

ST. LANDRY PARISH
HOME
RULE
CHARTER



Prepared by the
St. Landry Parish Home Rule Charter Commission
APRIL 2002

*Adopted by St. Landry Parish Voters
October 5, 2003*

Effective date January 1, 2004

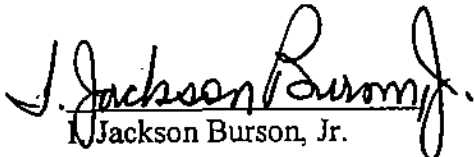
PREFACE

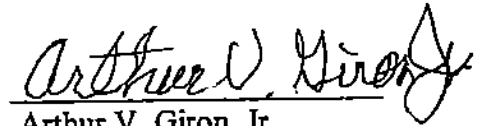
The St. Landry Parish Home Rule Charter Commission respectfully presents to the citizens of St. Landry Parish this proposed home rule charter. This charter was drafted under the authority of Article VI, Section 5 of the Louisiana Constitution and LSA-R.S. 33:1395, as amended. The St. Landry Parish Police Jury is hereby requested to call the necessary referendum concerning adoption of the charter as provided by State Law.

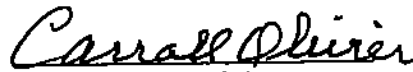
We thank the members of the Police Jury for appointing us to perform the serious task of drafting a proposed plan of government for St. Landry Parish which will enable parish government to meet the challenges of the twenty-first century and beyond. All actions and decisions of the Commission have been motivated by our desire to provide a system of government which will allow efficient and effective parish government to improve the general welfare of all of the people who live in our parish. We offer special thanks to retired Judge Robert Brinkman who has served as our legal advisor as well as a Commission Member.

St. Landry Parish Home Rule Charter Commission

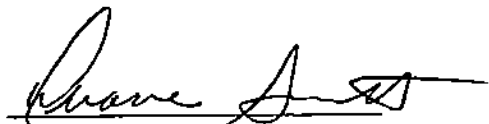
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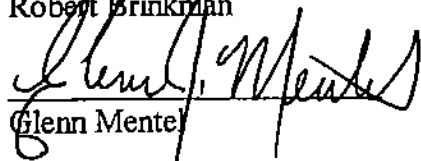

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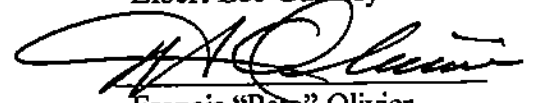

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**ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, BOUNDARIES,
POWERS.**

Section 1-01. Home Rule Charter.

The St. Landry Parish Home Rule Charter Commission has proposed and the electors have adopted this home rule charter under the authority of Article VI, Section 5 of the Louisiana Constitution of 1974. The St. Landry Parish Government is a governmental subdivision of the State of Louisiana, which from this time on, operates under a home rule charter and, subject to the charter, is authorized to exercise any power and perform any function necessary, or requisite for proper management of its affairs.

Section 1-02.

This charter shall be liberally construed to aid its declared intent which, is to establish for the people of St. Landry Parish, effective home rule which is free from state legislative interference regarding the structure and organization of its local government, and with the power and authority to manage its local governmental affairs, as contemplated and intended by provisions of Article VI, Sections 5 and 6 of the Louisiana Constitution of 1974.

Section 1-03. Form of Government.

The plan established by this home rule charter shall be known as the president-council form of government. It shall consist of an elected parish president who will be its chief executive officer and head of the parish government's executive branch and an elected council, which shall constitute the legislative branch of the government.

Section 1-04. Boundaries.

The boundaries of the parish government shall be the boundaries of St. Landry Parish in effect on the date this charter becomes effective and shall be subject to change as provided by law.

Section 1-05. General Powers.

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

Section 1-06. Special Powers.

The parish government shall have the power to pass all ordinances necessary to promote, protect, and preserve the general welfare, safety, health, peace, and orderly conduct of the parish, and this includes the power to pass ordinances on all subject matters not inconsistent with the constitution or denied by state law.

Section 1-07. Joint Cooperative Agreement.

The parish government shall have the power and authority to enter into cooperative agreements and inter-governmental contracts with local governments and regional, state and federal authorities.

ARTICLE II. PARISH COUNCIL.

Section 2-01. Composition, Qualifications and Election.

A. The legislative powers of the parish government shall be vested in a council consisting of thirteen members who shall be elected from single-member districts for four-year terms. One council member shall be elected in each district as defined in Article 9 Section 9 of this charter.

B. A council member shall be at least twenty-one years old and be an elector who has resided and is domiciled in St. Landry Parish for at least one year and the district affected for at least six months immediately before the time to qualify for the office.

C. A council member's failure to possess any one or more of the qualifications listed in section B above, except a change in domicile or actual residence caused by reapportionment, shall make the office vacant, and the vacancy shall be filled pursuant to Section 2-03.

D. If the council is presented with a petition signed by no less than fifteen percent of the total registered voters of the parish proposing a specific reduction in the size of the council, then the council shall adopt a resolution to submit the proposed amendment of the charter to the parish electors for a vote as required by Article VII of this charter which provides for amending the charter.

Section 2-02. Forfeiture of Office.

A council member shall forfeit the office by failing to possess any qualification for the office prescribed by law or this charter, or if the member is convicted of any state or federal felony, is convicted of a crime in a foreign country which would be a felony under Louisiana or federal law, or fails or refuses to take the office.

Section 2-03. Vacancy in Council Office.

A. A council member's office shall become vacant upon death, resignation, removal from office, forfeiture of office, failure or refusal to take office, or in any other manner provided in this charter.

B. The council shall fill the vacancy through appointment by a majority vote of the council's membership within fifteen days after the vacancy occurs, and the appointee shall possess all qualifications for the office as provided by this charter.

C. The appointee shall serve the remainder of the term if one year or less remains in the term when the vacancy occurs.

D. If the vacancy occurs more than one year before the expiration of the term, the appointee shall serve until the office is filled by election called for that purpose and the person elected takes the oath of that office. An election to fill the vacancy provided for in this section shall be called within fifteen days after the vacancy occurs, and it shall be held according to the state law for filling a vacancy for local offices.

