St. Charles Parish

Home Rule Charter

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PREAMBLE

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

ARTICLE I
ESTABLISHMENT OF HOME RULE

St. Charles Parish is a local governmental subdivision as defined by Article VI, Section 44 of the Louisiana Constitution of 1974. The Parish shall operate under this home rule charter under authority of Article VI, Section 5 of the constitution.

ARTICLE II
POWERS & FUNCTIONS OF THE PARISH

Except as otherwise provided by this Charter, St. Charles Parish shall continue to have all powers, functions, rights, privileges, immunities, and authority previously possessed under the laws of the state. The parish shall have and exercise such other powers, rights, privileges, immunities, authority and functions not inconsistent with this Charter as may be conferred on or granted to a local governmental subdivision by the constitution and laws of the State. The parish is hereby granted the right and authority to exercise any power and perform any function necessary, requisite, or proper for the management of its affairs, not denied by this Charter or general law, or inconsistent with the constitution. The parish shall have the right and authority to exercise general police power.

ARTICLE III
ORGANIZATION, STRUCTURE AND DISTRIBUTION OF POWERS AND FUNCTIONS

SECTION A. THE GOVERNING AUTHORITY

1. Name, Composition and Qualifications of Members

    a. The name of the governing authority shall be the St. Charles Parish Council which shall consist of nine (9) members. Members shall be elected as follows:

        i. Two (2) of the members shall be elected at large by all qualified electors of the parish, but shall qualify by possessing residency requirements as set forth below. These two (2) positions shall be designated Division A and Division B. To qualify for Division A, a person must reside on the East Bank of [the] Mississippi River. To qualify for Division B, a person must reside on the West Bank of the Mississippi River.

        ii. Seven (7) members shall be elected from single member districts as established by the governing authority.

    All council members shall reside in and be qualified voters of the parish and shall reside in and be qualified voters of their respective districts. No council member shall hold any other elected public office or other paid public office or position of profit except the office of Notary Public, member of the armed services or the position of principal, teacher or employee in the public education system.

2. Compensation

   The members of the parish council elected at large shall receive an annual salary of $24,000.00 and the members elected by districts shall receive an annual salary of $19,200.00, effective January 8, 2024. The annual salaries of the parish council, as established herein, shall be adjusted by the same percentage rate as the cost of living adjustment approved for civil service employees in 2025 and each succeeding year thereafter. Each member shall receive his actual and necessary expenses incurred in the performance of his duties, within limitations established by the parish council.

3. Council Districts and Reapportionment

   a. There shall be seven (7) parish council districts.

   b. The present governing authority shall reapportion itself by December 31, 1978 and the parish council shall reapportion itself by December 31, 1982 and by December 31st every ten (10) years thereafter and may reapportion itself at any other time.

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

4. Term of Office

   a. Each member shall be elected for a term of four (4) years. The term shall be concurrent and begin at noon on the second Monday of the second month following the general election. The election shall be held at the same time as the election for governor in accordance with law. No holder of any seat on the council who shall have served two (2) consecutive complete terms in the same seat following the election authorizing this amendment shall be eligible to serve a third consecutive term for such seat.

5. Organization; Officers; Council Secretary

   a. On the second Monday of the second month following their election, the members of the parish council shall meet at the courthouse, organize and proceed to discharge their duties. The council shall elect from among its members a chairman and a vice-chairman who shall serve at its pleasure. The chairman shall preside at council meetings and shall perform such other duties as the council or this Charter may impose. In the absence of the chairman, the vice-chairman shall discharge the duties of the chairman.

   b. The Council shall employ a secretary to the council or shall require a parish employee approved by the parish president to serve as secretary. The secretary shall give notice of the meetings of the council, prepare the council agenda, keep the record of its proceedings and perform such other duties as the Charter and council shall prescribe.

   c. The council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than once each month. Special meetings of the council may be held on twenty-four hours' effective notice by the secretary to each member upon the call of the chairman or of a majority of the members. The notice of special meetings shall contain a statement of the specific item or items of business to be transacted and no other business shall be transacted at the meeting. Special meetings of the council may be convened without the required notice where such is waived in writing by all of the members of the council. All meetings shall be public except those as provided for by law.

d. The council shall determine its own rules and order of business and shall require the secretary to keep a record of its proceedings which shall be a public record. Five (5) members of the council shall constitute a quorum but a smaller number may adjourn from time to time and compel the attendance of absent members in such manner and subject to such penalties as may be prescribed by the rules of the council. No action of the council shall be valid or binding unless adopted in an open public meeting by the affirmative vote by at least five (5) members, except where a two-thirds vote is required in which event at least six (6) favorable votes are necessary. Notwithstanding the foregoing, procedural or administrative matters may be adopted by a favorable vote of a majority of the members present and voting.

