

Charter For Local Self-Government



Plaquemines Parish, Louisiana

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 herein, 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 the 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.

- 4) Prepare, enact, and enforce comprehensive plans for the development of the Parish and for zoning purposes, and act with the full authority of a Parish Planning and Zoning Commission.
- 5) Establish and change the channel of streams and water courses and to bridge the same whenever to do so will promote the safety, health, comfort, and convenience of the inhabitants of the Parish.
- 6) Regulate public health, morals, peace, and good order of the people within the Parish of Plaquemines in any and all matters not prohibited by State law.
- 7) Grant, and require all persons, firms, and corporations to secure permits for geophysical and geological surveys, and exploration for minerals on any lands owned by the Parish or by any political subdivision or district, situated therein, or upon Parish lateral roads, streets, canals, ditches, and similar public property.
- 8) Grant, and require all persons, firms, and corporations to secure permits for geophysical and geological surveys, and for exploration for, and transportation of oil, gas, and other minerals within the Parish, including all dredge and fill uses associated therewith and all other associated uses.

Section 2.03: Assumption of Jurisdiction, Powers, Duties and Functions

- A. The Parish Government shall succeed to all the jurisdiction, powers, duties, and functions of the Plaquemines Parish Police Jury and the Plaquemines Parish Commission Council as governing authority of the Parish of Plaquemines and other political subdivisions and districts therein, including, but not limited to, the Buras Levee District, the Grand Prairie Levee District, and the West Bank Levee District, with full authority as governing authority of said levee districts to appropriate property for levee and levee drainage purposes, as authorized by the State Constitution and all applicable State laws.
- B. The Parish Government shall succeed to all the jurisdiction, rights, and rights of action, powers, duties, and functions of all other political corporations and governing bodies of the other political subdivisions and districts therein.
- C. The Parish Government shall have full power and authority to conduct and operate the government of the Parish of Plaquemines and of the other political subdivisions and districts situated therein, in any and all matters not prohibited by State law.
- D. The Parish Government shall exercise all authority granted by Section 2 of Article IV of the State Constitution of 1921 relative to the Royalty Road Fund.
- E. The royalties and revenues remitted to the Parish of Plaquemines pursuant to Article VII, Section 4, of the Louisiana Constitution of 1974 may be utilized by the Parish Government for general Parish purposes.

Section 2.04: Transfer of Jurisdiction

- A. All the powers, duties, and functions vested in the present members of the governing bodies of the Parish and of any political subdivisions and districts in the Parish of Plaquemines shall be transferred to the Parish Government.
- B. Pursuant to the provisions of Article VI, Sections 16 and 38 of the Louisiana Constitution of 1974, a levee district whose flood control responsibilities are limited to and which is situated entirely within the Parish of Plaquemines may be consolidated and merged into the Parish of Plaquemines and upon such consolidation and merger, the Parish of Plaquemines shall succeed to and be vested with all the rights, revenues, resources and jurisdiction, authority and powers of such levee district. Such consolidation and merger shall become effective only if approved

by a majority of the electors voting thereon within the limits of the Levee District and by a majority of the electors voting thereon in the Parish.

Section 2.05: Consolidating, Reorganizing and Abolishing Districts; Enlarging and Extending Boundaries Thereof

- A. The Parish Council, by Ordinance, may consolidate, reorganize, and abolish districts, or enlarge, or extend the boundaries of districts whether adjacent or not, within which may be provided fire protection, recreation facilities, water, streets, sidewalks, street lighting, waste and garbage collection and disposal, sewerage and sewerage disposal systems, drainage, hospital services, gas, light, power, levees, and other essential facilities and services; provided, however, that no districts with outstanding indebtedness shall be consolidated or abolished until adequate provision has been made for the payment or retirement of such indebtedness under the terms and conditions of the contract under which such bonds were issued, or in the event of assumption of the indebtedness by the Parish, the contract of assumption; as further provided by Article VI, Section 16 of the 1974 Louisiana Constitution.
- B. All Parish funds for said districts shall be generated by service charges, special assessments, general tax levies, or as otherwise provided by law, charged and collected within such districts only.
- C. The governing authority of all districts consolidated or reorganized under the provision of this part shall be the Parish Council. When acting as the governing authority of said districts, the Parish Council shall have the same jurisdiction and powers as when acting as the governing authority of the Parish.

Section 2.06: Creation of New Districts

- A. The Parish Council shall have the exclusive right and power to create in any manner not prohibited by law any district which the Constitution of Louisiana authorizes to be created by the governing authority of a Parish, and the Parish Council shall be the governing authority of any such political subdivision or district of the State hereafter created in the Parish of Plaquemines.
- B. All Parish funds for said political subdivisions or districts shall be generated by service charges, special assessments, general tax levies, or as otherwise provided by the Parish Council, charged and collected within such districts only. When acting as the governing authority of said political subdivisions or districts, the Parish Council shall have the same jurisdiction and powers as when acting as the governing authority of the Parish.

**ARTICLE 3
PARISH PRESIDENT**

Section 3.01: Powers of President

The Parish President shall be the Chief Executive Officer of the Parish and shall have power, subject to this Charter and the Constitution of the State, to supervise and direct all activities and functions of Parish Government and provide administrative and logistical support to all other political subdivisions and districts therein as provided in this Charter and may delegate such authority to the offices and agencies of the Parish as hereinafter provided.

