

HOME RULE CHARTER OF THE CITY OF THIBODAUX*

***Editor's note:** The Home Rule Charter of the City of Thibodaux adopted Nov. 7, 2001, effective Jan. 1, 2001 is included herein. The referendum date for the Home Rule Charter was Nov. 7, 2001. The new Charter is codified herein as Arts. I--X. The Home Rule Charter is set out as approved. Art. X, section 4, official ballot and alternative propositions for the revised Home Rule Charter has not been set out at length. For complete derivation of amendatory material see the Charter Comparative Table following this Charter.

- Art. I. Establishment of Home Rule
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PREAMBLE

We, the People of the City of Thibodaux, State of Louisiana, thankful to God for our freedom to avail ourselves of the benefits of Home Rule to serve the People, do adopt this plan of government and Home Rule Charter.

ARTICLE I

ESTABLISHMENT OF HOME RULE

The City of Thibodaux, hereinafter referred to as the City, is a local governmental subdivision and a municipality as defined by Article VI, Section 44(1) and (3) of the Louisiana Constitution of 1974. The City operates under this Home Rule Charter under the authority of Article VI, Section 4 of the Constitution.

ARTICLE II

POWERS AND FUNCTIONS

Except as otherwise provided by this Charter, the City shall continue to have all the powers, rights, privileges, immunities and authority heretofore possessed by the City under the laws of the State. The City shall have and exercise such other powers, rights, privileges, immunities, authority and functions as may be conferred on or granted to a local governmental subdivision by the constitution and laws of the State and that are not inconsistent with this Charter. The City shall have and is hereby granted the right and authority to exercise any power and perform any function not denied by this Charter or inconsistent with the constitution.

The City shall have the right and authority to exercise the police power. The City shall have the right, power and authority to pass all ordinances necessary, requisite or proper to promote, protect and preserve the general welfare, safety, health, peace and good order of the

City, subject only to the limitations that no ordinance shall be inconsistent with the constitution or a provision of this Charter.

ARTICLE III

ORGANIZATION, STRUCTURE AND DISTRIBUTION OF POWERS AND FUNCTIONS

SECTION 1. SEPARATION OF POWERS AND FUNCTIONS

All of the powers and functions of the City, as provided for in Article II of this Charter, shall be separated and distributed to two branches: legislative and executive. Except as otherwise expressly provided for in this Charter, no branch, nor any person holding office in a branch, shall exercise a power or perform a function belonging to the other branch. The exercise of any power or performance of any function by a branch, or by any person holding office in that branch, that violates this separation and distribution of powers and functions shall be absolutely null and of no legal effect.

SECTION 2. THE LEGISLATIVE BRANCH

A. City Council; Governing Authority

Except as otherwise expressly provided for in this Charter, all legislative powers and functions of the City shall be vested in the City Council, hereinafter referred to as the Council. The Council shall be the governing authority of the City. The Council may exercise any power and perform any function necessary, requisite or proper for the management of the legislative branch that is not denied by this Charter or inconsistent with the constitution.

B. Composition of the Council

The Council of the City shall consist of five members elected for four-year terms concurrent with that of the Mayor. Two Council members shall be elected at large by all of the qualified electors of the City; one Council member shall be elected by the qualified electors of each of three Council districts with geographical boundaries as hereinafter provided for in Article III, Section 2, Paragraph C. The three Council member positions representing Council districts shall be designated as seats A, B, and C; the two Council member positions representing the City at large shall be designated as seats D and E. Members of the Council shall be eligible for re-election.

C. Establishment of Council Districts

The geographical boundaries of Council districts A, B and C are ratified as they presently exist. Any ordinance annexing a new area into the City shall designate the Council district or districts into which the annexed area is included.

D. Reapportionment of Council Districts

The geographical boundaries of the Council districts shall be reapportioned only by an ordinance enacted by the Council. The Council shall have a duty to reapportion the Council districts not later than December thirty-first of any year of which the last digit is four, unless otherwise ordered by a court of competent jurisdiction. If the Council fails to perform its mandatory duty to reapportion timely, the members of the Council shall have their compensation forfeited until that duty is performed. The Council may reapportion the Council districts at any other time. In any reapportionment plan, each Council district shall contain substantially the

same number of people.

E. Qualifications of a Candidate for Election as a Member of the Council

- (1). To qualify as a candidate for a seat as an at-large member of the Council, the prospective candidate shall have resided in, and been a qualified elector in, the City for at least one year prior to the end of the period for qualifying as a candidate for that position.
- (2). To qualify as a candidate for a seat as a member of the Council from a Council district, the prospective candidate shall have resided in, and been a qualified elector in, the district in which he/she seeks election for at least one year prior to the end of the period for qualifying as a candidate for that position.
- (3). A candidate for election as a member of the Council shall not qualify as a candidate for any other elected public office.
- (4). A candidate for a seat as a member of the Council shall be elected when he/she receives a majority of the votes of the electors in an election for the seat.

F. Continuing Residency and Domicile Requirements for Members of the Council

A Council member shall continue to be legally domiciled and actually reside within the City and, if elected from a district, shall continue to be legally domiciled and actually reside within the district, during the term of office for which he/she is elected. If a Council member changes his/her legal domicile and/or actual residence from the City, or from the district from which elected, the member shall forfeit the office and the office shall be vacant. However, a temporary change of actual residence made for just cause shall not be a ground for forfeiture of office.

G. Council Meetings and Rules

- (1) The Council shall meet regularly at least twice per month at such times and places as it may prescribe. Special meetings may be held on the call of the President of the Council or on the call of three or more members of the Council. Such special meetings shall be held at the regularly appointed place. An emergency meeting of the Council may be called by the President of the Council, three or more members of the Council, or by the Mayor. All meetings shall be open to the public.
- (2) All meetings of the Council, including any committee or subcommittee thereof, shall be held in compliance with all provisions of the Louisiana Open Meetings Law, or its successor, including, but not limited to, those provisions pertaining to the taking of the minutes of the meeting, providing the agenda for the meeting and the public notice of the date, time and place of the meeting.
- (3) At the first regular meeting of a newly elected Council, and annually thereafter, the President and Vice-President of the Council shall be elected by the Council from the Council members at large for a one-year term of office. The President of the Council shall preside at all meetings of the Council. In the absence of the President, the Vice-President shall be the presiding officer of the Council. However, if the President of the Council, or any other member of the Council, is temporarily exercising the powers, functions and duties of the Office of Mayor as provided for in Article III, Section 3, Paragraph F and Section 11, Paragraph C, the election of Council officers shall not be held until the first regular meeting for

such election after the Mayor re-assumes the exercise of the powers, functions and duties of his/her office, or until the vacancy in the office of Mayor has been filled by election.

- (4) The Council shall determine its own rules and order of business.
- (5) Voting shall be by roll call, and the yeas and nays shall be recorded in the minutes. A majority of the Council members shall constitute a quorum. No act of the Council shall be valid and have any legal effect unless adopted by the affirmative vote of a majority of the members of the Council. However, if a regular, special or emergency meeting of the Council has been properly called, and not properly canceled, and if a quorum is not present, then less than a majority of the members of the Council shall:
 - (a) Call the meeting to order;
 - (b) Compel the attendance of the absent member(s) to obtain a quorum. To obtain a quorum, the member(s) in attendance shall utilize any power and perform any function necessary, requisite or proper granted to the City in Article II of this Charter to compel the attendance of the absent member(s), unless a member is absent for just cause. If the meeting is properly called, and not properly canceled, and if a quorum is not obtained, then a member of the Council who is absent without just cause shall forfeit his/her salary for one month; and
 - (c) Adjourn the meeting.

H. Investigations

The Council may investigate the affairs of the City and any City department, office, agency or employee. The Council may subpoena witnesses, administer oaths, take testimony and require the production of evidence. A Council investigation may be conducted only if it is authorized by a majority affirmative vote of the members of the Council taken at a meeting of the Council. Any person who fails or refuses to obey any lawful order issued by the Council in connection with a Council investigation shall be guilty of a misdemeanor and shall be punished in such manner as the Council shall fix by ordinance.

I. Council Administrator

The Council shall appoint an officer who shall have the title of Council Administrator, previously referred to as City Clerk. The Council Administrator shall give notice of Council meetings to its members, the Mayor and the public, keep the minutes of all Council proceedings, be official Secretary to the Council and perform such other duties as are assigned to him/her by this Charter or by the Council.

J. Inquiry into Absences; Determination of the Inability of a Member of the Council to Serve

(1) Inquiry into Absences; Temporary Inability to Serve

If a member of the Council fails to attend four consecutive regular meetings of the Council, then immediately prior to the adjournment of the fourth meeting, the Council shall commence an inquiry pursuant to Article III, Section 2, Paragraph H to determine whether the absences were with or without just cause, and, if the absences were with just cause, whether the absent member of the Council is either temporarily or permanently unable to discharge the powers, functions and duties of his/her office. If the inquiry shows that the four absences

were without just cause, the Council shall declare by resolution that the absentee member of the Council has forfeited his/her office for violating Article III, Section 10, Paragraph D, and it shall proceed to remove him or her from office pursuant to the provisions of Article III, Section 10, Paragraph F, and fill the vacancy pursuant to Article III, Section 11, Paragraph B. If the inquiry shows that the four consecutive absences were caused by the permanent inability of the member of the Council to discharge the powers, functions and duties of his/her office, the Council shall proceed as provided for in Article III, Section 2, Paragraph J(2). If the inquiry shows that the four consecutive absences were caused by the temporary inability of the member of the Council, the Council shall declare by resolution that the member is temporarily unable to discharge the powers, functions and duties of his/her office. When this occurs, the Council shall continue to function with the remaining members of the Council. If a member of the Council continues to be temporarily unable to serve for more than ninety calendar days after the date of adoption of the resolution declaring temporary inability, the remaining members of the Council shall declare by resolution that the seat of the disabled member is vacant for that reason. Thereafter, the remaining members of the Council shall proceed to fill the vacancy, and call an election to permanently fill the vacancy, if required, as provided for in Article III, Section 11, Paragraph B.

(2) Permanent Inability to Serve

The Council may declare by resolution adopted by a majority of its members that a member of the Council is permanently unable to discharge the powers, functions and duties of his/her office. When this occurs, the remaining members of the Council also shall declare in the resolution that the seat of the member is vacant for that reason. Thereafter, the remaining members of the Council shall proceed to fill the vacancy and call an election to permanently fill the vacancy, if required, as provided for in Article III, Section 11, Paragraph B.

