

**HOME RULE CHARTER**  
**FOR**  
**ST. BERNARD PARISH,**  
**LOUISIANA**



**This charter was researched and written by the St. Bernard Parish Home Rule Charter Commission members as listed below:**

**Stephen Estopinal, Chairman**

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John Taranto  
Sally Wolfe  
Boyd "Zeke" Zitzmann**

**This Charter was passed by 73% of the voters on November 8, 1988**

**The new government officials were elected on November 16, 1991 and sworn into office on January 13, 1992.**

## **AMENDMENTS TO THE CHARTER**

- Section 2-01.1** Term limitations - Election amended 10/16/93, Resolution #302-10-93
- Section 7-10** New Section 7-10 Water & Sewer System - Election 9/21/96  
Resolution #958-10-96 Effective 11/01/96
- Section 6-01** The name of person collecting a signature for a petition shall be printed on the same line as the signature - Election 11/15/03, Resolution #2254-11-03
- Section 9-11** Persons elected shall take office on Second Tuesday in January - Election 11/15/03, Resolution #2253-11-03
- Section 2-06(a)** Prohibitions – Election 11/14/09, Resolution #571-11-09
- Section 4-07** Department of Fire – Election October 2, 2010, Resolution #702-10-10
- Section 4-10(c)** Personnel System – Election October 2, 2010, Resolution #703-10-10
- Section 4-05(b)** Department of Public Works – Election October 2, 2010, Resolution #704-10-10
- Section 4-03(b)** Chief Administrative Officer – Election November 19, 2011, Resolution #869-12-11

- Section 4-04(b)** Department of Finance – Election November 19, 2011, Resolution #870-12-11
- Section 4-06(b) & (c)** Department of Community Development – Election November 19, 2011, Resolution #871-12-11
- Section 4-08(c)** Department of Parks and Recreation – Election November 19, 2011, Resolution #872-12-11
- Section 4-09** Department of Human Resources – Election November 19, 2011, Resolution #873-12-11
- Section 8-04** Ethics Board - Election November 6, 2012, Resolution #986-11-12
- Section 4-10** Personnel System – Election December 8, 2012, Resolution #1002-12-12
- Section 2-06(a)** Prohibitions – Election December 6, 2014, Resolution #1272-12-14



## **CHARTER**

- Art. I. Incorporation, Form of Government, §§ 1-01--1-07
- Art. II. Parish Council, §§ 2-01--2-18
- Art. III. Executive Branch, §§ 3-01--3-10
- Art. IV. Administration, §§ 4-01--4-12
- Art. V. Financial Procedures, §§ 5-01--5-10
- Art. VI. Initiative, Referendum, Recall, and Removal by Suit, §§ 6-01--6-03
- Art. VII. General Provisions, §§ 7-01--7-10
- Art. VIII. Permanent Boards, §§ 8-01--8-06
- Art. IX. Transitional Provisions, §§ 9-01--9-06

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

#### **Sec. 1-01. Home rule charter.**

The St. Bernard Parish Home Rule Charter Commission has proposed and the electors have adopted this, their home rule charter, under the authority of the Louisiana Revised Statutes 33:1395 through 33:1395.6. The Parish of St. Bernard (hereinafter referred to as the parish) 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.

#### **Sec. 1-02. Form of government.**

The plan of government provided by this Home Rule Charter shall be known as the "president-council" form of government. It shall consist of an elected council which shall be called the St. Bernard Parish Council (hereinafter referred to as the council) and shall constitute the legislative branch of the government. It shall also consist of an elected president who shall be called the St. Bernard Parish President (hereinafter referred to as the president) and shall head the executive branch.

#### **Sec. 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.

#### **Sec. 1-04. General powers.**

Except as otherwise provided by this Charter, the parish government shall continue to have all of the powers, rights, privileges, immunities, and authority heretofore possessed by St. Bernard Parish under the constitution, statutes, and laws of the State of Louisiana. 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, statutes, and laws of the State of Louisiana. 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 affairs not denied by this Charter and neither denied by nor inconsistent with the constitution, statutes, and laws of the State of Louisiana.

\*Editor's note: This Home Rule Charter is set out herein as approved by the voters on Nov. 8, 1988. Amendments are indicated by history notes appearing in parentheses ( ) at the end of the amended or new section. The absence of such a note indicates that the section is derived, unamended, as approved by the voters on Nov. 8, 1988. Any words appearing in parentheses within the body of the text were added by the editor for clarity.

**Sec. 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 matter 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, statutes, or laws of the State of Louisiana or with this Charter.

**Sec. 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.

**Sec. 1-07. Gender.**

Words used in this Charter that may imply the masculine gender shall include equally the feminine gender.

**ARTICLE II. PARISH COUNCIL**

**Sec. 2-01. Composition, qualifications, and election.**

(a) The legislative power of St. Bernard Parish government shall be vested in a council consisting of seven (7) councilmen. All councilmen shall serve four (4) year terms. Of the seven (7) councilmen, five (5) shall be district councilmen and shall be elected by district, one (1) from each of the five (5) councilmanic districts. Two (2) of the seven (7) councilmen shall be councilmen-at-large and shall be elected by a parish-wide vote.

(b) The five (5) councilmanic districts shall be drawn in accordance with applicable state and federal laws. The councilmanic districts shall be evenly divided, as nearly as practicable, based upon population. To the extent possible, councilmanic districts shall be compact and be composed of contiguous territory.

(c) One (1) councilman-at-large shall be a resident of the eastern half of the parish (hereinafter referred to as east St. Bernard) and the other councilman-at-large shall be a resident of the western half of the parish (hereinafter referred to as west St. Bernard). The same data used to draw the five (5) councilmanic districts shall be used to establish the division between east St. Bernard and west St. Bernard.

(d) All council members shall be qualified electors of the parish and of the district or parish division from which elected at the time of qualification.

(e) All council members shall have been legally domiciled and shall have actually resided in St. Bernard Parish for at least two (2) years immediately preceding the time established by law for qualifying for office. All council members at the time of qualification shall be legally domiciled and actually reside within the district or parish division from which elected.

(f) All council members shall continue to be legally domiciled and to actually reside within the districts or parish division from which elected during their terms of office. Should the legal domicile and/or actual residence of a council member change from the district or parish division from which elected, unless changed by reapportionment, the office shall automatically become vacant. Such a vacancy shall be filled as set out in Section 2-04.

(g) Each candidate for councilman and councilman-at-large shall before election day file with the clerk of court documentation of any financial interest, direct or indirect, or ownership of stock in any entity doing business with the parish. Candidates also must disclose any proposed contracts with the parish or involvement in the proposed sale of property, material, supplies, or services to the parish.

(h) The councilman-at-large from east St. Bernard shall serve as chairman of the council for the first year of councilmanic business and conduct all council meetings according to Robert's Rules of Order and such rules of procedure as may be adopted by the council. The councilman-at-large from west St. Bernard shall serve as vice-chairman for the first year of councilmanic business. After one (1) year of councilmanic business, the councilman-at-large from west St. Bernard shall become chairman of the council and the councilman-at-large from east St. Bernard shall become vice-chairman. Thereafter, the positions of chairman and vice-chairman shall alternate annually between the councilmen-at-large.

#### **Sec. 2-01.1. Term limitations.**

(a) A person who has served as a councilman representing a councilmanic district for more than one and one-half (1½) terms in two (2) consecutive terms may not qualify for the office of councilman representing a councilmanic district for the next succeeding term.

(b) A person who has served as a councilman-at-large for more than one and one-half (1½) terms in two (2) consecutive terms shall not qualify for the office of councilman-at-large for the next succeeding term.