Section 3.02: Qualifications

- A. The Parish President shall be a citizen of the State of Louisiana and of the United States and a qualified elector, at least twenty-five (25) years of age, and a bonafide resident of the Parish for the last three (3) years before he may qualify for such office.
- B. The Parish President shall continue to be legally domiciled and shall reside within the Parish during the term of his office. Should the legal domicile or actual residence of the Parish President change from the Parish, or should the President cease to be a qualified voter of the Parish during such term of office, the office shall automatically become vacant, which vacancy shall be filled as set out hereinafter.
- C. A candidate who has, or receives any interest, monies, or revenues from Parish oil, gas, or mineral producing land shall file with the Clerk of Court for the Parish of Plaquemines a complete financial disclosure regarding the aforementioned interest, monies, or revenues at the time of filing his notice of candidacy or nomination papers. The Parish Council, by Ordinance, shall define the scope and format of the financial disclosure statement.
- D. Each candidate shall possess the qualifications of President required by Article 3, Section 3.02 (A), and (C) at the time he files his notice of candidacy or nomination papers, or consent to be voted for, in any primary or general election.
- E. If there is only one (1) candidate for the office of Parish President in an election, he shall be declared elected and commissioned, and the election for said office shall be cancelled, as provided by law.

Section 3.03: Term of Office

- A. The Parish President shall be elected Parish-wide and serve for a term of four (4) years, except as hereinafter provided; said term shall be concurrent with the terms of the Parish Council members. A person who has served as Parish President for two (2) consecutive terms shall not be eligible to be elected Parish President for the succeeding term.
- B. The term of office of the Parish President shall expire on December 31 of the year designated in this Charter for the expiration of a term of office. The term of the newly elected Parish President shall begin January 1 of the following year.
- C. The Parish President shall hold office and serve until his successor is elected or commissioned.

Section 3.04: Prohibitions

- A. The Parish President shall hold no other elected public office, nor be a compensated official or employee of or under contract with the Parish Government or any of its political subdivisions during the term of office for which elected. The Parish President shall hold no compensated appointive office or employment of the Parish Government of any of its political subdivisions nor serve on the Parish Council within one (1) year after leaving office.
- B. Nothing in this section shall prohibit the President from serving as an elected member of a political party committee, charter commission, or constitutional convention.
- C. The Parish President shall not act upon or participate in any matter or subject in which he has a personal interest.
- D. The Parish President shall not contract with any person, firm, or corporation with whom he is associated in business, or of which he is a member or shareholder, for any work, or to furnish any equipment, material, supplies, or labor for the Parish, or any of its political subdivisions or districts.

Section 3.05: Forfeiture

- A. Whenever the Parish President ceases to be a qualified voter of the Parish, or fails to attend meetings of the Parish Council for a period of three (3) consecutive months without special leave due to illness or other cause beyond his control, his office shall be forfeited and declared vacant by action of the Parish Council, and such vacancy shall be filled as herein provided.
- B. The President shall forfeit his office if during the term of office: (1) he lacks any qualifications for the office required by this Charter, (2) he is convicted of a State or Federal felony, or (3) he violates Section 3.02 (C) of this Charter.

Section 3.06: Absence

Whenever the Parish President is absent from the Parish and unable to perform the duties of his office due to his absence, the powers and duties of the Office of Parish President shall be exercised by the Chairman of the Parish Council and in the absence of the Chairman, the Vice-Chairman shall assume these duties with the exception of the powers of appointment and removal as expressed in Article 5 of this Charter.

Section 3.07: Disability

- A. Whenever the President transmits to the Secretary of the Council a written declaration stating inability to discharge the powers and duties of the Office, and until the President transmits to the Secretary of the Council a written declaration to the contrary, the Office of the President shall be filled by the Chairman of the Council. If the Chairman is unable to serve, the Vice-Chairman shall assume the Office of the President. If the Vice-Chairman is unable to serve, the Office shall be filled by a member of the Council chosen by a majority vote of the Council membership.
- B. Whenever a panel of three (3) qualified medical experts, designated by resolution adopted by the favorable vote of at least two-thirds (2/3) of the membership of the Council, transmits to the Secretary of the Council its written declaration that the President is unable to discharge the powers and duties of the Office, the Office of the President shall be declared temporarily vacant and shall be filled in the same manner as subsection A above. The person filling the Office shall serve until a panel of three (3) qualified medical experts, designated by resolution adopted by the favorable vote of at least two-thirds (2/3) of the membership of the Council, transmits to the Secretary of the Council its written declaration that the President's disability has ended. The medical experts shall review the President's disability at least once every three (3) months until such time as it has been determined that the disability has ended.
- C. Should the President be unable to discharge the powers and duties of the Office for a period exceeding six (6) consecutive months, the Council shall have the authority upon the favorable vote of at least two-thirds (2/3) of its membership to declare the Office of the President vacant due to disability; provided, however, that the Council shall hold a public hearing on the issue prior to such declaration. The vacancy shall be filled as provided in Article 3, Section 3.08 of this Charter.
- D. The acting President shall receive the compensation of the Office of the President when filling such office as provided for in this section.

Section 3.08: Vacancies

- A. Any vacancy in the Office of Parish President caused by death, resignation, forfeiture, removal from office in any manner authorized by law, or failure to take office, except temporary absence as described in Article 3, Section 3.06 of this Charter, shall be filled by appointment of a person holding the qualifications for that office by a majority vote of the authorized membership of the Parish Council. If one (1) year or less of the unexpired term remains when the vacancy occurs,

the appointment shall be for the remainder of the term. If the vacancy occurs more than one (1) year prior to the expiration of the term, the appointment shall be until such time as the office is filled by the vote of the qualified electors voting in a special election called by the Parish Council for that purpose, which election shall be held according to the timetable and procedures established by State law generally for the filling of vacancies in elected local offices.

