

**ORDINANCE NO. O-121-2018**

**AN ORDINANCE OF THE LAFAYETTE CITY-PARISH COUNCIL PROPOSING AMENDMENTS TO VARIOUS SECTIONS OF THE HOME RULE CHARTER OF LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT, FOR THE FOLLOWING PURPOSES: TO ABOLISH THE LAFAYETTE CITY-PARISH COUNCIL, AND IN ITS PLACE, CREATE A LAFAYETTE CITY COUNCIL AND A LAFAYETTE PARISH COUNCIL, AS THE GOVERNING AUTHORITY FOR THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT; TO ESTABLISH THE CITY COUNCIL AS THE GOVERNING AUTHORITY AND LEGISLATIVE BRANCH OF THE CITY OF LAFAYETTE AND THE PARISH COUNCIL AS THE GOVERNING AUTHORITY AND LEGISLATIVE BRANCH OF THE PARISH OF LAFAYETTE, TO ABOLISH THE LAFAYETTE PUBLIC UTILITIES AUTHORITY AND TO SUBSTITUTE IN ITS PLACE THE LAFAYETTE CITY COUNCIL AS THE GOVERNING AUTHORITY OF THE UTILITIES DEPARTMENT AND OF THE LAFAYETTE PUBLIC POWER AUTHORITY; TO PROVIDE THAT TEMPORARY OCCUPANTS OF THE POSITION OF MAYOR-PRESIDENT, CITY COUNCIL MEMBER, OR PARISH COUNCIL MEMBER DURING A PERIOD OF VACANCY SHALL BE ELIGIBLE TO RUN IN AN ELECTION FOR THE VACANT POSITION; TO ABOLISH THE LAFAYETTE CITY-PARISH PLANNING AND ZONING COMMISSION AND TO SUBSTITUTE IN ITS PLACE A SEPARATE CITY PLANNING AND ZONING COMMISSION FOR THE CITY OF LAFAYETTE AND A SEPARATE PARISH PLANNING AND ZONING COMMISSION FOR THE PARISH OF LAFAYETTE; TO CHANGE THE METHOD OF NOMINATION OF PROSPECTIVE APPOINTEES TO THE LAFAYETTE MUNICIPAL CIVIL SERVICE BOARD; TO CHANGE THE METHOD OF COUNTING THE REQUIRED PERCENTAGES OF VOTERS FOR AN INITIATIVE OR REFERENDUM PETITION AND TO COMMENCE THE RECALL PROCESS; TO CHANGE THE METHOD OF COUNTING THE NUMBER OF VOTES NECESSARY TO AMEND THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT HOME RULE CHARTER; TO PROVIDE THAT ANY PROPOSAL FOR THE MANAGEMENT OF A SUBSTANTIAL PART OF THE CITY'S UTILITY SYSTEM MUST BE APPROVED BY VOTE OF THE ELECTORS OF THE CITY OF LAFAYETTE AT AN ELECTION CALLED FOR THAT PURPOSE BY TWO-THIRDS VOTE OF THE LAFAYETTE CITY COUNCIL; TO APPLY TERM LIMITS OF CURRENT CITY-PARISH COUNCIL MEMBERS TO NEW CITY COUNCIL AND PARISH COUNCIL; AND CALLING FOR AN ELECTION OF THE DULY QUALIFIED ELECTORS OF THE PARISH OF LAFAYETTE BY APPROPRIATE RESOLUTION, IN ORDER TO CONSIDER SUCH PROPOSAL**

**BE IT ORDAINED** by the Lafayette City-Parish Council, that:

**WHEREAS**, the Home Rule Charter of the Lafayette City-Parish Consolidated Government (the "Home Rule Charter") currently establishes the Lafayette City-Parish Council as the sole legislative branch of Lafayette City-Parish Consolidated Government; and

**WHEREAS**, the Home Rule Charter currently establishes the Lafayette Public Utilities Authority ("LPUA") as the governing authority for the Utilities Department, and by operation of Louisiana law, the full Lafayette City-Parish Council is the governing authority of the Lafayette Public Power Authority; and

**WHEREAS**, the Home Rule Charter currently provides that temporary occupants of the office of Mayor-President or City Council member during a period of vacancy are ineligible to run in an election to fill the vacant position; and

**WHEREAS**, the Home Rule Charter currently establishes a single City-Parish Planning and Zoning Commission, which is the planning commission for the Parish of Lafayette and the planning and zoning commission for the City of Lafayette; and

**WHEREAS**, the Home Rule Charter currently provides for nominations for prospective appointees to the Municipal Civil Service Board from certain specified organizations; and

**WHEREAS**, the Home Rule Charter currently provides for certain methods of computing the percentage of registered voters necessary for the placement of an initiative or referendum petition, as well as a recall proposition, on the ballot; and

**WHEREAS**, the Home Rule Charter currently provides for certain methods of counting the votes within the City of Lafayette and Parish of Lafayette that are necessary to amend the Home Rule Charter; and

**WHEREAS**, the Home Rule Charter currently provides for certain term limits of members of the City-Parish Council; and

**WHEREAS**, the Home Rule Charter currently provides that any proposal for the sale, lease, or disposal of the utility system or any substantial part thereof requires approval of a majority of the electors of the City of Lafayette voting in an election called for that purpose by the City-Parish Council; and

**WHEREAS**, the City-Parish Council desires to propose certain amendments to the Home Rule Charter to effect changes to the above subjects of the Home Rule Charter by amending various provisions of the Home Rule Charter, in the particulars more fully shown in the text of the proposed Home Rule Charter amendments attached hereto and made a part hereof by reference; and

**WHEREAS**, Section 7-03(A) of the Home Rule Charter provides, in relevant part, that “[p]roposals to amend or repeal this charter may be made by a two-thirds vote of the authorized membership of the council”; and

**WHEREAS**, Section 7-03(C) of the Home Rule Charter provides that “[p]roposals to amend or repeal this charter shall be submitted for ratification to the qualified electors of the City-Parish government at an election already authorized for other purposes or at a special election called by the council,” and provides further that the “results shall be determined by a majority vote of the electors voting on any particular proposal”; and

**WHEREAS**, in accordance with applicable law [including but not limited to Title 18, Section 402(F), of the Louisiana Revised Statutes], propositions may be voted on at an election

called for such purpose on the first Tuesday after the first Monday in November of even-numbered years, among other specified dates; and

**WHEREAS**, subsequent to the adoption of this ordinance, and in accordance with the provisions of Title 18, Sections 1284 and 1300(A), of the Louisiana Revised Statutes, an appropriate resolution will be considered by the Lafayette City-Parish Council relative to the calling of an election to consider the proposition stated in such resolution.

**NOW THEREFORE, BE IT FURTHER ORDAINED** by the Lafayette City-Parish Council, that:

**SECTION 1:** All of the aforescribed "Whereas" clauses are adopted as part of this ordinance.

**SECTION 2:** Subject to compliance with other requirements of law, the Lafayette City-Parish Council proposes that the Home Rule Charter be amended for the following general purposes (by way of summary only) as more fully shown in the text of the proposed amendments to the Home Rule Charter attached hereto and made a part hereof by reference (which attachment shall be controlling in the event of any conflict or inconsistency with the summary below):

1. to abolish the Lafayette City-Parish Council, and in its place, create a Lafayette City Council and a Lafayette Parish Council, as the governing authority for the Lafayette City-Parish Consolidated Government;
2. to establish the City Council as the governing authority and legislative branch of the City of Lafayette and the Parish Council as the governing authority and legislative branch of the Parish of Lafayette;
3. to abolish the Lafayette Public Utilities Authority and to substitute in its place the Lafayette City Council as the governing authority of the utilities department and of the Lafayette Public Power Authority;
4. to provide that temporary occupants of the position of Mayor-President, City Council member, or Parish Council member during a period of vacancy shall be eligible to run in an election for the vacant position;
5. to abolish the Lafayette City-Parish Planning and Zoning Commission and to substitute in its place a separate City Planning and Zoning Commission for the City of Lafayette and a separate Parish Planning and Zoning Commission for the Parish of Lafayette;
6. to change the method of nomination of prospective appointees to the Lafayette Municipal Civil Service Board;
7. to change the method of counting the required percentages of voters for an initiative or referendum petition or for a recall proposition;
8. to change the method of counting the number of votes necessary to amend the Lafayette City-Parish Consolidated Government Home Rule Charter;

9. to provide that any proposal for the management of a substantial part of the City's utility system must be approved by vote of the electors of the City of Lafayette at an election called for that purpose by a two-thirds vote of the Lafayette City Council;
10. to provide that consecutive terms served by members of the existing City-Parish Council prior to January 6, 2020 shall be counted toward the term limitations of the new City Council and the new Parish Council for the first term of either Council.

**SECTION 3:** The City-Parish Attorney shall seek all necessary consents, pre-clearances and approvals as required by law, including but not limited to the United States Department of Justice, the State Bond Commission and the Secretary of State, and is authorized to file all papers or other documents necessary or appropriate to seek such consent, pre-clearance and approval.

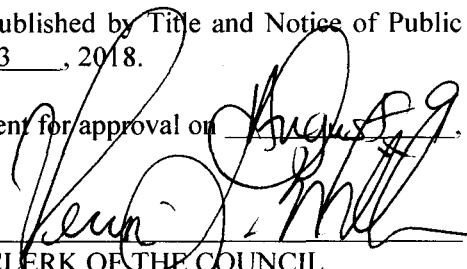

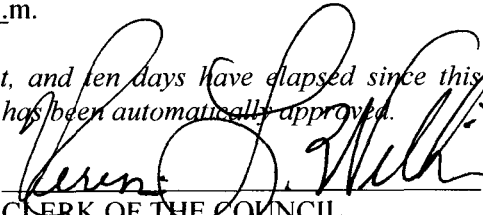
**SECTION 4:** Concurrently with the adoption of this ordinance, an appropriate resolution will be considered in connection with the calling of an election and the preparation of the proposition to be considered at such election.

**SECTION 5:** All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

**SECTION 6:** In accordance with the provisions of Section 2-13(D) of the Home Rule Charter, this ordinance is not subject to the veto power of the Lafayette City-Parish Mayor-President and, accordingly, is effective upon signature of the Lafayette City-Parish President, or the elapse of ten (10) days after receipt by the Lafayette City-Parish President without signature, whichever occurs first, but subject to the favorable approval and ratification of the qualified electors of City-Parish Government at an election already authorized for other purposes or at a special election called by the Council.

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DISPOSITION OF ORDINANCE NO. O-121-2018

1. This ordinance was introduced: July 10, 2018  
YEAS: Castille, Boudreaux, Conque  
Cook, Hebert  
NAYS: Lewis, Bellard, Theriot  
ABSENT: Naquin  
ABSTAIN: None  
DEFER: 07/24: final adoption deferred to 08/07  
AMEND: 08/07: To substitute a revised ordinance and an amended version of the Home Rule Charter document and to include other changes by Council Members to Sections 2-01, 6-02, 2-08, 3-09 and where necessary to include these additional amendments in the ordinance.
- Final disposition by Council:  
August 7, 2018  
YEAS: Naquin, Castille,  
Lewis, Boudreaux, Conque,  
Cook, Hebert  
NAYS: Bellard, Theriot  
ABSENT: None  
ABSTAIN: None
2. Notice of Public Hearing: This ordinance was published by Title and Notice of Public Hearing was published in the Advertiser on July 13, 2018.
3. This ordinance was presented to the Mayor-President for approval on August 9, 2018, at 11:30 o'clock 2 .m.  
  
CLERK OF THE COUNCIL
4. Disposition by Mayor-President:  
I hereby:  
A. Approve this ordinance, the 10<sup>th</sup> day of August, 2018, at 10:30 o'clock 2 .m.  
B. Veto this ordinance, the \_\_\_\_\_ day of \_\_\_\_\_, 2018, at \_\_\_\_\_ o'clock \_\_\_\_\_ .m., veto message is attached.  
C. Line item veto certain items this \_\_\_\_\_ day of \_\_\_\_\_, 2018, at \_\_\_\_\_ o'clock \_\_\_\_\_ .m., veto message is attached.  
  
MAYOR-PRESIDENT
5. Returned to Council Office ~~with~~ without veto message on August 13, 2018, at 8:30 o'clock 2 .m.
6. Reconsideration by Council (if vetoed):  
On \_\_\_\_\_, 2018, the Council did/refused to adopt this ordinance after the Mayor-President's veto.
7. Returned to the Council Office without signature of Mayor-President (*unsigned*) on \_\_\_\_\_, 2018, at \_\_\_\_\_ o'clock \_\_\_\_\_ .m.  
*If not signed or vetoed by the Mayor-President, and ten days have elapsed since this ordinance was presented to him for action, same has been automatically approved.*  
  
CLERK OF THE COUNCIL
8. Full publication of this ordinance was made in the Advertiser on August 10, 2018.

**ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, BOUNDARIES, POWERS.****Section 1-01. Home Rule Charter.**

The Lafayette City-Parish Charter Commission has proposed and the electors have adopted this, their home rule charter, hereinafter referred to as "charter," under the authority of Article VI, Section 5 of the Louisiana Constitution of 1974, hereinafter referred to as "constitution." The Lafayette City-Parish Consolidated Government is therefore a local governmental subdivision which operates under a home rule charter and, subject to said charter, is authorized as hereinafter provided to exercise any power and perform any function necessary, requisite or proper for the management of its local affairs.

**Section 1-02. Form of Government.**

The plan of government provided by this home rule charter shall be known as the "President-Council" form of government. It shall consist of an elected City Council which shall be called the Lafayette City Council and an elected Parish Council which shall be called the Lafayette Parish Council. The Lafayette City Council and Lafayette Parish Council, jointly, shall constitute the legislative branch of the Lafayette City-Parish Consolidated Government. Furthermore, the Lafayette City Council shall constitute the legislative branch of the City of Lafayette and the Lafayette Parish Council shall constitute the legislative branch of the Parish of Lafayette. It shall also consist of an elected Mayor-President<sup>1</sup> who shall be the Chief Executive Officer and head of the executive branch of the City of Lafayette, the Parish of Lafayette, and Lafayette City-Parish Consolidated Government.

**Section 1-03. Boundaries.**

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

**Section 1-04. Consolidation of Governments.**

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<sup>1</sup> Title of Chief Executive Officer changed from "City-Parish President" to "Mayor-President" approved by parish wide election on November 21, 2015.

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

B. The City of Lafayette shall continue to exist as a legal entity and except as provided in this charter, shall exercise all powers granted by general state law and the state constitution for municipalities of the same population class. The Lafayette City Council shall be the governing authority of the City of Lafayette for all purposes, including, but not limited to, levying property taxes in accordance with Article VI, Section 27 of the constitution, for providing municipal type services, and for purposes of annexation. The city shall render certain municipal services as provided under this charter and participate in federal and state grants, shared revenues and shared taxes peculiar to municipal governments.

C. The Parish of Lafayette shall continue to exist as a legal entity and except as provided in this charter, shall exercise all powers granted by general state law and the state constitution for parishes of the same population class. The Parish Council shall be the governing authority of the Parish of Lafayette for all purposes, including, but not limited to, levying property taxes in accordance with Article VI, Section 26 of the constitution.

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

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

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

The Lafayette City Council and the Lafayette Parish Council 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 City of Lafayette and the Parish of Lafayette respectively, including, but not by way of limitation, the right, power and authority to pass ordinances on all subject matters necessary, requisite or proper for the management of their respective affairs, and all other subject matter without exception, subject only to the limitation that the same shall not be inconsistent with this Charter, the constitution, or expressly denied by general law.

