

CITY OF ZACHARY HOME RULE CHARTER

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

Section 1-01. Incorporation.

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

Section 1-02. Home Rule Charter.

The 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 the "constitution". The City of Zachary 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 1-03. Form of Government.

The plan of government provided by this Home Rule Charter shall be known as the "mayor-council" form of government.

Section 1-04. Boundaries.

The boundaries of the City 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 1-05. General Powers.

Except as otherwise provided by this charter, the City shall continue to have all the powers, rights, privileges, immunities and authority heretofore possessed by the City under the laws of the state. The City shall have and exercise such other powers, rights, privileges, immunities, authority and functions not inconsistent with this charter as may be conferred on or granted to a local governmental Subdivision by the constitution and general laws of the state and, more specifically, the City 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. 1-06. Special Powers.

The City shall also have the right, power and authority to exercise general police power and to this end the governing authority of the City is specially empowered to pass all

ordinances requisite or necessary to promote, protect and preserve the general welfare, safety, health, peace and good order of the City, including, but not by way of limitation, the right, power and authority to pass ordinances on all subject matters necessary, requisite or proper for the management of the City's affairs, and all other subject matters 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] City.

Section 1-07. Joint Service Agreements.

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

ARTICLE II. CITY COUNCIL

Section 2-01. Composition, Qualifications and Election.

- A. The legislative power of the City shall be vested in a council consisting of five (5) members. Council members shall be elected by single member districts by all the qualified electors of the City. The boundaries of the single member districts shall be established by ordinance.
- B. A member of the council shall be elected for a four (4) year term concurrent with that of the mayor and shall be eligible for re-election.
- C. A council member shall be at least eighteen (18) years of age and a qualified elector of the municipality.
- D. A council member shall have been legally domiciled for at least (1) year immediately preceding the time established by law for qualifying for office within the district sought to be represented. Once elected, a council member shall continue to be legally domiciled within the elected district during the term of office, or if elected after reapportionment, within the district he represents at the time he is sworn into office.
- E. Elections shall be held in accordance with the election laws of the state.

Section 2-02. Vacancies.

- A. The office of a council member shall become vacant upon death, resignation, removal from office in any manner authorized by law, forfeiture of office or failure to take office for any reason.
- B. A council member shall forfeit the office if such member during the term of office: (1) lacks at any time during the term of office any qualification for the office prescribed by this charter, or (2) is convicted of a state or federal felony.
- C. A vacancy on the council shall be filled by appointment of a person meeting the qualification 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 municipal offices. An appointee shall be eligible as a candidate for council member at the election to fill the vacancy.

Section 2-03. Compensation.

- A. Monthly compensation for council members is mandated and shall be set by ordinance. Once set by ordinance, the compensation shall remain fixed unless and until changed by ordinance; but such setting shall not reduce the salary of council members during the term for which they were elected. For purposes of the initial fixing, the ordinance in place at the time of the approval by the electors of the new charter or amendments shall become the effective compensation benchmark. No ordinance changing the compensation of council members shall be adopted during the last year of a term of office. Any ordinance changing the salary or other monetary compensation shall become effective twelve months from the date of adoption.
- B. The council, by ordinance may adopt a system for reimbursement, upon presentation of properly documented receipts, of reasonable expenses necessary to the performance of official duties by a council member while outside the City.

Section 2-04. Prohibitions.

- A. Except as otherwise provided in Section 3-06 (Mayor's Temporary Absence and Disability), a council member shall not hold any other elected public office, City office or City employment during the term for which elected to the council. No former council member shall hold any compensated appointive City office or City employment until one (1) year after the expiration of the term for which elected to the council.
- B. Except as provided elsewhere in this charter neither the council nor any of its members shall involve themselves in any manner in the appointment, removal, direction or supervision of any City administrative officer or employee.

Section 2-05. Investigations.

The council, by the favorable vote of at least two-thirds of its authorized membership, may make investigations into the affairs of the City and the related conduct of any City official, officer, employee, department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. The council may provide by ordinance for the punishment, as a misdemeanor, of a person for the willful failure or refusal to obey such subpoena or request for evidence. Investigations by the council shall be for specified purposes.

Section 2-06. Independent Audit.

The council shall provide for an annual, independent post-audit, and such additional audits as it deems necessary, of the accounts and other evidence of financial transactions of the City, including those of all City departments, offices or agencies. Auditors shall be designated by the council, shall be without personal interest in the affairs subject to audit and shall be a certified public accountant or firm of such accounts. The audit shall be submitted to the council at one of its regularly scheduled meetings and shall be a public record, and summary thereof shall be published at least once in the official journal. The council may accept audits by the state that satisfy the requirement of the council.

Section 2-07. Clerk of Council.

The council shall appoint a clerk of the council who shall serve in this capacity 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 perform such other duties as are assigned to the position by this charter or by the council.

Section 2-08. Council Meetings and Rules.