(c) This section shall apply to each of initial persons elected as councilmen or councilmen-at-large and to all subsequent persons elected to the aforesaid offices under this charter.

(Elec. of 10-16-93, Prop. 1--Res. SBPC #302-10-93, 10-19-93)

#### **Sec. 2-02. Reapportionment.**

Following official publication of each federal census by the United States Bureau of the Census for the area covered by St. Bernard Parish and at least six (6) months prior to the time established by law for qualifying for office in the next regular election for council members, the council by ordinance shall alter, change, or rearrange council district boundaries so as to provide for population equality among the districts as near as reasonably practicable. To the extent possible, councilmanic districts shall be compact and be composed of contiguous territory. If council district boundaries are altered, changed, or rearranged, the same determining data shall be used to adjust the division between east St. Bernard and west St. Bernard.

#### **Sec. 2-03. Forfeiture of office.**

(a) A council member shall forfeit the office if such member during the term of office



is guilty of any of the following:

- (1) Lacks any qualification for the office prescribed by this Charter;
- (2) Is convicted of a state or federal felony;
- (3) Violates an expressed prohibition of this Charter.

(b) Should a member of the council fail or be unable to discharge the powers and duties of the office for a period exceeding six (6) consecutive months, the council shall have the authority upon the favorable vote of at least two-thirds (2/3) of the remaining members of the council to declare the seat of the council member vacant, provided, however, that the council shall hold a public hearing on the issue prior to any such declaration.

#### **Sec. 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, forfeiture of office, failure to take the oath of office, or failure to perform the duties of office.

(b) A vacancy on the council shall be filled by appointment of a person meeting the qualifications for office (section 2-01) by a majority of the remaining members of the council. If one (1) year or less of the unexpired term remains when the vacancy occurs, the appointee shall serve out the remainder of the term. If the vacancy occurs more than one (1) year prior to the expiration of the term, the appointee shall serve until the office is filled by the vote of the qualified electors voting in a special election called by the council for that purpose. Such an election shall be held according to the timetable and procedures established by Louisiana state law for the filling of vacancies in elected local offices.

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

(d) An appointee filling a councilmanic vacancy shall be ineligible as a candidate for that office in the subsequent election for that office.

#### **Sec. 2-05. Compensation.**

(a) The compensation of the first council members elected under this Charter shall be seven thousand two hundred dollars (\$7,200.00) per annum. The chairman of the council shall receive one thousand two hundred dollars (\$1,200.00) per annum in addition to the regular annual compensation.

(b) The council may periodically review the compensation paid council members and may change same by ordinance, provided that no ordinance changing any compensation shall be passed during the last year of the terms of council members adopting the ordinance and further provided that a change shall not become effective during the current term of the council members adopting the ordinance.

(c) The council shall by ordinance establish a system of reimbursement for all elected parish officials and parish employees whereby, upon presentation of properly documented expenses, including but not limited to receipts, persons may be reimbursed for reasonable

and necessary expenses incurred in carrying out the official duties of their office.

**Sec. 2-06. Prohibitions.**

(a) A council member shall hold no other elected public office, appointed position in government service, or 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. However, council members may hold the positions of notary public, an officer in the military service, a member of a charter commission, a delegate to a constitutional convention, or a member of a political party committee. No former council member shall hold any compensated appointive office or employment of the parish government or any of its political subdivisions until one (1) year after expiration of the term of office to which elected.  
(Elec. of 12-6-14, Res. SBPC #1272-12-14, 12-16-14)

(b) Except as specifically provided in this Charter, neither the council nor any of its members shall appoint, remove, direct, or supervise any administrative officers or employees whom the president or any of his subordinates are empowered to appoint.

**Sec. 2-07. Council meetings and rules.**

(a) The council shall meet regularly at least twice a month at intervals of at least two (2) weeks at such times and places as the council may prescribe. One (1) of the regular monthly meetings shall convene no earlier than 7:00 p.m. The council may schedule a regular meeting at an interval of less than two (2) weeks following the last regularly scheduled meeting by the favorable vote of two-thirds ( 2/3) of the total council membership and public notice given at least forty-eight (48) hours prior to the meeting. Special meetings may be held on the call of the president, the presiding officer of the council, or a majority of the total membership of the council with such notice as may be required by the constitution, statutes, and laws of the State of Louisiana. To meet a public emergency affecting life, health, property, or public safety, the council may meet upon call of the president, the presiding officer of the council, or majority of the total 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 provision of general state law.

(c) The chairman of the council 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 chairman and vice-chairman, the council shall elect by majority vote one (1) of its other members as temporary presiding officer. The temporary presiding officer shall be a voting member of the council.

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

(e) At all regular meetings of the council, the council shall operate from an agenda which shall be posted in writing and made available to the public at least two (2) working days prior to the meeting. The posted agenda may be amended at the meeting upon the favorable vote of majority of the total membership of the council. Amendment must be limited to routine administrative matters which developed between the time the agenda was submitted for publication and the scheduled meeting. The agenda for special meetings shall be posted and made available to the public in accordance with the constitution, statutes, and laws of the State of Louisiana. The agenda for emergency meetings shall be posted and made available to the public as soon as practical prior to the meeting.

(f) The council shall provide by resolution a procedure whereby interested persons shall be given an opportunity to be heard at council meetings on any matter relating to parish government. Any person shall have the right to address the council provided that person shall have so notified the presiding officer in writing prior to the start of the meeting indicating the topic to be discussed. Each person shall be allowed adequate time to address the council.

(g) All voting on ordinances and resolutions shall be by roll call, and the ayes and nays shall be recorded in the minutes of the council by the individual vote of each council member. Not less than a majority of the total membership of the council shall constitute a quorum to transact business. If a quorum is lost during a meeting, a recess may be called to compel the attendance of absent members in the manner and subject to the penalties prescribed by council rules.

(h) Determination of majority vote or two-thirds (2/3) vote pertaining to ordinances shall be based on the total membership of the council.

(i) Determination of majority vote pertaining to resolutions shall be based on council members present.

(j) All ordinances passed by the council shall be restricted to one (1) subject.

### **Sec. 2-08. Investigations.**

The council may conduct investigation 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 all be for a specified purpose and may be undertaken only after the affirmative vote of a majority of the total membership of the council. The vote must be taken at a regular meeting of the council. Any person who fails or refuses to obey any lawful order of the council shall be guilty of a misdemeanor and shall be punished in such manner as the council shall fix by ordinance. No council member shall vote on any matter under investigation in which said council member has a conflict of interest. If three (3) or more council members must disqualify themselves, an investigation must be conducted by the parish ethics board.

### **Sec. 2-09. Independent audit.**

The council shall provide for an annual independent post-audit and such additional audits as it deems necessary of the accounts and other evidence of financial transaction 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 council shall establish a time limit for completion of audits. Any 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 report shall be submitted to the council at a regularly scheduled meeting. The report shall be a public record, and a summary thereof shall be published at least once in the official journal.

**Sec. 2-10. Council employees.**

(a) The council shall appoint a clerk of the council who shall serve at the pleasure of the council. The clerk shall give notice of council meetings to its members and the public, keep the journal of its proceedings and ordinances, provide for publishing in the official journal, act as official secretary of the council, and perform such other duties as are assigned to the position by this Charter or by the council. The council shall appoint such other employees as clerical assistants to the clerk of the council as it deems necessary.

(b) The council shall by ordinance fix the salaries of its employees. Such salaries shall be comparable to salaries in the executive branch for similar work.

