

# **IBERIA PARISH**

## **HOME RULE CHARTER**

### **FOR A**

## **COUNCIL-PRESIDENT GOVERNMENT**

AUGUST 1, 1996

I do hereby certify that the attached is a true and correct copy of the Iberia Parish Home Rule Charter, as adopted and approved by the voters of Iberia Parish in a special election held on March 26, 1983 and as amended in a special election held on July 20, 1996.

/S/ Diane B. Phillips

Clerk of the Council, Parish Council  
of Iberia Parish, Louisiana.

# TABLE OF CONTENTS

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

Section 1-01.	Home Rule Charter. ....	3
Section 1-02.	Form of Government.....	3
Section 1-03.	Boundaries. ....	3
Section 1-04.	General Powers. ....	3
Section 1-05.	Special Powers. ....	3
Section 1-06.	Intergovernmental and Cooperative Endeavor Agreements. ....	4

## **ARTICLE II. PARISH COUNCIL**

Section 2-01.	Composition, Qualifications and Election. ....	4
Section 2-02.	Reapportionment.....	4
Section 2-03.	Forfeiture of Office. ....	4
Section 2-04.	Vacancies. ....	5
Section 2-05.	Compensation. ....	5
Section 2-06.	Prohibitions. ....	5
Section 2-07.	Council Meetings and Rules. ....	6
Section 2-08.	Investigation.....	7
Section 2-09.	Independent Audit.....	7
Section 2-10.	Council Employees. ....	7
Section 2-11.	Action Requiring an Ordinance. ....	7
Section 2-12.	Ordinances in General.....	8
Section 2-13.	Submission of Ordinances and Resolutions to the President.....	9
Section 2-14.	Emergency Ordinances or Resolutions.....	9
Section 2-15.	Codes of Technical Regulations. ....	10
Section 2-16.	Authentication and Recording of Ordinances and Resolutions; Printing and Distribution.....	10
Section 2-17.	Power to Levy Taxes. ....	11
Section 2-18.	Powers of Enforcement.....	11

## **ARTICLE III. EXECUTIVE BRANCH.**

Section 3-01.	Executive Authority. ....	11
Section 3-02.	Election. ....	12
Section 3-03.	Qualifications.....	12
Section 3-04.	Compensation. ....	12
Section 3-05.	Powers and duties of the President. ....	12
Section 3-06.	Forfeiture of Office. ....	13
Section 3-07.	Vacancies. ....	13
Section 3-08.	President's Temporary Absence.....	14
Section 3-09.	President's Disability.....	14

Section 3-10.	Prohibitions .....	14
<b>ARTICLE IV. ADMINISTRATION.</b>		
Section 4-01.	General Provisions .....	15
Section 4-02.	Personnel System .....	15
Section 4-03.	Other Departments .....	16
Section 4-04.	Administrative Reorganization .....	16
<b>ARTICLE V. FINANCIAL PROCEDURES.</b>		
Section 5-01.	Fiscal Year .....	16
Section 5-02.	Operating Budget Preparation and Adoption .....	16
Section 5-03.	The Operating Budget Document .....	17
Section 5-04.	Amendments to Operating Budget .....	17
Section 5-05.	Capital Improvement Budget .....	18
Section 5-06.	Administration of Operating and Capital Budgets .....	19
Section 5-07.	Lapse of Appropriations .....	19
Section 5-08.	Bonded Debt. 20	
Section 5-09.	Facsimile Signatures .....	20
Section 5-10.	Purchasing .....	20
<b>ARTICLE VI. INITIATIVE, REFERENDUM, RECALL AND REMOVAL BY SUIT</b>		
Section 6-01.	Initiative and Referendum .....	20
Section 6-02.	Recall. 22	
Section 6-03.	Removal by Suit .....	22
<b>ARTICLE VII. GENERAL PROVISIONS.</b>		
Section 7-01.	Legal Process .....	22
Section 7-02.	Code of Ethics .....	22
Section 7-03.	Amending or Repealing the Charter .....	22
Section 7-04.	Bonding of Officers .....	23
Section 7-05.	Oaths of Office .....	23
Section 7-06.	Boards and Commissions .....	23
Section 7-07.	Reconstitution of Government .....	24
Section 7-08.	Control Over Local Agencies and Special Districts .....	24
<b>ARTICLE VIII. TRANSITIONAL PROVISIONS</b>		
Section 8-01.	Continuation of Actions .....	24
Section 8-02.	Special Districts .....	25
Section 8-03.	Fees, Charges and Tax Levies .....	25
Section 8-04.	Special Legislative Acts .....	25
Section 8-05.	Parish Retirement Systems .....	25

