

City of Hammond Proposed Home Rule Charter

Table of Contents

Proposition One.....	3
Proposition Two.....	5
Proposition Three	13-14
Proposition Four	16
Proposition Five	18
Proposition Six	19
Proposition Seven	29
¹ Proposition Eight.....	29-30

City of Hammond

Home Rule Charter

1
2
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4 Index:

5 **ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, BOUNDARIES, POWERS** 1

6 **ARTICLE II. CITY COUNCIL** 3

7 **ARTICLE III. EXECUTIVE BRANCH** 11

8 **ARTICLE IV. ADMINISTRATION** 15

9 **ARTICLE V. FINANCIAL PROCEDURES** 22

10 **ARTICLE VI. INITIATIVE, REFERENDUM, RECALL AND REMOVAL BY SUIT** 26

11 **ARTICLE VII. GENERAL PROVISIONS** 29

12 **ARTICLE VIII. TRANSITIONAL PROVISIONS** 32

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14 History of Enactments:

15 This charter was adopted by the city council of the City of Hammond, Louisiana
16 on December 18, 1979. It has been subsequently amended since its enactment.
17 Pursuant to Ordinance No. 1039, Sections 4-01A, 4-03B(8) and Article 5-03 were
18 amended on December 20, 1983. After passage of Ordinance No. 2163, Sections 3-
19 07A, 4-03A, 4-10D, 4-10E, and 8-10 were amended on January 3, 1989. Ordinance No.
20 2291, which was adopted on June 1, 1993, amended Sections 2-01B and 3-02. On
21 February 7, 1995, Sections 4-04 and 4-05 were amended pursuant to Ordinance No.
22 2372, and those sections were subsequently repealed upon the passage of Ordinance
23 No. 2382, Sections 2-01C, 3-02, 3-04, and 4-03B(8) were amended after voter approval
24 on May 1, 1999. Upon passage of Ordinance No. 2776, Section 3-06 was amended on
25 April 17, 2001. Pursuant to Ordinance No. 3972, Section 2-04 was amended on May 3,
26 2005.

27 **ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, BOUNDARIES,** 28 **POWERS**

29 **Section 1-01. Incorporation.**

31 The inhabitants of the City of Hammond within the corporate limits as now
32 established or as hereafter established by law shall be and continue a body politic and
33 corporate in perpetuity under the name of the "City of Hammond" hereinafter referred to
34 as the "City."

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36 **Section 1-02. Home rule charter.**

37 Upon the effective date of this charter the City shall be considered a local
38 governmental subdivision operating under a home rule charter, and this charter shall
39 secure for the City all powers, rights, privileges and immunities granted local
40 governmental subdivisions operating under home rule charters by the Louisiana
41 Constitution of 1974, hereinafter "constitution."

42

43 **Section 1-03. Form of government.**

44 The plan of government provided by this home rule charter shall be known as the
45 "mayor-council" form of government. It shall consist of an elected council that shall
46 constitute the legislative branch of the government and an elected mayor who shall be
47 the chief executive officer and head of the executive branch.

48

49 **Section 1-04. Boundaries.**

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

52

53 **Section 1-05. General powers.**

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

63

64 **Section 1-06. Special powers.**

65 | The City shall also have the right, power and authority to exercise general police
66 power, and to this end the governing authority of the City is specially empowered to
67 pass all ordinances requisite or necessary to promote, protect and preserve the general
68 welfare, safety, health, peace and good order of the City, including, but not by way of
69 limitation, the right, power and authority to pass ordinances on all subject matters,
70 necessary, requisite or proper for the management of the City's affairs, and all other
71 subject matters without exception, subject only to the limitation that the same shall not

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72 be inconsistent with the constitution or expressly denied by general law applicable to the
73 City.

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75 **Section 1-07. Joint service agreements.**

76 The City is authorized, as provided by state law, to enter into joint service
77 agreements or cooperative efforts with other governmental agencies and political
78 subdivisions, including but not limited to the parish governing body, other parish offices
79 and agencies, the school board or any special governing district.

80 **ARTICLE II. CITY COUNCIL**

81 **Section 2-01. Composition, qualifications and election.**

82 A. The legislative power of the City shall be vested in a council consisting of five
83 (5) members elected from districts enumerated in Section 8-01 (Council
84 Districts), one from and by the qualified electors in each district.

85 B. (1) A member of the council shall be elected for a four (4) year term
86 concurrent with that of the mayor and shall be eligible for re-election; but no
87 person shall be eligible as a candidate for election or re-election to the office of
88 city council for the term immediately following the ~~second~~third consecutive term
89 to which that person was elected as a member of the city council, except as
90 otherwise provided by this charter.

91 (2) Any member of the city council in office at the time of the adoption of
92 this amended section shall, notwithstanding the foregoing, be eligible as a
93 candidate for re-election to a single four (4) year term immediately
94 following the term to which that person was elected as a member of the
95 city council.

96 C. A council member shall be at least twenty-one (21) years of age and a
97 qualified elector of the municipality.

98 D. A council member shall have actually resided for at least twelve (12)
99 consecutive months in an area which, at the time set for qualifying for office, is
100 within the City and for at least thirty (30) consecutive days in an area which, at
101 the time set for qualifying for office, is within the district from which elected. A
102 council member shall continue to actually reside within the district from which
103 elected during the term of office. If a council member changes his actual
104 residence from the district from which elected, the office shall automatically
105 become vacant, which vacancy shall be filled as set out hereinafter.

106 E. Elections shall be held in accordance with the election laws of the state.

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107 (Ord. No. 2291, C.S., 6-1-93; Ord. No. C.S., 2567, 11-17-98)

108 **Editor's note:** Ord. No. 2567, which increased the minimum age requirement to
109 twenty-one (21) years of age for council members, was approved by the voters as Prop.
110 Five at a special election held on May 1, 1999.

111

112 **Section 2-02. Changes in district boundaries, reapportionment.**

113 A. In the event of annexation by the commission council of the City of
114 Hammond between the time of acceptance of this charter by the court and thirty
115 (30) days before the election of the first city council, the court shall retain
116 responsibility for altering, changing, or rearranging council district lines in order to
117 incorporate into such districts those persons living in the newly annexed areas.

118 B. Following the election of the first council under this charter, any ordinance
119 annexing new areas to the City shall prescribe the council district or districts in
120 which said area shall be included.

121 C. Following official publication of each federal census by the United States
122 Bureau of the Census for the area covered by the City of Hammond, and at least
123 six (6) months prior to the next primary election for council members, the council
124 by ordinance, shall alter, change or rearrange council district boundaries so as to
125 provide for population equality among the districts as near as reasonably
126 practicable.

127

128 **Section 2-03. Vacancies.**

129 A. The office of a council member shall become vacant upon death, resignation,
130 removal from office in any manner authorized by law, forfeiture of office or failure
131 to take office for any reason.

132 B. Any council member shall forfeit the office if such member (1) lacks at any
133 time during the term of office any qualification for the office prescribed by this
134 charter, (2) violates any express prohibition of this charter or (3) is disqualified by
135 law from holding public office.

136 C. A vacancy on the council shall be filled within thirty (30) days after
137 occurrence by appointment of a person meeting the qualifications for office by a
138 majority of the remaining members of the council. If one year or less of the
139 unexpired term remains when the vacancy occurs, the appointee shall serve out
140 the remainder of the term. If the vacancy occurs more than one year prior to the
141 expiration of the term, the appointee shall serve until the office is filled by the
142 vote of the qualified electors voting in a special election called by the council for
143 that purpose, which election shall be held within ninety (90) days after such

144 vacancy occurs. An appointee shall be ineligible as a candidate for council
145 member, either in the special election to fill the vacancy or in the election at
146 which the vacancy is to be filled for the succeeding term.

147
148 **Section 2-04. Compensation.**

149 A. Council members shall be paid one thousand dollars (\$1000) per month until
150 changed by ordinance. The presiding officer of the council shall be paid an
151 additional five hundred dollars (\$500) per month until changed by ordinance. No
152 ordinance changing the compensation of a council member shall be adopted
153 during the last year of a term of office, and no such ordinance shall become
154 effective during the term of the council adopting the ordinance.

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

159 (Ord. No. 3972, C.S., 5-3-05)

160 **Editor's note:** Since the adoption of the Home Rule Charter of 1977, the salary of the
161 council members has been changed by ordinance. Ord. No. 3972, C.S. adopted May 3,
162 2005, increased the monthly salary of each council member to one thousand dollars
163 (\$1,000.00), and this increased amount has set out herein.