6. Vacancies; Forfeiture of Office; Filling of Vacancies

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

b. Forfeiture of Office:
Whenever any member ceases to be a qualified elector of the parish, ceases to be a resident of the district he represents or fails to attend meetings without good cause for a period of four (4) consecutive months or is convicted of a felony, he shall immediately forfeit his office.

c. Filling of Vacancies:

i. Any vacancy on the council shall be filled within thirty (30) days by at least a majority vote of the remaining members. The presiding officer of the council shall not vote on such appointment unless a tie vote occurs thereon, in which case he shall vote to break the tie.

ii. If the unexpired portion of the term is more than one year, the vacancy shall be filled by special election called by the parish council within sixty (60) days after the vacancy occurs and held in not more than six (6) months nor less than three (3) months. The appointee shall serve in office until the person elected to fill the vacancy assumes the office.

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

iv. Any vacancy occurring on any agency heretofore or hereafter created by the Parish Governing authority shall be filled within thirty (30) days by vote of at least five (5) members of the parish council.

7. Powers and Duties of the Parish Council.

a. The parish council shall be vested with and shall exercise all legislative power in the Parish of St. Charles.

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

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

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

   ii. Make appropriations for all parish purposes.

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

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

   v. Create parish departments, offices or agencies in addition to those created by this Charter.

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

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

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

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

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

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

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

SECTION B. THE PARISH PRESIDENT

1. Election of the Parish President

The chief executive officer of St. Charles Parish shall be the parish president who shall be elected by the qualified voters of the parish at the same time and for the same term as members of the parish council. No person who shall have served two consecutive complete terms for the office of parish president following the election authorizing this amendment shall be eligible to serve a third consecutive term for such office. The parish president shall be a qualified voter of the parish and shall have resided within the parish for a period of five (5) years prior to his assuming office.

2. Compensation

The annual salary of the parish president shall be fixed at $175,000.00, effective January 8, 2024, and may be increased by ordinance of the parish council, provided that an ordinance increasing the president's salary shall not be passed during the last year of a term and no salary increase shall become effective during the term in which the ordinance is adopted. The parish president shall be eligible for all benefits available to full-time employees of the Parish.

3. Powers and Duties

a. Except as otherwise provided in this Charter, the parish president shall be the chief executive officer of the parish and shall be vested with the executive power of the parish. He shall be responsible for carrying out the policies adopted by the Parish Council and for the administration, direction and supervision of all parish departments, offices, agencies and special districts, the heads of which are appointed by him. The Parish President shall submit for confirmation, by a majority vote of the council, the Department Head designee within Parish government. A confirmation hearing shall be held within 30 days to confirm or reject such designee.

b. The parish president shall have the following powers, duties and responsibilities:

i. He shall appoint and remove, subject to the provision of this Charter or any personnel rules adopted by the council pursuant thereto, all administrative officers and employees of the parish responsible to him; or he may, at his discretion authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office, subject to the provisions of this Charter, or personnel rules adopted by the council pursuant thereto.

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

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

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

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

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

vii. He shall keep the council fully advised as to the financial condition and the needs of the parish and shall make recommendations to the council concerning the affairs of the parish.

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

4. Temporary Incapacity of the Parish President

The parish president shall designate a qualified administrative employee of the parish to assume his duties and authority during periods of his temporary absence or disability.

5. Vacancy

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

b. Any vacancy occurring in the office of parish president shall be filled within thirty (30) days by a majority vote of the parish council. The presiding officer of the council shall not vote on such appointment unless a tie vote occurs thereon, in which case he shall vote to break the tie. The person so chosen to fill the vacancy must possess the qualifications necessary for the position established by this Charter.

c. If the unexpired portion of the term is more than one year, the vacancy shall be filled by special election called by the parish council within sixty (60) days after the vacancy occurs and held in not more than six (6) months nor less than three (3) months. The appointee shall serve in office until the person elected to fill the vacancy assumes the office.

d. If the unexpired portion of the term is one year or less, the appointee shall serve out the remainder of the term.

SECTION C. ADMINISTRATIVE DEPARTMENTS, OFFICES AND AGENCIES

1. General Provisions

a. The parish council may, by ordinance, establish parish departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other.

b. Each parish department, office or agency, except those excluded by this Charter shall be administered by an officer appointed by and subject to the direction and supervision of the parish president. With the consent of the council, the parish president may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of two or more departments, offices or agencies.
c. Parish administrative officers appointed by and under the supervision of the parish president may be suspended or removed by written order of the president.

