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# HOME RULE CHARTER FOR A COUNCIL-PRESIDENT GOVERNMENT FOR WASHINGTON PARISH

**STATE'S  
EXHIBIT**

*442*

Prepared by the  
Washington Parish Home Rule Charter Commission  
July 1997

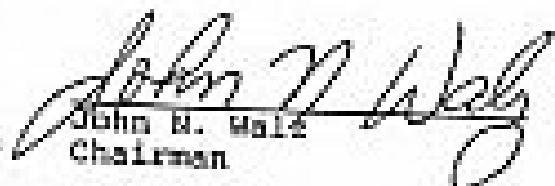
P R E F A C E

We, the members of the Washington Parish Home Rule Charter Commission, respectfully submit a proposed Home Rule Charter for Washington Parish. The proposed Charter was drafted under the authority of Article 10, Section 5 of the Constitution of Louisiana and LSA-RS 13-1395 et. seq., as amended.

When we agreed to serve on the Home Rule Charter Commission, it was understood that our responsibility was to draft the most effective charter possible which would, when adopted, give the citizens of Washington Parish a form of government more responsive to their needs and one which they could change if necessary. We sincerely thank those individuals who have assisted this commission with their advice, support, and work.

WASHINGTON PARISH HOME RULE CHARTER COMMISSION

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Chairman

  
Joseph H. Burris  
Vice-Chairman

  
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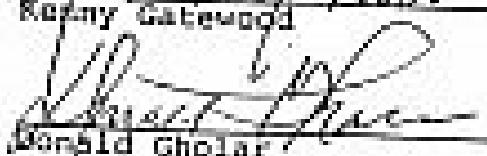
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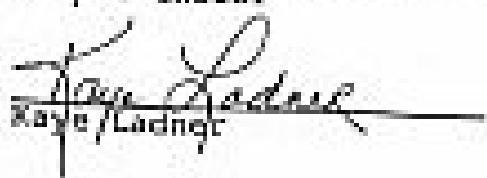
  
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## PREAMBLE

"We, the People of Washington Parish, a subdivision of the State of Louisiana, with deference to Almighty God, in order to form a more independent Government, do elect and subscribe to a Home Rule Charter."

## ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, BOUNDARIES, POWERS.

### Section 1-01. Home Rule Charter.

The Washington Parish Home Rule Charter Commission has proposed and the electors have adopted this, their Home Rule Charter, hereinafter referred to as Charter, under the authority of Article VI, Section 5, of the Louisiana Constitution of 1974, hereinafter referred to as "constitution." The Parish of Washington is therefore a local Governmental subdivision which operates under a Home Rule Charter and, subject to said Charter, is authorized as hereinafter provided to exercise any power and perform any function necessary, requisite, or proper for the management of its local affairs.

### Section 1-02. Form of Government.

The plan of Government provided by this Home Rule Charter shall be known as the "President-Council" form of Government. It shall consist of an elected Council which shall be called the Washington Parish Council and shall constitute the legislative branch of the Government and an elected President who shall be the chief executive officer and head of the executive branch.

### Section 1-03. Boundaries.

The boundaries of Washington Parish, hereinafter referred to as Parish, shall be those in effect as of the effective date of this Charter and shall be subject to change thereafter as provided by law.

### Section 1-04. General Powers.

Except as otherwise provided by this Charter the Parish shall continue to have all the powers, rights, privileges, immunities and authority heretofore possessed by Washington Parish under the laws of the state. The Parish Government 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 general laws of the state, and more specifically, the Parish Government shall have and is hereby granted the right and authority to exercise any power and perform any function necessary, requisite, or proper for the management and supervision of its affairs, not denied by this

Charter, or by general state law, or inconsistent with the Constitution of the State of Louisiana.

**Section 1-05. Special Powers.**

The Parish Government shall have the right, power, and authority to pass all ordinances requisite or necessary to promote, protect and preserve the general welfare, safety, health, peace and good order of the Parish, including, but not by way of limitation, the right, power and authority to pass ordinances on all subject matters necessary, requisite or proper for the management and supervision of Parish affairs, and all other subject matter without exception, subject only to the limitation that the same shall not be inconsistent with the Constitution of the State of Louisiana or expressly denied by general state law applicable to the Parish.

**Section 1-06. Joint Service Agreements.**

A. The Parish Government is authorized, as provided by Article VII, Section 14, of the Louisiana State Constitution, or any other applicable authority, to enter into joint service agreements or cooperative efforts with other governmental agencies, political subdivisions, or with any public or private association, corporation, or individual, for public purpose.

B. The Parish Government shall not impose any fee, assessment or shared expense on a municipal government or modify any fee, assessment or shared expense previously imposed on a municipal government unless and until one of the following two conditions are met:

1. The governing authority of the affected municipality is granted a public hearing and afforded a full opportunity to be heard relative to the proposed imposition or modification of the fee, assessment or shared expense, and the governing authority of the affected municipality is provided written notice of said imposition or modification of the fee, assessment or shared expense not later than 30 days prior to the municipality's adoption of its annual budget for the next fiscal year; or

2. The Parish Government and the affected municipality enter into a written joint service agreement relative to said imposition or modification of the fee, assessment or shared expense.

**ARTICLE II. PARISH COUNCIL.**

**Section 2-01. Composition, Qualifications and Election.**

A. The legislative power of the Parish Government shall be vested in a Council consisting of seven (7) members elected for

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four (4) year terms from districts described in Section 8-10 (Election of Officials), one from and by the qualified electors in each district.

B. A Council member shall be a qualified elector of the district from which elected at the time of qualification.

C. A Council member shall have been legally domiciled and shall have actually resided for at least one (1) year immediately preceding the time established by law for qualifying for office in an area which, at the time of qualification, is within the district from which elected.

D. A Council member shall continue to be legally domiciled and to actually reside within the district from which elected during the term of office. Should the legal domicile and/or actual residence of a Council member change from the district from which elected, unless changed by reapportionment, the office shall automatically become vacant as of the date the member ceases residing in the district from which elected, which vacancy shall be filled as set out hereinafter.

#### Section 2-02. Reapportionment.

A. Following official publication of the federal census by the United States Bureau of the Census for the area covered by Washington 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.

B. 1. The Council shall begin immediately the process of reapportionment upon receiving the official publication of the Census Report. In no event shall the Council introduce an ordinance effecting reapportionment later than six months prior to the time established by law, for qualifying for office for the next regular election for Council members. If the Council fails to introduce an ordinance affecting reapportionment within the said time, all compensation, benefits and reimbursement for expenses as defined in Section 2-03 shall be forfeited without benefit of retroactivity by Council members for the remainder of their term in said office and for any extension of said term until such time as the Council does introduce an ordinance affecting reapportionment.

B. If Proposition II does not pass, the preceding Section 2-02-B-1 shall apply to the Council's redistricting from fourteen (14) to seven (7) districts.

C. No ordinance affecting apportionment shall be considered for final passage by the Council until at least three (3) advertised public hearings have been held on the proposal.

**Section 2-03. Forfeiture of office.**

A Council member shall forfeit the office if such member during the term of office: (1) lacks any qualification for the office prescribed by this charter, (2) is convicted in the court of original jurisdiction of a state or federal felony, (3) enters a plea of guilty or nolo contendere to a state or federal felony, or (4) violates an express prohibition of this charter.

**Section 2-04. Council Vacancies.**

A. The office of a Council member shall become vacant upon that Council member's death, resignation, removal from office in any manner prescribed by law, or forfeiture of office, failure to take office, or as otherwise provided in this charter.

B. A vacancy on the Council shall be filled by appointment, within fifteen (15) days after the vacancy occurs, of a person meeting the qualifications for office by a majority vote of the remaining members of the Council.

C. If one (1) year or less of the unexpired term remains when the vacancy occurs, the appointee shall serve out the remainder of the term.

D. If the vacancy occurs more than one (1) year before the expiration of the term, the appointee shall serve until the office is filled by the vote of the qualified voters voting in an election called for that purpose and the person elected assumes the office.

E. The Council, within fifteen (15) days after the vacancy occurs, shall request the Governor to schedule an election to fill the vacancy. The election shall be held according to the timetable and procedures established by state law for the filling of vacancies in elected local offices.

F. The person appointed to fill the vacancy shall not be eligible to be a candidate for that office at the next election.

G. If the Council does not make an appointment as required by this section within thirty (30) days after the vacancy occurs, the appointment shall be made by the governor.