(3) Criteria and Burden of Proof for Determining Temporary and/or Permanent Inability to Serve

The Council shall have a mandatory duty to adopt an ordinance within six months after the effective date of this revised Charter that establishes the criteria and designates the burden of proof for determining the temporary and/or permanent disability of the Mayor and members of the Council.

(4) Right to Judicial Review

If the Council declares that a member of the Council is either temporarily or permanently unable to perform the powers, functions and duties of his/her office, or when the Council has declared that a member has forfeited his/her office because of being absent from four consecutive regular Council meetings without just cause, he/she, or an appropriate person acting on his/her behalf, shall have a right to appeal the decision to the appropriate State District Court.

SECTION 3. THE EXECUTIVE BRANCH

A. Mayor: Chief Executive Officer

Except as otherwise expressly provided for in this Charter, all executive powers and functions of the City shall be vested in the Mayor. The Mayor shall be the Chief Executive

Officer of the City. The Mayor may exercise any power and perform any function necessary, requisite or proper for the management of the executive branch that is not denied by this Charter or inconsistent with the constitution.

B. Qualifications of a Candidate for Election as Mayor

- (1). To qualify as a candidate for the Office of Mayor, the prospective candidate shall have resided in, and been a qualified elector in, the City for at least one year prior to the end of the period for qualifying as a candidate for that position.
- (1) A candidate for election as Mayor shall not qualify as a candidate for any other elected public office.
- (2) The Mayor shall be elected for a four-year term concurrent with the terms of the Council members.
- (3) A candidate for Mayor shall be elected when he/she receives a majority of the votes of the electors in an election for Mayor.

C. Continuing Residency and Domicile Requirements for the Mayor

The Mayor shall continue to be legally domiciled and actually reside within the City limits during the term of office for which he/she is elected. If the Mayor changes his/her legal domicile and/or actual residence from the City, he/she shall forfeit the office and the office shall be vacant. However, a temporary change of actual residence made for just cause shall not be a ground for forfeiture of office.

D. General Powers, Functions and Duties of the Mayor

The powers, functions and duties of the Mayor shall include, but not be limited to, the following:

- (1) Appoint, suspend or remove all City employees and officers who are employed by the executive branch of the City, except as otherwise provided for in Article IV. If the employee or officer is not covered by Civil Service, he/she shall serve and continue to serve at the pleasure of the Mayor. The Mayor may authorize any executive officer who is subject to his/her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;
- (2) Direct and supervise the administration of all departments, offices and agencies in the executive branch of the City, except as otherwise provided for in Article IV of this Charter;
- (3) Prepare and timely submit the annual comprehensive budget;
- (4) Submit to the Council and make available to the public a complete report on the finances and activities of the City at the end of each fiscal year;
- (5) Make such other reports as the majority of the Council may request so the Council can properly perform its legislative functions;
- (6) Keep the Council fully advised about the financial condition of the City;
- (7) Make appropriate recommendations to the Council about City affairs;
- (8) Faithfully and impartially perform all duties imposed upon him/her by this Charter or by ordinance, and require all officers and employees subject to his/her

direction and supervision to do the same;

- (9) Appoint a personal secretary and any Administrative Assistants as provided for in Article IV, Section 2, Paragraph B; and
- (10) Initiate any capital outlay item as prescribed in Article VI, Section 2, Paragraph C.

E. Departments, Offices, Boards, Commissions and Agencies

- (1) The executive branch of the City shall have at least four departments in its organization and structure. Finance, Public Works, Police and Civil Service. The Mayor and Council shall have mandatory duties to provide these departments with adequate funding so that they can effectively and efficiently carry out the functions and duties given to them by this Charter.
- (2) The head of the Department of Finance shall be the Director of Finance. The Director of Finance shall direct and be responsible for maintaining the fiscal records and systems of the City; preparation and monitoring of the City budget; coordinating and reviewing the annual audit; and supervising the daily administrative functions of the Department.
- (3) The head of the Department of Public Works shall be the Director of Public Works. The Director of Public Works shall direct and be responsible for planning, construction and maintenance of infrastructure, including, but not limited to, streets, sidewalks, bridges and building structures within the City; enforcement of City zoning and building regulations and codes; solid waste collection and disposal; and planning, construction, operation, maintenance and keeping of record maps of City utility and drainage systems.
- (4) The head of the Police Department shall be the Chief of Police. The Chief of Police shall be responsible for the prevention of crime; assistance to the courts and other law enforcement officials; and the maintenance of peace and order of the City.
- (5) The Department of Civil Service shall be comprised of a Civil Service Board and a Director and is provided for in Article IV.
- (6) The salaries of heads of all departments shall be fixed by the Mayor, subject to approval by the Council.
- (7) Within sixty days after assuming office, a newly elected Mayor shall submit his/her nominations for the heads of all departments, except Civil Service, to the Council for confirmation. A re-elected Mayor shall not be required to submit existing department heads under his/her supervision to the Council for reconfirmation. Within thirty days thereafter, the Council shall vote to either confirm or reject each nomination. If a nomination for head of a department is confirmed by the Council, the person confirmed shall assume the office and serve thereafter at the pleasure of the Mayor. If a nomination for head of a department is rejected by the Council, the person rejected shall not assume the office to which nominated, and the Mayor shall submit a new nomination within sixty days after the date of the rejection. The person rejected shall not be eligible for re-nomination for the position involved for a period of six months after the date of the rejection vote. The Mayor may appoint an interim department head who shall serve until a permanent department head is confirmed. If a vacancy occurs in the office of any department head after a person has been initially

confirmed in that position, the Mayor shall submit a nomination to fill the vacancy to the Council within sixty days after the date on which the vacancy occurs. The Council shall act on the nomination within thirty days thereafter.

- (8) The Council, by ordinance, or the Mayor may grant additional powers and functions to the Departments of Finance, Public Works or Police.
- (9) The Council by the ordinance procedure set forth in Article V may establish other departments, offices, boards, commissions or agencies in the executive branch of the City. The City shall have not more than ten departments created by this ordinance procedure. The Council may require that the head of any department, office, board, commission or agency so created shall be subject to confirmation by the Council. Any department, office, board, commission or agency so created may be altered or abolished by the Article V ordinance procedure.
- (10) The Council also may appoint advisory boards and advisory commissions to advise it and the Mayor regarding the operations of City services or other activities, provided that such boards and commissions shall exercise no executive or legislative powers or functions. Members of such boards and commissions shall receive no compensation for their service.

F. Determination of the Inability of the Mayor to Serve

- (1) Whenever the Council receives reliable information that the Mayor is unable to discharge the powers, functions and duties of his/her office, it shall commence an inquiry into these allegations pursuant to Article III, Section 2, Paragraph H. Within three days after commencing the inquiry, the Council shall, in writing, advise the Mayor, or an appropriate person acting on his/her behalf, of the allegations of inability to serve. After the Mayor, or the appropriate person, has received this notice from the Council, he/she shall have four days thereafter to respond if he/she wishes to do so. Within seven calendar days after the four-day period has expired, the Council shall conduct a public hearing at a regular meeting of the Council, or at a special meeting called for that purpose, to determine the validity of the allegations. After the public hearing is concluded, the Council shall take one of the following actions:
 - (a) Declare that the Mayor is temporarily unable to discharge the powers, functions and duties of the office;
 - (b) Declare that the Mayor is permanently unable to discharge the powers, functions and duties of the office; or
 - (c) Decline to take action.
- (2) A unanimous vote of the members of the Council shall be required to declare that the Mayor is either temporarily or permanently unable to discharge the powers, functions and duties of the office. If a unanimous vote of the members of the Council is not obtained to make either declaration, the Council shall have a mandatory duty to decline to take action.
- (3) If the Council declares that the Mayor is temporarily unable to serve, the President of the Council shall immediately assume the powers, functions and duties of the Mayor. The President of the Council shall continue to exercise the powers, functions and duties of the Mayor until the Council determines by a resolution that the temporary inability to serve has terminated, at which time the

Mayor shall be reinvested with his/her powers, functions and duties. The President of the Council shall not exercise any of the powers, functions and duties of a member of the Council while he/she is exercising the powers, functions and duties of the Office of Mayor, but he/she shall retain his/her office as a member of the Council.

- (4) If the Council determines by a unanimous vote that the Mayor is still unable to serve when more than one hundred and fifty calendar days have passed since the declaration of inability to serve, it shall declare by resolution that the Office of Mayor is vacant for that reason. The vacancy shall be filled, and, if required, the Council shall call an election to fill the vacancy, as provided for in Article III, Section 11, Paragraph C.
- (5) If the Council declares that the Mayor is permanently unable to perform the powers, functions and duties of office, it shall immediately declare by resolution that the Office of Mayor is vacant. The vacancy shall be filled, and, if required, the Council shall call an election to fill the vacancy, pursuant to the provisions of Article III, Section 11, Paragraph C.
- (6) If the Council declares that the Mayor is either temporarily or permanently unable to perform the powers, functions and duties of his/her office, he/she, or an appropriate person acting on his/her behalf, shall have a right to appeal the decision to the appropriate State District Court.

SECTION 4. ELECTIONS

The next elections for Mayor and seats A, B, C, D and E on the Council shall be held at the same time as the open primary and general elections in the year 2002 pursuant to the election laws of the state. Elections for these offices shall be held in like manner every four years thereafter pursuant to the state election laws then in existence. Persons elected under the provisions of this Charter shall take office on the second Monday in December following their election.

SECTION 5. COMPENSATION

- A. The annual salaries of the Mayor and members of the Council are ratified as they exist on the effective date of this revised Charter.
- B. The annual salaries of the Mayor and members of the Council may be changed by ordinance. No ordinance whose subject is to change the salary of an elected official of the City shall be enacted during the last year of the term of office of the elected official. Any ordinance whose subject is to change the salary of an elected official of the City shall not take effect during the term of office of the Mayor and Council that adopt it.
- C. The Mayor and members of the Council shall be reimbursed by the City for reasonable expenses incurred in the performance of their duties.

SECTION 6. PROHIBITED INTERFERENCE BY LEGISLATIVE BRANCH OFFICIALS AND EMPLOYEES

Except for the purpose of investigations conducted pursuant to Article III, Section 2, Paragraph H, the Council, the members of the Council, and any officer or employee of the Council, shall have a mandatory duty not to, directly or indirectly, explicitly or implicitly, interfere

with or give any orders or directives to any officer, department head, employee, or independent contractor of the City who is under the direction and supervision of the Mayor. This provision is not intended to prohibit a member of the Council from transmitting concerns or complaints to a department head or his/her designee.