2. Department of Finance
   a. There shall be a department of finance headed by a finance director appointed by the parish president, who shall administer the financial affairs of the parish and who shall be ex-officio parish treasurer. His duties shall include, but shall not be restricted to, the following:
      i. Assist the president in the preparation and execution of the parish budget and capital program.
      ii. Assist the president and the council is [in] negotiating loans and in the issuance and sale of bonds whenever this becomes necessary as a result of council action.
      iii. Maintain records of parish indebtedness and have charge of the payment of interest and principal thereon.
      iv. Have custody of all public funds belonging to or controlled by the parish or any parish department, office, agency or special district, except those of the school board, the 29th Judicial District and officers thereof, or the sheriff or tax assessor; and to deposit all such funds in banks or trust companies designated as depositors by resolution of the council, subject to the requirements imposed by law as to surety and guarantee of deposits.
      v. Disburse all funds in the parish treasury; and no money shall be paid out of the treasury unless he first (a) verifies the appropriation, allotment and availability of funds to cover the claim concerned and certifies thereto, and (b) determines that such checks and warrants drawn against the parish treasury and signed by the director of finance shall be co-signed by the parish president or in his absence, by some other officer designated by the parish president.
      vi. Administer a general accounting system for the parish and each of its departments, offices and agencies and special districts.
      vii. Prepare and submit to the parish president a monthly statement of the revenues and expenditures for the preceding month and for the fiscal year up to and including the preceding month, which statement shall be sufficiently detailed as to appropriations, allotments and funds to show the exact financial condition of the parish.
      viii. Prepare and submit to the parish president at the end of each fiscal year a report of the financial transactions of that year and a complete statement of the financial condition of the parish at the end of the year; and
      ix. Perform such other duties as the parish president may prescribe.

b. As soon as possible after the adoption of this Charter, the parish council, after consultation with the finance director and the parish president, shall by ordinance establish a system of treasury management which will include procedures and controls for the receipt, custody and disbursement of all funds belonging to, or under the control of the parish council, and for the investment of idle fund balances, such ordinance to be in conformity with the general procedures set forth in this Charter.

3. Parish Legal Advisor
   a. The district attorney of the 29th Judicial District shall continue to serve as the legal advisor to the parish council and parish president and all parish departments, offices and agencies, provided, however, that at such time the council determines that the parish would be better served by a separate full or part-time legal department, it may create such a department and provide for its organization and functions by ordinance in accordance with [the] general provisions of Section C, Subsection 1 of this article. In special matters, the council may retain special attorneys to represent the parish or perform certain duties subject to the restrictions imposed by the statutes of this State.

4. Planning and Zoning
   a. The planning commission heretofore created by the St. Charles Parish Police Jury shall continue in existence, and the members thereof holding office on the effective date of this Charter shall each continue to hold office until the expiration of the term for which he was appointed. As the terms of these members expire, their successors shall be appointed by the parish council. In addition to the members already appointed, the council shall designate that one of its members, a member of the parish school board designated by the school board and the parish president or an administrative employee designated by him shall serve as ex-officio, non- voting members of the commission. Each person so designated shall serve at the pleasure of the body or official who appointed him.
   b. The planning commission shall constitute the zoning commission for the Parish of St. Charles, and shall exercise all the powers, duties and functions which are conferred or imposed on parish zoning commissions by the general laws of the State or by special laws applicable to St. Charles Parish.
   c. There shall be a planning and zoning department headed by a planning and zoning director appointed by the parish president. Under the supervision of the president and with the advise [advice] of the planning commission, the planning and zoning director shall:
      i. Conduct studies necessary to prepare official maps and other maps, plats, charts and reports which, taken together, will constitute a proposed master plan for the social, economic and physical development of the parish. Such proposed plan shall be submitted to the planning commission for review and shall include, but shall not be limited to recommendations for: the most desirable density of population in the various parts of the parish; the most desirable use of land for residential, commercial, agricultural, industrial and other purposes; a system of principle [principal] streets, highways and other public ways, parks, playgrounds and recreation; the general location, relocation and improvements of public buildings; the extent and general location of public utilities, whether privately or publicly owned, for water, sewerage, drainage, light, power, transit and other purposes; the extent and general location of air, water, rail and bus terminals; the extent and location of public housing projects.

ii. After review by the planning commission, prepare and recommend ordinances designed to effectuate the plans, including, but without limitation, zoning, subdivision and other regulations necessary to insure the application of such regulations to all situations in the parish. The recommended ordinances, or changes and amendments thereto shall be presented by the president to the council in accordance with the provisions of general and special laws of the state applicable to St. Charles Parish.

iii. Advise the planning commission in the exercise of its responsibilities and in connection therewith, provide necessary staff assistance.

5. Civil Service System

a. There shall be a Classified Civil System for the Parish of St. Charles based upon merit, efficiency and fitness, barring discrimination or disciplinary action except for cause and barring discrimination or disciplinary action for political, religious or racial reasons and providing for a right of appeal from such actions.