164
165 **Section 2-05. Prohibitions.**

166 A. A council member shall not hold any other elected public office, City office or
167 City employment during the term for which elected to the council. No former
168 council member shall hold any compensated appointive City office or City
169 employment until one (1) year after the expiration of the term for which elected to
170 the council.

171 B. Except as provided elsewhere in this charter, neither the council nor any of
172 its members shall involve themselves in any manner in the appointment,
173 removal, direction or supervision of any City administrative officer or employee.

174
175 **Section 2-06. Investigations.**

176 The council, by the favorable vote of at least two-thirds of its authorized
177 membership, may make investigations into the affairs of the City and the conduct of any
178 City official, officer, employee, department, office or agency and for this purpose may
179 subpoena witnesses, administer oaths, take testimony and require the production of

180 evidence. The council may provide by ordinance for the punishment, as a
181 misdemeanor, of a person for the willful failure or refusal to obey such subpoena or
182 request for evidence. Investigations by the council shall be for specified purposes.

183
184 **Section 2-07. Independent audit.**

185 The council shall provide for an annual independent postaudit, and such
186 additional audits as it deems necessary, of the accounts and other evidence of financial
187 transactions of the City, including those of all City departments, offices, or agencies.
188 Auditors shall be designated by the council, shall be without personal interest in the
189 affairs subject to audit and shall be a certified public accountant or firm of such
190 accountants. The audit shall be submitted to the council at one of its regularly
191 scheduled meetings and shall be a public record, and a summary thereof shall be
192 published at least once in the official journal. The council may accept audits by the
193 state, if such are made that satisfy the requirements of the council.

194
195 **Section 2-08. Clerk of the council.**

196 The council shall appoint an officer of the City who shall have the title of clerk of
197 the council. The clerk shall give notice of council meetings to its members and the
198 public, keep the journal of its proceedings, be official secretary of the council and
199 perform such other duties as are assigned to the position by this charter or by the
200 council.

201
202 **Section 2-09. Council meetings and rules.**

203 A. The council shall meet regularly twice a month at such times and places as
204 the council may prescribe by resolution adopted within thirty (30) days after
205 taking office. Special meetings may be held on the call of the mayor, the
206 presiding officer of the council or a majority of the council membership and upon
207 no less than twenty-four (24) hours' written notice to each member. To meet a
208 public emergency affecting life, health, property or public safety, the council may
209 meet upon call of the mayor, the presiding officer of the council or a majority of
210 the council membership at whatever notice it shall be convenient to give.

211 B. All meetings of the council or its committees shall be held in compliance with
212 state law governing public access to meetings of governing bodies. A meeting
213 closed to the public shall be limited to matters allowed by law to be exempted
214 from discussion at open meetings. No final or binding action shall be taken during
215 a closed meeting.

216 C. The council shall determine its own rules and order of business and shall
217 provide for keeping a journal of its minutes and proceedings. This journal shall be
218 a public record.

219 D. At its first meeting, and annually thereafter, the council shall elect a president
220 and vice-president from its membership. The president shall preside at meetings
221 of the council, and in the absence or disqualification of the president, the vice-
222 president shall preside.

223 E. All voting shall be by roll call, and the ayes and nays shall be recorded in the
224 minutes. Not less than a majority of all the members of the council shall
225 constitute a quorum to transact business, but if a quorum is lost during a
226 meeting, a smaller number may recess from time to time and compel the
227 attendance of absent members in the manner and subject to the penalties
228 prescribed by council rules.

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231 **Section 2-10. Action requiring an ordinance.**

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

234 (1) Adopt or amend an administrative code.

235 (2) Provide a fine or other penalty or establish a rule or regulation for violation of
236 which a fine or other penalty may be imposed.

237 (3) Levy taxes or assessments as provided by law.

238 (4) Appropriate funds and/or adopt the budget and capital improvement
239 program for the City.

240 (5) Grant, renew or extend a franchise.

241 (6) Provide for raising revenue.

242 (7) Regulate the rate or other charges for service by the City.

243 (8) Authorize the borrowing of money.

244 (9) Incur debt in any manner.

245 (10) Abandon any property owned by the City.

246 (11) Convey or lease or authorize the conveyance or lease of any lands or
247 property of the City.

248 (12) Acquire real property on behalf of the City.

249 (13) Adopt or modify the official map, platting or subdivision controls or
250 regulations or the zoning plan.

251 (14) Adopt, without substantive amendment, ordinances proposed under the
252 initiative power.

253 (15) Amend or repeal any ordinance previously adopted.

254 (16) Propose amendments to this charter.

255 Acts other than those referred to above may be done either by ordinance or by
256 resolution.

257

258 **Section 2-11. Ordinances in general.**

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

263 B. All proposed ordinances shall be read by title and published in full or by title.
264 Except as otherwise provided in Section 2-13 (Emergency Ordinances), no
265 ordinance shall be considered for final passage until it has laid over at least
266 seven (7) days from the date of publication and unless a public hearing has been
267 held on the ordinance.

268 C. All ordinances and resolutions shall be passed in open public meeting by the
269 favorable vote of at least a majority of the authorized membership of the council.
270 The vote on final passage shall be recorded in the minutes of the council by the
271 individual vote of each council member.

272 D. With the final approval of ordinances by the mayor or the council, in case of a
273 veto by the mayor, such enacted ordinances shall be published in full in the
274 official journal by the clerk of the council as soon as practical thereafter except as
275 provided in Section 2-14 (Codes of Technical Regulations). Every enacted
276 ordinance, unless it shall specify another date, shall become effective at the
277 expiration of ten (10) days after publication by the council, or if the ordinance be
278 adopted through a majority vote in a referendum election, then ten (10) days after
279 promulgation and publication of the election results by the council.

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Section 2-12. Submission of ordinances to the mayor.

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A. Every ordinance adopted by the council shall be signed by the presiding officer of the council and presented to the mayor within three (3) calendar days after adoption, excluding Saturdays, Sundays and state holidays. The clerk shall record upon the ordinance the date and hour of its delivery to the mayor.

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B. Within ten (10) calendar days after the mayor's receipt of an ordinance, it shall be returned to the clerk of the council with the mayor's approval, or with the mayor's veto. The clerk shall record upon the ordinance the date and hour of its receipt from the mayor. If the ordinance has been approved, it shall be considered finally adopted and become effective as provided in Section 2-11 (Ordinances in General). If the ordinance is vetoed, the mayor shall submit to the council through the clerk a written statement of the reasons for veto. The veto statement shall be published in full in the official journal by the clerk as soon as practical thereafter. All ordinances that the mayor vetoes shall be vetoed in full, except that the mayor shall have authority to veto individual appropriation items in the ordinances adopting the operating budget and capital improvement program.

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C. Ordinances vetoed by the mayor shall be submitted promptly to the clerk who in turn shall submit them to the council at the next regular or special meeting held at least seven (7) days after publication of the veto statement. Should the council vote to readopt the ordinance by the favorable vote of at least two thirds of its authorized membership, said ordinance shall be considered finally adopted and become law irrespective of the veto by the mayor.

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D. The right of the mayor to veto as provided in this section shall apply to all ordinances adopted by the council except those which propose amendments to this charter; reapportion council districts; establish, alter or modify council procedure; appropriate funds for auditing or investigating any part of the executive branch; or create staff agencies or officers for the council; or those ordinances requiring council action pursuant to the general laws of the state or which the council has received specific approval to enact following a referendum vote of the people.

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Section 2-13. Emergency ordinances.

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A. To meet a public emergency affecting life, health, property or public safety, the council by the favorable vote of at least a majority of the authorized membership, may adopt an emergency ordinance at the meeting at which it is introduced, provided that no such ordinance may be used to levy taxes or special assessments; grant or extend a franchise; incur debt, except as provided in Section 5-05 B (Emergency Appropriations); adopt or amend the official map,

320 platting or subdivision controls or zoning regulations; or change rates, fees or
321 charges established by the City. Each emergency ordinance shall contain a
322 specific statement of the emergency claimed.