SECTION 7. ORDINANCES, RESOLUTIONS and MOTIONS

The Council may enact ordinances, pass resolutions and make motions pursuant to the provisions of Article V.

SECTION 8. BUDGET

The City shall adopt an annual comprehensive budget pursuant to the provisions of Article VI.

SECTION 9. RECALL

Any elected official of the City may be removed from office by the electors through the recall procedure as provided for by State law.

SECTION 10. FORFEITURE OF OFFICE; REMOVAL BY SUIT

- A. A member of the Council shall forfeit his/her office if he/she fails to comply with the continuing residency and domicile requirements of Article III, Section 2, Paragraph F.
- B. The Mayor shall forfeit his/her office if he/she fails to comply with the continuing residency and domicile requirements of Article III, Section 3, Paragraph C.
- C. A member of the Council shall forfeit his/her office if he/she violates the provisions of Article III, Section 6.
- D. A member of the Council shall forfeit his/her office if he/she fails to attend four consecutive meetings without just cause, as provided for in Article III, Section 2, Paragraph J(1).
- E. An elected official of the City shall forfeit his/her office if he/she is convicted of a felony and shall be removed from office pursuant to the provisions of Louisiana Revised Statute 42:1411 and 1412, or their successors.
- F. If an elected official of the City forfeits his/her office for a cause set forth in paragraphs A through D above, and refuses to vacate his/her office, he/she shall be removed from office by suit as authorized by the constitution and pursuant to the procedure set forth in Louisiana Revised Statute 42:1412, or its successor, Louisiana Code of Civil Procedure Art. 3901 et seq., or their successor, or any other applicable law. In such a suit for removal, any elector of the City shall have a right and cause of action and standing to bring the suit.

SECTION 11. VACANCY

- A. A vacancy will occur in an elective office of the City when the office is, or will be, unoccupied by reason of:
 - (1) death;

- (2) retirement;
 - (3) resignation;
 - (4) removal from office by forfeiture, inability to serve, recall, or other means; or
 - (5) failure to take office.
- B. A vacancy in the office of a member of the Council shall be filled within thirty days by at least a majority vote of the remaining members of the Council. The appointee shall have, and shall maintain, the qualifications for the seat being filled as required by Article III, Section 2, Paragraphs E and F. If the unexpired portion of the term of office is less than one year, the appointee shall serve out the remainder of the term. If the unexpired portion of the term of office is one year or more, the vacancy shall be filled by a special election called by the Council within ten days after the vacancy occurs, which election shall be held at the earliest date authorized by law. The appointee shall serve in office until the person elected to fill the vacancy assumes the office. The appointee shall be ineligible to be a candidate in any election to fill the vacancy in the seat that he/she filled.
- C. If there is a vacancy in the office of Mayor, the President of the Council shall immediately assume the powers, functions and duties of the Mayor. If the unexpired portion of the term of office for the Mayor is less than one year, the President of the Council shall vacate his/her office as a member of the Council and shall assume the Office of Mayor and the powers, functions and duties thereof and shall serve out the remainder of the term. The vacancy created on the Council shall be filled as provided for in Article III, Section 11, Paragraph B. The Vice-President of the Council shall assume the Office of President of the Council. If the unexpired portion of the term of the Mayor is one year or more, the vacancy shall be filled by a special election called by the Council within ten days after the vacancy occurs, which election shall be held at the earliest date authorized by law. The President of the Council shall continue to perform the powers, functions and duties of the Mayor until the person elected to fill the vacancy assumes the office. The President of the Council shall not exercise any of the powers, functions and duties of a member of the Council while he/she is exercising the powers, functions and duties of the Office of Mayor, but he/she shall retain his/her office as a member of the Council. The President of the Council shall be paid the same salary as would be paid to the Mayor during the time that he/she exercises the powers, functions and duties of Mayor.

Notwithstanding the provisions of Article III, Section 2, Paragraph G(3), within thirty days after the Vice-President of the Council becomes President, the Council shall elect one of the members of the Council elected from a Council district to become Vice-President.

ARTICLE IV

CIVIL SERVICE DEPARTMENT

SECTION 1. CIVIL SERVICE SYSTEM

The City shall have a Civil Service System, hereinafter sometimes referred to as Civil Service; and, it shall be the policy of the City to employ those persons best qualified to exercise the powers and perform the functions of the City and to foster effective career service in City employment. Except as provided hereunder, all appointments and promotions in the service of

the City and of each of its departments, offices, and agencies, shall be made on the basis of merit and fitness which shall be determined, insofar as practical, by competitive tests.

SECTION 2. PERSONS EXCLUDED FROM THE CIVIL SERVICE SYSTEM

All persons not excluded from Civil Service shall be included in it. The following persons shall not be included in the Civil Service System:

- A. Elected officials;
- B. Administrative Assistants to the Mayor, which shall not exceed four in number and which may include a personal secretary. The powers, functions and duties of an Administrative Assistant to the Mayor shall not conflict with, be inconsistent with or concurrent with the powers, functions and duties distributed by the Charter to any officer or department of the City;
- C. The City Attorney and his legal assistants;
- D. The Chief of Police and Directors of the Departments of Finance and Public Works;
- E. The head of each department created by ordinance;
- F. Members of offices, boards, commissions, agencies and other legal entities whose officers and members are not City employees;
- G. Organizations and their employees and other persons who are employed by the City on an independent contractor basis;
- H. Temporary appointees as defined in the Civil Service rules and regulations;
- I. The officers, directors, and members of the Fire Department and its Companies; and
- J. School crossing guards.

SECTION 3. APPOINTMENT AND DISMISSAL OF CITY CIVIL SERVICE EMPLOYEES

- A. The appointment and dismissal of Civil Service employees of the City, except for the Civil Service Director, the Council Administrator and Assistant Council Administrator, shall be made by the Mayor, or his/her designee, subject to the provisions of Civil Service rules and regulations.
- B. The appointment and dismissal of the Council Administrator and the Assistant Council Administrator, if any, shall be made by the City Council, or its designee, subject to the provisions of the Civil Services rules and regulations.
- C. The appointment and dismissal of the Civil Service Director shall be made by the Civil Service Board subject to the provisions of Civil Service Rules and Regulations.

SECTION 4. ORGANIZATION, STRUCTURE AND DISTRIBUTION OF POWERS AND FUNCTIONS IN THE CIVIL SERVICE DEPARTMENT

The head of the Department of Civil Service shall be the Civil Service Board, hereinafter

sometimes referred to as the Board. The Board shall have the authority to exercise the legislative (policy making) power and function to adopt any rule or regulation necessary, requisite or proper for the management of the department of Civil Service and operation and the management of the Civil Service System that is not denied by this Charter or inconsistent with the constitution. The Board shall have the authority to exercise the executive (administrative and quasi-judicial) power and function that is necessary, requisite and proper to administer the Department of Civil Service and hear and decide any disciplinary matter concerning any classified employees that is not denied by this Charter or inconsistent with the constitution. The Department of Civil Service shall have a classified Civil Service Director, hereinafter referred to as the Director, who shall be the administrator of the Department.

SECTION 5. CIVIL SERVICE BOARD

The Board shall consist of five electors of the City who hold no public office and no other position in City government, who have resided within the City for at least one year prior to nomination, and who are believed to agree with merit principles of public personnel administration. Members shall serve for terms of four years without any limit as to the number of terms served, and their terms of office shall be staggered so that the four-year term of at least one of the members shall expire each year. Members serving on the effective date of this Charter shall continue in office, pursuant to their respective term appointments.

SECTION 6. NOMINATION AND APPOINTMENT OF CIVIL SERVICE BOARD MEMBERS

- A. Upon the existence of a vacancy in any Board position, nomination to fill the vacant position for either a new term or the remaining term of the vacant position shall be made within sixty days as follows:
- (1) One member shall be nominated by the President of Nicholls State University;
 - (2) One member shall be nominated by the Thibodaux Chamber of Commerce;
 - (3) One member shall be nominated by the Lafourche Bar Association;
 - (4) One member shall be nominated by the President of Tulane University; and
 - (5) One member shall be nominated by the President of Southern University.
- B. Within thirty (30) days thereafter, the Council shall ratify or reject the appointment. If the appointment is rejected, another appointment shall be solicited from the same source. If the Council fails to act within thirty days after receipt of the name of the appointee, the appointment shall be automatically ratified. If one of the appointing authorities fails to submit a nominee in the time required, the Board of Directors of the Louisiana Civil Service League shall make the appointment. If one of the named appointing authorities ceases to exist, the Council shall choose the President of another accredited college or university within Louisiana to replace it. The outgoing Board member shall serve on the Board until replaced by the newly appointed member.

SECTION 7. GENERAL POWERS, FUNCTIONS, AND DUTIES OF THE CIVIL SERVICE BOARD

The Board shall review, may amend, and shall adopt the position classification plan, the uniform plan of salary ranges, and the Civil Service rules and regulations. In addition, it:

- A. Shall conduct investigations and take action on complaints by or against any Civil Service employee;
- B. Shall hold hearings on dismissals, demotions, and other disciplinary matters as may be provided in the Civil Service rules. The right to appeal any decision of the Board shall exist to the appropriate State District Court;
- C. May exercise witness and document subpoena powers;
- D. Shall appoint a Director who it shall annually evaluate;
- E. May make any investigations it deems desirable concerning Civil Service management in the City and report its findings to the Mayor and Council; and
- F. Shall exercise all necessary powers and perform such other policy-making or quasi-judicial functions and duties as may be required or allowed under the Civil Service rules and regulations, provided that such powers, functions and duties are not in conflict with, inconsistent with or concurrent with the provisions of this Charter and are relevant to the Civil Service System.

SECTION 8. REMOVAL OF CIVIL SERVICE BOARD MEMBERS

A member of the Board may be removed by the Council, for just cause, after having been served with a written specification of the charges against him/her and afforded an opportunity for a public hearing thereon by the Council.

SECTION 9. APPOINTMENT OF CIVIL SERVICE DIRECTOR

A Director shall be appointed by the Board within sixty days after the position becomes vacant.

