and Duties of the Chief Administrative Officer.

A. Except as otherwise provided by this charter, all departments, offices and agencies shall be under the direction and supervision of the chief administrative officer, and the heads of all departments created by or under this charter shall be appointed by the chief administrative officer, subject to approval by the president, and shall serve at the pleasure of the chief administrative officer.

B. The salaries of the directors of the departments appointed by the chief administrative officer shall be set by the chief administrative officer, subject to approval by a majority vote of the council membership.

C. The chief administrative officer shall:

- (1) Supervise activities of all departments, offices and agencies whose head he appoints.
- (2) Appoint and suspend or remove for just cause all Parish government employees of the departments, offices and agencies under the jurisdiction of the chief

administrative officer in accordance with personnel policies as provided in Section 4-08 (Personnel System). The chief administrative officer may authorize any administrative officer who is subject to the chief administrative officer's direction and supervision to exercise these powers with respect to subordinates in the officer's department, office or agency.

- (3) Make periodic reports and appropriate recommendations to the Parish president.
- (4) Conduct pertinent procedural studies or investigations of departments, offices, agencies and officers under his jurisdiction.
- (5) Prescribe accepted standards of administrative practice to be followed by all departments, offices and agencies.
- (6) Attend meetings of any board, commission or authority of which the president is a member when requested by the president.
- (7) Attend or be represented by his designee at meetings of the council and make available such information as it may request.
- (8) Perform such other duties as may be required by the charter.

Section 4-04. Legal Services.

A. Legal services shall be provided by the district attorney of the judicial district serving St. Mary Parish. The council may, by ordinance, provide for appointment of a Parish attorney.

B. No special counsel shall be retained to represent the Parish or any department, office, board or commission of the Parish government except by written contract approved by the favorable vote of a majority of the council members, unless otherwise specified by state law. Any such authorization shall specify the compensation, if any, to be paid for such services.

Section 4-05. Department of Finance.

A. The head of the department of finance shall be the director of finance.

B. The director of finance shall direct and be responsible for the following duties:

- (1) Collection (except where specifically otherwise provided for by law) and custody of all monies of the Parish government from whatever source.
- (2) Preparation of the annual operating budget and capital improvement budget under the direction of the chief administrative officer.
- (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 financial obligation for the Parish government, and that such documents are in accordance with established procedures.
- (5) Disbursement of all funds from the Parish treasury.
- (6) Administration of a uniform central accounting system for all Parish departments, offices and agencies, using nationally accepted standards where applicable.
- (7) Preparation of a monthly statement of revenues and expenditures which shall be completed not later than twenty (20) days after the end of each month.
- (8) Procurement of all real and personal property, materials, supplies and services required by the Parish government under a central purchasing system for all departments, offices and agencies in accordance with applicable state law, council policy and administrative requirements.

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

Section 4-06. Public Works Department.

- A. The head of the public works department shall be the director of public works.
- B. The director of public works shall direct and be responsible for the following activities:
 - (1) Engineering services for all Parish departments and agencies.
 - (2) Supervision of all contract construction work.
 - (3) Maintenance of Parish buildings and grounds.
 - (4) Mapping and surveying.
 - (5) Construction and maintenance performed by the Parish government of roads, sidewalks, bridges and drainage facilities.
 - (6) Garbage and trash collection and disposal.
 - (7) Operation of a central facility for the repair and maintenance of Parish government vehicles and equipment.
 - (8) Other such activities as may be directed by the chief administrative officer.

Section 4-07. Parks and Recreation Department.

- A. The parks and recreation department shall be headed by the director of parks and recreation.
- B. The director of parks and recreation shall direct and be responsible for:
 - (1) Parks and playgrounds.
 - (2) Recreational activities.
 - (3) Cultural activities and facilities.
 - (4) Other leisure-time activities.
 - (5) Other such activities as may be directed by the chief administrative officer.

Section 4-08. Department of Personnel.

A. The personnel department shall consist of a director of personnel and a personnel board who shall be responsible for the development and maintenance of a personnel system in which all appointments and promotions shall be made on the basis of fitness and merit.

B. The director of personnel shall be appointed by the chief administrative officer, subject to council approval, and shall:

- (1) Prepare and administer such personnel rules and regulations governing the classified service as may be necessary or desirable for carrying out the provisions of this charter.