Section 8-06.	Declaration of Intent .....	26
Section 8-07.	Severability. ....	26
Section 8-08.	Violation of Civil Rights Act.....	26
Section 8-09.	Schedule of Transition .....	26
Section 8-10.	Election of Officials.....	26
Section 8-11.	Required Approval By Electors .....	26
Section 8-12.	Charter Ballot.....	27

**ARTICLE IX. LEGAL SERVICES**

Section 9-01.	Legal Services.....	27
Section 9-02.	Special Counsel .....	27

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

## **Section 1-01. Home Rule Charter.**

The Iberia Parish Home Rule Charter Commission has proposed and the electors have adopted this, their Home Rule Charter, under the authority of Article VI, Section 5 of the Louisiana Constitution of 1974, hereinafter referred to as "Constitution." The Parish of Iberia 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 Council, which shall be called the Iberia Parish Council, and shall constitute the legislative branch of the government and an elected President, who shall be called the Parish President, who shall be the Chief Executive Officer and head of the Executive Branch of the Parish Government.

The official name of this form of government shall be the IBERIA PARISH GOVERNMENT.

## **Section 1-03. Boundaries.**

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

## **Section 1-04. General Powers.**

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

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

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

### **Section 1-06. Intergovernmental and Cooperative Endeavor Agreements.**

The Parish government is authorized, as provided by state law, to enter into intergovernmental and cooperative endeavor agreements with the other governmental agencies, political subdivisions and/or private individuals or entities.

## **ARTICLE II. PARISH COUNCIL.**

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

A. The legislative power of the Parish government shall be vested in a council consisting of fourteen (14) members elected for four (4) year terms from districts described in Appendix A, one from and by the qualified electors in each district.

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

C. A council member shall have been legally domiciled and shall have actually resided for at least one (1) year 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.

D. A Council member shall continue to be legally domiciled and to actually reside within the District from which elected during the term of office. Except in the case of reapportionment, should a court of competent jurisdiction determine that a Council member's domicile and/or residency has changed from the District from which said Council member was elected, the court shall automatically declare said office vacant, and said vacancy shall be filled as set out in the Iberia Parish Home Rule Charter.

**Section 2-02. Reapportionment.**

A. Following official publication of each federal census by the United States Bureau of the Census for the area covered by Iberia Parish and at least six (6) months prior to the time established by law for qualifying for office in the next regular election for council members, the council by ordinance shall alter, change or rearrange council district boundaries so as to provide for population equality among the districts as near as reasonably practicable. To the extent possible, council districts shall be compact and be composed of contiguous territory.

B. No ordinance effecting apportionment shall be considered for final passage by the council until at least three (3) advertised public hearings have been held on approval.

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

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

**Section 2-04. Vacancies.**

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

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

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

**Section 2-05. Compensation.**

A. The compensation of council members shall be \$7,200 per year.

B. The Council may periodically review the compensation paid council members and may increase same by resolution, provided that no resolution increasing such compensation shall be passed during the last year of a term, and further, provided that an increase shall not become effective during the current term of the Council members adopting the resolution. The Council may decrease the compensation paid to Council members, by resolution, at any time during a term, which resolution may become effective at any time so deemed appropriate by the Council. In the event that the Council determines it is necessary to decrease the compensation, the Council may choose to adopt a resolution to authorize the reinstatement of Council salaries to the original amounts at its discretion, with said reinstatement to become effective immediately upon adoption.