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

The City of Lafayette and the Parish of Lafayette, through approval of their respective councils, and the City-Parish Government, through approval of a majority of the Lafayette City Council and a majority of the Lafayette Parish Council, are each authorized, as provided by state law, to enter into joint service agreements or cooperative efforts with other governmental agencies and political subdivisions.

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

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

A. The legislative power of the City of Lafayette shall be vested in a Lafayette City Council (hereinafter, the "City Council") consisting of five (5) members elected from single-member districts for four (4) year terms, one from and by the qualified electors in each district as hereinafter defined.

B. The legislative power of the Parish of Lafayette shall be vested in a Lafayette Parish Council (hereinafter, the "Parish Council") consisting of five (5) members elected from single-member districts for four (4) year terms, one from and by the qualified electors in each district as hereinafter defined.

C. The legislative power of the City-Parish Government shall be vested jointly in the City Council and the Parish Council, acting in the manner provided in this charter.

D. No person may serve concurrently on both the City Council and the Parish Council.

E. A City Council or Parish Council member who has served more than two and one-half terms in three (3) consecutive terms shall not be



eligible to qualify as a candidate for Council member for the succeeding term on the same Council on which (s)he has served. The term limitations of this Subsection apply only to service for consecutive terms on the same Council, except that consecutive terms served on the City-Parish Council prior to January 6, 2020 shall be counted toward the term limitations of this Subsection for both the City Council and the Parish Council. A Council member who becomes term-limited on one Council is not disqualified from serving on the other Council, unless the term limitation results in whole or in part from service on the City-Parish Council as provided herein.

F. City Council members and Parish Council members shall be at least eighteen (18) years of age and a qualified elector of the district from which elected at the time of qualification.

G. A City Council member shall have been legally domiciled and shall have actually resided for at least one (1) year in the City of Lafayette and six (6) months immediately preceding the time established by law for qualifying for office in an area which, at the time of qualification, is within the district from which elected.

H. A Parish Council member shall have been legally domiciled and shall have actually resided for at least one (1) year in the Parish of Lafayette and six (6) months immediately preceding the time established by law for qualifying for office in an area which, at the time of qualification, is within the district from which elected.

I. City Council members and Parish Council members shall continue to be legally domiciled and to actually reside within the district from which elected during the term of office. Should the legal domicile and/or actual residence of a City Council member or Parish Council member change from the district from which elected, unless changed by reapportionment, the office shall automatically become vacant, which vacancy shall be filled as set out hereinafter.

## **Section 2-02. Redistricting.<sup>2</sup>**

Following official publication of the federal census by the United States Bureau of the Census, the City Council and Parish Council by ordinance shall, if necessary, alter, change or rearrange Council district boundaries so as to provide for population equality among the districts as near as reasonably practicable. To the extent possible Council districts shall be compact and be composed of contiguous territory. The redistricting shall

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<sup>2</sup> Section 2-02: Redistricting process approved by parish wide election on November 02, 2010.

be accomplished in the manner, and within the time period, specified or prescribed by applicable law. If, at any time, the next succeeding election for members of a governing authority following the official publication of the federal census by the United States Bureau of the Census shall pertain to the election of members of the City Council of the City of Lafayette and/or of the Parish Council of the Parish of Lafayette, the procedure described above shall pertain and apply to the district boundaries for the City Council of the City of Lafayette and/or the Parish Council for the Parish of Lafayette, respectively.

#### **Section 2-03. Forfeiture of Office.**

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

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

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

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

C. If one (1) year or less of the unexpired term remains when the vacancy occurs, the appointee shall serve out the remainder of the term. The person appointed to fill the vacancy shall be eligible to be a candidate for the next full term for the Council to which the appointee was appointed.

D. If the vacancy occurs more than one (1) year before the expiration of the term, the appointee shall serve until the office is filled by the vote of the qualified electors voting in an election called for that purpose by the Council within which the vacancy has occurred and the person elected assumes the office. The person appointed to fill the vacancy shall be eligible to be a candidate for the election to fill the remainder of the unexpired term. The Council within which the vacancy has occurred, within fifteen (15) days after the vacancy occurs, shall call an election to fill the

vacancy. The election shall be held according to the timetable and procedures established by state law for the filling of vacancies in elected local offices.

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

### **Section 2-05. Compensation.**<sup>3</sup>

A. The salary of each City Council member and Parish Council member shall be \$30,356.44 per year, and City Council members and Parish Council members shall be eligible for health and hospital insurance benefits which are available to employees of the City-Parish Government. City Council members and Parish Council members participating in the health and hospital insurance program shall be liable for the full premium rate.

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

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

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

<sup>3</sup> Section 2-05(a): Salary increases for Council members:

O-387-97 (11-16-97) 2% or \$18,360 annually  
 O-225-98 (09-30-98) 5% or \$19,278 annually  
 O-232-99 (09-30-99) 2% or \$19,664 annually  
 O-186-2002 (09-26-02) 3% or \$20,253 annually  
 O-184-2003 (09-25-03) 4% or \$21,063.60 annually  
 O-178-2004 (09-30-04) 2% or \$21,484.93 annually  
 O-214-2005 (09-29-05) 2% or \$21,914.64 annually  
 O-151-2006 (09-28-06) 4% or \$22,791.00 annually  
 O-170-2007 (09-27-07) 1.66% or \$23,170.00 annually  
 O-143-2008 (09-30-08) 10% or \$25,486.88 annually  
 O-153-2013 (09-12-13) 10% or \$28,028.00 annually  
 O-170-2015 (09-03-15) 10% or \$30,356.44 annually

A. A City or Parish Council member shall hold no other elected public office, nor be a compensated official or employee of the City-Parish Government during the term for which elected to the City or Parish Council and no former City Council member or Parish Council member shall hold any compensated appointive City of Lafayette, Parish of Lafayette and/or City-Parish Government office or employment until one (1) year after the expiration of the term for which elected to the City or Parish Council. Nothing in this section shall prohibit a City Council member or Parish Council member from serving as a member of a charter commission, constitutional convention or political party committee.

B. Except as specifically provided in this charter, neither the City Council nor the Parish Council, nor any of their members, shall remove, direct or supervise any administrative officers or employees whom the Mayor-President<sup>1</sup> or any subordinates of the Mayor-President<sup>1</sup> are empowered to appoint.

C. No City Council member or Parish Council member shall serve on a board or commission of the City of Lafayette, the Parish of Lafayette, or the City-Parish Government having administrative or policy making authority unless the ordinance or state law creating such board or commission specifies that one or more members of the Council upon which the member serves shall serve on such board or commission.

#### **Section 2-07. Council Meetings and Rules.**

A. The City Council and Parish Council shall meet separately, except for such joint meetings as they may concurrently call. Each Council shall meet regularly at least twice a month at intervals of at least two (2) weeks at such times and places as each Council may separately prescribe. Special meetings of the City Council or the Parish Council may be held on the call of the presiding officer of the Council seeking to hold the special meeting, or a majority of the authorized membership of that Council with such notice as may be required by state law. To meet a public emergency affecting life, health, property or public safety, either Council, or both, may meet upon call of the Mayor-President<sup>1</sup>, the presiding officer(s) of the Council(s) seeking to hold the meeting, or a majority of the authorized membership(s) of that/those Council(s) at whatever notice it shall be convenient to give. The call convening a special or emergency meeting of the City Council and/or the Parish Council shall state the objects of the meeting. The power of the City Council and/or the Parish 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 City Council and/or the Parish Council and its committees shall be open to the public in accordance with the provisions of general state law.

C. The City Council and the Parish Council shall each determine by resolution its own rules and order of business and shall provide for keeping a record of its minutes and proceedings. All official actions of the City Council and Parish Council each shall be published in the official journal within thirty (30) days of the action taken.

D. At all regular meetings of the City Council and Parish Council, each Council shall operate from an agenda which shall have been published at least two (2) days, excluding Saturdays, Sundays and holidays, prior to the meeting. The agenda for special or emergency meetings shall be made available to the public as soon as practical prior to the meeting.

E. The City Council and Parish Council each shall provide by resolution a procedure whereby interested persons shall be given an opportunity to be heard at Council meetings on any matter relating to City-Parish Government.

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

G. In the absence or disqualification of the chair of the City Council or the Parish Council, the vice chair of the affected Council shall preside. In the absence or disqualification of both the chair and vice chair of the City Council or Parish Council, the affected Council shall designate one of its other members as temporary presiding officer. The chair, vice chair and temporary presiding officer of each Council shall be voting members of their respective Council.

H. All voting on matters coming before either the City Council or the Parish Council shall be by electronic vote or roll call, and the ayes and nays shall be recorded in the minutes of each respective Council by the individual vote of each Council member. Not less than a majority of the authorized membership of a Council shall constitute a quorum to transact business, but if a quorum is lost during a meeting, a smaller number may recess from time to time and compel the attendance of absent members in the manner and subject to the penalties prescribed by Council rules.

**Section 2-08. Investigations.**

The City Council and the Parish Council, acting jointly, may make investigations into the affairs of the City-Parish Government and the related conduct of any City-Parish official, officer, employee, department, office, or agency. Only the City Council, acting independently, may make investigations into the affairs of the City of Lafayette and the related conduct of any City of Lafayette official, officer, employee, department, office, or agency. Only the Parish Council, acting independently, may make investigations into the affairs of the Parish of Lafayette and the related conduct of any Parish of Lafayette official, officer, employee, department, office, or agency. For this purpose, the Council(s) conducting the investigation may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Investigations shall be for a specified purpose and may be undertaken only by the affirmative vote of a majority of the authorized membership of the Council(s) proposing the investigation. Any person who fails or refuses to obey any lawful order of the Council(s) conducting the investigation may be cited for contempt. A Council member, whose Council is conducting an investigation pursuant to this Section, shall not vote on any matter under such investigation in which that Council member has a conflict of interest.

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

The City Council and Parish Council, by majority vote of each Council, shall jointly provide for an annual independent post fiscal year audit of the City-Parish Government, including those of all City-Parish Government departments, offices or agencies, and shall jointly designate a private auditor to make such audit. Either the City Council or the Parish Council may provide for such additional audits as either Council deems necessary, of the accounts and other evidence of financial transactions of the City-Parish Government, including those of all City-Parish Government departments, offices or agencies. A private auditor shall be designated to make such supplemental audits. Any private auditor designated pursuant to this Section shall be without personal interest in the affairs subject to audit, shall not participate in budget preparation and adoption, and shall be a certified public accountant or firm of such accountants. The joint annual audit required by this Section shall be submitted to a joint meeting of the City Council and Parish Council. Any supplemental audit prepared pursuant

to this Section shall be submitted to the Council requesting the audit at one of its regularly scheduled meetings. All audits prepared pursuant to this Section shall be a public record, and a summary thereof shall be published at least once in the official journal.

#### **Section 2-10. Council Employees.**

A. The City Council and Parish Council shall jointly appoint a Clerk of the Council who shall serve at the pleasure of both Councils. The clerk shall give notice of City Council and Parish Council meetings to its members and the public, keep the journal of its proceedings, be official secretary of both Councils and perform such other duties as are assigned to the position by this charter or by either Council.

B. The City Council and Parish Council may, by ordinance, jointly authorize the hiring of such other employees as may be necessary to assist the City Council and Parish Council in carrying out their duties and responsibilities. Such employees shall serve at the pleasure of the City Council and Parish Council.

C. The City Council and Parish Council shall, by ordinance, jointly fix the salaries of their employees.

#### **Section 2-11. Action Requiring an Ordinance.**

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

- (1) Adopt or amend an administrative code.
- (2) Provide a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty may be imposed.
- (3) Levy taxes, assessments and charges.
- (4) Adopt the operating budget and capital improvement budget and appropriate funds.
- (5) Grant, renew or extend a franchise.
- (6) Provide for raising revenue.
- (7) Regulate the rate or other charges for service by the City of Lafayette, the Parish of Lafayette, or the City-Parish government.
- (8) Authorize the borrowing of money, in any manner authorized by law.
- (9) Incur debt in any manner authorized by law.
- (10) Dispose of any real property.

- (11) Convey or lease or authorize the conveyance or lease of any lands or property.
- (12) Acquire real property.
- (13) Adopt or modify the official map of the City or Parish.
- (14) Adopt or modify regulations for review and approval of plats.
- (15) Adopt or modify subdivision controls or regulations.
- (16) Adopt or modify the zoning plan, maps and regulations.
- (17) Amend or repeal any ordinance previously adopted.
- (18) Propose amendments to this charter.

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

C. An act of the City or Parish Council which is not to have the force of law may be enacted by resolution. A resolution may be used by either Council for purposes such as a formal expression or will of the Council; to authorize a person or persons to sign legal and financial documents for a project or purpose previously approved by ordinance; and as may be authorized by this charter. The Mayor-President's<sup>1</sup> veto authority shall not apply to resolutions.

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

E. An ordinance or resolution with subject matter that is within the legislative power of both the City Council and Parish Council shall be passed by a favorable vote of at least a majority of the authorized membership of each of the City Council and the Parish Council. The City Council and Parish Council may act jointly by a single joint ordinance or resolution, or they may act jointly by passage of separate resolutions or ordinances. In all cases, in order for the City Council and Parish Council to act jointly by separate ordinances or resolutions, such separate ordinances or resolutions must be identical in all material terms and shall not be severable. Illustrative subject matters that are within the legislative power of both the City Council and the Parish Council shall include, but are not limited to, the following:

- (1) Items within the operating budget and capital improvement budget and appropriation of funds related thereto, arising out of or related to shared, joint, or common operations, employees, employee benefits, equipment, facilities, property, funding, or services, between the City and Parish.
- (2) Items arising out of or related to shared, joint, or common operations, employees, employee benefits, equipment, facilities, property, funding, or services, between the City and Parish.



- (3) Joinder and orderly transition of other municipalities into the City-Parish Government.
- (4) Proposed amendments to this Charter.

### **Section 2-12. Ordinances in General.**

A. All proposed ordinances shall be introduced in writing at a meeting of the City Council or Parish Council in the form required for adoption and, except for codifications, the operating budget and capital improvement budget, shall be confined to one subject expressed clearly in the title.

B. All proposed ordinances shall be read by title when introduced and published in the official journal by title within fifteen (15) days of introduction, except that ordinances proposing amendments to the charter shall be published in full. Except as otherwise provided in the section on "Emergency Ordinances," no ordinance shall be considered for final passage until at least two (2) weeks from date of introduction and after a public hearing has been held on the ordinance.

C. With the final approval of ordinances by the Mayor-President<sup>1</sup>, or the City Council or Parish Council in case of a veto by the Mayor-President<sup>1</sup>, such enacted ordinances shall be published in full or in summary at the discretion of the council that passed the ordinance in the official journal by the Clerk of the Council within seven (7) days after adoption. Every enacted ordinance, unless it shall specify another date, shall become effective at the expiration of ten (10) days after final adoption.

### **Section 2-13. Submission of Ordinances to the Mayor-President <sup>1</sup>.**

A. Every ordinance adopted by the City Council or Parish Council shall be signed by the presiding officer or the Clerk of the Council. The Clerk of the Council shall certify to its passage, and it shall be presented to the Mayor-President<sup>1</sup> within three (3) days after adoption, excluding Saturdays, Sundays and holidays. The Clerk of the Council shall record upon the ordinance the date and hour of its delivery to the Mayor-President<sup>1</sup>.