**Sec. 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;
- (4) appropriate funds and/or adopt the operating budget and capital 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) Dispose of any real or personal property owned by the parish government;
- (11) Convey or lease or authorize the conveyance or lease of any lands or property of the parish government;
- (12) Acquire real property on behalf of the parish government;
- (13) Adopt or modify the official parish map;

- (14) Adopt or modify regulations for review and approval of plats;
- (15) Adopt or modify subdivision controls or regulations;
- (16) Adopt or modify the zoning plan, maps, and regulations;
- (17) Amend or repeal any ordinance previously adopted;
- (18) Propose amendments to this Charter, subject to an affirmative two-thirds (2/3) vote of the total council membership and approval by the electorate.

(b) All parish ordinances shall be codified in accordance with applicable Louisiana state laws.

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

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

#### **Sec. 2-12. Ordinances in general.**

(a) All proposed ordinances shall be introduced in writing and in the form required for adoption. Except for codification, the operating budget, and capital budget, all proposed ordinances shall be confined to one (1) subject. The subject of proposed ordinances must be expressed clearly in the title.

(b) All proposed ordinances shall be read by title when introduced and published in the official journal in full within ten (10) calendar days after introduction. Except as otherwise provided in section 2-14, no ordinance shall be considered for final passage until at least two (2) weeks from date of introduction and a public hearing has been held on the ordinance.

(c) With the final approval of ordinances by the president, or the council in the 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, but not more than twenty-one (21) days thereafter. Every enacted ordinance, unless it shall specify another date, shall become effective at expiration of thirty (30) calendar days after publication by the council.

#### **Sec. 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. The ordinance shall be presented to the president within three (3) calendar days after adoption, excluding Saturdays, Sundays, and parish holidays. The clerk of the council shall record upon the ordinance the date and hour of its delivery to the president.

(b) Within ten (10) calendar days after the president's receipt of an ordinance, excluding Saturdays, Sundays, and parish holidays, it shall be returned to the clerk of the council with the president's approval or with the president's veto. The clerk shall record

upon the ordinance the date and hour of its receipt from the president. If the proposed ordinance is not signed or vetoed by the president within ten (10) calendar days after receipt, it shall be considered approved. If the ordinance has been approved, it shall be considered enacted and become effective as provided in section 2-12(c). 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 ordinances adopting the operating budget and the capital 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 re-adopt the ordinance by the favorable vote of at least two-thirds (2/3) of the total membership, said ordinance shall be considered enacted and become law irrespective of the veto by the president. The same procedure shall apply to individual appropriation items vetoed by the president in the operating and capital budgets. Any ordinance enacted in the manner prescribed above shall become effective as provided in section 2-12(c).

(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; for amendments to this Charter; for establishment, alteration, or modification of council procedure; for appropriation of funds for auditing; or for investigation of any part of the executive branch.

#### **Sec. 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 a majority of the total council 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); 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, 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. The clerk shall record on the emergency ordinance the date and hour of delivery to the president. 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. The clerk shall record upon the emergency ordinance the date and hour of its receipt from the president. 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 adopted. 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. Should the council vote, not later than twelve (12) hours after receipt of the vetoed emergency ordinance from the president, to re-adopt the emergency ordinance by the favorable vote of at least a two-thirds ( 2/3) of its total membership, said emergency ordinance shall be considered enacted and become law

immediately upon re-adoption, 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) calendar days after final approval.

### **Sec. 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) calendar 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 in the official journal by the clerk as soon as practical following such final adoption.

### **Sec. 2-16. Authentication, recordation, reproduction, and distribution of ordinances and resolutions.**

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

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

### **Section 2-17. Power to levy taxes.**

(a) The power to perform any service or provide any facility granted to the parish government by this Charter or by the constitution, statutes, and laws of the State of Louisiana 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, statutes, and laws of the State of Louisiana. The council shall have, and is hereby granted, all of the authority to levy and collect taxes, to incur debt, and to issue bonds and other evidences of indebtedness as is now or hereafter conferred on governing authorities of parishes by the constitution, statutes, and laws of the State of Louisiana, or as may be hereafter specially conferred by the electors of the parish.

(b) Any tax being levied by St. Bernard Parish on the effective date of this Charter is ratified and continued in effect for the term for which same is currently authorized.

(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, charge, or fee shall be submitted to the voters for approval in accordance with the election laws of the state.

(e) All tax proposals requiring a vote of the electors must be approved by the favorable vote of at least two-thirds (2/3) of the total membership of the council prior to submission of the proposals to the voters.

**Sec. 2-18. Powers of enforcement.**

For the purpose of carrying out the powers and duties generally or specially conferred on the parish government, the council shall have the power to grant franchises, to require licenses and permits and to fix the fees to be paid therefore, to charge compensation for any 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**

**Sec. 3-01. Executive authority.**

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

**Sec. 3-02. Election.**

The president shall be elected at large from and by the qualified electors of the parish according to the election laws of the state for a four (4) year term. A person who has served as president for more than one and one-half (1½) terms (6 years) shall not qualify for the office of president again.

**Sec. 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 two (2) years 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. Such a vacancy shall be filled as set out in section 3-07.

(c) Each candidate for president shall before election day file with the clerk of court documentation pertaining to any financial interest, direct or indirect, or ownership of stock in any entity doing business with the parish. Candidates also must disclose any proposed contracts with the parish or involvement in the proposed sale of property, material, supplies, or services to the parish.

**Sec. 3-04. Compensation.**



(a) The salary of the first president elected under this Charter shall be forty-five thousand dollars (\$45,000.00) per annum. The council may by ordinance increase or decrease the salary for the office of parish president provided that such an increase or decrease shall not become effective during any term of the current parish president at the time of the adoption of such an ordinance.

(b) The president shall be reimbursed for reasonable expenses incurred in carrying out the official duties of the office in accordance with section 2-05(c).

### **Sec. 3-05. 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) Appoint, suspend, or remove for just cause all parish government employees and appointive administrative officers provided for, by, or under this Charter in accordance with personnel policies as provided in sections 4-09(d) and 4-10, and/or authorize the chief administrative officer to exercise these powers;
- (3) Create and staff an office which will report directly to the president to handle complaints, public relations and information, business contacts and inquiries, and tourism and related activities;
- (4) Direct and supervise the administration of all departments, offices, and agencies of the parish government, except as otherwise provided by this Charter;
- (5) Prepare and submit the annual operating budget and five (5) year capital budget to the council;
- (6) Submit to the council and make available to the public, within sixty (60) calendar 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;
- (7) Submit to the council not later than twenty (20) calendar days after the end of each month a statement of revenues and expenditures of the operating budget and a status report on capital projects;
- (8) Make such other reports the council may reasonably request to enable the council to conduct its councilmanic function;
- (9) Attend, or appoint a designee to attend, all meetings of the council to keep the council apprised of the financial condition and future needs of the parish and to make recommendations to the council concerning any other affairs of the parish;
- (10) Veto any ordinance in total or any line item in a budget ordinance within ten (10) days after presentation to him by the clerk of the council;
- (11) Perform other duties and functions as specified in this Charter or as may be required by the council.

### **Sec. 3-06. Forfeiture of office.**

A president shall forfeit the office if during the term of office that president is guilty of any of the following:

- (1) Lacks any qualification for the office prescribed by this Charter;
- (2) Is convicted of a state or federal felony;
- (3) Violates an expressed prohibition of this Charter.

### **Sec. 3-07. Vacancies.**

(a) The office of president shall become vacant upon death, resignation, removal from office in any manner authorized by law, forfeiture of office, failure to take the oath of office, or failure to perform the duties 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 total 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. Such an election shall be held according to the timetable and procedures established by state law for filling vacancies in elected local offices.