C. Compensation for mileage for road inspection or travel to and from the courthouse or any similar purpose will not be paid.

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

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

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

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

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

A. The council shall meet regularly at least twice a month at intervals of at least two weeks at such times and places as the council may prescribe, except that the council may schedule a regular meeting at an interval of less than two weeks following the last regularly scheduled meeting by the favorable vote of two thirds of the council membership and public notice given at least two weeks prior to the meeting. Special meetings may be held on the call of the presiding officer of the council or a majority of the membership of the council with such notice as may be required by state law. To meet a public emergency, the council may meet upon call of the president, the presiding officer of the council or a majority of the membership of the council at whatever notice it shall be convenient to give. The call convening a special or emergency meeting of the council shall state the objects of the meeting. The power of the council to act a special or emergency meeting shall be limited, under penalty of nullity, to the objects specifically enumerated in the call.

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

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

D. At all regular meetings of the council, the council shall operate from an agenda which shall have been published in the official journal at least two (2) days prior to the meeting. The published agenda may be amended at the meeting upon the favorable vote of two thirds of the council membership, but only for routine administrative matters which developed between the time the agenda was submitted for publication and the scheduled 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 council shall provide by resolution a procedure whereby interested persons shall be given an opportunity to be heard at council meetings on any matter relating to Parish government.

F. At the first regular meeting of a newly elected council and annually thereafter, a chairman and vice chairman shall be elected by a majority vote of the council from among the council members. The chairman shall preside at meetings of the council, and in the absence or disqualification of the chairman, the vice chairman shall preside. In the absence or disqualification of both the chairman and the vice chairman, the council shall designate one of its other members as temporary presiding officer. The chairman, vice chairman and temporary presiding officer shall be voting members of the council.

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

H. All votes of the council shall be based on the total membership of the council.

### **Section 2-08. Investigation.**

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

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

The council shall provide for an annual independent postaudit, and such additional audits as it deems necessary, of the accounts and other evidence of financial transactions of the Parish government, including those of all Parish government departments, offices or agencies. Audits may be by the state or the council may designate a private auditor to make such audits. The private auditor shall be without personal interest in the affairs subject to audit and shall be a certified public accountant or firm of such accountants. The audit shall be submitted to the council at one of its regularly scheduled meetings and 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 Council shall appoint a Clerk of the Council who shall serve at the pleasure of the Council. The Clerk shall give notice of Council meetings to its members and the public, keep the journal of its proceedings, be official secretary of the Council and performs such other duties as are assigned to the position by this Charter or by the Council.

B. The Council shall, by resolution, fix the salaries of its employees. Such salaries shall be compatible with salaries in the executive branch for similar work.

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

A. The following acts of the Council must be established by ordinance pursuant to the rules as established by Section 2-12:

- (1) Adoption or amendment of an administrative code;
- (2) Any act which provides for a fine or other penalty or establishes a rule or regulation for violation of which a fine or other penalty may be imposed;
- (3) The levy of any taxes or assessments as provided by law, in accordance with Section 2-17 (Power to Levy Taxes);
- (4) The annual adoption of the operating and capital improvements budgets for the Parish government;
- (5) The amendment or repeal of any ordinance previously adopted, with the exception of Ordinances adopting the operating and capital improvements budgets; and
- (6) Any proposed amendments to this Parish Charter to be submitted to the public for adoption by vote.

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

C. All other actions of the Parish Council shall be adopted by appropriate resolution in accordance with law and the procedural requirements of this Charter. All ordinances and resolutions shall be subject to the veto authority of the Parish President. Notwithstanding the same, a resolution adopted by the Parish Council for the purpose of expressing an opinion (in favor, in opposition or neutral) as to some given matter, thing or political point of view, which does not create a binding position upon the Parish Council shall not be subject to the veto authority of the Parish President.