- (2) Prepare, install and maintain a uniform classification and pay plan for all positions in the classified service.
- (3) Perform such other duties and functions as may be directed by the chief administrative officer.

C. The administration of the classified service, including the classification and pay plans, of the Parish government shall be governed by written rules and regulations to be known as "Personnel Policies." The director of personnel shall prepare such policies and recommend their adoption to the chief administrative officer. Upon approval by the chief administrative officer, the personnel policies shall be presented to the council for adoption. The council shall act within thirty (30) days upon such proposed personnel policies. Such policies shall become effective upon approval by a favorable vote of a majority of the council membership. Thereafter, the director of personnel shall recommend additions to, modifications of, or deletions from such policies to the chief administrative officer for presentation to the council in the same manner used for adoptions of the original policies. All personnel policies adopted by the council shall have the force and effect of law.

D. The personnel board shall consist of five (5) members appointed by a majority vote of the council membership. The members of the personnel board shall hold no elected public office nor hold a public position in the Parish.

E. The terms of the first members of the personnel board shall be as follows: One member shall be appointed to a one-year term; a second member shall be appointed to a two-year term; a third member shall be appointed to a three-year term; a fourth member shall be appointed to a four-year term; and a fifth member shall be appointed to a five-year term. Thereafter, all appointments shall be for a five-year term.

F. The personnel board shall:

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

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

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

H. The following shall not be members of the classified personnel system of the Parish:

- (1) All elected officials of the Parish government.
- (2) Employees hired on a temporary or contractual basis.
- (3) The Parish attorney and any assistant attorneys.
- (4) Department heads created by or under this charter continued in accordance with the provisions of this charter.
- (5) Employees appointed directly by the council.
- (6) Employees of hospital districts.
- (7) Employees of other Parish boards and commissions appointed directly by the board or commission, except that such boards and commissions shall adopt personnel policies subject to approval by the council by ordinance.

Section 4-09. Planning and Zoning Department.

A. The head of the planning and zoning department shall be the director of planning and zoning.

B. The director of planning and zoning shall direct and be responsible for the following activities:

- (1) Maintenance of the zoning map and other maps related to the functions of the department.
- (2) Coordination of planning activities.
- (3) Function as staff of a zoning commission.
- (4) Application for and administration of housing grants.
- (5) Inspection, licensing and permit issuance in conjunction with the enforcement of any zoning ordinances and building, housing and other technical codes.
- (6) Other such activities as may be directed by the chief administrative officer.

Section 4-10. Other Departments.

Except as otherwise provided by this charter, all Parish government departments, offices, agencies and functions in existence on the effective date of this charter shall continue in existence as organized on that date until reorganized in accordance with Section 4-11 (Administrative Reorganization).

Section 4-11. Administrative Reorganization.

A. The chief administrative officer may propose to the council the creation, change, alteration, consolidation or abolition of Parish departments, offices and agencies and/or the reallocation of the functions, powers, duties and responsibilities of such departments, offices or agencies, including those provided for in this charter.

B. Upon receipt of the chief administrative officer's proposed plan of reorganization, the presiding officer of the council shall cause to be introduced an ordinance to implement the proposed reorganization plan. The ordinance shall follow the same procedure as provided in Section 2-12 (Ordinances in General), except that an affirmative vote of two thirds of the council members shall be required to amend or modify the reorganization plan submitted by the chief administrative officer.

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

ARTICLE V. FINANCIAL PROCEDURES.

Section 5-01. Fiscal Year.

The fiscal year of the 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 sixty (60) days prior to the beginning of each fiscal year, the president shall submit to the council a proposed operating budget in the form required by this charter. At

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

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

Section 5-03. The Operating Budget Document.

The provisions of this section shall not apply to the Capital Improvement Budget, which shall be governed by Section 5-05 of Article V. The provisions of this section shall also not apply to Special Revenue Funds which are funded by federal and/or state grants and whose grant period does not correspond with St. Mary Parish's fiscal year. The Operating budget for the Parish government shall present a complete financial plan for the ensuing fiscal year and shall consist of at least three (3) parts as follows:

Part I shall contain: (1) a budget message which shall outline the proposed financial plan for the 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 revenues for the forthcoming fiscal period and which shall compare these figures with corresponding actual figures for the last completed fiscal year and estimated figures for the year in progress.