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

(d) An appointee filling a presidential vacancy shall be ineligible as a candidate for that office in the subsequent election for that office.

### **Sec. 3-08. President's temporary absence.**

(a) Whenever the president is absent from the parish, the powers and duties of the office of president shall be exercised by the chief administrative officer (CAO). In the absence of the CAO, the president shall file the name of a department head to act in his behalf with the clerk of the council. Upon the failure of the president to file such name, the chairman of the council shall designate a department head to serve as acting president.

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

(c) If a temporary absence of the president from the parish, for other than medical reasons, extends to more than sixty (60) consecutive days, the office shall become vacant and shall be filled in accordance with section 3-07.

### **Sec. 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 by the CAO. If the CAO is unable to serve, the office shall be filled by a department head chosen by a majority vote of the total membership of the council. The acting president shall not receive the compensation of the office of president but shall continue to receive his regular compensation.

(b) Whenever a panel composed of the coroner and two (2) qualified medical experts in the field of the president's disability, who are designated by resolution adopted by the favorable vote of at least a majority of the members of the council present, 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 3-09(a). The person filling the office shall serve until the panel transmits to the clerk of the council its written declaration that the president's disability has ended. The medical experts shall review the president's disability at least once every month 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 vote of at least two-thirds (2/3) of its total 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.

### **Sec. 3-10. Prohibitions.**

(a) The president shall be a full-time official and shall hold no other elected public office nor any compensated appointive office or employment of the parish government or any of its political subdivisions during the term of office for which elected and shall hold no compensated appointive office or employment of the parish government or any of its political subdivisions until one (1) year after leaving office.

(b) The president shall hold no other employment by any agency, entity, or individual except as he should lawfully represent the parish in some appointed board or agency and for which he shall receive no compensation.

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

## **ARTICLE IV. ADMINISTRATION**

### **Sec. 4-01. General provisions.**

(a) Except as otherwise provided by this Charter, all departments, offices, and agencies of the parish and all employees thereof shall be under the direction and supervision of the president. The president shall have the sole authority to appoint the chief administrative officer and all directors of departments in the executive branch created by this Charter. The chief administrative officer and all directors of departments shall be unclassified and shall serve at the pleasure of the president.

(b) Except as otherwise provided by this Charter, the salaries of the chief

administrative officer and directors of the departments appointed by the president shall be set by the president subject to approval by the council.

**Sec. 4-02. Legal services.**

(a) The district attorney of the judicial district serving St. Bernard Parish shall serve as the legal advisor to the council, parish president, and all parish departments, offices, and agencies, unless otherwise decided by the president and council.

(b) No legal counsel shall be retained to represent the parish or any department, office, board, or commission of the parish government except by ordinance and written contract. Such authorization shall specify the compensation, if any, to be paid for such services. This provision shall not apply to the parish ethics board.

**Sec. 4-03. Chief administrative officer.**

(a) The St. Bernard Parish Chief Administrative Officer (hereinafter referred to as chief administrative officer or CAO) shall be appointed by and serve at the pleasure of the president.

(b) The Chief Administrative Officer at the time of appointment shall have at least a bachelor's degree, with preference for a master's degree, in public administration, business administration, or a related field from an accredited college or university and have at least three (3) years experience operating a multi-tiered corporation with a minimum of 75 employees as a senior level executive.

(Elec. of 11-19-11, Res. SBPC #869-12-11, 12-6-11)

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

(d) There shall exist within the chief administrative office the following:

(1) An office to direct and be responsible for:

- a. Handling complaints of and giving assistance to any resident of the parish,
- b. Locating federal and state human resource programs available for local government participation and providing information to parish residents on available federal, state, local, and private social services,
- c. Handling requests for and issuing permits for alcoholic beverages, bingo games, rallies, parades, and similar functions,
- d. Handling other duties within the scope of this office as may be directed by the chief administrative officer;

(2) An office to direct and be responsible for:

- a. Handling risk management and related bonding including administration of liability, casualty, fire, hospitalization, and life insurance for the parish,
- b. Managing contracts and monitoring of all parish contracts,

- c. Handling other duties within the scope of this office as may be directed by the chief administrative officer;
- (3) An office to direct and be responsible for:
- a. Creating and maintaining management information services (MIS) for all parish departments and agencies,
  - b. Handling other duties within the scope of this office as may be directed by the chief administrative officer;
- (4) An office to direct and be responsible for:
- a. Handling internal auditing of all parish functions with all reports directed to the president and the council,
  - b. Handling other duties within the scope of this office as may be directed by the chief administrative officer.

**Sec. 4-04. Department of finance.**

(a) The head of the department of finance shall be the St. Bernard Parish Director of Finance (hereinafter referred to as the director of finance).

(b) The director of finance, at the time of appointment, shall have at least a bachelor's degree in accounting or equivalent degree with twenty-one (21) hours of accounting from an accredited college or university and shall have at least three (3) years experience in governmental accounting, with preference for experience with automated financial systems in a governmental organization with a minimum annual budget of at least fifty percent (50%) of the current operating budget of St. Bernard Parish Government. (Elec. of 11-19-11, Res. SBPC #870-12-11, 12-6-11)

- (c) 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) Assistance to the president and chief administrative officer in the preparation of the annual operating budget and capital budget;
  - (3) Maintenance of a record of indebtedness and the payment of the principal and interest on such indebtedness;
  - (4) Ascertaining that funds are available for payment of all contracts, purchase orders, and any other documents which incur 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 such standards exist;

- (7) Preparation of a monthly statement of revenues and expenditures which shall be completed and made available for public inspection not later than twenty (20) calendar days after the end of each month;
- (8) Preparation of a monthly capital project statement showing for each project the authorized expenditure, amount committed to date, payments to date, percentage of completion, forecast to completion, and any other pertinent information requested by the president or council, such report being made available for public inspection not later than twenty (20) calendar days after the end of each month;
- (9) Procurement of all personal property, material, 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) Preparation of all intergovernmental grant applications on behalf of the parish government and informing departments, offices, and agencies of all relevant local, state, and federal programs;
- (11) Administration of the food stamp program;
- (12) Administration of utility billing and collection;
- (13) Maintenance of an inventory of all property, real and personal;
- (14) Investment of idle funds as permitted by law so as to receive the maximum rate of return;
- (15) Maintenance of general administrative services;
- (16) Contract reviews with other related department heads and parish attorney to determine that they are in order as they relate to his area of responsibility;
- (17) Other duties within the scope of this office as may be directed by the president.

**Sec. 4-05. Department of public works.**

- (a) The head of the department of public works shall be the St. Bernard Parish Director of Public Works (hereinafter referred to as the director of public works).
- (b) The director of public works at the time of appointment shall be a professional engineer and have at least a bachelor's degree in civil engineering or structural engineering from an accredited college or university, and be a registered engineer in the State of Louisiana. The director shall have a minimum of five (5) years experience in public works in the areas of water, sewerage, drainage, and streets.

(Elec. of 10-2-10, Res. SBPC #704-10-10, 10-5-10)

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

- (1) Engineering services for all parish departments and agencies;
- (2) Mapping and surveying services;
- (3) Supervision of all contract construction work;
- (4) Maintenance of parish property;
- (5) Operation of mosquito control program;
- (6) Construction and maintenance performed by the parish government of roads, sidewalks, bridges, and drainage facilities;
- (7) Garbage and trash collection and disposal;
- (8) Operation of a central facility for the repair and maintenance of parish government vehicles and equipment;
- (9) Operation of parish water and sewerage districts;
- (10) Other such activities within the scope of this office as may be directed by the president.