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**Section 2-05. Compensation.**

A. The total compensation individual Council members are eligible to receive shall be \$600 per month, except that the Chair of the Council shall receive \$800 per month. Compensation shall be paid as follows:

Base compensation is \$300 per month, except \$500 per month for the Chair of the Council. Council members shall also receive a per diem of \$150 per regular scheduled meeting attended. Total per diem per month shall not exceed \$300 regardless of the number of meetings attended. Council members must be present at a regularly scheduled meeting and record a vote (for, against, recuse self or abstain) on all items on the agenda requiring a vote to receive per diem for that meeting.

B. The Council may, by ordinance, change the salary of Council members, provided that no ordinance increasing the salary shall be adopted during the last year of a term and provided further that a change shall not become effective during the current term of the Council members adopting the ordinance.

C. Council members may be reimbursed for properly authorized vouchered expenses incurred in conducting official business of the Parish Government except that Council members shall not be reimbursed for travel within the parish.

D. Council members shall NOT be eligible for health and hospital insurance and retirement benefits which are available to the employees of the Parish Government.

E. The Council may, by ordinance, reduce the salary of the full Council with the reduction being effective not less than thirty (30) days after passage of said ordinance. Under no conditions can the Council defer their salaries.

**Section 2-06. Prohibitions.**

A. A Council member shall hold no other elected public office, nor be a compensated official or employee of the Parish Government during the term(s) for which elected to the Council.

B. No former Council member shall hold any compensated appointive Parish Government office or employment, nor shall a member of the Council enter into any consulting or other similar contract with the Parish, including, but not limited to the Executive Department, the Council or any of the Parish's departments, offices or agencies, until two (2) years after expiration of the term for which elected.

C. Except as specifically provided in this Charter, neither the Council nor any of its members shall remove, direct

or supervise any administrative officers or employees whom the President or any subordinate of the President are empowered to appoint.

D. 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.

E. Nothing in this section shall prohibit a Council member from serving as a member of a charter commission, constitutional convention, or political party committee.

#### Section 2-07. Council Meetings and Rules.

A. At the first regular meeting of a newly elected Council and annually thereafter, a chair and vice chair shall be elected by the Council from among the council members. The chair shall preside at meetings of the Council, supervise and delegate supervision of Council employees, and carry out such other duties as the Council may authorize.

B. In the absence or disqualification of the chair, the vice chair shall preside. In the absence or disqualification of both the chair and vice chair, the Council shall designate one of its other members as temporary presiding officer. The chair, vice chair, and temporary presiding officer shall be voting members of the Council.

C. The Council shall meet regularly at least twice a month at such times and places as the Council may prescribe. Special meetings may be held on the call of the presiding officer of the Council or a majority of the authorized membership of the Council with such notice as may be required by state law. To meet a public emergency affecting life, health, property or public safety, the Council may meet upon call of the President, the presiding officer of the Council or a majority of the authorized membership of the Council at whatever notice it shall be convenient to give. The call convening a special or emergency meeting of the Council shall state the object(s) of the meeting. The power of the Council to act at a special or emergency meeting shall be limited, under penalty of nullity, to the objects specifically enumerated in the call.

D. All meetings of the Council and its committees shall be open to the public in accordance with the provisions of general state law.

E. The Council shall determine by resolution its own rules and order of business and shall provide for keeping a record of its minutes and proceedings. All official actions of the Council

shall be published in the official journal within thirty (30) days of the action taken. However, the failure to so publish any proceedings in a timely manner shall not affect the validity of such proceedings.

F. At all regular meetings of the Council, the Council shall operate from an agenda which shall have been posted at least two (2) days, excluding Saturdays, Sundays and holidays, prior to the meeting. The agenda for special or emergency meetings shall be made available to the public as soon as practical prior to the meeting. In accordance with the Louisiana open meetings law, items may be added to the agenda at a regular meeting, with approval of two-thirds of the Council members present.

G. The Council shall provide by ordinance a procedure whereby interested persons shall be given an opportunity to be heard at Council meetings on any matter relating to Parish Government.

H. All voting shall be by recorded roll call. The ayes and nays shall be recorded in the minutes of the Council by the individual vote of each Council member. Not less than a majority of the authorized membership of the Council shall constitute a quorum to transact business, but if a quorum is lost during a meeting, a smaller number may suffice from time to time and compel the attendance of absent members in the manner and subject to the penalties prescribed by Council rules.

#### **Section 2-08. Investigations.**

The Parish Council may make investigations into the affairs of the Parish Government and the related conduct of any Parish official, officer, employee, department, office, or agency under its jurisdiction and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Investigations shall be for a specified purpose and may be undertaken only by the affirmative vote of two-thirds of the authorized membership of the Council at a regular meeting of the Council. Any person who fails or refuses to obey any lawful order of the Council may be cited for contempt. No Council member shall vote on any matter under investigation in which said Council member has a conflict of interest.

#### **Section 2-09. Independent Audit.**

The Council shall provide for an annual independent post fiscal year audit, and such additional audits as it deems necessary, including but not limited to, sales tax audits and audits of the accounts and other evidence of financial transactions of the Parish Government, including those of all Parish Government departments, offices, agencies and political

subdivisions. Audits may be by the state legislative auditor or the Council may designate a private auditor to make such audits. The private auditor shall be without personal interest in the affairs subject to audit, shall not participate in budget preparation and adoption, and shall be a certified public accountant or firm of such accountants. The audit shall be submitted to the Council at one of its regularly scheduled meetings and shall be a public record, and a summary of findings and recommendations shall be published at least once in the official journal. If there are any audit exceptions, the Council must make known within sixty (60) days what steps are being taken to correct those exceptions.

#### Section 2-10. Council Employees.

A. The Council shall, by vote of a majority of its authorized membership, appoint a clerk of the Council who shall serve at the pleasure of the Council. The clerk shall give notice of Council meetings to its members and the public, keep the journal of its proceedings, be official secretary of the Council and perform such other duties as are assigned to the position by this Charter or by the Council.

B. The Council shall, by ordinance, fix the salary of the clerk, except that the salary shall not exceed the salary of a comparable position in the executive branch.

#### Section 2-11. Action Requiring an Ordinance.

A. An act of the Council having the force of law shall be by ordinance. An act requiring an ordinance shall include but not be limited to those which:

- (1) Adopt or amend an administrative code.
- (2) Provide a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty may be imposed.
- (3) Levy taxes or assessments as provided by law, except that no sales tax shall be levied or increased without a vote of the people nor ad valorem millages be increased above the amount authorized by the constitution without a vote of the people.
- (4) Adopt the operating and capital improvement budget and appropriate funds for the Parish Government.
- (5) Grant, renew or extend a franchise.
- (6) Provide for raising revenue.
- (7) Regulate the rate or other charges for service by the Parish Government.
- (8) Authorize the borrowing of money in any manner authorized by law.
- (9) Incur debt in any manner authorized by law.

- (10) Dispose of any property owned by the Parish Government.
- (11) Convey or lease or authorize the conveyance or lease of any lands or property of the Parish Government.
- (12) Acquire real property on behalf of the Parish Government.
- (13) Adopt or modify the official Parish map.
- (14) Adopt or modify regulations for review and approval of plats.
- (15) Adopt or modify subdivision controls or regulations.
- (16) Adopt or modify the zoning plan, maps and regulations.
- (17) Amend or repeal any ordinance previously adopted.
- (18) Propose amendments to this Charter.

B. All Parish ordinances shall be codified in accordance with Article VI, Section 10, of the constitution.

C. An act of the Council which is not to have the force of law may be enacted by resolution. A resolution may be used by the Council for purposes such as calling an election pursuant to the Louisiana Election Code formally expressing the will of the Council; authorizing a person or persons to sign legal and financial documents for a project or purpose previously approved by ordinance; and as may otherwise be authorized by Louisiana Law and/or this Charter. The President's veto authority shall not apply to resolutions.

D. All ordinances and resolutions shall be passed by the favorable vote of at least a majority of the authorized membership of the Council except as otherwise provided in this Charter.

#### Section 2-12. Ordinances in General.

A. All proposed ordinances shall be introduced in writing by any member of the Council at a meeting of the Council in the form required for adoption and, except for codifications, the operating budget and capital improvement budget, shall be confined to one subject, expressed clearly in the title.