B. Within ten (10) days after the Mayor-President's<sup>1</sup> receipt of an ordinance, it shall be returned to the Clerk of the Council with the Mayor-President's<sup>1</sup> approval or with the Mayor-President's<sup>1</sup> veto. The clerk shall record upon the ordinance the date and hour of its receipt from the Mayor-President<sup>1</sup>. If the proposed ordinance is not signed or vetoed by the Mayor-President<sup>1</sup> within ten (10) days after receipt, it shall be considered adopted. If the ordinance has been adopted, it shall be considered finally enacted and

become effective as provided in the section on "Ordinances in General." If the ordinance is vetoed, the Mayor-President<sup>1</sup> shall submit to the Council that initially passed the ordinance 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 Mayor-President<sup>1</sup> shall be vetoed in full, except that the Mayor-President<sup>1</sup> shall have authority to veto individual appropriation items in the ordinances adopting the operating and capital improvement budgets and amendments thereto.

C. Ordinances vetoed by the Mayor-President<sup>1</sup> shall be submitted to the Council that initially passed the ordinance by the Clerk of the Council no later than the next regular meeting held after publication of the veto statement. Should the Council that initially passed the ordinance vote, not later than the second regular meeting held after receipt of the vetoed ordinance, to override the Mayor-President's<sup>1</sup> veto of the ordinance by the favorable vote of at least two thirds of its authorized membership, said ordinance shall be considered finally enacted in accordance with the section on "Ordinances in General" and become law irrespective of the veto by the Mayor-President<sup>1</sup>. The procedure for overriding vetoed ordinances shall apply to individual appropriation items in the operating and capital improvement budgets vetoed by the Mayor-President<sup>1</sup>.

D. The right of the Mayor-President<sup>1</sup> to veto as provided in this section shall apply to all ordinances adopted by the City Council and/or Parish Council, separately and/or jointly, except ordinances for: plans for reapportionments; amendments to this charter; establishing, altering or modifying Council procedure; appropriating funds for auditing or investigating any part of the executive branch; or as may be otherwise provided by this charter.

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

A. To meet a public emergency affecting life, health, property or public safety, the City Council and/or Parish Council may adopt an emergency ordinance at the meeting at which it is introduced, provided that no such ordinance may be used to levy taxes or special assessments; grant or extend a franchise; incur debt, except as provided in the section on "Emergency Appropriations"; adopt or amend an official map, platting or subdivision controls or zoning regulations; or change rates, fees or charges. Each emergency ordinance shall contain a specific statement describing the emergency. After adoption, the ordinance shall be printed and published as prescribed for other approved ordinances.

B. Notwithstanding the provisions of the section on "Submission of Ordinances to the Mayor-President<sup>1</sup>," any emergency ordinance adopted by the City Council and/or Parish Council shall be presented to the Mayor-President<sup>1</sup> within six (6) hours after adoption. Within twelve (12) hours after the Mayor-President's<sup>1</sup> receipt of an emergency ordinance, it shall be returned to the Council(s) that passed the ordinance with the Mayor-President's<sup>1</sup> approval, or with the Mayor-President's<sup>1</sup> veto. If the proposed ordinance is not signed or vetoed by the Mayor-President<sup>1</sup> within twelve (12) hours after receipt, it shall be considered adopted. If the emergency ordinance has been adopted, it shall become effective immediately. If the emergency ordinance is vetoed, the Mayor-President<sup>1</sup> shall submit to the Council(s) that passed the ordinance a written statement of the reasons for the veto. The clerk shall record upon the emergency ordinance the dates and hours of its delivery to and receipt from the Mayor-President<sup>1</sup>. Should the Council(s) that passed the ordinance vote, not later than twelve (12) hours after receipt of the vetoed emergency ordinance from the Mayor-President<sup>1</sup>, to readopt the emergency ordinance by the favorable vote of at least two thirds of its authorized membership, said emergency ordinance shall be considered finally adopted and become law immediately upon readoption, irrespective of the veto by the Mayor-President<sup>1</sup>. Upon final approval by the Mayor-President<sup>1</sup>, or the City Council and/or Parish Council in case of a veto by the Mayor-President<sup>1</sup>, such adopted emergency ordinance shall be published by title in the official journal as soon as practical thereafter.

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

## **Section 2-15. Codes of Technical Regulations.**

The City Council or Parish Council, by ordinance, may adopt any standard code of technical regulations by reference. The procedure and requirements governing the adopting of such codes shall be as prescribed for ordinances generally, except that a period of sixty (60) days shall be allowed between the time of introduction and adoption of the ordinance. During this interim, copies of any proposed code shall be available for public review. A copy of each adopted code of technical regulations as well as the adopting ordinance shall be authenticated and recorded by the Clerk of the Council in the official records of the City-Parish Government. Such adopted codes of

technical regulations shall be published by title or by reference in the official journal by the clerk as soon as practical following such final adoption.

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

A. All finally enacted ordinances and resolutions shall be authenticated, numbered and recorded by the Clerk of the Council. All ordinances shall be indexed and codified in a book or books kept for this purpose. All resolutions shall be indexed and recorded in the minutes of the City Council or Parish Council meeting at which the resolution was approved.

B. The City Council and Parish Council shall cause each ordinance and each amendment to this charter to be printed or otherwise reproduced promptly following enactment. Such printed or reproduced amendments and ordinances, including codes of technical regulations adopted by reference pursuant to the section on "Codes of Technical Regulations," shall be available in the office of the Clerk of the Council for review by any citizen. Other copies may be distributed to the public at no cost or sold to the public at cost.

**Section 2-17. Power to Levy Taxes.**

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

B. Any tax being levied by Lafayette Parish or the City of Lafayette on the effective date of this home rule charter is ratified.

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

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

### **Section 2-18. Powers of Enforcement.**

For the purpose of carrying out the powers generally or specially conferred on the City of Lafayette, the Parish of Lafayette, and/or the City-Parish Government, the City Council and/or Parish Council, as the case may be, shall have the power to grant franchises, to require licenses and permits and fix the fees to be paid therefor, to charge compensation for any privilege or franchise granted or service rendered, and to provide penalties for the violation of any ordinance or regulation, as provided by law.

## **ARTICLE III. EXECUTIVE BRANCH**

### **Section 3-01. Executive Authority.**

The Mayor-President<sup>1</sup> shall be the chief executive officer of the City of Lafayette, the Parish of Lafayette, and the City-Parish Government and shall exercise general executive and administrative authority over all departments, offices and agencies, except as otherwise provided by this charter.

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

The Mayor-President<sup>1</sup> shall be elected at large by the qualified voters of the parish according to the election laws of the state for a four (4) year term. A person who has served as Mayor-President<sup>1</sup> for more than two and one-half terms in three (3) consecutive terms shall not be eligible to qualify as a candidate for Mayor-President<sup>1</sup> for the succeeding term.

### **Section 3-03. Qualifications.**

A. The Mayor-President<sup>1</sup> shall be at least eighteen (18) years of age and a qualified elector of the parish at the time of qualification and shall have been legally domiciled and shall have actually resided within the parish for at least the one (1) year immediately preceding the time established by law for qualifying for office.

B. The Mayor-President<sup>1</sup> 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 Mayor-President<sup>1</sup> change from the parish, the office shall automatically become vacant, which vacancy shall be filled as set out hereinafter.

#### **Section 3-04. Forfeiture of Office.**

The office of Mayor-President<sup>1</sup> shall be forfeited if during the term of office the officeholder: (1) lacks at any time any qualification for the office prescribed by this charter, or (2) is convicted of a felony under state or federal law.

#### **Section 3-05. Vacancy in Office of President.**

A. The office of Mayor-President<sup>1</sup> shall become vacant upon death, resignation, removal from office in any manner authorized by law, forfeiture of office, failure to take office, or as otherwise provided in this charter.

B. A vacancy in the office of Mayor-President<sup>1</sup> shall be filled in the following manner: the City Council and the Parish Council shall convene a joint meeting, and by resolution adopted by a favorable vote of at least a majority of the authorized membership of each of the City Council and the Parish Council, shall appoint an acting Mayor-President from among the membership of the City Council or the Parish Council. While serving as acting Mayor-President<sup>1</sup>, the appointed member shall not have a vote on his/her respective Council or participate in his/her Council activities.

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

D. If the vacancy occurs more than one (1) year before the expiration of the term, the acting Mayor-President<sup>1</sup> shall serve until such time as the office is filled by the vote of the qualified electors voting in an election, which shall be called in the following manner: the City Council and the Parish Council shall convene a joint meeting, and by a favorable vote of at least a majority of the authorized membership of each of the City Council and the Parish Council, shall call an election for that purpose within fifteen (15) days after the vacancy occurs. The election shall be held according to the timetable and procedures established by state law for the filling of vacancies in elected local offices.

E. If an election is required and the City Council and Parish Council fail to call the election required by Subsection D of this Section

within fifteen (15) days after the vacancy occurs, the governor of the State of Louisiana shall call the election.

F. If the remainder of the unexpired term exceeds 90 days or if the election to fill the vacancy is scheduled more than ninety (90) days after the vacancy occurs, the seat of the Council member serving as acting Mayor-President<sup>1</sup> shall become vacant and shall be filled as provided in the section, "Vacancy in Council." The person appointed to fill the Council seat of the acting Mayor-President<sup>1</sup> shall serve in that position only until such time as the Mayor-President<sup>1</sup> is elected and assumes office. At that time the acting Mayor-President<sup>1</sup> shall return to his/her Council.

G. The acting Mayor-President<sup>1</sup> shall be eligible to be a candidate for the office of Mayor-President<sup>1</sup> at the next election.

H. The acting Mayor-President<sup>1</sup> shall receive the same compensation as the Mayor-President<sup>1</sup> while serving in that capacity.

### **Section 3-06. Mayor-President's<sup>1</sup> Temporary Absence.**

A. When the Mayor-President<sup>1</sup> is absent from and unavailable to Lafayette Parish for more than 48 hours, the powers and duties of the office of Mayor-President<sup>1</sup> shall be exercised by a member of the City Council or Parish Council jointly appointed by the chair of each Council. In the event that the chair of the City Council and the chair of the Parish Council declare that they are unable to agree upon a joint appointment, the powers and duties of the office of Mayor-President shall be exercised by a member of the City Council or Parish Council appointed in the following manner: the City Council and the Parish Council shall convene a joint meeting, and by resolution adopted by a favorable vote of at least a majority of the authorized membership of each of the City Council and the Parish Council, shall appoint an acting Mayor-President from among the membership of the City Council or the Parish Council. When serving as acting Mayor-President<sup>1</sup>, the Council member shall not have a vote on his/her Council or participate in his/her Council activities.

B. If a temporary absence of the Mayor-President<sup>1</sup> extends to more than thirty (30) consecutive days, the office shall become vacant and shall be filled in accordance with the section on "Vacancy in Office of Mayor-President<sup>1</sup>," except that the City Council and Parish Council, by the favorable vote of at least a majority of the authorized membership of each Council, may authorize a longer absence.

### **Section 3-07. Mayor-President's<sup>1</sup> Disability.**

A. Disability of the Mayor-President<sup>1</sup> may be determined either by action of the Mayor-President<sup>1</sup> or by action of the City Council and Parish Council, as follows:

- (1) Whenever the Mayor-President<sup>1</sup> transmits to the Clerk of the Council a written declaration stating inability to discharge the powers and duties of the office, and until the Mayor-President<sup>1</sup> transmits to the Clerk of the Council a written declaration to the contrary, the office of Mayor-President<sup>1</sup> shall be filled in the same manner as in the section on the "Mayor-President's<sup>1</sup> Temporary Absence."
- (2) Whenever a majority of a panel of three (3) qualified medical experts, designated by resolution adopted by the favorable vote of at least a majority of the authorized membership of the City Council and Parish Council, transmits to the Clerk of the Council its written declaration that the Mayor-President<sup>1</sup> is unable to discharge the powers and duties of the office, the office of Mayor-President<sup>1</sup> shall be filled in the same manner as in the section on "Mayor-President's<sup>1</sup> Temporary Absence." The person filling the office shall serve until a panel of three (3) qualified medical experts, designated by resolution adopted by the favorable vote of at least a majority of the authorized membership of the City Council and Parish Council, transmits to the Clerk of the Council its unanimous written declaration that the Mayor-President's<sup>1</sup> disability has ended. The medical experts shall review the Mayor-President's<sup>1</sup> disability at least once every three (3) months until such time as it has been determined that the disability has ended by a unanimous vote of the three (3) medical experts.

B. Should the Mayor-President<sup>1</sup>, due to disability, be unable to discharge the powers and duties of the office for a period exceeding six (6) consecutive months, the City Council and Parish shall have the authority upon the favorable vote of at least a majority of the authorized membership of the City Council and the Parish Council to declare the office of Mayor-President<sup>1</sup> vacant due to disability or to extend the disability for a period not to exceed an additional six (6) consecutive months. Provided, however, that the City Council and Parish Council shall jointly hold a public hearing on the issue before any such actions.

C. The acting Mayor-President<sup>1</sup> shall receive the same compensation as the Mayor-President<sup>1</sup> while serving during the disability period.



D. The acting Mayor-President<sup>1</sup> shall not have a vote on his/her Council or participate in his/her Council activities. During the absence of the acting Mayor-President<sup>1</sup> from the City Council or Parish Council, the remaining members of that Council shall, by majority vote, appoint a person meeting the qualifications for that office to serve until such time as the acting Mayor-President<sup>1</sup> returns to his/her Council.

E. If an election for Council Members occurs during the time one of its members is serving as acting Mayor-President<sup>1</sup>, the Council member serving as acting Mayor-President<sup>1</sup> shall be eligible to seek election to either Council from any district for which the member is qualified. The person appointed to serve on the Council in the absence of the Council member serving as acting Mayor-President<sup>1</sup> shall be eligible to be a candidate for the acting Mayor-President's Council seat at that election.

### **Section 3-08. Compensation.<sup>4</sup>**

A. The salary of the Mayor-President<sup>1</sup> shall be seventy-five thousand dollars (\$75,000) per year. By favorable vote of at least a majority of the authorized membership of the City Council and the Parish Council, the City Council and Parish Council, may, by ordinance of each, increase the salary of the Mayor-President<sup>1</sup> during the term for which elected. The total of all salary increases during a term shall not exceed ten (10) percent of the salary at the beginning of the term.

B. The Mayor-President<sup>1</sup> shall be eligible for health and hospital insurance and retirement benefits which are available to employees of the City-Parish Government.

C. The Mayor-President<sup>1</sup> shall, upon presentation of properly documented receipts, be reimbursed for reasonable expenses incurred in carrying out the official duties of the office.