- B. If the Parish Council does not fill a vacancy as required by this section by the thirtieth (30th) calendar day after the day the vacancy occurred, the vacancy shall be filled by appointment by the Governor.
- C. Any person appointed to such position shall be ineligible as a candidate at the election to fill the vacancy.

Section 3.09: Compensation

The compensation of the Parish President shall be no greater than the annual compensation, including any supplements thereto, payable monthly, received by a Judge of the 25th Judicial Court, Parish of Plaquemines, Louisiana. The Parish President shall be paid an initial annual salary, payable monthly, of Fifty-two Thousand (\$52,000.00) Dollars. The Parish Council may periodically review the compensation paid to the Parish President and may change same by Ordinance; provided, however, that no Ordinance changing any compensation shall be passed during the last year of a term and further provided that a change shall not become effective during the current term of the Parish President.

Section 3.10: Duties of the President

The Parish President shall have the following duties:

- A. Carry out policies adopted by the Parish Council;
- B. Exercise general oversight of the activities of boards, agencies, and special districts;
- C. Exercise supervision over all other executive and administrative work of the Parish and provide for the coordination of administrative activities;
- D. Assure that the provisions of the Charter, the Ordinances of the Parish and all laws are enforced;
- E. Appoint and remove all administrative and executive officers and employees of the Parish, in accordance with the Parish Council adopted employment policies except for the personal staff of the Council and its members, and any personal staff of the President. The personal staff of the President shall be appointed by and serve at the will of the President;
- F. Appoint the Administrative Directors (Director of Administration, Director of Operations, and Director of Public Services) of the Parish, subject to confirmation by a majority vote of the entire membership of the Council, and shall serve at the will of the President. The compensation and qualifications of the Administrative Directors shall be in accordance with the Parish Council adopted employment policies. The terms of the Administrative Directors shall be concurrent with the term of office of the President.
- G. Make recommendations to the Parish Council for appointments of all members of boards and commissions;
- H. Submit annually to the Council for its consideration and approval an operating budget and a capital improvement budget;
- I. Call special meetings of the Parish Council;
- J. Veto Ordinances and disapprove or reduce any item or items of appropriation, except:
 - 1) Any such item or items appropriated for the purpose of auditing or investigating the executive branch;

- 2) Any item or items appropriated for or Ordinance involving the purchase, sale, lease, mortgage, or other alienation or encumbrance, at public or private transaction, of any immovable property of the Parish or of any political subdivision or district situated therein;
 - 3) Any item or items appropriated for or Ordinance involving the expropriation of property for a public purpose;
 - 4) Any item or items appropriated for or Ordinance involving the Plaquemines Parish Port, Harbor and Terminal District;
 - 5) Ordinances for reapportionment;
 - 6) Ordinances for amendments to the Charter;
 - 7) Ordinances for zoning; and
 - 8) Ordinances for establishing, altering or modifying Parish Council procedure not in conflict with the provisions of this Charter.
- K. Attend or be represented by his designee at Council meetings, furnish such information as may be requested by any Council member, and have the right to take part in any discussions, but without the right to vote.

ARTICLE 4 PARISH COUNCIL

Section 4.01: Legislative Powers

- A. All legislative powers of the Parish of Plaquemines shall be vested in the Parish Council and exercised by it, subject to any applicable provisions of this Charter, and shall include, but not be limited to, the power to:
- 1) Represent, as governing authority, the Parish of Plaquemines and all political subdivisions and districts therein, in any and all matters and actions, all rights of action and warranties, and all rights, title, and interest in and to all lands and property owned by them, and to all resources and revenues derived therefrom.
 - 2) Sell, lease, mortgage, and otherwise alienate or encumber at public or private sale, any real property, improvements, and facilities or any personal property which, in the judgment of the Parish Council, may not be needed for public use, under such terms and conditions and for such consideration as, in its judgment, may be to the best interest of the Parish, provided that the sale of any land owned by the Parish, political subdivision, or district shall reserve all mineral rights as required by Article IV, Section 2, of the State Constitution of 1921 and Article IX, Section 4, of the 1974 Louisiana Constitution and provided further that any sale of Levee District lands shall be as provided by R.S. 41:131-136, as amended. And provided further that any lands or real property belonging to the Parish of Plaquemines, or to any of the political subdivisions or districts situated therein shall be sold only upon the approval of a two-thirds (2/3) vote of the Parish Council.
 - 3) Determine which official and employees shall be required to furnish surety bonds and the amount of each such bond. To require surety bonds on contracts involving financial obligation of the Parish and any of its political subdivisions and districts' in conformity with applicable State law.
 - 4) Make appointments to fill vacancies in the Parish and local offices as provided herein and as provided by Law, and to fill other Parish and local

offices unless prohibited by law from a list of names of those persons submitted by the Parish President and from a list of names submitted by Council members.

- 5) Select an official journal for the Parish and the political subdivisions and districts at its organizational meeting and at its first meeting in June yearly. The newspaper selected as the official journal shall be published in a newspaper plant located in the Parish, if any such plant exists, for a period of at least five (5) years preceding its election as official journal. The official journal shall publish all minutes, Ordinances, Resolutions, budgets, and other official proceedings of the Parish Council. The Parish official journal must at all times meet the qualifications of R.S. 43:142, as amended.
- 6) Adopt a code embracing all of the Ordinances which the Parish Council may enact; or amend and revise its existing Ordinances in whole or in part, compile the revisions in book or pamphlet form and adopt and promulgate the same by one (1) publication in its official journal.
- 7) (a) Levy and have collected any and all classes of taxes, excises, tariffs, licenses, and fees, not prohibited by State law, and in conformity with provisions of the State Constitution, for the operation, maintenance, and capital improvements of the Parish of Plaquemines and the political subdivisions and districts therein.