B. Each proposed ordinance shall be read by title when introduced and shall be published in the official journal by title within ten (10) days after the proposed ordinance's introduction, except that each ordinance proposing an amendment to the Charter will be published in full. The publication of a proposed ordinance shall also contain a notice of the date, time and place, when and where said proposed ordinance will be given a public hearing and be considered for final passage. At the time and place so advertised or any time and place to which such

hearing may be adjourned from time to time, the proposed ordinance shall be read by title and, after the reading, all interested persons shall be given an opportunity to speak to the proposed ordinance. Except as otherwise provided in the section on "Emergency Ordinances", no ordinance shall be considered for final passage until at least two (2) weeks from date of introduction and after a public hearing has been held on the ordinance. Copies of proposed ordinances shall be available in the office of the Clerk of the Council for review by any citizen and such fact shall be stated in the notice of introduction.

C. With the final approval of ordinances by the President, or the Council in case of a veto by the President or the expiration of ten (10) days without the ordinance being signed or vetoed by the President as set out in Section 2-13-B below, such enacted ordinances shall be published in full or in summary at the Council's discretion in the official journal by the clerk of the Council within thirty (30) days after its adoption. Every enacted ordinance, unless it shall specify another date, shall become effective at the expiration of thirty (30) days after approval in the manner set forth herein.

#### **Section 2-13. Submission of Ordinances to the President.**

A. Every ordinance adopted by the Council shall be signed by the presiding officer, except that upon failure of the presiding officer to sign the ordinance, the clerk of the Council shall certify to its passage and it shall be presented to the President within three (3) calendar days after adoption, excluding Saturdays, Sundays and Parish holidays. The clerk of the Council shall record upon the ordinance the date and hour of its delivery to the President.

B. Within ten (10) calendar days after the President's receipt of an ordinance, excluding Saturdays, Sundays and Parish holidays, it shall be returned to the clerk of the Council with the President's approval, or with the President's veto. The clerk shall record upon the ordinance the date and hour of its receipt from the President. If the proposed ordinance is not signed or vetoed by the President within ten (10) days after receipt, it shall be considered approved. If the ordinance has been approved, it shall be considered finally enacted and become effective as provided in Section 2-12 (Ordinances in General). If the ordinance is vetoed, the President shall submit to the Council through the clerk a written statement of the reasons for the veto which shall be presented with the vetoed ordinance. The veto statement shall be published in full in the official journal by the clerk as soon as practical thereafter. All ordinances vetoed by the President shall be vetoed in full, except that the President shall have authority to veto individual appropriation items in the ordinances adopting the operating budget and capital improvement budget.

C. Ordinances vetoed by the President shall be submitted by the clerk to the Council no later than the next regular meeting held after publication of the veto statement. Should the Council vote, not later than the second regular meeting held after receipt of the vetoed ordinance, to readopt the ordinance by the favorable vote of at least two-thirds of its authorized membership, said ordinance shall be considered finally enacted and become law irrespective of the veto by the President. The same procedure shall apply to individual appropriation items in the operating and capital improvement budgets vetoed by the President, except the Council may overturn the veto of the President by a vote of two-thirds of the Council membership.

D. The right of the President to veto as provided in this section shall apply to all ordinances adopted by the Council except ordinances for reapportionment; amendments to this Charter; establishing, altering or modifying Council procedure; or appropriating funds for auditing or investigating any part of the executive branch; or as may be otherwise provided by this Charter.

#### Section 2-14. Emergency Ordinances.

A. To meet a public emergency affecting life, health, property or public safety, the Council by the favorable vote of at least two-thirds of the membership, may adopt an emergency ordinance at the meeting at which it is introduced, provided that no such ordinance may be used to levy taxes or special assessments; grant or extend a franchise; incur debt, except as provided in Section 5-04 m (Emergency Appropriations); adopt or amend an official map, platting or subdivision controls or zoning regulations; or change rates, fees or charges established by the Parish Government. Each emergency ordinance shall contain a specific statement describing the emergency. After adoption the ordinance shall be printed and published as soon as practical thereafter.

B. Notwithstanding the provisions of Section 2-13 (Submission of Ordinances to the President), any emergency ordinance adopted by the Council shall be signed by the presiding officer, except that upon failure of the presiding officer to sign the ordinance, the clerk of the Council shall certify to its passage and it shall be presented to the President within six (6) hours after adoption. Within twelve (12) hours after the President's receipt of an emergency ordinance, it shall be returned to the clerk of the Council with the President's approval, or with the President's veto. If the proposed ordinance is not signed or vetoed by the President within twelve (12) hours after receipt, it shall be considered adopted. If the emergency ordinance has been approved, it shall be considered finally enacted and become effective immediately upon receipt by the clerk. If the emergency ordinance is vetoed, the President

shall submit to the Council through the clerk a written statement of the reasons for the veto which shall be presented with the vetoed ordinance. The clerk shall record upon the emergency ordinance the dates and hours of its delivery to and receipt from the President. Should the Council vote, not later than twelve (12) hours after receipt of the vetoed emergency ordinance from the President, to readopt the emergency ordinance by the favorable vote of at least two thirds of its membership, said emergency ordinance shall be considered finally enacted and become law immediately upon readoption, irrespective of the veto by the President. Upon final approval by the President, or the Council in case of a veto by the President, such enacted emergency ordinance shall be published in full in the official journal by the clerk as soon as practical thereafter.

C. Emergency ordinances shall be effective for no longer than thirty (30) consecutive days after final adoption, except that the Council, by a favorable vote of two-thirds vote of its authorized membership, may extend the life of the emergency ordinance for a period not to exceed an additional thirty (30) consecutive days.

#### **Section 3-15. Codes of Technical Regulations.**

The Council, by ordinance, shall adopt any standard code of technical regulations by reference. The procedure and requirements governing the adopting of such ordinances shall be as prescribed for ordinances generally, except that a period of sixty (60) days shall be allowed between the time of introduction and final passage of the ordinance. During this interim, copies of any proposed code shall be available for public review. A copy of each adopted code of technical regulations as well as the adopting ordinance shall be authenticated and recorded by the clerk of the Council in the official records of the Parish Government. Such adopted codes of technical regulations shall be published at least by title or by reference in the official journal by the clerk as soon as practical following such final adoption.

#### **Section 3-16. Authentication and Recording of Ordinances and Resolutions; Printing and Distribution.**

A. All finally enacted ordinances and resolutions shall be authenticated, numbered and recorded by the clerk of the Council. All ordinances shall be indexed and codified in a book or books kept for this purpose. All resolutions shall be indexed and recorded in the minutes of the Council meeting at which the resolution was approved.

B. The Council shall cause each ordinance and each amendment to this Charter to be printed or otherwise reproduced promptly following enactment and such printed or reproduced

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amendments and ordinances, including codes of technical regulations adopted by reference pursuant to Section 2-15 (Codes of Technical Regulations), shall be available in the Council office for review by any citizen. Copies shall be sold to the public at cost.

**Section 2-17. Power to Levy Taxes.**

A. The power to perform any service or provide any facility granted to the Parish Government by this Charter or by the constitution and general laws of the state shall in all cases carry with it the power to levy taxes and to borrow money within the limits and in accordance with procedures prescribed by the constitution and general laws of the state. The Council shall have, and is hereby granted, all of the authority to levy and collect taxes, to incur debt, and to issue bonds and other evidences of indebtedness, as is now or hereafter conferred on governing authorities of local governments by the constitution and general laws of the state, or as may be hereafter specially conferred by the electors of the Parish.

B. Any tax being levied by Washington Parish on the effective date of this Charter is ratified and continued in effect for the term for which same is currently authorized.

C. All proposals to levy property taxes in excess of that authorized by the constitution to be levied without a vote of the people shall be submitted to the qualified voters of Washington Parish for approval in accordance with the election laws of the state.

D. All proposals to renew, levy a new or increase an existing sales and use tax shall be submitted to the voters for approval in accordance with the election laws of the state.

**Section 2-18. Powers of Enforcement.**

For the purpose of carrying out the powers and duties generally or specially conferred on the Parish Government, the Council shall have the power to grant franchises, to issue and revoke, subject to reasonable requirements, licenses and permits and fix the fees to be paid therefor, to regulate and supervise any such licensee or permittee, to charge compensation for any privilege or franchise granted or service rendered, and to provide penalties for the violation of any ordinance or regulation, including but not limited to the revocation of licenses, franchises and permits, as provided by law.

## ARTICLE III. EXECUTIVE BRANCH.

### Section 3-01. Executive Authority.

The President shall be the chief executive officer of the Parish Government and shall exercise general executive and administrative authority over all departments, offices and agencies of the Parish Government, except as otherwise provided by this Charter.

