

40th JUDICIAL DISTRICT COURT
PARISH OF ST. JOHN THE BAPTIST
STATE OF LOUISIANA

The Descendants Project, Jocyntia Banner,
and Joyceia Banner,

Civil Action: 77305

Plaintiffs,

v.

Division C

St. John the Baptist Parish, through its Chief
Executive Officer, *et al*

Defendants.

**PLAINTIFFS' MEMORANDUM IN OPPOSITION
TO DEFENDANTS' MOTIONS FOR NEW TRIAL**

NOW INTO COURT, through undersigned counsel, come Plaintiffs, who submit this memorandum of law in opposition to the Motions for New Trial filed by Defendants Greenfield Louisiana, LLC (“Greenfield”) and St. John the Baptist Parish (“the Parish”),¹ which argue, incorrectly, that the Parish ordinances applied by the Court in nullifying Ordinance 90-27 (“the Ordinance”) conflict with the Home Rule Charter (“the Charter”) or, in the alternative, that the offending last-minute amendment can be severed to save Ordinance 90-27.

BRIEF FACTUAL AND LEGAL SUMMARY

This Court should deny Defendants’ motions for a new trial because: 1) Planning Commission review of any amendments or alterations to zoning is actually required by the Home Rule Charter through its incorporation of state law governing planning and zoning commissions; and 2) the Defendants’ own authorities demonstrate that the improperly-passed amendment (“the Amendment”) cannot be severed to save, or revive, Ordinance 90-27.

First, Art. III, Sec. C(4)(b) of the Charter of St. John the Baptist Parish provides that the planning commission “*shall* exercise all the *powers, duties and functions* which are conferred or imposed on parish zoning commissions *by the general laws of the state or by special laws applicable to St. John the Baptist Parish.*” (emphasis added). As discussed at length in Plaintiffs’ summary judgment briefing and summarized below, the general zoning law of the State requires planning commission review, with public notice and opportunity to be heard, for all proposed zoning amendments and alterations.

¹ The legal arguments in Defendants’ briefs are virtually identical.

The Louisiana Supreme Court has made clear that these laws have long applied to St. John the Baptist Parish, through specially enacted state law applicable to the Parish. The Court further explained that the Legislature intended to provide for uniform procedures to govern zoning by local governments so as to ensure that “unbridled power – a ‘blank check’ – not be granted to local government units, but rather that there should be uniform procedures for the exercise of these powers.” *Am. Waste and Pollution Control Co.*, 609 So. 2d at 203 (citing *Records of the Louisiana Constitutional Convention of 1973: Convention Transcripts*, Vol. VII, 58th Days Proceedings, Oct. 2, 1973, pp. 1536-49).

If the applicability of state zoning law to the Parish wasn’t clear enough on its own, as noted above and discussed further below, this same state law regarding planning and zoning, commissions was also explicitly incorporated into the Home Rule Charter.

Second, Defendants’ own authorities demonstrate why the last-minute Amendment cannot be severed to save the Ordinance. Contrary to their categorical claim that “none” of the cases they cite “speculate that the votes of the enacting body may have changed in the absence of the severed portion,”² the Louisiana Supreme Court did just that when it identified a “presumption that the legislative body would not have enacted one part without the remainder,” when the unlawful provision is so “interrelated and connected with other portions” of the ordinance challenged. *Gaudet v. Econ. Super Mkt., Inc.*, 112 So. 2d 720, 723 (La. 1959). Defendants also suggest that “[r]emoving the Amendment from the ordinance simply reverts the buffer to that which would have applied in the original proposed ordinance,”³ but fail to note the obvious defect in this argument that there was no buffer identified in the “original proposed ordinance.” Nor do they point to any other source of authority for a buffer zone that could be applicable to this rezoning, despite the fact that the Parish Council deemed it significant enough that it chose not to pass the Ordinance without the buffer.

Finally, Defendants make a point of stating how much Greenfield paid for the property as though that should sway this Court’s opinion (although they also represent that Greenfield “later sold” the property).⁴ First, this is not a fact that is material to the Court’s determination of whether the Ordinance was passed unlawfully. Second, Plaintiffs would point to the

² Greenfield Br. at 8; Parish Br. at 7.

³ *Id.*

⁴ Greenfield Br. at 1; Parish Br. at 1.

documentary evidence showing that when Greenfield purchased the property, its own purchase documents reference an official survey done in 2006, and signed by Parish officials, that shows this property to be zoned as R-1.⁵ Plaintiffs would also point to the documentary evidence previously submitted of maps represented as “official” by the Parish with conflicting zoning designations on the property, including one that shows it at residential.⁶ Thus, Greenfield cannot claim that it has been caught by surprise or unfairly prejudiced by this ruling when its own purchase documents and at least one “official parish map” reflect that the zoning designation of the subject property was for residential use.

LAW AND ARGUMENT

I. **State Law, Which Was Also Incorporated into the Home Rule Charter, Required Planning Commission Referral, with Public Notice and Opportunity to Be Heard, for Proposed Zoning Amendments and Alterations.**

Defendants have repeatedly asked this Court to ignore the State’s zoning law that requires planning commission review, with public notice and hearing, of amendments and alterations to zoning, arguing – wrongly – that it did not apply to St. John the Baptist Parish. As shown below, this is incorrect. Even setting aside the applicability of state law standing on its own, the state zoning law governing planning commissions was also explicitly incorporated into the Parish’s Home Rule Charter.

A. **The Home Rule Charter Incorporated State Law Governing Planning Commissions.**

Art. III, Sec. C(4)(b) of the Parish Charter provides:

If a zoning ordinance is enacted, the planning commission shall constitute the zoning commission for the Parish of St. John the Baptist, and *shall* exercise all the *powers, duties and functions* which are conferred or imposed on parish zoning commissions *by the general laws of the state or by special laws applicable to St. John the Baptist Parish.*⁷

If there were any question as to whether state law governing planning commissions applied to St. John the Baptist Parish, the Parish answered it when it acknowledged and incorporated state law into the Charter’s provisions governing the planning commission.

⁵ See Exhibits W – AA and CC – DD, annexed to Plaintiffs’ Second Amended Petition showing Acts of Sale referencing a 2006 survey of the subject property, and a survey map signed by parish officials showing the property to be zoned as R-1. The interplay and import of these documents are described in paras. 83-102 of the Second Amended Complaint.

⁶ See Exhibit P annexed to Plaintiffs’ Second Amended Complaint showing screenshots of maps published on the Parish’s official website, one of which was also designated as the Parish’s “official zoning map” and showed the subject property as having an R-1 designation. The map is also shown and described at paras. 129-132 of the Second Amended Complaint.

⁷ St. John the Baptist Parish Home Rule Charter, adopted in 1980, Art. III, Sec. C(4)(b), annexed hereto as Exhibit A at p. 2115-16 (emphasis added) (hereinafter “The Charter”).

As briefed at length for Plaintiffs' cross-motion for summary judgment, that state law required the involvement of planning commissions in the process and prohibited a local legislative body from "hold[ing] public hearings or tak[ing] action" on "any supplements, changes, or modifications" to "boundaries of various original districts as well as the restrictions and regulations to be enforced therein" until it has "received a final report of the zoning commission." La. R.S. 33:4726(A).⁸ Before the planning commission can recommend such changes to the Parish Council, it must also hold a public hearing, with notice of the time and place of the hearing published at least three times in an official journal with at least ten days elapsing before the first publication and the date of the hearing. *Id.* The parallel provisions of the Parish's Code of Ordinances requiring planning commission review, public notice and comment, for zoning amendments and alterations merely reiterate the requirements that already existed in state law and that were incorporated by reference in the Charter. *See* St. John the Baptist Parish Code of Ordinances, Sections. 113-76 through 113-78, and La. R.S. 33:4726(A).

The Parish also acknowledged the supremacy of the Louisiana Constitution and parameters of its own authority with respect to state law in Art. II of the Charter, which provides:

Except as otherwise provided by this Charter, St. John the Baptist Parish shall continue to have all powers, functions, rights, privileges, immunities, and authority previously possessed under the laws of the state. The parish 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 State Constitution and laws of the state.*** The parish 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 general law, or inconsistent with the Constitution.*** The parish shall have the right and authority to exercise general police power.⁹

⁸ For ease of reference and clarity, Plaintiffs repeat here the full text of La. R.S. 33:4726(A):

In order to avail itself of the powers conferred by R.S. 33:4721 through 4729, the legislative body of the municipality shall appoint a zoning commission whose function it shall be to recommend the boundaries of the various original districts as well as the restrictions and regulations to be enforced therein, and ***any supplements, changes, or modifications thereof. Before making any recommendation to the legislative body of the municipality, the zoning commission shall hold a public hearing.*** Notice of the time and place of the hearing shall be published at least three times in the official journal of the municipality, or if there be none, in a paper of general circulation therein, and at least ten days shall elapse between the first publication and date of the hearing. After the hearing has been held by the zoning commission, it shall make a report of its findings and recommendations to the legislative body of the municipality. ***The legislative body shall not hold its public hearings or take action until it has received the final report of the zoning commission.*** (emphasis added).

⁹ The Charter, Art. II, *supra* n. 7.

Additionally, Art. III, Sec. A(7)(b) of the Home Rule Charter provides that the Parish Council “may enact any ordinance necessary, requisite or proper to promote, protect, and preserve the general welfare, safety, health, peace and good order of St. John the Baptist Parish *not inconsistent with the Constitution of the State of Louisiana or denied by general law* or by this Charter.”¹⁰

As shown further below, Louisiana’s general law governing zoning denies local governments the authority to enact ordinances that contravene the clear procedures set out therein. Those uniform procedures require planning commission involvement and review of all amendments or alterations to zoning, with public notice and a hearing.

B. State Law, Applicable to St. John the Baptist Parish, Requires Planning Commission Review, Public Notice and Comment, for All Amendments and Alterations to Zoning Ordinances.