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

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

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

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

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

## **Section 2-13. Submission of Ordinances and Resolutions to the President.**

A. Every ordinance or resolution adopted by the Council shall be signed by the presiding officer, except that upon failure of the presiding officer to sign the ordinance or resolution, the Clerk of the Council shall certify to its passage and it shall be presented to the president within three (3) calendar days after adoption, excluding Saturdays, Sundays and Parish holidays. The Clerk of the Council shall record upon the ordinance or resolution the date and hour of its delivery to the President.

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

C. Ordinances or resolutions vetoed by the President shall be submitted by the Clerk to the Council no later than the next regular meeting held after publication of the veto statement. Should the Council vote, not later than the second regular meeting held after receipt of the vetoed ordinance or resolution, to readopt the ordinance or resolution by favorable vote of at least two thirds of its membership, said ordinance or resolution shall be considered finally enacted and become law irrespective of the veto of the President. The same procedure shall apply to individual appropriation items in the operating and capital improvement budgets vetoed by the President, except the Council may overturn the veto of the President by a vote of a majority plus one of the Council membership.

D. The right of the President to veto as provided in this section shall apply to all ordinances or resolutions adopted by the Council except ordinances for re-apportionment; amendments to this charter; establishing, altering or modifying Council procedures; or appropriating funds for auditing or investigating any part of the executive branch; or resolutions appointing members to Parish Boards and Commissions.

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

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

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

C. Emergency ordinances or resolutions shall be effective for no longer than thirty (30) days after final approval.

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

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

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

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

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

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

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

B. Any tax being levied by Iberia Parish on the effective date of this charter is ratified and continued in effect for the term for which same is currently authorized.

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

D. All proposals to levy a new or increase in 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 and duties generally or specially conferred on the Parish government, the Council shall have the power to grant franchises, to issue and revoke, subject to reasonable requirements, licenses and permits and fix the fees to be paid therefor, to regulate and supervise any such licensee or permittee, to charge compensation for any privilege or franchise granted or service rendered, and to provide penalties for the violation of any ordinance or regulation, as provided by law.

## **ARTICLE III. EXECUTIVE BRANCH.**

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

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

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

The President shall be elected at large from and by the qualified electors of the Parish according to the election laws of the state for a four (4) year term.

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

A. The President shall be at least twenty-five (25) years of age and a qualified elector of the Parish at the time of qualification and shall have been legally domiciled and shall have actually resided in the Parish at least the one (1) year immediately preceding the time established by law for qualifying for office.

B. The President shall continue to be legally domiciled and to actually reside within the Parish during the entire term of office. Should a court of competent jurisdiction determine that the Parish President's domicile and/or residence has changed from the Parish of Iberia, the court shall automatically declare said office vacant and said vacancy shall be filled as set out in the Iberia Parish Home Rule Charter.

### **Section 3-04. Compensation.**

A. The salary of the first President elected under this Charter shall be the average of the annual salaries, as of January 1, 1984, of the Iberia Parish Sheriff, Assessor and Clerk of Court. The annual salary of the President shall be adjusted upon the effective date of this amendment to the Iberia Parish Home Rule Charter to reflect the average of the current salaries of the Iberia Parish Sheriff, Assessor and Clerk of Court. The President's salary shall be adjusted at any time during a term following an adjustment to the annual salaries of any or all of these three elected officials. The Council shall implement adjustments to the Parish President's salary at its first regularly scheduled meeting after the effective date of any adjustments made to the annual salaries of the Iberia Parish Sheriff, Assessor and/or Clerk of Court. In addition to the above salary adjustments, the Council may entertain the option of adjusting the annual salary of the President based on the Consumer Price Index. The President shall, upon presentation of properly documented receipts, be reimbursed for reasonable expenses incurred in carrying out the official duties of the office.