### Section 3-02. Election.

The President shall be elected at large by the qualified voters of the parish according to the election laws of the state for a four (4) term, except that the initial term of the President shall be in accordance with the provisions of Section 8-10, Election of Officials.

### Section 3-03. Qualifications.

A. The President shall be at least twenty-five (25) years of age and a qualified voter of the parish at the time of qualification and shall have been legally domiciled and shall have actually resided within the parish for at least the two (2) years immediately preceding the time established by law for qualifying for office.

B. The President shall continue to be legally domiciled and to actually reside within the Parish during the term of office. Should the legal domicile and/or actual residence of the President change from the Parish, the office shall automatically become vacant, which vacancy shall be filled as set out hereinafter.

### Section 3-04. Compensation.

A. The salary of the President shall be the average total compensation of the two highest of the Washington Parish sheriff, assessor and clerk of court.

B. Should the compensation of the Washington Parish sheriff, assessor or clerk of court change during a term the President's salary shall be adjusted accordingly at the beginning of the fiscal year after said change.

C. The President shall be eligible for health and hospital insurance and retirement benefits all under the same terms and conditions which are available to employees of the Parish Government.

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D. The President shall, upon presentation of properly documented receipts, be reimbursed for reasonable expenses incurred in carrying out the official duties of the office.

**Section 3-05. Forfeiture of Office.**

The office of President shall be forfeited if during the term of office, the officeholder, (1) lacks any qualification for the office prescribed by this Charter, or (2) is convicted in the court of original jurisdiction of a state or federal felony, (3) enters a plea of guilty or nolo contendere to a state or federal felony, or (4) violates an express prohibition of this Charter.

**Section 3-06. Vacancy of Parish President.**

A. The office of President shall become vacant upon death, resignation, removal from office in any manner authorized by law, forfeiture of office, or failure to take office or as otherwise provided in this Charter.

B. A vacancy in the office of President shall be filled by the appointment within fifteen (15) days after the vacancy occurs of a person meeting the qualifications for that office. Said appointment shall be effected by the favorable vote of a majority of the authorized membership of the Council.

C. If one (1) year or less of the unexpired term remains when the vacancy occurs, the appointee shall serve the remainder of the term.

D. If the vacancy occurs more than (1) year before the expiration of the term, the appointee shall serve until the office is filled by the vote of the qualified electors voting in an election called by the Governor for that purpose and the person elected assumes the office. The Council, within fifteen (15) days after the vacancy occurs, shall request the Governor to schedule an election to fill the vacancy. The election shall be held according to the timetable and procedures established by state law for the filling of vacancies in elected local offices.

E. The person appointed to fill the vacancy shall not be eligible to be a candidate for that office at the next election.

F. The person filling the vacancy shall receive the same compensation and benefits as the President.

G. If the Council does not make an appointment as required by this section within thirty (30) days, the appointment shall be made by the governor.

**Section 3-07. President's Temporary Absence.**

A. When the President is absent from and unavailable to the Parish Government for more than 72 consecutive hours, the powers and duties of the office of President shall be exercised by a department head designated in writing by the President with the Clerk of the Council. In the absence of such a filing, the department head shall be designated by the chair of the Council.

B. When the President expects to be absent from the Parish for more than seventy-two (72) consecutive hours, the President shall notify the clerk of the Council in writing of the expected duration of the absence.

C. If a temporary absence of the President extends to more than thirty (30) consecutive days, the office shall become vacant and shall be filled in accordance with the section on "Vacancy in Office of President," except that the Council, by the favorable vote of majority of its authorized membership, may authorize a longer absence.

D. Military leave shall be granted under terms and conditions established by the state.

**Section 3-08. President's Disability.**

A. Disability of the President may be determined either by action of the President or by action of the Council as follows:

(1) Upon becoming disabled and unable to discharge the powers and duties of the office of President, the President shall have transmitted to the Clerk of the Council a written declaration stating the same. And until the President transmits to the Clerk of the Council a written declaration to the contrary, the office of President shall be filled in the same manner as in the section of the "President's Temporary Absence".

(2) Whenever a panel of three (3) physicians, two designated by resolution adopted by the favorable vote of at least the majority of the authorized membership of the Council and one physician designated by the Chief Judge of the First Circuit Court of Appeal of the State of Louisiana transmits to the Clerk of the Council its unanimous written declaration that the President is unable to discharge the powers and duties of the office, the office of the President shall be filled in the same manner as in the section on "President's Temporary Absence". The person filling the office shall serve until said panel transmits to the Clerk the Council its unanimous written declaration that the President's disability has ended. The medical physicians shall review the President's disability at least once every three (3) months until such time as it has been determined that the



disability has ended by a unanimous vote of the three (3) medical physicians.

B. Should the President, due to disability, be unable to discharge the powers and duties of the office for a period exceeding six (6) consecutive months, the Council shall have the authority upon the favorable vote of at least two-thirds of its authorized membership to declare the office of the President vacant due to disability or to extend the disability for a period not to exceed an additional three (3) consecutive months. Provided, however, that the Council shall hold a public hearing on said issues before any such action.

**Section 3-09. Powers and Duties of the President.**

A. The President, as chief executive officer of the Parish Government shall have the following powers and duties:

- (1) See that all laws, provisions of this Charter and acts of the Council, subject to the President's direction and supervision, are faithfully executed.
- (2) Hire and suspend or remove for just cause any Parish Government employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by this Charter or other personnel rules adopted pursuant to this Charter. The President may authorize any administrative officer who is subject to the President's direction and supervision to exercise these powers with respect to subordinates in the officer's department, office or agency.
- (3) Direct and supervise the administration of all departments, offices and agencies of the Parish Government, except as otherwise provided by this Charter.
- (4) Prepare and submit a recommended annual operating budget to the Council under the terms and conditions required in Article 5. The Council shall adopt by means of an appropriation ordinance an annual operating budget no later than ten days before the beginning of the fiscal year. The President may recommend changes to the operating budget during a fiscal year, and the Council may approve such changes by means of an appropriation ordinance. Payments from the treasury shall be made by the Treasurer only pursuant to an appropriation adopted by ordinance.
- (5) Prepare and submit to the Council a recommended five (5) year capital outlay budget under the terms and conditions required in Article 5, and the Council shall adopt by resolution a five (5)

- year capital budget not later than ten days before the beginning of each fiscal year. Payments for items included in the capital budget shall not be made until appropriated by ordinance.
- (6) Sign contracts for projects, equipment, professional services and materials and supplies specifically identified in the approved operating and capital improvement budgets or as specifically identified in ordinance. Contracts for projects, equipment, professional services or materials and supplies not so identified shall be submitted to the Council for approval.
  - (7) Submit to the Council and make available to the public, within ninety (90) days after the end of the fiscal year, a complete report on the finances and administrative activities of the Parish as of the end of each fiscal year. This annual financial report shall conform with generally accepted accounting principles applicable to Governments as prescribed by the Governmental Accounting Standards Board, or a successor organization.
  - (8) Make such other reports as the Council may reasonably request to enable the Council to conduct its functions.
  - (9) The President or designee shall attend all meetings of the Council and keep the Council fully advised in writing as to the financial condition and future needs of the Parish Government and make such recommendations to the Council concerning the affairs of the Parish Government as deemed desirable.
  - (10) Perform such other duties as are specified in this Charter or may be required by the Council, not inconsistent with this Charter.

**Section 3-10. Prohibitions.**

A. The President shall be a full-time official and shall hold no other elected public nor any other compensated appointive Parish Government office or employment during the term of office for which elected. The President shall not engage in any activity unrelated to Parish Government business that would interfere with or detract from the performance of duties as President.

B. The President shall not hold any compensated appointive Parish Government office or employment, nor shall the President enter into any consulting or other similar contract with the parish, the Council or any of the parish's departments, offices, or agencies until two (2) years after expiration of the last term for which that President was elected.

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C. Nothing in this section shall prohibit the President from serving as an elected member of a political party committee, Charter commission or constitutional convention.

D. The President shall not order or authorize payments from the Treasury beyond the Council's appropriations, and the Director of Finance shall not make payments from the Treasury in excess of the amounts appropriated by the Council.

#### ARTICLE IV. ADMINISTRATION.

##### Section 4-01. General Provisions.

A. Except as otherwise provided by this charter, all departments, offices and agencies shall be under the direct supervision of the President.