323 B. Notwithstanding the provisions of Section 2-12 (Submission of Ordinances to
324 the Mayor), any emergency ordinance adopted by the council shall be signed by
325 the presiding officer of the council and presented to the mayor within six (6)
326 hours after adoption. Within twelve (12) hours after the mayor's receipt of an
327 emergency ordinance, it shall be returned to the clerk with the mayor's approval,
328 or with the mayor's veto, if the emergency ordinance has been approved, it shall
329 be considered finally adopted and become effective immediately upon receipt by
330 the clerk. If the emergency ordinance is vetoed, the mayor shall submit to the
331 council through the clerk, a written statement of the reasons for the veto. The
332 clerk shall record upon the emergency ordinance the date and hour of its delivery
333 to and receipt from the mayor. Should the council vote to readopt the vetoed
334 emergency ordinance by the favorable vote of at least two thirds of its authorized
335 membership, said emergency ordinance shall be considered finally adopted and
336 become law immediately upon readoption, irrespective of the veto by the mayor.
337 Upon final approval by the mayor, or the council in case of a veto by the mayor,
338 such enacted emergency ordinances shall be published in the official journal by
339 the clerk as soon as practical thereafter either in full or in summary at the
340 discretion of the council.

341 C. Emergency ordinances shall be effective for no longer than sixty (60) days.

342
343 **Section 2-14. Codes of technical regulations.**

344 The council by ordinance may adopt any standard code of technical regulations
345 by reference. The procedure and requirements governing the adoption of such
346 ordinances shall be as prescribed for ordinances generally, except that a period of
347 twenty-seven (27) days must be allowed between the time of introduction and final
348 passage of the ordinance. During this interim [interim], copies of any proposed code shall
349 be available for public review. A copy of each adopted code of technical regulations as
350 well as the adopting ordinance shall be authenticated and recorded by the clerk of the
351 council in the official records of the City. Such adopted codes of technical regulations
352 shall be published at least by title or by reference in the official journal by the clerk as
353 soon as practical following such final adoption.

354
355 **Section 2-15. Authentication and recording of ordinances and resolutions;
356 printing and distribution.**

357 A. All finally adopted ordinances and resolutions shall be authenticated,
358 numbered and recorded by the clerk of the council in a properly indexed book or
359 books kept for this purpose.

360 B. The council shall cause each ordinance and each amendment to this charter
361 to be printed or otherwise reproduced promptly following its final adoption and
362 such printed or reproduced amendments and ordinances, including codes of
363 technical regulations adopted by reference pursuant to Section 2-14 (Codes of
364 Technical Regulations) shall be distributed or sold to the public at reasonable
365 prices.

366 C. The council shall cause each resolution approved by it to be recorded in the
367 minutes of the council meeting at which the resolution was approved.

368
369 **Section 2-16. Power to levy taxes.**

370 The power to perform any service or provide any facility granted to the City by
371 this home rule charter or by the constitution and general laws of the state shall in all
372 cases carry with it the power to levy taxes and to borrow money within the limits and in
373 accordance with the procedures prescribed by the constitution and general laws of the
374 state. The council shall have, and is hereby granted, all of the authority to levy and
375 collect taxes, to incur debt, and issue bonds and other evidences of indebtedness, as is
376 now or hereafter conferred on governing authorities of municipalities by the constitution
377 and general laws of the state, or as may be hereafter specially conferred by the electors
378 of the City. Any tax being levied on the effective date of this home rule charter is ratified.

379
380 **Section 2-17. Powers of enforcement.**

381 For the purpose of carrying out the powers generally or specially conferred on
382 the City, the council shall have the power, whenever it deems it necessary, to grant
383 franchises, to require licenses and permits and fix the fees to be paid therefore, to
384 charge compensation for any privilege or franchise granted or service rendered, and to
385 provide penalties for the violation of any ordinance or regulation, as provided by law.

386 **ARTICLE III. EXECUTIVE BRANCH**

387
388 **Section 3-01. Executive authority.**

389 The mayor shall be the chief executive officer of the City and shall exercise
390 general executive and administrative authority over all departments, offices and
391 agencies of the City, except as otherwise provided by this charter.

392
393 **Section 3-02. Election.**

394 The mayor shall be elected according to the election laws of the state for a four
395 (4) year term concurrent with that of the council and shall be eligible for re-election; but
396 no person, including the mayor in office at the time of the adoption of this amended
397 section, shall be eligible as a candidate for election or re-election to the office of mayor
398 for the term immediately following the third consecutive term to which that person was
399 elected as mayor.

400 (Ord. No. 2291, C.S., 6-1-93; Ord. No. 2565, C.S., 11-17-98)

401 **Editor's note:** Ord. No. 2565, which amended section 3-02, was approved by the
402 voters as Prop. Four at a special election held on May 1, 1999.

403
404 **Section 3-03. Qualifications.**

405 The mayor shall be at least twenty-five (25) years of age, a qualified elector of
406 the municipality and shall have actually resided for at least twelve (12) consecutive
407 months in an area which, at the time set for qualifying for office, is within the City.

408
409 **Section 3-04. Vacancies.**

410 A. The office of mayor shall become vacant upon the death, resignation,
411 removal from office in any manner authorized by law, forfeiture of office to [by]
412 the officeholder, or failure to take office for any reason.

413 B. The office of mayor shall be forfeited if the officeholder (1) lacks at any time
414 during the term of office any qualification for the office prescribed by this charter,
415 (2) violates any express prohibition of this charter or (3) is disqualified by law
416 from holding public office.

417 C. If a vacancy in the office of mayor occurs more than twelve (12) months prior
418 to the expiration of the term of office, the director of administration shall serve as
419 acting mayor until the office is filled by the vote of the qualified electors voting in
420 a special election called by the council for that purpose, provided that said
421 election shall be called to be held on the first candidate election day available
422 according to state law after such vacancy occurs, and such election is scheduled
423 to be held more than twelve (12) months before the expiration of the term of
424 office. If twelve (12) months or less of the unexpired term remain when the
425 vacancy occurs and/or the scheduling of a special election to fill the vacant term
426 cannot be held on a date more than twelve (12) months prior to the expiration of
427 the term of office, the director of administration shall succeed to the office of
428 mayor for the remainder of the term.

429 D. If the offices of mayor and of director of administration are vacant
430 simultaneously, the president of the city council shall perform the duties of and

431 shall be vested with the powers of mayor for the remainder of the unexpired term
432 or until the office of mayor is filled by special election in accordance with
433 paragraph "C" of this article.

434 (Ord. No. 2598, C.S., 3-2-99)

435 **Editor's note:** Ord. No. 2598, which amended section 3-04, was approved by the
436 voters as Prop. Six at a special election held on May 1, 1999.

437 **Section 3-05. Mayor's absence and disability.**
438

439 A. During the temporary absence of the mayor from the City, the mayor, by
440 letter filed with the clerk of the council shall designate the director of
441 administration as acting mayor. **If the director of administration is absent or**
442 **otherwise unable to discharge the powers and duties of the office of mayor, an**
443 **appointee of the council, but not a council member, shall serve as acting mayor.**

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444 B. Whenever the mayor transmits to the presiding officer of the council a written
445 declaration that he is unable to discharge the powers and duties of the office, and
446 until the mayor transmits to the presiding officer of the council a written
447 declaration to the contrary, such powers and duties shall be discharged by the
448 director of administration as acting mayor. If the director of administration is
449 unable to discharge the powers and duties of the office of mayor, such powers
450 and duties shall be discharged by an appointee of the council, but not a council
451 member, as acting mayor.

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452 C. Whenever a panel of three (3) qualified medical experts, designated by
453 resolution passed by the favorable vote of at least two-thirds of the authorized
454 membership of the council, transmits to the presiding officer of the council its
455 written declaration that the mayor is unable to discharge the powers and duties of
456 the office, the director of administration shall immediately assume the powers
457 and duties of the office as acting mayor. If the director of administration is unable
458 to discharge the powers and duties of the office of mayor, such powers and
459 duties shall be discharged by an appointee of the council, but not a council
460 member, as acting mayor. Thereafter, when the mayor transmits to the presiding
461 officer of the council a written declaration that no inability exists, the mayor shall
462 resume the powers and duties of the office unless a panel of three (3) qualified
463 medical experts, designated by resolution passed by the favorable vote of at
464 least two thirds of the authorized membership of the council, transmits within four
465 (4) days to the presiding officer of the council its written declaration that the
466 mayor is unable to discharge the powers and duties of the office. Thereupon the
467 council shall decide the issue. If the council, within twenty-one (21) days after
468 receipt of the latter written declaration, determines by resolution passed by the
469 favorable vote of at least two thirds of the authorized membership of the council
470 that the mayor is unable to discharge the powers and duties of the office, the

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471 ~~director of administration~~ person serving as acting mayor, shall continue to
472 discharge the same as acting mayor; otherwise, the mayor shall resume the
473 powers and duties of his office.

