

PARISH OF WEST FELICIANA

ORDINANCE NUMBER: 2016 OCTOBER 10 – 01

AN ORDINANCE TO PROPOSE AMENDMENTS TO THE HOME RULE CHARTER OF WEST FELICIANA PARISH, AND TO PROVIDE FURTHER WITH RESPECT THERETO:

The West Feliciana Parish Council hereby ordains:

Section 1- Amendments to Article III, Section A is proposed to be amended to read as follows:

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1. c. i. 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, for at least three (3) years prior to the first day of the qualification period set for said office.

ii. However, at the next regular election following redistricting or reapportionment, a person may qualify as a candidate from any district created in whole or in part from a district existing prior to redistricting or reapportionment if the person was domiciled in that prior district for at least three years immediately preceding the first day of the qualification period set for said office. In such a case, the person must relocate to reside within the district to which elected prior to taking office.

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3. b. Following the ~~official publication~~ release to the State of Louisiana of the official Federal Census data each federal census by the United States Bureau of the Census for the area covered by West Feliciana Parish, ~~and at least six (6) months prior to the time established by law for qualifying for office in the next regular election for Council Members,~~ the Council by ordinance shall alter, change or rearrange Council district boundaries so as to provide for population equality among the districts as near as reasonably practicable. To the extent possible, Council districts shall be compact and be composed of contiguous territory.

c. No ordinance effecting apportionment shall be considered for final passage by the Council until at least three (3) advertised public hearings have been held on approval on three (3) separate days.

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5. a. A Council Member shall continue to be a qualified elector and legally domiciled within the Parish and, if elected form a single member district, shall continue to be legally domiciled with the district during the term of office for which elected. If a Council Member ceases to be a qualified elector or changes his/her legal domicile from the district which elected, the member shall forfeit the office and the office shall be vacant. Such forfeiture shall require a determination by a court of competent jurisdiction upon a Petition for Declaratory Judgment brought by a qualified elector of West Feliciana Parish or by

the Office of the District Attorney. However, a temporary change of actual residence made for just cause shall not be ground for forfeiture of office.

* * *

7. c. i. Any vacancy on the Council shall be filled within ~~ten (10)~~ **twenty (20)** 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~~ **eighteen (18) months,** the vacancy shall be filled by a special election shall be called by the Parish Council ~~within ten (10) days after the vacancy occurs and held in not more than six (6) months not less than three (3) months in accordance with State law.~~

* * *

iv. ~~Any vacancy on any agency heretofore or hereafter created by the Parish Governing Authority shall be filled within thirty (30) days by majority vote of the The Parish Council shall advertise to fill any vacancy on any board or commission to which it makes appointments within thirty (30) days of notice of such vacancy.~~

* * *

8. c. i. Levy and collect taxes, only after holding a public hearing to place such tax levy on a ballot with subsequent approval by a majority of the voters of the parish; levy and collect 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. All elections involving issues of taxation in and for the Parish of West Feliciana shall be held on **the next available Gubernatorial or Congressional primary election date.** ~~approved election dates that include on the ballot at least one of the following:~~

- ~~1. The general election for the Office of the President of the United States of America;~~
- ~~2. The general election for the Office of United States Senator or United States House of Representatives;~~
- ~~3. The general election for a full term of the Office of Governor for the State of Louisiana, Lieutenant Governor, Secretary of State, Attorney General or Commissioner of Insurance;~~
- ~~4. The general election for a full term for the members of the Louisiana House of Representatives or Louisiana State Senate;~~
- ~~5. The general election for a full term of the West Feliciana Parish Offices of Sheriff, Clerk of Court, Tax Assessor, Parish President, or Parish Council Person;~~
- ~~6. The general election for a full term of the Office of District Judge or District Attorney in and for the Parish of West Feliciana.~~

Section 2 - Amendments to Article III, Section B is proposed to be amended to read as follows:

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3. a. Except as otherwise provided for 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 majority vote of the Council, the Department Head designee with Parish government. A confirmation hearing shall be held within thirty (30) days to confirm or reject such designee.

* * *

5. a. The office of President of the Parish shall become vacant upon his death, resignation, removal from office in any manner authorized by law, forfeiture of his office or failure to take the oath of office for any reason. The Parish President shall immediately forfeit his office if he lacks at any time during his term of office any of the qualifications for the office prescribed by this Charter, or is convicted of a felony, **but such forfeiture shall require a determination by a court of competent jurisdiction upon a Petition for Declaratory Judgment brought by a qualified elector of West Feliciana Parish or by the Office of the District Attorney.**

b. Any vacancy occurring in the office of Parish President shall be filled within ~~ten (10)~~ **twenty (20)** 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 term is more than ~~one year~~ **eighteen (18) months**, the vacancy shall be filled by special election called by the Parish Council within 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 assume the office.