The Classified Civil Service System shall cover all Parish Employees except:

i) All elected officials

ii) Any Assistants to the Parish President, the Director and Assistant Directors of each Department of the Parish (excluding Personnel), the Superintendent and Assistant Superintendents, Executive Secretary to the Parish President and Secretary to the Parish Council

iii) Members of Boards, Agencies, Special Districts, and all employees thereof

iv) Organizations and their employees and other persons who are employed by the Parish on a temporary or contractual basis

v) Parish Attorney and his legal assistants, when applicable

vi) All persons employed and paid exclusively with Federal funds administered by the Parish unless specifically required by Federal regulation or law to be included under this Merit System of Public employment

Any employee holding a full-time classified position subject to this Section on its effective date, who has served as a classified employee of the Parish for at least six (6) months prior thereto shall continue in his position without competitive test, but shall be subject in all other respects to this Section.

b. A Civil Service Board is hereby created which shall be composed of five (5) members. This Board shall have a chairman, vice-chairman and a secretary, which shall serve at the pleasure of the Board. The domicile of the Board shall be in Hahnville, Louisiana. The existing members of the Civil Service Board shall comprise the members of the Civil Service Board created by this section. Each existing member shall continue to hold office until the expiration of the term for which he was appointed.

i. Members of the Board may be paid a per diem allowance and may be reimbursed for expenses incurred in official duties as may be determined by the Parish Council.

ii. To be eligible for appointment or to serve as a member of the Civil Service Board, a person shall be a citizen of the United States of America and shall be a qualified voter of the Parish and shall have resided within the Parish for a period of five (5) years prior to his assuming office. No member of the Board shall hold an elected office nor position in Parish Government.

iii. The members of the Board shall be appointed as follows:

(1) One (1) member shall be appointed by the Director of the Department of Civil Service, State of Louisiana, after consulting with the President of the Louisiana Civil Service League.

(2) One (1) member shall be appointed by the Parish Council upon its own nomination.

(3) One (1) member shall be appointed by the Parish President.

(4) One (1) member shall be filled by appointment of the Parish Council from a list of three (3) persons submitted by the President of Nicholls State University.

(5) One (1) member shall be filled by appointment of the Parish Council from a list of three (3) persons submitted by the President of Tulane University.

Should any of the Appointing Authorities become non-existent, the Parish Council shall designate by ordinance, a replacement Appointing Authority.

iv. The term of office for all members of the Board shall be for a period of three (3) years.

v. Upon the expiration of the term of office of any member of the Civil Service Board, or whenever a vacancy in the office of any member thereof occurs, the Appointing Authority shall appoint a successor in the same manner as the outgoing member was appointed, and such successive appointment shall be made within sixty (60) days after the expiration or vacancy occurs. Should the Appointing Authority fail to appoint within thirty (30) days, the first named nominee shall automatically become a member of the Board.

vi. Each member shall take the oath of office before entering upon the duties of his office. His oath shall include a statement to uphold the constitution and laws of the United States, State of Louisiana and the Parish of St. Charles, and to administer faithfully and impartially the provisions of this Section and the rules adopted under the authority of this Section. The oath of office shall be administered by any person having the legal authority to administer oaths.

vii. A member of the Civil Service Board may be removed by the Appointing Authority, as the case may be, for cause, after being served with written specifications of the charges against him and being afforded an opportunity for a public hearing thereon by the Appointing authority. The District Attorney of the Judicial District wherein the Board member resides may institute such suit, upon his own initiative.

viii. The Parish Council shall advise, within the thirty (30) days provided for the appointment of the Board members, each appointee of his appointment and term of office as a member of the Civil Service Board.

c. The Board shall meet at any time after its original meeting upon the call of the chairman, who shall give all members of the Board due notice thereof. The Chairman of the Board shall call, and the members of the Board shall attend, one regular meeting of the Board within each quarterly period of each calendar year. If the chairman fails or refuses to call such quarterly meeting of the Board, the members of the Board shall meet upon the written call of any two (2) members mailed five (5) days in advance of the meeting. Three (3) members of the Board shall constitute a quorum, and the concurring votes of all three (3) members shall be sufficient for the decision of all matters to be decided or transacted by it. Meetings of the Board shall be held in accordance with the public meeting laws of the State of Louisiana.

   The Board shall:

   i. Represent the public interest in matters of personnel administration in the services of the Parish Government.
   ii. Advise and assist the Parish President with reference to the maintenance and improvement of personnel standards in the administration of Parish service and the classified system.
   iii. Advise and assist the employees in the classified service with reference to the maintenance, improvement and administration of personnel matters related to any individual or group of employees.
   iv. Make at the direction of the Parish President, Personnel Officer or upon its own motion, any investigation concerning the administration of personnel or the compliance with the provisions of this Section in the Parish service; review and modify or set aside, upon its own motion, any of its actions, and take any other action which it determines to be desirable or necessary in the public interest or to carry out effectively the provisions and purposes of this Section; the findings of all investigations to be reported to the Parish President.
   v. Conduct investigations and act upon complaints by or against any officer or employee in the classified service for the purpose of demotion, reduction in position or abolition thereof, suspension or dismissal of the officer or employee, in accordance with the provisions of this Section.
   vi. Adopt, alter, amend and promulgate rules and regulations necessary to carry out effectively the provisions of this Section, including prohibition against political activity of employees. Rules and regulations in effect on the effective date of this amendment will remain in effect until such time as these rules are altered or amended by the Board. No rule, regulation or order shall be contrary to or in violation of any other provisions of law. No rule, regulation or policy affecting finances shall be effective without approval of the Parish President and adopted in the Parish Budget.
   vii. Adopt and maintain a classification plan and a pay plan; such pay plan shall become effective only after approval by the Civil Service Board, Parish President and the Parish Council.