Section 2-04. Compensation.

A. The salary of the first council members shall be \$1,056.00 per month.

B. The council may change the salary of its members by ordinance, provided that salaries shall not be increased beyond the maximum salary for police jurors under state law. The council members' salaries may not be increased or decreased during their term of office.

C. The council shall adopt an ordinance providing a system for reimbursing council members their documented and reasonable expenses incurred in the performance of their official duties. Reimbursement shall not exceed that provided by state law for police jurors.

Section 2-05. Prohibitions.

A. A council member shall not hold any other elected public office, nor be a compensated official of the parish government or its subdivisions during the council member's term of office on the council.

B. A former council member shall not be appointed to an office or employment of the parish government for which compensation in any form is paid or given until one year or more has transpired after the council member has left office. Nothing in this section shall prohibit a council member or former council member from serving on a charter commission, as a delegate to a state constitutional convention, or political party committee.

C. The council and its members shall not remove, direct, or supervise any officer or employee appointed by the executive branch of the parish government.

D. A council member shall not serve on a board or commission of the parish government having administrative or policy-making authority unless the ordinance or state law creating the board or commission specifies that council members may serve those boards and commissions.

Section 2-06. Council Meetings and Rules.

A. The newly elected council, at its first regular meeting, and all councils thereafter, shall annually elect a chair and vice-chair from among the council members. The chair shall preside at council meetings, supervise or delegate supervision of council employees, and carry out any other duties the council may authorize.

B. If the chair is absent or disqualified, the vice-chair shall preside. If both the chair and vice-chair are absent or disqualified, the council shall designate one of its other members as the temporary presiding officer who shall fulfill the duties of the chair.

C. The council shall adopt an ordinance for meeting times, which shall be at least once a month, and a meeting place or places. Special meetings may be held on the call of the parish president, the chair or presiding officer of the council or a majority of the council members. Notice of a special meeting shall comply with state law. To meet a public emergency affecting life, health, property, or public safety, the council may meet on the call of the parish president, the chair or presiding officer of the council or a majority of the council members. Notice of a special meeting shall be by any method that is convenient under the circumstances. The call convening a special or emergency meeting of the council shall state the subject matter and objects of the meeting. The power of the council to act at a special or emergency meeting shall be limited to the objects specifically enumerated in the call.

D. All council meetings shall be open to the public as provided for by state law.

E. The council shall determine by resolution, its own rules and order of business and shall provide for keeping a record of its minutes and proceedings. All official actions by the council shall be published in the official journal within thirty days of the action that was taken.

F. The council shall operate at all regular meetings from a written agenda which must be published at least two days, excluding Saturdays, Sundays and holidays, prior to the meeting.

G. The council shall adopt an ordinance providing a procedure which will give interested persons the opportunity to be heard at council meetings on any matter pertaining to parish government in accordance with state laws governing open meetings.

H. Council voting shall be by roll call of the members and the ayes and nays of the

members voting shall be recorded in the council's minutes by individual council member. A majority of the council membership shall constitute a quorum and may transact business. However, if the quorum requirement ceases to exist during a meeting, the smaller number of the remaining members may recess and compel the attendance of absent members in the manner and subject to the penalties prescribed by council rules.

Section 2-07. Investigations.

The council may order investigations into the affairs of the parish government and related conduct of any parish government official, officer, employee, department, office, or agency. Investigations shall be for specified purposes which must be reduced to writing before beginning the investigation.

Section 2-08. Independent Audit.

The council shall provide for an annual independent audit and any additional audits, as it deems necessary, of the accounts and other evidence of the financial transactions of parish government and its departments, offices, or agencies. Audits may be by the State Auditor or by an independent auditor selected by the council. The independent auditor shall be a certified public accountant who has no personal interest in the affairs subject to audit and shall not participate in the budget preparation and adoption. The audit report shall be submitted to the council at a regularly scheduled meeting and shall become a public record. A summary of the audit shall be published at least once in the official journal.

Section 2-09. Council Employees.

A. The council shall appoint a clerk who shall serve at the council's pleasure. 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 any other duties that may be assigned to the clerk by this charter or the council.

B. The council may authorize the hiring of other employees that may be necessary to assist the council in fulfilling its duties and responsibilities, and those employees shall serve at the pleasure of the council.

C. The council shall fix the salaries of its employees.

Section 2-10. Action Requiring an Ordinance, Resolutions, Vote.

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

(1) Adopt or amend an administrative code.

- (2) Provide a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty may be imposed.
- (3) Levy taxes, assessments, and charges.
- (4) Adopt the operating budget and capital improvement budget and appropriate funds for the parish government.
- (5) Grant, renew, or extend a franchise.
- (6) Provide for raising revenue.
- (7) Regulate the rate or other charges for services by the parish government.
- (8) Authorize the borrowing of money in any manner authorized by law.
- (9) Incur debt in any manner authorized by law.
- (10) Dispose of any immovable 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 immovable 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 ordinances shall be codified in accordance with Article VI, Section 10 of the constitution of the State of Louisiana.

C. A resolution, which does not have the force of law, may be adopted and used for the purpose of expressing the council's opinion as to some given matter or thing. A resolution shall not be subject to the veto authority of the president.

D. Unless a different vote is required by this charter or state law, the vote necessary to pass an ordinance, resolution, or other action by the council shall be by a majority vote of the council's membership.

Section 2-11. Ordinances in General.

A. All proposed ordinances shall be introduced in writing at a meeting of the council in the form required for adoption and, except for codification, the operating and capital improvement budgets shall each be confined to one subject expressed clearly in their titles.

B. All proposed ordinances shall be read by their titles when introduced and published in the official journal by title within fifteen days after introduction, except ordinances proposing amendments to the charter shall be published in full. No ordinances shall be considered for final

passage until at least three weeks from date of introduction has elapsed and after a public hearing has been held on the ordinance, but this shall not apply to emergency ordinances.