A brief overview of the history of Louisiana’s zoning laws and its application to St. John the Baptist Parish makes it clear that state zoning law applied to St. John the Baptist Parish, even before it was incorporated into the Home Rule Charter:

- *In 1921*, the Louisiana Constitution first vested all municipalities with authority to “zone their territory; to create residential, commercial and industrial districts, and to prohibit the establishment of places of business in residential districts.”¹¹

- *In 1926*, the Louisiana Legislature passed the zoning enabling statute, La. R.S. 33:4721 *et seq.*, which codified the standards and procedures to be followed by municipalities in adopting and enforcing zoning ordinances, pursuant to their constitutionally-delegated authority.

- *In 1972*, St. John the Baptist Parish was granted authority to undertake zoning and planning under this legislative regime when the Louisiana Legislature passed La. R.S. 33:4877 to give “any parish having a population of over twenty-three thousand in which there exists no municipality” the authority to “zone their territory, to create residential, commercial, and industrial districts, and to prohibit the establishment of places of business in residential districts.” In 1970, St. John the Baptist Parish had a population of 23,813, and no municipalities, and thus was included in this category of parishes granted zoning authority by the Legislature.¹²

¹⁰ *Id.*, Art. III, Sec. A(7)(b) (emphasis added).

¹¹ Louisiana Constitution of 1921, *available at* <https://archive.org/details/cu31924030492163/page/n164/mode/1up?view=theater>.

¹² A copy of the current law and amendment history was annexed to Plaintiffs’ Reply in Support of their Cross-Motion for Summary Judgment for the Court’s convenience. According to United States Census data, in 1970 St. John the Baptist Parish had a population of 23,813. Official Census publication available at <https://www.census.gov/library/publications/1971/dec/pc-v1.html>. Today, the Parish still does not contain any

- In 1974, the new Louisiana Constitution confirmed that parishes also had authority to zone and regulate land use when it included an amended version of the grant of zoning authority which provided as follows:

Subject to uniform procedures established by law, a local governmental subdivision¹³ may (1) adopt regulations for land use, zoning, and historic preservation, which authority is declared to be a public purpose; (2) create commissions and districts to implement those regulations; (3) review decisions of any such commission; and (4) adopt standards for use, construction, demolition, and modification of areas and structures. Existing constitutional authority for historic preservation commissions is retained.

La. Const. 1974, Art. III, Sec. 17.

The 1974 Constitution also provided local government subdivisions with the authority to adopt a home rule charter to “provide the structure and organization, powers, and functions of the government... which may include the exercise of any power and performance of any function necessary, requisite or proper for the management of its affairs, ***not denied by general law or inconsistent with this constitution.***” See *id.* at Art. III, Sec. 5(A) and (E) (emphasis added).

- In 1980, as noted above, St. John the Baptist Parish adopted its Home Rule Charter. When it did so, it acknowledged the parameters of its authority generally with respect to consistency with the constitutional and general law, Art. II and Art. III, Sec. A(7)(b), and specifically with regard to the state law governing planning commissions at Art. III, Sec. C(4)(b).

- In 1992, the Louisiana Supreme Court explained that the procedural requirements for zoning set out in La. R.S. 33:4721, *et seq.*, were enacted by the legislature as “uniform procedures for municipalities,” which also applied to those parishes specially granted zoning authority such as those having a population of over 23,000 with no municipalities (e.g. St. John the Baptist Parish). *Am. Waste and Pollution Control Co. v. St. Martin Par. Police Jury*, 609 So. 2d 201, 203-04 (La. 1992).

- In 1993, after the Louisiana Supreme Court held in 1992 in *Am. Waste and Pollution Control Co., supra*, that the 1974 Constitution was not self-executing and therefore did not

municipalities having their own local government structures. The statute was amended in 2011 to make it specific to St. John the Baptist Parish and now reads:

The governing authority of the parish of St. John the Baptist is authorized to zone its territory, to create residential, commercial, and industrial districts, and to prohibit the establishment of places of business in residential districts. No zoning ordinance or creation of districts pursuant to the authority herein shall interfere with or hinder the operation of any existing public utility facilities, whether publicly or privately owned. The members of the governing authority attending zoning meetings shall be paid a twenty-five dollar per diem not to exceed eighteen meetings in any calendar year.

¹³ Art. III, Sec. 44 of the Louisiana Constitution of 1974 defines “Local government subdivision” as “any parish or municipality.”

automatically give zoning authority to non-home rule parishes that had not already been granted special authority, the Louisiana legislature enacted La. R.S. 33:4780.40 to close the gap and provide uniform procedures for non-home rule parishes. It too requires zoning commission review, public notice and comment, for “supplements, changes, or modifications” to zoning ordinances. *See* La. R.S. 4780.43-45.

* * *

As shown above, it is clear that state zoning law applied to St. John the Baptist Parish as early as 1972 when it was granted zoning authority. It is also clear that the Louisiana legislature intended to set into law uniform procedures to govern zoning by local governments – first, by municipalities and some specially-designated parishes like St. John the Baptist, and later, by all local government subdivisions, including parishes. Indeed, as the Louisiana Supreme Court has observed, delegates at the 1973 Constitutional Convention wanted to ensure that “unbridled power – a ‘blank check’ – not be granted to local government units, but rather that there should be uniform procedures for the exercise of these powers.” *Am. Waste and Pollution Control Co.*, 609 So. 2d at 203 (*citing Records of the Louisiana Constitutional Convention of 1973: Convention Transcripts*, Vol. VII, 58th Days Proceedings, Oct. 2, 1973, pp. 1536-49).

Thus, this Court’s ruling was correct. Both state and parish law required planning commission review of the amendment, with public notice and hearing.

II. As Defendants’ Own Authorities Show, the Offending Amendment Cannot Be Severed to Save the Ordinance.

The authorities offered by Defendants actually demonstrate the opposite of what they intended, and demonstrate why the last-minute Amendment cannot be severed to save the Ordinance. Defendants make the striking and categorical claim that “none” of the cases they cite “speculate that the votes of the enacting body may have changed in the absence of the severed portion.”¹⁴ But the Louisiana Supreme Court did exactly that when it identified a “presumption that the legislative body would not have enacted one part without the remainder” when the unlawful portion is so “interrelated and connected with the other portions” of a challenged ordinance. *Gaudet v. Econ. Super Mkt., Inc.*, 112 So. 2d 720, 723 (La. 1959). In *Gaudet*, the Supreme Court invalidated an ordinance pursuant to which the New Orleans City Council permitted commercial parking on residentially zoned property because the ordinance contained

¹⁴ Greenfield Br. at 8; Parish Defendants Br. at 7.

no objective standards upon which to permit such uses. The Court held that the unconstitutional portion of the ordinance could not be severed, even though there was a severability clause, because it was so “interrelated and connected with other portions as to raise the presumption that the legislative body would not have enacted one part without the remainder.” *Id.*

Similarly, the Louisiana Supreme Court refused to sever an unconstitutional provision from an ordinance in *Radiofone, Inc. v. City of New Orleans*, 616 So. 2d 1243, 1249 (La. 1993), despite the fact that the ordinance also contained a severability clause – because “severance would have produced a result counter to the intent of the city.” The Court there noted that the test for severability is “whether the unconstitutional portions of the ordinance are so interrelated and connected with the constitutional parts that they cannot be separated *without destroying the intention manifested by the enacting body.*” *Id.* at 1249 (internal quotations and citations omitted) (emphasis added).

As the record of official proceedings of the enactment of the Ordinance at issue in this case demonstrates,¹⁵ there was intense community opposition and concern about safety and health surrounding the rezoning of this property in 1990, and a contentious public hearing before its adoption. At the end of the public hearing, a Parish Council member moved to insert a buffer zone; his motion was seconded by another Council member, and then unanimously approved by the Council with one abstention. If the Parish Council did not think this Amendment was so germane to and “interrelated and connected with” the other portions of the Ordinance, the Council could have voted down the amendment and passed the Ordinance without it. Rather, the record of the meeting supports the presumption that the Parish Council would not have enacted Ordinance 90-27 without the Amendment – because it chose not to do so.

Defendants also suggest that “[r]emoving the Amendment from the ordinance simply reverts the buffer to that which would have applied in the original proposed ordinance,”¹⁶ but fail to note the obvious defect in this argument that there was no buffer identified in the “original proposed ordinance.”¹⁷ In previous briefing, Defendants have also argued that an ordinance earlier passed by the Council which provided for a 600-foot buffer between I-3 and residential

¹⁵ Official Proceedings of the St. John the Baptist Parish Council, Taken at a Regular Meeting Held on Thursday, April 19, 1990, annexed as Exhibit P-2 to Plaintiffs’ Cross-Motion for Summary Judgment.

¹⁶ Greenfield Br. at 8; Parish Br. at 7.

¹⁷ Ordinance 90-27, annexed as Exhibit P-1 to Plaintiffs’ Cross-Motion for Summary Judgment.

zones did not apply to this rezoning.¹⁸ Here, the Parish Council, as the enacting body, clearly expressed its intention that there be a 300-foot buffer between I-3 and residential areas, when it voted unanimously to add the buffer to the rezoning ordinance before proceeding to a final vote. In light of the fact that the “original proposed ordinance” is silent as to a buffer zone, severance would produce a result that is counter to the intent of the Parish to have a buffer zone. *Id.* The fact that the Court would be left to guess at whether any other buffer zone existed in another ordinance and applied to this rezoning is evidence enough that the provision cannot be severed – in light of the clear intent of the Parish Council that a buffer zone be included. The lack of clarity on this question also speaks to the need for planning commission review in the first place.