<sup>4</sup> Section 3-08 (a): Salary Increases for Mayor-President<sup>1</sup>:

- O-387-97 (11-16-97) 2% or \$76,500 annually
- O-225-98 (09-30-98) 5% or \$80,325 annually
- O-232-99 (09-30-99) 2% or \$81,932.56 annually
- O-186-02 (09-26-02) 3% or \$84,389.52 annually
- O-184-03 (09-25-03) 4% or \$87,765.12 annually
- O-178-04 (09-30-04) 2% or \$89,520.42 annually
- O-214-05 (09-29-05) 2% or \$91,310.76 annually
- O-151-06 (09-28-06) 4% or \$94,963 annually
- O-170-07 (09-27-07) 1.66% or \$96,542 annually
- O-143-2008 (09-30-08) authorized to 10% (\$9,653.20) for term of office
- O-153-2013 (09-13-13) 3.5% or \$109,900.34 annually
- O-140-2014 (09-11-14) 6.5% or \$117,043.89 annually
- O-170-2015 (09-03-15) 8.33% or \$126,768.00 annually

**Section 3-09. Powers and Duties of the Mayor-President<sup>1</sup>.**

A. The Mayor-President<sup>1</sup> as chief executive officer of the City of Lafayette, Parish of Lafayette, and City-Parish Government shall have the following powers and duties:

- (1) See that all laws, provisions of this charter and acts of the City Council and/or Parish Council, subject to the Mayor-President's<sup>1</sup> direction and supervision, are faithfully executed.
- (2) Appoint and suspend or remove for just cause all City of Lafayette, Parish of Lafayette and/or City-Parish Government employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by this charter or other personnel rules adopted pursuant to this charter. The Mayor-President<sup>1</sup> may authorize any administrative officer who is subject to the Mayor-President's<sup>1</sup> direction and supervision to exercise these powers with respect to subordinates in the officer's department, office or agency.
- (3) Direct and supervise the administration of all departments, offices and agencies, except as otherwise provided by this charter.
- (4) Prepare and submit the annual operating budget and five (5) year capital improvement budget to the City Council and Parish Council.
- (5) Sign contracts for projects, equipment, non-professional services and materials and supplies specifically identified in the approved operating and capital improvement budgets or as specifically identified by ordinance. In accordance with pertinent provisions of this charter, including, but not limited to, Sections 1-06, 2-01, and 2-11, contracts for projects, equipment, nonprofessional services or materials and supplies not so identified shall be submitted to the City Council, the Parish Council, or both, as appropriate, for approval.

- (6) Sign contracts for professional services only after receiving recommendations from a professional services review committee created jointly by ordinance(s) by favorable vote of at least a majority of the authorized membership of the City Council and the Parish Council. The professional services review committee shall consist of five (5) members, one (1) to be appointed by the Mayor-President<sup>1</sup>, one (1) to be appointed by the City Council, one (1) to be appointed by the Parish Council, one (1) to be the Director of the Public Works Department, and one (1) to be the Director of the Utilities Department.
- (7) Submit to the City Council and Parish Council and make available to the public, within one hundred twenty (120) days after the end of the fiscal year, a complete report on the finances and administrative activities of the City of Lafayette, the Parish of Lafayette, and the City-Parish Government as of the end of each fiscal year.
- (8) Make such other reports as the City Council or Parish Council may reasonably request to enable either Council to conduct its functions.
- (9) The Mayor-President<sup>1</sup> or designee shall attend all meetings of the City Council and Parish Council and keep each Council fully advised as to the financial condition and future needs of the City of Lafayette, the Parish of Lafayette, and the City-Parish Government and make such recommendations to each Council concerning their affairs as deemed desirable.
- (10) Perform such other duties as are specified in this charter or may be required by the City Council or Parish Council, not inconsistent with this charter.

### **Section 3-10. Prohibitions.**

A. The Mayor-President<sup>1</sup> shall be a full-time official and shall hold no other elected public nor any compensated appointive City-Parish Government office or employment during the term of office for which elected and shall hold no compensated appointive City-Parish Government office or employment until one (1) year after expiration of the term for which elected. The Mayor-President<sup>1</sup> shall not engage in any activity unrelated to City of Lafayette, Parish of Lafayette, and/or City-Parish Government business that would interfere with or detract from the performance of duties as Mayor-President<sup>1</sup>.

B. Nothing in this section shall prohibit the Mayor-President<sup>1</sup> from serving as an elected member of a political party committee, charter commission or constitutional convention.

C. These provisions shall not apply to a Council member serving as acting Mayor-President<sup>1</sup>.

#### **ARTICLE IV. ADMINISTRATION**

##### **Section 4-01. General Provisions.**

A. Except as otherwise provided by this charter, all departments, offices and agencies shall be under the direction and supervision of the Mayor-President<sup>1</sup>. The directors of all departments created by or under this charter shall be appointed by the Mayor-President<sup>1</sup> and shall serve at the pleasure of the Mayor-President<sup>1</sup>, except as otherwise provided by this charter.

B. The salaries of the directors of the departments appointed by the Mayor-President<sup>1</sup> shall be set by the Mayor-President<sup>1</sup>.

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

A. The chief administrative officer shall, subject to the direction of the Mayor-President<sup>1</sup>, supervise all departments, offices and agencies under the direction and supervision of the Mayor-President<sup>1</sup> except the legal department, and perform such other functions as may be directed by the Mayor-President<sup>1</sup>.

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

A. The director of the legal department shall be the City-Parish attorney who shall be appointed by the Mayor-President<sup>1</sup>. Such appointment shall be subject to approval by a favorable vote of at least a majority of the authorized membership of each of the City Council and the Parish Council.

B. The City-Parish attorney shall be an attorney licensed to practice in the courts of Louisiana, shall have at least five (5) years' continuous practice of law and shall be a resident of the parish for at least two (2) years prior to the date of appointment.

C. The City-Parish attorney shall serve as chief legal adviser to the Mayor-President<sup>1</sup>, City Council, Parish Council, and all departments, offices and agencies; represent the City of Lafayette, the Parish of Lafayette, and

the City-Parish Government in all legal proceedings; and perform other duties prescribed by this charter or by ordinance.

D. The City-Parish Attorney may engage Assistant City-Parish Attorneys to assist in carrying out the duties of his/her office. The Assistant City-Parish Attorneys shall be appointed by and serve at the pleasure of the City-Parish Attorney.

E. No special legal counsel shall be retained by the City of Lafayette, the Parish of Lafayette, and/or the City-Parish Government except by written contract for a specific purpose approved by the favorable vote of a majority of the authorized membership of the City Council, the Parish Council, or both, depending upon the subject matter of the engagement and in accordance with pertinent provisions of this charter, including, but not limited to, Sections 1-06, 2-01, and 2-11. Such authorization shall specify the compensation, if any, to be paid for such services.

#### **Section 4-04. Finance Department.<sup>5</sup>**

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

- (1) Collection (except where specifically otherwise provided for by law) and custody of all monies of the City-Parish Government from whatever source.
- (2) Assistance to the Mayor-President<sup>1</sup> in the preparation of the annual operating budget and the capital improvement budget.
- (3) Maintenance of a record of indebtedness and the payment of the principal and interest on such indebtedness.
- (4) Ascertaining that funds are available for payment of all contracts, purchase orders and any other documents which incur a financial obligation for the City-Parish Government, and that such documents are in accordance with established procedures.
- (5) Disbursement of City-Parish funds.
- (6) Administration of a uniform central accounting system for all City-Parish departments, offices and agencies, using nationally accepted standards where applicable.
- (7) Preparation of a monthly statement of revenues and expenditures which shall be completed and made available for

<sup>5</sup> Section 4-04: Finance Department abolished and Associate CAO-Finance & Management placed under CAO's office. (O-144-98; 05-26-98)

Finance Department re-established with an unclassified Director entitled Chief Financial Officer. (O-020-2011; 02-01-11)

public inspection not later than thirty-one (31) days after the end of each month.

- (8) Procurement of all personal property, materials, supplies and services required by the City-Parish Government under a central purchasing system for all departments, offices and agencies in accordance with applicable state law, City Council and/or Parish Council policy and administrative requirements.
- (9) Investment of idle funds, as permitted by law, so as to receive the maximum rate of return.
- (10) Utility billing and collection.<sup>6</sup>
- (11) Other such activities as may be directed by the Mayor-President<sup>1</sup>.

#### **Section 4-05. Administrative Services Department.<sup>7</sup>**

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

- (1) Personnel matters for employees other than those under the jurisdiction of the civil service director and civil service board. Responsibilities shall include but not be limited to personnel policies, employee relations, employee counseling and unemployment and worker's compensation reports and hearings.
- (2) Data processing, records management, microfilming, printing, copier services and related administrative services.<sup>8</sup>
- (3) Developing and implementing a communications system.
- (4) Risk management, insurance and safety programs.
- (5) Maintenance of an inventory of all property, real and personal.<sup>9</sup>
- (6) Other such activities as may be directed by the Mayor-President<sup>1</sup>.

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

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

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<sup>6</sup> Section 4-04(10): Duties of Utility billing & collection transferred to Department of Utilities. (O-144-98; 05-26-98)

<sup>7</sup> Section 4-05: Administrative Services Department abolished and the divisions were transferred to LCG CAO's Office, Finance & Management, and IS&T. (O-159-2012; 09-13-12)

<sup>8</sup> Section 4-05 A(2): Created Department of Information Services Technology. (O-253-2004; 11-02-04)

<sup>9</sup> Section 4-05 A(5): Maintenance of inventory property transferred to Finance Department. (O-011-96; 06-03-96)

- (1) Engineering services for all departments and agencies, except as may be otherwise provided by the utilities department.
- (2) Supervision of all contract construction work except as may be provided by the utilities department.
- (3) Maintenance of City of Lafayette, Parish of Lafayette, and/or City-Parish Government property.
- (4) Mapping and surveying.
- (5) Construction and maintenance performed by the City-Parish Government on roads, sidewalks, bridges and drainage facilities.
- (6) Traffic engineering.<sup>10</sup>
- (7) Garbage and trash collection and disposal, and other environmental services.
- (8) Operation of a central facility for the repair and maintenance of City of Lafayette, Parish of Lafayette, and/or City-Parish Government vehicles and equipment.
- (9) Animal control.<sup>11</sup>
- (10) Operation of the transit system.<sup>12</sup>
- (11) Other such activities as may be directed by the Mayor-President<sup>1</sup>.

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

A. The governing authority of the utilities department, the Lafayette Public Power Authority, and the Division of Communications Services and its successors shall be the City Council. In the event of a reorganization of any division or function of the utilities department, whereby said division(s) or function(s) is/are relocated and/or restructured within another department or as its own department, the governing authority of the reorganized division, function, and/or department shall remain the City Council.

B. The director of the utilities department shall be appointed by the Mayor-President<sup>1</sup>, subject to approval by the City Council, in accordance with provisions included in current or future bond resolutions and covenants.

<sup>10</sup> Section 4-06 A(6): Traffic Engineering duties from Public Works to separate department. (O-144-98; 05-26-98)

<sup>11</sup> Section 4-06 A(9): Duties of animal control transferred to Police Department. (O-011-96; 06-03-96)  
Duties of animal control transferred to Office of Emergency Operations & Security. (O-170-2007; 09-27-07)

<sup>12</sup> Section 4-06 A(10): Operation of Transit System from Public Works to Traffic & Transportation. (O-144-98; 05-26-98)

Operation of Transit System returned to Public Works. (O-153-2013; 09-12-13)

- C. The director of utilities shall direct and be responsible for:
- (1) Production and distribution of electricity.
  - (2) Water production, treatment and distribution.
  - (3) Sewerage collection, treatment and disposal.
  - (4) Utility engineering services.
  - (5) Supervising contract construction work for the utility system.
  - (6) Maintaining utility equipment in cooperation with the central garage.
  - (7) Reading of utility meters.
  - (8) Other such activities as may be directed by the Mayor-President<sup>1</sup> and the City Council which are necessary or incidental to the operation of the utility system.<sup>13</sup>

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

E. The City Council, by ordinance, may expand the area of end user electric service only into areas authorized by R.S. 45:123 or other controlling state law, or into areas annexed into the City of Lafayette.

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

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

H. The City Council, in its capacity as the governing authority of the utilities department, shall be the sole legislative body to fix rates, incur indebtedness, approve the utility budget, and approve proposals for the improvement and extension of the utilities.

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

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

A. The City of Lafayette shall not sell, lease or in any manner dispose of the utility system or any substantial part thereof, including any contract whereby an entity would purport to manage any substantial part of the utility system, without approval by a majority vote of the qualified

<sup>13</sup> Section 4-07 C(8): Division of Communication Services is hereby created within Utilities (O-263-2004; (11-16-04)



electors residing within the boundaries of the City of Lafayette voting in an election called for that purpose. Such an election shall only be called by a two-thirds vote of the authorized membership of the City Council, acting in its capacity as the governing authority of the utilities department. This shall not be construed to prevent the disposal, with the approval of the consulting engineers, of property which has become obsolete, unserviceable and not necessary for the efficient operation of the utility system. The proceeds of the sale of such property shall be used to purchase or construct other capital improvements for the utility system.

B. Any measure presented to the voters in the manner described in Section 4-08(A) shall require that the proceeds derived from the sale, lease, disposal of all or any substantial part of the utility system, or any contract to manage any substantial part thereof, shall be used for capital improvements in the City of Lafayette.

#### **Section 4-09. Planning, Zoning and Codes Department.<sup>14</sup>**

A. The director of the planning, zoning and codes department shall be appointed by the Mayor-President<sup>1</sup> from one or more qualified nominees submitted by the City Planning and Zoning Commission and the Parish Planning and Zoning Commission. The director shall direct and be responsible for the following activities:

- (1) Function as staff of the City Planning and Zoning Commission and the Parish Planning and Zoning Commission.
- (2) Maintenance of zoning maps and other maps related to the functions of the department.
- (3) Coordination of planning activities.
- (4) Issuance and enforcement of building permits and the conduct and approval of building inspections.<sup>15</sup>
- (5) Other such activities as may be directed by the Mayor-President<sup>1</sup>.

#### **Section 4-10. Planning and Zoning Commissions.<sup>16</sup>**

A. There shall be a City Planning and Zoning Commission (the "City Commission"), which shall consist of five (5) members appointed by

<sup>14</sup> Section 4-09: Planning, Zoning & Codes Department renamed Planning, Zoning & Development Department. (O-153-2013; 09-12-13)

<sup>15</sup> Section 4-09: Transfer duties of Housing Inspection and Codes Compliance to the Planning, Zoning, and Codes Department<sup>14</sup>. (O-175-2009; 09-15-09)

<sup>16</sup> Section 4-10: Planning & Zoning Commission membership increased from five (5) to seven (7) approved by parish wide election on 11-21-2015.

the City Council for five (5) year staggered terms as determined by the City Council. Members of the City Commission shall be qualified electors residing within the corporate limits of the City of Lafayette. Vacancies shall be filled by the City Council.

B. There shall be a Parish Planning and Zoning Commission (the "Parish Commission"), which shall consist of five (5) members appointed by the Parish Council for five (5) year staggered terms as determined by the Parish Council. Members of the Parish Commission shall be qualified electors residing within the Parish of Lafayette. Vacancies shall be filled by the Parish Council.

C. The staff of the planning, zoning and codes department<sup>14</sup> shall serve as staff for the City Commission and the Parish Commission.

D. The City Commission shall constitute a city planning and zoning commission in the corporate limits of the City of Lafayette. Except as otherwise provided by this charter, the City Commission shall have all the powers and duties conferred or imposed on city planning and zoning commissions by the general laws of the state.

E. The Parish Commission shall constitute a parish planning and zoning commission in that portion of Lafayette Parish outside the corporate limits of the City of Lafayette. Except as otherwise provided by this charter, the Parish Commission shall have all the powers and duties conferred or imposed on parish planning and zoning commissions by the general laws of the state.

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

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

H. Appeals from decisions of the City Commission shall be to the City Council. Appeals from decisions of the Parish Commission shall be to the Parish Council. The decision of the City Council or Parish Council shall be final, subject to appeal to the appropriate court.