**Sec. 4-06. Department of community development.**

(a) The head of the department of community development shall be the St. Bernard Parish Director of Community Development (hereinafter referred to as the director of community development).

(b) The director of community development at the time of appointment shall have at least a master's degree in land use planning, public administration, or a related field from an accredited college or university with a minimum of two (2) years experience in the areas of zoning and subdivision review, building inspection and permits.

(c) The director of community development shall direct and be responsible for the following activities:

- (1) Maintenance of maps related to the functions of the department;
- (2) Coordination of planning activities;
- (3) Provide support staff for the planning commission and board of zoning adjustments;
- (4) Inspection, licensing, and permit issuance in conjunction with the enforcement of any zoning ordinances and building, housing, and other technical codes;

- (5) Issuance of permits for mineral exploration and seismic activity;
- (6) Issuance of oil and gas permits;
- (7) Act as the flood plain manager;
- (8) Facilitate referrals for resolution and monitor environmental concern issues
- (9) Serve as the secretary of the Planning Commission and the Board of Zoning Adjustments
- (10) Other such activities within the scope of this office as may be directed by the president.

(Elec. of 11-19-11, Res. SBPC #871-12-11, 12-6-11)

**Sec. 4-07. Department of fire.**

(a) The head of the department of fire shall be the St. Bernard Parish Fire Chief (hereinafter referred to as the fire chief).

(b) The fire chief shall meet all the current requirements as set forth by the State of Louisiana for that position.

(Elec. of 10-2-10, Res. SBPC #702-10-10, 10-5-10)

(c) The fire chief shall direct and be responsible for the following activities:

- (1) Fire prevention;
- (2) Fire extinguishment and salvage operations;
- (3) Inspection and recommendations concerning the fire code;
- (4) Investigations of fire and causes;

(5) Other duties within the scope of this office as may be directed by the president.

**Sec. 4-08. Department of parks and recreation.**

(a) The head of the department of parks and recreation shall be the St. Bernard Parish Director of Parks and Recreation (hereinafter referred to as the director of parks and recreation).

(b) The director of parks and recreation at the time of appointment shall have at least a bachelor's degree in recreation administration, public administration, or a related field from an accredited college or university and a minimum of two (2) years experience in county (parish) recreation as an assistant director or higher.

(c) The director of parks and recreation shall direct and be responsible for the following activities:

- (1) Direction and supervision of recreational activities and facilities;



- (2) Other such activities within the scope of this office as may be directed by the president.

(Elec. of 11-19-11, Res. SBPC #872-12-11, 12-6-11)

**Sec. 4-09. Department of human resources.**

(a) The head of the department of human resources shall be the St. Bernard Parish Director of Human Resources (hereinafter referred to as the director of human resources).

(b) The director of human resources at the time of appointment shall have a bachelor's degree in human resources, public administration, business administration, or a related field from an accredited college or university with a minimum of two (2) years experience in human resources management and benefits administration in government service or in the private sector supervising an employee base of fifty percent (50%) the size of St. Bernard Parish Government.

(Elec. of 11-19-11, Res. SBPC #873-12-11, 12-6-11)

(c) The director of human resources shall administer the personnel system of the parish.

(d) The director of human resources shall prepare personnel rules. The parish president shall refer such proposed rules to the personnel board which shall review the rules and report to the president its recommendations thereon. When approved by the parish president, the rules shall be presented to the council. The council shall by regular ordinance procedure adopt them with or without amendment. These rules shall provide for:

- (1) The classification of all parish positions based upon the duties, authority, and responsibility of each position with adequate provision for reclassification of any position whenever warranted by changed circumstances;
- (2) Policies and procedures for the administration of the classification plan;
- (3) A pay plan for all parish positions;
- (4) Methods of determining merit and fitness of candidates for appointment or promotion;
- (5) The policies and procedure regulating reduction in force and removal of employees;
- (6) The hours of work, attendance regulations, and provisions for sick and vacation leave;
- (7) A retirement system for parish employees which shall take into account any existing retirement system or systems;
- (8) The policies and procedures governing persons holding provisional appointments;
- (9) The policies and procedures governing relationships with employee

organizations;

- (10) Policies governing in-service training programs;
- (11) Prohibition against political activity of employees and assessment for political purposes;
- (12) Grievance procedures, including procedures for the hearing of grievances by the personnel board, which shall render advisory opinions based upon its findings to the parish president with a copy to the aggrieved employee;
- (13) Other practices and procedures necessary to the administration of the parish personnel system.

(e) The director of human resources may assume other activities within the scope of this office as may be directed by the president.

#### **Sec. 4-10. Personnel system.**

(a) It shall be the policy of the parish to employ those persons best qualified to perform the functions of the parish and to foster effective career service in parish employment. All appointments and promotions in the departments, offices, agencies, and special districts shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

- (1) Each classified personnel and non classified personnel must be a resident of St. Bernard Parish beginning not later than the date which is (6) months following the commencement of such person's employment.

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

- (1) All elected officials of the parish government;
- (2) The president's secretary and any assistants to the president;
- (3) The chief administrative officer;
- (4) Department heads created by or under this Charter or continued in accordance with the provisions of this Charter;
- (5) Employees named directly by the council;
- (6) Fire department personnel under state fire civil service;
- (7) All members of advisory boards and commissions;
- (8) All employees of intergovernmental agencies;
- (9) All employees hired on a part-time, temporary, or contractual basis;

(10) The director of the library and other employees of the library.

(c) A personnel board shall be appointed by the council as provided herein and shall consist of five (5) qualified electors of St. Bernard Parish who hold no public office or position on a parish board or commission. Two (2) members shall be appointed by the council. One (1) member shall be appointed by the council from a list of three (3) names submitted by the chancellor of Nunez Community College. One (1) member shall be appointed by the council from a list of three (3) names submitted by the chairperson of the St. Bernard Parish Chamber of Commerce. One (1) member shall be appointed by the council from a list of three (3) names submitted by the director of the St. Bernard Parish Economic Development Commission.  
(Elec. of 10-2-10, Res. SBPC #703-10-10, 10-5-10)

The terms of the first appointments to the personnel board shall be as follows: Three-year terms shall be served by the person appointed by the council and the persons appointed from the lists submitted by the chancellor of Nunez Community College and the chairperson of the St. Bernard Parish Chamber of Commerce; a two-year term shall be served by the person appointed from the list submitted by the director of the St. Bernard Parish Economic Development Commission. Thereafter, all appointments shall be for three-year terms.

The council shall make its appointment within sixty (60) days after this Charter takes effect and, upon failing to do so, the parish president shall make the appointment.

The chancellor of Nunez Community College, the chairperson of the St. Bernard Parish Chamber of Commerce, and the director of the St. Bernard Parish Economic Development Commission shall make such nominations within thirty (30) days after the effective date of this Charter, and the council shall make appointments within thirty (30) days after the nominations are received. Should the council fail to make an appointment from the list submitted within the allotted thirty (30) days, the first named nominee shall automatically become a member of the personnel board. Should the chancellor of Nunez Community College or the chairperson of the St. Bernard Parish Chamber of Commerce or the director of the St. Bernard Parish Economic Development Commission fail to make the nominations within thirty (30) days, the council shall call a public hearing to discuss and develop the list of candidates. Whenever the term of a board member expires or there is a vacancy in an unexpired term, the council shall make an appointment in the same manner as that designated for that member being replaced.

A board member shall vacate his position on the personnel board upon his conviction of malfeasance.

(d) The personnel board shall:

- (1) Serve as a review board for personnel rules as provided in section 4-09(d);
- (2) Hold hearings on dismissals, demotions, and other disciplinary matters as may be provided in the rules (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. The decisions of the personnel board in these matters shall be final.);
- (3) Perform such other quasi-judicial duties as may be required under the rules

developed pursuant to this section.