Defendants also attempt to analogize Ordinance 90-27 with the ordinance at issue in *Bultman Mortuary Serv. v. City of New Orleans*, 140 So. 503 (La. 1932), where the Supreme Court found that severing the offending provision would save the ordinance. But these two ordinances and situations are very different, and *Bultman* also helps demonstrate why severing the last-minute Amendment cannot save Ordinance 90-27. In *Bultman*, the unlawful provision at issue was part of a Comprehensive Zoning Ordinance that governed zoning for the entire city of New Orleans. The provision the Court found unconstitutional pertained to an exception to a prohibition for one particular kind of business from a particular commercial zoning designation – i.e. mortuary establishments. The Supreme Court found the provision to be severable because the rejection of the exception did not, “from a legal standpoint, interfere with the general plan of the ordinance or the legislative intent.” *Id.* at 504.

Here, we are not dealing with a Comprehensive Zoning Ordinance providing numerous rules and designations for an entire city; we are dealing with a narrow, targeted ordinance to rezone one small area in the parish from residential to heavy industrial. The buffer zone for surrounding neighborhoods was not some exception with limited effect on a larger, more comprehensive ordinance; rather, it was an integral feature, and so interrelated and connected with this Ordinance that the Parish Council chose not to enact the Ordinance without it.

Likewise, Defendants’ reliance on *Police Ass’n of New Orleans v. City of New Orleans*, 94-1078 (La. 1/17/95); 649 So.2d 951, is misplaced. There, the Court found that the intent of the

¹⁸ See, e.g., Greenfield Memorandum in Opposition to Plaintiffs’ Cross-Motion for Summary Judgment at p. 8 (“Greenfield disputes that there was a pre-existing ordinance in effect prior to April 19, 1990 that required establishing a 600-foot buffer between I-3 zoning and residential areas in the Parish. Ordinance 88-68 only amended the then-existing parish zoning map, not the text of the zoning regulations, and did not establish any buffer that applied to property zoned I-3 in the future.”).

provision at issue was to avoid hardship to employees by permitting them to continue to reside in their current homes and maintain employment, and that striking only the unconstitutional portion of a provision within the larger ordinance which unlawfully preferenced some workers over others was “more in keeping with the intent” behind the clause than striking the entire exemption. *Id.* at 965. Here, the Amendment was intended to ensure a buffer for area residents who resided next to the property that was being rezoned to heavy industrial. The Parish Council chose, unanimously, to *not* pass the Ordinance without it. Defendants’ confusion and lack of clarity as to an alternative buffer zone, if any, if the Ordinance were allowed to stand without the unlawful Amendment is additional evidence that the Amendment was critical to, interrelated and connected with the Ordinance, and the Council’s intent, such that it cannot be severed.

At the end of the day, after reviewing the Planning Commission’s recommendation and after controversial and contentious public hearings, the Parish Council unanimously determined that it was necessary to insert the buffer zone into the proposed ordinance. In doing so, the Council clearly demonstrated that the unlawful portion of the ordinance is “so interrelated and connected with” the remainder that it “cannot be separated without destroying the intention manifested by the enacting body.” *Radiofone, Inc. v. City of New Orleans*, 616 So. 2d at 1249.

CONCLUSION

WHEREFORE, Plaintiffs request that this Court deny Defendants’ Motions for a New Trial.

Dated: December 6, 2023

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served upon all known counsel of record by electronic mail.

Lake Charles, Louisiana, this 6th day of December, 2023


Pamela C. Spees

APPENDIX B

**ST. JOHN THE BAPTIST PARISH
HOME RULE CHARTER**

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CONDENSATION OF ARTICLES

ARTICLE I

This article establishes that St. John Parish shall operate under a Home Rule Charter.

ARTICLE II

The charter does not and cannot effect parish authorities not specifically changed by this charter.

ARTICLE III

A. The governing body, a Parish Council, is established. This council will consist of 9 members: seven to be elected from single member districts and two to be elected from two divisions of the Parish. Each division will consist of 50% of the parish population.

The council must operate according to rules established by this charter. They shall be paid an initial salary of \$600.00 monthly, are authorized to discuss raises only at one meeting at the end of their term, and then can only raise their pay according to cost of living as determined by the consumer price index. Councilmen lose their compensation if they fail to attend 75% of council meetings.

The present governing authority is required to reapportion itself by December 31, 1982.

B. The specific powers and duties of the president are established. He is empowered to carry out the administrative work of the parish, to recommend department heads for appointment (the council must vote on and approve these heads), and to hire and fire his own financial advisor and staff subject to the personnel rules of the council.

C. Various parish departments and agencies are established and the rules for their operation are given.

ARTICLE IV

Ordinances (which are decisions of the council having the force of law) and resolutions (which do not have the force of law) are explained. Examples of ordinances and resolutions are given.

ARTICLE V

The manner in which the finances of the parish will be handled are clearly stated. The president must submit a balanced budget to the council, the council must consider and discuss this budget, and finally must agree on a completed budget.

The council is prohibited from operating with a deficit.

ARTICLE VI

This section names some of the powers which we, as voters, are granted. Called "initiative powers" these provisions allow voters to propose passage or repeal of ordinances and to vote on the question should the council refuse action.

ARTICLE VII

General Provisions of this section are numerous, and deal with the necessities of running a government. Various things are included such as auditing procedures and the naming of an official parish journal.

ARTICLE VIII

The charter may be amended under this section. The parish council may propose an amendment, or a petition signed by 15% of the voters may be used. In either case, after correct procedure is followed, the proposed amendment must be presented to the voters in an election.

ARTICLE IX

This article requires that the current governing body, the Police Jury, begins operating under the provisions of the charter 30 days after the charter is adopted. The term of currently elected officials cannot be affected, but such things as a balanced budget, a code of ethics, and new rules of procedure will become reality.

NOTE: The Home Rule Charter was approved at a special election held in St. John the Baptist Parish on Tuesday, November 4, 1980. Resolution of 11/13/80 provided for the canvassing of returns and declaration of results of that special election. Subsequent amendments to the Charter were made pursuant to special elections held on 7/20/96 and 11/5/96.

ST JOHN THE BAPTIST PARISH HOME RULE CHARTER

PREAMBLE

We, the People of St. John the Baptist Parish in the State of Louisiana, in order to secure for ourselves the benefits and responsibilities of home rule, do adopt, under God, this Home Rule Charter and plan of government.

ARTICLE I ESTABLISHMENT OF HOME RULE

St. John the Baptist Parish is a local governmental subdivision as defined by Article VI, Section 44, of the Louisiana Constitution of 1974. The Parish shall operate under this Home Rule Charter under authority of Article VI, Section 5, of the Constitution.

ARTICLE II POWERS & FUNCTIONS OF THE PARISH

Except as otherwise provided by this Charter, St. John the Baptist Parish shall continue to have all powers, functions, rights, privileges, immunities, and authority previously possessed under the laws of the State. The Parish 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 State Constitution and laws of the State. The Parish 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 general law, or inconsistent with the Constitution. The Parish shall have the right and authority to exercise general police power.

ARTICLE III ORGANIZATION, STRUCTURE, AND DISTRIBUTION OF POWERS AND FUNCTIONS

SECTION A – THE GOVERNING AUTHORITY

1. Name, Composition and Qualifications of Members

a. The name of the governing authority shall be the St. John the Baptist Parish Council which shall consist of nine (9) members and a Parish President.

(See § 2.1 of the St. John the Baptist Parish Code of Ordinances.)

Members shall be elected as follows:

i. Seven members shall be elected from single member districts as established by the governing authority.

ii. Two (2) of the members shall be elected from single member divisions as described below by all qualified electors of the division.

Division A shall consist of the entire West Bank of the Mississippi River within the St. John the Baptist Parish lines and the area on the East Bank bounded on the west by the St. John the Baptist Parish and St. James Parish line and on the east by a line along the western property of the E. I. Dupont property and bounded on the north by the St. John the Baptist Parish line.

(See § 2:3 of the St. John the Baptist Parish Code of Ordinances)

Division B shall consist of the area bounded on the south by the East Bank of the Mississippi River, bounded on the west by the eastern boundary of Division A and bounded on the east by the St John the Baptist Parish and the St. Charles Parish line and bounded on the north by the St. John the Baptist Parish line.

Division A and Division B shall each consist of an area encompassing as closely as possible fifty percent (50%) of the population of St. John the Baptist Parish. Any future reapportionment plans of the governing authority must adjust the boundaries of Division A and Division B, if necessary, to insure that each Division encompasses as closely as possible fifty percent (50%) of the population of St. John the Baptist Parish.

All Council members shall be qualified voters of and shall have resided within the Parish for a period of at least six (6) months immediately preceding his assuming office and shall reside in and be qualified voters of their districts or divisions. No Council member shall hold any other elected public office or other paid public office or public position of profit except the office of Notary Public, member of the armed services or the position of principal, teacher or employee in the public education system.

iii. A district Council Member who has served more than one and one-half terms in two consecutive terms shall not be eligible to qualify as a candidate for Council Member for a district for the succeeding term. A Council Member who has served At-Large for more than one and one-half terms in two consecutive terms shall not be eligible to qualify as a candidate At-Large for the succeeding term. This amendment to become effective retroactive to the 1987 elections.

(See § 2:1, paragraph C of the St. John the Baptist Parish Code of Ordinances.)

NOTE: Section A.1.a.iii. was added per passage of Proposition No. 1 of a Special Election held in St. John the Baptist Parish on July 20, 1996. Resolution R96-24 of July 23, 1996, provided for the canvassing of returns and declaration of the results of that special election.

NOTE: Pursuant to Passage of Proposition No. 1 of a special election held in St. John the Baptist Parish on November 5, 1996, the following language was deleted from the second paragraph Section A.2: "No member shall receive compensation for any calendar month in which he has not attended at least 75 percent (75%) of the regularly scheduled council meetings for that month." Resolution 96-38 of 11/12/96 provided for the canvassing of returns and declaration of results of that special election.

2. Compensation

The members elected by districts and divisions shall receive an annual salary of \$7,200.00 payable monthly on the last day of each month. This compensation may be adjusted by ordinance passed by a 2/3 vote of the entire council. The total amount of the adjustment shall not exceed the accumulated percentages of the annual United States Bureau of Labor Statistics Consumer Price Index as computed for the preceding three (3) years of their term. The Council members may only consider raising their compensation at only one meeting during their four (4) year term which shall be held within thirty (30) days of the qualifying deadline for the Council member election. In no event shall any monthly United States Bureau of Labor Statistics Consumer Price Index be used to adjust said compensation.