C. Ordinances that are finally approved by the president or by the council, in case of a veto by the president, shall be published by the clerk in full or summary, at the council's discretion, in the official journal no later than fifteen days after adoption. Unless it specifies another date, an ordinance shall become effective when thirty days have elapsed after adoption.

Section 2-12. Submission of Ordinances to the Parish President.

A. Every ordinance adopted by the council shall be signed by the presiding officer or the clerk. The clerk shall certify to its passage, and it shall be presented to the parish president within ten days after adoption. The clerk shall record on the ordinance, the date and hour of its delivery to the parish president.

B. Within ten days after the parish president has received an ordinance, it shall be returned to the clerk of the council with the president's approval or veto. The clerk shall record upon the ordinance the date and hour of its receipt from the parish president. If the proposed ordinance is not signed or vetoed by the parish president within ten days after receipt, it shall be considered adopted. If the ordinance has been adopted, it shall be considered finally enacted and become effective as provided in this section.

C. If the ordinance is vetoed, the parish 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. All ordinances vetoed by the parish president shall be vetoed in full, except the parish president shall have authority to veto individual appropriation items in the ordinances adopting the operating and capital improvement budgets and amendments to them.

D. The clerk shall submit the president's vetoed ordinances and budget items to the council by the next regular meeting held after publication of the president's veto statement. The council may override the president's veto of an ordinance or budget item by a two thirds vote of its membership cast no later than the second regular meeting held after publication of the president's veto statement. Vetoed ordinances and budget items that have been overridden by the council shall become law and published in the official journal.

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

Section 2-13. Emergency Ordinances.

A. To meet a public emergency affecting life, health, property, or public safety, the council may adopt an emergency ordinance at the meeting in which it is introduced, provided that the ordinance may not be used to levy taxes or special assessments; grant or extend a franchise; incur debt, except for emergency appropriations; adopt or amend an official map, platting or subdivision controls or zoning regulations; or change rates, fees or charges adopted by the parish government. Each emergency ordinance shall contain a specific statement describing the emergency. After adoption the ordinance shall be printed and published as soon as practical.

B. An emergency ordinance adopted by the council shall be presented to the parish president within six hours after adoption. Within twelve hours after the parish president's receipt of an emergency ordinance, it shall be returned to the council with the parish president's approval or veto. If the proposed ordinance is not signed or vetoed by the parish president within twelve hours after receipt, it shall be considered adopted. An emergency ordinance shall become effective immediately after adoption. If the emergency ordinance is vetoed, the parish president shall submit to the council a written statement of the reasons for the veto. The clerk shall record upon the emergency ordinance the date and hour of its delivery to and receipt from the parish president. The council may override the president's veto by a two thirds vote of its membership cast no later than twelve hours after receipt of the president's veto. A vetoed ordinance that has been overridden by the council shall become law immediately and shall be published by title in the official journal.

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

Section 2-14. Codes of Technical Regulations.

The council may adopt by ordinance any standard code of technical regulations by reference. The procedure and requirements governing the adopting of those codes shall be as prescribed for ordinances generally, except that a period of sixty days shall be allowed between the time of introduction and adoption of the ordinance. During the interim, copies of any proposed code shall be made 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 in the official records of the parish government. Adopted codes of technical regulations shall be published by title or by reference in the official journal by the clerk as soon as practical following final adoption.

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

A. All enacted ordinances and resolutions shall be authenticated, numbered, and recorded by the clerk. All ordinances shall be indexed and codified in a book or books kept for that purpose. All resolutions shall be indexed and recorded in the minutes of the council meeting at which the resolution was adopted.

B. The council shall cause each ordinance and each amendment to this charter to be printed or reproduced promptly following enactment. Printed or reproduced amendments and ordinances, including codes of technical regulations adopted by reference pursuant to Section 2-14, shall be available in the clerk's office for review by any citizen. Copies may be distributed to the public at no cost.

Section 2-16. 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 all of the authority to levy and collect taxes, to incur debt, and to issue bonds and other evidences of indebtedness, as is now or later conferred on authorities of local governments by the constitution and general laws of the state, or as may be later specially conferred by the electors of the parish.

B. Any tax being levied by St. Landry Parish on the effective date of this home rule charter is ratified.

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

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

ARTICLE III. EXECUTIVE BRANCH.

Section 3-01. Executive Authority.

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

Section 3-02. Election, Term.

The president shall be elected by a vote of all parish electors for a four-year term according to the state's election laws. The term shall coincide with the terms of office for council members.

Section 3-03. Qualifications.

A. The president shall be at least twenty-five years of age and a qualified elector of the parish at the time of qualification and shall have been legally domiciled and actually resided in the parish for at least one year immediately preceding the time established by law for qualifying for office.

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

Section 3-04. Compensation.

The initial salary of the first president shall be \$65,000.00 annually. The salary of the president may be increased or decreased by ordinance of the council; however, the president's salary may not be increased or decreased during a term of office.

Section 3-05. Forfeiture of Office.

The president's office is forfeited if during the term of office the office holder lacks any qualification prescribed for the office by this charter, has been convicted of a felony under state or federal law, has been convicted of a crime under the laws of a foreign country which would be a felony under Louisiana or federal law, or fails or refuses to take office.

Section 3-06. Vacancies.

A. The president's office shall become vacant upon the office holder's death, resignation, or removal from office in any manner authorized by law, or forfeiture of office, or fails or refuses to take office.

B. A vacancy in the office of president shall be filled by a person meeting the qualifications for the office by a majority vote of the council's members. If one 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 year prior to the expiration of the term, the appointment shall last until the time the office is filled in a special election called by the council for that purpose. The election shall be held according to the timetable and procedures established by

state law generally for the filling of vacancies for elected local offices.

C. If the council does not make an appointment as required by this section within thirty days after the vacancy occurs, the appointment shall be made by the governor upon the written request of any council member or any interested elector of St. Landry Parish.

Section 3-07. Prohibitions.

A. The president shall not hold any other elected public office nor compensated appointive office, or employment of the parish government or its political subdivisions during the term of office and for one year after the term of office has expired.

B. The prohibition in this section shall not apply to serving as an elected member of a political party committee, charter commission, or constitutional convention.