- A. Unless, by the favorable vote of at least two-thirds of its authorized membership, the council shall meet regularly twice a month at such times and places as the council may prescribe by resolution adopted within thirty (30) days after taking office. Special meetings may be held on the call of the presiding officer or a majority of the authorized council membership and upon no less than twenty-four (24) hours' written notice to each member. To meet a public emergency affecting life, health, property or public safety, the council may meet upon call of the presiding officer or a majority of the authorized council membership at whatever notice it shall be practical to give. The call convening a special meeting of the council shall state the objects of the meeting and the power of the council to act at a special meeting shall be limited, under penalty of nullity, to the objects specifically enumerated in the call.
- B. All meetings of the council or its committees shall be held in compliance with state law governing public access to meetings of governing bodies. A meeting closed to the public shall be limited to matters allowed by law to be exempted from discussion at open meeting. No final or binding action shall be taken during a closed meeting.
- C. The council shall determine its own rules and order of business and shall provide for keeping a journal of its minutes and proceedings. This journal shall be public record.
- D. At all regular meeting of the council and at all special meeting held upon no less than twenty-four (24) hours' written notice, the council shall operate from an agenda which shall be made available to the public prior to the meeting.
- E. The council shall provide by resolution a procedure whereby interested persons shall be given an opportunity to be heard on any matter coming before the council.
- F. At the first regular meeting of a newly elected council and annually thereafter, a mayor pro tempore shall be elected from among the council membership. The mayor pro

tempore shall preside at meetings of the council. In the absence or disqualification of the mayor pro tempore, the council shall designate one of its other members as acting mayor pro tempore.

- G. All voting shall be by roll call, and the ayes and nays shall be recorded in the minutes of the council by the individual vote of each council member. Not less than a majority of the authorized 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 the council rules.

Section 2-09. Action Requiring an Ordinance.

- A. An act of the council having the force of law shall be by ordinance. An act requiring an ordinance shall include, but not be limited to, those which:
 - (1) Adopt or amend an administrative code;
 - (2) Provide a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty may be imposed;
 - (3) Levy taxes or assessments as provided by law;
 - (4) Appropriate funds and/or adopt the budget and capital improvement program for the City;
 - (5) Grant, renew or extend a franchise;
 - (6) Provide for raising revenue;
 - (7) Regulate the rate or other charges for service by the City;
 - (8) Authorize the borrowing of money;
 - (9) Incur debt in any manner authorized by law;
 - (10) Abandon any property owned by the City;
 - (11) Convey or lease or authorize the conveyance or lease of any land or property of the City;
 - (12) Acquire or convey real property on behalf of the City;
 - (13) Extend or contract corporate limits;
 - (14) Adopt or modify an official map, platting or subdivision controls or regulations or the zoning plan;
 - (15) Adopt, without substantive amendment, ordinance proposed under the initiative power;
 - (16) Amend or repeal any ordinance, previously adopted;
 - (17) Propose amendments to this Charter.
- B. Acts other than those referred to above may be done either by ordinance or by resolution. All ordinances and resolutions shall be passed by the favorable vote of at least a majority of the authorized membership of the council.

Section 2-10. Ordinances in General.

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

- B. All proposed ordinances shall be read by title when introduced and established in full or by title prior to final consideration. Except as otherwise provided in Section 2-12 (Emergency Ordinances), no ordinance shall be considered for final adoption until it has laid over at least fourteen (14) calendar days from date of introduction and unless a public hearing has been held on the ordinance.
- C. With the final approval of ordinances by the mayor, or the council in case of a veto by the mayor, 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 codes of technical regulations or adopting or amending the operating budget or capital improvement program 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 ten (10) calendar days after publication by the council or if the ordinance is adopted through a majority vote in a referendum election, then ten (10) calendar days after promulgation and publication of the election results by the council.

Section 2-11. Submission of Ordinances to the Mayor.

- A. Every ordinance adopted by the council shall be signed by the mayor pro tempore and presented to the mayor within seven (7) calendar days after adoption, excluding Saturdays, Sundays, and state holidays. The clerk of the council shall record upon the ordinance the date and hour of its delivery to the mayor.
- B. Within seven (7) calendar days after the mayor's receipt of an ordinance, excluding Saturdays, Sundays and state holidays, 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 by the mayor, or the mayor has taken no action, it shall be considered finally enacted and become effective as provided in Section 2-10 (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. 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 ordinance adopting the operating budget and capital improvement program.
- C. Ordinances vetoed by the mayor shall be submitted by the clerk to the council no later than the next regular meeting held after receipt of the vetoed ordinance from the mayor. Should the council vote, not later than the second regular meeting held after receipt of the vetoed ordinance, to readopt ordinance by the favorable vote of at least two-thirds of its authorized membership, said ordinance shall be considered finally enacted and become law effective as provided in Section 2-10 regardless of the veto by the mayor.
- 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; establish, alter or modify council procedure; appropriate funds for auditing or investigating any part of the executive branch, or which the council has received specific approval to enact the ordinance following a referendum vote of the people.

Section 2-12. Emergency Ordinances.