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474 D. Should the ~~director of administration~~ person serving as acting mayor, serve as
475 acting mayor in excess of thirty (30) consecutive days, he shall be paid at a rate
476 equal to that of the mayor for the period served.

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477
478 **Section 3-06. Compensation.**

479 The annual salary of the mayor shall be seventy-five thousand five hundred
480 dollars (\$75,500.00) until changed by ordinance. In addition, the mayor shall be entitled
481 to be furnished a suitable vehicle and a monthly expense account in an amount to be
482 fixed by the council. No ordinance changing the salary or granting any other monetary
483 compensation shall be adopted during the last year of a term of office, and no such
484 ordinance shall become effective during the term of the council adopting the ordinance.

485 **Editor's note:** Since the adoption of the Home Rule Charter of 1977, the salary of the
486 mayor has been changed by ordinance. Ord. No. 2776, C.S. adopted April 17, 2001,
487 increased the annual salary of the mayor to seventy-five thousand five hundred dollars
488 (\$75,500.00), and this increased amount has set out herein.

489 **Section 3-07. Powers and duties of the mayor.**

490 A. The office of mayor shall be a full-time position. The mayor, as chief
491 executive officer of the City, shall have the following powers and duties:

492 (1) See that all laws, provisions of this charter and acts of the council,
493 subject to enforcement by the mayor or by officers subject to the mayor's
494 direction and supervision, are faithfully executed.

495 (2) Appoint and suspend or remove for just cause all City employees and
496 appointive administrative officers provided for, by or under this charter,
497 except as otherwise provided by law, this charter, civil service or other
498 personnel rules adopted pursuant to this charter. The mayor may
499 authorize any administrative officer who is subject to the mayor's direction
500 and supervision to exercise these powers with respect to subordinates in
501 that officer's department, office or agency.

502 (3) Attend all council meetings with the right to take part in discussion but
503 not to vote.

504 (4) Direct and supervise the administration of all departments, offices and
505 agencies of the City, except as otherwise provided by this charter.

506 (5) Prepare and submit the annual budget and five (5) year capital
507 program to the council.

508 (6) Submit to the council and make available to the public, within sixty
509 (60) days after the end of the fiscal year, a complete report on the
510 finances and administrative activities of the City as of the end of each
511 fiscal year.

512 (7) Make such other reports as the council may reasonably request to
513 enable the council to conduct its councilmanic function.

514 (8) Keep the council fully advised as to the financial condition and future
515 needs of the City and make such recommendations to the council
516 concerning the affairs of the City as deemed desirable.

517 (9) Perform such other duties as are specified in this charter or may be
518 required by the council.

519 (Ord. No. 2163, C.S. § 1(1), 1-3-89)

520 **Section 3-08. Prohibitions.**
521

522 The mayor shall hold no other elected public office nor any compensated
523 appointive City office or City employment during the term of office for which elected. The
524 mayor shall not engage in any outside activity that would interfere with or detract from
525 the performance of duties as mayor.

526 **ARTICLE IV. ADMINISTRATION**

527 **Section 4-01. General provisions.**
528

529 A. All departments, offices and agencies shall be under the direction and
530 supervision of the mayor, except as otherwise provided by this charter. All
531 department heads during their term of office shall live within the city limits or
532 within a five-miles radius of the nearest point of the corporate limits.

533 B. The salaries of directors of departments appointed by the mayor shall be set
534 by the mayor subject to approval of the council. The salary of any employee of
535 the City directly appointed by the council shall be fixed by the council.

536 (Ord. No. 1039, C.S., § 2(3), 12-20-83)

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Section 4-02. City attorney.

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A. The city attorney shall be appointed by the mayor, subject to confirmation by the council, and shall serve at the pleasure of the mayor. The city attorney shall be an attorney licensed to practice in the courts of Louisiana with at least five (5) years' experience in the practice of law.

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B. The city attorney shall serve as chief legal advisor to the mayor, council and all departments, offices and agencies, shall represent the City in all legal proceedings and shall perform any other duties prescribed by this charter or by ordinance.

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C. Any assistant city attorneys authorized by the council shall be appointed by the city attorney and serve at the pleasure of the city attorney.

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D. No special legal counsel shall be employed by the City except by written contract and approval of the council.

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E. The Council, upon approval by a majority vote of the full council, shall be allowed to hire its own legal advisor in case it deems it necessary, on an issue by issue basis.

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Section 4-03. Department of administration.

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A. The head of the Department of Administration shall be the director of administration who shall be appointed by the mayor, subject to confirmation by the council, and shall serve at the pleasure of the mayor. The director of administration, at the time of appointment, shall have at least a bachelor's degree in business or public administration or related field from an accredited college or university and at least four (4) years' experience in a responsible managerial or administrative fiscal position or at least six (6) years' experience in a responsible managerial or administrative fiscal position. The position of director of administration shall be mandated.

565

B. Duties of the director of administration shall be as follows:

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567

(1) Collect and have custody of all monies of the City from whatever source.

568
569

(2) Assist the mayor in the preparation of the operating budget and capital improvement program.

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571

(3) Maintain a record of indebtedness and have charge of the payment of the principal and interest on such indebtedness.

572 (4) Ascertain that funds are available for payment of all contracts,
573 purchase orders and any other documents which incur financial obligation
574 for the City, and that such documents are in accordance with established
575 procedures.

576 (5) Disburse all funds from the City treasury.

577 (6) Administer a uniform central accounting system for all City
578 departments using nationally accepted standards where applicable.

579 (7) Prepare a monthly statement of revenues and expenditures to show
580 the financial condition of the City.

581 (8) Shall appoint a purchasing agent to procure all personal property,
582 materials, supplies and services required by the City under a central
583 purchasing system for all departments in accordance with applicable state
584 law, council policy and administrative requirements. The purchasing
585 agent, at the time of appointment, shall have at least a bachelor's degree
586 in business or public administration or related field from an accredited
587 college or university and at least five (5) years' related experience in a
588 responsible purchasing position.

589 (9) Coordinate, direct and be responsible for preparing all
590 intergovernmental grant applications on behalf of the City and keeping
591 City departments, offices and agencies informed of all relevant local, state
592 and federal programs.

593 (10) Maintain an inventory of all City property, real and personal.

594 (11) Provide for the reading of meters of city-owned utilities and perform
595 billing and collection for such utilities.

596 (12) Provide general administrative services.

597 (13) Do and perform such other actions as may be directed by the
598 mayor.

599 (Ord. No. 1039, C.S., § 2(2), 12-20-83; Ord. No. 2163, C.S., § 1(2), 1-3-89; Ord. No.
600 2568, C.S., 11-17-98)

601 **Editor's note:** Ord. No. 2568, C.S., which amended section 4-03, was approved by
602 the voters as Prop. One at a special election held on May 1, 1999.

603 **Section 4.04. Police department.**
604

605 A. The head of the Police Department shall be the police chief who shall be
606 appointed by the mayor, subject to confirmation by the council, in accordance
607 with applicable state law.

608 B. The police chief shall direct and be responsible for the preservation of public
609 peace and order; prevention of crime; apprehension of criminals; assistance to
610 the courts and other law enforcement officials; and the enforcement of the laws
611 of the state and the ordinances of the council.

612 C. Unless otherwise specified, all requirements listed below must be met by the
613 filing deadline. The police chief must meet all requirements of the Municipal Fire
614 and Police Civil Service Law, including being a citizen of the United States. After
615 the offer of employment, but before beginning work in this class, the police chief
616 must pass a medical examination prepared and administered by the council,
617 designed to demonstrate good health and physical fitness sufficient to perform
618 the essential duties of the position, with or without accommodation. The police
619 chief candidate must meet one of the following qualifications:
620

621 (1) Must have a bachelor's degree from an accredited institution of higher
622 education in criminal justice, police administration, public administration,
623 or other related curriculum and at least six (6) years experience of
624 progressively responsible positions in law enforcement, at least two (2)
625 years of which must have been in positions which include administrative or
626 supervisory responsibilities. Law enforcement experience should include
627 work in positions which would provide background in patrol operations,
628 criminal investigations, police training, and related areas of police
629 department operations and management, or;

630 (2) Must have an associate degree from an accredited institution of higher
631 education in criminal justice, police administration, or other related
632 curriculum, or a bachelor's degree from an accredited institution of higher
633 education in an unrelated curriculum and at least eight (8) years
634 experience of progressively responsible positions in law enforcement, at
635 least two (2) years of which must have been in positions which include
636 administrative or supervisory responsibilities. Law enforcement experience
637 should include work in positions which would provide background in patrol
638 operations, criminal investigations, police training, and related areas of
639 police department operations and management, or;

640 **Section 4-05. Fire department.**

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641 A. The head of the Fire Department shall be the fire chief who shall be
642 appointed by the mayor, subject to confirmation by the council, in accordance
643 with applicable state law.

