
Charter For Local Self-Government



Plaquemines Parish, Louisiana

Section 9.03: Effective Date of Charter

A. The present Plaquemines Parish Commission Council shall promulgate the returns of the special charter election according to State law and shall cause a proces verbal of the election to be filed with the Secretary of the Council and the Parish Clerk of Court. As of the date of the promulgation and certification of the returns of the special election at which this Charter shall have been adopted by a majority of the votes cast at such election, this Charter shall be in effect to the extent necessary for the holding of the election of members of the Plaquemines Parish Government, and a certified copy of this Charter shall be filed with the Secretary of State.

B. This Charter shall be completely effective on the date upon which the Parish Council shall hold its first meeting and organize by the election of its Chairman and the appointment of a Secretary.

**PLAQUEMINES PARISH CHARTER
PREAMBLE**

We, the people of Plaquemines Parish, Louisiana, grateful to Divine Providence for our many resources and opportunities, and for individual rights and liberties under a Constitutional form of government which derives its just powers from the consent of the governed; and beseeching Divine guidance to grant us the courage and resourcefulness to preserve and operate the fullest measure of local self-government and the preservation of individual rights and liberties for the general welfare and happiness of our people, do adopt and establish this Charter for Local Self-Government for the Parish of Plaquemines and the political subdivisions and districts situated therein, as authorized by the Constitution of the State of Louisiana.

**ARTICLE 1
FORM OF GOVERNMENT**

Section 1.01: Plaquemines Parish Government

The government for the Parish of Plaquemines and the other political subdivisions and districts situated therein, shall be as provided for by Section 3(d) of Article XIV (Act 631 of the 1960 Legislature), supplemented by Section 3(c) of Article XIV of the 1921 Constitution of Louisiana, and as further ratified and supplemented by Sections 4, 5, and 6 of Article VI of the Louisiana Constitution of 1974, by the applicable laws of the State of Louisiana and by this Charter and shall be conducted and operated as a "President-Council" form of government. The Plaquemines Parish Government shall consist of an elected governing authority known as the Plaquemines Parish Council (hereinafter referred to as the "Parish Council" or "Council"), and an elected Plaquemines Parish President (hereinafter referred to as the "Parish President"). No provision of this Charter shall apply, or be construed as applying, to any municipalities which may be incorporated within this Parish, nor to the powers and functions of the Parish School Board and the offices of Sheriff, Clerk of the District Court, Assessor, Coroner, District Attorney, and District Court Judges.

Section 1.02: Parish President

The Parish President shall be elected Parish-wide by the qualified voters of the Parish at the time and for a term hereinafter provided.

Section 1.03: Parish Council

The Parish Council shall be composed of at least nine (9) members to be elected from single-member districts at the time and for a term hereinafter provided.

**ARTICLE 2
POWERS OF PARISH GOVERNMENT**

Section 2.01: General Powers of Parish Government

A. The Parish Government shall have all the jurisdiction, powers, rights, privileges, and authority to adopt regulations, conduct, and operate the government of the Parish of Plaquemines and of all other political subdivisions and districts therein, in any and all

matters not prohibited by State law, or exempted in Section 1.01 hereof, including, but not restricted to, those powers hereinafter provided.

B. The Parish Government shall retain, to the same extent as if herein repeated, all the jurisdiction, powers, rights, privileges, and authority that the Plaquemines Parish Police Jury, the Plaquemines Parish Commission Council, and the governing bodies of the other political subdivisions and districts in the Parish, whether or not in existence of the effective date hereof, have or could claim under any Constitution and/or law of this State on the effective date hereof, except as herein expressly modified.

C. In addition to the foregoing, the Parish Government shall have all the jurisdiction, powers, rights, privileges, and authority conferred or herein enlarged, and all rights, powers, privileges, and authority, whether expressed or implied, that may hereafter be granted to Parishes and the other political subdivisions and districts in the Parish by any general law of the State, or that may be necessary or useful to enjoy a local self-government Charter.

D. The jurisdiction, powers, rights, privileges, and authority heretofore enjoyed, herein retained, or herein claimed shall subsist, notwithstanding the repeal of any law, until any such jurisdiction, power, right, privilege or authority be altered or taken away by amendment to this Charter in the manner provided for by the Louisiana Constitution of 1974, or by Section 5.05 of Article V thereof.

E. The Parish Government, in addition to the jurisdiction, powers, rights, privileges, and authority expressly conferred upon it by this Charter, shall have the jurisdiction, power, right, privilege, and authority to adopt and enforce local police, sanitary and similar regulations, and to do and perform all the acts pertaining to the affairs of the Parish, and all political subdivisions and districts therein, their property, and government, which are necessary or proper in the legitimate exercise of its powers and functions.

F. The enumeration of any jurisdiction, power, right, privilege, or authority hereinafter made is illustrative and not exclusive and shall not be construed as limiting any jurisdiction, power, right, privilege, or authority herein set forth.

Section 2.02: Other Powers Of Parish Government

A. Without in any manner limiting the foregoing authority, the jurisdiction, powers, rights, privileges, and authority of the Parish Government shall include, but shall not be limited to, the authority to take all action necessary to:

(1) Operate the government of, and have the care, management, and control of the Parish of Plaquemines and all other political subdivisions and districts therein; to carry out and enforce provisions of this Charter, and to provide penalties for their violation and for the violation of any regulation or Ordinance adopted by the Parish Council.

(2) Provide for the maintenance of all property, buildings, facilities, equipment, and personal property owned by the Parish and its political subdivisions and districts situated therein.

(3) Exercise the right of eminent domain to secure lands and property needed for public improvements, including, but not limited to, the laying out and constructing of streets, parks, drainage, water, sewer, and other utility systems.

Section 8.04: Severability Clause

This Charter shall be cumulative of and in addition to all of the laws of this State pertaining to the government of the Parish and all political subdivisions and districts therein, which are not in conflict with the provisions hereof. If any section, part of section, clause, or provisions of this Charter shall be held unconstitutional or for any reason shall be held invalid or void or if more than one (1) section, clause, or provisions of this Charter shall be held invalid or void or unconstitutional by any court of competent jurisdiction, such holdings shall not affect or nullify any of the remaining provisions of this Charter, but all other parts, sections, and provisions hereof, not held to be invalid or void or unconstitutional, shall remain in full force and effect.

Section 8.05: Charter Amendments

A. Amendments to the Charter may be proposed by an Ordinance adopted by the Parish Council or by petition of Fifteen (15) Percent of the qualified voters of the Parish, giving their ward, precinct, and address, duly certified by the Registrar of Voters as to the names and signatures of the registered voters on such petition from the registration records in his office. The Parish Council shall hold an election within 60 to 120 days after the adoption of the Ordinance for Amendment, or after receipt of a duly certified Petition for Amendment as above.

B. The adoption of any Charter Amendment shall require the affirmative vote of a majority of the votes cast upon such Amendment at such election.

Section 8.06: Reconstitution of Government

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

ARTICLE 9 TRANSITIONAL PROVISIONS

Section 9.01: Date of First Election

A. The first election of the Parish President, and Parish Council shall be held at the Congressional Elections of 1986 and the members of Parish Government shall take office January 1, 1987.

B. All terms of office of the first Parish President, and Parish Council shall expire on December 31, 1990, when the newly elected members of Parish Government shall take office.

Section 9.02: Districts From Which Parish Council Members Are Elected

Council members shall be elected from those districts whose boundaries are in effect as the effective date of this Charter as set forth in the order issued on December 1, 1982 in the United States District Court, Eastern Division of Louisiana in the matter