Part II shall contain: (1) detailed estimates of all proposed expenditures, showing the corresponding estimated expenditures for each item for the current fiscal year and actual figures for the last preceding fiscal year with explanations of increases or decreases recommended related to performance standards or workload measurements, to the extent of availability of such information; (2) manning or organizational tables for each of the departments, agencies or programs; (3) detailed estimates of all anticipated revenues and other income, showing the corresponding estimated revenue or income for each item for the current fiscal year and actual figures 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 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 proposed expenditures shall not exceed the total of estimated funds available.

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

Section 5-04. Amendments to Operating Budget.

A. Supplemental Appropriations: If during the fiscal year the president certifies that there are available for appropriation revenues in excess of those estimated in the operating

budget, the president may present a supplemental budget for the disposition of such revenues, and the council by ordinance may make supplemental appropriations for the year up to the amount of such excess in the same manner required for adoption of the budget.

B. **Emergency Appropriations:** To meet a public emergency affecting life, health, property or the public peace, or to comply with a court judgment rendered after adoption of the budget, the council may make emergency appropriations. Such appropriations shall be made by emergency ordinance in accordance with the provisions of this charter. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by such emergency ordinance borrow money in sums necessary to meet the emergency. The repayment of such sums shall be a fixed charge upon the revenues of the fiscal year next following the fiscal year in which the sums are borrowed.

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

D. Subject to the limitations in Subsection F of this section, the council may, by ordinance, reduce any appropriation at any time.

E. **Transfer of Appropriations:** At any time during the fiscal year the president may transfer part or all of any unencumbered appropriation within programs. 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 or by more than the amount of the unencumbered balance thereof.

Section 5-05. Capital Improvement Budget.

A. Each year, no later than the time of submission of the operating budget for the ensuing fiscal year, the president shall submit to the council a capital improvement budget covering a period of at least five (5) years. The amount indicated to be spent during the first year of the capital improvement budget shall be the capital budget for that year.

B. The capital budget shall include:

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

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

C. At the meeting of the council at which the capital improvement budget is submitted, the council shall order a public hearing on such capital improvement budget and shall publish in the official journal, at least ten (10) days prior to the date of such hearing, the time and place of the hearing, a general summary of the proposed capital improvement budget and the times and places where copies of the proposed capital improvement budget are available for public inspection. At the time and place so advertised, the council shall hold a public hearing on

the capital improvement budget as submitted. Changes in the proposed capital improvement budget by the council shall be by the favorable vote of at least a majority of the membership of the council. The capital improvement budget shall be finally adopted not later than the second-to-last regular meeting of the fiscal year. The capital improvement budget as finally adopted shall be reproduced and sufficient copies shall be made available for use by all offices, departments and agencies of the Parish government. Copies shall be available for public use in the office of the clerk of the council and additional copies may be purchased at cost.

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

E. Any construction project or method of financing a construction project submitted to and rejected by the voters shall not be undertaken for at least one (1) year unless approved by the voters.

Section 5-06. Administration of Operating and Capital Budgets.

A. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with the approved operating and capital budgets and appropriations duly made and unless the president or the president's designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds there-from are or will be available to cover the claim or meet the obligation when it becomes due and payable. However, this provision shall not limit the authority to borrow funds in anticipation of revenues as provided in the general laws of the state. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and any payment so made illegal; such action shall be cause for removal of any official, officer or employee who knowingly authorized or made such payment or incurred such obligation or who caused such payment to be authorized or made or obligation to be incurred. Such persons shall also be liable to the Parish government for any amount so paid.

B. Nothing in this charter shall be construed so as to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is authorized by ordinance, except that contracts for services not covered by the public bid law shall be for a period not to exceed two (2) years.

C. Deficit spending is prohibited except for emergencies as provided in Section 5-04 B (Amendments to Operating Budget).

Section 5-07. Lapse of Appropriations.

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

Section 5-08. Bonded Debt.

The Parish government is empowered to incur bonded debt in accordance with this charter and the constitution and laws of the 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.