Section 3-08. President's Temporary Absence.

A. The president's expected absence from the parish for a period exceeding seventy-two consecutive hours must be preceded by the president's written notification to the council's clerk, stating the absence and its duration.

B. The president's powers and duties shall be exercised by a department head named by the president or the chief administrative officer if the latter position has been activated by the council. The name of the department head, selected by the president, shall be filed with the council's clerk. If the president fails to file the name of a department head the council's chair shall name the department head to act for the president.

C. The president's office shall become vacant when a temporary absence exceeds sixty consecutive days and the vacancy shall be filled pursuant to this charter.

Section 3-09. President's Disability.

A. The president may declare an inability to fulfill the powers and duties of the office because of a disability by notifying the council's clerk in writing of the disability and naming a department head to exercise the president's powers and duties during the disability. When the position of chief administrative officer is active, the president's powers and duties shall be exercised by the person who has been appointed to that position. If the position of chief administrative officer is not an active position and the president has not named a department head, the president's powers and duties shall be exercised by the council's chair.

B. In the absence of the president's written notification of disability, the council shall immediately meet and adopt a resolution appointing a panel of three qualified medical experts to inquire into the president's disability when it has received reliable information that the president

cannot discharge the duties of the office because of a disability. The council's chair shall name the chief administrative officer, when that position is active, or a department head, when the position of chief administrative officer is not active, to assume the president's powers and duties until the president returns to the office or it has been filled by a special election. If the panel of medical experts reports that the president's disability is one that may end during the president's term of office, the department head named by the council's chair or the chief administrative officer, when that office is active, shall exercise the president's powers and duties until the council declares by resolution that the disability has ended. The panel of medical experts shall review the president's disability at least once every three months until the disability has ended.

C. A presidential disability that exceeds six consecutive months gives the council the power to declare by resolution that the president's office is vacant due to disability. The council shall hold a public hearing on the issue prior to declaring the office vacant, and the president shall be entitled to be heard and present evidence at this hearing.

D. A vacancy in the president's office created by disability shall be filled pursuant to this charter and the election laws of the state.

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

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

- (1) Insure 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 the five-year capital budget to the council.
- (3) Submit to the council and make available to the public, within ninety 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 any other reports as the council may reasonably request to enable the council to function.
- (5) Sign contracts, acts of sale, and other obligations as may be authorized by the council.
- (6) Attend council meetings personally or through a designee and furnish any information regarding parish government requested by any member of the council.

- (7) Perform any other duties that are specified in this charter or may be required by the council, not inconsistent with this charter, the constitution, or state law.
- (8) Serve as a non-voting member on all boards, commissions and authorities.
- (9) Exercise veto power over ordinances and line items in operating and capital improvement budgets subject to an override by the council as is provided for in Article II, Section 2-12 of this charter.
- (10) Perform all of the powers and duties assigned to the chief administrative officer when that position is inactive.
- (11) Appoint, suspend, or remove all parish government employees and appointive administrative officers in accordance with parish personnel policies and applicable law except as otherwise provided by this charter.

ARTICLE IV. ADMINISTRATION

Section 4-01. General Provisions.

A. The president shall appoint, direct, and supervise the heads of all departments and parish engineers, except as otherwise provided in the charter, to serve at the president's pleasure, and the appointments shall be subject to council approval.

B. The president shall fix the salaries of the appointed department heads subject to the council's approval.

Section 4-02. Chief Administrative Officer.

A. The president shall appoint and fix the salary of the chief administrative officer subject to council's approval, and the person appointed shall serve at the president's pleasure.

B. The chief administrative officer shall be appointed based on executive and administrative qualifications.

C. The chief administrative officer must be a resident of and domiciled in St. Landry Parish. If the person appointed is not a resident of the parish at the time of appointment, then residency must be established in the parish within thirty days after the appointment. Failure to establish residency as required by this part renders the appointment null.

D. The chief administrative officer's position shall not be active upon the adoption of this

charter but may be activated when needed by an ordinance of the council. It may also be deactivated by an ordinance of the council.

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

The chief administrative officer shall have the following inclusive powers and duties:

- (1) Administer day-to-day business through delegation and direction of staff.
- (2) Exercise control over all positions subject to the president's jurisdiction.
- (3) Consult and inform the president and council about major problems or proposals involving operating practices and procedures.
- (4) Implement plans and programs approved by council.
- (5) Work closely with other associated parish agencies, outside vendors, the general public, and other governmental agencies.
- (6) Collect and take custody of all monies of the parish government from whatever source.
- (7) Disburse all funds from the parish treasury.
- (8) Develop and administer a uniform central accounting system.
- (9) Procure all personal property, materials, supplies, and services required by the parish government under a central purchasing system for all departments, offices, and agencies in accordance with applicable state law, council policy, and administrative requirements.
- (10) Maintain a record of indebtedness.
- (11) Prepare a monthly statement of revenues and expenditures which shall be completed and made available for public inspection no later than twenty days after the end of each month.
- (12) Provide data processing administration and perform utility billing and collection.

Section 4-04. Legal Department.

A. The district attorney of the 27th Judicial District or a designated representative from that office shall serve as parish attorney.

B. The council may appoint a parish attorney by ordinance to serve in lieu of the district attorney for a specific term. The person appointed shall have been licensed to practice law in Louisiana for at least five continuous years, be in good standing with the Louisiana Supreme Court and Louisiana State Bar Association, and must be a resident of St. Landry Parish at the time of and during the appointment.

C. The council may retain special legal counsel pursuant to a written contract which outlines the specific purpose and nature of the legal services to be performed and the compensation, if any, to be paid for the services.

Section 4-05. Department of Finance.

- A. There shall be a director of finance who shall head the department of finance.
- B. The director of finance shall direct and be responsible for the following inclusive 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 president or the chief administrative officer when that position has been activated.
 - (3) Maintenance of a record of indebtedness and the payment of the principal and interest of 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 the 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 days after the end of each month.
 - (8) Procurement of all immovable and movable 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, immovable and movable.
 - (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 administrative services.
 - (14) Other activities as may be directed by the president or by the chief administrative officer when the latter position is active.

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, at the time of appointment, shall have proven engineering and administrative experience.

C. The director of public works shall direct and be responsible for the following inclusive activities.

- (1) Coordinating 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) Operation of a central facility for the repair and maintenance of parish government vehicles and equipment.
- (7) Other activities as may be directed by the president.

Section 4-07. Parks and Recreation Department.

A. There shall be a parks and recreation director who shall direct and be responsible for:

- (1) Parks and playgrounds.
- (2) Recreational activities.
- (3) Cultural activities and facilities.
- (4) Other leisure activities and other activities that may be directed by the president or the chief administrative officer when the latter position is active.

B. This department shall not be active when the charter is adopted, but may be activated by an ordinance of the council. It may also be deactivated by an ordinance of the council.

C. The president shall perform the duties of this position until it has been activated and a director has been appointed.

Section 4-08. Personnel Policies and Procedures.

A. The president shall prepare a manual, within six months after assuming office, that sets out the policies, procedures, rules, and regulations regarding the classification and pay plans of parish government employees. The manual shall conform to the parish government's policy and objective to employ those persons best qualified to perform the functions of the parish

government, to foster career service, and insure that all appointments and promotions made in the parish government and its various departments shall be made on the basis of merit and fitness. The manual shall be submitted to the council which may approve it by adopting an ordinance to that effect, and all changes to the manual thereafter shall be by ordinance.

B. The personnel policies, rules, and position descriptions in effect in parish government when this charter becomes effective shall continue in effect, except as is provided above, until replaced by an ordinance of the council, and if they conflict with the charter, the charter shall prevail.

Section 4-09. Department and Function Transition.

All parish government departments, offices, agencies, and functions in existence on the effective date of this charter shall continue in existence as of that date until reorganized pursuant to the section on administration reorganization. This subsection shall apply only to the extent that the existing provisions do not conflict with the charter.

Section 4-10. Administrative Reorganization.

A. The president may propose to the council a plan for the creation, change, alteration, consolidation, or abolition of existing parish departments, offices and agencies and those included in this charter and the reallocation of the functions, powers, duties and responsibility of them.

B. The plan submitted by the president shall be implemented by an ordinance of the council. The plan shall become effective if the council fails to act on it within thirty days of its submission to the council.

C. The council may amend or modify the plan but only with the president's consent.

D. A public hearing on the proposed plan shall be held no later than twenty days after it has been submitted to the council. The hearing may be held at a regular or special meeting of the council.

Section 4-11. General System of Administration of Roads.

All road and work performed by the parish government, other than work funded from dedicated road district taxes, shall be done in accordance with the following procedures:

- A. Funds shall be used for the benefit of the parish as a whole according to a priority ranking.
- B. The most critical needs existing parishwide according to the priority ranking shall be met first. Criteria for priority ranking shall include population served by a given

road and economic necessity of the road to provide transportation for agriculture, industry and business operations.

- C. Priority ranking for maintenance and repairs shall be done in accordance with engineering evaluations.
- D. The president shall submit annually to the parish council for approval, a proposed parishwide capital improvements program which lists in order of priority all projects proposed to be constructed in the coming fiscal year and for the following two years. The plan shall be revised annually by incorporating a continuing needs study.
- E. A parishwide selective maintenance program inclusive of parish roads within municipalities shall provide for a schedule of work to be performed by category on a weekly basis. This program shall be prepared and administered by the director of public works under the supervision of the president.
- F. The director of public works may depart from the weekly selective maintenance schedule upon receipt of constructive notice of a defect in the parish road system which constitutes such a hazard to the public that it requires immediate repair.
- G. The director of public works shall maintain an itemized record of all work performed including all extraordinary expenditures and shall render a written monthly report of these items to the parish president and the parish council.

Section 4-12. Administration of Work Performed With Road District Funds.

All funds raised by taxes levied in road districts or public works districts shall be expended only for work performed within the geographic boundaries of those districts. The public works director shall supervise the performance of all district work except as otherwise provided for in this charter or by state law. Capital improvement projects and other major expenditures of those district funds shall require prior approval of the parish council. Expenditures in districts created by state statute shall be governed by the provisions of the particular statute involved where applicable.

ARTICLE V. FINANCIAL PROCEDURES.

Section 5-01. Fiscal Year.

The parish government's fiscal year shall begin January 1 and end December 31 of each year, subject however, to a change by an ordinance of the council.

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

A. The president shall submit to the council, at a regular meeting held at least ninety days prior to beginning of each fiscal year, an operating budget in the form required by this charter. The council shall immediately order a public hearing on the proposed budget and publish a notice containing the hour and place of the hearing and the nature and summary of the proposed budget in the official journal and the notice must be published at least ten days from the scheduled hearing. The notice shall also contain information about the times and places where copies of the proposed budget are available for public inspection. The council shall hold a public hearing on the proposed budget at the time and place contained in the published notice. The council may make changes in the proposed budget. The operating budget shall be finally adopted no later than the second to last regular meeting of the fiscal year in which it was submitted. The budget as finally adopted shall be effective for the fiscal year that was budgeted, and copies shall be filed with the council's clerk. Sufficient copies of the budget as finally adopted shall be reproduced by the president and made available for use by all offices, departments, agencies, and committees of the parish government. Copies of the budget shall be made available in the clerk's office for public inspection and use. Any interested party may purchase additional copies for a reasonable cost.

B. The budget from the prior fiscal year shall remain in effect until a new budget has been adopted.

Section 5-03. The Operating Budget Document.

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

Part I. This part shall contain the president's budget message which shall outline the proposed fiscal plan for the parish government and describe the significant features of the budget for the coming fiscal period and a general budget summary which shall show with supporting schedules the relationship between the total proposed expenditures and total anticipated available funds for the coming fiscal period and a comparison of these figures with corresponding actual figures for the last completed fiscal year and estimated figures for the year in progress.

Part II. This part shall contain:

- (1) A detailed estimate 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 for increases or decreases recommended as they relate to performance standards or workload measurements but only to the extent the information is available;
- (2) Manning or organizational tables for each department, agency or program;
- (3) Detailed estimates of all anticipated revenues together with corresponding estimated revenue or income for each item for the current fiscal year and actual figures for the last

preceding fiscal year and explanations of increases or decreases;

(4) Delinquent taxes for the current and preceding years and an estimated percentage of those that are collectible;

(5) A statement of indebtedness of the parish government showing debt redemption and interest requirements, debt authorized and unissued, and conditions of the sinking funds; and

(6) Any other information that the council may request. The total proposed expenditures shall not exceed total estimated revenues.

Part III. This section shall contain a complete draft of an appropriation ordinance. All appropriations shall be by department or program.

Section 5-04. Amendments to the Operating Budget.

A. Supplemental appropriations: If the president certifies during any fiscal year that there are funds available for appropriation in excess of those estimated in the operating budget, then the president may present a supplement to the budget for the disposition of those funds, and the council may make supplemental appropriations for the year, up to the amount of the excess certified by the president, by adopting an ordinance in the same manner required for adopting the original budget.

B. Emergency appropriations: The council is authorized to make appropriations to meet a public emergency affecting life, health, property or the public peace. These appropriations shall be made by an emergency ordinance. If there are no available unappropriated funds to fund the emergency appropriation, the council is authorized to adopt an emergency ordinance providing for borrowing money necessary to meet the emergency. Repayment of those sums shall be a fixed charge upon the revenues of the next following fiscal year in which the sums are borrowed.

C. Reduction of appropriations: If at any time during the fiscal year the president determines that there will be insufficient funds available to meet the amount appropriated, the president shall report this fact to the council without delay indicating the amount of the deficit, any remedial steps taken and any recommendations as to any other steps to be taken. The council shall immediately take steps and action it deems appropriate to prevent a deficit.

D. Subject to the limitations in subsection F below, the council may reduce any appropriation at any time by an ordinance.

E. Transfer of appropriations: The president may transfer part or all of any unencumbered appropriation within programs or departments at any time during the fiscal year.

F. Limitations: Appropriations for debt service may not be reduced or transferred and appropriations may not be reduced below an amount required by law to be appropriated.

Section 5-05. Capital Improvement Budget - Preparation and Adoption.

A. The president shall prepare and submit a capital improvement budget each year to the council no later than the time the operating budget for the ensuing fiscal year has been submitted. The capital improvement budget shall cover a period of at least five years and shall include new or expanded physical facilities that are relatively large, expensive, and permanent; major roads or streets; drainage, recreation, and public building projects; and all other major construction or renovation projects. The amount shown to be spent in the first year of the budget shall be the capital improvement budget for that year.

B. The capital improvement budget shall include:

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

The information regarding capital improvements still pending or in the process of construction or acquisition shall be renewed and extended each year.

C. The council shall immediately order a public hearing on the capital improvement budget after it is received from the president. The council shall publish in the official journal, at least ten days from the hearing, the time and place of the hearing, a general summary of the proposed budget, and the times and places when and where copies of the proposed budget will be made available for public inspection. The council shall hold a public hearing on the budget at the time and place that were advertised. The council may make changes in the proposed budget. The budget shall be finally adopted no later than the end of the fiscal year in which it was submitted. A copy of the capital budget in its final form and as adopted shall be filed with the council's clerk. Sufficient copies of the budget as finally adopted shall be reproduced by the president and made available for use by all offices, departments, agencies, and committees of the parish government. Copies of the budget shall be made available in the clerk's office for public inspection and use. Any interested party may purchase additional copies for a reasonable cost.

D. The council may amend the capital improvement budget by ordinance.

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

A. Payments and obligations may not be incurred against any allotment or appropriation

unless they accord and comply with the operating and capital improvement budgets and the president or his designee first certifies that sufficient funds are or will be available to cover the claim or obligations when they become due and payable. This provision shall not limit the parish government's authority to borrow funds in anticipation of the receipt of revenues as state law provides. The making of any payment or incurring any obligation in violation of the provisions of this charter shall be void and illegal. It shall be cause for the removal from office or employment of any official, officer or employee of the parish government to authorize or make payment or incur an obligation in violation of the provisions of this charter, and the person who makes or authorizes illegal payments or obligations shall, as a condition of their contract of employment or legal relationship to the parish government, be liable to make restitution to the parish government in the amount paid or the obligation that was incurred.

B. This charter shall not be construed in a manner that would prevent the adoption of an ordinance making or authorizing payments or entering into contracts for capital improvements to be financed wholly or partially by the issuance of bonds or prevent entering into a contract or lease which provides for payment beyond a fiscal year.

C. Contracts for professional services which are not covered by the public bid law may be made for a period that shall not exceed the term of office of the council and president who entered into the contract.

D. Deficit spending is prohibited except for emergencies as is provided for in this charter.

Section 5-07. Lapse of Appropriations.

All appropriations shall, to the extent that they have not been expended or encumbered, lapse at the end of the fiscal year for which they were budgeted. However, this shall not apply to capital expenditures which shall continue in force until the purposes for which they were made have been accomplished or abandoned. The purpose of any appropriation shall be considered abandoned if three years have passed without any disbursement from or encumbrance of the appropriation.

Section 5-08. Bond Debt.

The parish government is empowered to incur bonded debt in accordance with this charter, the state constitution, and state laws. When voter approval is required for a bonded debt, the council shall not call an election to incur the debt until an engineering and economic feasibility study and report has been made to the council and a summary of it has been published in the official journal at least forty five days prior to the proposed date of the election, unless the council is required to call an election pursuant to a petition provided for under state law.

Section 5-09. Facsimile and Electronic Signatures.

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

ARTICLE VI. INITIATIVE AND REFERENDUM.

Section 6-01. Initiative and Referendum.

The electors of St. Landry Parish shall have the power, subject to the restrictions in this charter, to propose the passage, amendment, or repeal of ordinances to the council and to vote on the proposal if the council refuses to act. This power shall not extend to proposing or repealing ordinances which make or reduce the appropriations of money, fixing salaries of appointed officers or employees of the parish government, or authorizing the repeal or reduction of levied taxes. The power to initiate a referendum shall be exercised as follows:

- (1) The person or persons exercising the power granted by this part shall submit the proposal to the council. The proposer shall within thirty days furnish a petition for circulation, a copy of which must be furnished to the council, either in one or multiple copies as the proposer desires. The petition shall contain the entire text of the proposed ordinance.
- (2) The proposer must obtain on a petition containing the proposal, the signatures of at least fifteen percent of the total registered voters of the parish. The date signed and address of each signer shall be noted after each signature. Each person who circulates a copy of the petition shall attach a sworn affidavit stating the number of signers obtained and that each signature was made in the presence of the circulator of the petition.
- (3) The signed petition, as the case may be, shall be filed with the council within sixty days after the petition was initially furnished to the council. The council shall immediately order a canvass of the signatures through the registrar of voters to determine if the signatures are authentic and the petition or petitioners contain at least the number of signatures required by this part. The council must complete its canvass within thirty days after the petition has been submitted to it. The council shall notify the proposers within thirty days after submission that the petition does not contain a sufficient number of signatures or the petition is deficient or fails to comply with this section required in other respects. The proposers shall be allowed thirty days after the notice from the council to file additional papers to correct the deficiencies, except for the number of signatures and sufficiency and correctness of the petition.
- (4) The council shall publish the proposed ordinance and its summary once in its official journal within thirty days after it has certified the petition

as sufficient and correct. The publication shall also contain a notice of the date, time, and place when and where the proposed ordinance is given a public hearing and the notice must appear in the official journal at least seven days from the advertised hearing date. Thereafter, the council shall hold the public hearing at the place and time that were advertised.

No later than ten days after the public hearing, the council shall either adopt the proposed ordinance without substantial amendments or effect its repeal or adopt a resolution to submit the proposal to the parish electors.

- (5) The council cannot repeal or amend an ordinance submitted to it by an initiatory petition until at least one year has elapsed following the date of submission. However, it may submit proposals to amend or repeal the ordinance to a vote of the parish electors. The ordinance may be amended or repealed after it has been in effect for at least one year.
- (6) The election to consider an ordinance which originates by an initiative petition shall be held at the first parish-wide election which has been scheduled for other purposes or election of officials and that election must have been scheduled at least ninety days after the council votes to submit the proposal to the electors. The proposal must receive a majority vote of the electors to become effective and considered adopted.
- (7) If conflicting ordinances are approved by the electors at the same election, the one receiving greatest number of votes for approval shall prevail but only insofar as the ordinances conflict.
- (8) An ordinance adopted through the initiative process may be amended or repealed at any time by the parish electors through the initiative process.
- (9) The president may not veto an ordinance that has been adopted through the initiative process.

ARTICLE VII. AMENDING OR REPEALING THE CHARTER.

Section 7-01. Amending and Repealing the Charter.

A. Proposals to amend or repeal this charter may be made by a two-thirds vote of the membership of the council or by a petition signed by no less than fifteen percent of the total number of registered voters in the parish. A petition to repeal or amend the charter must contain the full text of the proposed amendment, amendments, or repeal of the charter. The time limits and procedures for the petition shall be the same as those for an initiative ordinance as proposed in Section 6-01 (1), (2) and (3).

B. Within thirty days after a petition for amendment or repeal has been certified by the council as sufficient and correct, the council shall publish the amendment, amendments, or repeal provisions in the parish government's official journal.

C. Proposals to amend or repeal this charter shall be submitted to the parish electors at a parishwide election that has been scheduled for other purposes or election of officials. The election must have been scheduled at least ninety days after publication of the proposed amendment or repeal. A majority of the electors must vote to amend or repeal the charter for either to be effective.

D. Proposals may be submitted by the council and initiative petitions at the same election. If conflicting proposals are approved in the same election, the one receiving the greatest number of votes for approval shall prevail but only insofar as the proposals conflict.

E. One year must elapse after the passage or rejection of a proposal containing an amendment to the charter before the same issue can be resubmitted to the people for a vote.

F. A proposal to amend this charter cannot be submitted during the parish government's first year of operations after the charter's adoption. A proposal to repeal this charter cannot be submitted until three years have elapsed after its adoption. Amendments to or repeal of the charter shall not shorten the term for any incumbent official or reduce or abolish the salary of the elected officials until the completion of that term of office. These provisions are subject to the exceptions that are provided in Subsection 9-06 of the charter.

ARTICLE VIII. GENERAL PROVISIONS.

Section 8-01. Legal Process.

In suits against the parish government, service of legal process shall be made upon the president, or in his absence, upon the department head or chief administrative officer, as the case may be, as is provided for in the sections regarding the president's temporary absence or president's disability. In the absence of the president, the chief administrative officer, or department head, service of process shall be made on the council's chairperson.

Section 8-02. Code of Ethics.

All officers, officials, and employees of the parish government shall be subject to the provisions of the state's code of ethics for local governments and to an ordinance establishing a code of ethics for the parish government which does not conflict with state law.

Section 8-03. Bonding of Officers and Employees.

Parish government officers and employees designated by the council shall give bond

with a good and solvent surety in an amount prescribed by the council. The council shall have the power to reject any surety that is submitted. Premiums on the bonds may be paid by the parish government.

Section 8-04. Oaths of Office.

All elected officials of the parish government shall take the following oath to be administered by any person qualified to render oaths:

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

Section 8-05. Advisory Boards and Commissions.

A. The council, by resolution, and the president may appoint advisory boards and commissions to provide advice regarding the operations of the parish government. The boards and commissions shall not have administrative or legislative authority.

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 advisory 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 in accordance with state law.

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

Section 8-06. Administrative Boards and Commissions.

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

B. The council and the president may appoint members to boards and commissions as provided in ordinances and general state laws creating those boards and commissions.

C. Boards and commissions shall not have legislative authority.

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

E. All meetings of administrative boards and commissions shall be open to the public in accordance with state law.

F. The council may by ordinance create, consolidate, merge, abolish, or reorganize any administrative boards or commissions previously created by the governing authority of St. Landry Parish and in existence at the date this charter becomes effective or as may be created in the future subject to the provisions of Section 8-07 below.