viii. Make reports to the Parish President upon its own motion or upon the official request of the Parish President, regarding general or special matters of personnel administration or with reference to any appropriation made by the Parish Council for the expenses incidental to the operation of the Board.

ix. Perform such other policy-making or quasi-judicial duties as may be required under the rules developed pursuant to this Section.

d. There is hereby created and established the position of Personnel Officer. This shall be a competitive position, with selection, appointment and/or removal from office made by the Civil Service Board.

i. Procedures for terminating the Personnel officer shall be in accordance with the Rules and Regulations for classified employees.

ii. The duties of the Personnel Officer shall be to:

(1) Administer the Personnel System for the Parish
(2) Prepare personnel rules and revisions for consideration by the Board
(3) Interpret and enforce rules adopted by the Board
(4) Establish procedures for implementing the adopted personnel policies and rules
(5) Establish eligibility lists and prepare classification plan and pay plan for approval by the Board
(6) Establish and maintain a roster of Parish employees
(7) Serve as Secretary to the Civil Service Board at Board Meetings
(8) Establish and maintain such records, forms and procedures as may be necessary to control personnel transactions
(9) Perform other duties as required by the Board and Parish President

6. Prohibitions

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

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

ARTICLE IV
ORDINANCES AND RESOLUTIONS

SECTION A. ACTS REQUIRING AN ORDINANCE

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

1. Provides for the reapportionment of the Parish Council of the parish;
2. Levies taxes or assessments;

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

Section B. ENACTMENT OF AN ORDINANCE

1. Exclusive Method of Enactment

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

2. Enacting Clause

Each ordinance shall begin with the words: "The St. Charles Parish Council hereby ordains:". Repetition of the ordaining clause in succeeding portions shall not be required.

3. Introduction, Form, Title, Adoption and Publication

a. Each ordinance shall be introduced in typewritten or printed form. No ordinance shall contain more than one subject which shall be clearly expressed in its title, except in the case of a codification or revision of ordinances, annual budget ordinances, or ordinances proposing related amendments to this plan of government or proposing the substitution of an entirely new form of government, in which case they shall be deemed to embrace but one subject and their title need only refer to the general purpose and scope thereof.
b. An ordinance may be introduced by any council member or by the parish president at any regular or special meeting of the council. Upon introduction of any ordinance, the council secretary shall distribute at least one copy to each of the council members and to the parish president. After the ordinance has been introduced and unless it is rejected at the same meeting by the affirmative vote of not less than two-thirds of the council members, the council shall cause the ordinance, or a summary thereof to be published in the official parish journal at least once together with a notice of the date, time and place, when and where it will be given a public hearing and be considered for final passage. The publication shall be at least one week prior to the time advertised for the hearing. No ordinance may be adopted at the same meeting at which introduced unless declared an emergency ordinance and no ordinance shall be declared invalid by reason of any defect in publication or title if the publication gives reasonable notice of its intent.

c. At the time and place so advertised or any time or place to which such hearing may be adjourned from time to time, a summary of the ordinance shall be read in full and, after the reading all interested persons shall be given an opportunity to be heard.
d. After all persons have been given the opportunity to be heard, the council may pass the ordinance with or without amendments and the ordinance as finally adopted shall be published in full in the official parish journal within ten (10) days after it is approved by the parish president as provided in Section C hereof or within ten (10) days after council action overriding a presidential veto. The vote on final passage shall be recorded in the minutes of the council by the individual vote of each council member. To comply with the provisions of this Subsection, approved ordinances shall be published either individually or as part of the minutes of the council meetings.
e. Any member of the Parish Council who shall have any substantial personal pecuniary interest in the adoption or passage of any ordinances, resolution, motion or measure shall declare such fact to the Parish Council and shall refrain from voting on the same at any time, whether on final passage or otherwise. Any person who shall knowingly violate the above provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars ($500.00), or imprisonment for not more than sixty (60) days, or both fine and imprisonment.
f. The effective date of any ordinance shall be prescribed therein, but shall not be earlier than five (5) days after its publication in the official journal.
g. A proposed ordinance shall not be altered or amended during consideration to nullify its original purpose or to accomplish an object not consistent with its original purpose.
h. An ordinance shall be enacted at a public meeting, when voted upon favorably by at least a majority of the members of the Parish Council; except that an ordinance to increase a tax, service charge, occupational license fee, or special fee shall only be enacted when voted upon favorably by at least two-thirds of the members of the Parish Council.
i. The provision of this Section shall not apply to or affect any emergency or budget ordinance or an ordinance enacted by initiative or referendum as provided for elsewhere in this home rule charter.