B. The Council shall specify by resolution the employee benefits to be provided the president.

### **Section 3-05. Powers and duties of the President.**

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

- (1) See that all laws, provisions of this charter and acts of the Council, subject to enforcement by the president or by officers subject to the President's direction and supervision, are faithfully executed.
- (2) Appoint and suspend or remove for just cause all Parish government employees and appointive administrative officers provided for, by or under this charter in accordance with personnel policies as provided in Section 4-07 (Personnel System). The President may authorize any administrative officer who is subject to the President's 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 of the Parish government, except as otherwise provided by this Charter.
- (4) Prepare and submit the annual budget and five (5) year capital budget to the Council.

- (5) Submit to the Council and make available to the public, within sixty (60) days after the end of the fiscal year, a complete report on the finances and administrative activities of the Parish as of the end of each fiscal year.
- (6) Make such other reports as the Council may reasonably request to enable the Council to conduct its councilmanic function.
- (7) Perform such other duties as are specified in this Charter or may be required by the Council, not inconsistent with this Charter.

**Section 3-06. Forfeiture of Office.**

The office of President shall be forfeited if, during the term of office, the officeholder: (1) lacks any qualification for the office as prescribed by this Charter or (2) is convicted of a felony under State or Federal law.

**Section 3-07. Vacancies.**

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

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

C. If the Council does not make an appointment as required by this section within thirty (30) days, the appointment shall be made by the Governor.

**Section 3-08. President's Temporary Absence.**

A. Whenever the President is absent from the Parish, the powers and duties of the office of President shall be exercised by

a department head designated by the President. The President shall file the name of the person so designated with the Clerk of the Council.

B. When the President expects to be absent from the Parish for more than seventy-two (72) consecutive hours, the President shall notify the Clerk of the Council in writing of the expected duration of the absence.

C. If a temporary absence of the President extends to more than sixty (60) consecutive days, the office shall become vacant and shall be filled in accordance with Section 3-07 (Vacancies).

### **Section 3-09. President's Disability.**

A. Whenever the President transmits to the Clerk of the Council a written declaration stating inability to discharge the powers and duties of the office, and until the President transmits to the Clerk of the Council a written declaration to the contrary, the office of President shall be filled in the same manner as in Section 3-08 (A).

B. Whenever a panel of three (3) qualified medical experts, designated by resolution adopted by the favorable vote of at least two thirds of the membership of the council, transmits to the Clerk of the Council its written declaration that the President is unable to discharge the powers and duties of the office, the office of President shall be filled in the same manner as in Section 3-08 (A), except that the council shall designate the department head to serve as acting President in the event of the failure or inability of the President to make such a designation. 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 two thirds of the membership of the Council, transmits to the Clerk of the Council its written declaration that the President's inability has ended. The medical experts shall review the President's disability at least once every three (3) months until such time as it has been determined that the disability has ended.

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

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

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

B. Nothing in this section shall prohibit the President from serving as an elected member of a political party committee, charter commission or constitutional convention.

## **ARTICLE IV. ADMINISTRATION.**

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

A. Except as otherwise provided by this charter all departments, offices and agencies of the Parish and all employees thereof shall be under the direction and supervision of the President. The President shall have the authority, subject to Council approval, to appoint all directors of departments in the executive branch created by this Charter. All directors of departments shall serve at the pleasure of the President.

B. The salaries of the directors of the departments appointed by the President shall be set by the President subject to approval by the Council.

### **Section 4-02. Personnel System.**

A. There is hereby established a classified personnel system in which all appointments and promotions shall be made on the basis of merit and fitness. The classified service shall include all officers and employees of the Parish except the following: members of the Council; Clerk of the Council; the Parish President, his secretary and his assistants; the directors of departments; members of advisory boards and commissions; employees of intergovernmental agencies; consultants; advisors and counsels rendering temporary professional services; and independent contractors.