B. Except as provided in Section 8-09 Schedule of Transition, directors of all departments created by or under this charter shall be appointed by the president, subject to council approval, and shall serve at the pleasure of the President.

C. The salaries of the directors of the departments appointed by the President shall be set by the President subject to approval by the Council.

##### Section 4-02. Legal Services.

A. The District Attorney of the judicial district serving Washington Parish shall serve as the legal advisor to the Parish Council, Parish President and all Parish departments, offices and agencies. If for any reason of documented and recorded conflict, the District Attorney does not become the legal advisor of the Parish Council, then legal counsel shall be appointed by the President, subject to approval by the Council. Compensation of said legal counsel shall be set by the President and subject to approval by the Council, which approval shall not be unreasonably withheld.

B. Any attorney retained as legal counsel shall be, and have been licensed to practice in the State courts of Louisiana, for at least five (5) consecutive years immediately preceding the date of appointment.

C. Legal counsel shall serve as chief legal adviser to the President, Council and all departments, offices and agencies; represent the Parish Government in all legal proceedings; and perform other duties prescribed by this Charter or by ordinance.

D. Special legal counsel may be retained by the Parish Government by written contract for a specific purpose approved by the favorable vote of a majority of the authorized membership of

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the Council. Such authorization shall specify the compensation, if any, to be paid for such services. The requirements of Section 4-02-B above shall not apply to any special legal counsel.

**Section 4-03. Department of Finance.**

A. The head of the department of finance shall be the director of finance.

B. The director of finance, at the time of appointment, shall have at least a bachelor's degree in business administration, accounting, public administration or a related field from an accredited college or university, and at least two (2) years' experience in a responsible managerial or administrative fiscal position or in lieu of the preceding, have at least five (5) years' experience in a responsible managerial or administrative fiscal position.

C. The director of finance shall direct and be responsible for the following duties:

- (1) Collection (except where specifically otherwise provided for by law) and custody of all monies of the Parish Government from whatever source.
- (2) Assistance to the President in the preparation of the annual operating budget and capital improvement budget.
- (3) Maintenance of a record of indebtedness and the payment of the principal and interest on such indebtedness.
- (4) Ascertaining that funds are available for payment of all contracts, purchase orders and any other documents which incur financial obligation for the Parish Government, and that such documents are in accordance with established procedures.
- (5) Disbursement of all funds from the Parish treasury.
- (6) Administration of a uniform central accounting system for all Parish departments, offices and agencies, using nationally accepted standards where applicable.
- (7) Preparation of a monthly statement of revenues and expenditures which shall be completed and made available for public inspection not later than thirty (30) days after the end of each month.
- (8) Procurement of all personal property, materials, supplies and services required by the Parish Government shall be under a central purchasing system for all departments, offices and agencies and shall be in accordance with applicable state law, Council policy and administrative requirements.



- (9) Preparation of all intergovernmental grant applications on behalf of the Parish Government and informing departments, offices and agencies of all relevant local, state and federal programs.
- (10) Administration of the food stamp program.
- (11) Maintenance of an inventory of all property, real and personal.
- (12) Investment of idle funds, as permitted by law, in accordance with a written investment policy adopted by the Council.
- (13) Provide data processing administration.
- (14) Inspection, licensing and permit issuance in conjunction with the enforcement of any zoning ordinances and building, housing and other technical codes.
- (15) Provide general administrative services.
- (16) Other actions as may be directed by the President.

Section 4-04. Department of Public Works.

A. The director of public works, at the time of appointment, shall be a graduate registered civil engineer with at least two (2) years' related experience in a responsible managerial or administrative position; or, in lieu of the preceding, have at least five (5) years' related public works experience in a responsible managerial or administrative position.

B. The director of public works shall direct and be responsible for the following activities:

- (1) Engineering services for all Parish departments and agencies.
- (2) Supervision of all contract construction work.
- (3) Maintenance of Parish property, buildings, grounds and equipment.
- (4) Mapping and surveying, including zoning maps.
- (5) Construction and maintenance performed by the Parish Government of roads, sidewalks, bridges and drainage facilities.
- (6) Garbage and trash collection and disposal.
- (7) Operation of a central facility for the repair and maintenance of Parish Government vehicles and equipment.
- (8) Coordination of planning activities.
- (9) Animal control program.
- (10) Oversee water systems for quality, purity and safeness.
- (11) Other such activities as may be directed by the President.



**Section 4-05. Personnel System.**

A. It shall be the policy of the Parish Government to employ those persons best qualified to perform the functions of the Parish Government and to foster effective career service in Parish Government. All appointments and promotions in the service of the Parish Government and of each of its departments, offices and agencies shall be made on the basis of merit and fitness.

B. The director of the department of finance shall serve as personnel officer until such time as the President, upon approval by the Council, appoints a personnel director. The personnel officer shall:

- (1) Administer personnel rules and regulations governing the classified service, including working hours, attendance regulations, leaves of absence, sick leave and vacation leave.
- (2) Maintain a uniform classification and pay plan for all positions in the classified service.
- (3) Administer an employee grievance procedure for dismissals, demotions and other disciplinary matters.
- (4) Perform such other duties and functions as may be directed by the President.

C. The administration of the classified service, including the classification and pay plans of the Parish Government, shall be governed by written rules and regulations to be known as "Personnel Policies."

D. The personnel policies and rules in effect in the Parish Government at the time this charter becomes effective shall continue in effect until amended by the Council or as they may conflict with this charter. Within six months after assuming office, the personnel officer shall propose to the President and the Council changes necessary to cause the "Personnel Policies" to comply with the Parish plan of Government. Such changes shall be adopted by ordinance.

E. An employee of the Parish Government who has been employed by the parish at least one year prior to the time of adoption of this charter shall continue to be an employee of the Parish Government and shall continue without competitive test or other method approved by the Council but shall be subject in all other respects to this section.

F. The following shall not be members of the classified personnel system of the Parish Government:



- | 1) Elected officials of the Parish Government.
- | 2) Employees hired on a temporary or contractual basis.
- | ( 3) Department heads.
- | ( 4) Employees appointed directly by the Council.
- | ( 5) Legal Counsel

#### **Section 4-06. Other Departments.**

Except as otherwise provided by this Charter, all Parish Government departments, offices, agencies and functions in existence on the effective date of this Charter shall continue in existence as organized on that date until reorganized in accordance with Section 4-07 (Administrative Reorganization).

#### **Section 4-07. Administrative Reorganization.**

A. The President may propose to the Council the creation, change, alteration, consolidation or abolition of Parish departments, offices and agencies and/or the reallocation of the functions, powers, duties and responsibilities of such departments, offices or agencies, including those provided for in this Charter.

B. Upon receipt of the President's proposed plan of reorganization, the presiding officer of the Council shall cause to be introduced an ordinance to implement the proposed reorganization plan. The ordinance shall follow the same procedure as provided in Section 2-12 (Ordinances in General) and Section 2-13 (Submission of Ordinances to the President) of this Charter.

C. The reorganization plan submitted by the President shall become effective if the Council fails to act on the proposed reorganization within ninety (90) days of its submission to the Council.

### **ARTICLE V. FINANCIAL PROCEDURES.**

#### **Section 5-01. Fiscal Year.**

The fiscal year of the Parish Government shall be January 1 through December 31, subject to change by ordinance by the Council.

#### **Section 5-02. Operating Budget Preparation and Adoption.**

A. At least sixty (60) days prior to the beginning of each fiscal year, the President shall submit to the Council a proposed operating budget in the form required by this Charter. At the meeting of the Council at which the operating budget is submitted, the Council shall order a public hearing on it and

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shall cause to be published in the official journal, at least ten (10) days prior to the date of such hearing, the time and place of the hearing, a general summary of the proposed budget and the times and places where copies of the proposed budget are available for public inspection. At the time and place so advertised, the Council shall hold a public hearing on the budget. Changes in the proposed operating budget by the Council shall be by the favorable vote of at least a majority of the authorized membership of the Council. The budget shall be finally adopted not later than thirty (30) days before the end of the fiscal year. Upon final adoption, the budget shall be in effect for the budget year and copies shall be filed with the clerk of the Council. The budget as finally adopted shall be reproduced and sufficient copies shall be made available for use by all offices, departments and agencies of the Parish Government. Copies shall be available for public use in the office of the clerk and additional copies may be purchased at cost.