644 B. The fire chief shall direct and be responsible for fire prevention; fire
645 extinguishment and salvage operations; inspection and recommendations
646 concerning the fire code of the city; investigations of fires and their causes; and
647 the conduct of the fire safety and prevention programs.

648 C. Unless otherwise specified, all requirements listed below must be met by the
649 filing deadline for application to the civil service exam. The fire chief must meet
650 all requirements of the Municipal Fire and Police Civil Service Law, including
651 being a citizen of the United States. After offer of employment, but before
652 beginning work in this class, the fire chief must pass a medical examination
653 prepared and administered by the council, designed to demonstrate good health
654 and physical fitness sufficient to perform the essential duties of the position, with
655 or without accommodation. The fire chief candidate must meet one of the
656 following qualifications:

657 (1) Must have a bachelor's degree from an accredited institution of higher
658 education in fire science, fire administration, public administration, or other
659 related curriculum and at least six (6) years experience of progressively
660 responsible positions in fire service, at least two (2) years of which must
661 have been in positions which include administrative or supervisory
662 responsibilities. Fire service experience must include full time experience
663 in fire suppression and rescue, and may include work in positions which
664 would provide background in fire prevention and investigation, fire training,
665 and related areas of fire department operations and management, or:

666 (2) Must have an associate degree from an accredited institution of higher
667 education in fire science, fire administration, or other related curriculum, or
668 a bachelor's degree from an accredited institution of higher education in
669 an unrelated curriculum and at least eight (8) years experience of
670 progressively responsible positions in fire service, at least two (2) years of
671 which must have been in positions which include administrative or
672 supervisory responsibilities. Fire service experience must include full time
673 experience in fire suppression and rescue, and may include work in
674 positions which would provide background in fire prevention and
675 investigation, fire training, and related areas of fire department operations
676 and management.

677 **Section 4-06. Public works department.**

679 A. The head of the Public Works Department shall be the public works director
680 who shall be appointed by the mayor, subject to confirmation by the council, and
681 shall serve at the pleasure of the mayor. The public works director, at the time of
682 appointment, shall be a graduate registered civil engineer with at least four (4)
683 years related experience in a responsible managerial or administration position
684 or shall have at least six (6) years of related public works experience in a
685 responsible managerial or administrative position.

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686 B. The public works director shall direct and be responsible for the following
687 activities:

688 (1) Engineering services for the City departments and agencies except
689 as may be otherwise provided for [by] the Utilities Department.

690 (2) Supervision of all contract construction work except as may be
691 otherwise provided for [by] the Utilities Department.

692 (3) Maintenance of City property.

693 (4) Mapping and surveying including maintenance of the City map and
694 zoning district map.

695 (5) Construction and maintenance of City streets, sidewalks and bridges,
696 and drainage structures connected therewith.

697 (6) Traffic engineering.

698 (7) Street cleaning.

699 (8) Garbage and trash collection and disposal.

700 (9) Inspections, licensing and permit issuance in conjunction with the
701 enforcement of zoning ordinances and building and other technical codes.

702 (10) Operation of a central facility for the repair and maintenance of City
703 vehicles and equipment.

704 (11) Operation and maintenance of the municipal airport.

705 (12) Coordination of planning activities.

706 (13) Other such activities as may be directed by the mayor.

707 **Section 4-07. Utilities department.**
708

709 A. The head of the Utilities Department shall be the utilities director, who shall
710 be appointed by the mayor, subject to confirmation by the council, and shall
711 serve at the pleasure of the mayor. The utilities director, at the time of
712 appointment, shall be a graduate registered professional engineer with at least
713 four (4) years' experience in a responsible managerial or administrative utilities
714 position or shall have at least six (6) years' experience in a responsible
715 managerial or administrative utilities position.

716 B. The utilities director shall direct and be responsible for the following activities:

717 (1) Water production, treatment and distribution.

718 (2) Sewage collection, treatment and disposal.

719 (3) Utility engineering services.

720 (4) Supervision of contract construction work for the utility system.

721 (5) Maintenance of utility equipment in cooperation with the Public Works
722 Department.

723 (6) Other such activities as may be directed by the mayor.

724

725 **Section 4-08. Recreation department.**

726 A. The head of the Recreation Department shall be the recreation director who
727 shall be appointed by the mayor, subject to confirmation by the council, and shall
728 serve at the pleasure of the mayor. The recreation director, at the time of
729 appointment, shall have at least a bachelor's degree in recreation and/or parks
730 administration from an accredited college or university and at least one (1) years'
731 experience in a responsible recreation or parks management position or a
732 bachelor's degree in health and physical education or related field from an
733 accredited college or university and at least three (3) years' experience in a
734 responsible recreation or parks management position or at least five (5) years'
735 experience in a responsible recreation or parks management position.

736 B. The recreation director shall direct and be responsible for parks and
737 playgrounds, programs of athletics and other leisure-time and cultural activities
738 and functions of the City. The recreation director shall perform such other duties
739 as may be directed by the mayor.

740

741 **Section 4-09. Personnel department.**

742 A. The head of the Personnel Department shall be the director of personnel who
743 shall be appointed by the mayor, subject to confirmation by the council, and shall
744 serve at the pleasure of the mayor. The director of personnel, at the time of
745 appointment, shall have at least a bachelor's degree in business or public
746 administration or related field from an accredited college or university and at least
747 two (2) years' experience in a responsible personnel administration position or at
748 least four (4) years' experience in a responsible personnel administration
749 position.

750 B. The director of personnel shall be responsible for developing a system of
751 personnel administration that provides the means to recruit, select, develop and
752 maintain an effective and responsive work force. The system shall include
753 policies and procedures for employee hiring and advancement, training and
754 career development, job classification, salary administration, retirement, fringe
755 benefits, discipline, discharge and other related activities. The director of
756 personnel shall perform such other duties as may be directed by the mayor.

757
758 **Section 4-10. Administrative reorganization.**

759 A. The mayor shall have the right as chief executive officer to propose to the
760 council the creation, change, alteration, combination or abolition of City
761 departments, offices or agencies and/or the reallocation of the functions, powers,
762 duties and responsibilities of such agencies including those provided for in this
763 charter.

764 B. At the meeting of the council at which the reorganization plan is submitted,
765 the council shall order a public hearing on the plan to be held within thirty (30)
766 days. The council shall cause to be published in the official journal at least ten
767 (10) days prior to the date of such hearing, the time and place thereof, a general
768 summary of the reorganization plan and the times and places where copies of
769 the proposed reorganization plan are available for public inspection. At the time
770 and place so advertised, the council shall hold a public hearing on the
771 reorganization plan as submitted.

772 C. The council shall within sixty (60) days following the date of the public
773 hearing either approve or disapprove, but not amend, the proposed
774 reorganization plan. Should the council fail to act within the prescribed time, the
775 plan shall be deemed approved.

776 D. The council may, at any time, request the mayor to submit a reorganization
777 plan for the council's consideration. Should the mayor fail to comply with this
778 request within sixty (60) days, the council may propose a reorganization plan of
779 its own. Prior to becoming effective, any reorganization plan proposed by the
780 council shall be adopted by ordinance.

781 E. Voting will require a 2/3 majority of the full council.

782 (Ord. No. 2163, C.S., § 1(3), 1-3-89)

783 **ARTICLE V. FINANCIAL PROCEDURES**

784 **Section 5-01. Fiscal year.**

785 The fiscal year of the City shall be established by the council by ordinance.

786
787 **Section 5-02. Budget preparation and adoption.**

788 At least forty-five (45) days prior to the beginning of each fiscal year, the mayor
789 shall submit to the council a proposed operating budget in the form required by this
790 charter. At the meeting of the council at which the operating budget is submitted, the
791 council shall order a public hearing on it and shall cause to be published in the official
792 journal, at least ten (10) days prior to the date of such hearing, the time and place
793 thereof, a general summary of the proposed budget and the times and places where
794 copies of the proposed budget are available for public inspection. At the time and place
795 so advertised, the council shall hold a public hearing on the budget as submitted. The
796 budget shall be finally adopted not later than the last regular meeting of the last month
797 of the fiscal year. Upon final adoption, the budget shall be in effect for the budget year
798 and copies shall be filed with the clerk of the council. The budget as finally adopted shall
799 be reproduced and sufficient copies shall be made available for use of all offices,
800 departments and agencies of the City, and for the use of interested persons.