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

1. Every ordinance and resolution, except those hereinafter enumerated, adopted by the parish council shall be signed by the council secretary and chairman of the council and presented to the parish president within two (2) days after adoption.
2. The parish president, within six (6) calendar days of the adoption of an ordinance or resolution, shall return it to the council secretary with or without his approval, or with his disapproval. If the ordinance or resolution has been approved or is not specifically disapproved it shall become effective as provided therein, or if not provided therein, on the fifth day following its publication in the official Parish Journal; if the ordinance or resolution is disapproved, the parish president shall submit to the parish council through the council secretary a written statement of the reasons for his veto. The council secretary shall record upon the ordinance or resolution the date of its delivery to and receipt from the parish president.

3. Ordinances and resolutions vetoed by the parish president shall be presented by the secretary to the council at its next regular meeting and should the council then, or at its following regular meeting, adopt the ordinance or resolution by an affirmative vote of two-thirds of all its members, said ordinance or resolution shall become law irrespective of the veto thereof by the parish president.
4. The right of the president to veto as provided in this section shall apply to all ordinances and resolutions adopted by the council, except those which propose amendments to this Charter, establish, alter or modify council procedure, establish council compensation, create staff agencies or officers for the council, or which the council is required by law to take or perform pursuant to a petition, this Charter or the general laws of this State or which the council has received specific approval to enact following a referendum vote of the people. The right to veto shall also extend to disapproving or reducing individual appropriation items in the budget or any ordinance or resolution, except appropriations for auditing or investigation any part of the executive branch.

SECTION D. ENACTMENT OF A CODE

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

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

SECTION E. EMERGENCY ORDINANCES

To meet a public emergency affecting life, health, property, or public safety the Parish Council by a vote of two-thirds of its members may adopt an emergency ordinance at the meeting at which it is introduced and may make it effective immediately; except that no such ordinance may be used to levy a tax, grant, extend or modify a franchise. An emergency ordinance shall be published in full in the official journal of the parish within ten (10) days after adoption.

SECTION F. AUTHENTICATION & RECORDING; PRINTING AND DISTRIBUTION OF ORDINANCES AND RESOLUTIONS

1. The Council secretary shall authenticate by his signature and record in a properly indexed book or books kept for the [that] purpose all approved ordinances and resolutions. Each such approved ordinance and resolution shall be given a number for reference and identification.
2. The council shall cause each ordinance and resolution having the force and effect of law and each amendment to this Charter to be printed or otherwise reproduced promptly following its approval and such printed or reproduced resolutions, amendments and ordinances, including code of technical regulations adopted by reference pursuant to Section D shall be distributed or sold to the public at reasonable prices.

SECTION G. CODIFICATION

As soon as practical after the adoption of this Charter, the council shall have prepared a general indexed codification of all parish ordinances and resolutions having the effect of law. The general codification thus prepared shall be adopted by the council in a single ordinance. After adoption, the council shall have [the] codification printed immediately in an appropriate manner together with the Parish Charter and such rules and regulations as the council may direct. Additions or amendments to the code shall be prepared, adopted and printed as often as deemed necessary by the council.

SECTION H. RESOLUTIONS

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

1. Establishes a commemorative day, week, month, or year;
2. Authorizes a person to sign or execute on behalf of the Parish Council a contract which has been previously approved;
3. Authorize[s] a person to execute, sign or counter-sign a check or draft on an account of the Parish Council;
4. Declares a statement of public policy of the Parish Council;

ARTICLE V. FINANCIAL PROCEDURES

SECTION A. FISCAL YEAR

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

SECTION B. SUBMISSION OF BUDGETS

At least seventy-five (75) days before the beginning of each fiscal year, the president shall submit a line item operating budget and a capital budget in accordance with accepted accounting procedures in a format established by the Parish Council. The budgets so submitted shall be balanced.

SECTION C. BUDGET MESSAGE

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

SECTION D. ACTION ON THE BUDGETS

Budgets shall be amended only during the public hearings before adoption except no item for debt service shall be reduced below the amount certified by the president as necessary. In no event shall the parish council cause the total proposed expenditures to exceed anticipated revenue. If the parish council shall fail to act on either budget within the item limit as provided in the Section herein, it shall be adopted as submitted by the president.

SECTION E. ADOPTION OF BUDGETS

The parish council shall hold three public hearings and shall adopt budgets not less than thirty days before the commencement of the fiscal year. Any resident of the parish shall have a right to speak on the proposed budgets at the public hearing. The Budgets as adopted shall constitute an appropriation of funds for all purposes contained therein. A budget ordinance shall become effective on the first day of the fiscal year, unless otherwise provided therein.