Non attendance due to other council business, where such attendance is authorized in advance by a majority vote of the entire council shall not be considered as non attendance for the purpose of this provision.

(See § 2:103, paragraph D of the St. John the Baptist Parish Code of Ordinances. The current salary is \$8,229.60 per Ord. No. 91-65 of 9-12-91.)

3. Council Districts and Divisions and Reapportionment

a. There shall be seven (7) Parish Council districts and two (2) Parish Council divisions.

b. The present governing authority shall adopt a reapportionment plan which facilitates the implementation of this charter. Such reapportionment plans shall be completed and accepted by all necessary governmental authorities prior to December 31, 1982. Nothing herein shall be construed as effecting the present organization and structure of the present Parish governing authority. Should the current governing body fail for the reason to achieve this goal, all compensation to members of that governing body shall cease at the expiration of their current term. This provision shall not effect the election or compensation of the Parish President.

c. Council district lines shall be drawn in order to insure fair and equal representation among council districts, but in no event shall the membership of the Council be increased or decreased except by amendment to the Charter. Proposals to alter, change, or rearrange Council district or division lines shall be made by ordinance of the Parish Council.

(See § 2:3 of the St. John the Baptist Parish Code of Ordinances)

4. Term of Office

a. Each member shall be elected for a term of four (4) years. The terms shall be concurrent and begin at noon on the second Monday of January following the general election. The election shall be held at the same time as the election for governor in accordance with law.

(See § 2:99 of the St. John the Baptist Parish Code of Ordinances.)

5. Organization; Officers; Council Secretary

a. On the second Monday of January following their election, the members of the Parish Council shall meet at the Courthouse, organize and proceed to discharge their duties.

b. The Council shall elect a Chairman and a Vice-Chairman from among the nine (9) Council members. The Chairman shall preside at Council meetings and shall perform such duties as the Council or this Charter may impose. In the absence of the Chairman, the Vice-Chairman shall discharge the duties of the Chairman.

c. The Council may employ a Secretary to the Council. The Secretary shall give written notice of the meetings of the Council, prepare the Council agenda, keep the record of its proceedings and perform such other duties as the Charter and Council shall prescribe. The salary of the Council Secretary shall be in accordance with the duties of the position.

d. The Council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than twice each month. Special meetings of the Council may be held on twenty-four hour's effective notice by the Secretary to each member upon the call of the Chairman or a majority of the members, and upon notification of the public media at such time. The Chairman of the Council shall call a special meeting whenever he is required to do so by 50 registered voters of the Parish. The notice of the special meeting shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at the meeting. Special meetings of the Council may be convened without the required notice where such is waived in writing by all of the members of the Council and the Parish President. All meetings shall be public except those as provided by law.

e. The effective notice of a special meeting must be served by a deputy sheriff of the St. John the Baptist Sheriff's Office on the Parish President and a majority of the entire membership of the Parish Council. The notice may be served personally or at the domicile of the official to be notified and shall be served in either event at least twenty-four hours prior to the hour fixed in the call for the special meeting. The deputy sheriff serving the notice shall make a diligent effort to make personal service on the Parish President and each member of the entire Council.

The deputy sheriff serving the notice shall make his return on the back of a copy of the call reciting the time and manner of service made by him upon the Parish President and each member of the Parish Council. The return, together with the call for the special meeting, shall be transcribed into the minutes of the special meetings by the secretary to the Council. The Parish President or any member of the Parish Council may waive notice of a special meeting in writing.

f. The Council shall determine its own rules and order of business. The Council shall provide for the publishing of its rules and provide for their availability to the general public. The Council shall require the Secretary to keep minutes of its proceedings which shall be a public record. A majority of the entire Council shall constitute a quorum but a smaller number may adjourn from time to time and compel the attendance of absent members in such manner and subject to such penalties as may be prescribed by the rules of the Council. Procedural or Administrative action of the Council shall be valid or binding when adopted in an open public meeting by the affirmative vote of a majority of those Council members present except where a two-thirds vote is required in which event the affirmative vote of at least two-thirds of the entire Council is necessary.

(See § 2:100 – 2:102 of the St. John the Baptist Parish Code of Ordinances)

Note: Pursuant to passage of Proposition No. 2 of a special election held in St. John the Baptist Parish on November 5, 1996, Article III, Section A.5.c was amended. Resolution 96-38 of 11/12/96 provides for the canvassing of returns and declaration of results for the special election.

6. Vacancies; Forfeiture of Office; Filling of Vacancies

a. Vacancies:

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

b. Forfeiture of Office:

Whenever any member ceases to be a resident and qualified voter of the parish or district or division he represents, or is convicted of a felony, or fails to attend meetings for a period of three (3) consecutive months unless he is unable to attend meetings because of his personal injury or sickness and is under the care of a physician because of said sickness or injury, he shall immediately forfeit his office and future compensation.

c. Filling of Vacancies:

i. Any vacancy on the Council shall be filled within thirty (30) days by at least a majority vote of the remaining members of the council fails to fill the vacancy within thirty (30) days from the creation of the vacancy, the Parish President shall fill the vacancy.

ii. If the unexpired position of the term is more than one (1) year, the vacancy shall be filled by special election called by the Parish Council within sixty (60) days after the vacancy occurs and held in not more than six (6) months nor less than three (3) months. The appointee shall serve in office until the person elected to fill the vacancy assumes the office. If the Parish Council fails to call the election within the time herein provided, the Parish President shall call the election within two (2) days of the expiration of the time herein provided for the Parish Council to call the election.

iii. If the unexpired portion of the term is one (1) year or less, the appointee shall serve out the remainder of the term

iv. The appointee must have the same qualifications as are needed to run for the office in which the vacancy has occurred.

v. Any vacancy occurring on any agency heretofore, or hereafter created by the Parish governing authority shall be filled or abolished by vote of a majority of the entire Parish Council.

(See § 2:103 of the St. John the Baptist Parish Code of Ordinances)

7. Power and Duties of the Parish Council

a. The Parish Council shall be vested with and shall exercise all legislative power in the Parish of St. John the Baptist.

b. The Parish Council may enact any ordinance necessary, requisite or proper to promote, protect, and preserve the general welfare, safety, health, peace and good order of St. John the Baptist Parish not inconsistent with the Constitution of the State of Louisiana or denied by general law or by this Charter.

c. Without limitation of the foregoing authority or other powers given to it by the Charter, the Council may:

i. Levy and collect taxes, special assessments, service charges, license charges, fees and other revenues, and borrow money in such manner and subject to such limitation as may be provided by law.

ii. Make appropriations for all Parish purposes.

iii. Require periodic and special reports from all Parish officers concerning the affairs of their respective departments, offices, agencies or special districts, which reports shall be submitted by and through the Parish President in the case of departments, offices, agencies, and special districts subject to his jurisdiction.

iv. Make investigation of Parish affairs and make inquiries into the conduct of any department, office, agency, or special district of the Parish, including the investigation of the accounts, records and transactions of the department, office, agency, or special district; and for the purpose of investigation, subpoena witnesses, administer oaths, take testimony and require the production of books, papers, and other evidence; and any person who fails or refuses to obey any lawful order of the Council shall, upon conviction, be punished in such manner as the Council shall fix by ordinance.

v. Create parish departments, offices or agencies in addition to those created by this charter, by an ordinance adopted by a 2/3's majority vote of the entire council. Advisory boards and commissions may be created by an ordinance approved by a majority vote of the entire council. Members of any advisory board or commission shall be appointed and/or removed by the Parish Council, but shall report to the Parish President.

vi. By ordinance, abolish or consolidate any Parish department, office, agency, board or commission under its authority or provide for the consolidation and transfer of any of the functions of such departments, offices, agencies, boards or commissions.

vii. Enter into contracts with other governmental units within or outside the boundaries of the Parish for joint performance by one unit in behalf of the other of any authorized function or activity.

viii. By ordinance, establish, merge, reorganize, consolidate and/or abolish special districts within which may be provided fire protection, recreation, police protection, water, streets, drainage, sidewalks, street lighting, waste and garbage collection and disposal, sewerage disposal systems and other similar facilities and services. All Parish funds for such districts shall be provided by service charges, special assessments, general tax levies or as otherwise provided by law, within such districts only. When acting as the governing body of special districts as provided by this Charter, the Parish Council shall have the same jurisdiction and powers as when acting as the Council.

ix. Provide, in manner and in amounts consistent with state law, penalties for the violation of this Charter and of Parish ordinances.

x. Provide budgetary, fiscal and other controls over all special boards, commissions, agencies, districts or any device having governmental functions which it or its predecessor has created to insure the maximum possible coordination of government at the local level in St. John the Baptist Parish.

xi. Perform any other acts consistent with State law deemed to be for the best interest of the people of St. John the Baptist Parish.

d. The council shall have the power of eminent domain and the right to expropriate property for public purposes as provided by law. The Council shall make fair and just compensation for any properties acquired in the exercise of its powers, duties, or functions.

(See § 2:104 of the St. John the Baptist Parish Code of Ordinances.)

SECTION B – THE PARISH PRESIDENT

1. Election of the Parish President

The chief executive officer of St. John the Baptist Parish shall be the Parish President who shall be elected by the qualified voters of the Parish at the same time and for the same term as members of the Parish Council. The Parish President shall be a qualified voter of the Parish and shall have resided within the Parish for a period of two (2) years immediately preceding his assuming office. Those candidates qualifying for the office of Parish President shall, before election day, make known any financial interest, direct or indirect, or ownership of stock in any entity, in any proposed contract with the Parish or in the proposed sale of property, material, supplies, or services to the Parish. The Parish President shall:

a. Hold no other employment by any agency, entity or individual except as he should lawfully represent the Parish on some appointed board or agency and for which he shall receive no compensation.

b. During his term, make known within seven (7) days of the commencement of any financial interest, direct or indirect, or ownership of stock in any entity, in any proposed contract with the Parish or in the proposed sale of property, material, supplies, or services to the Parish.

c. The Parish President shall be elected for a term of four (4) years.

d. A person who has served as Parish President more than one and one-half terms in two consecutive terms shall not be eligible to qualify as a candidate for Parish President in the succeeding term.