Section 3 - Amendments to Article III, Section C is proposed to be amended to read as follows:

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5. a. The seven (7) members of the Planning Commission heretofore created by the West Feliciana 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, the 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, a member of the Parish Fire Board designated by the Fire 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~~ **there shall be the following ex-officio, non-voting members of the Commission: the Fire Chief of West Feliciana Parish Fire District No. 1, or his designee, and the Superintendent of the West Feliciana Parish School System, or his designee. The ex-officio, non-voting members shall not be counted for the purposes of determining the quorum of the Commission.**

Section 4 - Amendments to Article III, Section D is proposed to be amended to read as follows:

This section shall govern the appointment by the West Feliciana Parish Council of members of to Boards and Commissions appointed solely by the governing body of West Feliciana Parish.

* * *

2. a. All Board/Commission members shall be qualified voters of West Feliciana Parish.

* * *

~~c. All Board/Commission members shall have reached the age of eighteen (18) years prior to appointment.~~

~~d. No Board/Commission member shall hold elected or appointed office while serving on a Board or Commission unless specifically exempted by this Charter.~~

i. No Board/Commission member shall hold elective office while serving on a Board or Commission;

ii. The Parish Council shall not appoint the same person to serve, concurrently, on two different Boards or Commissions, except as otherwise provided by this Charter;

iii. The prohibition in (ii) shall not apply when at least sixty (60) days have elapsed after advertisement for applicants for appointment and no otherwise eligible applicants have applied.

~~e.d.~~ Prior to appointment to a Board or Commission candidates shall submit to the Parish Council for review a statement of interest in serving on a Board or Commission along with a resumé that indicates qualifications for the position to which they wish to serve.

~~f.e.~~ Board/Commission members shall be appointed based solely on qualifications with no respect to gender, ethnicity, religion, or national origin.

~~g.f~~ The appointing authority shall verify and the presiding officer of the Parish Council shall certify that all qualifications for appointment have been met before placing a candidates name for consideration for appointment.

~~h.g.~~ No Council member shall serve on a Board or Commission of the Parish government having administrative or policy making authority unless the ordinance or State law creating such Board or Commission specifies that one or more members of the Council shall serve on such Board or Commission.

~~i.h.~~ No member of a Board or Commission may serve or advise any other Board or Commission from which that member, Board, Commission receives any funding or compensation.

* * *

3. a. 1. Plead guilty, nolo contendere, or are found guilty of a felony ~~or other crime involving an abuse of the public trust.~~

* * *

~~b. No member of a Board or Commission shall be removed without cause.~~

~~e. The Parish Council may remove a member of a Board or Commission with cause in a properly called public meeting after stating the cause for which the member is to be removed and with four (4) votes in favor of removal by the Parish Council.~~

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4. b. ~~All Board/Commission shall provide training in ethics, public bid law, open meeting laws, and organization specific training to new appointees who must complete said training within six (6) weeks of their appointment~~ The Parish shall provide annual training to each Board/Commission member appointed to their first term of service on such Board/Commission by the Parish Council. The training shall include open meetings law, public records law, the Code of Governmental Ethics, and, when applicable, the public bid law.

* * *

5. Exceptions as to the Economic Development Board

a. The West Feliciana Parish Economic Development Board shall be made up of nine voting members. The West Feliciana Parish Council shall appoint four (4) members from the qualified electorate in the Parish that meet the previously described Board qualifications. These four (4) members shall be subject to term limit requirements as established in this Article. The Sheriff of West Feliciana Parish, the West Feliciana Parish Hospital District, Fire Protection District #1 of West Feliciana Parish, and the West Feliciana Parish School Board shall appoint one (1) member to the Economic Development Board on which there are no restrictions as to holding a second elected or appointed office. The four (4) members appointed by those other than the Parish Council shall not be subject to term limits but may be removed by the appointing authority at will. The Parish President shall serve as a member of the Board and shall serve as its Chairperson.

b. Each year, not less than ninety (90) days prior to the end of the fiscal year, or at such other time as the Parish President shall request, the Economic Development Board shall make a budget recommendation to the Parish President with regard to the appropriate funding for economic development. The funds appropriated to the Economic Development Board through the Parish budgetary process shall be subject to the provisions of Article V, Section F of this Charter.

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Section 5 - Amendments to Article IV, Section A is proposed to be amended to read as follows:

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1. Provides for the ~~reapportionment~~ redistricting of the Parish Council ~~of the Parish single-member districts.~~

Section 6 - Amendments to Article IV, Section H

The following amendments shall be made to Article IV, Section H, as follows:

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2. Authorizes a ~~person~~ **the Parish President or his designee** to sign or execute on behalf of the Parish ~~Council~~ a contract which has been previously approved;
3. Authorize a person to execute, sign or counter-sign a check or draft on an account of the Parish ~~Council~~;

Section 6 - Amendments to Article VI, Section A

The following amendments shall be made to Article VI, Section A, as follows:

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 to discuss and vote on the proposals presented to them by the electors.** ~~These powers shall compromise the initiative Power.~~ The Initiative Power shall not extend to the proposing of repealing of ordinances making or reducing the appropriation of money, fixing the salaries of the Parish officers or employees, ~~redistricting Parish Council single-district member districts, creating, consolidating or abolishing Parish Departments, offices or agencies,~~ or authorizing the repeal or reduction of the levy of any taxes. The initiatory power shall be exercised in the following manner:

* * *

- f. If an initiatory ordinance is submitted to a vote of the electors as provided in the subsection "d" above, the election shall take **place within 180 days on the next available Congressional or Gubernatorial Primary Election 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.