A. The electors of the Parish shall have the power, except as herein restricted, to propose to the council passage or repeal of ordinances and to vote on the question if the council refuses action. This power shall not extend to the proposing or repealing of ordinances making or reducing the appropriation of money, authorizing the repeal or reduction of the levy of any taxes or changing the salaries of Parish government officers or employees. 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 ten (10) percent of the total registered voters of the Parish. There shall be noted after each signature on the petition the date signed and the address of the signer. Each person circulating a copy of the petition shall attach a sworn affidavit to it stating the number of signers and the fact that each signature was made in the presence of the circulator of the petition.
- (3) The signed petition shall be filed with the council within sixty (60) days of the specification of the form of the petition and, upon filing, the council shall order a canvass of the signatures through the office of the Parish registrar of voters to determine their sufficiency and authenticity. The council's canvass shall be completed within thirty (30) days. 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 shall be determined finally.
- (4) Within thirty (30) days after a petition shall have been certified as sufficient and correct by the council, the council shall cause the proposed ordinance, and a summary thereof, to be published in the official journal of the Parish government at least once together with a notice of the date, time and place when and where it will be given a public hearing and be considered for passage, which notice shall appear at least seven (7) days prior to the time advertised for the hearing. At the time and place so advertised the council shall hold a public hearing. Subsequent to such hearing, the council shall either:
 - (a) Adopt the proposed ordinance submitted in an initiative petition, without substantive amendments, or effect the repeal referred to by such petition, or

- (b) Determine to submit the proposal to the electors.
- (5) If the council adopts an ordinance following the submission of an initiatory petition as provided above, it shall not amend or repeal the ordinance by its own action within one (1) year following the date of submission of the petition proposing the ordinance, but it may submit proposals amending or repealing such ordinances to a vote of the electors. After the expiration of one (1) year, the ordinance may be amended or repealed as any other ordinance.
- (6) If an initiative ordinance is submitted to a vote of the electors as provided in Section 6-01 (4) above, the election shall take place at the first regularly scheduled election occurring thirty (30) days after the meeting at which the council determines to submit the proposal to the electors. The results shall be determined by a majority vote of the electors voting on the proposal.
- (7) If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (8) An ordinance adopted by the electorate through the initiative process shall not be amended or repealed by council action for a period of one (1) year after the election at which it was adopted, but thereafter it may be amended or repealed as any other ordinance.
- (9) Ordinances adopted through the initiative process shall not be subject to veto by the president.
- B. Upon rejection by the voters of an ordinance proposed under this section, at least one (1) year shall lapse before the same or a similar issue can again be submitted to the voters.

Section 6-02. Recall.

A. Any elected official of the Parish government may be removed from office by the electors of the Parish through a recall process. The recall procedure shall be the same as is provided in the general laws of the state.

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

Section 6-03. Removal by Suit.

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

ARTICLE VII. GENERAL PROVISIONS.

Section 7-01. Legal Process.

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

Section 7-02. Code of Ethics.

All officers, officials and employees of the Parish government shall comply with the provisions of the code of ethics pertaining to local governments. The chief administrative officer shall provide the president and each member of the council a copy of the state code of ethics no later than thirty (30) days after the elected officials take office.

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 council membership or by petition signed by not less than ten (10) percent of the total number of registered voters of the Parish. A petition shall contain the full text of the proposed amendment or amendments. The procedures and time limits for filing such a petition shall be the same as for an initiative ordinance as provided in Section 6-01 (1), (2) and (3).

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

C. Proposals by council members to amend or repeal this charter shall be by ordinance. Such proposed ordinances shall follow the same procedure as required by Section 2-12 (Ordinances in General), except that the affirmative vote of two thirds of the council membership shall be required for passage of an ordinance proposing to amend or repeal the charter.

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

E. 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.

F. Within thirty (30) days after promulgation of election results, the clerk of the council shall file duly authenticated copies of said amendment with the offices of the secretary of state of Louisiana and the clerk of court of St. Mary Parish.

G. Unless specified to the contrary in the amendment, all approved amendments shall become effective thirty (30) days after said filing.

H. 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.

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

Section 7-04. Bonding of Officers.

The director of finance, all persons authorized to sign checks and such other Parish government officers or employees as the council may designate shall give bond in the amount and with the surety prescribed by the council. The premiums on such bonds shall be paid by the Parish government.

Section 7-05. Oaths of Office.

All elected officials of the Parish government shall take the following oath of office to be administered by any qualified person:

"I, ..., do solemnly swear (or affirm) that I will support the constitution and laws of the United States and the constitution and laws of this state and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ..., according to the best of my ability and understanding, so help me God."

Section 7-06. Boards and Commissions.

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

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

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

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

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

Section 7-07. 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 Parish government. It shall be the intent of this section that these emergency powers shall subsist only so long as an emergency exists and that regularly constituted elections shall be held as soon as it is judicially determined that conditions permit their being held.