801
802 **Section 5-03. The budget document.**

803 The operating budget for the City government shall present a complete financial
804 plan in accordance with modern fiscal management techniques for the ensuing fiscal
805 year, and shall consist of three (3) parts as follows:

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

813 Part II shall contain: (1) detailed estimates of all proposed expenditures, showing
814 the corresponding estimated expenditures for each item for the current fiscal year and
815 actual figures for the last preceding fiscal year with explanations of increases or
816 decreases recommended; (2) detailed estimates of anticipated revenues and other
817 income; (3) a statement of delinquent taxes for current and preceding years, with the
818 estimated percent collectible; (4) statement of the indebtedness of the City, showing
819 debt redemption and interest requirements, debt authorized and unissued, and
820 conditions of the sinking funds; (5) a statistical comparison of Administrative versus
821 services costs; and (6) such other information as may be requested by the council. The
822 total of proposed expenditures shall not exceed the total of estimated revenues.

823 Part III shall contain a proposed complete draft of the appropriation ordinance.

824 (Ord. No. 1039, C.S., § 2(1), 12-20-83)

825
826 **Section 5-04. Administration of budget.**

827 No payment shall be made or obligation incurred against any allotment or
828 appropriation except in accordance with appropriations duly made and unless the mayor
829 or the mayor's designee first certifies that there is a sufficient unencumbered balance in
830 such allotment or appropriation and that sufficient funds therefrom are or will be
831 available to cover the claim or meet the obligation when it becomes due and payable.
832 However, this provision shall not limit the authority of the City to borrow funds in
833 anticipation of revenues as provided in the general laws of the state. Any authorization
834 of payment or incurring of obligation in violation of the provisions of this charter shall be
835 void and any payment so made illegal; such action shall be cause for removal of any
836 official, officer or employee who knowingly authorized or made such payment or
837 incurred such obligation or who caused such payment to be authorized or made or
838 obligation to be incurred. Such persons shall also be liable to the City for any amount so
839 paid.

840 Nothing in this charter shall be construed so as to prevent the making or
841 authorizing of payments or making of contracts for capital improvements to be financed
842 wholly or partly by the issuance of bonds or to prevent the making of any contract or
843 lease providing for payments beyond the end of the fiscal year, provided that such
844 action is authorized by ordinance.

845
846 **Section 5-05. Amendments after adoption.**

847 *A. Supplemental appropriations:* If during the fiscal year the mayor certifies that
848 there are available for appropriation revenues in excess of those estimated in the
849 operating budget, the mayor shall present a supplemental budget for the
850 disposition of such revenues, and the council by ordinance may make
851 supplemental appropriations for the year up to the amount of such excess in the
852 same manner required for adoption of the budget.

853 *B. Emergency appropriations:* To meet a public emergency affecting life,
854 health, property or the public peace, the council may make emergency
855 appropriations. Such appropriations may be made by emergency ordinance in
856 accordance with the provisions of Section 2-13 (Emergency Ordinances). To the
857 extent that there are no available unappropriated revenues to meet such
858 appropriations, the council may by such emergency ordinance borrow money in
859 sums necessary to meet the emergency.

860 *C. Reduction of appropriations:* If at any time during the fiscal year it appears to
861 the mayor that the revenues available will be insufficient to meet the amount
862 appropriated, the mayor shall report to the council without delay, indicating the

863 estimated amount of the deficit, any remedial action taken and recommendations
864 as to any other steps to be taken. The council shall then take such further action
865 as it deems necessary to prevent or minimize any deficit. The council may, by
866 ordinance, reduce any appropriation at any time.

867 D. *Transfer of appropriations:* At any time during the fiscal year the mayor may
868 transfer part or all of any unencumbered appropriation balance among programs
869 within a department, office or agency. An unencumbered appropriation balance
870 may be transferred from one department, office or agency to another only upon
871 council action by ordinance.

872 E. *Limitations:* No appropriation for debt service may be reduced or transferred,
873 and no appropriation may be reduced below an amount required by law to be
874 appropriated or by more than the amount of the unencumbered balance thereof.

875
876 **Section 5-06. Lapse of appropriations.**

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

883
884 **Section 5-07. Capital improvement program.**

885 A. The mayor each year shall prepare and submit to the council a capital
886 improvement program covering a period of at least five (5) years no later than the
887 time of submission of the operating budget for the ensuing fiscal year. The
888 amount indicated to be spent during the first year of the capital improvement
889 program shall be the capital budget for that year.

890 B. The capital improvement program shall include:

891 (1) A clear general summary of its contents.

892 (2) A list of all capital improvements, by order of priority, which are
893 proposed to be undertaken for at least the five (5) fiscal years next
894 ensuing with appropriate supporting information as to the necessity for
895 such improvements.

896 (3) Cost estimates, method of financing and recommended time
897 schedules for each such improvement.

898 (4) The estimated annual cost of operating and maintaining the facilities
899 to be constructed or acquired.

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

902 C. At the meeting of the council at which the capital improvement program is
903 submitted, the council shall order a public hearing on such capital improvement
904 program and shall cause to be published in the official journal, at least ten (10)
905 days prior to the date of such hearing, the time and place thereof, a general
906 summary of the proposed capital improvement program and the times and places
907 where copies of the proposed capital improvement program are available for
908 public inspection. At the time and place so advertised the council shall hold a
909 public hearing on the capital improvement program as submitted. The capital
910 improvement program shall be finally adopted not later than the last regular
911 meeting of the last month of the fiscal year. The final capital improvement
912 program shall be reproduced, and sufficient copies shall be made available for
913 use of all offices, departments and agencies of the City, and for the use of all
914 interested persons.

915 **Section 5-08. Bonded debt.**
916

917 The City is empowered to incur bonded debt in accordance with this charter and
918 the constitution and statutes of the state, when approved by a majority of the electors
919 voting thereon in an election held for that purpose. No resolution shall be passed calling
920 for a referendum to incur a bonded debt until an engineering and economic feasibility
921 report shall have been made to the council and a summary thereof published in the
922 official journal at least sixty (60) days prior to the proposed date of the election, unless
923 the council is required to call such an election pursuant to a petition as provided for
924 under the general laws of this state.

925 **Section 5-09. Purchasing.**
926

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

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

931 **Section 6-01. Initiative and referendum.**
932

933 The electors of the City shall have the power, except as herein restricted, to
934 propose to the council passage or repeal of ordinances and to vote on the question if
935 the council refuses action. This power shall not extend to the proposing or repealing of
936 ordinances making or reducing the appropriation of money, fixing the salaries of City
937 officers or employees or authorizing the repeal or reduction of the levy of any taxes. The
938 initiatory power shall be exercised in the following manner:

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

944 (2) Within sixty (60) days after the form of the petition shall have been
945 specified, the person or persons circulating the petition shall obtain the
946 signatures of at least fifteen (15) percent of the total registered voters of
947 the City. There shall be noted after each signature on the petition the date
948 signed and the address of the signer. Each person circulating a copy of
949 the petition shall attach a sworn affidavit to it stating the number of signers
950 and the fact that each signature was made in the presence of the
951 circulator of the petition.

952 (3) The signed petition shall be filed with the council within sixty (60)
953 days of the specification of the form of the petition, and within thirty (30)
954 days after the petition is filed the council shall order a canvass of the
955 signatures thereon to determine the sufficiency and authenticity of the
956 signatures. The council's canvass shall be completed within thirty (30)
957 days. If the number of signatures is insufficient or the petition is deficient
958 as to form or compliance with this section, the council shall notify the
959 person or persons filing the petition of such insufficiency and allow thirty
960 (30) days for filing of additional papers, at the end of which time the
961 sufficiency or insufficiency of the petition shall be determined finally.