B. Upon failure of the Council to adopt a budget prior to the end of the current fiscal year, the budget for the current fiscal year shall be in effect for sixty (60) days. If at that time the Council has not adopted a budget, the budget proposed by the President shall be considered adopted.

#### Section 5-03. The Operating Budget Document.

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

Part I shall contain: (1) a budget message, prepared by the President, which shall outline the proposed fiscal plan for the Parish Government and describe significant features of the budget for the forthcoming fiscal period; and (2) a general budget summary which, with supporting schedules, shall show the relationship between total proposed expenditures and total anticipated available funds with supporting documents from all revenue sources and collectors for the forthcoming fiscal period and which shall compare these figures with corresponding actual figures for the last completed fiscal year and estimated figures for the year in progress.

Part II shall contain: (1) detailed estimates of all proposed expenditures, showing the corresponding estimated expenditures for each item for the current fiscal year and actual figures for the last preceding fiscal year with explanations of increases or decreases recommended related to performance standards or workload requirements, to the extent of availability of such information; when information is not available, explanations must be given as to why it is not; (2) Manning or organizational tables for each of the departments, agencies or



programs; (3) detailed estimates of all anticipated revenues and other income available for appropriation showing the corresponding estimated revenue or income for each item for the current fiscal year and actual figures for the last preceding fiscal year with explanations of increases or decreases; (4) delinquent taxes for current and preceding years, with the estimated percentage collectible; (5) statement of the indebtedness of the Parish Government, showing debt redemption and interest requirements, debt authorized and unissued, and conditions of the sinking funds; and (6) such other information as may be requested by the Council. The total of proposed expenditures shall not exceed the total of estimated revenues and other funds legally available for expenditure.

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

**Section 5-04. Amendments to Operating Budget.**

**A. Supplemental Appropriations:** If during the fiscal year the President certifies that there are available for appropriation revenues in excess of those estimated in the operating budget, the President may present a supplemental budget for the disposition of such revenues, and the Council by ordinance may make supplemental appropriations for the year up to the amount of such excess in the same manner required for adoption of the budget.

**B. Emergency Appropriations:** To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations shall be made by emergency ordinance in accordance with the provisions of this Charter. To the extent that there are no available unappropriated funds to meet such appropriations, the Council may, by such emergency ordinance, borrow money in sum necessary to meet the emergency. The repayment of such sums shall be a fixed charge upon the revenues of the fiscal year next following the fiscal year in which the sums are borrowed.

**C. Reduction of Appropriations:** If at any time during the fiscal year it appears to the President that the funds available will be insufficient to meet the amount appropriated, the President shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken and recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent a deficit.

**D. Subject to the limitations in Subsection C of this section, the Council may, by ordinance, reduce any appropriation at any time.**

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E. Transfer of Appropriations: At any time during the fiscal year the President may transfer part or all of any unencumbered appropriation within programs, except that no transfer shall be made to or from the salary account unless approved by the Council by ordinance. Such transfers shall not cause the total appropriated to be increased.

F. An unencumbered appropriation balance may be transferred from one department, office or agency to another or from one program to another only upon Council action by ordinance.

G. Limitations: 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.

#### Section 5-05. Capital Improvement Budget.

A. Each year, no later than the time of submission of the operating budget for the ensuing fiscal year, the President shall prepare and submit to the Council a capital improvement budget covering a period of at least five (5) years. The amount indicated to be spent during the first year of the capital improvement budget shall be the capital budget for that year.

B. The capital budget shall include:

- (1) A general summary of its contents.
- (2) A list of all capital improvements and acquisitions which are proposed to be undertaken for at least the five (5) fiscal years next ensuing with appropriate supporting information as to the necessity for such improvements and acquisitions.
- (3) Cost estimates, method of financing and recommended time schedules for each such improvement to be constructed or acquired.
- (4) The estimated annual cost of operating and maintaining the capital improvements to be constructed or acquired.

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

C. At the meeting of the Council at which the capital improvement budget is submitted, the Council shall order a public hearing on such capital improvement budget and shall cause to be published in the official journal, at least ten (10) days prior to the date of such hearing, the time and place of the hearing, a general summary of the proposed capital improvement budget and the times and places where copies of the proposed capital

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improvement budget are available for public inspection. At the time and place so advertised, the Council shall hold a public hearing on the capital improvement budget as submitted. Changes in the proposed capital improvement budget by the Council shall be by the favorable vote of at least a majority of the authorized membership of the Council. The capital improvement budget shall be finally adopted not later than the second-to-last regular meeting of the fiscal year. The capital improvement budget as finally adopted shall be reproduced and sufficient copies shall be made available for use by all offices, departments and agencies of the Parish Government. Copies shall be available for public review in the office of the Clerk of the Council. Individual copies may be purchased at cost.

D. Amendments to the finally adopted capital improvement budget shall be by ordinance in accordance with provisions of this Charter relative to ordinances.

**Section 5-96. Administration of Operating and Capital Improvement Budgets.**

A. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with the approved operating and capital budgets and appropriations duly made and unless the President or the President's designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. However, this provision shall not limit the authority to borrow funds in anticipation of revenue as provided in the general laws of the state. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any official, officer or employee who knowingly authorized or made such payment or incurred such obligation or who caused such payment to be authorized or made or obligation to be incurred. Such persons shall also be liable to the Parish Government for any amount so paid.

B. Nothing in this Charter shall be construed to prevent passage of any ordinance making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or other evidences of indebtedness or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year. Contracts for services not covered by the public bid law shall be for a period not to exceed the term for which the council members and the President are elected.

C. Deficit spending is prohibited except for emergencies as provided in Section 5-94 B (Amendments to Operating Budget).

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**Section 5-07. Lapse of Appropriations.**

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

**Section 5-08. Bonded Debt.**

The Parish Government is empowered to incur bonded debt in accordance with this Charter and the constitution and general laws of the state. When voter approval is required for the issuance of revenue bonds, no resolution shall be passed calling for a referendum to issue such revenue bonds until an engineering and economic feasibility report shall have been made to the Council and a summary thereof published in the official journal at least sixty (60) days prior to the proposed date of the election, unless the Council is required to call such an election pursuant to a petition as provided for under the general laws of this state.

**Section 5-09. Facsimile Signatures.**

Facsimile signatures are authorized for negotiable instruments and multiple certificates of indebtedness in those cases where an official is required by law to sign.

**Section 5-10. Purchasing.**

Purchasing of all property, supplies, materials and services shall be under a central purchasing system and shall be in accordance with applicable state law, Council policy and administrative requirements.

**ARTICLE VI. INITIATIVE, REFERENDUM, RECALL AND REMOVAL BY SUIT.**

**Section 6-01. Initiative and Referendum.**

The electors of Washington Parish shall have the power, except as herein restricted, to propose to the Council passage, amendment, or repeal of ordinances and to vote on the question if the Council refuses action. This power shall not extend to the proposing or repealing of ordinances making or reducing the appropriation of money, to the repeal or reduction of the levy of any taxes or to change the salaries of Parish Government officers or employees or to affect dedicated revenues or bonded indebtedness or to affect redistricting or term length. The initiative power shall be exercised in the following manner:



- (1) The person or persons proposing the exercise of this power shall submit the proposal to the Council which shall specify within thirty (30) days 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.
- (2) 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) percent 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.
- (3) The signed petition(s) shall be filed with the Council within sixty (60) days of the specification of the form of the petition(s), and upon filing, the Council shall order a canvas of the signatures through the office of the parish registrar of voters to determine their sufficiency and authenticity. The Council's canvas 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 of such insufficiency or deficiency and allow thirty (30) days for filing of additional papers, at the end of which time the sufficiency and correctness of the petition(s) shall be determined finally. At this time should the petitions still be insufficient or deficient, they will be declared null and void.
- (4) Within thirty (30) days after a petition shall have been certified as sufficient and correct by the Council, the Council shall cause the proposed ordinance, and a summary thereof, to be published in the official journal of the Parish Government 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 a passage, which notice shall appear at least seven (7) days prior to the time advertised for the hearing. At the time and place so advertised the Council shall hold a public hearing. No later than ten (10) days after the public hearing, the Council shall determine to either:
  - (a) Adopt the proposed ordinance submitted in an initiative petition, without substantive amendments, or effect the repeal referred to by such petition, or

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- (b) Submit the proposal to the electors.
- (5) 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 (1) year following the date of submission of the petition proposing the ordinance, but it may submit proposals amending or repealing such ordinances to a vote of the electors. After the expiration of one (1) year, the ordinance may be amended or repealed as any other ordinance.
- (6) If an initiative ordinance is submitted to a vote of the electors as provided in Section 6-01 (4) above, the election shall take place at the first election already scheduled for other purposes which occurs at least thirty (30) days after the date the Council proposes to submit the proposal to the electors. The results shall be determined by a majority vote of the electors voting on the proposal.
- (7) If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. 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.
- (8) An ordinance adopted by the electorate through the initiative process shall not be amended or repealed by Council action for a period of one (1) year after the election at which it was adopted, but thereafter it may be amended or repealed as any other ordinance.
- (9) Ordinances adopted through the initiative process shall not be subject to veto by the President.