Section 7-08. Control Over Local Agencies and Special Districts.

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

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

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

ARTICLE VIII. TRANSITIONAL PROVISIONS.

Section 8-01. Council Districts.

ALTERNATE A

The council shall consist of eleven (11) members, eight (8) of whom shall be elected from single-member districts and three (3) elected at large, one (1) of whom shall reside in the eastern part of St. Mary Parish, one (1) in the central part and one (1) in the western part, as described in Appendix A.

ALTERNATE B

The council shall consist of fifteen (15) members elected from five (5) multi-member districts, as described in Appendix B.

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 St. Mary Parish, rights or causes of action, claims, demands, titles and rights existing on the effective date of this charter shall continue unaffected. All sentences for punishment for ordinance violations or for crime shall be executed according to their terms.

B. All actions, ordinances, and administrative rules and regulations of St. Mary Parish in force prior to the effective date of this charter shall, insofar as they are not inconsistent with this charter, remain in full force and effect until amended or repealed by the council or until they expire by their own limitation.

Section 8-03. Special Districts.

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

Section 8-04. Fees, Charges and Tax Levies.

A. Constitutional limitations on the maximum property tax millages that can be levied without voter approval shall continue to be applicable to the Parish.

B. All fees, charges and taxes levied by St. Mary Parish shall continue to be levied by the Parish government until changed by the council by ordinance or by a vote of the people when a vote is required.

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

Section 8-05. Special Legislative Acts.

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

Section 8-06. Parish Retirement Systems.

No pension or retirement systems of the Parish government in existence at the time the charter is approved shall be affected in any way by this charter and shall remain in full force and effect and shall be carried out and regulated in accordance with applicable laws and procedures.

Section 8-07. Declaration of Intent.

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

Section 8-08. Severability.

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

Section 8-09. Violation of Civil Rights Act.

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

Section 8-10. Schedule of Transition.

The provisions of this charter pertaining to the election of Parish government officials created hereunder shall become effective on the date this charter is adopted. The remaining provisions of this charter shall become effective on the date of taking of office of the newly elected officials provided for by this charter, such date being established in Section 8-11 (Election of Officials).

Section 8-11. Election of Officials.

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

B. All Parish officers elected under provisions of the police jury system of government applicable to the Parish prior to the adoption of this home rule charter shall continue

to hold their offices and discharge the duties thereof until the officials elected under the provisions of this charter have taken office. Thereafter, their offices shall cease to exist.

Section 8-12. Required Approval By Electors.

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

Section 8-13. Charter Ballot.

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

PROPOSITION I

“Shall the home rule charter and plan of government for St. Mary Parish, prepared and submitted by the duly constituted Charter Commission according to Article VI, Section 5 of the Constitution of Louisiana and other applicable law, be adopted?” YES NO

PROPOSITION II

“If the St. Mary Home Rule Charter submitted by Proposition I is adopted, shall the Parish council provided for therein consist of:

(VOTE FOR ONE)

- A. 11 members, of which 8 are elected from single-member districts and 3 at large in accordance with Alternate A.

- A. 15 members elected from 5 multi-member districts in accordance with Alternate B.

APPENDIX A
Districts for 11-Member Council

The ward and precinct lines shall be as defined and described in Chapter 7, Article II, of the St. Mary Parish Code.

Eight members of the Parish council shall be elected from single-member districts.

The Parish of St. Mary shall be divided into eight (8) single-member elections districts, as follows:

- (1) District No. 1 shall be composed of Precinct 1-2 and Wards 2, 7 and 10.
- (2) District No. 2 shall be composed of Precincts 1-1, 3-2, 3-3 and 3-6.
- (3) District No. 3 shall be composed of Precincts 3-1, 3-4, 3-5, 3-7 and the portion of Ward 4 described by the following line:

Beginning at the junction of Bayou Teche and the Verdunville Canal; thence proceed in a northeasterly direction on the center flow channel of Verdunville Canal to junction with Six Mile Lake; from said junction point continue in a northeasterly direction through Six Mile Lake to junction with the St. Mary Parish and St. Martin Parish boundary; thence proceed in a westerly direction on the St. Mary, St. Martin Parish boundary to junction with the southern Ward 4 boundary line; thence proceed westerly on the Ward 4 boundary line; thence southerly on the Ward 4 boundary line to junction with the center right of way of U. S. Highway 90; thence proceed in a southeasterly direction on the center right of way of U. S. Highway 90 to a point due south of the termination of Prairie Road, said point being approximately 5, 000 feet east of the junction of Louisiana State Highway 317 and U. S. Highway 90; from said point proceed due north to junction with the termination of Prairie Road; thence continue in a northerly direction on the center right of way of Prairie Road to junction with the southern Arpent line of Arpent 6, R-10-E, T-15-S; thence easterly on the southern Arpent line of Arpent 6, R-10-E, T-15-S, to the southeastern corner of Arpent 6; thence proceed in a northerly direction on the eastern Arpent line of Arpent 6, R-10-E, T-15-S, to an unnamed road transversing a cane field which is approximately 3,700 feet north of the southeastern corner of Arpent 6; proceed in an easterly direction on unnamed cane field road for approximately 1,700 feet to junction with second unnamed cane field road; thence proceed in a northeasterly direction on unnamed cane field road to junction with old U. S. Highway 90; thence proceed in an easterly direction on the center right of way of old U. S. Highway 90 for 200 feet; from said point proceed due north to the center flow channel of Bayou Teche; thence southerly on the center flow channel of Bayou Teche to junction with Bayou Teche and Verdunville Canal which is point of beginning.

- (4) District No. 4 shall be composed of Precinct 5-1, the remainder of Ward 4 outside the line described above for the portion of Ward 4 in District No. 3, and the entire portion of Precinct 5-2 south of the center right of way of U. S. Highway 90.
- (5) District No. 5 shall be composed of Precinct 8-1 and 8-3 and the entire portion of

Precinct 5-2 north of the center right of way of U. S. Highway 90.

- (6) District No. 6 shall be composed of Precincts 8-2, 6-1, 6-2 and 6-3; the portion of Precinct 6-4 between Berwick Bay and the center right of way of Federal Avenue; and the entire portion of Precinct 6-8 east of the western boundary and north of the southern boundary to the following described line:

From the intersection of the northern boundary of Precinct 6-8 and the center right of way of Justa Street; thence proceed in a southeasterly direction along the center right of way of Justa Street to the junction with Diane Drive; thence in a northeasterly direction along the center right of way Diane Drive to the junction with McDermott Avenue; thence in a southerly direction along the center right of way of McDermott Avenue to the junction with Roderick Street; thence in a southeasterly direction along the center right of way of Roderick Street to the junction with U. S. Highway 90 and the southern boundary of Precinct 6-8.

- (7) District No. 7 shall be composed of Precincts 6-5, 6-6, 6-7 and the entire portion of Precinct 6-4 northeast of the center right of way of Federal Avenue.
- (8) District No. 8 shall be composed of Ward 9, Precinct 6-9, and the portion of Precinct 6-8 north and east of the line for Precinct 6-8 described above for District No. 6.

Three additional members of the Parish council shall be elected at large from the parish. Candidates for District 9, 10 and 11 must be residents of the district for which they qualify.

- (9) At Large District No. 9 shall be composed of Wards 1, 2, 7 and 10 and all of Ward 3 except for Precinct 3-1.
- (10) At Large District No. 10 shall be composed of Precinct 3-1, Precinct 6-1, and Wards 4, 5 and 8.
- (11) At Large District No. 11 shall be composed of Ward 9 and all of Ward 6 except for Precinct 6-1.

The above election district boundaries shall be adjusted in accordance with any changes approved by the Civil Rights Division of the United States Department of Justice prior to the date of qualification for the office of council member.

APPENDIX B
Districts for 15-Member Council

The ward lines shall be defined and described in Article II, Chapter 7 of the St. Mary Parish Code.

Fifteen members of the Parish council shall be elected from the following multi-member districts:

- (1) District No. 1 shall be composed of Wards 1, 2, 7 and 10, and two (2) council members shall be elected at large from the district.
- (2) District No. 2 shall be composed of Wards 3 and 4 and four (4) council members shall be elected at large from the district.
- (3) District No. 3 shall be composed of Ward 5, and two (2) council members shall be elected at large from the district.
- (4) District No. 4 shall be composed of Ward 8, and two (2) council members shall be elected at large from the district.
- (5) District No. 5 shall be composed of Wards 6 and 9, and five (5) council members shall be elected at large from the district.

The above election district boundaries shall be adjusted in accordance with any changes approved by the Civil Rights Division of the United States Department of Justice prior to the date of qualification for the office of council member.