- A. To meet a public emergency affecting life, health, property or public safety, the council by the favorable vote of at least a majority of the 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 5-04.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 City. Each emergency ordinance shall contain a specific statement of the emergency claimed.
- B. Notwithstanding the provisions of Section 2-11 (Submission of Ordinances to the Mayor), any emergency ordinance adopted by the council shall be signed by the mayor pro tempore and presented to the mayor within six (6) hours after adoption. Within twelve (12) hours after the mayor's receipt of an emergency ordinance, it shall be returned to the clerk of the council. If the emergency ordinance has been approved by the mayor, or the mayor has taken no action, it shall be considered finally enacted and become effective immediately upon receipt by the clerk. If the emergency ordinance is vetoed, the mayor 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 the dates and hours of its delivery to and receipt from the mayor. Should the council vote, not later than twelve hours after receipt of the vetoed emergency ordinance by the favorable vote of at least two-thirds of its authorized membership, said emergency ordinance shall be considered finally enacted and become law immediately upon readoption, regardless of the veto by the mayor. Upon final approval by the mayor, or the council in case of a veto by the mayor, such enacted emergency ordinances shall be published in the official journal by the clerk as soon as practical thereafter either in full or in summary at the discretion of the council.
- C. Emergency ordinances shall be effective for no longer than sixty (60) calendar days.

Section 2-13. Codes of Technical Regulations.

The council, by ordinance, may adopt any standard code of technical regulations by reference. The procedure and requirements governing the adoption of such ordinances shall be as prescribed for ordinance generally. Copies of any proposed code shall be available for public review. A copy of each adopted code of technical regulations as well as the adopting ordinance shall be authenticated and recorded by the clerk of the council in the official records of the City. 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 2-14. 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, whether in digital or electronic format or otherwise. 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 reproduced digitally or otherwise in a prompt manner following enactment and such printed or reproduced amendments and ordinances, including codes of technical regulations adopted by reference pursuant to Section 2-13 (Codes of Technical Regulations), shall be distributed or sold to the public at reasonable prices.

Section 2-15. Power to Levy Taxes.

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

Section 2-16. Powers of Enforcement.

For the purpose of carrying out the powers generally or specially conferred on the City, the council shall have the power, whenever it deems it necessary, to grant franchises, to require licenses and permits and fix the fees to be paid therefore, 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, ordinance or regulation.

ARTICLE III. EXECUTIVE BRANCH

Section 3-01. Executive Authority.

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

Section 3-02. Election.

The mayor shall be elected at large by all the qualified electors of the City according to the election laws of the state for a four (4) year term concurrent with that of the council and shall be eligible for reelection.

Section 3-03 Qualifications.

- A. The mayor shall be at least twenty-five (25) years of age, a qualified elector of the municipality and shall have been legally domiciled 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 City.
- B. The mayor shall continue to be legally domiciled within the City during the term of office. Should the legal domicile of the mayor change from the City, the office shall automatically become vacant, which vacancy shall be filled as set out hereinafter.

Section 3-04. - Forfeiture of Office.

The office of mayor shall be forfeited if the officeholder during the term of office: (1) Lacks at any time during the term of office any qualification for the office prescribed by this charter, or (2) is convicted of a state or federal felony.

Section 3-05. Vacancies.

- A. The office of mayor shall become vacant upon the death, resignation, removal from office in any manner authorized by law, forfeiture of office by the officeholder or failure to take office for any reason.
- B. A vacancy in the office of mayor shall be filled by appointment of a person meeting the qualifications for office by a majority of the authorized council membership. 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 municipal offices. An appointee shall be eligible as a candidate for mayor at the election to fill the vacancy.
- C. Appointment of a council member to fill a vacancy in the office of mayor shall immediately create a vacancy on the council, which vacancy shall be filled in the manner prescribed by this Charter.

Section 3-06. Mayor's Temporary Absence and Disability.

- A. During the temporary absence of the mayor from the City the mayor may designate the chief administrative officer or other appointed City employee as his/her representative by a letter filed with the clerk for the council.
- B. If the mayor is physically absent from the City for a period of 180 consecutive days, the council shall have the authority upon the favorable vote of a majority of its authorized membership to declare the office of the mayor vacant.
- C. Whenever the mayor transmits to the clerk of the council a written declaration stating an inability to discharge the powers and duties of the office, and until the mayor transmits to the clerk of the council a written declaration to the contrary, such powers and duties shall be discharged by the chief administrative office as acting mayor.

1. If the chief administrative officer is unable to discharge the powers and duties of the office of the mayor, such powers and duties shall be discharged by a department head appointed by the council.
 2. Should the mayor be unable to discharge the powers and duties of the office for a period exceeding 180 consecutive days, the council shall have the authority upon the favorable vote of a majority of its authorized membership to declare the office of mayor vacant due to disability.
- D. Whenever a panel of three (3) qualified medical experts, designated by resolution adopted by the favorable vote of at least a majority of the authorized membership of the council, transmits to the clerk of the council its written declaration that the mayor is unable to discharge the powers and duties of the office, the chief administrative officer shall immediately assume said powers and duties of the office as acting mayor. The chief administrative officer shall serve as acting mayor until a panel of three (3) qualified medical experts, designated by resolution adopted by the favorable vote of at a majority of the authorized membership of the council, transmits to the clerk of the council its written declaration that the mayor's inability has ended or the office is declared vacant.
1. If the chief administrative officer is unable to discharge the powers and duties of the office of the mayor, such powers and duties shall be discharged by a department head appointed by the council.
 2. Should the mayor be unable to discharge the powers and duties of the office for a period exceeding 180 consecutive days, the council shall have the authority upon the favorable vote of a majority of its authorized membership to declare the office of mayor vacant due to disability.