I. The City Commission and the Parish Commission shall review the capital improvement budget prepared by the Mayor-President<sup>1</sup> and, prior to submission of the budget to the City Council and Parish Council, shall advise the Mayor-President<sup>1</sup> as to the conformance or nonconformance of the budget to the master plan for the consolidated government.

J. This section shall not apply to municipalities in the parish which are not a part of the City-Parish Government, except that a municipality, by contract, may participate in the master plan.

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

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

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

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

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

- (1) Developing a program of economic development in the parish.
- (2) Promoting trade with foreign countries and businesses in the parish.<sup>17</sup>
- (3) Cooperating with the state and other governments in the development and implementation of economic development, housing and human services programs.
- (4) Cultural activities and facilities.
- (5) Preparation of all intergovernmental grant applications on behalf of the City of Lafayette, the Parish of Lafayette, and/or the City-Parish Government and informing departments, offices and agencies of all relevant local, state and federal programs.<sup>18</sup>

<sup>17</sup> Section 4-12 A(2): Promoting trade with foreign countries and businesses in the parish transferred under CAO's office. (O-068-96; 09-24-96)

<sup>18</sup> Section 4-12 A(5): Transfer various duties of the Criminal Justice Support Services to the Community Development Department. (O-175-2009; 09-15-09)

- (6) Other such activities as may be directed by the Mayor-President<sup>1</sup>.

#### **Section 4-13. Police Department.<sup>19</sup>**

A. The governing authority of the Police Department shall be the City Council. The director of the police department shall be the chief of police who shall be appointed by the Mayor-President<sup>1</sup> in accordance with applicable state police civil service law.

B. The chief of police shall direct and be responsible for the preservation of public peace and order, prevention of crime, apprehension of criminals, assistance to the courts and other law enforcement officials, and the enforcement of all laws applicable in the police protection urban services district consisting of the geographic limits of the City of Lafayette, as provided in the section on "Urban Services Districts." C. Law enforcement personnel of the police protection urban services district shall be a part of the police civil service system as provided by state law.

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

A. The governing authority of the Fire Department shall be the City Council. The director of the fire department shall be the fire chief who shall be appointed by the Mayor-President<sup>1</sup> in accordance with applicable state fire civil service law.

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

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

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

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

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<sup>19</sup> Section 4-13: Reorganize Police Department – Comstat reorganization – divided city into districts to create precincts. (O-214-2005; 09-29-05)

Transfer duties of Alcohol Traffic Action Campaign and noise control to the Police Department. (O-175-2009; 09-15-09)

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

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

B. The appointment and dismissal of City-Parish Government employees subject to this section shall be by the Mayor- President<sup>1</sup>, or designee, in accordance with the provisions of this section.

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

- (1) The civil service director shall be appointed by the civil service board. The civil service director shall be qualified and experienced in personnel administration and shall be responsible to the board for the administration of the classified civil service system for the City-Parish Government, including all City-Parish departments, offices, and agencies in accordance with civil service rules adopted pursuant to this section.

- (2) The civil service board shall consist of five (5) electors of Lafayette Parish who hold no other public office or position in the City-Parish Government and who have resided within the parish for at least two (2) years. Members of the board shall serve without compensation.
- (3) Except pursuant to Subsection (C)(7) of this Section, no employee of the City-Parish Government shall be eligible for appointment to the civil service board.
- (4) The first members shall be appointed for terms of one (1), two (2), three (3), four (4) and five (5) years as determined by the City-Parish Council. Thereafter appointments shall be for four (4) year terms.
- (5) The City Council shall appoint two (2) members of the board as follows:
  - a. One (1) from a list of three (3) nominees, different from the list of nominees submitted pursuant to Subsection (C)(6)(a) of this Section, by the President of the University of Louisiana at Lafayette.
  - b. One (1) from a list of three (3) nominees by the President of the Southern University System.
- (6) The Parish Council shall appoint two (2) members of the board as follows:
  - a. One (1) from a list of three (3) nominees, different from the list of nominees submitted pursuant to Subsection (C)(5)(a) of this Section, by the President of the University of Louisiana at Lafayette.
  - b. One (1) from a list of three (3) nominees by the President of the Louisiana State University System.
- (7) The employees of the City-Parish Government shall appoint one (1) board member, chosen as follows:
  - a. Any employee of the City-Parish Government may submit his/her name for consideration in an election to be held for the purpose of determining the employees' appointment to the board. There shall be no limit on the number of candidates in the employee election.
  - b. The employees of the City-Parish Government shall vote in an election called for the purpose of determining the board appointee. The nominee receiving the most votes will become a Board member and serve a four (4) year term.

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

D. The duties of the civil service director shall include, but shall not be limited to the following:

- (1) To develop and, upon adoption, to administer a position classification plan which shall provide for the classification of all positions on the basis of duties and responsibilities of each position. The classification plan shall be submitted to the civil service board, and it shall become effective upon approval by the civil service board after public hearing.
- (2) To develop and, upon adoption, to administer a salary plan for all positions in City-Parish Government. Such salary plan shall be submitted to the civil service board, which, after public

hearing, shall submit it, together with such amendments as it deems necessary, to the City Council and the Parish Council for joint adoption or rejection, except that the salary plans for a component unit of the City-Parish Government that is funded solely by the City of Lafayette shall be submitted solely to the City Council for adoption or rejection, and the salary plans for a component unit of the City-Parish Government that is funded solely by the Parish of Lafayette shall be submitted solely to the Parish Council for adoption or rejection.

- (3) To prepare civil service rules to carry out the provisions of this section. These rules shall be submitted to the civil service board, which, after public hearing, shall make amendments as it deems necessary. These rules shall become effective upon approval by the civil service board and shall have the full force of law. Such rules shall apply to all City-Parish departments, offices, agencies and special districts covered by this section and shall provide for:
- a. Policies and procedures for the administration of the classification plan.
  - b. Policies and procedures for furnishing forms and records to civil service from the appointing authority.
  - c. Policies and procedures for the administration of the salary plan.
  - d. Policies and methods for holding civil service tests to determine the merit and fitness of candidates for all regular position appointments.
  - e. The establishment and maintenance of lists of persons eligible for appointment by reason of successful participation in competitive tests and procedures for the certification of persons from eligible lists for filling vacancies.
  - f. The procedure for layoffs, suspension, demotion, and dismissal of employees. Public hearings before the civil service board shall be held in cases of demotion or dismissal of permanent employees.
  - g. Hours of work, attendance regulations, leaves of absence with or without pay, working test periods and temporary appointments.
  - h. Prohibition against political activity of employees and assessment for political purposes.



- i. Other policies, practices, and procedures necessary for the administration of the City-Parish Government classified civil service system.

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

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

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

- (1) No person shall solicit contributions for political purposes from any classified employee or use or attempt to use a position in City-Parish Government to punish or coerce the political action of a classified employee.

- (2) As used in this Part, [the term] "political activity" means an effort to support or oppose the election of a candidate for political office or to support a particular political party in an election.

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

H. Any person holding a full-time position subject to this section on its effective date who has served as an employee of the City of Lafayette or Lafayette Parish for at least one year prior thereto shall continue in that position without competitive test but shall be subject in all other respects to this section.

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

#### **Section 4-16. Other Departments.<sup>20</sup>**

- <sup>20</sup> Section 4-16: Creation of Traffic & Transportation Department (O-144-98; 5-26-98)  
 Creation of Juvenile Detention Department (O-165-98; 06-16-98)  
 Creation of Department of Information Services Technology within Administrative Services Division (O-178-2004; 9-30-04)  
 Creation of Division of Communication Services within Utilities Department (O-263-2004; 9-30-04)  
 Reorganization within the Lafayette Juvenile Detention Home (O-019-2008; 01-22-08)  
 Traffic & Transportation Department reorganized as a division of the Public Works Department (O-153-2013; 09-12-13)
- <sup>21</sup> Section 4-17: The Lafayette Juvenile Detention Home (JDH) is recognized as a division of LCG Office of the Chief Administrative Officer (O-055-2006; 03-21-06)  
 Reorganization of Traffic and Transportation Department to add a new Electronic Enforcement Division (O-041-2008; 02-20-08)  
 Criminal Justice Support Services (CJSS) Administrator - no longer needed (O-175-2009; 09-15-09)  
 Information Services & Technology – moved Information Services Technology Supervisor under Chief Information Officer (O-293-2011; 12-06-11)  
 Chief Development Officer (CDO) Section created (O-153-2013; 09-12-13)  
 Finance – eliminate a management position & creating two (2) supervisors – Group Insurance Supervisor and Risk Management Supervisor (O-253-2013; 12-03-13)  
 Chief Development Officer (CDO) Section abolished (O-015-2016; 02-02-16)  
 Information Services & Technology – absorbed two (2) divisions from the former Administrative Services Department – Records Management and Printing and Communications (O-159-2012; 09-13-12)

Except as otherwise provided by this charter, all City of Lafayette and Lafayette Parish Government departments, offices, agencies and functions in existence on the effective date of this charter shall continue in existence as organized on that date until reorganized in accordance with the section on "Administrative Reorganization."

**Section 4-17. Administrative Reorganization.<sup>21</sup>**

A. The Mayor-President<sup>1</sup> may propose the creation, change, alteration, consolidation or abolition of City-Parish departments, offices and agencies and/or the reallocation of the functions, powers, duties and responsibilities of such departments, offices or agencies, including those provided for in this charter. Any proposed plan of reorganization for a component unit of the City-Parish Government that falls within any part of the criteria (except for employee benefits, unless employee benefits are directly changed by the proposed reorganization) of Section 2-11(E)(1) and/or (2) of this charter, or for a proposed component unit of the City-Parish Government that would fall within any part of such criteria if adopted, shall be submitted to both the City Council and the Parish Council for adoption or rejection by a majority of the authorized membership of each Council. Otherwise, the proposed plan of reorganization shall be submitted only to the council that has legislative power over the component unit(s) of the City-Parish Government sought to be reorganized by the plan.

B. Upon receipt of the Mayor-President's<sup>1</sup> proposed plan of reorganization submitted in accordance with Subsection A of this Section, the chair of the City Council and/or the Parish Council, or both, as the case may be shall cause to be introduced an ordinance to implement the proposed reorganization plan. The ordinance shall follow the same procedure as provided in the section on "Ordinances in General" of this charter.

C. The reorganization plan submitted by the Mayor-President<sup>1</sup> in accordance with Subsection A of this Section shall become effective if the Council(s) fail(s) to act on the proposed reorganization within sixty (60) days of its submission to the Council(s).

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

## ARTICLE V. FINANCIAL PROCEDURES

### Section 5-01. Fiscal Year.<sup>22</sup>

The fiscal year of the City of Lafayette, the Parish of Lafayette, and the City-Parish Government shall be November 1 through October 31, subject to change by ordinance by a favorable vote of at least a majority of the authorized membership of each of the City Council and the Parish Council.

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

A. At least ninety (90) days prior to the beginning of each fiscal year, the Mayor-President<sup>1</sup> shall submit to the City Council and the Parish Council a proposed operating budget in the form required by this charter. Once submitted to the City Council and the Parish Council, the Clerk of the Council shall cause to be issued a notice of a joint public hearing of the City Council and the Parish Council and shall cause to be published in the official journal, at least ten (10) days prior to the date of such hearing, the time and place thereof, a general summary of the proposed budget and the times and places where copies of the proposed budget are available for public inspection. At the time and place so advertised, the City Council and the Parish Council shall hold a joint public hearing on the budget as submitted. Changes in the proposed operating budget shall be by the favorable vote of at least a majority of the authorized membership of each of the City Council and the Parish Council. The budget shall be finally adopted in a joint meeting of the City Council and the Parish Council, by the favorable vote of at least a majority of the authorized membership of each of the City Council and the Parish Council, not later than thirty (30) days prior to the commencement of the new fiscal year. Upon final adoption, the budget shall be in effect for the budget year and copies shall be filed with the Clerk of the Council. The budget as finally adopted shall be reproduced and sufficient copies shall be made available for use by all offices, departments and agencies of the City-Parish Government. Copies shall be available for public use in the main branch of the public library and in the office of the Clerk of the Council. Additional copies may be purchased at cost.

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<sup>22</sup> Section 5-01: Fiscal year change from "January 1 through December 31" to "November 1 through October 31" (O-009-96; 06-03-96)

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

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

The operating budget for the City-Parish Government shall present a complete financial plan for the ensuing fiscal year and shall consist of at least three (3) parts as follows:

Part I shall contain: (1) a budget message, prepared by the Mayor-President<sup>1</sup>, which shall outline the proposed fiscal plan for the City-Parish Government and describe significant features of the budget for the forthcoming fiscal period; and (2) a general budget summary which, with supporting schedules, shall show the relationship between total proposed expenditures and total anticipated available funds for the forthcoming fiscal period and which shall compare these figures with corresponding actual figures for the last completed fiscal year and estimated figures for the year in progress.

Part II shall contain: (1) detailed estimates of all proposed expenditures, showing the corresponding estimated expenditures for each item for the current fiscal year and actual figures for the last preceding fiscal year with explanations of increases or decreases recommended related to performance standards or workload measurements, to the extent of availability of such information; (2) manning or organizational tables for each of the departments, agencies or programs; (3) detailed estimates of all anticipated revenues and other income, showing the corresponding estimated revenue or income for each item for the current fiscal year and actual figures of the last preceding fiscal year with explanations of increases or decreases; (4) delinquent taxes for current and preceding years, with the estimated percentage collectible[:]; (5) statement of the indebtedness of the City-Parish Government, showing debt redemption and interest requirements, debt authorized and unissued, and conditions of the sinking funds; and (6) such other information as may be requested by either the City Council or the Parish Council. The total of proposed expenditures shall not exceed the total of estimated revenues and other funds legally available for expenditure.

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

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

A. Amendments to the operating budget, such as supplemental appropriations, emergency appropriations, reduction of appropriations, and transfer of appropriations, shall be adopted by the favorable vote of a majority of the authorized membership of each of the City Council and the Parish Council, except that an amendment to the operating budget for a line item of the operating budget or component unit of the City-Parish Government that is funded solely by the City of Lafayette shall be submitted solely to the City Council for adoption, and an amendment to the operating budget for a line item of the operating budget or component unit of the City-Parish Government that is funded solely by the Parish of Lafayette shall be submitted solely to the Parish Council for adoption.

B. Supplemental Appropriations: If during the fiscal year the Mayor-President<sup>1</sup> certifies that there are available for appropriation funds in excess of those estimated in the operating budget, the Mayor-President<sup>1</sup> may present a supplement to the budget for the disposition of such funds, and the appropriate Council(s), in accordance with Subsection A of this Section, by ordinance(s) may make supplemental appropriations for the year up to the amount of such excess in the same manner required for adoption of the budget.

C. Emergency Appropriations: To meet a public emergency affecting life, health, property or the public peace, the appropriate Council(s), in accordance with Subsection A of this Section, may make emergency appropriations. Such appropriations shall be made by emergency ordinance(s) in accordance with the provisions of this charter. To the extent that there are no available unappropriated funds to meet such appropriations, the appropriate Council(s), in accordance with Subsection A of this Section, 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.