SECTION 10. DUTIES OF CIVIL SERVICE DIRECTOR

The duties of the Director shall include, but shall not be restricted to, the following:

- A. Development and, upon adoption, administration of a position classification plan which shall provide for the classification of all positions on the basis of duties and responsibilities of each position. Before implementation, the classification plan shall be submitted to the Board which, after a public hearing, shall approve it, together with such amendments as it deems necessary. The position classification plan shall become effective upon approval by the Board.
- B. Development and, upon adoption, administration of a uniform plan of salary ranges for all positions in City service. Before implementation, the plan shall be submitted to the Board which, after a public hearing, shall, not later than April 1st prior to the commencement of the next fiscal year, submit it, together with such amendments it deems necessary, to the Council for its approval. The Council shall approve or reject the plan not later than its second meeting in May prior to the commencement of the next fiscal year. If the Council fails to approve the submitted plan, then the previously existing plan shall continue in effect for the next fiscal year.
- C. Development and, upon adoption, administration of Civil Service rules to provide policies and procedures for the administration of Civil Service. The rules shall be

submitted to the Board, which, after a public hearing, shall approve the rules, together with such amendments as it deems necessary. Thereafter, amendment of the rules may be proposed by the Director or the Board, but no amendment shall become effective until following a public hearing thereon by the Board.

SECTION 11. REMOVAL OF THE CIVIL SERVICE DIRECTOR

The Director may be removed, for just cause, by the Board, after having been served with a written specification of the charges against him/her and being afforded an opportunity for a public hearing thereon by the Board. Any Director who is removed by the Board is reserved the right to appeal the removal to the appropriate State District Court.

SECTION 12. POLITICAL ACTIVITY PROHIBITED

No member of the Board or any Civil Service employee shall engage in any political activity or be a candidate for nomination or election to any public office. As used herein, "political activity" means an effort to support or oppose the election of a candidate for political office or particular political party in an election. The Board shall adopt appropriate rules and regulations prescribing these prohibited activities.

SECTION 13. CURRENT PLANS AND RULES UNAFFECTED

The position classification plan, the uniform plan of salary ranges, and the Civil Service rules and regulations in effect on the effective date of this Charter shall remain in effect until modified as provided herein.

ARTICLE V

ORDINANCES, RESOLUTIONS AND MOTIONS

SECTION 1. DEFINITIONS

A. DEFINITION OF AN ORDINANCE

An ordinance is an act of the Council that has the force and effect of law. Except as specifically provided for in Paragraph B of this Section, any act of the Council that is intended to have the force and effect of law shall be adopted by the enactment of an ordinance.

B. DEFINITION OF A RESOLUTION

Except as expressly provided for in this paragraph, a resolution is a written act of the Council that does not have the force and effect of law. A resolution is not subject to approval or a veto by the Mayor. Acts that may be adopted by resolution shall include, but are not limited to, those that establish a commemorative day, month or year or those that declare a statement of public policy of the Council. However, an adopted resolution shall have the force and effect of substantive law if its purpose is to:

- (1) Declare the office of a member of the Council vacant because of a change of domicile and/or residence pursuant to Article III, Section 2, Paragraph F;
- (2) Fix the time and place of regular Council meetings pursuant to Article III, Section 2. Paragraph G;

- (3) Order a Council investigation pursuant to Article III, Section 2, Paragraph H;
- (4) Declare the office of a member of the Council has been forfeited for absences without just cause or declare the temporary or permanent inability of a member of the Council to serve as provided for in Article III, Section 2, Paragraph J;
- (5) Declare the Office of Mayor vacant because of a change of domicile and/or residency pursuant to Article III, Section 3, Paragraph C;
- (6) Confirm or reject nominations for the heads of Departments and members of offices, boards, commissions or agencies and approve the salaries of all Department heads pursuant to Article III, Section 3, Paragraph E(6) and (7);
- (7) Declare the Office of the Mayor vacant for inability to serve as provided for in Article III, Section 3, Paragraph F;
- (8) Declare a vacancy in an elective office of the City pursuant to Article III, Section 11;
- (9) Appoint, discipline or remove the Council Administrator and/or Assistant Council Administrator pursuant to Article IV, Section 3;
- (10) Remove a member of the Civil Service Board for just cause pursuant to Article IV, Section 8;
- (11) Authorize the Mayor to execute all documents to receive, accept, amend or extinguish a contract created through a public bid process pursuant to Article V, Section 2, Paragraph A (3);
- (12) Authorize the suspension or termination of a capital outlay project pursuant to Article VI, Section 2, Paragraph C;
- (13) Appoint the City Auditor, or approve or reject the annual audit, as provided for in Article VI, Section 6; and
- (14) Select fiscal agents (mandataries) for the City which shall confer upon the Mayor all of the authority necessary, requisite and proper to enter into contracts of mandate, deposit, employment or any other type essential for the fiscal agents to perform their contractual obligations.

C. DEFINITION OF A MOTION

A motion is an act of the Council that procedurally brings any particular subject before it for consideration and is a parliamentary procedure that does not have the force and effect of substantive law.

D. EFFECT OF VIOLATING THIS SECTION

Any act of the Council that is intended to have the force and effect of law that is adopted in violation of this Section shall be absolutely null and of no legal effect.

SECTION 2. ACTS REQUIRING AN ORDINANCE

A. Contracts of the City

(1) General Rule

Except as otherwise provided for in this Charter, no contract with the City

shall be created, amended or extinguished unless it is done so by ordinance. Failure to do any of these acts by ordinance renders the contract absolutely null and of no legal effect. Contracts subject to this provision shall include, but not be limited to, those which:

- (a) Grant, renew or extend a franchise;
- (b) Fix or regulate the charge paid for services provided by the City;
- (c) Provide for the borrowing of money;
- (d) Sell or purchase land, or grant or acquire any real right in any immovable property; or
- (e) Grant or acquire a lease of immovable property on behalf of the City.

(2) Contracts Approved by Budget Ordinance

Ordinance approval is not required for a contract required to effect appropriations contained in a budget ordinance as provided for in Article VI, Section 2, Paragraph A, except as otherwise provided in the budget or subparagraph 4 of this paragraph.

(3) A Contract Created Through a Public Bid Process

A contract created through a public bid process shall be received, accepted, amended or extinguished by resolution, as provided for in Article V, Section 1, Paragraph B(11).

(4) Contracts for Professional Services

(a) Definition

Professional services are services provided by a person or firm whose occupation requires specialized knowledge and long intensive academic preparation, including, but not limited to, engineering, architectural, scientific and legal services.

(b) Employment Contract

Except as otherwise provided for in this subparagraph, [Article V, Section 2, Paragraph A (4)] any person or firm employed to perform professional services for the City shall be selected and have the employment contract negotiated by the Mayor, subject to ratification by the Council through a resolution. This provision is applicable only when the provider of the professional services is in an independent contract relationship with the City. This provision is not applicable when:

1. The provider is a regular employee of the City;
2. The contract is between the City and the City Auditor as provided for in Article VI, Section 6; or
3. The City Attorney is unable to provide legal services for the Mayor and/or the Council.

(c) Special Legal Services

Whenever the City Attorney is unable to represent the City, the Council,

the Mayor or a member of the Council in a legal action, or when it is in the best interest of the City to retain the services of a special legal counsel, the Mayor shall select the special legal counsel and negotiate the contract subject to ratification by the Council through a resolution.

- (d) Special Legal Counsel When There are Conflicting Interests Between the City, the Council, the Mayor, and/or a member of the Council

Whenever there is a legal action in which there are conflicting interests between the City, the Council, the Mayor and/or a member of the Council, and the City Attorney is unable to provide legal representation, the party who initiates the legal action shall bear his/her own costs of litigation, including attorney's fees. However, if the party who initiates the legal action prevails, the City shall reimburse all of that party's cost of litigation, including reasonable attorney's fees, for which no provision is included in the final judgment in the legal action. Whenever there is a legal action instituted wherein the Council, Mayor or a member of the Council is named in his/her official capacity as a defendant therein, the City shall bear the cost of litigation, including reasonable attorney's fees; however, any defendant who is found by a court to have frivolously defended any such action shall reimburse the City for the cost of litigation, including reasonable attorney's fees. The City shall not pay the cost of litigation, including attorney's fees, of an elected official of the City who is the defendant in a successful suit for removal from office as provided for in Article III, Section 10.

B. Acts Other Than Contracts Requiring Approval by Ordinance

Acts other than contracts requiring approval by ordinance adopted by the procedure in this Article shall include, but not be limited to, those which:

- (1) Adopt or amend an administrative code;
- (2) Define a crime and/or provide the penalty that may be imposed, including, but not limited to, establishment or modification of parking and traffic regulations, signage and legends;
- (3) Establish a rule or regulation for which a civil sanction or penalty may be imposed and/or fix the sanction or penalty;
- (4) Levy taxes, license fees or assessments;
- (5) Provide for raising revenue other than by way of a contract;
- (6) Incur debt in any manner authorized by law other than by way of contract;
- (7) Abandon any property owned by the City;
- (8) Change City limits;
- (9) Adopt or modify an official map, plat, subdivision controls or regulations of the zoning plan;
- (10) Adopt, without substantive amendment, ordinances proposed under the initiative power as provided for in Article VII;
- (11) Amend or repeal any ordinance previously adopted;

- (12) Propose amendments to this Charter as provided for in Article IX;
- (13) Establish, alter or abolish any City department, office or agency authorized by Article III, Section 3, Paragraph E (9); or
- (14) Establish the procedure for the issuing of permits.

SECTION 3. ADOPTION OF AN ORDINANCE

A. Exclusive Method of Enactment

Except for emergency, budget, initiative or referendum ordinances, an ordinance shall be enacted only in the manner provided in this section. Except for budget (Article VI) or initiative or referendum (Article VII) ordinances, only a member of the Council may introduce an ordinance.

B. Enacting Clause

Each ordinance shall begin with the words: "Be it ordained by the Thibodaux City Council". Repetition of the ordaining clause in succeeding portions of the ordinance shall not be required.

C. Introduction, Form and Title of Ordinances; Reference to the Code of Ordinances

Each ordinance shall be introduced by a member of the Council at a public meeting of the Council. It shall be typewritten or printed and in the form required for final adoption. The substance of the ordinance shall be confined to one subject, and that substance shall be expressed in the title. An ordinance that adds to, amends or repeals part of the Code of Ordinances shall refer specifically to the affected part of the Code of Ordinances in its title and body.

D. Initial Publication

Each proposed ordinance shall be published by title in the official journal of the City. This publication shall be included in the publication required in Paragraph E of this section.

E. Public Hearing

There shall be a public hearing for every proposed ordinance before it is enacted, except where such a hearing is not feasible for an emergency ordinance. The public hearing shall be held at a regular meeting of the Council or at a special meeting held for that purpose. The date, time and place of the public hearing shall be published in the official journal of the City not less than five nor more than fourteen days prior to the hearing. At any such public hearing, any resident of the City shall have a right to speak on the proposed ordinance.