(e) Any person holding a full-time position subject to this section when this Charter takes effect, who served in that position at the time the charter was adopted by the electors of the parish, and at least one (1) year prior thereto, shall continue in that position but shall be subject in all other respects to this section. However, in the event consolidation of the government results in an oversupply of employees for certain positions, the president shall assign such extra employees to other positions for which the employees are qualified at no reduction in compensation.

#### **Sec. 4-11. Library.**

(a) The head of the library shall be the St. Bernard Parish Director of the Library (hereinafter referred to as the director of the library).

(b) The director of the library at the time of appointment shall have at least a master's degree in library science from a school of library science accredited by the American Library Association (Louisiana Revised Statutes 25:215 and 222 and State Board of Library Examiners Regulations) and must be certified by the State Board of Library Examiners.

(c) The director of the library shall be appointed by the library board called the board of control, shall be under the direction and supervision of the board, and shall serve at the pleasure of the board of control.

(d) The salary of the director of the library shall be set by the board of control.

(e) The director of the library shall direct and be responsible for the following:

- (1) Providing administration of the library within the framework of the board of control's plan, policies, and budget;
- (2) Employing additional staff, with confirmation by the board of control, and supervising staff;
- (3) Providing assistance and direction, recommending policies, and advising board of control on the merit of decisions under advisement;
- (4) Selecting and ordering all books and other library materials, print and non-print;
- (5) Preparing preliminary budget recommendations based on present and anticipated revenues and needs in relation to the board of control's plan for library growth;
- (6) Handling duties and functions within the scope of this office as may be directed by the board of control.

(f) The library, having been established by parish ordinance in accordance with Louisiana Revised Statutes 25:211 through 25:223, as amended, shall be managed by a library board, the board of control.

(g) The board of control shall be comprised of five (5) to seven (7) citizens of the parish as set out in Louisiana Revised Statute 25:214, as amended. Members shall be appointed by the council and shall serve terms specified in state statutes. The president of the parish or his designee shall be an ex officio member of the board.

(h) The board of control shall direct and shall be responsible for the following:

- (1) Appointing and/or dismissing the director of the library;
- (2) Approving appointment of the library staff;
- (3) Establishing written policy and procedures;
- (4) Securing adequate funding;
- (5) Approving the budget;
- (6) Establishing written personnel policies;
- (7) Approving purchases and expenditures;
- (8) Handling other duties and functions within the scope of Louisiana Revised Statutes 25:211-223.

**Sec. 4-12. 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 this Charter.

**ARTICLE V. FINANCIAL PROCEDURES**

**Sec. 5-01. Fiscal Year.**

The fiscal year of the parish government shall be established by ordinance by the council.

**Sec. 5-02. Operating budget preparation and adoption.**

At least ninety (90) calendar days prior to the beginning of each fiscal year, the president shall submit to the council a proposed operating budget for the subsequent fiscal year 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. Notice of the public hearing, published in the official journal at least ten (10) calendar days prior to the date of such hearing, shall include the date, 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. On the date and 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 total membership of the council. The budget shall be finally adopted not later than the second-to-last regular meeting of the current fiscal year. Upon final adoption, the budget shall be in effect for the subsequent fiscal 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.

**Sec. 5-03. Operating budget document.**

(a) The operating budget for the parish government shall present a complete financial plan for the ensuing fiscal year.

(b) The total proposed expenditures shall not exceed the total estimated revenues.

(c) The operating budget shall include the following:

- (1) A budget message prepared by the president which shall outline the proposed fiscal plan for the parish government and describe significant features of the budget for the forthcoming fiscal period;
- (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 to corresponding actual figures for the last completed fiscal year and estimated figures for the year in progress;
- (3) 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 completed fiscal year with explanations of increases or decreases recommended related to performance standards or workload measurements, to the extent of availability of such information;
- (4) Manning or organizational tables for each of the departments, agencies, or programs;
- (5) Detailed estimates of all anticipated revenues and other income showing the corresponding estimated revenue or income for each item for the current fiscal year and actual figures for the last completed fiscal year with explanations of increases or decreases;
- (6) Delinquent taxes for current and preceding years with the estimated percentage collectible;
- (7) Statement of the indebtedness of the parish government, showing debt redemption and interest requirements, debt authorized and unissued, and conditions of the sinking funds;
- (8) A proposed complete draft of the appropriation ordinance with all appropriations identified by department and/or program;
- (9) Such other information as may be requested by the council.

**Sec. 5-04. Amendments to operating budget.**

(a) Supplemental appropriations: If during the fiscal year the president certifies that there are available for appropriation revenues in excess of those estimated in the operating budget, the president may present a supplemental budget for the disposition of such revenues, and the council by ordinance may make supplemental appropriations for the year up to the amount of such excess in the same manner required for adoption of the budget.

(b) Emergency appropriations: To meet a public emergency affecting life, health, property, or the public peace, the council may make emergency appropriations. Such appropriations shall be made by emergency ordinance in accordance with the provisions of this Charter. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by such emergency ordinance borrow money in sums necessary to meet the emergency. The repayment of such sums shall be a fixed charge upon the revenues of the fiscal year next following the fiscal year in which the sums are borrowed.

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

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

(e) Transfer of appropriation: At any time during the fiscal year the president may transfer part, or all of any unencumbered appropriation within programs or functions. An unencumbered appropriation balance may be transferred from one (1) department, office, or agency to another or from one (1) program or function to another only upon council action by ordinance.

(f) Limitations: No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof.

#### **Sec. 5-05. Capital budget.**

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

(b) The capital budget shall include the following:

(1) A clear general summary of its contents;

(2) A list of all capital expenditures which are proposed to be undertaken for at least the five (5) subsequent fiscal years with appropriate supporting information as to the necessity for such expenditures;

(3) Cost estimates, method of financing, and recommended time schedules for

each such expenditure;

- (4) The estimated annual cost of operating and maintaining each capital improvement to be constructed or acquired;
- (5) Annual revisions and extensions with regard to capital projects still pending or in process of construction or acquisition.

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

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

#### **Sec. 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 certified that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. 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. Any such violation 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 caused such obligation to be incurred. Such person shall also be personally financially 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, provided that such action is authorized by ordinance. Contracts for services not covered by the public bid law shall not be for a period exceeding three (3) years.

(c) Deficit spending is prohibited except for emergencies as provided in section 5-04(b).

#### **Sec. 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.

**Sec. 5-08. Bonded debt.**

The parish government is empowered to incur bonded debt in accordance with this Charter and with the constitution, statutes, and laws of the State of Louisiana. 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) calendar 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.

**Sec. 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.

**Sec. 5-10. Purchasing.**

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

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

**Sec. 6-01. Initiative and referendum.**

The electors of the parish shall have the power, except as herein restricted, to propose to the council passage or repeal of ordinances and to vote on the question if the council refuses action. This power shall not extend to the proposing or repealing of ordinances making or reducing the appropriation of money, to the repeal or reduction of the levy of any taxes, or to the change of salaries of parish government officers or employees. The initiative power shall be exercised in the following manner:

The person or persons proposing the exercise of this power shall submit the proposal to the council which shall specify within thirty (30) calendar days a form of petition for circulation in one (1) or multiple copies as the proposer may desire. The petition shall contain the full text of the proposed ordinance.