(b) Order elections, and when authorized by a vote of a majority of the authorized electors voting in an election called for the purpose, levy special taxes in aid of public improvements and services as provided by law.
- 8) 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.
- 9) Adopt regulations and prepare, enact, and enforce plans for land use, zoning, and historic preservation, the authority to do which is declared to be a public purpose; create commissions and districts to implement those regulations; review decisions of any such commission; and adopt standards for use, construction, demolition and modification of areas and structures.
- 10) Govern and regulate the laying out of subdivisions, roads, streets, alleys, and other avenues of traffic, playgrounds, community centers, and other public buildings, grounds, or improvements.
- 11) Maintain roads and streets dedicated for public use and to adorn and light the same.
- 12) Control, supervise, and regulate trailer courts, tourist courts, and tourist camps.
- 13) Issue, withhold, suspend, or revoke liquor licenses, regulate bar rooms, taverns, restaurants, night clubs, and to provide safety, sanitary and health requirements.
- 14) Prohibit and suppress disreputable houses or places of business, and all kinds of indecency and other disorderly practices, disturbances of the peace, gambling houses and rooms, and to provide for the punishment of persons engaged therein.
- 15) Prevent, remove and abate nuisances; to compel and regulate construction or use of cesspools, connection of properties with sewers and drains; to regulate cleaning and keeping in order places where offensive matter is kept

or permitted to accumulate; and to compel and regulate the removal of garbage and filth, and to prohibit the littering of roads, streets, and highways.

- 16) Prevent injury to, destruction of, or interference with public or private property, including the adoption of laws or Ordinances concerning trespass upon public or private property.
- 17) Prevent and regulate the running at large of animals of all kinds, including the appointment of pound keepers, the impounding of animals roaming or running at large and the selling of same to defray the expense incurred therefor.
- 18) Grant and require all persons, firms, and corporations to secure permits for geophysical and geological surveys, and exploration for minerals on any lands owned by the Parish or by any political subdivision or district, situated therein, or upon Parish lateral roads, streets, canals, ditches, and similar public property.
- 19) Grant and require all persons, firms, and corporations to secure permits for geophysical and geological surveys, and for exploration for, and transportation of oil, gas and other minerals within the Parish, including all dredge and fill uses associated therewith and all other associated uses.
- 20) Provide, maintain, and operate fire apparatus and equipment to be located and operated at such places in the Parish to furnish fire protection and to adopt regulations to assist in fire prevention.
- 21) Adopt building, electrical, technical, and other codes and require permits, licenses, or other authorizations required by law, or by Ordinance or regulation of the Parish Council. Provide for examining and licensing boards, their duties, functions, and authority.
- 22) Regulate, control, grant franchises to, or itself operate any public utilities. All lawful franchises, contracts, and licenses in force on the effective date of this Charter shall continue in effect under their terms and provisions, unless and until subsequently modified, amended, or terminated according to such agreements or as provided by law.
- 23) Provide by Ordinance for benefits for Parish employees including, but not limited to, social security, retirement and group insurance plan, death and hospitalization insurance.
- 24) Create by Ordinance such advisory boards as may be deemed necessary, prescribing in each case the number, length of terms, and duties of members of such boards.
- 25) Provide for the employment of any employees and personnel which, in its judgment, may be necessary and proper to perform the work and carry out the duties and functions of Parish government and the conduct and operation of the other political subdivisions and districts situated within the Parish.
- 26) Have the exclusive authority to provide for the compensation and the terms and conditions of employment under which all of its employees shall be employed and work for the Parish of Plaquemines and all other political subdivisions and districts therein.
- 27) Serve as the sole governing authority for the Plaquemines Parish Port, Harbor and Terminal District.

- B. The Parish Council may conduct investigations, and may issue subpoenas for the production of books and papers and summonses to compel the attendance of witnesses and their examination under oath to secure data and information helpful in the adoption of Ordinances to carry out the objects and purposes of this Charter; and to secure evidence regarding the violation of any provisions of this Charter or Ordinances.
- C. Every act of the Parish Council which is to have the effect of law shall be in the form of an Ordinance and, after a brief title indicating the subject matter of the Ordinance, shall begin with the words: BE IT ORDAINED by the Plaquemines Parish Council".

Section 4.02: Qualifications

- A. A Council member shall be a citizen of the State of Louisiana and of the United States and a qualified elector and a bonafide resident of and legally domiciled in a ward and precinct within the District from which said Parish Council Member is required to be elected for at least the last one (1) year before he may qualify for such office.
- B. A Council member shall continue to be legally domiciled and to reside within the district from which elected during his term of office. Should the legal domicile or actual residence of a Council Member change from the district from which elected, unless the District is changed by reapportionment, or should the Council Member cease to be a qualified voter thereof, the office shall automatically become vacant, which vacancy shall be filled as set out herein.
- C. A candidate who has, or receives any interest, monies, or revenues from Parish oil, gas, or mineral producing land, shall file with the Clerk of Court for the Parish of Plaquemines a complete financial disclosure regarding the aforementioned interest, monies, or revenues at the time of filing his notice of candidacy or nomination papers. The Parish Council, by Ordinance, shall define the scope and format of the financial disclosure statement.
- D. Each candidate shall possess the qualifications of a Parish Council member required by Section 4.02 (A) and (C) at the time he files his notice of candidacy or nomination papers, or consent to be voted for, in any primary or general election.
- E. If there is only one (1) candidate for a Parish Council position in an election, he shall be declared elected and commissioned and the election for said office shall be cancelled as provided by law.