D. Reduction of Appropriations: If at any time during the fiscal year it appears to the Mayor-President<sup>1</sup> that the funds available will be insufficient to meet the amount appropriated, the Mayor-President<sup>1</sup> shall report to the appropriate Council(s), in accordance with Subsection A of this Section, without delay, indicating the estimated amount of the deficit, any remedial action taken and recommendations as to any other steps to be taken. The appropriate Council(s), in accordance with Subsection A of this

Section, shall then take such further action as it deems necessary to prevent a deficit.

E. Subject to the limitations in Subsection G of this section, the appropriate Council(s), in accordance with Subsection A of this Section, may, by ordinance(s), reduce any appropriation at any time.

F. Transfer of Appropriations: At any time during the fiscal year the Mayor-President<sup>1</sup> may transfer part or all of any unencumbered appropriation within programs, except that no transfer shall be made to or from the salary account unless approved by the appropriate Council(s) by ordinance(s), in accordance with Subsection A of this Section. An unencumbered appropriation balance may be transferred from one department, office or agency to another or from one program to another only upon action of the appropriate Council(s) by ordinance(s) in accordance with Subsection A of this Section.

G. Limitations: No appropriation for debt service may be reduced or transferred and no appropriation may be reduced below any amount required by law to be appropriated.

#### **Section 5-05. Capital Improvement Budget.**

A. Each year, no later than the time of submission of the operating budget for the ensuing fiscal year, the Mayor-President<sup>1</sup> shall prepare and submit to the City Council and the Parish Council a capital improvement budget covering a period of at least five (5) years. The amount indicated to be spent during the first year of the capital improvement budget shall be the capital improvement budget for that year.

B. The capital budget shall include:

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

C. Once submitted to the City Council and the Parish Council, the Clerk of the Council shall cause to be issued a notice of a joint public hearing of the City Council and Parish Council on such capital improvement budget and shall cause to be published in the official journal, at least ten (10)

days prior to the date of such hearing, the time and place thereof, a general summary of the proposed capital improvement budget and the times and places where copies of the proposed capital improvement budget are available for public inspection. At the time and place so advertised, the City Council and the Parish Council shall hold a joint public hearing on the capital improvement budget as submitted. Changes in the proposed capital improvement budget shall be by the favorable vote of at least a majority of the authorized membership of each of the City Council and the Parish Council. The capital improvement budget shall be finally adopted in a joint meeting of the City Council and the Parish Council, by the favorable vote of at least a majority of each of the authorized membership of both the City Council and the Parish Council, not later than thirty (30) days prior to commencement of the new fiscal year. The capital improvement budget as finally adopted shall be reproduced and sufficient copies shall be made available for use by all offices, departments and agencies of the City-Parish Government. Copies shall be available for public use in the main branch of the public library and in the office of the Clerk of the Council. Additional copies may be purchased at cost.

D. Amendments to the finally adopted capital improvement budget shall be by ordinance. Amendments to the capital budget shall be adopted by the favorable vote of a majority of the authorized membership of each of the City Council and the Parish Council, except that an amendment to the capital budget for a line item of the capital budget or component unit of the City-Parish Government that is funded solely by the City of Lafayette shall be submitted solely to the City Council for adoption, and an amendment to the capital budget for a line item of the capital budget or component unit of the City-Parish Government that is funded solely by the Parish of Lafayette shall be submitted solely to the Parish Council for adoption. The information shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

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

A. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with the approved operating budget and capital improvement budget and appropriations duly made and unless the Mayor-President<sup>1</sup> or the Mayor-President's<sup>1</sup> designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to



cover the claim or meet the obligation when it becomes due and payable. However, this provision shall not limit the authority to borrow funds in anticipation of revenues as provided in the general laws of the state. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and any payment so made illegal; such action shall be cause for removal of any official, officer or employee who knowingly authorized or made such payment or incurred such obligation or who caused such payment to be authorized or made or obligation to be incurred. Such persons shall also be liable to the City-Parish Government for any amount so paid.

B. Nothing in this charter shall be construed to prevent passage of any ordinance making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year. Contracts for services not covered by the public bid law shall be for a period not to exceed the term for which the Council Members and the Mayor-President<sup>1</sup> are elected.

C. Deficit spending is prohibited except for emergencies as provided in the section on "Amendments to Operating Budget."

#### **Section 5-07. Lapse of Appropriations.**

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

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

The City of Lafayette, Parish of Lafayette, and/or the City-Parish Government is empowered to incur bonded debt in accordance with this charter and the constitution and general laws of the state. When voter approval is required, no resolution shall be passed calling for a referendum to incur a bonded debt until an engineering and economic feasibility report shall have been made to the appropriate Council(s) and a summary thereof published in the official journal at least sixty (60) days prior to the proposed date of the election, unless the Council(s) seeking to incur such bonded debt

is/are required to call such an election pursuant to a petition as provided for under the general laws of this state.

#### **Section 5-09. Facsimile Signatures.**

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

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

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

A. The electors of the Lafayette City-Parish Consolidated Government shall have the power, except as herein restricted, to propose passage, amendment or repeal of ordinances and to vote on the question if the appropriate Council(s) refuse(s) action. This power shall not extend to the proposing or repealing of ordinances making or reducing the appropriation of money or to changing the salaries of the government's officers or employees. This power may be exercised to authorize the repeal or reduction of the levy of any taxes, except that such a repeal or reduction or change must be approved by the voters at least ninety (90) days prior to the end of a fiscal year and shall not become effective until the next fiscal year. This power may not be exercised to repeal or reduce any taxes levied for retirement of bonds or any other outstanding indebtedness. If the subject matter of the electors' proposal is solely within the legislative power of the City Council, the procedure for exercise of this initiative and referendum power shall be governed by Subsection B of this Section. If the subject matter of the electors' proposal is solely within the legislative power of the Parish Council, the procedure for exercise of this initiative and referendum power shall be governed by Subsection C of this Section. If the subject matter of the electors' proposal is within the legislative power of both the City Council and the Parish Council, the procedure for exercise of this initiative and referendum power shall be governed by Subsection D of this Section.

B. For subject matter that is solely within the legislative power of the City Council, the initiative and referendum power shall be exercised in the following manner:

- (1) The person or persons proposing the exercise of this power shall submit the proposal to the City Council which shall specify within thirty (30) days a form of petition for circulation in one or multiple copies as the proposer may desire. The petition shall contain the full text of the proposed ordinance.
- (2) Within sixty (60) days after the form of the petition shall have been specified, the person or persons circulating the petition shall obtain the signatures of at least fifteen (15) percent of the total registered voters of the City of Lafayette. There shall be noted after each signature on the petition the date signed and the address of the signer. Each person circulating a copy of the petition shall attach a sworn affidavit to it stating the number of signers and the fact that each signature was made in the presence of the circulator of the petition.
- (3) The signed petition(s) shall be filed with the City Council within sixty (60) days of the specification of the form of the petition and, upon filing, the City Council shall order a canvass of the signatures through the office of the parish registrar of voters to determine their sufficiency and authenticity. The City Council's canvass shall be completed within thirty (30) days. If the number of signatures is insufficient or the petition is deficient as to form or compliance with this section, the City Council shall notify the person or persons filing the petition of such insufficiency or deficiency and allow thirty (30) days for filing of additional papers, at the end of which time the sufficiency and correctness of the petition(s) shall be determined finally.
- (4) Within thirty (30) days after a petition shall have been certified as sufficient and correct by the City Council, the City Council shall cause the proposed ordinance and a summary thereof to be published in the official journal of the City-Parish Government at least once together with a notice of the date, time and place when and where it will be given a public hearing and be considered for passage, which notice shall appear at least seven (7) days prior to the time advertised for the hearing. At the time and place so advertised the City Council shall hold a public hearing. Subsequent to such hearing the City Council shall either:

- a. Adopt the proposed ordinance submitted in an initiative petition without substantive amendments or effect the repeal referred to by such petition; or
  - b. Determine to submit the proposal to the electors of the City of Lafayette. Proposals to repeal or reduce any taxes must by [be] submitted to the electors of the City of Lafayette for approval and cannot be adopted by the City Council by its own actions.
- (5) If the City 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 of the City of Lafayette. After the expiration of one (1) year, the ordinance may be amended or repealed as any other ordinance.
  - (6) If an initiative ordinance is submitted to a vote of the electors of the City of Lafayette as provided above, the election shall take place within ninety (90) days after the date of the public hearing in an election already scheduled for other purposes or at a special election set by the City Council. The results shall be determined by a majority vote of the electors of the City of Lafayette voting on the proposal.
  - (7) If a majority of the qualified electors of the City of Lafayette voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
  - (8) An ordinance adopted by the electors of the City of Lafayette through the initiative and referendum process shall not be amended or repealed by City Council action for a period of one (1) year after the election at which it was adopted, but it may be amended or repealed any time by a vote of the electors of the City of Lafayette. After one (1) year, such ordinance may be amended or repealed in the same manner as any other ordinance.
  - (9) Ordinances adopted through the initiative and referendum process shall not be subject to veto by the Mayor-President<sup>1</sup>.

C. For subject matter that is solely within the legislative power of the Parish Council, the initiative and referendum power shall be exercised in the following manner:

- (1) The person or persons proposing the exercise of this power shall submit the proposal to the Parish Council which shall specify within thirty (30) days a form of petition for circulation in one or multiple copies as the proposer may desire. The petition shall contain the full text of the proposed ordinance.
- (2) Within sixty (60) days after the form of the petition shall have been specified, the person or persons circulating the petition shall obtain the signatures of at least fifteen (15) percent of the total registered voters of the Parish of Lafayette. There shall be noted after each signature on the petition the date signed and the address of the signer. Each person circulating a copy of the petition shall attach a sworn affidavit to it stating the number of signers and the fact that each signature was made in the presence of the circulator of the petition.
- (3) The signed petition(s) shall be filed with the Parish Council within sixty (60) days of the specification of the form of the petition and, upon filing, the Parish Council shall order a canvass of the signatures through the office of the parish registrar of voters to determine their sufficiency and authenticity. The Parish Council's canvass shall be completed within thirty (30) days. If the number of signatures is insufficient or the petition is deficient as to form or compliance with this section, the Parish Council shall notify the person or persons filing the petition of such insufficiency or deficiency and allow thirty (30) days for filing of additional papers, at the end of which time the sufficiency and correctness of the petition(s) shall be determined finally.
- (4) Within thirty (30) days after a petition shall have been certified as sufficient and correct by the Parish Council, the Parish Council shall cause the proposed ordinance and a summary thereof to be published in the official journal of the City-Parish Government at least once together with a notice of the date, time and place when and where it will be given a public hearing and be considered for passage, which notice shall appear at least seven (7) days prior to the time advertised for the hearing. At the time and place so advertised the Parish Council shall

hold a public hearing. Subsequent to such hearing the Parish Council shall either:

- a. Adopt the proposed ordinance submitted in an initiative petition without substantive amendments or effect the repeal referred to by such petition; or
  - b. Determine to submit the proposal to the electors of the Parish of Lafayette. Proposals to repeal or reduce any taxes must by [be] submitted to the electors of the Parish of Lafayette for approval and cannot be adopted by the Parish Council by its own actions.
- (5) If the Parish 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 of the Parish of Lafayette. After the expiration of one (1) year, the ordinance may be amended or repealed as any other ordinance.
  - (6) If an initiative ordinance is submitted to a vote of the electors of the Parish of Lafayette as provided above, the election shall take place within ninety (90) days after the date of the public hearing in an election already scheduled for other purposes or at a special election set by the Parish Council. The results shall be determined by a majority vote of the electors of the Parish of Lafayette voting on the proposal.
  - (7) If a majority of the qualified electors of the Parish of Lafayette voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
  - (8) An ordinance adopted by the electors of the Parish of Lafayette through the initiative and referendum process shall not be amended or repealed by Parish Council action for a period of one (1) year after the election at which it was adopted, but it may be amended or repealed any time by a vote of the electors of the Parish of Lafayette. After one (1) year, such ordinance may be amended or repealed in the same manner as any other ordinance.

- (9) Ordinances adopted through the initiative and referendum process shall not be subject to veto by the Mayor-President<sup>1</sup>.

D. For subject matter that is within the legislative power of both the City Council and the Parish Council, the initiative and referendum power shall be exercised in the following manner:

- (1) The person or persons proposing the exercise of this power shall submit an identical proposal to both the City Council and the Parish Council, which shall each specify within thirty (30) days an identical form of petition for circulation in one or multiple copies as the proposer may desire. The petitions shall contain the full text of the proposed ordinance.
- (2) Within sixty (60) days after the form of the identical petition shall have been specified by the City Council and the Parish Council, the person or persons circulating the petition shall obtain the signatures of at least fifteen (15) percent of the total registered voters of the City of Lafayette and at least fifteen (15) percent of the total registered voters of the Parish of Lafayette. There shall be noted after each signature on the petition the date signed and the address of the signer. Each person circulating a copy of the petition shall attach a sworn affidavit to it stating the number of signers and the fact that each signature was made in the presence of the circulator of the petition.
- (3) The signed petition(s) shall be filed with the City Council and the Parish Council within sixty (60) days of the specification of the form of the identical petition by the City Council and the Parish Council and, upon filing, the City Council and the Parish Council shall jointly order a canvass of the signatures through the office of the parish registrar of voters to determine their sufficiency and authenticity. The Councils' canvass shall be completed within thirty (30) days. If the number of signatures is insufficient or the petition is deficient as to form or compliance with this section, the City Council and Parish Council shall notify the person or persons filing the petition of such insufficiency or deficiency and allow thirty (30) days for filing of additional papers, at the end of which time the sufficiency and correctness of the petition(s) shall be determined finally.
- (4) Within thirty (30) days after a petition shall have been certified as sufficient and correct by the City Council and Parish

Council, the City Council and Parish Council shall cause the proposed ordinance(s) and a summary thereof to be published in the official journal of the City-Parish Government at least once together with a notice of the date, time and place when and where it will be given a public hearing and be considered for passage, which notice shall appear at least seven (7) days prior to the time advertised for the hearing. The City Council and Parish Council may advertise for and conduct separate public hearings or may advertise for and conduct a joint public hearing, at their option. Subsequent to such hearing(s), the City Council and Parish Council shall either:

- a. Adopt the proposed identical ordinances or joint ordinance, as the case may be, submitted in an initiative petition without substantive amendments or effect the repeal referred to by such petition; or
  - b. Determine to submit the proposal to the electors of the City-Parish Government. Proposals to repeal or reduce any taxes must be submitted to the electors of the City-Parish Government for approval and cannot be adopted by the City Council, the Parish Council, or both, by its/their own actions.
- (5) If the City Council and Parish Council adopt identical ordinances or a joint ordinance following the submission of an initiatory petition as provided above, they shall not amend or repeal the ordinance(s) by its/their own action within one (1) year following the date of submission of the petition proposing the ordinance(s), but they may submit proposals amending or repealing such ordinances to a vote of the electors of the City-Parish Government. After the expiration of one (1) year, the ordinance may be amended or repealed as any other ordinance.
- (6) If an initiative ordinance is submitted to a vote of the electors as provided above, the election shall take place within ninety (90) days after the date of the latest public hearing held by either the City Council and/or the Parish Council in an election already scheduled for other purposes or at a special election set by the City Council and Parish Council. The results shall be determined by a majority vote of the electors of the City of Lafayette and a majority vote of the electors of the Parish of Lafayette voting on the proposal.