Within sixty (60) calendar days after the form of the petition shall have been specified, the person or persons circulating the petition shall obtain the signatures of at least fifteen (15) per cent of the total registered voters of the parish. There shall be noted after each signature on the petition the date signed and the address of the signer. Each person circulating a copy of the petition shall attach a sworn affidavit to it stating the number of signers and the fact that each signature was made in the presence of the

circulator of the petition. \*The name of the person collecting a signature for a petition shall be printed on the same line as the signature.

(\*Election of 11/15/03 - Resolution #2254-11-03, adopted 11/18/03)

The signed petition shall be filed with the council within sixty (60) calendar 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) calendar 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 insufficiency or deficiency and allow thirty (30) calendar days for filing of additional papers, at the end of which time the sufficiency and correctness of the petition shall be determined finally.

Within thirty (30) calendar days after a petition shall have been certified as sufficient and correct by the council, the council shall order a public hearing on the proposed ordinance and cause to be published in the official journal of the parish government, at least once and at least seven (7) calendar days prior to the date of such hearing, the proposed ordinance, or a summary thereof, and the date, time, and location of the public hearing. On the date and the time and place so advertised, the council shall hold a public hearing on the proposed ordinance. Subsequent to such hearing, the council shall either:

At the next regularly scheduled meeting, adopt the proposed ordinance submitted in an initiative petition, without substantive amendments, or effect the repeal referred to by such petition; or

At the next regularly scheduled meeting, determine to submit the proposal to the electors.

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 expiration of one (1) year, the ordinance may be amended or repealed as any other ordinance.

If an initiative ordinance is submitted to a vote of the electors as provided herein, the election shall take place at the next election already authorized for other purposes occurring at least forty-five (45) calendar days after the decision of the council to submit the proposal to the voters. If there is no election already authorized to occur within one hundred twenty (120) days, a special election shall be called by the council. The results shall be determined by a majority vote of the electors voting on the proposal.

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.

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 or by a vote of the electorate at any time during the year. Thereafter, it may be amended or repealed as any other ordinance.

Ordinances adopted through the initiative process shall not be subject to veto by the president.

**Sec. 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 procedure which shall be the same as is provided in the general laws of the state, except that the petition shall be signed by not less than twenty (20) percent of the registered voters of the area for which a recall election is being petitioned.

(b) If in a recall election the majority of those voting vote for recall, the official named in the recall petition shall be removed from office immediately, 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.

**Sec. 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, statutes, and laws of the State of Louisiana.

**ARTICLE VII. GENERAL PROVISIONS**

**Sec. 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.

**Sec. 7-02. Code of ethics.**

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

**Sec. 7-03. Conflict of interest.**

(a) No parish government official, officer, or employee, whether paid or unpaid, shall directly or indirectly seek or accept from or provide or offer to any individual, partnership, association, or corporation, or other business entity or representative thereof doing or seeking to do business with the parish government, any loans (except with banks or other financial institutions), services, payments, excessive entertainment and travel, vacation or pleasure trips, any gift of more than nominal value, or gifts of money in any amount. This provision shall not prohibit any official, officer, or employee of the parish government who is a candidate for public office from accepting campaign contributions and services permitted by law in connection with any such campaign.

(b) Any parish government officer, official, or employee, whether paid or unpaid, who has a substantial financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the parish government, or in the sale of any land, material, supplies or services to the parish government or to a contractor or subcontractor supplying the parish government, shall make known that interest and shall be prohibited from voting or otherwise participating in the capacity of a parish government officer, official,

or employee in the making of such sale or in the making or performance of such contract.

(c) Any parish government officer, official, or employee who willfully conceals such a substantial financial interest or who willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit the office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to the parish government shall render the contract or sale void.

#### **Sec. 7-04. Amending or repealing the Charter.**

(a) Proposals to amend or repeal this Charter may be made by a two-thirds (2/3) vote of the total council membership or by petition signed by not less than twenty (20) 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.

(b) Within thirty (30) calendar 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, or summaries thereof, to be published in the official journal of the parish.

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

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

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

(f) Except as provided in section 9-08 and section 9-09, 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.

#### **Sec. 7-05. Bonding of officers.**

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

#### **Sec. 7-06. 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, the constitution, statutes, and laws of the, State of Louisiana, and the charter and laws of St. Bernard Parish, 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."

**Sec. 7-07. Advisory boards and commissions.**

(a) The council by resolution or the president may establish 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) The establishing authority of an advisory board or commission shall notify the appointments review board of the purpose and composition of said board or commission.

(c) The appointments review board shall within thirty (30) days of notification submit to the establishing authority a list of candidates having the appropriate qualifications to serve on said board or commission. The list shall consist of at least two (2), but not more than three (3), persons for each vacancy.

(d) In the event that the appointments review board shall return an incomplete list (less than two (2) candidates for each position), or no list at all, the establishing authority shall complete the list of candidates.

(e) The establishing authority shall appoint each advisory board or commission member from the list of candidates formed under this section.

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

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

(h) All advisory boards or commissions shall be dissolved upon the fourth anniversary of formation unless re-established under the articles of this section.

(i) This article shall not apply to any boards specifically defined in this Charter.

**Sec. 7-08. Reconstitution of government.**

In the event of war or public disaster that incapacitates the president and/or a majority of 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 is 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.

**Sec. 7-09. Control over local agencies and special districts.**

(a) The president shall have general power over any agency or special district heretofore created by the governing authority of St. Bernard Parish or hereafter created by the council. The council shall have the power to abolish any agency or any special district and to require prior approval of any charge or tax levied or bond issued by any agency or

special district. All such agencies and special districts shall be subject to section 4-10 and Article V of this Charter.

(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.

(d) The council and the president shall effect an orderly transition of administration and operations of all water and sewerage districts into the new plan of government to insure uninterrupted service to the parish. If special legislation is required to effect this transition, the council will so initiate.

#### **Sec. 7-10. Water and sewerage system.**

Water and sewer commission. The St. Bernard Parish water and sewer commission (the "commission") shall be consolidated and merged into the parish; the commission shall be abolished and the parish shall assume all rights, revenues, resources, jurisdiction, authority, indebtedness and other obligations possessed by the commission, including all of the commission's outstanding water and sewer revenue bonds, and water and sewer revenue refunding bonds, which bonds are payable from the revenues of the water and sewer system (the "system"). The parish shall comply with all covenants, duties and obligations of the commission contained in the proceedings issuing the aforesaid revenue bonds. Rate increases. The parish shall have the authority to make any adjustments to rates and charges for water and sewer services as may be reasonably necessary for the repayment of any bonds or other indebtedness payable from the revenues of the system and/or in connection with the operations of and improvements to the system, and it is expressly recognized that the provisions of section 2-17(d) of this Charter shall not apply to such adjustments. Water and sewer districts. Water District No. 1, Water District No. 2, Sewerage District No. 1 and Sewerage District No. 2 of the parish of St. Bernard shall continue to exist as separate political subdivisions, however the council shall become the governing authority of each of said districts. Each said district shall retain all of the rights, revenues, resources, jurisdiction, authority, indebtedness and other obligations that it may have heretofore possessed, including specifically the authority to continue to levy the ad valorem taxes, if any, currently being levied by each such district.  
(Elec. of 9-21-96--Res. SBPC-958-10-96, 10-1-96)

## **ARTICLE VIII. PERMANENT BOARDS**

### **Sec. 8-01. Appointments review board.**

(a) The St. Bernard Parish Appointments Review Board (hereinafter referred to as the appointments review board) shall consist of five (5) members and shall be composed of the following individuals: President of the St. Bernard Parish Alliance for Good Government, President of the Kiwanis Club, President of the Business and Professional Women, President of the St. Bernard Parish Chamber of Commerce, and Dean of the St. Bernard Community College.