Section 7 - Amendments to Article VII, Section E is proposed to be amended to read as follows:

All officers and employees of the Parish government shall be subject to the provisions of the Louisiana ~~State~~ Code of **Governmental** Ethics.

Section 8 - Amendments to Article VII, Section F is proposed to be amended to read as follows:

Except as otherwise provided, ~~t~~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 9 - Amendments to Article VII, Section I is proposed to be adopted to read as follows:

SECTION I: CALCULATION OF DEADLINES

Any reference to “day” or “days” in this Charter shall mean calendar day or days, inclusive of Saturday, Sunday and legal holidays. In the event a deadline falls on a Saturday, Sunday or legal holiday, the deadline shall be extended to the next day that is not a Saturday, Sunday or legal holiday.

Section 10 - Election Call – Under the authority of Louisiana Constitution Art. VI, Section 5, the Louisiana Election Code and the Home Rule Charter of West Feliciana Parish, a special election is hereby called and ordered to be held in the Parish of West Feliciana, State of Louisiana on Saturday, December 10, 2016, between the hours of 7:00 am and 8:00 pm, to put before all of the qualified electors of West Feliciana Parish entitled to vote thereon, the following proposition:

Shall the following Sections of the West Feliciana Parish Home Rule Charter be amended as more specifically described in the Summary of Proposed Amendments on file and available for review with the West Feliciana Parish Government and available on-line at www.wfparish.org, being the same amendments set forth in West Feliciana Parish Ordinance 2016 OCTOBER 10 – 01 , Article III, Section A, Article III, Section B, Article III, Section C, Article III, Section D, Article IV, Section A, Article IV, Section H, Article VII, Section E, Article VII, Section F, and Article VII, Section I, which proposed amendments are hereby incorporated by reference and made a part of this proposition?

YES or NO

Section 11 – Publication of Notice of Election – A Notice of Special Election shall be published in the St. Francisville Democrat, the official journal of West Feliciana Parish Government, once a week for four consecutive weeks with the first publication not less than 45 days nor more than 90 days prior to the election, substantially as set forth in Exhibit A, made a part hereof.

Section 12 - Canvass – The West Feliciana Parish Council will meet at its regular meeting place, Courthouse Building, 4785 Prosperity Street, St. Francisville, Louisiana, on MONDAY, DECEMBER 19, 2016, at FIVE THIRTY O’CLOCK (5:30) P.M., and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of the election.

Section 13 - Polling Places, Commissioners & Voting Machines – As a parish-wide election, all of the registered and qualified electors of West Feliciana Parish are entitled to vote in said election and voting machines shall be used. Each and every polling place, encompassing each and every precinct with West Feliciana Parish will be utilized for said election. The Commissioners-in-Charge and Commissioners, respectively, shall be those persons designated in accordance with Louisiana law.

Section 14 – Authorization of Officers - Said election shall be held in accordance with all applicable laws, including but not limited to the Louisiana Election Code, as set forth in Title 18 of the Louisiana Revised Statutes of 1950, as amended, and other statutory or constitutional authority, and the officers appointed to hold the said election, as provided in this Notice of Election, or such substitutes therefor as may be selected and designated in accordance with LRS 18:1287, will make due returns to said Governing Authority. The President of West Feliciana Parish and the Secretary of the West Feliciana Parish Council shall take all actions necessary to conduct such election, including furnishing certified copies of this ordinance to the Secretary of State, Clerk of Court of West Feliciana Parish, and Registrar of Voters of West Feliciana Parish, along with a request that each such official perform its functions under Louisiana law.

Section 15 – Bond Commission – Application for approval of said election shall be made to the State Bond Commission if required by Louisiana law to do so, including providing thereto the documents required thereby.

Introduced by: Council Member Melville R. Percy at the Regular meeting of the West Feliciana Parish Council on the 12th day of September, 2016.

Publication of Summary and Notice of Public Hearing on September 22, 2016.

Full reading and passage October 10, 2016.

Moved for adoption by William “Bill” May, III. Seconded by Sydney Picou Walker.

FOR: John C. Thompson, Melville R. Percy, William “Bill” May, Sydney Picou Walker

AGAINST: Melvin Young

ABSTAIN:

ABSENT:

ATTEST:

/s/Kevin H. Couhig 10/13/16
KEVIN H. COUHIG DATE
WEST FELICIANA PARISH PRESIDENT

/s/Sherrel W. Johnson 10/13/16
SHERREL W. JOHNSON DATE
WEST FELICIANA PARISH COUNCIL ASSISTANT SECRETARY