F. Amendment of an Ordinance

A proposed ordinance may be amended at the meeting during which the public hearing is held, or at any public meeting held thereafter, provided that the amendment is presented and acted upon prior to the time that the ordinance is enacted. A proposed ordinance may not be amended to change its original purpose or to accomplish an object not consistent with its original purpose. Only a member of the Council may propose an amendment to a proposed ordinance. The proposed amendment shall be in writing and shall be filed with the Council Administrator not less than three calendar days before the meeting at which the amendment is to be considered. Immediately after receiving a proposed amendment, the Council Administrator shall transmit copies of it to the Mayor and the other members of the Council. At the public

hearing on the proposed ordinance, the presiding officer of the Council or a majority of the Council members present may allow a proposed oral amendment after a showing of just cause as to why the amendment was not submitted in writing. An amendment is adopted when voted upon favorably by at least a majority of the members of the Council.

G. Enactment of an Ordinance

An ordinance shall be enacted at a public meeting of the Council when voted upon favorably by at least a majority of the members of the Council. An ordinance so enacted shall be signed by the presiding officer of the Council and presented by the Council Administrator, or his/her designee, to the Mayor for his/her consideration within three days after enactment, excluding Saturdays, Sundays and legal holidays. The date and time of delivery to the Mayor shall be recorded upon the ordinance.

H. Action by the Mayor on an Enacted Ordinance

- (1) The Mayor shall have a mandatory duty to take one of the following actions on the enacted ordinance and return it to the Council Administrator within seven days, exclusive of Saturdays, Sundays and legal holidays:
 - (a) Sign it, and thus approve it;
 - (b) Not sign it and return it without approval; or
 - (c) Veto it.

If the Mayor vetoes the ordinance, he shall prepare a written statement of the reasons for his veto and shall attach it to the ordinance prior to returning it to the Council Administrator. The Council Administrator shall record upon the ordinance the reasons for the veto and the date and time they are received from the Mayor. Except as provided for in Article VI (Finance), any ordinance vetoed by the Mayor shall be vetoed in full.

- (2) The Mayor shall have no power to veto an ordinance that:
 - (a) Proposes an amendment to, or the repeal of, this Charter;
 - (b) Establishes, alters or modifies Council procedure;
 - (c) Was adopted by the Council pursuant to the initiative or referendum procedure set forth in Article VII; or
 - (d) Authorizes or directs an investigation as provided for in Article III, Section 2, Paragraph (H), and/or provides for employing investigators, experts and other persons necessary for conducting the investigation.
- (3) When the Council Administrator receives an ordinance that has been vetoed by the Mayor, he/she shall immediately notify the members of the Council of the veto.

I. Council Action on the Mayor's Veto.

The Council may reconsider the vetoed ordinance at its next regular meeting following receipt thereof, or it may reconsider it at a special meeting called for that purpose. Any such special meeting shall be held within ten days of the date of the veto. At least a four-fifths vote of the Council is required to override the Mayor's veto.

J. Final Adoption

An enacted ordinance shall be finally adopted when:

- (1) The Mayor does not have the power to veto it;
- (2) It is returned to the Council Administrator signed by the Mayor;
- (3) It is returned to the Council Administrator unsigned and without the Mayor's approval; or
- (4) It is readopted by at least a four-fifths affirmative vote of the Council after being vetoed by the Mayor.

K. Final Publication

After an ordinance has been finally adopted, it shall be published in full in the official journal of the City within fifteen days.

L. Effective Date

An ordinance shall become effective on the tenth day after final publication, unless a later or earlier date is provided for therein.

SECTION 4. EMERGENCY ORDINANCES

A. Enactment by the Council

To meet a public emergency, the Council may adopt an emergency ordinance at the meeting at which it is introduced. No such ordinance may be used to: levy taxes or special assessments; grant or extend a franchise; incur debt, except as provided for in Article VI, Section 2, Paragraph B(3) (Emergency Appropriations); adopt or amend an official map, plat, subdivision controls or zoning regulations; or change rates, fees or charges established by the City. Every emergency ordinance shall contain a specific statement of the emergency claimed.

B. Final Adoption of an Emergency Ordinance

Any emergency ordinance enacted by the Council shall be signed by the presiding officer of the Council and presented to the Mayor within six hours after enactment. The Council Administrator shall record upon the emergency ordinance the date and hour of its delivery to the Mayor. Within six hours after the Mayor's receipt of an emergency ordinance, it shall be returned to the Council Administrator with the Mayor's signature and approval or veto. The emergency ordinance shall be finally adopted if the Mayor does not timely act. If the emergency ordinance has been approved, it shall be considered finally adopted and shall become effective immediately upon receipt by the Council Administrator. If the emergency ordinance is vetoed, the Mayor shall submit to the Council, through the Council Administrator, a written statement of the reasons for the veto. The Council Administrator shall record upon the emergency ordinance the date and hour of its receipt from the Mayor. Within six hours after the Council Administrator's receipt of a vetoed emergency ordinance, the council may vote to override the vetoed emergency ordinance by at least a four-fifths vote, in which event said emergency ordinance shall be considered finally adopted and shall become effective immediately. If the Council does not act timely to override the veto, it shall stand. Upon final adoption, the emergency ordinance shall be published in the official journal of the City as soon as practical, either in full or in summary, at the discretion of the Council.

C. Duration of an Emergency Ordinance

An emergency ordinance shall be effective for no longer than thirty days.

SECTION 5. CODES OF TECHNICAL REGULATIONS

The Council may adopt any standard code of technical regulations by reference thereto in an ordinance. The procedure and requirements governing the adoption of such an ordinance shall be as prescribed for ordinances generally in this Article, except that a period of thirty days must be allowed between the time of introduction and final adoption of the ordinance. A copy of each adopted code of technical regulations and the adopting ordinance shall be authenticated and recorded by the Council Administrator in the official records of the City. An adopted code of technical regulations shall be published by title, or by reference, in the official journal as soon as practical following final adoption.

SECTION 6. MAINTAINING THE CITY CODE OF ORDINANCES

The Council shall have a mandatory duty to maintain the City Code of Ordinances and keep it current. All general ordinances that are finally adopted shall be amendments, additions or repeals to the City Code of Ordinances, except ordinances of a recurring nature, such as one that incurs a debt, imposes an annual levy of taxes or enacts the budget. The Council shall have a mandatory duty to have the City Code of Ordinances available for examination by the public and for sale to the public at a reasonable price. Ordinances that are not placed in the City Code of Ordinances shall be recorded and indexed by the Council Administrator. The City Code of Ordinances shall be maintained by a bound paper copy and may be maintained by electronic data management.

SECTION 7. MAINTAINING RECORDS OF RESOLUTIONS

The Council shall cause each resolution adopted to be recorded in the minutes of the Council meeting at which it was adopted. Resolutions shall also be separately recorded and indexed by the Council Administrator and may be maintained by electronic data management.

ARTICLE VI

FINANCE

SECTION 1. THE ANNUAL COMPREHENSIVE BUDGET

The City shall have an annual comprehensive budget, hereinafter referred to as the budget. The budget shall present a complete financial plan for the ensuing fiscal year for the general fund, the auxiliary funds, and each special revenue fund.

The budget adoption and amendment procedure in this Article shall be the exclusive method for appropriation of the City's funds. The procedure in this Article shall not be used to adopt acts that are required to be approved by the ordinance procedure in Article V, any attempt to do so is absolutely null and of no legal effect.

A. PRE-BUDGET CONFERENCE

The Council, by ordinance, may call a special meeting of the Council to be held during the week following the first regular Council meeting in September of each year for the sole purpose of having a pre-budget conference between the Mayor and the members of the Council. At least five calendar days prior to this meeting, each member of the Council shall submit to the Mayor in writing his/her suggested budget proposals for revenues, expenditures,

and/or projects. Any resident of the City shall have a right to speak on the suggested proposals at the pre-budget conference.

B. BUDGET PREPARATION

The Mayor shall have a mandatory duty to prepare the proposed budget. The total of proposed expenditures shall not exceed the total of estimated funds available for the ensuing fiscal year. The budget document shall consist of three parts.

(1) Part I shall contain:

- (a) A budget message, prepared by the Mayor, that shall outline his proposed fiscal plan for the City and describe significant features of the budget for the next fiscal year; and
- (b) A general budget summary, with supporting schedules that shall show the relationship between total proposed expenditures and total anticipated revenues for the next fiscal year and that shall compare these figures with corresponding figures for the last completed fiscal year and the year in progress.

(2) Part II shall contain:

- (a) Detailed estimates of all proposed expenditures, showing the corresponding expenditures for each item for the current fiscal year and the last preceding fiscal year with explanations of increases or decreases recommended, if applicable;
- (b) Detailed estimates of anticipated revenues and other income showing the corresponding estimated revenue income for each item for the current fiscal year and actual figures for the last preceding fiscal year with explanations of increases or decreases recommended, if applicable;
- (c) Delinquent taxes for current and preceding years, with the estimated percentages collectible;
- (d) Statement of the indebtedness of the City, showing debt redemption and interest requirements, debt authorized and unissued, and conditions of the sinking funds; and
- (e) Such other information as may be requested by the Council by resolution.

(3) Part III shall contain:

The proposed complete drafts of the appropriation ordinance, the tax levying ordinance and any other ordinances required to adopt the budget.

C. Submission of the Budget to the Council

At the first regular meeting of the Council in November of each year, the Mayor shall submit his proposed budget to the Council. At this same meeting, the presiding officer of the Council shall call a special meeting of the Council for the sole purpose of having a public hearing and acting on the proposed budget. The meeting shall be held no later than December seventh of each year.

D. Initial Publication

At least ten days prior to the date of the meeting at which the public hearing will be held, the Council Administrator shall cause a notice to be published in the official journal of the City stating:

- (1) That the proposed budget is available for inspection in the offices of the Mayor and the Council Administrator;
- (2) The date, time and place of the meeting for the public hearing on the proposed budget; and
- (3) That any resident of the City has a right to speak on the proposed budget prior to its enactment by the Council.