(b) If one of the above organizations ceases to operate in this community or declines to serve in this capacity, the remaining members of the appointments review board shall select a service organization whose president shall fill the vacancy. This action will require a two-thirds (2/3) vote of the remaining appointments review board members.

(c) If the appointments review board can not be formed as specified under section 8-01(a), (b), the council shall appoint such temporary members as shall be necessary until such time as the procedures under section 8-01(a),(b) can be completed.

### **Sec. 8-02. Operation of appointments review board.**

(a) The members of the appointments review board shall adopt such rules and bylaws as will facilitate smooth dispensation of their duties.

(b) All rules and bylaws adopted must comply with established state and federal law.

(c) The appointments review board will meet at the call of its elected presiding officer or a majority of its membership.

### **Sec. 8-03. Duties of appointments review board.**

(a) All applications for positions on parish boards or commissions shall be under the jurisdiction of the appointments review board unless otherwise stated in this Charter.

(b) The appointments review board shall review the qualifications of all candidates for appointment to any board or commission unless otherwise stated in this Charter.

(c) To fill positions on advisory boards or commissions, the appointments review board shall select three (3) names to be sent to the president for each vacant position. The president then shall determine one (1) person to place before the council for approval.

### **Sec. 8-04. Ethics board.**

(a) The St. Bernard Parish Ethics Board (hereinafter referred to as the ethics board) shall be composed of five (5) members.

(b) The members shall be selected from nominations submitted by the presidents/chancellors from the following institutions of higher learning:

1. University of New Orleans
2. Loyola University
3. Tulane University
4. Xavier University
5. Nunez Community College

The members of the Board of Ethics shall serve a term of four years.

**Sec. 8-05. Operation of the ethics board.**

(a) The ethics board shall meet at the call of its elected presiding officer or a majority of its membership.

(b) The ethics board shall operate under the guidelines set forth under the state Administrative Procedures Act.

(c) All operations of the ethics board shall comply with established state and federal laws.

(d) The board shall determine whether the parish government's legal council or an attorney serving pro bono shall supervise all official proceedings of the ethics board.

(e) The ethics board shall have the right to subpoena evidence and elicit testimony under oath.

(f) Any member of the ethics board who entertains a conflict of interest concerning a case must excuse himself or be subject to an ethics violation himself.

**Sec. 8-06. Duties of ethics board.**

(a) The ethics board shall be bound by the Louisiana State Ethics Code.

(b) All department heads have an affirmative obligation to inform the ethics board of any suspected violations, just as they must inform the state ethics commission.

(c) Upon receiving a complaint, the parish ethics board shall communicate the nature of said complaint to the state ethics commission.

(d) The ethics board shall review all complaints lodged against any member in parish employment and investigate same concurrently with the state ethics commission.

(e) Case disposition shall be determined by majority vote.

(f) The board shall publish all findings in the parish's official journal.

(g) If there is cause to believe a violation has occurred, the ethics board shall immediately report its findings to the state ethics committee and the parish district attorney for due process.

**ARTICLE IX. TRANSITIONAL PROVISIONS**



**Sec. 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. Bernard Parish, together with 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. Bernard 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.

**Sec. 9-02. Special districts.**

Except as established or provided for herein, any special district heretofore established and existing in St. Bernard 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, fees, and other charges as may have been or may be legally authorized in the district.

**Sec. 9-03. Fees, charges, and tax levies.**

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

(b) No special assessment for improvements shall be imposed on property owners until such proposal has been submitted to the electors of the area affected in an election called for that purpose. The results shall be determined by a majority vote of the electors voting on the proposal.

(c) All fees, charges, and taxes levied by St. Bernard 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.

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

(e) The levy of property tax millage 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.

**Sec. 9-04. Special legislative acts.**

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

**Sec. 9-05. Existing boards.**

(a) All existing boards or commissions falling under the authority of the police jury shall continue in existence and shall be subject to section 7-07 and this section.

(b) The council shall examine all existing boards or commissions and re-establish or dissolve such boards or commissions as the council may desire.

(c) Existing boards or commissions not re-established under the articles of section 7-07 within one (1) year of the seating of a new council shall be automatically dissolved.

**Sec. 9-06. Parish retirement systems.**

No pension or retirement systems of the parish in existence at the time the Charter is approved shall be affected in any way by this Charter. Any pension or retirement systems shall remain in full force and effect and shall be carried out and regulated in accordance with applicable laws and procedures until such time as the council may adopt a pension and retirement system applicable to all parish government employees. The creation of a new system shall not cause a reduction in benefits for those persons employed at the time this Charter becomes effective.

**Sec. 9-07. Declaration of Intent.**

This Charter shall be liberally construed in aid of its declared intent which is to establish for the people of St. Bernard Parish effective home rule free from legislative interference as to the structure and organization of its local government. This Charter shall establish for the government of St. Bernard Parish the power and authority to manage its local affairs, all as contemplated and intended by applicable provisions of the constitution, statutes, and laws of the State of Louisiana.

**Sec. 9-08. Separability.**

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter, or any of its provisions, to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby. If it is legally determined that any provision or application of this Charter is invalid, the St. Bernard Parish Home Rule Charter Commission shall reconvene for a period not to exceed sixty (60) calendar days for the purpose of drafting and proposing amendments to the Charter to the electors of St. Bernard Parish.

**Sec. 9-09. Violation of Civil Rights Act.**

It is the intent of this Charter to provide a form of government for St. Bernard Parish that affords equal opportunity and protection for all persons, regardless of sex, race, religion, or national origin. 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. Bernard Parish Home Rule Charter Commission shall reconvene for a period not to exceed sixty (60) calendar days for the purpose of drafting and proposing amendments to the Charter to the electors of St. Bernard Parish.

**Sec. 9-10. Schedule of transition.**

The provisions of this Charter pertaining to the election of parish government officials created herein 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 9-11.

**Sec. 9-11. Election of officials.**

(a) The first election for the officials provided for by this Charter shall coincide with the 1991 election for governor of the state. Subsequent elections shall be held on dates corresponding to gubernatorial elections every fourth year thereafter. Persons elected under the provisions of this Charter shall take office at noon on the second Tuesday in January subsequent to their election.  
(Elec. of 11-15-03, Res. #2253-11-03, 11-18-03)

(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 office and discharge the duties thereof until the officials elected under the provisions of this Charter have taken office. Thereafter, the offices of said parish officers shall cease to exist.

**Sec. 9-12. Required approval by electors.**

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

**Sec. 9-13. Charter ballot.**

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

"Shall the Home Rule Charter President-Council form of government for St. Bernard Parish be adopted?"

**Sec. 9.14. Initial districts.**

The St. Bernard Parish Police Jury, after the 1990 federal census but in sufficient time prior to the 1991 election for governor, shall reapportion the parish into five (5) councilmanic districts in accordance with section 2-01(b). The police jury shall also establish a dividing boundary between the eastern half and the western half of the parish to satisfy the residency requirement of councilmen-at-large in accordance with section 2-01(c). Reapportionment shall comply with federal and state laws and shall be approved by the Civil Rights Division of the U. S. Department of Justice, Voting Rights Section. The adopted ordinance of reapportionment shall be submitted to the secretary of state and the clerk of court in sufficient time for candidates to qualify for election. Should the police jury fail to reapportion, the initial districts shall be in accordance with the plan presented by Police Jury Ordinance OPJ-No. 10-87, Ordinance to Reapportion St. Bernard Parish. The word "districts" shall replace the word "wards" in the ordinance. The same data used to develop the reapportionment ordinance shall be used to develop the boundary for the division of the east St. Bernard and west St. Bernard to comply with section 2-01(c).