SECTION F. AMENDMENTS AFTER ADOPTION

1. Supplemental Appropriations:

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

2. Emergency Appropriations:

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

3. Reduction of Appropriations:

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

4. Transfer of Appropriations:

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

5. Limitations and Effective Date:

   No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The ordinance authorizing a supplemental appropriation, or a reduction or transfer of appropriations may be made effective immediately upon adoption but may not be adopted at the same meeting as introduced.

SECTION G. BONDED DEBT

The parish is empowered to incur bonded debt in accordance with the constitution and laws of this state and this Charter.

SECTION H. ANNUAL AUDIT

An independent audit of all accounts and financial transactions of the parish shall be completed within one hundred eighty (180) days after each fiscal year. The audit shall be conducted by a certified public accountant who has no interest in the records or transactions being audited and who is experienced in auditing. An independent audit shall not be required if the legislative auditor or his successor conducts an audit which meets these requirements.

SECTION I. SURETY BONDS

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

ARTICLE VI. INITIATIVE AND REFERENDUM

SECTION A. GENERAL PROVISIONS AND PROCEDURE

1. The electors of the parish shall have the power except as herein restricted to propose to the parish council passage or repeal of ordinances and to vote on the question if the council refuses action. These powers shall comprise the initiative power. The initiative power shall not extend to the proposing or repealing of ordinances making or reducing the appropriation of money, fixing the salaries of parish officers or employees or authorizing the repeal or reduction of the levy of any taxes. The initiatory power shall be exercised in the following manner:
    a. The person or persons proposing the exercise of this power shall submit the proposal to the council, which without delay shall specify a form of petition for circulation in one or multiple copies as the proposer may desire. The petition shall contain the full text of the proposed ordinance.
    b. Within sixty (60) days after the form of the petition shall have been specified, the person or persons circulating the petition shall obtain the signatures of at least fifteen (15) per cent of the total registered voters of the parish. There shall be noted after each signature on the petition the date signed and the address of the signer. Each person circulating a copy of the petition shall attach a sworn affidavit to it, stating the number of signers and the fact that each signature was made in the presence of the circulator of the petition.
    c. The signed petition shall be filed with the council within sixty (60) days of the specification of the form of the petition, and within thirty (30) days the council shall order a canvass of the signatures thereon to determine the sufficiency and authenticity of the signatures. The council's canvass shall be completed within thirty (30) days. If the number of signatures is insufficient or the petition is deficient as to form or compliance with this Section, the council shall notify the person or persons filing the petition and allow thirty (30) days for [the] filing of additional papers, at the end of which time the sufficiency or insufficiency of the petition shall be determined finally.
    d. Within thirty (30) days after a petition shall have been certified as sufficient by the council, the council shall cause the proposed ordinance, or a summary thereof, to be published in the official Parish Journal at least once together with a notice of the date, time and place when and where it will be given a public hearing and be considered for passage, which notice shall appear at least one week prior to the time advertised for the hearing. This public hearing shall be conducted as required generally for public hearings by this Charter. After all persons have been given the opportunity to be heard, the council shall either:
        i. Adopt the proposed ordinance, without substantive amendments, submitted in an initiatory petition, or the repeal referred to by such petition, or
        ii. Determine to submit the proposal to the electors.

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

f. If an initiatory ordinance is submitted to a vote of the electors as provided in Subsection "d" above, the election shall take place within one hundred eighty (180) days after the date the petition is presented to the council, preferable in an election already scheduled for other purposes, otherwise in a special election. The results shall be determined by a majority vote of the electors voting on the proposal.

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

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

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

ARTICLE VII.
GENERAL PROVISIONS

SECTION A. LEGAL PROCESS

Legal process against the parish shall be served upon the president or, in his absence, upon the secretary.

SECTION B. PROHIBITIONS AND CONFLICTS OF INTEREST

1. As a result of his position, no officer shall directly or indirectly solicit or receive any privilege, rebate, reduced rate, or any other thing of value from any person, firm or corporation doing business with the parish.
2. Any officer, official, or employee of the parish or any individual or firm engaged in a professional capacity by the parish, shall make known any substantial financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any proposed contract with the parish or in the proposed sale of any land, material, supplies, or services to the parish, or to a contractor or subcontractor supplying the parish and shall be prohibited from voting or otherwise participating in the making of such sales or the making or performance of such contract. Violation of this Subsection with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the parish shall render the contract or sale voidable.
3. No member, former member or member-elect of the parish council shall be appointed to any paid parish office or parish position of profit until one year after the expiration of the term for which he was elected.
4. Any officer, official, or employee of the parish who wilfully conceals a substantial financial interest or wilfully violates the requirements of this Section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars ($500.00), or imprisonment for not more than sixty (60) days, or both fine and imprisonment.