Section 3-07. Compensation.

The office of the mayor shall be considered to be a full-time position. The mayor shall be paid an annual salary and offered all full time employment benefits. In addition, the mayor shall be entitled to be furnished a suitable automobile and a monthly expense account in an amount to be fixed by the council. The mayor's compensation including salary and benefits together with monthly expense accounts shall initially be set by ordinance but such setting shall not reduce the salary of the mayor during the term for which he was elected. For purposes of the initial fixing, the ordinance in place at the time of the approval by the electors of the new charter or amendments shall become the effective salary benchmark. No ordinance changing the compensation or granting any monetary compensation of the mayor shall be adopted during the last year of a term of office. Any ordinance changing the salary or other monetary compensation shall become effective twelve months from the date of adoption.

Section 3-08. Powers and Duties of the Mayor.

The mayor, as chief executive officer of the City, shall have the following powers and duties:

- (1) See that all laws, provisions of this charter and acts of the council, subject to enforcement by the mayor or by officers subject to the mayor's discretion and supervision, are faithfully executed; and

- (2) Appoint and suspend or remove for just cause all City employees and appointive administrative officers provided for, by or under this charter, except as otherwise provided by law, this charter or civil service or other personnel rules adopted pursuant to this charter. The mayor may authorize any administrative officer who is subject to the mayor's direction and supervision to exercise these powers with respect to subordinates in the officer's department, office, or agency; and
- (3) Attend council meetings with the right to take part in discussion but not to vote; and
- (4) Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this charter; and
- (5) Prepare and submit the annual budget and five (5) year capital program to the council; and
- (6) Submit to the council and make available to the public, within ninety (90) calendar days after the end of the fiscal year, a complete report on the finances and administrative activities of the City as of the end of each fiscal year; and
- (7) Make such other reports as the council may reasonably request to enable the council to conduct its councilmanic function; and
- (8) Keep the council fully advised as to the financial condition and future needs of the City and make such recommendations to the council concerning the affairs of the City as deemed desirable; and
- (9) Perform such other duties as are specified in this charter or may be required by the council.

Section 3-09. Prohibitions.

The mayor shall hold no other elected public office nor any compensated appointive City office or City employment during the term of office for which elected.

ARTICLE IV. ADMINISTRATION

Section 4-01. General Provisions.

Except as otherwise provided by this charter all departments, offices, and agencies shall be under the direction and supervision of the mayor, and the heads of all departments created by or under this charter; shall be appointed by the mayor, subject to confirmation by the council, and shall serve at the discretion of the mayor.

Section 4-02. Chief Administrative Officer.

A. The chief administrative officer shall be subject to the same domiciliary requirements as provided by this charter for department heads. the chief administrative officer shall be appointed by the mayor, subject to confirmation by the council, and shall serve at the discretion of the mayor. In addition to the supervision of all departments, offices, and agencies, the duties of the chief administrative officer shall be directed by the mayor and may include, but are not limited to, the following:

- (1) Provide general administrative services; and

- (2) Procure all personal property, materials, supplies and services required by the City under a central purchasing system for all departments in accordance with applicable state law, council policy and administrative requirements; and
- (3) Coordinate, direct and be responsible for preparing all intergovernmental grant applications on behalf of the City and keeping City departments, offices and agencies informed of all relevant local, state and federal programs; and
- (4) Maintain an inventory of all City property, movable and immovable; and
- (5) Do and perform such other actions as may be directed by the mayor.

B. The chief administrative officer may also assist the chief financial officer, with the following:

- (1) Perform billing and collection for City-owned utilities; and
- (2) Invest all idle City funds, as permitted by law as a prudent fiduciary; and
- (3) Collect and have custody of all monies of the City from whatever source; and
- (4) Assist the mayor in the preparation of the operating budget and capital improvement program; and
- (5) Maintain a record of indebtedness and have charge of the payment of the principal and interest on such indebtedness; and
- (6) Ascertain that funds are available for payment of all contracts, purchase orders and any other documents which incur financial obligation for the City and that such documents are in accordance with established procedures; and
- (7) Disburse all funds from the City treasury as authorized; and
- (8) Administer a uniform central accounting system for all City departments using nationally accepted standards where applicable.

Section 4-03. City Attorney and Assistant City Attorney(s).

A. 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.

B. At the first regular meeting of the city council elected at a regular municipal election, the mayor, subject to confirmation by the council shall appoint a city attorney. The city attorney shall be a public officer and shall serve at the discretion of the mayor. the city attorney shall serve as chief legal adviser to the mayor, council and all departments, offices and agencies, and shall oversee the representation of or represent the City in all legal proceedings and shall perform any other duties as prescribed by the mayor, this charter, or by ordinance.