- (7) If a majority of the qualified electors of the City of Lafayette and a majority of the qualified electors of the Parish of Lafayette 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 either by the electors of the City of Lafayette or by the electors of the Parish of Lafayette or both, the ordinance receiving the greatest number of affirmative votes in the City of Lafayette and the ordinance receiving the greatest number of affirmative votes in the Parish of Lafayette shall be compared. If and only if the same ordinance received the greatest number of affirmative votes in both the City of Lafayette and the Parish of Lafayette, it shall be deemed adopted upon certification of the election results. Otherwise, if conflicting ordinances are approved as between the City of Lafayette and the Parish of Lafayette at the same election, the conflicting ordinances shall be considered rejected.
- (8) An ordinance adopted by the electors through the initiative and referendum process shall not be amended or repealed by City Council and/or Parish Council action for a period of one (1) year after the election at which it was adopted, but it may be amended or repealed any time by a vote of the electors. After one (1) year, such ordinance may be amended or repealed in the same manner as any other joint ordinance.
- (9) Ordinances adopted through the initiative and referendum process shall not be subject to veto by the Mayor-President<sup>1</sup>.

#### **Section 6-02. Recall.**

A. Any elected official of the City of Lafayette, Parish of Lafayette, and/or the City-Parish Government may be removed from office by the electors of the City-Parish through a recall process. The recall procedure shall be the same as is provided in the general laws of the state, except that the number of registered voters required to commence the recall process shall be twenty (20) percent of the registered voters in the area from which the official is elected.

B. If, in a recall election, the majority of those voting vote for recall, the official named in the recall petition shall be removed ipso facto from office, and the vacancy thereby created shall be filled as in the case of

ordinary vacancies in accordance with this charter. The person recalled shall not be eligible for appointment to fill the vacant position.

#### **Section 6-03. Removal by Suit.**

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

### **ARTICLE VII. GENERAL PROVISIONS**

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

Legal process against the City-Parish Government shall be served upon the Mayor-President<sup>1</sup> or, in his absence, upon the Chief Administrative Officer.

#### **Section 7-02. Code of Ethics.**

All officers, officials and employees of the City-Parish Government shall be subject to provisions of the state code of ethics pertaining to local governments.

#### **Section 7-03. Amending or Repealing the Charter.**

A. Proposals to amend or repeal this charter may be made by a two-thirds vote of the authorized membership of each of the City Council and the Parish Council, or by petition signed by not less than fifteen (15) percent of the total number of registered voters of the City of Lafayette and not less than fifteen (15) percent of the total number of registered voters of the Parish of Lafayette for amending the charter and not less than twenty (20) percent of the registered voters of the City of Lafayette and not less than twenty (20) percent of the registered voters of the Parish of Lafayette to repeal the charter. A petition shall contain the full text of the proposed amendment, amendments, or repeal of the charter. The procedures and time limits for filing such a petition shall be the same as for an initiative ordinance as provided in Section 6-01(D), except that the required percentages of registered voters on the petition(s) shall be determined in accordance with Subsection A of this Section.

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

C. Proposals to amend or repeal this charter shall be submitted for ratification to the qualified electors of the City-Parish Government at an election already authorized for other purposes or at a special election called by majority vote of the authorized membership of each of the City Council and Parish Council.

Successful approval of a proposal requires both (1) a majority vote of the electors the City of Lafayette and (2) a majority vote of the electors of the Parish of Lafayette voting on any particular proposal.

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

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

F. Except as provided in the section on "Severability," no proposal to amend or repeal this charter shall be submitted during the first one (1) year of operations under this charter. No amendment or repeal shall shorten the term for which any incumbent official was elected or reduce the salary of office for that term.

#### **Section 7-04. Bonding of Officers.**

City of Lafayette officers or employees as the City Council may designate shall give bond in the amount and with the surety prescribed by the City Council. The premiums on such bonds shall be paid by the City of Lafayette.

Parish of Lafayette officers or employees as the Parish Council may designate shall give bond in the amount and with the surety prescribed by the Parish Council. The premiums on such bonds shall be paid by the Parish of Lafayette.

City-Parish Government officers or employees, falling within any part of the criteria of Section 2-11(E) of this Charter, as the City Council and Parish Council may jointly designate, shall give bond in the amount and with

the surety jointly prescribed by the City Council and Parish Council. The premiums on such bonds shall be paid by the City-Parish Government.

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

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

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

A. The City Council and/or the Parish Council, by resolution, and/or the Mayor-President<sup>1</sup> may appoint advisory boards and commissions to provide advice regarding the operations of the City-Parish Government. No such board or commission shall have any administrative or legislative authority.

B. Appointments now made by the mayor of the City of Lafayette or President of Lafayette Parish shall be made by the Mayor-President<sup>1</sup> of the City-Parish Government. Appointments now made by the City-Parish Council shall be determined in accordance with Subsection F of this Section.

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

D. Members of all existing boards and commissions shall complete their terms of office, except as may be provided by this charter or by action of the City Council and Parish Council in accordance with Subsection F of this Section.

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

F. On or before June 1, 2020, the City Council and the Parish Council, jointly, shall, by ordinance, create, consolidate, merge, abolish, reorganize, or reaffirm any advisory boards or commissions in existence on that date. Such action shall include, at a minimum, a specification of the number of members, term of each member, and appointing authority of each member, of each such board or commission. Any member of a board or commission whose term expires prior to the final action of the City Council and Parish Council pursuant to this subsection shall continue to serve on such board or commission until his/her successor is properly appointed.

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

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

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

B. The City Council, the Parish Council, and/or the Mayor-President<sup>1</sup> may appoint members to boards and commissions as provided in ordinances and general state laws creating such boards and commissions. Appointments now made by the mayor of the City of Lafayette or the President of Lafayette Parish shall be made by the Mayor-President<sup>1</sup> of the City-Parish Government. Appointments now made by the City-Parish Council shall be determined in accordance with Subsection F of this Section.

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

D. Members of all existing administrative boards and commissions shall complete their terms of office, except as may be provided by this charter or by action of the City Council and Parish Council in accordance with Subsection F of this Section.

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

F. On or before June 1, 2020, the City Council and the Parish Council, jointly, shall, by ordinance, create, consolidate, merge, abolish, reorganize, or reaffirm any administrative boards or commissions in existence on that date. Such action shall include, at a minimum, a specification of the number of members, term of each member, and appointing authority of each member, of each such board or commission. Any member of a board or commission whose term expires prior to the final action of the City Council and Parish Council pursuant to this subsection shall continue to serve on such board or commission until his/her successor is properly appointed.

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

In the event of war or public disaster that incapacitates the Mayor-President<sup>1</sup> and/or a majority of the City Council, the Parish Council, or both, the remaining members of the affected Council(s) may act on an emergency basis and shall appoint, by majority vote of all remaining members of both Councils acting as a whole, such other officials as are necessary to reconstitute the City-Parish Government. It shall be the intent of this section that these emergency powers shall subsist only so long as an emergency exists and the regularly constituted elections shall be held as soon as it is judicially determined that conditions permit their being held.

**Section 7-09. Control Over Local Agencies and Special Districts.**

A. The City-Parish Council and its successors, the City Council and the Parish Council jointly, shall have general power over any agency heretofore created by the governing authorities of Lafayette Parish or the City of Lafayette or created by the City-Parish Council including, without limitation, the power to abolish the agency and require prior approval of any charge, tax levy or bond issue by the agency. On or before June 1, 2020, the City Council and the Parish Council, jointly, shall, by ordinance, create, consolidate, merge, abolish, reorganize, or reaffirm any agency in existence on that date. Such action shall include, at a minimum, a specification of which Council(s) shall have general power over such agency including, without limitation, the power to abolish the agency and require prior approval of any charge, tax levy or bond issue by the agency.

B. The City-Parish Government, through joint action of the City Council and Parish Council, may consolidate and merge into itself any special district or local public agency, except a school district, situated and having jurisdiction entirely within the boundaries of the parish. Upon the consolidation and merger, the City-Parish Government shall succeed to and be vested with all of the rights, revenues, resources, jurisdiction, authority, and powers of the special district or local public agency. A consolidation and merger shall become effective only if approved by a majority of the electors voting thereon in the parish as a whole and by a majority of the electors voting thereon in the affected special district. A local public agency shall be consolidated and merged only if approved by a majority of the electors voting in the parish as a whole. C. If the special district or local public agency which is consolidated and merged has outstanding indebtedness, the authority provided by this section shall not be exercised unless provision is made for the retirement or assumption of the indebtedness.

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

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

B. Urban services districts shall exist for the purpose of providing specified municipal type services in the City of Lafayette. The boundaries of all urban services districts shall either coincide with or fall within the

boundaries of the City of Lafayette as they exist on the effective date of this charter or as they may exist in the future.

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

#### **Section 7-11. Rural Services Districts.**

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

B. Rural services districts shall exist for the purpose of providing specified municipal type services in the Parish of Lafayette. The boundaries of all rural services districts shall either coincide with or fall within the boundaries of the Parish of Lafayette.

### **ARTICLE VIII. TRANSITIONAL PROVISIONS**

#### **Section 8-01. Council Districts.<sup>23</sup>**

Council districts for the election of the first City Council members and Parish Council members for the elections authorized by Section 8-13(D) of this charter shall be as follows, and shall remain as follows until changed by reapportionment:

##### City Council Districts:

##### District 1:

Precinct 6

Precinct 7

Precinct 9: That part of Precinct 9 that is within the corporate limits of the City of Lafayette.

Precinct 10: That part of Precinct 10 that is within the corporate limits of the City of Lafayette.

Precinct 11: That part of Precinct 11 that is within the corporate limits of the City of Lafayette.

Precinct 12: That part of Precinct 9 that is within the corporate limits of the City of Lafayette.

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<sup>23</sup> \*\*Please find Footnote 23 on the last 3 pages of booklet\*\*

Precinct 13: That part of Precinct 13 that is within the corporate limits of the City of Lafayette.

Precinct 14

Precinct 17

Precinct 18

Precinct 19

Precinct 22

Precinct 23: That Part of Precinct 23 commencing at the Point of Beginning at the intersection of the midflow of Coulee Mine Branch and Madeline Ave, then easterly on Madeline Ave. to the centerline of N. University Ave., then southerly to the centerline of the Southern Pacific Railroad tracks, then westerly to the midflow of Coulee Mine Branch, then northeasterly to the Point of Beginning.

Precinct 24: That part of Precinct 24 that is within the corporate limits of the City of Lafayette.

Precinct 25: That part of Precinct 25 that is within the corporate limits of the City of Lafayette.

Precinct 30: That part of Precinct 30 that is within the corporate limits of the City of Lafayette.

Precinct 38: That part of Precinct 38 that is within the corporate limits of the City of Lafayette.

Precinct 39: That Part of Precinct 39 that is within the corporate limits of the City of Lafayette and north of the centerline of Dulles Dr.

Precinct 40: That Part of Precinct 40 that is within the corporate limits of the City of Lafayette and west of the centerline of Bertrand Dr. and north of the centerline of Eraste Landry Rd.

Precinct 47: That part of Precinct 47 that is north of the centerline of Dulles Dr.

Precinct 50: That part of Precinct 50 that is within the corporate limits of the City of Lafayette.

Precinct 51: That Part of Precinct 51 commencing at the Point of Beginning at the intersection of the centerlines of N. St. Antoine St. and W. Gilman Rd., then easterly on W. Gilman Rd. to the centerline of the Southern Pacific Railroad tracks, then southeasterly and then westerly to the centerline of N. St. Antoine St., then northerly to the Point of Beginning.

Precinct 64: That part of Precinct 64 that is within the corporate limits of the City of Lafayette.

Precinct 112: That part of Precinct 112 that is within the corporate limits of the City of Lafayette.



Precinct 113: That part of Precinct 113 that is within the corporate limits of the City of Lafayette.

District 2:

Precinct 31: That part of Precinct 31 that is within the corporate limits of the City of Lafayette.

Precinct 32: That part of Precinct 32 that is within the corporate limits of the City of Lafayette.

Precinct 33: That part of Precinct 33 that is within the corporate limits of the City of Lafayette.

Precinct 34: That part of Precinct 34 that is within the corporate limits of the City of Lafayette.

Precinct 35: That part of Precinct 35 that is within the corporate limits of the City of Lafayette.

Precinct 39: That part of Precinct 39 commencing at the Point of Beginning at the intersection of Dulles Dr. and Coulee Mine, then northeasterly on Dulles Dr. to the centerline of Bertrand Dr., then southerly to the centerline of W. Congress St., then westerly to the midflow of Coulee Mine, then northerly to the Point of Beginning.

Precinct 40: That part of Precinct 40 that is within the corporate limits of the City of Lafayette and east of the centerline of Bertrand Dr. and south of the centerline of Eraste Landry Rd.

Precinct 41

Precinct 42

Precinct 43

Precinct 45

Precinct 46

Precinct 47: That part of Precinct 47 that is south of the centerline of Dulles Dr.

Precinct 48

Precinct 49: That part of Precinct 49 that is within the corporate limits of the City of Lafayette.

Precinct 69

Precinct 70

Precinct 74: That part of Precinct 74 commencing at the Point of Beginning at the intersection of the centerlines of Johnston St. and Coliseum Rd., then northerly to the centerline of St. Landry St., then northeasterly to the midflow of Coulee Mine Branch, then southerly to the centerline of Johnston St., then westerly to the Point of Beginning.

District 3:

Precinct 34: That part of Precinct 34 commencing at the Point of Beginning at the intersection of the centerlines of Johnston St. and Chateau Des Lions Blvd., then westerly to the intersection with the corporate limits of the City of Lafayette, then northerly and westerly along said boundaries to the centerline of Johnston St., then southerly to the Point of Beginning. Then that part of Precinct 34 commencing at the Point of Beginning at the intersection of the centerlines of Johnston St. and Manchester Circle, then westerly on Manchester Circle to the intersection with the corporate limits of the City of Lafayette, then generally northerly and westerly to the centerline of Johnston St., then southerly to the Point of Beginning.

Precinct 44: That part of Precinct 44 that is within the corporate limits of the City of Lafayette.

Precinct 67: That part of Precinct 67 that is within the corporate limits of the City of Lafayette.

Precinct 74: That part of Precinct 74 commencing at Point of Beginning at the intersection of the centerlines of Coliseum Rd. and Johnston St. then easterly to the midflow of Coulee Mine Branch, then southerly to the midflow of Coulee Mine, then generally southwesterly and northwesterly to the centerline of Johnston St., then easterly to the Point of Beginning.

Precinct 75

Precinct 76

Precinct 77

Precinct 78

Precinct 79: That part of Precinct 79 that is within the corporate limits of the City of Lafayette.

Precinct 80: That part of Precinct 80 that is within the corporate limits of the City of Lafayette.

Precinct 81

Precinct 82

Precinct 83

Precinct 84

Precinct 85: That part of Precinct 85 that is within the corporate limits of the City of Lafayette.

Precinct 86: That part of Precinct 86 that is within the corporate limits of the City of Lafayette.

Precinct 87

Precinct 121: That part of Precinct 121 commencing at the Point of Beginning at the intersection of the centerlines of Steiner Rd. and Kaliste Saloom Rd., then southwesterly to the centerline of Camellia Blvd., then northwesterly to the midflow of the Vermilion River, then generally easterly to the corporate limits of the City of Lafayette, then southeasterly to the centerline of E. Bayou Pkwy., then southwesterly to the centerline of Steiner Rd., then southeasterly to the Point of Beginning.