962 (4) Within thirty (30) days after a petition shall have been certified as
963 sufficient by the council, the council shall cause the proposed ordinance,
964 or a summary thereof, to be published in the official journal of the City at
965 least once [once] together with a notice of the date, time and place when
966 and where it will be given a public hearing and be considered for passage
967 which notice shall appear at least ten (10) days prior to the time advertised
968 for the hearing. At the time and place so advertised the council shall hold
969 a public hearing. Subsequent to such hearing, the council shall either:

970 a. Adopt the proposed ordinance submitted in an initiatory petition,
971 without substantive amendments, or effect the repeal referred to by
972 such petition, or

- 973 b. Determine to submit the proposal to the electors.
- 974 (5) If the council adopts an ordinance following the submission of an
975 initiatory petition as provided above, it shall be treated in all respects in the
976 same manner as other ordinances of the same kind adopted by the
977 council.
- 978 (6) If an initiatory ordinance is submitted to a vote of the electors as
979 provided in Section 6-01 (4) above, the election shall take place within
980 sixty (60) days after the date of the public hearing, preferably in an
981 election already scheduled for other purposes, otherwise in a special
982 election called by the council. The results shall be determined by a
983 majority vote of the electors voting on the proposal.
- 984 (7) If a majority of the qualified electors voting on a proposed initiative
985 ordinance vote in its favor, it shall be considered adopted upon
986 certification of the election results. If conflicting ordinances are approved
987 at the same election, the one receiving the greatest number of affirmative
988 votes shall prevail to the extent of such conflict.
- 989 (8) If an ordinance is adopted by the electorate through the initiatory
990 process it shall not be amended or repealed by council action during the
991 term of the council in which it was adopted. The council, however, may
992 submit proposals amending or repealing such ordinances to a vote of the
993 electors.

994
995 **Section 6-02. Recall.**

- 996 A. The mayor or any member of the council may be removed from office by the
997 electors of the City through a recall process. The recall process shall be the
998 same as is provided in the general laws of the state.
- 999 B. If, in a recall election, the majority of those voting vote for recall, the officer
1000 named in the recall petition shall be removed ipso facto from office, and the
1001 vacancy thereby created shall be filled as is the case of ordinary vacancies in
1002 accordance with this charter.

1003
1004 **Section 6-03. Removal by suit.**

1005 The mayor or any member of the council may be removed from office by court
1006 suit as provided for in the constitution and general laws of the state.

1007 **ARTICLE VII. GENERAL PROVISIONS**

1008 **Section 7-01. Legal process.**

1009 Legal process against the City shall be served upon the mayor or in his absence
1010 upon the presiding officer of the council.

1011
1012 **Section 7-02. Conflict of interest.**

1013 Any City officer, official or employee who has a substantial financial interest,
1014 direct or indirect or by reason of ownership of ~~stock~~ interest in any L.L.C. and any other
1015 business corporation, in any contract with the City or in the sale of any land, material,
1016 supplies or services to the City or to a contractor or subcontractor supplying the City
1017 shall make known that interest and shall be prohibited from voting or otherwise
1018 participating in the capacity of a City officer or employee in the making of such sale or in
1019 the making or performance of such contract. Any City officer, official or employee who
1020 willfully conceals such a substantial financial interest or willfully violates the
1021 requirements of this section shall be guilty of malfeasance in office or position and shall
1022 forfeit the office or position. Violation of this section with the knowledge express or
1023 implied of the person or corporation contracting with or making a sale to the City shall
1024 render the contract or sale void.

1025
1026 **Section 7-03. Code of ethics.**

1027 The proper operation of the municipal government provided for by this charter
1028 requires that officers, officials and employees of the City be independent, impartial and
1029 responsible to the people; that decisions and policy be made in the best interests of the
1030 people, the community and the government; and that the public have confidence in the
1031 integrity of its government. In furtherance of these goals, the first council elected under
1032 the provisions of this charter shall, within six (6) months after taking office, adopt by
1033 ordinance a code of ethics that shall apply to all officers, officials, and employees of the
1034 City, whether elected or appointed, paid or unpaid. The code shall be administered by a
1035 board created by the council with qualifications, terms of office, duties and powers
1036 provided by ordinance. Decisions of the board shall be appealable to the courts.

1037
1038 **Section 7-04. Amending or ~~repealing~~ replacing the charter.**

1039 A. Proposals to amend or ~~repeal~~ replace this charter may be made both by the
1040 council and by petition signed by not less than twenty-five (25) percent of the
1041 qualified voters of the City. The procedures and time limits for filing such a
1042 petition, for holding a public hearing on the matter and for calling an election on the
1043 petition request shall be the same as provided for in Section 6-01 (Initiative

1044 and Referendum). A petition shall contain the full text of the proposed
1045 amendment.

1046 | B. Proposals to amend or ~~repeal~~replace this charter shall be submitted for
1047 ratification to the qualified voters of the City, preferably in an election already
1048 scheduled for other purposes, otherwise in a special election called by the
1049 council. The results shall be determined by a majority vote of the electors voting
1050 on any particular proposal.

1051 C. Proposals by the council and by petition may be submitted to the voters at
1052 the same election and voters may, at their option, accept or reject any or all such
1053 proposals. Should conflicting proposals be approved at the same election, the
1054 one receiving the greater number of affirmative votes shall prevail to the extent of
1055 such conflict.

1056 | D. Proposals to amend or ~~repeal~~replace this charter shall not be submitted
1057 more often than every two (2) years and no amendment or ~~repeal~~replace shall
1058 shorten the term for which any official was elected or reduce the salary of office
1059 for that term.

1060
1061 **Section 7-05. Employee representation.**

1062 A. The right of the City employees to be represented by union organizations for
1063 the purpose of collective bargaining with reference to compensation or working
1064 conditions is hereby recognized.

1065 B. Any negotiations by the City with any such employee union representative
1066 shall be by the mayor or his designee. Final approval of any labor contracts with
1067 municipal employees shall rest with the council and shall be by ordinance.

1068
1069 **Section 7-06. Bonding of officers.**

1070 The director of administration and such other City officers or employees as the
1071 council may designate shall give bond in the amount and with the surety prescribed by
1072 the council. The premiums on such bonds shall be paid by the City.

1073
1074 **Section 7-07. Oath of office.**

1075 All elected officials of the City shall take an oath of office before entering upon
1076 the duties of their offices. The oath may be administered by any person qualified by law
1077 to do so.

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1079

Section 7-08. Personnel administration.

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A. Prior to being effective, any proposed system of personnel administration shall be submitted by the mayor to the council for approval and adoption in an administrative code.

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B. Any employee holding a City position at the time this charter takes full effect, who was serving in that same or comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position but in all other respects shall be subject to any personnel system adopted in accordance with the provisions of this charter.

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1089

C. The following shall not be members of the classified personnel system of the City:

1090

(1) The mayor, the mayor's secretary and any assistants to the mayor.

1091

(2) The clerk of the council.

1092

(3) The city attorney and any assistant city attorneys.

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1094

(4) Directors of departments created in accordance with the provisions of this charter.

1095

(5) Any employee appointed directly by the council.

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1097

Section 7-09. Boards and commissions.

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1101
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A. The mayor may appoint boards and commissions, subject to council confirmation, to advise him regarding the operations of City services or other activities. No such board or commission shall exercise any administrative or legislative responsibility. This provision shall not apply to a board or commission created by ordinance or in accordance with general state law.

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1104

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

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

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1108

Section 7-10. Facsimile signatures.

1109 Facsimile signatures are authorized for negotiable instruments and multiple
1110 certificates of indebtedness in those cases where an official is required by law to sign.

1111
1112 **Section 7-11. Reconstitution of government.**

1113 In the event of war or public disaster that incapacitates the mayor and/or a
1114 majority of the council, the remaining members of the government may act on an
1115 emergency basis and appoint such other officials as is necessary to reconstitute a
1116 government of the City. It shall be the intent of this section that these emergency
1117 powers shall subsist only so long as an emergency exists and that regularly constituted
1118 elections shall be held as soon as it is judicially determined that conditions permit their
1119 being held.

1120 **ARTICLE VIII. TRANSITIONAL PROVISIONS**

1121
1122 **Section 8-01. Council districts.**

1123 A. Council District One shall consist of that part of the City bounded by a line
1124 extending northerly along the Illinois Central Railroad tracks from their
1125 intersection with Robinson Street or an extension of the centerline thereof (also
1126 known as the east-west railroad right of way) to their intersection with an
1127 extension of the centerline of Carter Lane; westerly along an extension of the
1128 centerline of Carter Lane and the centerline of Carter Lane to North Oak Street;
1129 northerly along the centerline of North Oak Street to Columbus Drive; easterly
1130 along the centerline of Columbus Drive to the Illinois Central Railroad tracks;
1131 northerly along said tracks to their intersection with the City limit; easterly along
1132 the City limit and following the City limit to Robinson Street or an extension of the
1133 centerline thereof (also known as the east-west railroad right of way); westerly
1134 along the centerline of said street or railroad right of way to point of beginning.