B. The Director of Finance shall serve as Personnel Officer until such time as the President, upon approval of the Council, appoints another person to the office. The Personnel Officer shall:

- (1) Prepare, administer and recommend changes in such personnel rules and regulations governing the classified service as may be necessary or desirable for carrying out provisions of this Charter.
- (2) Prepare, install and maintain a uniform classification and pay plan for all positions in the classified service.
- (3) Perform such other duties and functions as may be directed by the President.

C. The personnel policy and rules in effect in the Parish at the time this Charter becomes effective shall continue in effect until amended by the Council as they may conflict with this Charter.

D. Any person holding a full-time position in the classified service when this Charter takes effect, who served in that position at the time the Charter was adopted by the electors of the Parish, and at least one (1) year prior thereto, shall continue in that position without competitive test or other method approved by the Council, but shall be subject in all other respects to this section.

#### **Section 4-03. Other Departments.**

Except as otherwise provided by this Charter, all Parish government departments, offices, agencies and functions in existence on the effective date of this Charter shall continue in existence as organized on that date until reorganized in accordance with Section 4-04 (Administrative Reorganization).

#### **Section 4-04. Administrative Reorganization.**

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

B. Upon receipt of the President's proposed plan of reorganization, the Council shall adopt an appropriate resolution to implement the proposed reorganization plan. The Resolution shall follow the same procedure as provided in Section 2-13 (Submission of Ordinances and Resolutions to the President) of this Charter.

C. The Council may by resolution propose the creation, change, alteration, consolidation or abolition of Parish departments, offices and agencies and/or the reallocation of the functions, powers, duties and responsibilities of such departments or agencies, including those provided for in this charter. Such resolution shall be subject to the veto authority of the President.

### **ARTICLE V. FINANCIAL PROCEDURES.**

#### **Section 5-01. Fiscal Year.**

The fiscal year of the Parish government shall be January 1 through December 31, subject to change by resolution by the Council.

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

A. At least ninety (90) days prior to the beginning of each fiscal year, the President shall submit to the Council a proposed operating budget in the form required by this Charter. At the meeting of the Council at which the operating budget is submitted, the Council shall order a public hearing on it and shall cause it to be published in the official journal, at least ten (10) days prior to the date of such hearing, the time and place of the hearing, a general summary of the proposed budget and the times and places where copies of the proposed budget are available for public inspection. At the time and place so advertised, the Council shall hold a public hearing on the budget as submitted. Changes in the proposed operating budget by the Council shall be by the favorable vote of at least a majority of the membership of the Council. The budget shall be finally adopted not later than the second-to-last regular meeting of the current fiscal year. Upon final adoption, the budget shall be in effect for the budget year and copies shall be filed with the Clerk of the Council. The budget as finally adopted shall be reproduced and sufficient copies shall be made available for use by all offices, departments and agencies of the Parish government. Copies shall be available for public use in the office of the Clerk and additional copies may be purchased at cost.

B. Upon failure of the Council to adopt a budget prior to the end of the current fiscal year, the budget for the current fiscal year shall continue in effect for a period not to exceed ninety (90) days.

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

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

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

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

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

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

A. Supplemental Appropriations: If during the fiscal year, the President certifies that there are available for appropriation, revenues in excess of those estimated in the operating budget, the President may present a supplemental budget for the disposition of such revenues, and the Council by resolution may make supplemental appropriations for the year up to the amount of such excess.

B. Emergency Appropriations: To meet a public emergency, the Council may make emergency appropriations. Such appropriations shall be made by emergency resolution in accordance with the provisions of this Charter. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by such emergency resolution borrow money in sums necessary to meet the emergency. The repayment of such sums shall be a fixed charge upon the revenues of the fiscal year next following the fiscal year in which the sums are borrowed.

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

D. Subject to the limitations in Subsection F of this Section, the Council may, by resolution, reduce any appropriation at any time.

E. Transfer of Appropriations: At any time during the fiscal year, the President may transfer part or all of any unencumbered appropriation within programs or functions. An unencumbered appropriation balance may be transferred from one department, office or agency to another or from one program or function to another only upon Council action by resolution.