2. Compensation

The annual compensation of the Parish President shall be fixed at \$32,000.00 and may be increased by a two-thirds vote of the entire Council not more frequently than once every two (2) years.

Note: Article III, Section B.1.d was added pursuant to passage of Proposition No. 2 of a special election held in St. John the Baptist Parish on July 20, 1996. Resolution R96-24 of July 23, 1996, provides for the canvassing of returns and declaration of results of that special election.

3. Power and Duties

a. Except as otherwise provided in this Charter, the Parish President shall be the chief executive officer of the Parish and shall be vested with the executive power of the Parish. He shall be responsible for carrying out the policies adopted by the Parish Council and for the administration, direction, and supervision of all Parish departments, officers, agencies, and special districts.

b. The Parish President shall have the following powers, duties, and responsibilities:

i. He shall appoint and remove, subject to the provision of this Charter and any personnel rules adopted by the Council for employees of the Parish, his financial advisor, chief administrative assistant, and employees of the parish responsible to him alone. Upon recommendation of the Parish President, the appointment and removal of the head of any other parish departments, office or agency must be approved by a resolution adopted by a two-thirds majority vote of the entire Parish Council.

ii. He shall attend all Council meetings and shall have the right to take part in discussion but may not vote.

iii. He shall see that all laws, provisions of this Charter and acts of the Council subject to enforcement by him, or officers subject to his direction or supervision, are faithfully executed.

iv. He shall prepare and submit an annual operating budget and capital outlay program to the Council and shall be responsible for executing the budget and capital program after adoption by the Council.

v. He shall submit to the Council, and make available to the public monthly reports on the finances and administrative activities of the Parish. No later than three (3) months following the close of each fiscal year, he shall present the Council with a complete financial and operating report on the affairs of the Parish for the fiscal year just ended.

vi. He shall make such other reports as the Council may require concerning the operations of Parish departments, offices and agencies subject to his direction and supervision.

vii. He shall keep the Council fully advised as to the financial condition and the needs of the Parish and shall make such recommendations to the Council concerning the affairs of the Parish as he deems desirable.

viii. He shall perform such other duties as are specified in this Charter or which may be required by the Council.

4. Temporary Incapacity of the Parish President

The Chief Administrative Assistant shall assume the duties and authority of the Parish President during periods of the President's temporary absence or disability, but shall continue to receive his normal pay.

5. Vacancy

a. The office of the Parish President shall become vacant upon his death, resignation, removal from office in any manner authorized by law, forfeiture of his office or failure to take office for any reason. The Parish President shall immediately forfeit his office if he lacks, at any time during his term of office, any qualifications for the office prescribed by this Charter or he is convicted of a felony.

b. In the event of a vacancy in the office of the Parish President, when his term will expire in less than one year, the Chief Administrative Assistant shall succeed to this office and serve for the duration of the unexpired term as Parish President and receive the compensation of the Parish President.

c. The Chief Administrative Assistant shall serve in office until the person elected to fill the vacancy assumes office, and he, the Chief Administrative Assistant shall receive the compensation of the Parish President's salary.

If the Parish Council fails to call the election within the time herein provided, the Chief Administrative Assistant, acting as the Parish President, shall call the election within two (2) days of the expiration of the time herein provided for the Parish Council to call the election.

(See § 2:105 of the St. John the Baptist Parish Code of Ordinances.)

SECTION C – ADMINISTRATIVE DEPARTMENTS, OFFICES, AND AGENCIES

1. General Provisions

a. The Parish Council may, by ordinance requiring a two-thirds majority vote of the entire Council, establish Parish departments, offices, or agencies, in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other.

b. Each Parish department, office or agency, except those excluded by this Charter, shall be administered by the Parish President. With a two-thirds vote of the entire Council, the Parish President may serve as the head of one or more such departments, offices, or agencies or may appoint one person as the head of two or more departments, offices, or agencies. If the Parish President should elect to serve as the head of one or more departments, offices, or agencies, he shall receive only the compensation payable to him as Parish President.

(See § 2:107 of the St. John the Baptist Parish Code of Ordinances for departments established pursuant to this Section.)

c. The Parish President's Financial Advisor and Chief Administrative Assistant may be suspended or removed by written order of the President.

(See § 2:106, Paragraph A.1-3 of the St. John the Baptist Parish Code of Ordinances.)

Note: Pursuant to passage of Proposition No. 3 of the Special Election held on 11/5/96, Art. III, Section B.5.c was amended. Resolution No. 96-38 provides for the canvassing of returns and declaration of results of that special election.

2. Chief Administrative Assistant

The Parish President shall appoint a Chief Administrative Assistant who shall:

- a. Supervise the operation of the various administrative departments.
- b. Assist the President in such duties as may be assigned.
- c. Fill the duties of the President in his absence.

(See § 2:106, Paragraph B of the St. John the Baptist Parish Code of Ordinances.)

3. Administrative Departments

a. There shall be a Department of Finance and Personnel Management headed by the Parish Financial Advisor who shall administer the financial affairs of the Parish and who shall be ex-officio Parish Treasurer. His duties shall include, but shall not be restricted to the following:

- i. Assist the President in the preparation and execution of the Parish budget and capital programs.
- ii. Assist the president and the Council in negotiating loans and in the issuance and sale of bonds whenever this becomes necessary as a result of the Council action.
- iii. Maintain records of Parish indebtedness and have charge of the payment of interest and principal thereon.
- iv. Have custody of all public funds belonging to or controlled by the Parish or any Parish department, office or agency or special district, except those of the School Board, the 29th Judicial District and officers thereof, or the Sheriff or Tax Assessor; and to deposit all such funds in banks or trust companies designated as depositors by resolution of the Council, subject to the requirements imposed by law as to surety and guarantee of deposits.
- v. Disburse all funds in the Parish treasury; and no money shall be paid out of the treasury unless he first (a) verifies the appropriation, allotment, and availability of funds to cover the claim concerned and certifies thereto, and (b) determines that such claim is regular in form, correctly computed and constitutes a legal obligation. All checks and warrants drawn against the Parish treasury and signed by the Parish Financial Advisor shall be co-signed by the Parish President or in his absence by some other officer designated by the Parish President.
- vi. Administer a general accounting system for the Parish and each of its departments, offices, agencies, and special districts.
- vii. Prepare and submit to the Parish President a monthly statement of the revenues and expenditures for the preceding month, and for the fiscal year up to and including the preceding month, which statement shall be sufficiently detailed as to appropriations, allotments, and funds to show the exact financial condition of the Parish.

viii. Prepare and submit to the Parish President, at the end of each fiscal year a report of the financial transactions of that year and a complete statement of the financial condition of the Parish at the end of the year.

ix. Perform such other duties as the Parish President may prescribe.

As soon as possible after the adoption of this Charter, the Parish Council, after consultation with the Parish President, Chief Administrative Assistant, and Parish Financial Advisor, shall by ordinance establish a system of treasury management, which will include procedures and controls for the receipt, custody, and disbursement of all funds belonging to, or under the control of the Parish Council, and for the investment of idle fund balances, such ordinance to be in conformity with the general procedures set forth in this Charter.

b. Upon recommendation of the Parish President and approval by a two-thirds majority vote of the entire Council, there shall be a Department of Public Works headed by a Director who shall be responsible for the operation and maintenance of public buildings, roads, bridges, drainage system, and such other duties as may be assigned.

c. Upon recommendation of the Parish President and approval by a two-thirds majority vote of the entire Council, there shall be a Department of Public Utilities headed by a Director who shall be responsible for the operation and maintenance of all utilities owned and operated by the Parish.

d. Upon recommendation of the Parish President and approval by a two-thirds majority vote of the entire Council, there shall be a Department of Health and Human Resources headed by a Director responsible for matters related to health, welfare, emergency assistance, federal and state assistance programs, recreation, and educational programs.

e. There shall be a Department of Public Safety and Emergency Services (Civil Defense) headed by a Director appointed by the State Civil Defense Director on the recommendation of the Parish President and approval by a two-thirds majority vote of the entire Council. The Director shall be responsible for, but not restricted to, public safety and emergency matters pertaining to the Parish, but not otherwise specified as duties and responsibilities of other parish departments.

The terms of all Directors other than the Chief Administrative Assistant and Financial Advisor shall run concurrent with that of the Parish President and each said Director must be confirmed in the manner provided herein at the beginning of each successive term.

(See § 2:106, Paragraph C; § 2:106, Paragraph A.4; Chapter 6 of the St. John the Baptist Parish Code of Ordinances.)

4. Planning and Zoning

a. The Planning Commission heretofore created by the St. John the Baptist Parish Police Jury shall continue in existence, and the members thereof holding office on the effective date of this Charter shall each continue to hold office until the expiration of the term for which he was appointed. As the terms of these members expire, their successors shall be appointed by the Parish Council.

Note: Pursuant to passage of Proposition No. 4 of a special election held on November 5, 1996, Art. III, Section C.3 was amended by adding another paragraph. Resolution No. 96-38 of 11/12/96 provides for the canvassing of returns and declaration of results of that special election.

b. If a zoning ordinance is enacted, the Planning Commission shall constitute the Zoning Commission for the Parish of St. John the Baptist, and shall exercise all the powers, duties and functions which are conferred or imposed on parish zoning commissions by the general laws of the State or by special laws applicable to St. John the Baptist Parish.

(See § 2:106, paragraph D; § 20:1, Paragraph B and § 20:2 of the St. John the Baptist Parish Code of Ordinances.)