1135 B. Council District Two shall consist of that part of the City bounded by a line
1136 extending easterly along the centerline of Robinson Street or an extension
1137 thereof (also known as the east-west railroad right of way) from its intersection
1138 with the north-south Illinois Central Railroad tracks to the City limit; southerly
1139 along the City limit and following the City limit to the Illinois Central Railroad
1140 tracks; northerly along said tracks to their intersection with an extension of the
1141 centerline of Second Avenue; westerly along an extension of the centerline of
1142 Second Avenue and the centerline of Second Avenue to South Oak Street;
1143 northerly along the centerline of South Oak Street to Sentell Drive; westerly along
1144 the centerline of Sentell Drive and continuing along the centerline of Stanley
1145 Street to the western boundary of Zemurray Park; northerly along the western
1146 boundary of Zemurray Park to West Coleman Avenue; easterly along the
1147 centerline of West Coleman Avenue to an extension of the centerline of South

1148 Spruce Street; northerly along an extension of the centerline of South Spruce
1149 Street and the centerline of South Spruce Street and North Spruce Street to the
1150 centerline of Robinson Street or an extension thereof (also known as the east-
1151 west railroad right of way); easterly along the centerline of said street or railroad
1152 right of way to point of beginning.

1153 C. Council District Three shall consist of that part of the City bounded by a line
1154 extending southerly along the centerline of South Spruce Street from its
1155 intersection with West Thomas Street and continuing along an extension of the
1156 centerline of South Spruce Street to its intersection with West Coleman Avenue;
1157 westerly along the centerline of West Coleman Avenue to the western boundary
1158 of Zemurray Park; southerly along the western boundary of Zemurray Park to
1159 Stanley Street; easterly along the centerline of Stanley Street and continuing
1160 along the centerline of Sentell Drive to South Oak Street; southerly along the
1161 centerline of South Oak Street to Second Avenue; easterly along the centerline
1162 of Second Avenue and continuing along an extension of the centerline of Second
1163 Avenue to its intersection with the Illinois Central Railroad tracks; southerly along
1164 said tracks to the City limit; westerly and then southerly along the City limit and
1165 continuing along the City limit to U. S. Highway 51; northerly along the centerline
1166 of Highway 51 to Corbin Road; easterly along the centerline of Corbin Road to
1167 Natchez Street; northerly along the centerline of Natchez Street to West Thomas
1168 Street; easterly along the centerline of West Thomas Street to point of beginning.

1169 D. Council District Four shall consist of that part of the City bounded by a line
1170 extending westerly along the centerline of West Thomas Street from its
1171 intersection with Spruce Street to Natchez Street; southerly along the centerline
1172 of Natchez Street to Corbin Road; westerly along the centerline of Corbin Road
1173 to U. S. Highway 51; southerly along the centerline of U. S. Highway 51 to the
1174 City limit; southerly along the City limit and continuing along the City limit to its
1175 intersection with a line 146.5 feet east of and parallel to the east right of way of
1176 Elm Drive; southerly along said line to Columbus Drive; easterly along the
1177 centerline of Columbus Drive to Pecan Drive; southerly along the centerline of
1178 Pecan Drive to its intersection with an extension of the centerline of West Dakota
1179 Street; easterly along an extension of the center line of West Dakota Street and
1180 along the centerline of West Dakota Street to North Spruce Street; southerly
1181 along the centerline of North Spruce Street to point of beginning.

1182 E. Council District Five shall consist of that part of the City bounded by a line
1183 extending westerly along the centerline of West Dakota Street from its
1184 intersection with North Spruce Street and continuing along an extension of the
1185 centerline of West Dakota Street to its intersection with Pecan Drive; northerly
1186 along the centerline of Pecan Drive to Columbus Drive; westerly along the
1187 centerline of Columbus Drive to its intersection with a line 146.5 feet east of and
1188 parallel to the east right of way of Elm Drive; northerly along said line to its
1189 intersection with the City limit; easterly along the City limit and continuing along
1190 the City limit to its intersection with the Illinois Central Railroad tracks; southerly

1191 along said tracks to their intersection with Columbus Drive; westerly along the
1192 centerline of Columbus Drive to North Oak Street; southerly along the centerline
1193 of North Oak Street to Carter Lane; easterly along the centerline of Carter Lane
1194 and continuing along an extension of the centerline of Carter Lane to its
1195 intersection with the Illinois Central Railroad tracks; southerly along said tracks to
1196 their intersection with Robinson Street or an extension of the centerline thereof
1197 (also known as the east-west railroad right of way); westerly along the centerline
1198 of said street or railroad right of way to its intersection with North Spruce Street,
1199 northerly along the centerline of North Spruce Street to point of beginning.

1200 F. It is the intent of this charter that council district boundaries described in this
1201 section coincide with the map labeled Plan A prepared by the Public Affairs
1202 Research Council of Louisiana and submitted to United States District Judge
1203 Lansing L. Mitchell on March 14, 1977.

1204
1205 **Section 8-02. Continuation of officers.**

1206 Nothing in this charter shall be construed to affect the term of office of the mayor,
1207 commissioner of finance, commissioner of streets and parks or of any officer or member
1208 of a board or commission appointed for a fixed term. All such officers shall serve the
1209 terms for which elected or appointed until their successors are elected or appointed and
1210 qualified.

1211
1212 **Section 8-03. Continuation of actions.**

1213 A. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions,
1214 judgments, sentences, contracts, franchises, debt or other obligations due by the
1215 City, rights or causes of action, claims, demands, titles and rights existing on the
1216 effective date of this charter shall continue unaffected. All sentences for
1217 punishment for ordinance violations or for crime shall be executed according to
1218 their terms.

1219 B. All ordinances of the City in force prior to the effective date of this charter
1220 shall, insofar as they are not inconsistent with this charter, remain in full force
1221 and effect until amended or repealed by the council or until they expire by their
1222 own limitation. All actions of the mayor and the commission council and all
1223 administrative rules and regulations, not inconsistent with this charter, shall
1224 remain and be in full force and effect until changed or repealed.

1225
1226 **Section 8-04. Special districts.**

1227 Any special district heretofore established and existing in the City shall continue
1228 to exist to effectuate the purpose for which it was created, to complete any works begun

1229 or authorized therein to pay the debts of the district and to levy taxes and other charges
1230 as may have been or may be legally authorized in the district.

1231
1232 **Section 8-05. Special acts.**

1233 All special acts pertaining to the City, insofar as they are in conflict with the
1234 provisions of this charter, shall henceforth be inoperative and of no effect.

1235
1236 **Section 8-06. City retirement systems.**

1237 All pension or retirement systems presently in existence in the City shall not be
1238 affected in any way by this charter and shall remain in full force and effect and shall be
1239 carried out and regulated in accordance with applicable laws and procedures.

1240
1241 **Section 8-07. Declaration of intent.**

1242 This charter shall be liberally construed in aid of its declared intent which is to
1243 establish for the people of the City effective home rule free from legislative interference
1244 as to the structure and organization of its local government, and with the power and
1245 authority to manage its local affairs, all as contemplated and intended by the provisions
1246 of Article VI, Sections 5 and 6 of the constitution.

1247
1248 **Section 8-08. Severability.**

1249 If any provision of this charter is declared invalid for any reason, that provision
1250 shall not affect the validity of this charter or any other provision thereof.

1251
1252 **Section 8-09. Schedule of transition.**

1253 The provisions of this charter pertaining to the election of the mayor and council
1254 created hereunder shall go into effect on the date established by the judicial order
1255 implementing this charter, the intent being to provide for the election of the officials of
1256 the government in the Hammond municipal election of 1977. The remaining provisions
1257 of the charter shall become effective on the date of taking office of the newly elected
1258 mayor and council, such date being provided in Section 8-10 (Election of Officials).

1259
1260 **Section 8-10. Election of officials.**

1261 The municipal election to coincide with the State Congressional Elections.

1262 (Ord. No. 2163, C.S., § 1(4), 1-3-89)