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

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

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

B. The capital budget shall include:

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

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

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

D. Amendments to the finally adopted capital improvement budget shall be by resolution in accordance with provisions of this Charter relative to resolutions.

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

A. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with the approved operating and capital budgets and appropriations duly made and unless the President or the President's designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds 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 Parish government for any amount so paid.

B. Nothing in this Charter shall be construed so as to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is authorized by resolution, except that contracts for services not covered by the public bid law shall be for a period not to exceed three (3) years.

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

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

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

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

The Parish government is empowered to incur bonded debt in accordance with this Charter and the Constitution and laws of the State. When voter approval is required, no resolution shall be passed calling for a referendum to incur a bonded debt until an engineering and economic feasibility report shall have been made to the Council and a summary thereof published in the official journal at least sixty (60) days prior to the proposed date of the election, unless the Council is required to call such an election pursuant to a petition as provided for under the general laws of this State.

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

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

### **Section 5-10. Purchasing .**

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

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

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

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

- (1) The person or persons proposing the exercise of this power shall submit the proposal to the Council which shall specify within thirty (30) days a form of petition for circulation in one or multiple copies as the proposer may desire. The petition shall contain the full text of the proposed ordinance.
- (2) Within sixty (60) days after the form of the petition shall have been specified, the person or persons circulating the petition shall obtain the signatures of at least ten (10) percent of the total registered voters of the Parish. There shall be noted after each signature on the petition the date signed and address of the signer. Each person circulating a copy of the petition shall attach a sworn affidavit to it stating the number of signers and the fact that each signature was made in the presence of the circulator of the petition.
- (3) The signed petition shall be filed with the Council within sixty (60) days of the specification of the form of the petition and, upon filing, the Council shall order a canvass of the signatures through the office of the Parish Registrar of Voters to determine their sufficiency and authenticity. The Council's canvass shall be completed within thirty (30) days. If the number of signatures is insufficient or the petition is deficient as to form or compliance with this section, the Council shall notify the person or persons filing the petition of such sufficiency or deficiency and allow thirty (30) days for filing of additional papers, at the end of which time the sufficiency and correctness of the petition shall be determined finally.
- (4) Within thirty (30) days after a petition shall have been certified as sufficient and correct by the Council, the Council shall cause the proposed ordinance, and a summary thereof, to be published in the official journal of the Parish government at least once together with a notice of the date, time and place when and where it will be given a public hearing and be considered for passage, which notice shall appear at least seven (7) days prior to the time advertised for the hearing. At the time and place so advertised the Council shall hold a public hearing. Subsequent to such hearing, the Council shall either:
  - (a) Adopt the proposed ordinance submitted in an initiative petition, without substantive amendments, or effect the repeal referred to by such petition, or
  - (b) Determine to submit the proposal to the electors. Proposals to repeal or reduce any taxes must be submitted to the electors for approval and cannot be adopted the Council by its own actions.

- (5) If the Council adopts an ordinance following the submission of an initiatory petition as provided above, it shall not amend or repeal the ordinance by its own action within one (1) year following the date of submission of the petition proposing the ordinance, but it may submit proposals amending or repealing such ordinances, but it may submit proposals amending or repealing such ordinances to a vote of the electors. After the expiration of one (1) year, the ordinance may be amended or repealed as any other ordinance.
- (6) If an initiative ordinance is submitted to a vote of the electors as provided in Section 6-01 (4) above, the election shall take place within ninety (90) days after the date of the public hearing in an election already scheduled for other purposes. The results shall be determined by a majority vote of the electors voting on the proposal.
- (7) If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (8) An ordinance adopted by the electorate through the initiative process shall not be amended or repealed by council action for a period of one (1) year after the election at which it was adopted, but thereafter it may be amended or repealed as any other ordinance.
- (9) Ordinances adopted through the initiative process shall not be subject to veto by the President.

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

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

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

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

Any elected official of the Parish government may be removed from office by court suits as provided in the Constitution and general laws of the State.