Section 6-02. Recall.

A. Any elected official of the Parish Government may be removed from office by the electors of the Parish through a recall process. The recall procedure shall be the same as is provided in the general laws of the state.

B. If, in a recall election, the majority of those voting vote for recall, the official named in the recall petition shall be removed in fact from office, and the vacancy thereby created shall be filled as in the case of ordinary vacancies in accordance with this Charter. The person recalled shall not be eligible for appointment to fill the vacant position.

Section 6-03. Removal by Suit.

Any elected official of the Parish Government may be removed from office by court suit as provided in the constitution and general laws of the state.

**ARTICLE VII. GENERAL PROVISIONS.**

Section 7-01. Legal Process.

Legal process against the Parish Government shall be served upon the President, or in his absence upon the presiding officer of the Council.

Section 7-02. Code of Ethics.

All officers, officials and employees of the Parish Government shall comply with the provisions of the state code of ethics pertaining to local governments.

Section 7-03. Amending or Repealing the Charter.

A. Proposals to amend or repeal this Charter may be made by a two-thirds vote of the authorized Council membership or by petition signed by not less than fifteen (15) percent of the total number of registered voters of the Parish. A petition shall contain the full text of the proposed amendment(s) or repeal of the Charter. The procedures and time limits for filing such a petition shall be the same as for an initiative ordinance as provided in Section 6-01 (1), (2) and (3).

B. Within thirty (30) days after a petition shall have been certified as sufficient and correct by the Council, the Council shall cause the amendment(s) or repeal provisions being proposed, and summaries thereof, to be published in the official journal of the Parish.

C. Proposals to amend or repeal this Charter shall be submitted for ratification to the qualified electors of the Parish Government at a special election or at the first election already authorized for other purposes which occurs at least thirty (30) days after publication of the proposed amendment(s) or repeal. The results shall be determined by a majority vote of the voters voting on any particular proposal.

D. Proposals by the Council and by petition may be submitted to the voters at the same election and voters may, at their option, accept or reject any or all such proposals. Should conflicting proposals be approved at the same election, the one receiving the greater number of affirmative votes shall prevail to the extent of such conflict.

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E. Upon rejection of a proposal by the voters, at least one (1) year shall lapse before the same issue can again be submitted to the voters.

F. Except as provided in the section on "Severability", no proposal to amend this Charter shall be submitted during the first one (1) year of operations under this Charter. No proposal to repeal this Charter shall be submitted during the first three (3) years of operations under this Charter. No amendment or repeal shall shorten the term for which any incumbent official was elected or reduce the salary of office for that term.

#### Section 7-04. Bonding of Officers.

Parish Government officers or employees as the Council may designate shall give bond in the amount and with the surety prescribed by the Council. The premiums on such bonds shall be paid by the Parish Government.

#### Section 7-05. Oaths of Office.

All elected officials of the Parish Government shall take the following oath of office to be administered by any qualified person:

"I. . . . , do solemnly swear (or affirm) that I will support the constitution and laws of the United States and the constitution, laws of this state and the Charter of this Parish and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as . . . , according to the best of my ability and understanding, so help me God."

#### Section 7-06. Advisory Boards and Commissions.

A. The Council, by resolution, and the President may appoint advisory boards and commissions to provide advice regarding the operations of the Parish Government. No such board or commission shall have administrative or legislative authority. Appointments to the advisory boards and commissions shall provide for minority representation.

B. A member of an advisory board or commission shall receive no compensation for service and shall serve at the pleasure of the appointing authority.

C. Members of all existing advisory boards and commissions shall complete their terms of office, except as may be provided by this Charter or by action of the appointing authority.

D. All meetings of advisory boards and commissions shall be open to the public.

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E. This section shall not apply to special service districts that are political subdivisions or to an administrative board or commission created by ordinance or in accordance with general state law.

**Section 7-07. Administrative Boards and Commissions.**

A. This section pertains to administrative boards and commissions created by ordinance or in accordance with general state law.

B. The Council and the President may appoint members to boards and commissions as provided in ordinances and general state laws creating such boards and commissions. Appointments to the administrative boards and commissions shall provide for minority representation.

C. No such board or commission shall have legislative authority except as may be provided by general state law.

D. Members of all existing administrative boards and commissions shall complete their terms of office, except as may be provided by this Charter or by action of the Council.

E. All meetings of administrative boards and commissions shall be open to the public in accordance with state law.

F. The Council may, by ordinance, create, consolidate, merge, abolish or reorganize any administrative board or commission in existence at the date this Charter becomes effective or as may be created in the future.

**Section 7-08. Reconstitution of Government.**

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

**Section 7-09. Control Over Local Agencies and Special Districts.**

A. The Council shall have general power over any agency or special district heretofore created by the governing authority of Washington Parish or hereafter created by the Council including, without limitation, the power to abolish the agency or special district and require prior approval of any charge or tax levied or debt issued by the agency or special district.

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B. The Parish Government may consolidate and merge into itself any special district or local public agency, except a school district, situated and having jurisdiction entirely within the boundaries of the Parish. Upon the consolidation and merger, the Parish Government shall succeed to and be vested with all the rights, revenues, resources, jurisdiction, authority, and powers of the special district or local public agency. A consolidation and merger shall become effective only if approved by a majority of the electors voting thereon in the Parish as a whole and by a majority of the electors voting thereon in the affected special district. A local public agency shall be consolidated and merged only if approved by a majority of the electors voting thereon in the Parish as a whole.

C. If the special district or local public agency which is consolidated and merged has outstanding indebtedness, the authority provided by this section shall not be exercised unless provision is made for the retirement or assumption of the indebtedness.

## ARTICLE VIII. TRANSITIONAL PROVISIONS.

### Section 8-01. Continuation of Actions.

A. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, contracts, franchises, debt or other obligations due by Washington Parish, rights or causes of action, claims, demands, titles and rights existing on the effective date of this Charter shall continue unaffected. All sentences for punishment for ordinance violations or for crime shall be executed according to their terms.

B. All actions, ordinances, and administrative rules and regulations of Washington Parish in force prior to the effective date of this Charter shall, insofar as they are not inconsistent with this Charter, remain in full force and effect until amended or repealed by the Council or until they expire by their own limitation.

### Section 8-02. Special Districts.

Any special district heretofore established and existing in Washington Parish shall continue to exist to effectuate the purpose for which it was created, to complete any works begun or authorized therein, to pay the debts of the district and to levy taxes and other charges as may have been or may be legally authorized in the district.

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**Section 8-03. Fees, Charges and Tax Levies.**

A. Constitutional limitations on the maximum property tax millages that can be levied without voter approval shall continue to be applicable to Washington Parish.

B. No special assessment for improvements shall be imposed on property owners until such proposal has been submitted to the electors of the area affected in an election called for that purpose. The results shall be determined by a majority vote of the electors voting on the proposal.

C. All fees, charges and taxes levied by Washington Parish shall continue to be levied by the Parish Government until changed by the Council by ordinance or by a vote of the people when a vote is required for tax purposes.

D. Receipts from fees, charges, rentals and royalties, taxes, federal and state grants, and shared revenues and taxes applicable to special districts which are less than parishwide geographically shall be used only for services to be rendered in those geographic areas.

E. The levy of property tax millages above the constitutional maximum previously approved by the voters of Washington Parish or a special district shall continue to be levied by the Parish Government and used only for the approved purposes. Such levies may be renewed upon the favorable vote of the electors within the geographical area involved.

**Section 8-04. Special Legislative Acts.**

All special legislative acts pertaining to Washington Parish, insofar as they are in conflict with the provisions of this Charter, shall henceforth be inoperative and of no effect.

**Section 8-05. Parish Retirement System.**

No pension or retirement plan(s) for employees of Washington Parish in existence at the time the Charter is approved shall be affected in any way by this Charter. The Plan(s) shall remain in full force and effect and shall be carried out and regulated in accordance with applicable laws and procedures.