District 4:

Precinct 72: That part of Precinct 72 commencing at Point of Beginning at the intersection of the centerlines of Johnston St. and E. St. Mary Blvd., then southeasterly on E. St. Mary Blvd. to the centerline of Girard Park Dr., then southwesterly to the centerline of midflow of Coulee Mine, then northerly to the centerline of Johnston St., then northeasterly to the Point of Beginning.

Precinct 73: That part of Precinct 73 that is within the corporate limits of the City of Lafayette.

Precinct 88

Precinct 89

Precinct 90: That part of Precinct 90 commencing at the Point of Beginning at the intersection of E. University Ave. and W. Pinhook Rd., then southwesterly on W. Pinhook Rd. to the midflow of the Vermilion River, then easterly and northerly to the centerline of the Southern Pacific Railroad tracks, then northwesterly to the centerline of E. University Ave., then northwesterly to the Point of Beginning.

Precinct 91: That part of Precinct 91 that is within the corporate limits of the City of Lafayette.

Precinct 92: That part of Precinct 92 that is within the corporate limits of the City of Lafayette and southwest of the centerline of S. Hugh Wallis Rd., then south of the centerline of E. Kaliste Saloom Rd., then west of Coulee des Pouches.

Precinct 93: That part of Precinct 93 that is within the corporate limits of the City of Lafayette.

Precinct 94

Precinct 95: That part of Precinct 95 that is within the corporate limits of the City of Lafayette.

Precinct 96: That part of Precinct 96 that is within the corporate limits of the City of Lafayette.

Precinct 97: That part of Precinct 97 that is within the corporate limits of the City of Lafayette.

Precinct 98: That part of Precinct 98 that is within the corporate limits of the City of Lafayette.

Precinct 104: That Part of Precinct 104 that is within the corporate limits of the City of Lafayette.

Precinct 105: That part of Precinct 105 that is within the corporate limits of the City of Lafayette.

Precinct 109: That Part of Precinct 109 that is within the corporate limits of the City of Lafayette.

Precinct 115

Precinct 120: That Part of Precinct 120 that is within the corporate limits of the City of Lafayette.

Precinct 121: That Part of Precinct 121 commencing at the Point of Beginning at the intersection of the centerlines of N. Locksley Dr. and E. Bayou Pkwy., then southwesterly on E. Bayou Pkwy. to the intersection with the corporate limits of the City of Lafayette, then generally northwesterly and northeasterly along said boundaries to the midflow of the Vermilion River, then easterly to an extension of N. Locksley Dr., then southeasterly to the Point of Beginning.

District 5:

Precinct 15

Precinct 16

Precinct 20

Precinct 21

Precinct 23: That Part of Precinct 23 commencing at the Point of Beginning at the intersection of the centerlines of N. University Ave. and Madeline Ave., then easterly on Madeline Ave. to the centerline of N. St. Antoine St., then southerly to the centerline of the Southern Pacific Railroad tracks, then westerly to the centerline of N. University Ave., then northerly to the Point of Beginning.

Precinct 51: That Part of Precinct 51 commencing at the Point of Beginning at the intersection of the centerlines of N. St. Antoine St. and the Southern Pacific Railroad tracks, then westerly and northerly, then southeasterly along said tracks to the centerline of E. Simcoe St., then westerly to the centerline of S. Antoine St., then northerly to N. Antoine St. and the Point of Beginning

Precinct 52

Precinct 53

Precinct 54: That Part of Precinct 54 that is within the corporate limits of the City of Lafayette..

Precinct 55: That Part of Precinct 55 that is within the corporate limits of the City of Lafayette.

Precinct 56: That Part of Precinct 56 that is within the corporate limits of the City of Lafayette.

Precinct 57

Precinct 58

Precinct 59: That Part of Precinct 59 that is within the corporate limits of the City of Lafayette.

Precinct 60: That Part of Precinct 60 that is within the corporate limits of the City of Lafayette.

Precinct 61

Precinct 62

Precinct 63

Precinct 65

Precinct 66

Precinct 68

Precinct 72: That part of Precinct 72 commencing at Point of Beginning at the intersection of the centerlines of Johnston St. and E. St. Mary Blvd., then southeasterly on E. St. Mary Blvd. to the centerline of W. Taft St., then northeasterly to the centerline of E. University Ave, then northwesterly to the centerline of Johnston St., then southwesterly to the Point of Beginning.

Precinct 90: That part of Precinct 90 commencing at the Point of Beginning at the intersection of E. University Ave. and W. Pinhook Rd., then northeasterly on W. Pinhook Rd. to the centerline of the Southern Pacific Railroad tracks, then southeasterly to the centerline of E. University Ave., then northwesterly to the Point of Beginning.

Precinct 92: That part of Precinct 92 that is within the corporate limits of the City of Lafayette and northeast of the centerline of S. Hugh Wallis Rd., then north of the centerline of E. Kaliste Saloom Rd., then east of Coulee des Pouches.

#### Parish Council Districts:

##### District 1:

Precincts 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 25, 30, 32, 39, 40, 64, 112, and 113.

##### District 2:

Precincts 8, 26, 27, 28, 29, 31, 33, 34, 35, 36, 37, 38, 41, 42, 43, 44, 45, 46, 47, 71, 114, and 119.

District 3:

Precincts 93, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 115, 116, 117, and 118.

District 4:

Precincts 48, 67, 70, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 94, 120, and 121.

District 5:

Precincts 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 65, 66, 68, and 69.

**Section 8-02. Continuation of Actions.**

A. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, contracts, franchises, debt or other obligations due by Lafayette Parish or the City of Lafayette, rights or causes of action, claims, demands, titles and rights existing on the effective date of this charter shall continue unaffected. All sentences for punishment for ordinance violations or for crime shall be executed according to their terms.

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

C. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, contracts, franchises, debt or other obligations due by the City of Lafayette, the Parish of Lafayette, or the City-Parish Government, rights or causes of action, claims, demands, titles and rights existing on January 6, 2020 shall continue unaffected. All sentences for punishment for ordinance violations or for crime shall be executed according to their terms.

D. All actions, ordinances, and administrative rules and regulations of the City of Lafayette, the Parish of Lafayette, and the City-Parish Government in force prior to January 6, 2020 shall, insofar as they are not inconsistent with this charter, remain in full force and effect until amended or repealed by the appropriate Council(s) having legislative power over the subject(s) of these matters, or until they expire by their own limitation. Until such occurs, if any actions, ordinances, and/or administrative rules and regulations incorporate any process or procedure involving the City-Parish Council, said process or procedure shall be reformed based upon the following criteria:

- (1) For subject matters that are solely within the legislative power of the City Council, the process or procedure involving the City-Parish Council shall be directed to and assumed by the City Council.
- (2) For subject matters that are solely within the legislative power of the Parish Council, the process or procedure involving the City-Parish Council shall be directed to and assumed by the Parish Council.
- (3) For subject matters that are within the legislative power of both the City Council and the Parish Council, the process or procedure involving the City-Parish Council shall be directed to and assumed by both the City Council and Parish Council, acting jointly by majority vote of the authorized membership of each Council.

#### **Section 8-03. Special Districts.**

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

The City Council and the Parish Council, acting jointly, have the power to determine the governing authority of special districts previously created by the City-Parish Council. On or before June 1, 2020, the City Council and the Parish Council, jointly, shall, by ordinance, specify or reaffirm the governing authority of all special districts existing on that date that were created by the City-Parish Council.

#### **Section 8-04. Outstanding Indebtedness.**

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

#### **Section 8-05. Fees, Charges and Tax Levies.**

A. Constitutional limitations on the maximum property tax millages that can be levied without voter approval shall continue to be applicable to Lafayette Parish and within the geographical boundaries of the City of Lafayette as they exist at the time of consolidation or as they may be changed in the future. No property taxes levied for the City of Lafayette shall be levied in areas outside the geographical boundaries of the City of Lafayette.

B. All fees, charges and taxes levied by Lafayette Parish and the City of Lafayette shall continue to be levied by the City-Parish Government until changed, by ordinance, by the appropriate Council(s) having legislative power over the subject matter of the fees, charges, and/or taxes, or by a vote of the people when a vote is required for tax purposes.

C. Receipts from fees, charges, rentals and royalties, taxes, federal and state grants, and shared revenues and taxes applicable to the geographic area of the City of Lafayette or special districts which are less than parishwide geographically shall be used only for services to be rendered in those geographic areas.

D. The levy of property tax millages above the constitutional maximum previously approved by the voters of Lafayette Parish, the City of Lafayette, or a special district shall continue to be levied and used for the approved purposes. Such levies may be renewed upon the favorable vote of the electors within the geographical area involved.

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



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

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

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

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

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

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

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

#### **Section 8-08. Retirement Systems.<sup>24</sup>**

<sup>24</sup> Section 8-08: Retirement systems – fire and police:  
fire employees transferred to state system (O-151-98; 06-02-98)

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

The plans in existence on January 6, 2020 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 a majority of the authorized membership of the City Council and a majority of the authorized membership of the Parish Council may take joint action that affects such plan(s). Any such action shall not cause a reduction in benefits for those persons enrolled in the affected plans at the time of any such action. Police and fire department employees shall continue to be members of their respective Pension and Relief Funds as provided by state law.

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

This charter shall be liberally construed in aid of its declared intent which is to establish for the people of the City of Lafayette, the Parish of Lafayette, and the Lafayette City-Parish Consolidated Government effective home rule free from legislative interference as to the structure and organization of its local government, and with the power and authority to manage its local affairs, all as contemplated and intended by the provisions of Article VI, Sections 5 and 6 of the constitution.

#### **Section 8-10. Severability.**

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

**Section 8-11. Violation of Voting Rights Act.**

In the event the Civil Rights Division of the United States Department of Justice or any court of competent jurisdiction declares any part of this charter to be in violation of the Voting Rights Act prior to the date the charter becomes effective, the Lafayette City-Parish Charter Commission shall reconvene for a period not to exceed ninety (90) days for the purpose of drafting and proposing amendments to the charter to the electors of Lafayette Parish.

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

If approved by the voters, the amendments to this charter shall not take effect until the date that a majority of the newly elected City Council members and a majority of the newly elected Parish Council members officially take office, except for only those amendments to this charter that are necessary to carry out the election of City Council positions and Parish Council positions created by said amendments.

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

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

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

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

D. The first election for City Council members and Parish Council members whose positions are established by the amendments to this charter shall be held at the same time as the primary and general elections for the

governor of Louisiana in 2019. Subsequent elections shall be held on corresponding dates every fourth year thereafter.

E. All elected City-Parish Council members of the City-Parish Government shall continue to hold their offices and discharge the duties thereof until a majority of the members of the newly created City Council and a majority of the newly created Parish Council take office. Thereafter, the offices of the City-Parish Council members shall cease to exist.

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

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

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

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

"Shall the Home Rule Charter and plan of government for the Lafayette City-Parish Consolidated Government, prepared and submitted by the duly constituted Charter Commission according to Article VI, Section 5 of the Constitution of Louisiana and other applicable law, be adopted?"

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

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

*Footnote 23 (Ord. No. O-032-94; 04-28-94, approved at ref. on 10-01-94)*

**Editor's note: Section 8-01: Council Districts;**

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

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

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

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

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

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

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

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

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

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

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

Precinct 85 split to 85A and 85B

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

Precinct 18A combined with 19

Precinct 18B changed to 18

Precinct 63 and 57 combined as 57

Precinct 71 combined with 74

Precinct 67 and 68 combined as 68

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

Precinct 94 split to 94A and 94B

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

Divide Precinct 93 with portion to 96

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

Precinct 91 combined with 92

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

Census 2000 boundaries

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

Precinct 28 split to 28A and 28B

Precinct 30 split to 30A and 30B

Precinct 64 split to 64A and 64B

Precinct 97 split to 97A and 97B

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

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

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

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

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

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

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

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

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

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

Precincts 91 & 104 changed to 104Y & 104Z

Precinct 2 changed to 2Y & 2Z

Precinct 4 changed to 44 & 42

Precinct 85 changed to 85Y & 85Z

Precinct 87 changed to 87Y & 87Z

Precinct 95 changed to 95Y & 95Z

Precinct 96 changed to 96Y & 96Z

Precinct 104 changed to 104Y & 104Z

Precinct 105 changed to 105Y & 105Z

Precinct 107 changed to 107Y & 107Z

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

Precincts 30B & 29 merged into Precinct 39

Precinct 105 split to Precinct 105 & 109

Precinct 107 split to 107 & 108

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

Precinct 64B merged into Precinct 19

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

Precincts 107 & 108 split to 107, 108 & 111

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

Precinct 101 split to 101 & 110

**Precinct change O-095-2011 (04-25-2011)**

Precinct 64 split to 64A and 64B

**Precinct change O-096-2011 (04-25-2011)**

District 1: Precincts 8, 9, 25, 26, 27, 28A, 28B, 31, 39 & 71

District 2: Precincts 1, 2, 3, 4, 5, 6, 7, 11, 12 & 64A

District 3: Precincts 10, 17, 18, 19, 22, 23, 24, 50, 51, 52, 64B, 66, 68, 72 & 74

District 4: Precincts 13, 14, 15, 16, 20, 21, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 65 & 90

District 5: Precincts 29, 30A, 32, 33, 34, 35, 36, 37 & 86

District 6: Precincts 38, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 69, 70, 75, 77, 82 & 83

District 7: Precincts 73, 89, 92, 93, 94, 95, 96, 97A, 98, 99 & 100

District 8: Precincts 67, 76, 78, 79, 80, 81, 84, 85, 87, 88, 91 & 105

District 9: Precincts 97B, 101, 102, 103, 104, 106, 107, 109, 110 & 111

**Precinct change O-139-2014 (08-05-2014)**

Precinct 9 split to 9 & 113

Precinct 28A changed to 28

Precinct 28B changed to 114

Precinct 30A changed to 30

Precinct 97A changed to 97

Precinct 97B changed to 115

**Precinct change O-027-2015 (02-03-2015)**

Precinct 64A changed to 64

Precinct 64B changed to 112

**Precinct change O-163-2015 (08-04-2015)**

Precinct 8 split to 8 & 119

Precincts 87Y & 87Z split to 87, 120 & 121

Precinct 102 split to 102 & 116

Precinct 109 split to 109 & 117

Precinct 111 split to 111 & 118

**LAFAYETTE CITY-PARISH COUNCIL MEETING**

**AGENDA ITEM SUBMITTAL FORM**

- 1) **JUSTIFICATION FOR REQUEST:** An ordinance of the Lafayette City-Parish Council proposing amendments to various sections of the Lafayette City-Parish Consolidated Government Home Rule Charter.
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- 2) **ACTION REQUESTED:** Adoption of Ordinance
- 3) **REQUESTED ACTION OF COUNCIL:**
- A) INTRODUCTION: July 10, 2018
- B) FINAL ADOPTION: July 24, 2018
- 4) **DOCUMENTATION INCLUDED WITH THIS REQUEST:**
- A) Ordinance
- B) Redlined version of Charter
- C) Submittal
- 5) **FISCAL IMPACT:**
- \_\_\_\_\_ Fiscal Impact (Explain)
- X   No Fiscal Impact

APPROVED FOR AGENDA:

/s/ Jay Castille, Kenneth Boudreaux and Bruce Conque  
JAY CASTILLE, DISTRICT 2,  
KENNETH BOUDREAUX, DISTRICT 4,  
BRUCE CONQUE, DISTRICT 6,  
LAFAYETTE CITY-PARISH COUNCIL