Section 8-07. Control Over Local Agencies and Special Districts.

A. The parish council shall have general power over any special district or local agency previously created by the governing authority of St. Landry Parish or hereafter created by the council including, without limitation, the power to abolish the agency and require prior approval of any charge, tax levy, or bond issue by the agency.

B. The parish government may consolidate and merge into itself any special district or local public agency, except a municipality or 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 therein in the affected special district. A local public agency shall be merged only if approved by a majority of the electors voting in the parish as a whole.

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

Section 8-08. Reconstitution of Government.

In the event of war or public disaster that incapacitates the parish president an/or a majority of the council, the remaining members of the council may act on an emergency basis and shall appoint any 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 the regularly constituted elections shall be held as soon as it is judicially determined that conditions permit them to be held.

Section 8-09. 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 one provided in the general laws of the state.

B. If a majority of the electors vote in an election for the recall of the official who is named, that person shall be removed from office immediately, and the vacancy shall be filled in accordance with this charter and state law. The person who has been recalled shall not be eligible for appointment to fill the vacant position.

Section 8-10. Removal by Suit.

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

ARTICLE IX. TRANSITIONAL PROVISIONS.

Section 9-01. 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. Landry 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. Landry 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 9-02. Special Districts.

Any special district previously established and existing in St. Landry Parish on the effective date of this charter shall continue to exist to effectuate the purpose for which it was created, to complete any works begun or authorized by it, 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 9-03. 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 St. Landry Parish.

B. Special or local assessments on property for improvements are to be maintained and may be imposed on property owners in accordance with state law.

C. All fees, charges, and taxes levied by St. Landry 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 for tax purposes.

D. 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.

E. The levy of property tax millages above the constitutional maximum previously approved by the voters of St. Landry Parish or by a special district shall continue to be levied by the parish government and used for the approved purposes. Those levies may be renewed by the electors within the geographical area involved in an election held for that purpose.

Section 9-04. Special Legislative Acts.

All special legislative acts pertaining to St. Landry Parish governmental powers that are or may be in conflict with the provisions of this charter shall be inoperative and of no effect.

Section 9-05. Retirement Systems.

Pension and retirement plans for employees of St. Landry Parish in existence at the time this charter is approved shall not be affected in any way by this charter. The plans shall remain in full force and effect and shall be carried out and regulated in accordance with applicable laws and procedures.

Section 9-06. Severability.

If any provision of this charter is declared invalid for any purpose, that provision shall not affect the validity of the remaining provisions of this charter.

Section 9-07. Violation of Voting Rights Act.

If the Civil Rights Division of the United States Department of Justice or any court of competent jurisdiction declares any part of this charter except reapportionment to be in violation of the Voting Rights Act prior to the date the charter becomes effective, the St. Landry Parish Charter Commission shall reconvene for a period not to exceed ninety days for the purpose of drafting and proposing amendments to the charter to resolve the cited violations of the Voting Rights Act and submitting the amendments to the electors of St. Landry Parish.

Section 9-08. Schedule of Transition.

The provisions of this charter pertaining to the election of parish government officials created by it shall become effective on the date this charter is adopted. The remaining provisions of this charter shall become effective on the date the new officials take the oath of office.

Section 9-09. Election of Officials.

A. The first election for officials under this charter shall be held at the same time as the primary and general elections for governor of Louisiana to be held in 2003. Thereafter, elections shall be held in the same year and dates that correspond to the election for governor.

B. Officials elected under the provisions of this charter in the election to be held in 2003 shall take their oaths of office on the second Monday in January 2004. Thereafter, elected officials of the parish government shall take their oaths of office on the second Monday in the next January following their election.

C. All police jurors of St. Landry Parish in office when this charter is adopted shall remain in office and discharge their duties until officials elected under this charter are sworn and take office. Thereafter, their offices shall cease to exist.

D. The districts for council members shall be the same as those existing for the police jurors at the time the charter is adopted or as they may be altered by the Civil Rights Division of the United States Department of Justice, any court of competent jurisdiction, reapportionment, or as the number of the council members may be changed by the parish electorate.

E. If implementation of this charter approved by the parish electorate in the October 5, 2002 election is delayed by the Civil Rights Division of the United States Department of Justice or a court of competent jurisdiction prior to the dates for qualifying for the election for governor of Louisiana in 2003, the following procedure shall be used in the transition from the police jury form of government to the president-council form of government provided for in the charter:

- (1) Persons who qualify for the election in 2003 shall do so for the office of police juror. Those elected officials shall take their oaths of office on the second Monday in the next January following their election, and they shall continue to function under the police jury system of government.
- (2) On the date the charter is finally implemented, police jurors in office shall become council members and shall function in accordance with the charter.
- (3) Within fifteen days after the police jurors become council members, they shall appoint a person who possesses the requisite qualifications as president, and that person shall serve in that position until an elected president is sworn.
- (4) Within thirty days after the police jurors become council members, they shall call an election to fill the president's position. This election shall be at the

first regularly scheduled parishwide election to be held more than ninety days after the police jurors become council members.

- (5) Council members and the president shall serve until their successors are elected in an election that is held at the same time as the next primary and general elections for governor. Thereafter, the elected council and parish president shall take their oaths of office on the second Monday in next January following their election.

Section 9-10. Required Approval by Electors.

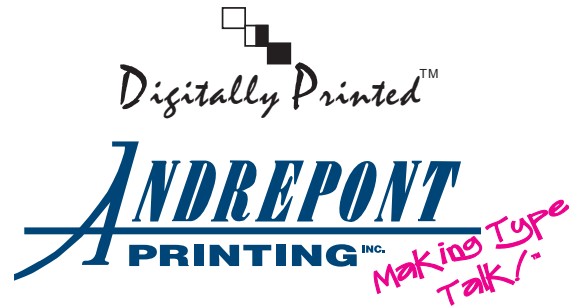
The charter shall become effective only if approved by a majority of those voting in the election held for the proposition of its acceptance or rejection.

Section 9-11. Charter Ballot.

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

“Shall the Home Rule Charter and plan of government
for St. Landry 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



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