5. Civil Service

All Parish employees shall be under a Civil Service System under the authority of the Parish, except the Chief Administrative Assistant, the Financial Advisor, the Secretary to the Council, and the Directors of the departments now in existence or those departments created in the future by the Parish Council but not limited to (a) Chief Administrative Assistant, (b) Financial Advisor, (c) Director of Public Works, (d) Director of Utilities, (e) Director of Health and Human Resources, (f) Secretary to the Council, and (g) Director of Civil Defense.

a. The Council shall, by March 31, 1984, create a commission to study and propose changes in the present Civil Service System of this Parish. By December 31, 1984, the proposals of this commission shall be submitted to the Council for consideration and adoption, within thirty (30) days, by a two-thirds vote of the entire Council.

(See § 2:106, Paragraph E of the St. John the Baptist Parish Code of Ordinances.)

6. Parish Legal Advisor

a. The District Attorney of the 29th Judicial District shall serve as the legal advisor to the Parish Council and Parish President and all Parish departments, offices, and agencies, provided that, if the Council determines that the Parish would be better served by a separate full or part-time legal department, it may create such a department and provide for its organization and functions by ordinance in accordance with general provision of Section C, Sub-Section 1 of this article. In special matters, the Council may retain special attorney to represent the Parish or perform certain duties subject to the restrictions imposed by the statutes of this State.

(See § 2:106, Paragraph F of the St. John the Baptist Parish Code of Ordinances.)

7. Prohibitions

a. Except as specifically provided by this Charter, neither the Council nor any of its members shall in any manner distate the appointment or removal of any parish administrative officer or employee whom the Parish President or any of his subordinates are empowered to appoint, but the Council may discuss with the President anything pertaining to the appointment and removal of such officers and employees.

b. Except for the purpose of inquiry and investigation, the Council and its members shall deal with Parish officers and employees who are subject to the direction and supervision of the Parish President solely through the President and neither the Council nor its members shall give any orders to any such officer or employee, either publicly or privately.

(See § 2:106, Paragraph G of the St. John the Baptist Parish Code of Ordinances.)

**ARTICLE IV
ORDINANCES AND RESOLUTIONS**

SECTION A – ACTS REQUIRING AN ORDINANCE

An act of the Parish Council which is to have the force of law shall only be enacted by ordinance. An act requiring an ordinance shall include but not be limited to one which:

1. Provides for the reapportionment of the Parish Council;
2. Levies taxes or assessments;
3. Grants, renews, modifies, or extends a franchise;
4. Adopts or modifies the official map, plot, subdivision ordinance, regulations, or zoning plan;
5. Amends or repeals any ordinance previously adopted;
6. Proposes amendments to this charter;
7. Creates, abolishes, or consolidates any Parish department, office, agency, or provides for the consolidations and transfer of any of the functions of such department, office or agency; or
8. Provides a fine or penalty or establishes a rule or regulation or violation of which a fine or other penalty must be imposed;
9. Appropriates funds or adopts a budget;
10. Regulates the rate of other charge for service by the Parish;
11. Incurs debt in any manner;
12. Abandons any property owned by the Parish;
13. Conveys or leases or authorizes a conveyance or lease of immovable property;
14. Acquires real property on behalf of the Parish.

(See § 2:108 of the St. John the Baptist Parish Code of Ordinances.)

SECTION B – ENACTMENT OF AN ORDINANCE

1. Except as provided in Section E hereof, an ordinance shall be enacted only in the manner provided in this section.

NOTE: Pursuant to passage of Proposition No. 5 at a special election held in St. John the Baptist Parish on 11/5/96; Art. IV, Section A.13 was amended. Resolution No. 96-38 of 11/12/96 provides for the canvassing of returns and declaration of results of that special election.

2. Enacting Clause

Each ordinance shall begin with the words:

“The St. John the Baptist Parish Council hereby ordains:” Repetition of the ordaining clause in succeeding portions shall not be required.

(See § 1:19, Paragraph C of the St. John the Baptist Parish Code of Ordinances.)

3. Introduction, Form, Title, Adoption, and Publication

a. Each ordinance shall be introduced in written form. No ordinance shall contain more than one subject which shall be clearly expressed in its title except in the case of a modification or revision of ordinances, annual budget ordinances, or ordinances proposing related amendments to this plan of government or proposing the substitution of an entirely new form of government, in which case they shall be deemed to embrace but one subject and their title need only refer to the general purpose and scope thereof.

b. An ordinance may be introduced by any Council member or by the Parish President at any regular or special meeting of the Council. Upon introduction of any ordinance, the Council Secretary shall distribute at least one copy to each of the Council members and to the Parish President. After the ordinance has been introduced, and unless it is rejected at the same meeting by the affirmative vote of a majority of the Council members, the Council shall cause the ordinance, or a summary thereof to be published in the official Parish Journal 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 final passage. The publication shall be at least one week prior to the time advertised for the hearing. No ordinance may be adopted at the same meeting at which introduced unless declared an emergency ordinance and no ordinance shall be declared invalid by reason of any defect in publication or title if the publication gives reasonable notice of its intent.

c. At the time and place so advertised, the ordinance or a summary thereof shall be read in full and, after reading all interested persons shall be given an opportunity to be heard.

d. After all persons have been given the opportunity to be heard, the Council may pass the ordinance with or without amendments and the ordinance as finally adopted shall be published in full in the official parish journal within ten (10) days after it is approved by the Parish President as provided in Section C hereof or recorded in the Minutes of the Council by the individual vote of each Council member. To comply with the provisions of this Sub-section, approved ordinances shall be published either individually or as part of the minutes of the Council meeting.

e. Any member of the Parish Council who shall have any substantial personal pecuniary interest in the adoption or passage of any ordinance, resolution, motion or measure shall declare such fact to the Parish Council and shall refrain from voting on the same at any time, whether on final passage or otherwise. Any person who shall knowingly violate the above provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding Five Hundred Dollars (\$500), or imprisonment for not more than sixty (60) days, or both fine and imprisonment.

NOTE: Pursuant to passage of Proposition No. 6 at a Special Election held in St. John the Baptist on 11/5/96, Art. IV, Section B.3.c was amended. Resolution No. 96-38 provides for the canvassing of returns and declaration of results of that special election.

f. The effective date of any ordinance shall be prescribed therein, but shall not be earlier than five (5) days after its publication in the official Journal.

g. A proposed ordinance shall not be altered or amended during consideration to nullify its original purpose or to accomplish an object not consistent with its original purpose.

h. An ordinance shall be enacted at a public meeting, when voted upon favorably by at least a majority of the members of the Parish Council; except that an ordinance to increase a tax, service charge, occupational license fee, or a special fee shall only be enacted when voted upon favorably by at least two-thirds of the members of the Parish Council.

i. The provision of this Section shall not apply to or affect any emergency or budget ordinance or an ordinance enacted by initiative or referendum as provided for elsewhere in this Home Rule Charter.

(See § 2:109 of the St. John the Baptist Parish Code of Ordinances.)

SECTION C – SUBMISSION OF ORDINANCES & RESOLUTIONS TO THE PARISH PRESIDENT

1. Every ordinance and resolution, except those hereinafter enumerated, adopted by the Parish Council shall be signed by the Council Secretary and Chairman of the Council and presented to the Parish President within five (5) days after adoption.

2. The Parish President, within ten (10) calendar days of the adoption of an ordinance or resolution, shall return it to the Council Secretary with or without his approval, or with his disapproval. If the ordinance or resolution has been approved, or is not specifically disapproved, it shall become effective as provided therein, or if not provided therein, on the fifth (5th) day following its publication in the official Parish Journal; if the ordinance or resolution is disapproved, the Parish President shall submit to the Parish Council through the Council Secretary a written statement of the reasons for his veto. The Council Secretary shall record upon the ordinance or resolution the date of its delivery to and receipt from the Parish President.

3. Ordinance and resolutions vetoed by the Parish President shall be presented by the Secretary to the Council at its next regular meeting and should the Council then, or at its following regular meeting, adopt the ordinance or resolution by an affirmative vote of a majority plus one of all its members, said ordinance or resolution shall become law regardless of the veto thereof by the Parish President.

4. The right of the President to veto, as provided by this Section, shall apply to all ordinances and resolutions adopted by the Council, except those which propose amendments to this Charter, establish, alter, or modify Council procedure, establish Council compensation, create staff agencies or officers for the Council, which adopts a reapportionment plan, or which the Council is required by law to take or perform pursuant to a petition, this Charter or the general laws of this State or which the Council, has received specific approval to enact following a referendum vote of the people. The right to veto shall also extend to disapproving or reducing individual appropriation items in the budget or any ordinance or resolution, except appropriations for auditing or investigating any part of the executive branch.

(See §2:110 of the St. John the Baptist Parish Code of Ordinances.)

SECTION D – ENACTMENT OF A CODE

The Parish Council may enact a building, electrical, plumbing, traffic, or other code by ordinance in the manner required in Section B of this Article provided that:

1. Only the title of the code need be published;
2. Copies of the text of the code shall be available to the public after introduction;
3. A general public hearing shall be held.

(See § 2:111 of the St. John the Baptist Parish Code of Ordinances.)

SECTION E – EMERGENCY ORDINANCES

To meet a public emergency affecting life, health, property, or public safety, the Parish Council by a vote of two-thirds of its members may adopt an emergency ordinance at the meeting at which it is introduced any may make it effective immediately; except that no such ordinance may be used to levy a tax, or grant, extend or modify a franchise.

An emergency ordinance shall be published in full in the official journal of the Parish within ten (10) days after adoption.

(See § 2:112 of the St. John the Baptist Parish Code of Ordinances.)

SECTION F – AUTHENTICATION & RECORDING, PRINTING AND DISTRIBUTION OF ORDINANCES AND RESOLUTIONS

1. The Council Secretary shall authenticate by his signature and record, in a properly indexed book or books kept for the purpose, all approved ordinances and resolutions. Each such approved ordinance and resolution shall be given a number for reference and identification.

2. The Council shall cause each ordinance and resolution having the force and effect of law and each amendment to this Charter to be printed or otherwise reproduced promptly following its approval and such printed or reproduced resolutions, amendments and ordinance, including codes of technical regulations adopted by reference pursuant to Section D shall be distributed or sold to the public at reasonable prices.

(See § 2:113 of the St. John the Baptist Parish Code of Ordinances.)

SECTION G – CODIFICATION

The code of ordinances previously adopted by St. John the Baptist Parish Police Jury shall remain in effect under this Charter. Additions or amendments to the code shall be prepared, adopted and printed as often as deemed necessary by the Council.

(See § 1:19, Paragraph B of the St. John the Baptist Parish Code of Ordinances.)

SECTION H – RESOLUTIONS

An act of the Parish Council which is not to have the force of law may be enacted by resolution. Acts which may be adopted by resolution shall include but shall not be limited to those which:

1. Establish a commemorative day, week, month, or year;
2. Authorize a designated person(s) to sign or, execute on behalf of the Parish Council, a contract which has been previously approved;
3. Authorize a designated person(s) to execute, sign, or counter-sign a check or draft on an account of the Parish Council;
4. Declare a statement of public policy to the Parish Council;
5. An act, ministerial in character, which relates to the administrative business of the Parish;
6. Select the official journal of the Parish.

(See § 2:114 of the St. John the Baptist Parish Code of Ordinances.)

ARTICLE V FINANCIAL PROCEDURES

SECTION A – FISCAL YEAR

The fiscal year of the Parish shall begin on the first day of January and end on the last day of December.

(See § 2:115 of the St. John the Baptist Parish Code of Ordinances.)

SECTION B – SUBMISSION OF BUDGETS

At least sixty (60) days before the beginning of each fiscal year, the President shall submit a line item operating budget and a capital budget in accordance with accepted accounting procedures in a format established by the Parish Council. The budget so submitted shall be balanced.

(See § 2:116 of the St. John the Baptist Parish Code of Ordinances.)

SECTION C – BUDGET MESSAGE

The President shall submit with the budget, a message containing recommendations concerning the fiscal policy of the Parish, a description of the important features of the budget, and an explanation of all major increases or decreases in budget recommendations as compared with expenditures for prior year.

(See § 2:117 of the St. John the Baptist Parish Code of Ordinances.)

SECTION D – ACTION ON THE BUDGETS

The Parish Council may amend the budgets before adoption except that no item for debt service shall be reduced below the amount certified by the President as necessary. In no event, shall the Parish Council cause the total expenditures to exceed anticipated revenue. If the Parish Council shall fail to act on either budget within the time limit as provided in the Section herein, it shall be adopted as submitted by the President.

(See § 2:118 of the St. John the Baptist Parish Code of Ordinances.)

SECTION E – ADOPTION OF BUDGETS

The Parish Council shall publish the proposed budget in the official journal two (2) weeks before the meeting at which the budget is to be adopted. The budget, as adopted, shall constitute an appropriation of funds for all purposes contained therein. A budget ordinance shall become effective on the first day of the fiscal year, unless otherwise provided therein.

(See § 2:119 of the St. John the Baptist Parish Code of Ordinances.)

SECTION F – SURETY BONDS

Any member of the Parish Council or employee of the Parish having financial responsibility shall be bonded. The bond shall be in an amount commensurate with his financial responsibility and secured from a company authorized to issue bonds in this state. These premiums shall be paid by the Parish.

(See § 2:120 of the St. John the Baptist Parish Code of Ordinances.)

ARTICLE VI INITIATIVE AND REFERENDUM

SECTION A – GENERAL PROVISIONS AND PROCEDURES

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

a. The person or persons proposing the exercise of this power shall submit the proposal to the Council, which, without delay, shall specify a form of petition for circulation in one or multiple copies as the proposer may desire. The petition shall contain the full text of the proposed ordinance.

b. Within sixty (60) days after the form of the petition shall have been specified, the person or persons circulating the petition shall obtain the signatures of at least fifteen percent (15%) of the total registered voters of the Parish as of the date of submission. There shall be noted after each signature on the petition the date signed and the address or the district and precinct 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.

NOTE: The Original Home Rule Charter published in the official journal prior to the special election of 11/4/80, contained several typographical errors in Articles VI and VII leading to paragraphs being placed out of sequence. In this publication the editor has placed paragraphs in correct sequence. Specifically those paragraphs numbered 4, 5 and Section G – K and C – F were placed out of order in Article VI when these are more appropriately placed in alphabetical order in Article VII. Also paragraphs (1) f, (1) g, (1) h and (2) of Article VI, Section A were incorrectly published under Section F.

c. The signed petition shall be filed with the Council within sixty (60) days of the specification of the form of the petition, and, within thirty (30) days, the Council shall order a canvass of the signatures thereon to determine the sufficiency of the signatures. 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 the Section, the Council shall notify the person or persons filing the petition 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.

d. Within thirty (30) days after a petition shall have been certified as sufficient by the Council, the Council shall cause the proposed ordinance, or a summary thereof, to be published in the official Parish Journal 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 one (1) week prior to the time advertised for the hearing. This public hearing shall be conducted as required generally for public hearings by this Charter. After all persons have been given the opportunity to be heard, the Council shall either:

i. Adopt the proposed ordinance, without substantive amendments, submitted in an initiatory petition, or the repeal referred to by such petition, or

ii. Determine to submit the proposal to the electors.

e. If the Council adopts an ordinance following the submission of an initiatory petition as provided above, it shall not amend or repeal the ordinance by its own action within one (1) year following the date of submission of the petition proposing the ordinance, but it may, at its discretion, submit proposals amending or repealing such ordinances to a vote of the electors. After the expiration of one year, the ordinance may be amended or repealed as any other ordinance.

f. In an initiatory ordinance is submitted to a vote of the electors as provided in Sub-Section "d" above, the election shall take place within 180 days after the petition is presented to the Council, preferably in an election already scheduled for other purposes, otherwise in a special election. The results shall be determined by a majority vote of the electors voting on the proposal.

g. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of or affirmative votes shall prevail to the extent of such conflict.

h. An ordinance adopted by the electorate through the initiatory process shall not be amended or repealed by the Council for a period of one (1) year after the election at which it was adopted, but thereafter it may be amended or repealed as any other ordinance.

2. Nothing in this Section shall be construed as preventing the people of any given area of the Parish to petition the Parish Council proposing the adoption or repeal of any ordinance or the establishment of any special taxing or service district which may be authorized by the laws of this State; or preventing the Parish Council from calling a referendary election on such proposals for that district or area only. The Parish Council, on its own motion, may call a referendary election on any issue at any time it so desires, either Parish wide or for a certain area of the Parish, and take such action following such referendary election as it deems appropriate.

(See § 2:124 of the St. John the Baptist Parish Code of Ordinances.)

**ARTICLE VII
GENERAL PROVISIONS**

SECTION A – LEGAL PROCESS

Legal process against the Parish shall be served upon the President or, in his absence, upon the secretary of the Parish President.

SECTION B – PROHIBITIONS AND CONFLICTS OF INTEREST

1. As a result of his position, no officer, official, or employee, or Board or Commission member of the Parish shall directly or indirectly solicit or receive any privilege, rebate, reduced rate, or any other thing of value from any person, firm, or corporation doing business with the Parish.

2. Any officer, official, or employee of the Parish or any individual or firm engaged in a professional capacity by the Parish, shall make known any financial interest, direct or indirect, or by reason or ownership of stock in any entity, in any proposed contract with the Parish or in the proposed sale of any land, material, supplies, or services to the Parish, or to a contractor or subcontractor supplying the Parish and shall be prohibited from voting or otherwise participating in the making of such sales or the making or performance of such contract. Violation of this subsection with the knowledge, express or implied, or the person or corporation contracting with or making a sale to the Parish shall render the contract or sale voidable by a vote of a majority of the Parish Council.

3. No member, former member or member-elect of the Parish Council shall be appointed to any paid Parish office or Parish position of profit until one (1) year after the expiration of the term for which he was elected.

(See § 2:130, Paragraph D of the St. John the Baptist Parish Code of Ordinances.)

4. Any officer, official, or employee of the Parish who willfully conceals a financial interest or willfully violates the requirements of this Section, shall be deemed guilty of a misdemeanor upon conviction and, therefore, shall be punished by a fine not exceeding Five Hundred Dollars (\$500), or imprisonment for not more than sixty (60) days, or both fine and imprisonment.

(See § 2:130 of the St. John the Baptist Parish Code of Ordinances.)

SECTION C – RECONSTITUTION OF GOVERNMENT

If a majority of the Parish Council is incapacitated by war or public disaster, the remaining members of the government shall act on an emergency basis and appoint such other officials necessary to reconstitute a government of the Parish. It is the intent of this Section that these emergency powers shall subsist only so long as an emergency exists and that regularly constituted elections shall be held as soon as conditions permit to fill any vacancy created by such emergency.

SECTION D – DECLARATION OF INTENT

This Charter shall be liberally construed to establish for the people of this Parish effective Home Rule, free from legislative interference as to the structure, organization, and distribution of powers and functions of its government, and with the power and authority to manage its affairs as contemplated and intended by the Constitution.

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SECTION E – RECALL

Any elected public official of the Parish may be removed from office by the qualified electors of the Parish through the recall process as provided by law.

SECTION F – AMENDMENTS AFTER ADOPTION

1. Supplemental Appropriations:

If during the fiscal year, the President certifies that there are available revenues in excess of those estimated in the budget, he shall present a supplemental budget for the disposition of such revenues. The Parish Council by ordinance may make supplemental appropriations up to the amount of the excess.

2. Emergency Appropriations:

To meet a public emergency affecting life, health, property, or breach of the public peace, the Parish Council may make emergency appropriations. The appropriations may be made by emergency ordinance in accordance with the provisions of Article IV, Section E. To the extent that there are no available unappropriated revenues, the governing authority may borrow money to meet the emergency. The repayment shall be a fixed charge upon the revenue of the following year and shall be included in the operating budget for that year.

3. Reduction of Appropriations:

If during the fiscal year, it appears probable that the revenues available will be insufficient to meet the amount appropriated, the President shall report to the Parish Council without delay, indicating the estimated amount of the deficit, any remedial action taken and recommendations as to any other steps to be taken. In any event, the Parish Council shall take action as it deems necessary to prevent any deficit. The repayment shall be a fixed charge upon the revenue of the following year and shall be included in the operating budget for that year.

(See § 2:118 of the St. John the Baptist Parish Code of Ordinances.)

4. Transfer of appropriations:

During the fiscal year, the President may transfer part or all of any unencumbered appropriation balance among programs within a department or office of the Parish Council. Upon written request by the President, the Parish Council may transfer part or all of an unencumbered appropriation balance from one department or office to another.

5. Limitations and Effective Date:

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. The ordinance authorizing a supplemental appropriations, or a reduction or transfer of appropriations may be made effective immediately upon adoption but may not be adopted at the same meeting as introduced.

(See § 2:124 and § 2:121 of the St. John the Baptist Parish Code of Ordinances.)

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(See § 2:124 and § 2:121 of the St. John the Baptist Parish Code of Ordinances.)

SECTION G – BONDED DEBT

The Parish is empowered to incur bonded debt in accordance with the Constitution and laws of this State and the Charter.

(See § 2:122 of the St. John the Baptist Parish Code of Ordinances.)

SECTION H – ANNUAL AUDIT

An independent audit of all accounts and financial transactions of the Parish shall be completed within ninety (90) days after each fiscal year. The audit shall be conducted by a certified public accountant appointed by a majority vote of the Parish Council who has no interest in the records or transactions being audited and who is experienced in auditing. An independent audit shall not be required in the legislative auditor or his successor conducts an audit which meets these requirements.

(See § 2:123 of the St. John the Baptist Parish Code of Ordinances.)

SECTION I – CODE OF ETHICS

In the absence of an applicable State code of ethics, the governing authority shall adopt a code of ethics WITHIN TWO (2) YEARS FROM THE EFFECTIVE DATE OF THIS Charter. The code shall apply to each elected and appointed officer and every employee of the Parish and provide for notice, hearing and appeal.

SECTION J – GENERAL LIMITATIONS

This Charter shall not affect the School Board, the offices of the District Attorney, Sheriff, Clerk of Court, Assessor, or Coroner, and shall not affect courts and their officers as provided in Article V of the Constitution; nor shall the Parish Council enact any ordinance defining and providing for the punishment of a felony or, except as provided by law, enact an ordinance governing private or civil relationships.

SECTION K – OFFICIAL JOURNAL

There shall be an official journal of the parish for publication of proceedings as required by law. The criteria for selection of this journal shall be that the journal shall have been published in an office physically located in St. John the Baptist Parish for a period of five (5) years preceding the selection, shall not have missed during that period as many as three (3) consecutive issues unless caused by fire, flood, strike, or natural disaster, must have maintained a general paid circulation in the Parish which the body is located for five (5) years, and shall be entered in a United States Post Office in St. John the Baptist Parish under a second class mailing permit in the Parish for a period of five (5) consecutive years prior to the selection.

(See § 2:125 of the St. John the Baptist Parish Code of Ordinances.)

SECTION L – SEVERABILITY

If any provision of this Charter is declared invalid for any reason, it shall not effect the validity of this Charter or any other provision thereof.

SECTION M – GENERAL AND SPECIFIC PROVISIONS

To the extent that any specific provisions contained in this charter conflicts with any general provision contained in this Charter, the specific provision shall prevail.

SECTION N – SINGULAR WORDS

Whenever a word in the singular number is used in the Charter, it shall be held to include the plural when the sense requires.

SECTION O – GENDER OF WORDS

Whenever a word is used in this Charter with reference to a natural person denoting the masculine gender, it shall apply to both sexes, unless otherwise expressly provided.

SECTION P – COMPUTATION OF TIME

In computing a period of time allowed or prescribed by this Charter, the date of the act or event afterwhich the period begins to run is not to be included. The last day of this period is to be included unless it is a legal holiday in which event the period runs until the end of the next day which is not a legal holiday. A half holiday is considered a legal holiday.

ARTICLE VIII AMENDMENT OR REPEAL

SECTION A – ORIGINATION

An amendment to, or the repeal of, this Chapter may be proposed by at least two-thirds of the members of the Parish Council or by a petition.

SECTION B – PROCEDURE BY PETITION

If the proposed amendment or repeal is proposed by petition, the following procedure shall be followed:

1. Any qualified elector may submit the proposal to the Parish Council, which shall specify within thirty days, a form of petition for circulation. The petition shall contain the full text of the proposed amendment or repeal.

2. The signatures of at least fifteen percent (15%) of the total registered voters of the Parish, as of the date of submission, shall be obtained. After each signature, the address or district and precinct of the signer and the date of signing shall be noted. Each person circulating the petition shall attach an affidavit stating the number of signers and verifying that each signature was made in the presence of the circulator of the petition.

3. The petition shall be filed at the office of the Parish Council within sixty (60) days of the specification of the form of the petition. Within thirty (30) days thereafter, the Parish Council shall order and complete a canvass of the signatures to determine sufficiency and authenticity. If the number of signatures is insufficient or the petition is deficient as to form, the Parish Council shall give written notice to the person filing the petition as to the deficiencies. Thirty (30) days shall be allowed to correct deficiencies. The final sufficiency of the petition shall be determined within ten (10) days thereafter.

SECTION C – ELECTION

The ordinance proposing an amendment or repeal, shall provide for submission to the qualified electors. The Parish Council shall call the election to be held at the earliest date provided by law after enactment of the ordinance or the final sufficiency of the petition is determined. Such proposal shall be adopted when approved by a majority of the electors voting thereon and shall become effective on the tenth (10th) day following promulgation of the election results.

SECTION D – RESTRICTIONS

1. Substantially the same proposal to amend or repeal this Charter shall not be submitted to the electors more frequently than once every two (2) years.
2. No amendment shall reduce the term for which any official was elected or the salary of any such official during his term.

ARTICLE IX TRANSITIONAL PROVISIONS

SECTION A – EFFECTIVE DATE

The provision of this Charter pertaining to the organization and structure of the Parish Council created hereunder shall go into effect at the end of the term of the present members of the St. John the Baptist Parish Police Jury. The remaining provisions of the Charter shall become effective at midnight of the thirtieth (30th) day after the date on which the election results are promulgated by the appropriate election officials certifying adoption of this Charter.

SECTION B – CONTINUATION OF ACTIONS – FRANCHISES, CONTRACTS, LICNESES, AND ORDINANCES, REPEAL OF CONFLICTING ORDINANCES

1. All writs, actions, suits, civil or criminal proceedings, liabilities, prosecution, judgments, sentences, contracts, franchises, debts, and obligations due by the Parish, rights or causes of actions, claims, demands, titles and rights existing on the effective date of this Charter shall continue unaffected.
2. All existing ordinances not in conflict with this Charter shall remain in full force and effect until amended or repealed by the Parish Council, or until they expire their own limitation. All acts of the prior governing authority and all administrative rules and regulations not in conflict with this Charter, shall remain in full force and effect until changed or repealed.
3. All existing ordinances in conflict with the Charter are repealed upon its effective date.

SECTION C – OFFICIAL BALLOT

The proposed Home Rule Charter shall be submitted for adoption to the qualified electors of St. John the Baptist Parish by an official ballot containing the following propositions and instructions:

OFFICIAL BALLOT

(Instruction: Place an "X" in the boxes which express your preference. The full text of the proposed Charter is available for inspection at the polling place.)

If the proposed Home Rule Charter receives a favorable majority of the votes cast thereon, it shall become the St. John the Baptist Home Rule Charter.

Do you favor the adoption of the proposed St. John the Baptist Parish Home Rule Charter?

Yes _____

No _____

CERTIFICATION

The foregoing "Home Rule Charter of St. John the Baptist Parish" was prepared by the St. John the Baptist Parish Home Rule Charter Commission and was adopted by a majority vote of same on Tuesday, August 26, 1980.

DONE AND SIGNED in the Town of LaPlace, Parish of St. John the Baptist, State of Louisiana, on the 29th day of August, Anno Domini, Nineteen Hundred and Eighty and of Independence of the United States of America, the two hundred and fifth year.

Ronnie Ory
Chairman of the Commission

Whitney Joseph, Jr.
Vice-Chairman of the Commission

Patricia Vicknair
Secretary of the Commission

Frank Trapani
Treasurer of the Commission

Milton Cox, Jr.

Felton Collins

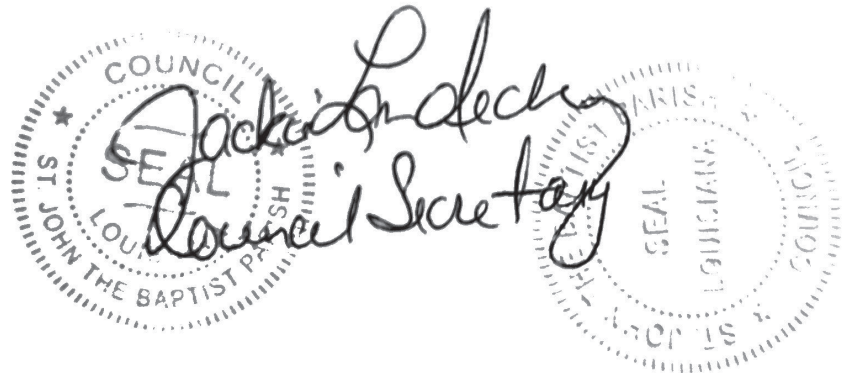
Roland Borne

Hewitt Robert

Vincent J. Rollo

Kathryn B. Page

Allen Triche



[The next page is General Index, page 2155.]