Section 4.03: Term of Office

- A. At least nine (9) Parish Council Members shall be elected for a term of four (4) years each, except as hereinafter provided, and in accordance with the applicable provisions of the State Election Code. A person who has been elected to serve as a Parish Council Member for one and one-half or more consecutive terms shall not be eligible to be elected Parish Council Member for the succeeding term.*

* Adopted at a Special Election held on July 16, 1994.
- B. The term of office for the Parish Council Members shall expire on December 31 of the year designated in this Charter for the expiration of a term of office. The term of the newly elected Parish Council members shall begin January 1 of the following year.

- C. Parish Council Members shall hold office and serve until their successors are elected or commissioned.

Section 4.04: Prohibitions

- A. A Council member shall hold no other elected public office nor be a compensated official or employee of or under contract with the Parish government or any of its political subdivisions during the term for which elected to the Council. No former Council member shall hold any compensated appointive office or employment of the Parish government or any of its political subdivisions within one (1) year after leaving office.
- B. Nothing in this section shall prohibit a Council member from serving as a member of a charter commission, constitutional convention, or political party committee.
- C. Except as specifically provided in this Charter, neither the Council nor any of its members shall remove, direct or supervise any administrative officers or employees whom the President or any of his subordinates are empowered to appoint.
- D. No member of the Parish Council shall vote upon or participate in any matter or subject in which he has a personal interest.
- E. The Council shall not contract with any person, firm, or corporation with whom a member of the Parish Council is associated in business, or of which such official is a member or shareholder, for any work, or to furnish any equipment, material, supplies or labor for the Parish, or any of its political subdivisions or districts.

Section 4.05: Forfeiture of Office

The Parish Council shall declare the office of a Council member vacant if such member during the term of office: (1) lacks any qualifications for the office required by this Charter, (2) is convicted of a State or Federal felony, (3) violates Article 4, Section 4.02 (C) of this Charter, or (4) fails to attend four (4) consecutive meetings of the Parish Council without special leave due to illness or other cause beyond his control. Such vacancy shall be filled as herein provided.

Section 4.06: Vacancies

- A. Any vacancy in the office of Council member caused by death, resignation, forfeiture, removal from office in any manner authorized by law, or failure to take office, shall be filled by appointment of a person holding the qualifications for that office by majority vote of the authorized membership of the Parish Council. If one (1) year or less of the unexpired terms remains when the vacancy occurs, the appointment shall be for the remainder of the term. If the vacancy occurs more than one (1) year prior to the expiration of the term, the appointment shall be until such time as the office is filled by the vote of the qualified electors voting in a special election called by the Parish Council for that purpose, which election shall be held according to the timetable and procedures established by State law generally for the filling of vacancies in elected local offices.
- B. If the Parish Council does not fill a vacancy as required by this section by the thirtieth (30th) calendar day after the day the vacancy occurred, the vacancy shall be filled by appointment by the Governor.

- C. Any person appointed to such position shall be ineligible as a candidate at the election to fill the vacancy.

Section 4.07: Compensation

The compensation of each Council member shall be no greater than ONE-THIRD ^(1/3) of the compensation, including any supplements thereto, payable monthly, received by a Judge of the 25th Judicial Court, Parish of Plaquemines, Louisiana. The initial "annual salary of Parish Council members shall be Eighteen Thousand (\$18,000.00) Dollars, payable monthly. The Council member who serves as Chairman shall receive as additional compensation the sum of One Thousand and No/100 (\$1,000.00) Dollars annually, payable monthly. The Parish Council may periodically review the compensation paid to the Council members and may change same by Ordinance; provided, however, that no Ordinance changing any compensation shall be passed during the last year of a term and further provided that a change shall not become effective during the current term of the Parish Council members adopting the Ordinance.

Section 4.09: Officers of the Parish Council

- A. The Parish Council shall elect a Council Chairman and Council Vice-Chairman from among its members each of whom shall serve for one (1) year term. No Council member shall serve for more than two (2) consecutive terms as Chairman or Vice-Chairman. In the absence of the Council Chairman, the Council Vice-Chairman shall preside at all meetings of the Parish Council and exercise such other powers as may be authorized by resolution of the Parish Council.
- B. The Parish Council shall appoint a Secretary who shall keep a record in book form of the minutes of the meetings of the Parish Council and shall publish copies of the minutes in the Parish official journal. The Secretary shall cause to be made and maintained a Code, with suitable index, containing all the Ordinances of the Parish Council which shall have the effect of law, and shall perform such other duties as may be prescribed by the Parish Council.

Section 4.09: Meetings of the Parish Council

- A. The Parish Council shall meet regularly in public session at the Parish Seat at such times as may be specified by its rules of procedure, but not less than once each month. The Parish Council may declare a vacation period for the Council during which meetings need not be held.
- B. Special meetings may be held at any place within the Parish of Plaquemines as provided by the rules of procedure adopted by the Parish Council, or as called by the Parish President and as provided by law.
- C. A majority of the Council members shall constitute a quorum. All Ordinances, Resolutions, or other actions of the Parish Council shall require the affirmative votes of a majority of the council membership which shall be recorded by the Secretary.

Section 4.10: Reapportionment

Following official publication of the Federal Census by the United States Bureau of the Census and at least six (6) months prior to the next election for Council members following

publication of the Census, the Council by Ordinance shall, if necessary, alter, change or rearrange Council district boundaries so as to provide for population equality among the districts as near as reasonably practicable.

ARTICLE 5 ADMINISTRATIVE ORGANIZATION

Section 5.01: Departments and Offices

- A. Subject to the provisions of this Charter, there shall be a Department of Administration, Department of Public Services, and Department of Operations. Upon the recommendation of either the Parish President or Parish Council, other departments, offices, and agencies may be established by Ordinance of the Parish Council subject to all provisions of this Charter.
- B. The Department of Administration shall be headed by a Director of Administration who shall have general management and control over all matters related to finance, budget, grants, personnel and law.
- C. The Department of Public Service shall be headed by a Director of Public Service who shall have general management and control over all matters related to public utilities, telecommunications, solid waste, health, hospitals, environmental control, recreation and recreation facilities, libraries, and community centers.
- D. The Department of Operations shall be headed by the Director of Operations, who shall have general management and control over all matters related to planning, operations, maintenance, and capital improvements.
- E. Other departments, offices and agencies may be established by Ordinance of the Parish Council.
- F. Upon recommendation of the Parish President, or upon its own motion, the Parish Council may provide by Ordinance for distribution among the Departments of any duties and functions not provided for above and may transfer duties and functions herein assigned from one Department to another or may consolidate such Departments, all as in the judgment of the Parish President and the Parish Council will make for a more orderly and successful operation of Parish Government.

Section 5.02: Legal Services

- A. The Parish President, with the approval of the Parish Council, may employ a Parish Attorney who shall serve at the will of the President for the same term of office as the Parish President. All legal services for the Parish, the Parish Council, the President, and all other political subdivisions and districts situated within the Parish, except in criminal matters and as hereinafter provided, shall be performed by the Parish Attorney.
- B. The Parish President shall also have the power and authority to employ attorneys, with the approval of the Parish Council, to handle all legal and financial work with reference to the issuance of bonds, notes, or other evidences of indebtedness, whether in the original instance, or for refunding purposes. In other matters as the Parish President may deem

advisable, the Parish President may employ special counsel pursuant to the provisions of this Charter. In all cases, the Parish shall compensate said special counsel for their services.

- C. The Parish Council may by majority vote of its membership employ special counsel for itself.
- D. No special counsel shall be employed by either the Parish President or the Parish Council until a budget appropriation has been made for that purpose.

Section 5.03: Offices of Government

The administrative offices and the employees necessary for the proper administration of the government of the Parish of Plaquemines and the other political subdivisions and districts therein may be located at the Parish Seat or at such other public buildings as may be designated by the Parish Council.

ARTICLE 6 ORDINANCES

Section 6.01: Introduction, Consideration and Passage of Ordinance

- A. Proposed Ordinances must be complete, in writing, and may be introduced by any member at any meeting of the Parish Council. Each Ordinance shall embrace but one subject except those approving the annual operating and capital budgets and codifications.
- B. After a proposed Ordinance has been introduced, copies of it shall forthwith be prepared and distributed to each member of the Council, and the Parish President.
- C. A proposed Ordinance shall not be altered or amended during its consideration so as to nullify its original purpose, or so as to accomplish an object not cognate to its original purpose.
- D. A proposed Ordinance shall lay over at least one (1) week before being considered by the Council for final passage.
- E. Proposed Ordinances on any of the following specified subjects shall be adopted only at a regular meeting of the Parish Council, held pursuant to Section 4.09 (A) of this Charter, and shall have been distributed to all members of the Council and made available to the public, and only after a notice of the introduction on such proposed Ordinance shall have been published in the official journal of the Parish not less than one (1) week nor more than two (2) weeks after the introduction thereof, which notice shall state the substance of the proposed Ordinance and the date of the meeting at which a public hearing shall be held and at which the Council shall begin its consideration thereof, to wit:
 - 1) Levying any tax, excise or tariff, not imposed at the effective date of this Charter, or increasing the rate of tax, excise or tariff;
 - 2) Imposing any license, requiring any permit, establishing any charge for services rendered, imposed, required, or established at the effective date of this Charter, or increasing the rate of any license, fee, or service charge;
 - 3) Zoning or rezoning, or changing the zoning districts or classifications;

- 4) Alienating or encumbering any immovable property; granting any servitude, franchise, or privilege.
- F. Each proposed Ordinance shall be read by title when called for final passage.
- G. Votes shall be taken by yeas and nays and the names of the Parish Council members voting for and against each proposed Ordinance or amendment shall be entered upon the journal of proceedings to be kept of all transactions of the Council.
- H. No proposed Ordinance shall be adopted except by the affirmative vote of a majority of the entire Parish Council.
- I. Should the Parish Council by a two-thirds (2/3) vote of a quorum declare the existence of an emergency due to a public calamity, the Council by a two-thirds (2/3) vote of a quorum may waive all of the requirements of this Section pertaining to procedure, except those relating to the number of votes required for passage and the recording of the vote in the official journal.

Section 6.02: Effective Date of Ordinances

- A. Unless otherwise provided, an Ordinance shall become effective ten (10) days after publication in the Parish official journal or thirty (30) days after adoption by the Parish Council, whichever comes first. The Parish Council may designate which Ordinances shall become effective upon signature of the Parish President, or after publication in the Parish official journal.
- B. Each Ordinance shall be published in one (1) publication of the Parish Official Journal. The publisher or editor of the Parish Official Journal shall make affidavit to the fact of each such publication for the Parish Council record.

Section 6.03: Submission of Ordinances or Items of Appropriation to the Parish President

- A. Every Ordinance, or item of appropriation adopted by the Parish Council shall be certified by the Secretary and presented to the Parish President within three (3) calendar days, excluding Saturdays, Sundays, and Legal Holidays, after adoption. The Secretary of the Council shall record upon the Ordinance or item of appropriation, the date and hour of its delivery to the President. The provisions of this paragraph shall not apply to the conduct of an investigation as provided in this Charter.
- B. The Parish President, within ten (10) calendar days, excluding Saturdays, Sundays, and Legal Holidays, of receipt of an Ordinance or item of appropriation shall return it to the Secretary with or without his approval. The Secretary shall record upon the Ordinance or item of appropriation the date and hour of its receipt from the Parish President. If the Ordinance or item of appropriation action is approved, it shall become effective upon signature of the Parish President. If the Ordinance or item of appropriation is neither approved nor disapproved, it shall become effective at 12:01 am. on the eleventh (11th) calendar day, excluding Saturdays, Sundays, and Legal Holidays, after receipt by the Parish President or at some later date as provided in such Ordinance or item of appropriation.
- C. An Ordinance or item of appropriation vetoed by the Parish President shall be presented, together with a written statement stating the reason or reasons for the veto, to the Parish

Council by the Secretary of the Parish Council. Should the Parish Council, then, or at its next regular meeting, adopt the measure or action by an affirmative vote of at least two-thirds (2/3) of its entire Membership, it shall become effective at 12:01 a.m, on the next calendar day or at some later date as provided in such Ordinance or item of appropriation.

ARTICLE 7 FISCAL MATTERS

Section 7.01: Fiscal Year

The fiscal year of the Parish Government shall be the same as the calendar year, subject to change by Ordinance of the Parish Council.

Section 7.02: Operating Budget Preparation and Adoption

- A. At least sixty (60) days prior to the beginning of each fiscal year, the President shall submit to the Council a proposed operating budget in the form required by this Charter. At the meeting of the Council at which the operating budget is submitted, the Council shall order a public hearing on the budget. At least ten (10) days prior to the date of such public hearing, the Council shall publish in the official journal the place of the hearing, a general summary of the proposed budget, and the times and places where copies of the proposed budget are available for public inspection. At the time and place so advertised, the Council shall hold a public hearing on the budget as submitted. The budget shall be finally adopted not later than the last day of the current fiscal year. Upon final adoption, the budget shall be in effect for the budget year and copies shall be filed with the Secretary of the Council. The budget as finally adopted shall be reproduced and sufficient copies shall be made available for use by all offices, departments and agencies of the Parish Government.
- B. Upon failure of the Council to adopt a budget prior to the end of the current fiscal year, an amount equal to fifty percent (50%) of the amount appropriated for that fiscal year shall be appropriated for the new fiscal year and such appropriation shall be in effect until such time as a new budget is adopted.

Section 7.03: The Operating Budget

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

- A. Part I shall contain: (1) a budget message which shall outline the proposed fiscal plan for the Parish Government and describe significant features of the budget for the forthcoming fiscal period; and (2) a general budget summary which, with supporting schedules, shall show the relationship between total proposed expenditures and total anticipated revenues for the forthcoming fiscal period and which shall compare these figures with corresponding actual figures for the last two (2) completed fiscal years and estimated figures for the year in progress.
- B. Part II shall contain: (1) detailed estimates of all proposed expenditures; showing the corresponding estimated expenditures for each item for the current fiscal year and actual figures for the last preceding year with explanations of increases or decreases

recommended related to performance standards or workload measurements, to the extent of availability of such information; (2) manning or organizational tables for each of the departments, agencies or programs; (3) detailed estimates of all anticipated revenues and other income, showing the corresponding estimated revenue or income for each item for the current fiscal year and actual figures for the last preceding fiscal year with explanations of increases or decreases; (4) delinquent taxes for current and preceding years, with the estimated percentage collectible; (5) statement of indebtedness of the Parish Government, showing debt redemption and interest requirements, debt authorized and unissued, and conditions of the sinking funds; (6) all current and projected retirement fund obligations shall be identified and funded annually; and (7) such other information as may be requested by the Parish Council. The total of proposed expenditures shall not exceed the total of estimated revenues.

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

Section 7.04: Amendments to Operating Budget

- A. Amendments to the operating budget adopted pursuant to Section 7.02 of this Charter may be proposed by either the President or Council and shall be by Ordinance in accordance with provisions of this Charter.
- B. Supplemental appropriations may be made only if the President certifies that funds are available for appropriation, in excess of those estimated in the operating budget.
- D. To meet a public emergency as declared by the Parish Council in accordance with the provisions of this Charter, the Council may make emergency appropriations. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by such emergency Ordinance borrow money in sums necessary to meet the emergency. The repayment of such sums shall be a fixed charge upon the revenues of the following fiscal year and shall be included in the operating budget for that year.
- C. If at any time during the fiscal year it appears to the President that the revenues available will be insufficient to meet the amount appropriated, the President shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken and recommendations as to any other steps to be taken. In any event, the Council shall take such actions as it deems necessary to prevent a deficit.
- D. Subject to the limitations in subsection (P) of this section, the Parish Council may, by Ordinance, reduce any appropriation at any time.
- F. 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.
- D. The Parish Council, by Ordinance, may transfer any unencumbered appropriation balance, or any portion thereof, from one department, fund, or agency to another, unless otherwise prohibited by law. Any portion of the earnings or balances of the several funds of the Parish or of any district for which the Parish Council is the governing authority other than sinking funds, reserve funds, or other dedicated funds for bonds or other obligations not yet retired,

may be transferred to the general fund of the Parish by the Parish Council, unless otherwise prohibited by law.

Section 7.05: Capital Improvement Budget

- A. Each year, no later than the time of submission of the operating budget for the ensuing fiscal year, the President shall submit to the Council a capital improvement budget covering a period of at least five (5) years. The amount indicated to be spent during the first year of the capital improvement budget shall be the capital budget for that year.
- B. The capital budget shall include:
 - 1) a clear general summary of its contents;
 - 2) a list of all capital improvements and acquisitions which are proposed to be undertaken for at least the five (5) fiscal years next ensuing with the appropriate supporting information as to the necessity for such improvements and acquisitions;
 - 3) cost estimates, method of financing and recommended time schedule for each such improvement or acquisition;
 - 4) The estimated annual cost of operating and maintaining the capital improvement to be constructed or acquired.

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

- C. At the meeting of the Parish Council at which the capital improvement budget is submitted, the Council shall order a public hearing on such capital improvement budget and shall publish in the official journal, at least ten (10) days prior to the date of such hearings, the time and place of the hearing, a general summary of the proposed capital improvement budget, and the times and places where copies of the proposed capital improvement budget are available for public inspection. At the time and place so advertised, the Council shall hold a public hearing on the capital improvement budget as submitted. The capital improvement budget shall be finally adopted not later than the last day of the current fiscal year and following the approval of the operating budget. The capital improvement budget as finally adopted shall be reproduced and sufficient copies shall be made available for use by all offices, departments, and agencies of the Parish Government.
- D. Amendments to the capital improvement budget adopted pursuant to Section 7.05 (c) of this Charter may be proposed by either the President or Council and shall be by Ordinance in accordance with provisions of this Charter.
- E. Any construction project or method of financing a construction project submitted to and rejected by the voters shall not be undertaken for at least one (1) year unless approved by the voters.

Section 7.06: Administration of Operating and Capital Budgets

- A. No payment shall be made or obligation incurred against any allotment or appropriation except: (a) in accordance with the approved operating and capital budgets and appropriations duly made and (b) unless the President first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds there

from are or will be available to cover the claim or meet the obligation when it becomes due and payable. However, this provision shall not limit the authority of the Council to borrow funds in anticipation of revenue as provided in the general laws of the State. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any official, officer or employee who knowingly authorized or made such payment or incurred such obligation or who caused such payment to be authorized or made or obligation to be incurred. Such person shall also be personally liable for reimbursement, with interest to the Parish Government of any amount so paid.

- B. Nothing in this Charter shall be construed so as to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is authorized by Ordinance, except that contracts for services not covered by the public bid law (R.S. 38:2181, et seq., as amended) shall not be for a period in excess of two (2) years.
- C. Deficit spending is prohibited.
- D. All Parish budgets shall be audited annually in accordance with generally accepted accounting principles,

Section 7.07: Lapse of Appropriations

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

Section 7.08: Audit Committee

- A. The Audit Committee is hereby created. The Audit Committee shall be composed of three (3) Council members, selected by resolution adopted by a majority vote of the Parish Council, each of whom shall serve for a one (1) year term or until his successor is duly chosen. The Audit Committee shall be the Executive Head of the Internal Auditor's Office and, as such, shall have charge of all auditing functions pertaining to the financial operations of the Parish Government and all its departments, the Parish of Plaquemines, and all political subdivisions and districts situated therein of which the Parish Government is the governing authority.
- B. The Audit Committee shall establish guidelines for the Internal Auditor of the Parish Government to insure a proper and efficient audit of all budgetary units (as adopted in the Annual Budget) administered by the Parish Government including, but not limited to, the Operating Budget and the Capital Improvement Budget.
- C. The Audit Committee shall receive continuing reports at least monthly from the Internal Auditor on the status of all budgetary units administered by the Parish Government, and it

shall formulate and present its recommendations for action to the Parish Council and the Parish President on all matters arising from the audit of such budgetary units.

- D. Without in any manner limiting the generality of the foregoing, the Audit Committee shall be responsible for the budget unit known as the Internal Auditor.

ARTICLE 8 GENERAL PROVISIONS

Section 8.01: Elections

- A. Within the time prescribed by the State Election Code, the Governor shall issue a commission to each candidate showing on the compilation of the election returns to have been elected to Parish Government office. If for any reason the Governor fails to issue a commission to a Parish Government member within forty-five (45) days after his election, the elected Parish Government member may take and file his oath of office as required by Law, without such commission and he shall thereupon assume the position to which he was elected.
- B. If, for any cause, it may be necessary to provide for the election of any Parish Government member for a full term of office at a special election other than the regular elections herein provided, the Parish Council shall have the authority to call and hold such special election by Ordinance under the applicable provisions of this Charter and the State Election code.
- C. Each candidate must qualify and file a notice of candidacy or nomination papers or consent to be voted for, in any primary or general election for either the position of Parish President or member of the Parish Council. No candidate for Parish Government office shall qualify and file a notice of candidacy or nomination papers or consent to be voted for, in any primary or general election, for more than one (1) position or office.

Section 8.02: Charter Construction

This Charter shall be liberally construed in aid of its declared purposes to establish the broadest measure of local self-government for the Parish of Plaquemines and other political subdivisions and districts therein, and any and all matters not prohibited by State Law, as authorized by Section 3(d) of Article XIV of the Louisiana Constitution of 1921, and Sections 4, 5, and 6 of Article VI of the Louisiana Constitution of 1974.

Section 8.03: Supersession Clause

This Charter shall give to the Parish of Plaquemines the broadest powers of local self-government possible under said Section 3(d) as supplemented by Section 3(c) of Article XIV of the Louisiana Constitution of 1921 and Sections 4, 5, and 6 of Article VI of the Constitution of 1974. Accordingly, in cases of conflict between provisions of this Charter and Ordinances adopted pursuant thereto and any act of the State Legislature, dealing with Parish Government and the other political subdivisions and districts, the provisions of this Charter and the Ordinances adopted hereunder shall prevail.

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 in 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 captioned "Broussard. et al vs. Perez, Civil Action No. 76-158"B".

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 process 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.