SECTION C. RECONSTITUTION OF GOVERNMENT

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

SECTION D. DECLARATION OF INTENT

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

SECTION E. RECALL

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

SECTION F. CODE OF ETHICS

In the absence of an applicable state code of ethics, the governing authority shall adopt a code of ethics within two (2) years from the effective date of this Charter. The code shall apply to each elected and appointed officer and every employee of the parish and provide for notice, hearing and appeal.

SECTION G. GENERAL LIMITATIONS

This Charter shall not affect the school board, the offices of the district attorney, sheriff, clerk of court, assessor, or coroner, and shall not affect courts and their officers as provided in Article V of the Constitution; nor shall the parish council enact any ordinance defining and providing for the punishment of a felony or, except as provided by law, enact an ordinance governing private or civil relationships.

SECTION H. SEVERABILITY

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

SECTION I. RIGHT TO DIRECT PARTICIPATION

No person shall be denied the right to observe and, within council guidelines, to address the Council provided that the person has submitted a written request containing the nature of the subject to be discussed. All requests must be received by the Council Secretary at least one week prior to the scheduled meeting. Persons shall not be denied the right to examine public documents, except in cases established by law.

ARTICLE VIII
AMENDMENT OR REPEAL

SECTION A. ORIGINATION

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

SECTION B. PROCEDURE BY PETITION

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

1. Any qualified elector may submit the proposal to the Parish Council which shall specify within thirty (30) days a form of petition for circulation. The petition shall contain the full text of the proposed amendment or repeal.
2. The signatures of at least fifteen (15) per cent of the qualified electors as of the date of submission shall be obtained. After each signature, the address or ward and precinct of the signer and the date of signing shall be noted. Each person circulating the petition shall attach an affidavit stating the number of signers and verifying that each signature was made in the presence of the circulator.
3. The petition shall be filed at the office of the Parish Council within sixty (60) days of the specification of the form of the petition. Within thirty (30) days thereafter, the Parish Council shall order and complete a canvass of the signatures to determine sufficiency and authenticity. If the number of signatures is insufficient or the petition is deficient as to form, the Parish Council shall give written notice to the person filing the petition as to the deficiencies. Thirty (30) days shall be allowed to correct deficiencies. The final sufficiency of the petition shall be determined within ten (10) days thereafter.

SECTION C. ELECTION

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

SECTION D. RESTRICTIONS

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

ARTICLE IX
TRANSITIONAL PROVISIONS

SECTION A. EFFECTIVE DATE

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

SECTION B. CONTINUATION OF ACTIONS, FRANCHISES, CONTRACTS, LICENSES AND ORDINANCES: REPEAL OF CONFLICTING ORDINANCES

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

HISTORY OF AMENDMENTS

May 16, 1981 (Election Date) Art. V Sec. H **Official Proceedings-Book V p. 421** (Reso. 2246, 6-1-1981-Canvass Returns)	Ord. 81-3-4, 3-9-1981, V. 233 Reso. 2205, 3-9-1981, V. 234
November 19, 1983 (Election Date) Art. IV Sec. B.3.c. **Official Proceedings-Book Z p.355** (Reso. 2534, 12-5-1983-Canvass Returns)	Ord. 83-9-12, 9-26-1983, Z. 247 Reso. 2507, 9-26-1983, Z. 249
November 21, 1987 (Election Date) Art. III Sec. B.3.b.vii., B.3.a., B.2., A.2., C Art. VII Sec. I Art. V Sec. D and E **Official Proceedings-Book H p. 374** (Reso. 3101, 12-7-1987-Canvass Returns)	Ord. 87-7-5, 7-6-1987, H-87 Reso. 3080, 8-17-1987, H-166 Reso. 3088, 9-21-1987, H-243 Ord.87-10-4 (amend Ord. 1987-7-5, ratify Reso.3088 and rescind Reso.3080), 10-5-1987, H-269
October 19, 1991 (Election Date) Art. III Sec.A.4.a., B.1. **Official Proceedings-Book UU p. 351** (Reso. 3730, 11-4-1991-Canvass Returns)	Ord. 91-5-4, 5-6-1991, SS. 184 Reso. 3632, Rescinded by Reso.3634, 5-6-1991, SS. 238 Reso.3648,6-3-1991, SS. 364 Ord.91-6-1, (amend Ord. 91-5-4) 6-3-1991, SS. 379
October 14, 2023 (Election Date) Article III, Section A.2 Article III, Section B.2 **Official Proceedings-Book JJJJJ p. 059** (Reso. 6725, 11-6-2023-Canvass Returns)	Ord. 90-12-16, 12-17-1990, QQ. 437-438 Ord. 98-11-1, 11-2-1998, JJJ. 469-470 Rescinded by 23-12-3, 12-4-2023, TBD

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