E. Amendment of the Budget by the Council

The proposed budget may be amended at the meeting of the Council during which the public hearing on the budget is held or at any public meeting of the Council held thereafter on the proposed budget, provided the amendment is adopted prior to the time the budget is enacted by the Council. Only a member of the Council may propose an amendment to the budget. Not later than five calendar days prior to the special budget meeting, each member of the Council shall file with the Council Administrator, in writing, any proposed amendments to the budget, and/or questions for the Mayor about the budget, that he/she wants addressed during the public hearing on the budget. Immediately after receiving the proposed amendments and/or questions, the Council Administrator shall transmit copies of them to the Mayor and the other members of the Council. An amendment is enacted when voted upon favorably by at least a majority of the members of the Council at a meeting of the Council.

F. Public Hearing on the Budget

The Council shall hold a special meeting of the Council for the sole purpose of conducting a public hearing and may act on the proposed budget at that time. This meeting shall be held no later than the seventh of December of each year. Any resident of the City shall have the right to speak on the proposed budget at this meeting. Prior to Council action on any proposed amendments to the budget, the Mayor may make changes in writing to the original budget if those changes are in response to the proposed amendments and/or questions submitted by the members of the Council. At the meeting, the presiding officer of the Council or a majority of the Council members present may allow proposed oral amendments to the budget to be considered if just cause is shown as to why the amendments were not previously submitted in writing.

G. Enactment of the Budget by the Council

The Council shall have a mandatory duty to timely enact the original or amended budget. The Council shall enact the budget at the special meeting of the Council at which the public hearing is held, or at a subsequent meeting of the Council, provided the enactment of the budget occurs on or prior to December seventh of the year. Within twenty-four hours after the budget has been enacted, the presiding officer of the Council shall sign, and the Council Administrator or his/her designee, shall present the signed budget to the Mayor for his/her consideration.

If the Council fails to timely enact the budget, it shall be finally adopted as submitted by the Mayor.

H. Action by the Mayor on the Enacted Budget

- (1) The Mayor shall have a mandatory duty, not later than December twelfth,

to take one of the following actions on the enacted budget:

- (a) Sign it; or
 - (b) Veto any line item and sign approval of the remainder of the budget. A line item veto only affects an amendment made by the Council to the budget submitted by the Mayor, and it does not affect the line item as originally submitted by the Mayor.
- (2) The Mayor shall note the action taken and its date and time on the budget and return it to the Council Administrator no later than December fifteenth of each year. If the Mayor vetoes one or more line items in the budget, he/she shall prepare written reasons for each line item veto and shall attach it, or them, to the budget prior to returning the budget to the Council Administrator. The Council Administrator shall record upon the budget and any attached reasons for line item veto or vetoes the date and time they are received from the Mayor. The Mayor shall have no power to line item veto the following:
- (a) Council member's compensation;
 - (b) Expenses for auditing; or
 - (c) Costs of investigating any part of the executive branch.
- (3) If the Mayor fails to timely act on the budget, it shall be finally adopted as enacted by the Council.

I. Council Action on Line Item Vetoes

The Council may reconsider any budget item that was line item vetoed by the Mayor at its next regular meeting or at a special meeting of the Council called for that purpose, provided that such meeting shall be held not later than December twenty-first of each year. At least a four-fifths vote of the members of the Council is required to override a line item veto of the Mayor.

J. Final Adoption of the Budget

The budget shall be finally adopted when:

- (1) The Council fails to timely enact it as provided for in Paragraph G of this Section;
- (2) The Mayor fails to timely act on it as provided for in Paragraph H of this Section;
- (3) The Mayor signs it;
- (4) The Mayor exercises the line item veto power and the Council fails to hold a meeting of the Council not later than December twenty-first of the year to override the veto or vetoes; or
- (5) The Mayor exercises the line item veto power and the Council timely holds a meeting of the Council to override the veto or vetoes and succeeds and/or fails to override the veto or vetoes.

The Council shall have a mandatory duty to finally adopt a budget that is balanced with the approved expenditures not exceeding the total estimated funds available. The finally

adopted budget shall contain the same information as that required for the proposed budget.

K. Final Publication

After the budget is finally adopted, a notice shall be published in the official journal of the City certifying that all actions required by Louisiana Revised Statute 39:1307 of the Louisiana Local Government Budget Act, or its successor, and by this Charter, have been completed. This notice may be published in the official minutes of the meeting at which the budget was finally adopted.

L. Effective Date

The final adopted comprehensive budget shall become executory on January first of the next fiscal year.

M. Filing of Budget Documents

All pertinent budget documents, including, but not limited to, the adopted budget, budget adoption instrument, budget amendments, supporting schedules and correspondence related to the budget, shall be filed with the Council Administrator. The Mayor shall maintain certified copies of all pertinent budget documents in his/her office.

SECTION 2. ADMINISTRATION OF THE BUDGET

A. Expenditures That May be Made Without Further Authority

The finally adopted budget and any subsequently adopted amendment thereto shall constitute full authority to incur liabilities and authorize expenditures from the budgeted funds of the City during the fiscal year, unless the finally adopted budget or any subsequently adopted amendment thereto specifically provides otherwise or the budgeted item is subject to the provisions of Article V, Section 2, Paragraph A(4) pertaining to contracts for professional services.

B. Amendment of the Budget After Adoption

(1) Budget Amendment Procedure; Effective Date of Amendment

Except as provided in Paragraphs B(2), B(4) and C of this Section, the finally adopted budget shall be amended only by the ordinance procedure in Article V of this Charter, except that the Mayor shall have the line item veto power. The supplemental, emergency, reduction of, or transfer of appropriations authorized by this Paragraph may be made effective immediately upon adoption.

(2) **RESERVED**

If Alternative A is adopted, Subparagraph 2 will read as set forth on page 56 in Alternative A.

If Alternative B is adopted, Subparagraph 2 will read as set forth on pages 56 and 57 in Alternative

(3) Emergency Appropriations

To meet an emergency, the Council may make emergency appropriations. Such appropriations shall be made by the emergency ordinance adoption procedure in Article V, Section 4.

To the extent that there are no unappropriated funds available to meet such

appropriations, the Council may by such emergency ordinance borrow money in sums necessary to meet the emergency in accordance with procedures established by state law.

(4) Transfer of Appropriations

At any time during the fiscal year, the Mayor may transfer part or all of any unencumbered appropriation balance among programs within a department, office, or agency. Upon written request by the Mayor, the Council, by ordinance may transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.

(5) Reduction of Appropriations

(a) The adopted budget, and any duly authorized adopted amendment, shall form the framework that the Mayor and members of the Council shall use to monitor revenues and control expenditures. The Mayor shall advise the Council in writing when:

1. Total revenue and other sources, plus projected revenue and other sources for the remainder of the year, within a fund, are failing to meet total budgeted revenues and other sources by five percent or more;
2. Total actual expenditures and other uses, plus projected expenditures and other uses for the remainder of the year, within a fund, are exceeding total budgeted expenditures and other uses by five percent or more; or
3. Actual beginning fund balance, within a fund, fails to meet estimated beginning fund balance by five percent or more and fund balance is being used to fund current year expenditures.

(b) When the Council has received the above notification, or there has been a change in operations upon which the original adopted budget was developed, the Council shall adopt a budget amendment to reflect such change. In no event shall a budget amendment be adopted proposing expenditures which exceed the total estimated funds available for the fiscal year. The Council shall notify the Mayor in writing of any responsive action taken by it. The written notification required by this Section and the resulting budget amendment shall only be required for a special revenue fund with anticipated expenditures that equal or exceed two hundred fifty thousand dollars. Furthermore, the written notification of Paragraph B (5)(a)2 of this Section shall be required only for special revenue funds whose revenues are expenditure driven.

(6) Limitation on Amendment of the Budget After Adoption

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.

C. Capital Outlay Item

(1) It shall be the mandatory duty of the Mayor to initiate any capital outlay item that was finally adopted in the original budget or any supplemental appropriation during the fiscal year.

- (2) If the Mayor can show just cause as to why a proposed capital budgeted expenditure cannot be initiated or is no longer in the best interest of the City, then he/she may notify the Council of this in writing stating his reasons therefore and request that the Council by resolution authorize him/her to suspend or terminate the capital outlay project. If the Council agrees, it may adopt the resolution and grant the relief.

SECTION 3. 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 shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

SECTION 4. REVENUE

The City shall have all rights and authority granted to the City by the constitution and laws of the State to raise revenue, including the right to levy taxes and levy rates, fees and charges. The City shall additionally have the right to raise revenue in any manner not denied by the constitution or current laws of the State, providing a proposition authorizing such revenue measure is approved by a majority of the electors voting at an election held for that purpose. Such proposition may provide the method of enforcement of such revenue measure and may also provide for funding such revenue into bonds or other obligations. The Council shall have the authority to call such election in accordance with the election laws of the State.

SECTION 5. DEBT

The City is authorized to incur debt and to issue bonds, certificates, notes or other evidences of indebtedness and to pledge revenues to the payment of such obligations in every manner provided by the constitution and laws of the State. The City is further authorized to incur debt and to issue bonds, certificates, notes or other evidences of indebtedness and to pledge revenues to the payment of such obligations in any manner not prohibited by the constitution or laws of the State and may specifically issue certificates under the provision of Part III, Chapter 6, Title 33 of the Louisiana Revised Statutes or its successor, with maturities not exceeding twenty years. No ordinance shall be adopted providing for the issuance of an issue or series of such obligations unless the Council shall have approved by resolution prior to the introduction of such ordinance a report that shall show the anticipated annual debt service on such obligations and the anticipated coverage of such debt service by the revenues pledged to their payment. Such report shall also discuss the proposed means of funding the operation and maintenance costs of the facilities or improvements to be constructed or acquired with the proceeds of such obligations. The above report requirement shall not apply to obligations with maturities of less than one year or to certificates secured wholly or in part by assessments against benefited properties such as paving, water, gas and sewer assessment certificates.

SECTION 6. ANNUAL AUDIT

The Council shall provide for an annual financial and compliance audit of the financial statements of the City, to include all funds and account groups representing the financial

transactions of the City and all departments, offices, and/or agencies of the City. The auditors shall be designated by the Council, and shall be independent of the City and all City officials as provided by the *Government Auditing Standards*. Auditors shall be certified public accountants or a firm duly licensed or permitted to conduct audits of local governments in the State of Louisiana by the State Board of Certified Public Accountants of Louisiana or its successor. The audit shall be submitted to the Council in accordance with the provisions of state laws at a regularly scheduled meeting, or a special meeting, and shall be a public record. A notice shall be published in the official journal, within thirty days of receipt of the audit report by the Council, of the availability of the report for inspection by the public at the office of the Council Administrator.