**Section 8-06. Declaration of Intent.**

This Charter shall be liberally construed in aid of its declared intent which is to establish for the people of Washington Parish effective home rule free from legislative interference as to the structure and organization of its local Government, and with the power and authority to manage its local



affairs, all as contemplated and intended by the provisions of Article VI, Sections 5 and 6, of the constitution.

**Section 8-07. Severability.**

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

**Section 8-08. Violation of Civil Rights Act.**

In the event the Civil Rights Division of the United States Department of Justice or any court of competent jurisdiction declares any part of this Charter to be in violation of the Voting Rights Act prior to the date the Charter becomes effective, the Washington Parish Home Rule Charter Commission shall reconvene for a period not to exceed ninety (90) days for the purpose of drafting and proposing amendments to the Charter which will be limited to correcting those specified violations to the electors of Washington Parish.

**Section 8-09. Schedule of Transition.**

The provisions of this Charter pertaining to the election of Parish President created hereunder shall become effective on the date this Charter is adopted by the voters of Washington Parish. Upon such adoption of the Charter, the police jurors in office at that time shall continue to serve as police jurors until the date the first Parish President assumes office. On the date the first Parish President assumes office, these police jurors shall become Council members, and all remaining provisions of this Charter shall become effective on the date the newly elected Parish President takes office. The term of each of these initial Council members (the former police jurors) shall end at the expiration date of his/her current elected term as police juror.

**Section 8-10. Election of Officials.**

A. Following the adoption of this Charter by the voters of Washington Parish, and at the earliest date permitted by law, the Parish President shall be elected, in accordance with the Election Laws of the State of Louisiana, for a term coincident with and equal to the remaining terms of office of the then-serving members of the police jury. The initial term of office of the first Parish President shall commence at noon on the tenth day after his election. Upon election and qualification for the initial term provided herein, the President shall thereupon become the President of the parish vested with all of the powers and authorities set forth in the Charter. After the end of that initial term of office, the Parish President shall be elected and held office for a term of four (4) years.

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B. Thereafter, elections for the officials provided for by this Charter shall coincide with the 1999 elections for Governor within the State of Louisiana, and subsequent elections shall be held on corresponding dates every fourth year thereafter. The terms of all those being elected to the positions provided for by this Charter shall begin at noon on the second Monday in January next following the election.

C. Districts for Council members shall be the same as those existing for police jurors at the time the Charter is adopted. Immediately upon adoption of the Charter, redistricting to reduce the number of districts from fourteen (14) to seven (7) as required by the Charter shall begin. If Proposition II is adopted, the Bone Rule Charter Commission will be responsible for developing an acceptable redistricting plan. If not, the Council under provisions of Article II Section 2-02 will have this responsibility.

D. Districts for Council members shall be the same as those existing for police jurors at the time the Charter is adopted or as may be changed by actions of the Civil Rights Division of the United States Department of Justice, any court of competent jurisdiction, reapportionment, or redistricting to reflect the seven districts called for in Section 2-01-A.

#### Section 8-11. Required Approval By Electors.

The Charter shall become effective only if approved by a majority of those voting on the Charter.

#### Section 8-12. Charter Ballot.

The ballot form for the referendum on this proposed Charter shall be:

##### PROPOSITION I

Shall the Bone Rule Charter and plan of Government for Washington Parish prepared and submitted by the duly constituted Charter Commission according to Article VI, Section 5 of the Constitution of Louisiana and other applicable law, be adopted?

##### PROPOSITION II

If the Washington Parish Bone Rule Charter submitted by Proposition I is adopted, shall the Washington Parish Bone Rule Charter Commission be reconvened to draft and gain approval of a seven district plan?

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The following resolution was offered by MICHAEL APPLEGATE and seconded by  
KEN MINTON

**RESOLUTION**

A resolution amending a resolution adopted on July 14, 1997, regarding a special election to be held in the Parish of Washington, State of Louisiana, relative to the adoption of the Home Rule Charter and plan of government therein, by removing Proposition No. 2 as described therein, as required by the Secretary of State of the State of Louisiana.

WHEREAS, on July 14, 1997, the Police Jury of the Parish of Washington, State of Louisiana (the "Governing Authority"), acting as the governing authority of the Parish of Washington, State of Louisiana (the "Parish"), adopted a resolution entitled

"A resolution ordering and calling a special election to be held in the Parish of Washington, State of Louisiana, relative to the adoption of the Home Rule Charter and plan of government therein, making application to the State Bond Commission in connection therewith and providing for other matters in connection therewith."

submitting to the electors of the Parish on Saturday, October 18, 1997, (i) a proposition to adopt the home rule charter and plan of government for the Parish prepared and submitted by the duly constituted Charter Commission ("Proposition No. 1") and (ii) a proposition giving the Home Rule Charter Commission authority to reconvene to draft and gain approval of a seven district plan ("Proposition No. 2"); and

WHEREAS, the Governing Authority has been advised by the Elections Division of the Secretary of State's office (i) that Proposition No. 2 would be a "straw vote" and is therefore not a permitted proposition to be submitted to the electors under the Louisiana Election Code, and (ii) that under La. R.S. 33:1395 the terms of the Charter Commission members expire with either the adoption or rejection of the charter by the voters; and

WHEREAS, accordingly Proposition No. 2 may not appear on the ballot along with Proposition No. 1; and

WHEREAS, this Governing Authority has been requested to take formal action to amend its election call adopted on July 14, 1997 by removing Proposition No. 2 from the ballot,

NOW, THEREFORE, BE IT RESOLVED by the Police Jury of the Parish of Washington, State of Louisiana (the "Governing Authority"), acting as the governing authority of the Parish of Washington, State of Louisiana (the "Parish"), that:

SECTION 1. The resolution adopted by this Police Jury on July 14, 1997, ordering and calling a special election to be held in the Parish of Washington, State of Louisiana on October 18, 1997, relative to the adoption of the Home Rule Charter and plan of government therein, is hereby amended by removing from the ballot Proposition No. 2, regarding the authority for the Home Rule Charter Commission to reconvene to draft and gain approval of a seven district plan. Only Proposition No. 1, regarding the adoption of the home rule charter and plan of government shall remain on the ballot.

SECTION 2. Except as provided above, the aforesaid resolution adopted on July 14, 1997 is ratified and confirmed in every respect.

This resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: 13

NAYS: 0

ABSENT: 1

And the resolution was declared adopted on this, the 8th day of September, 1997.

James T. Egan  
ACTING  
Secretary

John A. Sopko  
President

#### §4. Right to Property

(A) Every person has the right to acquire, own, control, use, enjoy, protect, and dispose of private property. This right is subject to reasonable statutory restrictions and the reasonable exercise of the police power.

(B) Property shall not be taken or damaged by the state or its political subdivisions except for public purposes and with just compensation paid to the owner or into court for his benefit. Property shall not be taken or damaged by any private entity authorized by law to expropriate, except for a public and necessary purpose and with just compensation paid to the owner; in such proceedings, whether the purpose is public and necessary shall be a judicial question. In every expropriation, a party has the right to trial by jury to determine compensation, and the owner shall be compensated to the full extent of his loss. No business enterprise or any of its assets shall be taken for the purpose of operating that enterprise or halting competition with a government enterprise. However, a municipality may expropriate a utility within its jurisdiction.

(C) Personal effects, other than contraband, shall never be taken.

(D) The following property may be forfeited and disposed of in a civil proceeding, as provided by law: contraband drugs; property derived in whole or in part from contraband drugs; property used in the distribution, transfer, sale, felony possession, manufacture, or transportation of contraband drugs; property furnished or intended to be furnished in exchange for contraband drugs; property used or intended to be used to facilitate any of the above conduct; or other property because the above-described property has been rendered unavailable.

(E) This Section shall not apply to appropriation of property necessary for levee and levee drainage purposes.

(F) Further, the legislature may place limitations on the extent of recovery for the taking of, or loss or damage to, property rights affected by coastal wetlands conservation, management, preservation, enhancement, creation, or restoration activities.

Amended by Acts 1989, No. 840, §1, approved Oct. 7, 1989, eff. Nov. 7, 1989; Acts 2003, No. 1295, §1, approved Oct. 4, 2003, eff. Nov. 6, 2003; Acts 2003, No. 1304, §1, approved Oct. 4, 2003, eff. Nov. 6, 2003.