C. Any assistant city attorney(s) shall be licensed to practice in the courts of Louisiana with at least five (5) years' experience in the practice of law. Any assistant city attorney(s) shall serve under the direction and supervision of the city attorney, but shall be appointed by the mayor, subject to confirmation by the council, and shall serve at the discretion of the mayor.

D. Special legal counsel may be employed by the City only by written contract after appointment by the mayor and the advice and consent of the council.

Section 4-04. City Prosecutor and Assistant City Prosecutor(s). .

- A. The city prosecutor shall be an attorney licensed to practice in the courts of Louisiana with at least five (5) years' experience in the practice of law.
- B. The city prosecutor shall have charge of all criminal matters prosecuted by the city.
- C. The city prosecutor may be recommended by the city attorney and shall be appointed by the mayor upon the consent of the council and serve at the discretion of the mayor. Any city prosecutor may be removed by the mayor, but such removal shall be subject to consent of the council for such termination
- D. Any assistant city prosecutor(s) may be recommended by the city attorney and shall be appointed by the mayor upon the advice and consent of the council and serve at the pleasure of the mayor. Any assistant city prosecutor(s) shall serve under the direction and supervision of the city prosecutor. To promote independent function, prevent potential conflict, and to provide for resolution of conflicts, any assistant city prosecutor(s) shall not be a member of the same firm as the city prosecutor. The city prosecutor and any assistant city prosecutor(s) are charged with and shall abide by all rules of ethical and professional conduct applicable to attorneys practicing in Louisiana.
- E. In the event that the city prosecutor and/or any assistant city prosecutor(s) is unable to perform the duties of the city prosecutor due to necessary recusal or temporary absence, the mayor upon the recommendation of the city attorney may appoint an attorney licensed to practice in the courts of Louisiana with at least five (5) years' experience in the practice of law and not otherwise affiliated with the city to act as the city prosecutor ad hoc. Said city prosecutor ad hoc may be compensated for his service and shall serve for the duration of the recusal or absence and at the discretion of the mayor.

Section 4-05. Chief Financial Officer.

At the first regular meeting of the city council elected at a regular municipal election, the mayor, subject to confirmation by the council shall appoint a chief financial officer who shall serve as chief financial adviser to the mayor, council and all departments, offices and agencies. The chief financial officer shall be a public officer and shall serve at the discretion of the mayor. The duties of the chief financial officer shall be directed by the mayor and may include, but are not limited to, the following:

- 1) collect and have custody of all monies of the city from whatever source; and
- 2) assist the mayor in the preparation of the operating budget and capital improvement program; and
- 3) maintain a record of indebtedness and have charge of the payment of the principal and interest on such indebtedness; and
- 4) ascertain that funds are available for payment of all contracts, purchase orders and any other documents which incur financial obligation for the city and that such documents are in accordance with established procedures; and
- 5) disburse all funds from the city treasury as authorized; and

- 6) administer a uniform central accounting system for all city departments using nationally accepted standards where applicable; and
- 7) prepare a monthly statement of revenues and expenditures to show the financial condition of the city; and furnish all other such financial information as requested by a member of the council.
- 8) perform billing and collection for city-owned utilities; and
- 9) invest all idle city funds, as permitted by law as a prudent fiduciary; and
- 10) do and perform such other actions as may be directed by the mayor.

Section 4-06. Police Department.

A. The head of the Police Department shall be the police chief who shall be elected at large by all the qualified electors of the city in accordance with the election laws of the state.

B. The police chief shall be elected for a four (4) year term concurrent with that of the mayor and shall be eligible for reelection.

C. The police chief shall be a qualified elector of the municipality and shall have been legally domiciled 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 City. The police chief shall continue to be legally domiciled within the City limits during the term of office. Should the legal domicile of the police chief change from the City, the office shall automatically become vacant, which vacancy shall be filled as set out hereinafter.

D. The office of police chief shall be considered to be a full-time position. The police chief shall be paid an annual salary and offered all full time employment benefits. The annual salary of the police chief shall be set by ordinance, but such setting shall not reduce the salary of the police chief during the term for which he was elected. For purposes of this initial fixing, the ordinance in place at the time of the approval by the electors of the new charter or amendments shall become the effective salary benchmark. No ordinance changing the salary or granting any other monetary compensation shall be adopted during the last year of a term of office. Any ordinance changing the salary or other monetary compensation shall become effective twelve months from the date of adoption.

E. Unless otherwise authorized by state law, the police chief shall serve as marshal of the city court and may appoint more or more deputy marshals having the same powers and authority as the marshal, but the police chief shall be responsible for their actions. The police chief shall direct and be responsible for the preservation of public peace and order; prevention of crime; apprehension of criminals; assistance to the courts and other law enforcement officials; and the enforcement of the laws of the state and the ordinances of the council. The police chief shall be the appointing authority of all personnel within the Police Department.

F. The office of police chief shall be forfeited if the officeholder during the term of office:

- (1) Lacks at any time during the term of office any qualification for the office prescribed by this charter, or
- (2) Is convicted of a state or federal felony.