SECTION 7. BONDING OF OFFICERS OR EMPLOYEES

The Director of Finance and such other City officers or employees designated by the Council shall be bonded in the amount and with the surety prescribed by the Council. The premiums on such bonds shall be paid by the City.

SECTION 8. LIMITATIONS

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 or resolution for a public bid contract as provided for in Article V, Section 2, Paragraph A.

Nothing in this Charter shall prevent the making of contracts for governmental services or for the capital outlay for a period exceeding one year. Any contracts so made shall be executory only for the amounts agreed to be paid for such services to be rendered in succeeding years.

ARTICLE VII

INITIATIVE AND REFERENDUM

SECTION 1. THE POWERS OF INITIATIVE AND REFERENDUM

Except as otherwise provided for in this Charter, the electors shall have the powers of initiative and referendum.

A. The Initiative Power

The initiative power is the power and right of a specified number of electors to petition the Council to adopt a new ordinance and/or amend or repeal an existing ordinance and impose on the Council a mandatory duty to act on the petition.

B. The Referendum Power

The referendum power is the power and right of a specified number of electors to mandate the Council to submit a proposed initiative ordinance to a direct vote of the electors if the Council refuses to adopt a proposed initiative ordinance.

C. Specified Number of Electors

The specified number of electors necessary to invest the power and right to use initiative and referendum is fifteen percent or more of the electors calculated as of the time the initiative proposal is submitted to the Council.

D. Limitations on the Initiative and Referendum Powers

The initiative and referendum powers shall not be used to make, increase or reduce the appropriation of funds, fix the salaries of City officers or employees or authorize the repeal or reduction of any tax.

SECTION 2. PROCEDURE FOR SUBMITTING AN INITIATIVE

A. Submission

An initiative procedure shall be started when an elector submits a proposal for an initiative to the Council. The proposal shall be in writing and shall specify the object and purpose of the initiative. The proposal shall be filed with the Council Administrator who shall mark the date and time of filing on the proposal. The initiative proposal is deemed submitted to the Council at this time. The Council Administrator shall present the initiative proposal to the Council at the first regular meeting of the Council after the proposal is filed.

B. Petition for Initiative

- (1) Within thirty calendar days after the Council receives the initiative proposal from the Council Administrator, it shall cause to be drafted and certified a form of a petition to be used by the proposer to circulate and obtain the necessary number of signatures of electors. The date of certification shall be placed on the petition. The petition may be circulated in single copy or in multiple copies at the option of the proposer. The petition shall provide places for the signature, address, ward and precinct of each signer and the date of signing.
- (2) The petition also shall contain the full text of a proposed initiative ordinance. The subject of the ordinance shall accurately reflect the object and purpose of the initiative proposal. The ordinance shall comply with the pertinent provisions of Article V, Section 3, Paragraphs B and C.

C. Circulation of the Petition

The elector proposing the initiative shall have sixty calendar days from the date the Council certifies the form of the petition to obtain the necessary signatures to invest the electors with the powers of initiative and referendum. Each person who secures signatures on a petition, or petitions, shall attach to each petition a sworn affidavit stating the number of signers on the petition and the fact that each signature on the petition was made in the presence of the circulator. All initiative petitions with signatures shall be submitted to the Council Administrator by an elector not later than the close of official business on the sixtieth calendar day after the date the Council certified the form of the petition. The Council Administrator shall mark on the petition, or petitions, the date and time that he/she receives it or them. The Council Administrator shall present the signed petition, or petitions, to the Council at its next regular meeting.

D. Determining the Sufficiency of the Petition

Not later than the next regular meeting of the Council after it receives the signed petition, or petitions, it shall request the office of the parish registrar of voters to canvass the signatures on the petition, or petitions, to determine their authenticity and sufficiency and submit a written

report of his/her findings within thirty days. The Council Administrator shall transmit the petition, or petitions, to the registrar of voters, shall mark on it, or them, the date and time of delivery and shall request the registrar of voters to notify him/her when the canvass and the report have been completed. When the Council Administrator receives this notice, he/she shall immediately retrieve the petition, or petitions, and the report from the registrar of voters, mark the date and time that he/she does so on the documents and present the documents to the Council at its next regular meeting.

E. Action of the Council on an Insufficient or Deficient Petition

If the number of signatures on the petition, or petitions, is less than fifteen percent of the electors, or if a petition does not comply with the requirements of this Section, or both, the Council shall notify the elector who submitted the proposal of such insufficiency or deficiency, or both, by registered or certified mail within fifteen calendar days. The elector shall have thirty calendar days after receiving the notice of insufficiency and/or deficiency to obtain a sufficient number of signatures and/or bring the petition or petitions into compliance with this Section and file this documentation with the Council Administrator. At its next regular meeting after the expiration of the above grace period, the Council shall determine the final sufficiency and correctness of the petition or petitions.

F. Final Action of the Council

- (1) If the Council finally determines that the number of signatures is insufficient, or that there are enough deficiencies in the petition or petitions to invalidate the submission, or both, it shall declare that the attempt to use the initiative and referendum powers has failed and shall take no further action.
- (2) If the Council finally determines that at least fifteen percent of the electors have signed the petition or petitions, and that the petition or petitions comply with the requirements of this Section, it shall declare the electors are entitled to exercise the initiative and referendum powers.
- (3) Within thirty days after the Council has declared the validity of the initiative proposal, it shall cause the initiative ordinance to be published in full in the official journal of the City, together with a notice of the date, time and place when and where the ordinance will be given a public hearing and be considered for passage. The public hearing may be held at a regular meeting of the Council or at a special meeting called for that purpose. The Council may act on the ordinance at the meeting during which the public hearing is held, provided the action is taken after the public hearing is concluded. The Council may act on the ordinance at a later meeting, provided such meeting is held not later than the second regular meeting of the Council after the meeting at which the public hearing is held. The Council shall have no power to substantively amend the initiative ordinance.
- (4) When the electors have properly acquired the powers and rights of initiative and referendum, the Council shall have a mandatory duty to timely either (a) adopt the initiative ordinance, or (b) submit the initiative ordinance to a direct vote of the electors.

SECTION 3. ADOPTION OF THE INITIATIVE ORDINANCE

The Council may adopt an initiative ordinance by a majority vote of its members. After an initiative ordinance has been adopted by the Council, it shall be published within fifteen days in

the official journal of the City, and it shall become effective on the tenth day after publication. The Mayor shall have no power to veto an initiative ordinance adopted by the Council. If the Council fails to timely adopt the initiative ordinance, it shall have a mandatory duty to submit the ordinance to direct vote of the electors immediately after the time period ends pursuant to the pertinent procedure in Section 4 hereafter.

SECTION 4. SUBMISSION OF AN INITIATIVE ORDINANCE TO A REFERENDUM

The Council may submit an initiative ordinance to a direct vote of the electors by a majority vote of its members. If a referendum is ordered, the Council shall call the election within ninety days after the date of the public hearing, preferably in an election already scheduled, otherwise in a special election called for that purpose. The result of the election shall be determined by a majority vote of the electors voting on the initiative ordinance proposal. If a majority of the electors voting in the referendum vote in favor of the ordinance, it shall be considered adopted upon certification of the election results by the Secretary of State. After an initiative ordinance has been certified as adopted by the Secretary of State, it shall be published within fifteen days by title in the official journal of the City, and it shall become effective on the tenth day after publication.

SECTION 5. LIMITATIONS ON AMENDMENT OR REPEAL OF AN ORDINANCE ADOPTED BY INITIATIVE OR REFERENDUM

After an ordinance has been adopted by initiative or referendum, it shall not be amended or repealed within one year after its effective date, except by a referendum of the electors of the City. After the expiration of the one year period, the ordinance may be amended or repealed as any other ordinance.

ARTICLE VIII

GENERAL PROVISIONS

SECTION 1. LEGAL PROCESS

Legal process against the City shall be served upon the Mayor, or, in his/her absence, upon either the Council Administrator or the presiding officer of the Council.

SECTION 2. ETHICS AND DUAL OFFICE HOLDING

All elected officials, officers, and employees of the City shall comply with the state ethics laws, and except as provided for in Louisiana Revised Statute 42:66(D), or its successor, the state dual office holding and dual employment laws.

SECTION 3. CONTINUATION OF OBLIGATIONS, DEBTS AND RIGHTS OF THE CITY

All obligations, contracts, licenses, franchises, debts, rights and/or causes of action, claims, demands, titles and other rights of the City existing on the effective date of this revised Charter shall continue in full force and effect.

SECTION 4. CONTINUATION AND REPEAL OF ORDINANCES, RESOLUTIONS, ADMINISTRATIVE RULES AND REGULATIONS, AND PRIOR CHARTER PROVISIONS

- A. All existing ordinances, resolutions, and administrative rules and regulations not in conflict with this revised Charter shall remain in full force and effect until they are amended, repealed or expire by their own terms.
- B. All existing ordinances, resolutions, administrative rules and regulations, and prior Charter provisions in conflict with this revised Charter are repealed on its effective date.

SECTION 5. IMPAIRMENT OF DEBT OBLIGATIONS PROHIBITED

Nothing in this Charter shall be construed or applied in such a manner as to impair the obligation, validity, or security of any bonds or other debt obligation authorized prior to the effective date of this revised Charter.

SECTION 6. RECONSTITUTION OF GOVERNMENT

If an emergency incapacitates the Mayor and/or a majority of the Council, the remaining elected official or officials of the City shall have the power and duty to appoint such officials as are necessary to reconstitute the legislative and executive branches of the City. The emergency power granted herein shall continue to exist only so long as the emergency continues to exist. Elections shall be held as soon as possible to fill any vacancy caused by the emergency.

SECTION 7. INTERGOVERNMENTAL COOPERATION

Except as otherwise provided by law, the City may exercise any power and/or perform any function, including financing, jointly or in cooperation with one or more political subdivisions, as that term is defined in the Louisiana Constitution of 1974, Article VI, Section 44(2), or its successor, with the state or any special district, board, agency, commission or authority thereof, and/or with the United States, or any of its agencies.

SECTION 8. DECLARATION OF INTENT: STANDARD FOR INTERPRETATION

This Charter shall be liberally interpreted to establish for the people of Thibodaux efficient and effective Home Rule, free from legislative interference with its organization, structure and distribution of powers and functions of its government with the powers and functions to manage its affairs as contemplated and intended by the constitution.

SECTION 9. SEVERABILITY CLAUSE

If any provisions of this Charter is declared invalid for any reason, it shall not affect the validity of any other provisions of this Charter.