**ARTICLE VII. GENERAL PROVISIONS.**

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

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

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

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

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

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

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

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

F. Except as provided in Section 8-07 (Severability) and Section 8-08 (Violation of Civil Rights Act), no proposal to amend or repeal this charter shall be submitted during the first one (1) year of operations under this charter. No amendment or repeal shall shorten the term for which any incumbent official was elected or reduce the salary of office for that term.

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

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

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

All elected officials of the Parish government shall take an oath of office to be administered by the Clerk of the District Court serving Iberia Parish.

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

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

B. Appointments to the various boards and commissions shall provide for minority representation.

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 council.

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

F. This section shall not apply to a board or commission created by ordinance or in accordance with general state law, except that no person shall serve more than two (2) consecutive terms on the same board or commission.

### **Section 7-07. Reconstitution of Government.**

In the event of war or public disaster that incapacitates the president and/or a majority of the council, the remaining members of the council may act on an emergency basis and shall appoint such other officials as are necessary to reconstitute the Parish government. It is the intent of this section that these emergency powers shall subsist only so long as an emergency exists and that regularly constituted elections shall be held as soon as it is judicially determined that conditions permit their being held.

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

A. The council shall have general power over any agency or special district heretofore created by the governing authority of Iberia Parish or hereafter created by the council including, without limitation, the power to abolish the agency and require prior approval of any charge or tax levied or bond issued by the agency. All such agencies and special districts shall be subject to Section 4-07 (Personnel System) and Article V (Financial Procedures) of this charter.

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

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

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

### **Section 8-01. Continuation of Actions.**

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

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

#### **Section 8-02. Special Districts.**

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

#### **Section 8-03. Fees, Charges and Tax Levies.**

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

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

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

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

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

#### **Section 8-04. Special Legislative Acts.**

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

#### **Section 8-05. Parish Retirement Systems.**

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

#### **Section 8-06. Declaration of Intent.**

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

#### **Section 8-07. 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 8-08. Violation of Civil Rights Act .**

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

#### **Section 8-09. Schedule of Transition .**

The provisions of this charter pertaining to the election of Parish government officials created hereunder shall become effective on the date this charter is adopted. The remaining provisions of this charter shall become effective on the date of taking of office of the newly elected officials provided for by this charter, such date being established in Section 8-10 (Election of Officials).

**Section 8-10. Election of Officials .**

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

B. All Parish officers elected under provisions of the Police Jury system of government applicable to the Parish prior to the adoption of this home rule charter shall continue to hold their offices and discharge the duties thereof until the officials elected under the provisions of this charter have taken office. Thereafter, the offices of said Parish officers shall cease to exist.

**Section 8-11. Required Approval By Electors .**

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

**Section 8-12. Charter Ballot .**

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

**"Shall the home rule charter and plan of government for Iberia Parish, prepared and submitted by the duly constituted Charter Commission according to Article VI, Section 5 of the Constitution of Louisiana and other applicable law, be adopted?" \_\_\_\_\_ YES \_\_\_\_\_ NO**

## **ARTICLE IX. LEGAL SERVICES.**

### **Section 9-01. Legal Services.**

The District Attorney of the judicial district serving Iberia Parish shall serve as the legal advisor to the Parish Council, Parish President and all Parish departments, offices and agencies. Should the District Attorney, on its own motion or in response to submitted inquiry, determine that a conflict of interest exists on any given matter with regards to his representation of Parish government, he shall immediately notify the Parish Council of the same. After receipt of such notification, the Parish Council, Parish President or any Parish department, office and/or agency thereby affected may retain the services of special counsel until the resolution of the matter in question is resolved.

### **Section 9-02. Special Counsel .**

Notwithstanding the provisions of Section 9-01 above, nothing herein shall be taken to prevent the employing, by written contract, of special legal counsel for the Parish President, the Council or any department, office, board or commission of Parish Government, when so authorized and approved by the Council.