G. The office of police chief shall become vacant upon death, resignation, removal from office in any manner authorized by law, forfeiture of office by the officeholder or failure to take office for any reason.

H. A vacancy in the office of police chief shall be filled by appointment of a person meeting the qualifications for office by the mayor with the consent of the majority of the authorized council membership. If one (1) year or less of the unexpired term remains when the vacancy occurs, the person appointed shall serve as acting chief for the remainder of the term. If the vacancy occurs more than one (1) year prior to the expiration of the term, the person appointed shall serve as acting chief 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 municipal offices.

I. The police chief shall hold no other elected public office nor any compensated appointive City office or City employment during the term of office for which elected.

Section 4-07. Fire Department.

- A. The head of the Fire Department shall be the fire chief. The fire chief, at the time of appointment, shall have a minimum of five (5) years' experience in fire protection with at least three (3) years of that experience in command or supervisory positions and successfully completed a local, state or national fire protection training school.
- B. The fire chief shall direct and be responsible for fire prevention; fire extinguishments and salvage operations; inspections, recommendations and enforcement concerning the fire code of the City, investigations of fires and their causes; the conduct of the fire safety and prevention program, and operation of the City's emergency rescue service.

Section 4-08. Public Works Department.

- A. The head of the Public Works Department shall be the public works director. The public works director, at the time of the appointment, either shall be a graduate registered professional engineer with a minimum of three (3) years related public works or utilities experience in a responsible managerial or administrative position or shall have a minimum of five (5) years of related public works or utilities experience in a responsible managerial or administrative position.
- B. Duties of the Public Works Director shall be directed by the Mayor and may include, but are not limited to, the following:
 - (1) Engineering services for City departments and agencies except as may otherwise [be] provided; and

- (2) Supervision of all contract construction work; and
- (3) Maintenance of all city property; and
- (4) Mapping and surveying, including maintenance of any City map land use and/or zoning district map; and
- (5) Construction and maintenance of streets, sidewalks, bridges and drainage facilities performed by the City, including cleaning of streets; and
- (6) Traffic engineering; and
- (7) Garbage and trash collection and disposal; and
- (8) Inspections, licensing and permit issuance in conjunction with the enforcement of zoning ordinances and building and other technical codes; and
- (9) Operation of a central facility for the repair and maintenance of City vehicles and equipment; and
- (10) Coordination of all public works and utilities planning activities; and
- (11) Water production, collection, treatment and distribution; and
- (12) Sanitary sewerage collection, treatment and disposal; and
- (13) Natural gas collection, treatment and distribution; and
- (14) Other such public works or utilities activities as may be directed by the mayor.

Section 4-09. Other Departments.

Except as otherwise provided by this charter, all City departments, offices, agencies and function in existence of the effective date of this charter shall continue in existence as organized on that date until the council shall adopt a reorganization plan in accordance with Section 4-11 (Administrative Reorganization).

Section 4-10. Personnel Administration.

- A. The Municipal Employees Civil Service for the City established by the Legislature by Act 557 of 1974 is hereby incorporated in this charter and shall continue in full force effect and be carried out and regulated in accordance the provisions of said act.
- B. The following shall not be members of the classified personnel system of the City.
 - (1) All elected City officials.
 - (2) The mayor's secretary and any assistants to the mayor.
 - (3) Employees hired on a temporary or contractual basis.
 - (4) The chief administrative officer.
 - (5) The city attorney and any assistant city attorneys.
 - (6) Heads of departments created by or under this charter or continued in accordance with the provision of this charter.
 - (7) Any employee appointed directly by the council.
- C. Any person who is a member of the classified service of the City who shall be appointed to any unclassified position created by or under this charter shall serve in the unclassified position on a temporary only basis for a period of six (6) months following appointment. During this six (6) month period, the person shall retain classified status in the civil service and no appointment shall be made to fill the vacated classified position. At the conclusion of the six (6) month period, any person so appointed shall

decide either to continue in the unclassified position thereby giving up classified status or to return to the former position in the classified service.

- D. Any person who is a member of the classified service of the City at the time this charter becomes fully effective and whose position is made unclassified by this charter shall be given the opportunity of remaining a member of the classified service through reassignment to another position.
- E. Subsequent to the date this charter becomes fully effective, any change in the provisions governing the Municipal Employees Civil Service, other than those contained in this charter, shall be by ordinance.

Section 4-11. Administrative Reorganization.

- A. The mayor shall have the right as chief executive officer to propose to the council the creation, change, alteration, combination or abolition of the City departments, offices or agencies and/or the reallocation of the functions, powers, duties and responsibilities.
- B. At the meeting of the council at which the reorganization plan is submitted, the council shall order a public hearing on the plan to be held within thirty (30) days. The council shall cause to be published in the official journal at least ten (10) days prior to the date of such hearing, the time and place thereof, a general summary of the reorganization plan and the times and places where copies of the proposed reorganization plan are available for public inspection. At the time and place so advertised, the council shall hold a public hearing on the reorganization plan submitted.
- C. The council shall, within sixty (60) days following the date of the public hearing either approve or disapprove, but not amend except with written consent of the mayor, the proposed reorganization plan. Should the council fail to act within the prescribed time, the plan shall be deemed approved.
- D. All departments, offices and agencies of the City, including those provided for in this charter, shall be subject to the reorganization provision of this section.

ARTICLE V. FINANCIAL PROCEDURES

Section 5-01. Fiscal Year.

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

Section 5-02. Operating Budget Preparation and Adoption.

- A. At least forty-five (45) days prior to the beginning of each fiscal year, the mayor shall submit to the council a proposed operating budget in the form required by Section 5-03. 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 to be published in the official

journal, at least ten (10) days prior to the date of such hearing, the time and place thereof, 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.

- B. The proposed budget and the attendant budget adoption instrument may be amended to the extent deemed appropriate by the governing authority at any point prior to final adoption. The operating budget program shall be finally adopted no later than the second to last regular meeting of the fiscal year. Upon final adoption, the budget shall be in effect for the ensuing fiscal year.
- C. The budget as finally adopted shall be reproduced and sufficient copies shall be made available for the use of all offices, departments and agencies of the City, and for the use of interested persons.
- D. If, at the end of any fiscal year, the proposed operating budget for the support of the political subdivision for the ensuing fiscal year have not been approved, then ninety (90%) percent of the amounts appropriated in the appropriation ordinance or resolution for the immediate last completed fiscal year shall be deemed reappropriated for the several objects and purposes specified in such appropriation ordinance.

Section 5-03. The Operating Budget Document.

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

Part I shall contain: (1) a budget message prepared by the mayor, which shall outline the proposed fiscal plan for the City 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 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 the actual figures for the last preceding fiscal year with explanations of increases or decreases recommended; (2) detailed estimates for 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; (3) delinquent taxes for current and preceding years, with the estimated percentage collectible; (4) statement of the indebtedness of the City, showing debt redemption and interest requirements, debt authorized and un-issued, and conditions of the sinking funds; and (5) 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 mayor certifies that there are available for appropriation revenues in excess of those estimated in the operating budget, the mayor may present a supplemental budget for the disposition of such revenues, and the council by ordinance may make supplemental appropriations for the year up to the amount of such excess in the same manner required for adoption of the budget.
- B. *Emergency Appropriations:* To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of this charter. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by such emergency ordinance borrow money in sums necessary to meet the emergency in accordance with procedures established by state law.
- C. *Reduction of Appropriations:* If at any time during the fiscal year it appears to the mayor that the revenues available will be insufficient to meet the amount appropriated, the mayor 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. Subject to the limitations in this section, the council may, by ordinance, reduce any appropriation at any time.
- D. *Transfer of Appropriations:* At any time during the fiscal year the mayor may transfer part or all of any unencumbered appropriations balance among programs within a department, office or agency. An unencumbered appropriation balance may be transferred from one department to another only upon council action by ordinance.
- E. *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 Program and Budget.

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

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

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 program is submitted, the council shall order public hearing on such capital improvement program and shall cause to be published in the official journal, at least ten (10) days prior to the date of such hearing, the time and place thereof, a general summary of the proposed capital improvement program and the times and places where copies of the proposed capital improvement program are available for public inspection. At the time and place so advertised the council shall hold a public hearing on the capital improvement program as submitted. The capital improvement program shall be finally adopted no later than the second to last regular meeting of the fiscal year. The capital improvement program as finally adopted shall be reproduced and sufficient copies shall be made available for use of all office, departments and agencies of the City, and for the use of all interested persons. If the budget has not been finally adopted by that date, the budget as submitted to the council by the mayor shall become effective.

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 mayor or the mayor'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 of the city to borrow funds in anticipation of revenues provided in the general laws of the state. Any authorization of payment on incurring of obligation in violation of the provisions of this charter shall be void and any payment so made illegal; such action shall be cause for removal of any official, officer or employee who knowingly authorized or made such payment or incurred such obligation or who caused such payment to be authorized or made or obligation to be incurred. Such persons shall also be liable to the City 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 or 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 ordinance.

Section 5-07. Lapse of Appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of 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 City is empowered to incur bonded debt in accordance with this charter and the constitution and statutes of the state, when approved by a majority of the authorized membership of the council. No ordinance shall be passed 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 final adoption.

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 and administrative requirements.

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

Section 6-01. Initiative and Referendum.

The electors of the City 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, fixing the salaries of City officers or employees or authorizing the repeal or reduction of the levy of any taxes. 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 proposed may desire. The petition shall contain the full text of the ordinance being proposed for adoption or repeal.

- (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 twenty-five (25) percent of the total number of registered voters of the City eligible to have participated in the last citywide regular or special election. There shall be noted after each signature on the petition the date signed and the address of the signer. Each person circulating a copy of the petition shall attach a sworn affidavit to it stating the number of signers and the fact that each signature was made in the presence of the circulator of the petition.
- (3) The signed petition 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 votes, 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 insufficiency and allow thirty (30) days for filing of additional papers, at the end of which time the sufficiency or insufficiency of the petition shall be determined finally.
- (4) Within thirty (30) days after a petition shall have been certified as sufficient by the council, the council shall cause the ordinance being proposed for adoption or repeal, or a summary thereof to be published in the official journal of the City 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 ten (10) 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.
- (5) If the council adopts an ordinance following the submission of an initiative petition as provided above, it shall be treated in all respects in the same manner as other ordinances of the same kind adopted by the council.
- (6) If an initiative proposal is submitted to a vote of the electors as provided in Section 6-01(4)b) above, the election shall take place on a date consistent with general state law for the holding of such an election preferably in an election already scheduled for other purposes, otherwise in a special election called by the Council. 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 an initiative proposal 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 during the term of the council in which it was adopted. The council, however, may submit proposals amending or repealing such ordinances to a vote of the electors.

Section 6-02. Recall.

- A. Any elected official of the City may be removed from office by the electors of the City through a recall process. The recall procedure 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 officer 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

Section 6-03. Removal by Suit.

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

ARTICLE VII. GENERAL PROVISIONS

Section 7-01. Legal Process.

Legal process against the City shall be served upon the mayor. In his absence, legal process shall be served in accordance with the Louisiana Code of Civil Procedure, as amended and all other Louisiana Law in general.

Section 7-02. Conflict of Interest.

- A. No privilege, rebate, reduced rate of any other thing of value may be directly or indirectly solicited or received by an officer, official or employee of the City from any person, firm or corporation doing business with the City.
- B. Any city officer or employee who has a substantial financial interest, direct or indirect or reason of ownership of stock in any corporation, in any contract with the City or in the sale of any land, material, supplies or services to the City or to a contractor supplying the City shall make known that interest and shall be prohibited from voting and otherwise participating in the capacity of a City officer or employee in making of such sale or in the making or performance of such contract.
- C. Any City officer or employee who willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit the office or position. Violation of this section, with the knowledge express or implied of the person or corporation contracting with or making a sale to the City shall render the contract or sale void.

Section 7-03. Code of Ethics.

The proper operation of the municipal government provided for by this charter requires that officers, officials, and employees of the City be independent, impartial and responsible to the people; that decisions and policy be made in the best interest of the people, the

community and the government; and that the public have confidence in the integrity of its government. All officers, officials and employees of the City, whether elected or appointed, paid or unpaid shall abide by the Louisiana Code of Ethics established by the State of Louisiana for these purposes, as amended.

Section 7-04. Amending or Repealing the Charter.

- A. Proposals to amend or repeal this charter may be made both by council or by petition signed by not less than thirty (30) percent of the total number of registered voters of the City eligible to have participated in the last citywide or regular election. The procedures and time limits for filing such a petition, for holding a public hearing on the matter and for calling an election on the petition request shall be the same as provided for in Section 6-01 (Initiative and Referendum). A petition shall contain the full text of the proposed amendment.
- B. Proposals to amend or repeal this charter shall be submitted for ratification to the qualified voters of the City, preferably in an election already scheduled for other purposes, otherwise in a special election called by the council. The results shall be determined by a majority vote of the electors voting on any particular proposal.
- C. Proposals by the council and by petition may be submitted to the votes 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.
- D. Proposals to amend or repeal this charter shall not be submitted more often than every two (2) years. No amendments or repeal shall shorten the term for which any official was elected or reduce the salary of office for that term.

Section 7-05. Employee Representation.

- A. The right of City employees to be represented by union organizations for the purpose of collective bargaining with reference to compensation, working conditions or other employment related issues is hereby recognized.
- B. Any negotiations by the City with any such employee union representative shall be by the mayor or his designee. Final approval of any labor contracts with municipal employees shall rest with the council and shall be by ordinance.

Section 7-06. Bonding of Officers.

The mayor, mayor pro tempore, chief financial officer, chief administrative officer, any person authorized to sign checks on behalf of the City, and such other City officers or employees as the mayor 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 City.

Section 7-07. Oath of Office.

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

Section 7-08. Boards and Commissions.

- A. The mayor may appoint boards and commissions to provide advice 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.
- B. A member of an advisory board or commission shall receive no compensation for service, other than reimbursement for ordinary and necessary expenses, and shall serve at the pleasure of the mayor.
- 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.

Section 7-09. Council Confirmation of Mayoral Appointments.

The mayor shall submit the names of all appointees requiring council confirmation to the council for their consideration not later than thirty (30) days after the next regular meeting held, after such appointment. The council shall act on the matter of confirmation not later than sixty (60) days after receipt from the mayor of notification of appointment. Should the council fail to act within the prescribed time, confirmation shall be deemed to have been given.

Section 7-10. Reconstitution of Government.

In the event of war or public disaster that incapacitates the mayor and/or a majority of the council, the remaining members of the government may act on an emergency basis and appoint such other officials as are necessary to reconstitute a government of the City. It shall be 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.

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 the City, 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 the City 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 the City 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. Special Acts.

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

Section 8-04. City Retirement Systems.

All pension and retirement systems of the City presently in existence shall not 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 8-05. Declaration of Intent.

This charter shall be liberally construed in aid of its declared intent which is to establish for the people of the City 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 and 6 of the Constitution.

Section 8-06. 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 provision thereof.