SECTION 10. GENERAL LIMITATIONS

This Charter shall not affect the school board, the offices of District Attorney, Sheriff, Clerk of Court, Assessor or Coroner, or the courts and their officers. The Council has no authority to enact an ordinance defining and providing for the punishment of a felony, and, except as provided by law, no authority to enact an ordinance governing private or civil

relationships.

SECTION 11. LIMITATION ON SALE OR LEASE OF CITY UTILITY

The City shall not sell, lease or in any manner dispose of its utility system, or any substantial part thereof, without approval of a majority vote of the electors voting in an election called for that purpose. This limitation shall not prevent the disposal of property that has become obsolete, unserviceable or unnecessary for the efficient operation of the utility system, provided the disposal is approved by a consulting engineer. The proceeds of the sale of such property shall be used to purchase or construct other capital improvements for the utility system.

SECTION 12. THE RIGHT OF ANY CITIZEN OF THIBODAUX TO COMPEL COMPLIANCE WITH THIS HOME RULE CHARTER

Any elector shall have a right and cause of action and standing to bring an action in a state district court of competent jurisdiction against any elected official, officer or employee of the City to enforce the provisions of this Charter. In any enforcement proceeding, the plaintiff may seek and the court may grant any or all of the following relief:

- A. A writ of mandamus to compel the performance of any duty required by this Charter;
- B. An injunction to stop an act being performed in violation of this Charter;
- C. A declaratory judgment to determine any question of construction or validity of any provision of this Charter, or obtain a declaration of his/her rights, status or other legal relations thereunder;
- D. A judgment rendering an act void; or
- E. A judgment declaring that an elected official, officer or employee of the City has forfeited or lost his/her right to hold his/her office or position and forbidding him/her from occupying the office or position, as provided for in Article III, Section 3, Paragraph D(1), Article III, Sections 9 and 10, Article IV or any other provision of this Charter.

SECTION 13. DEFINITIONS

- A. Appropriation - an authorization to make an expenditure for a specified purpose contained in a budget or amendment thereto.
- B. Capital Expenditures - the cost of major assets such as new infrastructure, buildings or land.
- C. Change of Operations - curtailing, eliminating, or adding a particular service for the people, as well as adopting additional revenue producing measures to permit enhancement of services for the people.
- D. Contract - an agreement by two or more parties whereby obligations are created, modified, or extinguished. Louisiana Civil Code Article 1906 et seq., or their successor.
- E. Elector - a qualified elector of the City.
- F. Emergency - natural disaster, epidemic, threat of epidemic, civil disturbance, suppression of insurrection, repelling of invasion, or an unforeseen event that brings with

it destruction or injury of life or property, or threat to public peace, or the imminent threat of such destruction or injury.

- G. Funds available for appropriation - current fiscal year revenues plus accumulated unreserved and undedicated excesses of revenues over expenditures.
- H. Just cause - a cause that is based on reasonable grounds. Reasonable grounds are those that are fair and honest. The reason must be one that an ordinary person would find is a justifiable rationale for doing or not doing a particular act.
- I. May - the word may is permissive.
- J. Obligation - a legal relationship whereby a person, called the obligor, is bound to render a performance in favor of another, called the obligee; the performance may consist of giving, doing, or not doing something. Louisiana Civil Code Article 1756 et seq., or their successor.
- K. Person - any natural person or legal entity as defined in Louisiana Civil Code Article 24, or its successor.
- L. Shall - the word shall is mandatory.
- M. Unencumbered appropriation - an appropriation in a budget that has not been committed to a purchase.

ARTICLE IX

AMENDMENT AND REPEAL

SECTION 1. RIGHT TO AMEND OR REPEAL

The electors shall have the right to amend or repeal this Charter by any one of the procedures set forth in this Article.

SECTION 2. PROCEDURES TO AMEND OR REPEAL

The following procedures may be used to propose the amendment or repeal of this Charter: an ordinance of the Council, a petition of the electors, or a Charter Commission as provided for in the Louisiana Constitution of 1974, Article VI, Section 5 and Louisiana Revised Statute 33:1395 et seq., or their successors. An amendment may add, delete or amend any provision of this Charter.

A. **Amendment or Repeal by Council Ordinance**

The Council may propose an amendment to, or the repeal of, this Charter by adopting an ordinance to do so by an affirmative vote of at least four-fifths of its members. The Mayor shall have no power to veto this ordinance.

B. **Amendment or Repeal by a Petition of the Electors**

Any elector may submit a proposal to amend or repeal this Charter to the Council. The Council shall have a mandatory duty to call an election on the proposal if the elector obtains the signatures of at least ten percent of the electors, or at least ten thousand electors, whichever is fewer, on the petition, or

petitions, supporting the proposal. The procedure for submitting the proposal and acquiring the necessary signatures is the procedure in the pertinent portions of paragraphs A through E of Section 2 of Article VII pertaining to Initiative and Referendum. The Council shall have a duty to determine the insufficiency or sufficiency of the petition. If the Council finally determines that the number of signatures is insufficient or that there are enough deficiencies in the petition, or petitions, to invalidate the submission, it shall declare that the attempt to amend or repeal the Charter by a petition of the electors has failed and shall take no further action. If the Council finally determines that the number of signatures is sufficient and that the petition, or petitions, are not deficient, it shall declare that the electors are entitled to have the proposed amendment or repeal submitted to a vote of the electors and shall call an election to do so.

SECTION 3. ELECTION

Within thirty calendar days after the Council either adopts an ordinance to amend or repeal this Charter or declares that the electors are entitled to have the proposed amendment or repeal of the Charter submitted to a vote of the electors, the Council shall call an election within ninety days. The election shall occur preferably in an election already scheduled, but it may occur in a special election called for that purpose. If a majority of the electors voting in the election vote in favor of the proposal, it shall be considered adopted upon certification of the election results by the Secretary of State. Thereafter, the proposal shall be published within fifteen days in full in the official journal of the City, and it shall become effective on the tenth day after publication.

SECTION 4. LIMITATION ON AMENDMENT OR REPEAL OF THIS CHARTER

Substantially the same proposal to amend or repeal this Charter shall not be submitted to the electors more frequently than every two years.

ARTICLE X

TRANSITIONAL PROVISIONS

SECTION 1. EFFECTIVE DATE

Except as provided in Section 2 of this Article, the provisions of this revised Home Rule Charter shall become effective at twelve o'clock midnight on December 31, 2001.

SECTION 2. RATIFICATION OF CIVIL SERVICE STATUS

Upon the effective date of this revised Home Rule Charter, all officers and employees of the City who have status in the classified service of the City shall retain said status in the position, class and rank that they have on such date and shall thereafter be subject to and be governed by the provisions of this revised Home Rule Charter and the rules and regulations adopted pursuant thereto.

SECTION 3. PROVISIONS OF THE THIBODAUX HOME RULE CHARTER OF 1974 THAT ARE TRANSPOSED TO THE CODE OF ORDINANCES AND CONTINUED

THEREIN

Except as they may be in conflict or inconsistent with this revised Home Rule Charter, the following provisions of the Thibodaux Home Rule Charter of 1974 shall be transposed into the Code of Ordinances, continued therein and subject to amendment or repeal as any ordinance:

- A. ARTICLE II, SECTION 2-01, PARAGRAPH (c) IS TRANSPOSED TO CHAPTER 2, SECTION 2-7 AS FOLLOWS:

Sec. 2-7. City Council District Descriptions and Seat Designations.

The following Council seats are hereby established:

- (1) City Council District A for Seat A shall consist of that part of the City located in the present precincts 2-1, 2-2, 2-3 and 2-4.
- (2) City Council District B for Seat B shall consist of that part of the City located in the present precincts 2-5, 2-6, 2-8 and 2-10.
- (3) City Council District C for Seat C shall consist of that part of the City located in the present precincts 2-7, 2-9 and 2-11.
- (4) City Council Seat D shall be elected at large by all the qualified voters of the City.
- (5) City Council Seat E shall be elected at large by all the qualified voters of the City.

- B. ARTICLE II, SECTION 2-03 IS TRANSPOSED TO CHAPTER 2, SECTION 2-8 AS FOLLOWS:

Sec. 2-8. Council Salaries.

The annual salaries of Councilmen elected from City Council Districts shall be nine thousand six hundred dollars (\$9,600.00) paid in twelve (12) monthly payments, until changed by ordinance. The annual salaries of Councilmen elected at large shall be ten thousand eight hundred dollars (\$10,800.00) for the Vice-President and eleven thousand four hundred dollars (\$11,400.00) for the President, each paid in twelve (12) monthly payments, until changed by ordinance.

- C. ARTICLE III, SECTION 3-05 IS TRANSPOSED AS AMENDED TO CHAPTER 2, SECTION 2-9 AS FOLLOWS:

Sec. 2-9. Annual Salary of the Mayor.

The annual salary of the Mayor shall be forty-eight thousand dollars (\$48,000.00) until the second Monday in December 2002 when it shall become sixty-five thousand dollars (\$65,000) as provided for in Ordinance #2045 adopted July 3, 2001, until changed by ordinance.

- D. ARTICLE IV, SECTION 4-03, PARAGRAPH (B) IS TRANSPOSED TO CHAPTER 2, SECTION 2-10.

- E. ARTICLE IV, SECTION 4-04, PARAGRAPH (B) IS TRANSPOSED TO CHAPTER 2, SECTION 2-11.

- F. ARTICLE IV, SECTION 4-02 AS AMENDED IS TRANSPOSED TO CHAPTER 2, SECTION 2-11 AS FOLLOWS:

The head of the legal department shall be the City Attorney, who shall be appointed by the Mayor, subject to confirmation by the Council. He shall be an attorney licensed to practice in the courts of Louisiana with at least five (5) years experience in the practice of law. The City Attorney shall serve as chief legal advisor to the City Council, the Mayor and all City departments, offices and agencies; shall represent the City in all legal proceedings; and shall perform any other duties prescribed by this Charter or by ordinance. Any assistant City Attorneys authorized by the City Council shall be appointed by the City Attorney and serve at his pleasure. The salary of the City Attorney shall be fixed by the Council. Special legal services may be contracted for in accordance with the provisions of Article V, Section 2, Paragraph A(4) of the Home Rule Charter.

SECTION 4. OFFICIAL BALLOT AND ALTERNATIVE PROPOSITIONS FOR THE REVISED HOME RULE CHARTER

The proposed revised Home Rule Charter for the City of Thibodaux shall be submitted for adoption to the electors of the City by an official ballot containing the following propositions and instructions: