

CHARTER
of
ASCENSION PARISH,
LOUISIANA

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PART I
CHARTER*

Preamble

Article I.	[Form of Government], § 1-411
Article II.	[Powers and Functions], § 2-01
Article III.	Executive Branch, §§ 3-01—3-08
Article IV.	Governing Authority, §§ 4-01—4-23
Article V.	Administration, §§ 5-01—5-04
Article VI.	Ordinances and Resolutions, §§ 6-01—6-07
Article VII.	Finance, §§ 7-01—7-04
Article VIII.	General Provisions, §§ 8-01—8.08
Article IX.	Amendment or Repeal, §§ 9-01—9-04
Article X.	Transitional Provisions, §§ 10-01—10-04
Article XI.	[Miscellaneous Provisions], § 11-01

*Editor's note—Printed herein is the Home Rule Charter of Ascension Parish adopted May 4, 1993, and approved by the electorate on July 17, 1993. The original arrangement, article and section numbers have been retained, although a standard style of punctuation has been utilized in the catchlines. Amended sections are identified by a history note, in parentheses, following the affected section; absence of such a note indicates that the section derives unchanged from the original charter. Material enclosed in brackets [] has been added by the editor for purposes of clarification.

PREAMBLE

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

ARTICLE I. [FORM OF GOVERNMENT]**Section 1-01. Establishment of Home Rule.**

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

ARTICLE II. [POWERS AND FUNCTIONS]**Section 2-01. Powers and Functions.**

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

ARTICLE III. EXECUTIVE BRANCH**Section 3.01. Qualifications.**

The president shall be elected at large from and by the qualified electors of the parish according to the election laws of the

state for a four (4) year term and shall reside in and be a qualified elector of the parish for a period of two (2) years immediately preceding the time established by law for qualifying for office.

Section 3-02. Compensation.

A. The president shall receive a minimum salary of \$55,000. The governing authority may change the salary of the president by ordinance but not during the last year of the president's term of office.

B. The governing authority, by ordinance, may adopt a system of reimbursement, upon presentation of properly documented receipts, of reasonable expenses necessary to the performance of official duties of the president and in compliance with state law.

Section 3-03. Powers and Duties of the President.

A. Except as otherwise provided in this charter, the president shall be chief executive officer of the parish.

B. The president shall have the power to appoint, subject to ratification, by resolution, by at least a majority of the members of the governing authority, such officers and department heads as may be provided by this charter or by ordinance who shall serve in office until their resignation or removal, from office as herein provided.

C. The president with the consent of the governing authority may serve as the head of one or more departments, offices, or agencies;

D. He shall receive only the compensation payable to him as parish president.

E. The president shall have the power to remove all employees.

F. However, the governing authority shall have the power to reinstate any employee who has been removed by the president, but only upon a two-thirds vote of the members of the governing authority.

G. The president shall submit monthly reports to the governing authority on parish finances and may require any parish officer or employee to report to the governing authority when necessary for the proper administration of the parish.

H. The president shall prepare and submit the annual budgets and perform such other duties as may be prescribed by this charter or by ordinance.

I. The president shall monitor all special boards, commissions, agencies, districts or any device having governmental functions and report to the governing authority any fiscal and operational matters as deemed necessary.

Section 3-04. Presidential Veto.

The president may veto any ordinance, code, resolution, or line item in the budget ordinance within ten (10) days after enactment. The right to veto shall also extend to disapproving or reducing individual appropriation items in the budget or any ordinance, code or resolution except appropriations for auditing or investigating any part of the executive branch or those that propose amendments to the home rule charter or establish, alter or modify governing authority procedure. Whenever the president exercises the veto, he shall immediately notify all governing authority members of the action by the same methods of notification of a special meeting as spelled out in Section 4-05 (B). The president shall call a special meeting of the governing authority to be held within ten (10) days of the veto, unless a regular meeting is to be held within the ten (10) day period. At such meeting the governing authority may override the veto and adopt the ordinance by a favorable vote of at least two-thirds of its members.

Section 3-05. Participation at Governing Authority Meetings.

The president shall attend all meetings of the governing authority except for good cause and shall have the right to take part in discussion but may not vote.

Section 3-06. Prohibitions.

A. The president shall be a full-time official and shall hold no other elected public nor any compensated appointive parish government office or employment during the term of office for which elected and shall hold no compensated appointive parish government office or employment until one (1) year after expiration of

the term for which elected. The president shall not engage in any activity unrelated to parish government business that would interfere with or distract from the performance of duties as president.

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

Section 3-07. Vacancies.

A. The office of president shall become vacant upon death, resignation, removal from office in any manner authorized by law, or forfeiture of office.

B. A vacancy in the office of president shall be filled by appointment of a person meeting the qualifications for the office by a majority vote of the governing authority. If one (1) year or less of the unexpired term remains when the vacancy occurs, the appointment shall be for the remainder of the term. If the vacancy occurs more than one (1) year prior to the expiration of the term, the appointment shall be until such time as the office is filled by the vote of the qualified electors voting in a special election called by the council for that purpose, which election shall be held according to the timetable and procedures established by state law generally for the filling of vacancies in elected local offices.

C. If the governing authority 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.

Section 3-08. **President's Temporary Absence.**

A. When the president expects to be absent from the parish for more than seventy-two (72) consecutive hours, the president shall notify the chairman of the governing authority in writing of the expected duration of the absence. The powers and duties of the office shall be exercised by the chief administrative officer or in the absence of a chief administrative officer, the president's designee.

B. If the temporary absence of the president extends to more than sixty (60) consecutive days, the office shall become vacant and shall be filled in accordance with Section 3-07 (Vacancies).

ARTICLE IV. GOVERNING AUTHORITY

Section 4-01. Composition.

The Governing Authority of Ascension Parish shall be the Ascension Parish Council which shall consist of eleven (11) members. Whenever the terms “council” or “parish council” are used in this charter, they shall mean the members of, the governing authority elected by districts and excluding the president.

Section 4.02. Election.

A. The members of the governing authority shall be elected from single member districts.

B. Each member elected from a district shall reside in and be a qualified elector of the district.

Section 4-03. Prohibitions.

No member shall hold any other elected public office or other paid public office except the office of notary public, member of the armed services, or the position of principal, teacher or employee in the public education system.

Section 4-04. Compensation.

A. Governing authority members shall receive an annual salary not to exceed the maximum amount allowed for police jurors by state law. The governing authority may change its salaries by ordinance, but not during the last year of its term of office.

B. The governing authority, by ordinance, may adopt a system of reimbursement, upon presentation of properly documented receipts, of reasonable expenses necessary to the performance of official duties of the governing authority and in compliance with state law.

Section 4-05. Governing Authority Meetings.

A. The governing authority shall meet regularly as may be prescribed by ordinance but not less than once each month.

Special meetings may be held on call by the president or by any four (4) members and upon no less than twenty-four (24) hours' notice to each member.

B. The notice for a special meeting must be signed by the president or the members calling the meeting, shall state the purpose of the meeting, and shall be served on each member personally or at their domicile. Service shall be made by any employee of the parish who shall certify in writing the date, time, place and person served or by any law enforcement officer of the parish or any municipality therein. At a special meeting only matters specified in the call shall be considered- In case of extraordinary emergency, such notice shall not be required; however, notice of the meeting shall be given as it deems appropriate and circumstances permit. All regular and special meetings shall be open to the public.

Section 4-06. Quorum of Governing Authority.

A majority of the members of the governing authority, excluding the president, shall constitute a quorum. No action of the governing authority shall be valid or binding unless voted upon favorably by at least a majority of the members, except where a two-thirds vote is required. Notwithstanding the foregoing, procedural or administrative matters may be adopted by a favorable vote of a majority of the members present and voting.

Section 4-07. Recess of Meeting.

Any meeting may be recessed to another specified date. Notwithstanding any other provision of this charter, if any meeting falls for want of a quorum, any number of the governing authority less than a quorum may recess the meeting to another specified date. In no case shall a recessed meeting be prolonged beyond the end of the month in which it was scheduled. A meeting shall not be recessed more than once or to any date except that specified at the first recess.

Section 4-08. Chairman.

The governing authority shall elect from among its members by a majority vote a chairman, who shall preside at its meetings.

The chairman shall be subject to removal by a two thirds vote of the members of the governing authority. The chairman shall only be required to vote to break a tie.

Section 4-09. Removal of Department Head.

The governing authority may remove department heads by favorable vote of at least two-thirds of its members.

Section 4-10. Legislative Power.

The governing authority shall be vested with and shall exercise all legislative power.

Section 4-11. Ordinances in General.

The governing authority may enact any ordinance necessary, requisite or proper to promote, protect, and preserve the general welfare, safety, health, peace, and good order of the parish not inconsistent with the constitution or denied by general law or this charter.

Section 4-12. Powers in General.

Without limitation of the foregoing authority or other powers given to it by the charter, the governing authority may:

- a) Levy and collect taxes, special assessments, service charges, license charges, fees, and other revenues, borrow money in such manner and subject to such limitations as may be provided by law.
- b) Make appropriations for all parish purposes as provided in Article VII.
- c) Require periodic and special reports from all parish officers concerning the affairs of their respective departments, offices, agencies or special districts, which reports shall be submitted by and through the parish president in the case of departments, offices, agencies and special districts subject to his jurisdiction.
- d) Make investigation of parish affairs and make inquiries into the conduct of any department, office, agency, or special

district of the parish, including the investigation of the accounts, records, and transactions of the department, office, agency or special district.

- e) Create parish departments, offices, or agencies in addition to those created by this charter, by an ordinance adopted by a two-thirds majority vote of the governing authority. Advisory boards and commissions may be created by an ordinance approved by a majority vote of the entire governing authority. Members of advisory board or commission shall be appointed and/or removed by the parish governing authority, but shall report to the parish president.
- f) By ordinance, abolish or consolidate any parish department, office, agency, board or commission or provide for the consolidation and transfer of any of the functions of such departments, offices, agencies, boards or commissions.
- g) Enter into contracts with other governmental units within or outside the boundaries of the parish for joint performance or performance by one unit in behalf of the other of any authorized function or activity.
- h) By ordinance, establish, merge, reorganize, consolidate and/or abolish special districts within which may be provided by fire protection, recreation, police protection, water, streets, drainage, sidewalks, street lighting, waste and garbage collection and disposal, sewerage and sewerage disposal systems and other similar facilities and services. All parish funds for such districts shall be provided by service charges, special assessments, general tax levies or as otherwise provided by law, within such districts only. When acting as the governing body of special districts as provided by this charter, the parish council shall have the same jurisdiction and powers as when acting as the parish governing authority.
- i) Provide, in manner and in amounts consistent with state law, penalties for the violation of this charter and of parish ordinances.
- j) Provide along with the president, budgetary, fiscal and other controls over all special boards, commissions, agencies,

districts, or any device having governmental functions which it or its predecessor has created to insure the maximum possible coordination of government at the local level in Ascension Parish.

- k) Perform any other acts consistent with state law deemed to be for the best interest of the people of Ascension Parish.

Section 4-13. Power of Eminent Domain.

The governing authority shall have the power of eminent domain and the right to expropriate property, without as well as within the parish, for public purposes as provided by law. The governing authority shall make fair and just compensation for any properties acquired in the exercise of its powers, duties or functions.

Section 4-14. Power to Grant Franchise and Right of Way.

The governing authority may grant a franchise, right of way, or privilege, but such franchise or privilege of any character whatever shall not be granted for a period of longer than twenty (20) years.

Section 4-15. Compensation of Employees.

The governing authority may fix the compensation of all employees of the parish except as otherwise provided by this charter.

Section 4-16. Bonds for Employees.

The governing authority shall set bonds for the treasurer and anyone else the governing authority deems necessary.

Section 4-17. Independent Auditor.

The governing authority shall appoint an independent auditor as provided by Section 7-03.

Section 4-18. Planning Commission.

The parish governing authority shall make and adopt and shall be authorized to amend, extend and add to an official plan for the

physical development of the unincorporated areas of the parish, and shall create by ordinance a planning commission with the powers and duties set forth in state law, and shall appropriate funds for the commission as it deems necessary and fiscally prudent.

Section 4-19. Powers of Enforcement.

The parish governing authority shall enforce the ordinances adopted pursuant to this section by fine or imprisonment, or both, or by any other remedy authorized under state law.

Section 4-20. Forfeiture of Office.

Whenever any member of the governing authority ceases to be a qualified elector of the parish, ceases to be a resident of the district he represents, or fails to attend meetings without good cause for a period of three (3) consecutive months, or is convicted of a felony as provided by state law, the office shall be forfeited.

Section 4-21. Vacancies.

A. Any vacancy on the governing authority shall be filled within thirty (30) days by appointment by at least a majority vote of the remaining members, excluding the president. If the unexpired portion of the term is more than one (1) year, the vacancy shall be filled by special election called by the governing authority within sixty (60) days after the vacancy occurs and held at the earliest date authorized by law. The appointee shall serve in office until the person elected to fill the vacancy assumes the office. If the unexpired portion of the term is one (1) year or less the appointee shall serve out the remainder of the term. If the governing authority 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.

B. Any vacancy occurring on any agency heretofore and hereafter created by the governing authority shall be filled within thirty (30) days by a vote of at least a majority of the governing authority.

C. Any vacancy in any other local office filled by election wholly within the Parish of Ascension shall be filled by appointment by the governing authority of the political subdivision in which the vacancy occurs until it is filled by election as provided by law.

D. Any appointee shall have the qualifications required for the office to be filled.

Section 4-22. Restrictions.

Members of the governing authority shall not direct or supervise parish employees or parish officers who are subject to the direction and supervision of the president except through the office of the president.

Section 4-23. Term of Office.

The president and each member of the governing authority shall be elected for a term of four (4) years. The terms shall be concurrent and begin at noon the first Monday of the January following the election. The election shall be held at the same time as the election for governor in accordance with law.

ARTICLE V. ADMINISTRATION

Section 5-0 1. The Secretary and the Treasurer.

The secretary and the treasurer shall be appointed by the president subject to the ratification of a majority of the members of the governing authority, who shall thereafter serve at the pleasure of the president.

- A. The secretary shall keep the official minutes of the meetings of the governing authority, sign ordinances, certify copies of minutes, resolutions and ordinances, and shall perform such duties as may be prescribed by this charter or by ordinance.

- B. The treasurer shall:
1. at the time of appointment have a minimum of five (5) years' experience in accounting or auditing, managerial and/or administrative experience in fiscal matters;
 2. maintain the treasury of the parish and negotiate agreements with depository banks subject to the approval of the governing authority;
 3. account for all property, real or personal, and the materials and supplies of the parish;
 4. maintain perpetual inventory, establish and supervise all accounts for all funds, both operating and capital, trusts or otherwise;
 5. prepare and issue all checks for the parish, permitting no expenditure except those duly authorized in accordance with this charter, parish ordinance and/or applicable state laws;
 6. be responsible for the execution and supervision of operating and capital budgets and provide assistance in budget preparations;
 7. provide information on fiscal matters requested by the president and/or any member of the governing authority; and/or
 8. perform any other duties as directed by the president or the governing authority in accordance with this charter not denied by state laws~
- C. No money shall be paid out of any parish treasury to any person or legal entity, unless the same has been previously allowed by the governing authority, or some court or officer lawfully authorized to make the allowance.
- D. The secretary and the treasurer may be the same person if so designated by the president subject to the ratification of a majority of the members of the governing authority.
- E. Any parish treasurer who misapplies the public funds placed in his hands belonging to the parish, or refuses to account satisfactorily for the same, shall be fined not less than five hundred dollars, for the use of the parish, and imprisoned at the discretion of the court for not less than three months,

and, together with his securities, shall pay interest, as damages, at the legal rate of interest on all sums not accounted for in which judgement has been rendered.

Section 5-02. Chief Administrative Officer.

A chief administrative officer may be appointed by the president subject to the ratification of a majority of the governing authority and if appointed, shall:

1. supervise the heads of all departments with the approval of the president;
2. appoint or remove, with the approval of the president all employees, except those whose appointment or removal is otherwise provided for by this charter;
3. give general oversight over all departments for the purposes of coordinating their activities;
4. prescribe accepted standards of administration practices, to be followed by all offices, departments and boards;
5. supervise the execution of the budget ordinance;
6. make information available to the president, the governing authority and the public concerning the current status of the financial affairs of the parish, and all offices, departments and boards receiving appropriations from the parish;
7. attend all meetings of the governing authority and any board or committee when requested by the president;
8. attend meetings of the governing authority at its request and make available information as it may require; and/or
9. perform all other duties assigned in writing by the president.

Section 5-03. Parish Attorney.

The District Attorney of the Twenty-third Judicial District shall serve as the parish attorney to the parish governing authority, parish president and all parish departments, offices and agencies. However, if the governing authority determines that the parish

would be better served by a separate full time parish attorney, it may create such a position or department and provide for its organization and functions by ordinance in accordance with the general provision of Article VI, Section 6-01 acts requiring an ordinance of this charter. In special matters, the governing authority may retain special attorneys to represent the parish or perform certain duties subject to the restrictions imposed by the statutes of this state, or may authorize the president to employ special counsel. No special counsel shall be retained by the parish except by written contract approved by the favorable vote of a majority of the governing authority.

A. The parish attorney shall:

1. direct and supervise the legal affairs of the parish;
2. provide legal advice to the president and the governing authority when requested, and when directed by the president, to all officers, departments, boards and commissions concerning any matter affecting the interests of the parish;
3. have charge of all legal matters in which the parish has an interest, or to which the parish is a party, with power and authority, when directed by the president, or the governing authority to institute or to intervene in any and all suits or other proceedings, civil or criminal, as may be deemed necessary for the assertion or protection of the rights and interests of the parish;
4. prepare proposed ordinances or resolutions when requested by the president or any, members of the governing authority;
5. prepare or approve as to form and legality, all contracts, documents and instruments creating any legal or conventional obligation affecting the parish; and
6. perform all other duties required by this charter, the president or the governing authority.

B. The full-time parish attorney shall be a licensed attorney who has resided and practices law in the parish for at least five (5) years immediately preceding his appointment.

Section 5-04. Human Resources Department.

There shall be a Human Resources Department consisting of a personnel director, who shall be the executive head of the department, and a review board, which shall be advisory in nature.

- A. The personnel director shall be appointed by the president. The personnel director shall be responsible for the administration of the personnel system for the parish, including all parish departments, offices, agencies and special districts in accordance with personnel rules adopted pursuant to this section.
- B. The review board shall be appointed by the governing authority and shall consist of five (5) qualified electors of Ascension Parish who hold no other public office and these positions shall serve without compensation. The review board shall reflect the racial composition of the parish. The terms of the first appointments to the review board shall be as follows: three-year terms shall be served by the first two appointments submitted by the governing authority, two-year terms shall be served by the next two appointments by the governing authority, and a one-year term shall be served by the last appointment made by the governing authority. These first appointments shall be submitted to the president and shall be numbered one through five in any order necessary. Thereafter, all appointments shall be for four years.
- C. The governing authority shall remove from office any board member who is convicted of any felony while in office. Whenever the term of a review board member expires or there is a vacancy in an unexpired term, the governing authority shall make an appointment to fill the vacancy for the remainder of that term. Upon the appeal of a dismissed, demoted, disciplined or non-promoted employee, the review board shall:
 1. Hold hearings within thirty (30) days of the dismissal as may be provided in the rules.
 2. After any hearing, the review board shall submit their advisory recommendations to the parish president. The

decisions made by the president in these matters shall be final unless overruled by a two-thirds majority vote of the governing authority.

- D. The duties of the personnel director shall include but shall not be restricted to the following:
1. To develop and, upon adoption, to administer job descriptions on the basis of the duties and responsibilities of each position.
 2. To develop and, upon adoption, to administer a salary plan for all non-appointed positions in the parish service.
 3. To prepare personnel rules to carry out the provisions of this section. Such rules apply to all parish departments, offices, agencies, and special districts and shall provide for:
 - a. Policies and procedures for the administration of non-appointed positions.
 - b. Policies and procedures for the administration of the salary plan.
 - c. Policies and methods for holding competitive tests or other methods approved by the governing authority to determine the merit and fitness of candidates for original appointment and promotion.
 - d. The establishment and maintenance of lists of persons eligible for appointment by reason of successful participation in competitive tests or other approved methods and procedures for the certification of persons from the eligible lists for filling vacancies .
 - e. The procedure for lay-off, suspension, demotion or dismissal of employees.
 - f. Hours of work, attendance regulations, sick and vacation leaves.
 - g. A retirement system for parish employees which shall take into account any existing retirement system(s).
 - h. Other policies, practices and procedures necessary to the administration of the parish personnel system.

- E. The personnel director shall submit to the president all proposed rules, regulations and procedures required in accordance with subsection (D) above. The president shall submit the proposed rules, regulations and procedures with or without amendments to the governing authority. The governing authority may amend the proposed rules, regulations and procedures, and they shall become effective only upon adoption by the governing authority by ordinance in accordance with Section 6.

ARTICLE VI. ORDINANCES AND RESOLUTIONS

Section 6-01. Acts Requiring an Ordinance.

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

1. provides for the reapportionment of the governing authority of the parish;
2. levies taxes or assessments;
3. appropriates funds or adopts a budget;
4. grants, renews, modifies, or extends a franchise;
5. provides for raising revenue;
6. regulates the rate or other charge for services by the parish;
7. incurs debt in any manner;
8. abandons any property owned by the parish;
9. sales, conveyances or leases of any parish owned property;
10. acquires real property on behalf of the parish;
11. adopts or modifies the official map, plat, subdivision ordinance, or regulations;
12. amends or repeals any ordinance previously adopted;
13. proposes amendments to this charter;

14. creates, abolishes or consolidates any parish department, office, agency, or provides for the consolidation and transfer of any of the functions of such department, office or agency; or
15. provides a fine or penalty or establishes a rule or regulation for violation of which a fine or other penalty may be imposed.

Section 6-02. **Enactment of an Ordinance.**

A. Except as provided in Section 6-04 hereof, an ordinance shall be enacted only in the manner provided in this section.

B. Each ordinance shall begin with the words: “Be it ordained by the Ascension Parish Governing Authority” or “The Ascension Parish Governing Authority hereby ordains” or wording similar thereto. Repetition of the ordaining clause in succeeding portions shall not be required.

C. Introduction, For, Title, Adoption and Publication.

1. Each ordinance shall be introduced in type-written or printed form. No ordinance shall contain more than one (1) subject which shall be clearly expressed in its title, except in the case of a codification or revision of ordinances, annual budget ordinances, or ordinances proposing related amendments to this plan of government or proposing the substitution of an entirely new form of government, in which case they shall be deemed to embrace but one (1) subject and their title need only refer to the general purpose and scope thereof.
2. An ordinance may be introduced by any member of the governing authority or by the parish president at any regular or special meeting of the governing authority. Upon introduction of any ordinance, the secretary of the governing authority shall distribute at least one (1) copy to each of the members of the governing authority and to the parish president. After the ordinance has been introduced and unless it is rejected at the same meeting by the affirmative vote of not less than two-thirds of the members of the governing authority, the governing authority shall

cause the title of the ordinance to be published in the official parish journal at least once together with a notice of the date, time and place, when and where it will be given a public hearing and be considered for final passage. The publication shall be at least one (1) week prior to the time advertised for the hearing. No ordinance may be adopted at the same meeting at which introduced unless declared an emergency ordinance and no ordinance shall be declared invalid by reason of any defect in publication or title if the publication gives reasonable notice of its intent.

3. At the time and place so advertised or any time or place to which such hearing may be adjourned from time to time, the ordinance shall be read in full and, after the reading all interested persons shall be given an opportunity to be heard.
4. After all persons have been given the opportunity to be heard, the governing authority may pass the ordinance with or without amendments and the ordinance as finally adopted shall be published in full in the official parish journal within ten (10) days after it is approved by the parish president or within ten (10) days after governing authority action overriding a presidential veto. The vote on final passage shall be recorded in the minutes of the governing authority by the individual vote of each member of the governing authority. To comply with the provisions of this subsection, approved ordinances shall be published either individually or as part of the minutes of the meetings of the governing authority.
5. Any member of the governing authority who shall have any substantial personal pecuniary interest in the adoption or passage of any ordinances, resolution, motion or measure shall declare such fact to the governing authority and shall refrain from voting on the same at any time, whether on final passage or otherwise. Any person who shall knowingly violate the above provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or imprisonment for not more than sixty (60) days, or both fine and imprisonment.

6. The effective date of any ordinance shall be prescribed therein, but shall not be earlier than five (5) days after its publication in the official journal.
7. Each proposed amendment to an ordinance shall be presented in writing or reduced to writing before its final consideration. An amendment to a proposed ordinance shall not nullify the purpose of the proposed ordinance nor, except for ordinances evolving the annual operating budget, a capital improvements budget, or a codification of a parish ordinances add a new subject matter to it.
8. An ordinance shall be enacted at a public meeting, when voted upon favorably by at least a majority of the members of the governing authority; except that an ordinance to increase a tax, service charge, occupational license fee, or special fee shall only be enacted when voted upon favorably by at least two-thirds of the members of the governing authority.
9. The provisions of this section shall not apply to or affect any emergency or budget ordinance as provided for elsewhere in this home rule charter.

Section 6-03. Enactment of a Code.

The governing authority may only enact a building, electrical, plumbing, traffic, or other code by ordinance in the manner required in Section 6-02 of this article, provided that:

1. only the title of the code need be published;
2. copies of the text of the code shall be available to the public after introduction;
3. a general public hearing shall be held; and
4. the code shall be signed by the president.

Section 6-04. Emergency Ordinances.

To meet a public emergency affecting life, health, property, or public safety the governing authority by a vote of two-thirds of its members may adopt an emergency ordinance at the meeting at

which it is introduced and may make it effective immediately, but not to exceed sixty (60) days; except that no such ordinance may be used to levy a tax or grant, extend or modify a franchise. An emergency ordinance shall be published in full in the official journal of the parish within ten (10) days after adoption.

Section 6.05. Signing of Ordinance.

The president and the secretary of the governing authority shall sign each ordinance after it has been enacted.

Section 6-06. Codification of Ordinances.

The governing authority shall codify all parish ordinances. The codification shall be adopted in a single ordinance. The governing authority shall print the code and make copies available for the public. Additions and amendments shall be codified and printed as a supplement to the code at least every two (2) years. Ordinances of a recurring nature, such as those incurring debt or the annual levy of taxes, need not be codified.

Section 6-07. Resolutions.

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

1. establishes a commemorative day, week, month or year;
2. authorizes a person to sign or execute on behalf of the governing authority a contract which has been previously approved;
3. authorizes a person to execute, sign or countersign a check or draft on an account of the governing authority;
4. declares a statement of public policy of the governing authority; or
5. removes any person from office as provided for or authorized elsewhere in this charter.

ARTICLE VII. FINANCE**Section 7-01. Budgets.**

A. Submittal of Budgets. At least seventy-five days before the beginning of each fiscal year, as established by the governing authority, the president shall submit a line item operating budget and a capital budget for all funds prepared in accordance with accepted accounting procedures in a format established by the governing authority. The budgets so submitted shall be balanced.

B. Budget Message. The president shall submit with the budget a message containing recommendations concerning the fiscal policy of the parish, a description of the important features of the budgets to include a plan of personnel structure and staffing, and an explanation of all major increases or decreases in budget recommendations as compared with the prior year.

C. Action of the Budgets. The governing authority may amend the budgets before adoption except that no item for debt service shall be reduced below the amount necessary to service the debt. In no event shall the governing authority cause the total proposed expenditures to exceed anticipated revenue inclusive of fund balance. If the governing authority shall fail to act on either budget within the time limit as provided in Section 4, it shall be adopted as submitted by the president.

D. Adoption of Budgets. After the publishing of the budget summary and public notice of the public hearing in the official journal at least ten days prior to the public hearing, the governing authority shall hold a public hearing and shall adopt budgets not less than thirty days before the commencement of the fiscal year. Any resident of the parish shall have a right to speak on the proposed budgets at the public hearing. The budgets as adopted shall constitute an appropriation of funds for all purposes contained therein. A budget ordinance shall become effective on the first day of the fiscal year, unless otherwise provided therein.

E. Amendments after Adoption.

1. Amendments: If during the fiscal year the president certifies to the following:
 - a. revenue collection plus projected revenue collections for the remainder of the year, within a fund, are failing to meet the estimated annual budget revenues by five percent or more; or
 - b. actual expenditures plus projected expenditures for the remainder of the year, within a fund, are exceeding the estimated expenditures by five percent or more; or
 - c. actual beginning fund balance, within a fund, fails to meet estimated beginning fund balance by five percent or more and fund balance is being used to fund current year expenditures; or
 - d. for any reasons it appears that a fund will have an accumulated deficit by the end of the year.

The president shall report to the governing authority without delay, indicating the estimated amount of the deficit, any remedial action taken and recommendations as to other steps to be taken as well as submission of the necessary budget amendments appropriate for the deficiency.

Furthermore, when the governing authority projects an accumulated deficit for a fund, as evidenced by a majority vote of the governing authority, the governing authority shall amend the budget of such fund to prevent the accumulated deficit.

Budget amendments may be submitted by the president for additional appropriations. Such amendments are to be reported to the governing authority in a comprehensive manner including the source of funding.

All budget amendments are to be reported to the governing authority with a vote not sooner than ten days of such submission.

2. Emergency Appropriations: To meet a public emergency affecting life, health, property, or the public peace, the governing authority may make emergency appropriations. The

appropriations may be made by emergency ordinance in accordance with provisions of Article 6-04. To the extent that there are no available unappropriated revenues, the governing authority may borrow money to meet the emergency. The repayment shall be a fixed charge upon the revenue of the following year and shall be included in the operating budget for that year.

3. **Transfer of Appropriations:** During the fiscal year the president may transfer part or all of any unencumbered appropriation balance within a department of a fund of the governing authority. Upon written request of the president to the governing authority, the president with the approval of the majority of the governing authority may transfer part or all of any unencumbered appropriation balance from one department to another department of a fund.
4. **Limitations and Effective Date:** No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The ordinance authorizing a supplemental appropriation, or a reduction or transfer of appropriations may be made effective immediately upon adoption but may not be adopted at the same meeting as introduced.

Section 7-02. Bonded Debt.

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

Section 7-03. Annual Audit.

An independent audit of all financial statements of funds of the parish are to be completed after each fiscal year. The independent audit shall be conducted by certified public accountant who is approved by the governing authority and has no interest in the records or transactions being audited and who is experienced in auditing. An independent audit shall not be required if the legislative auditor or his successor conducts an audit which meets these requirements.

Section 7-04. Surety Bonds.

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

ARTICLE VIII. GENERAL PROVISIONS**Section 8-01. Legal Process.**

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

Section 8-02. Prohibitions and Conflicts of Interest.

1. As a result of his position, no elected officer, appointed official or employee of the parish shall directly or indirectly solicit or receive any privilege, rebate, reduced rate, or any other thing of value from any person, firm, or corporation doing business with the parish.

2. Any elected officer, or appointed official of the parish of any individual or firm engaged in a professional capacity by the parish, shall make known any substantial financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any proposed contract with the parish or in the proposed sale of any land, material, supplies, or services to the parish, or to a contractor or subcontractor supplying the parish and shall be prohibited from voting or otherwise participating in the making of such sales or the making or performance of such contract. Violation of this subsection with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the parish shall render the contract or sale voidable.

3. Any officer, official, or employee of the parish who willfully conceals a substantial financial interest or willfully violates the requirement of this section shall forfeit his office or position.

Section 8-03. Reconstitution of Government.

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

Section 8.04. Declaration of Intent.

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

Section 8.05. Recall.

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

Section 8-06. 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 8-07. General Limitations.

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

Section 8-08. Official Journal.

There shall be an official journal of the parish for publication of proceedings as required by law. The criteria for selection of this journal shall be that the journal shall have been published in an office physically located in Ascension Parish for a period of five (5) years proceeding the selection, shall not have missed during that period as many as three (3) consecutive issues unless caused by fire, flood, strike, or natural disaster, must have maintained a general paid circulation in the parish in which the body is located for five (5) years, and shall have been entered in a United States Post Office in Ascension Parish under a second class mailing permit in the parish for a period of five (5) consecutive years prior to the selection.

ARTICLE IX. AMENDMENT OR REPEAL**Section 9.01. Origination.**

An amendment to or the repeal of this charter may be proposed by at least two-thirds of the members of the governing authority or by a petition.

Section 9-02. Procedure by Petition.

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

1. Any qualified elector may submit the proposal to the governing authority which shall specify within thirty (30) days a form of petition for circulation with the date of approval recorded. The petition shall contain the full text of the proposed amendment or repeal.
2. The signature of at least thirty-three (33) percent of the qualified electors as of the date of submission shall be obtained. After each signature the address or district and precinct of the signer and the date of signing shall be noted. Each person circulating the petition shall attach an affidavit stating the number of signers and verifying that each signature was made in the presence of the circulator.

3. The petition shall be filed at the office of the governing authority within sixty (60) days of the specification of the form of the petition. Within thirty (30) days thereafter, the governing authority shall order the registrar of voters to complete a canvass of the signatures to determine sufficiency and authenticity. If the number of signatures is found to be insufficient or unauthentic, the petition shall be denied. If the petition is deficient as to form, the governing authority shall give written notice to the person filing the petition as to the deficiencies. Thirty (30) days shall be allowed to correct deficiencies. The final sufficiency of the petition shall be determined by the governing authority. Such proposal shall be adopted when approved by a majority of the electors voting thereon and shall become effective within thirty (30) days following the promulgation of the election results.

Section 9-03. Election.

The ordinance proposing an amendment or repeal shall provide for submission to the qualified electors. The governing authority shall call the election to be held at the earliest date provided by law after enactment of the ordinance or the final sufficiency of the petition is determined. Such proposal shall be adopted when approved by a majority of the electors voting thereon and shall become effective within thirty (30) days following promulgation of the election results.

Section 9-04. Restrictions.

A. Substantially the same proposal to amend or repeal this charter shall not be submitted to the electors more frequently than every two (2) years.

B. No amendment shall reduce the term for which any official was elected or the salary of any such official during his term.

ARTICLE IC. TRANSITIONAL PROVISIONS

Section 10-01. Effective Date.

Following a referendum at which this charter is approved by a majority of those electors of the Parish of Ascension voting in

such election, this charter shall become fully effective on the first Monday after January 1, 1994. Upon approval of the charter by the voters of Ascension Parish, the incumbent police jurors shall continue to serve in that capacity until the time the first president assumes office. At that time, the police jurors shall assume the positions of council members and shall function in accordance with the provisions of this charter. The terms of the first council member shall end at the expiration date of their current elective terms.

Section 10-02. Election of the President.

Following the approval of this charter by the electors of Ascension Parish, and at the earliest date permitted by law, the president shall be elected in accordance with the election laws of the State of Louisiana for a term coincident with the remaining term of office of the then serving members of the police jury. The initial term of office of the president shall commence on the effective date of this charter. 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 authority set forth in this charter. At the end of the initial term of office, the president shall be elected and hold office for a term of four (4) years.

Section 10-03. Continuation of Actions, Franchises, Contracts, Licenses and Ordinances; Repeal of Conflicting Ordinances.

A. All writs, actions, suits, civil or criminal proceedings, liabilities, prosecution, judgements, sentences, contracts, franchises, debts, and obligations due by the parish, rights or causes of action, claims, demands, titles and rights existing on the effective date of this charter shall continue unaffected.

B. All existing ordinances not in conflict with this charter shall remain in full force and effect until amended or repealed by the governing authority, or until they expire by their own limitation. All acts of the prior governing authority and all administrative rules and regulations not in conflict with this charter shall remain in full force and effect until changed or repealed.

C. All existing ordinances in conflict with this charter are repealed upon its effective date.

Section 10-04. Charter Ballot.

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

Shall a Home Rule Charter and plan of government of the Parish of Ascension, Louisiana as prepared and submitted by the duly constituted Charter Commission according to Article VI, Section 5 of the Constitution, be approved and adopted in such form and substance as the final draft copy, on file with the Secretary of the Police Jury of the Parish of Ascension, Louisiana and published in the official journal of the Parish of Ascension, Louisiana?	YES
	NO

ARTICLE XI. [MISCELLANEOUS PROVISIONS] Section

11-01. Severability.

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

This pamphlet index is set up to conform to the index in the Code of Ordinances for future amendatory purposes.

CHARTER INDEX

	A	Section
ATTORNEY, OF PARISH		
Duties		5-03(A)
Provision for organization, functions by Special council		5-03
AUDITOR		
Independent auditor		4-17
	B	
BONDS		
Bonded debts		7-02
Employees, bonds for		446
Surety bonds		7-04
BUILDINGS		
Building code		
Enactment		6-03
	C	
CHARTER		
Amendment or repeal		
Election		9-03
Origination		9-01
Procedure by petition		9-02
Restrictions		9-04
Declaration of intent		8-04
General limitations		8-07
Home rule, establishment of		1-01
Severability		11-01
Transitional provisions		
Ballot, Charter		10-04
Continuation of actions, franchises, contracts, licenses, ordinances		10-03
Effective date		10-01
Election of president		10-02
Repeal of conflicting ordinances		10-03
CHIEF ADMINISTRATIVE OFFICER		
Appointment; ratification by majority of governing body		5-02
Duties		5-02
President's temporary absence		3-08(A)
CONFLICTS OF INTEREST		
Directly, indirectly soliciting privilege, rebate, etc		8-02(1)

ASCENSION PARISH CODE

CONFLICTS OF INTEREST—Cont'd.	Section
Financial interest incorporation, proposed contract, etc	8-02(2)
Public official willfully conceals substantial financial interest	8-02(3)
CONTRACTS AND AGREEMENTS	
Conflicts of interest	8-02
Other governmental units, contracts with	4-12(g)
Parish attorneys duties re	5-03(A)(5)
Transitional provisions	10-03
COUNCIL	
Chairman	4-08
Compensation	4-04
Composition	4-01
Election	4-02
Eminent domain, power of	4-13
Enforcement, powers of	4-19
Filling vacancy of office of president	3-07(B)
Fixing compensation of employees	4-15
Forfeiture of office	4-20
Governing authority, as	4-01
Grant franchise, power to	4-14
Independent auditor, appoint	4-17
Legislative power	4-10
Meetings	4-05
Membership	4-01
Minutes of meetings, official secretary keeping	5-01(A)
Ordinances in general	4-11
Overriding presidential veto	3-04
Planning commission, create	4-18
Powers in general	4-12
President's participation at meetings	3-05
Prohibitions	4-03
Quorum of governing authority	4-06
Recess of meetings	4-07
Reinstate any employee who has been removed by president.	3-03(F)
Removal of department head	4-09
Restrictions	4-22
Right-of-way, power to grant	4-14
Set bonds for employees	4-16
Special meetings	4-05(A)
Notice for	4-05(B)
Term of office	4-23
Vacancies	4-21

D

DEPARTMENTS AND OTHER AGENCIES OF PARISH	
Abolish, consolidation of	4-12(f)

DEPARTMENTS AND OTHER AGENCIES OF PARISH—Cont'd.	Section
Council creation of parish departments, officers, agencies	4-12(e)
Council investigation of parish affairs; inquires into conduct of	4-12(d)
Department heads	
Presidents power to appoint	3-03(B)
Human resources department	5-04
Legal matters, advise on	5-03(A)
Monitoring all special boards, commissions, agencies, districts,	
etc	3-03(I)
Parish attorney	5-03
Special boards, commissions, agencies	4-12(j)
Supervision of heads of all departments	5-02(1)
DISTRICTS	
Special districts	4-12(h)
DRAINAGE	
Special districts re	4-12(h)
E	
ELECTIONS	
Amendment or repeal of Charter	9-03
Councilmembers	4-02
Governing authority vacancies; special elections	4-21(A)
President	3-01, 10-02
Reconstitution of government	8-03
ELECTRICITY	
Electrical code	
Enactment	6-03
EMERGENCIES	
Ordinances, emergencies	6-04
Reconstitution of government	8-03
EMINENT DOMAIN	
Governing authority powers re	4-13
F	
FELONY	
Convicted of; forfeiture of office	4-20
Human resources department removal of employee convicted of	5-04(C)
FINANCES	
Allowances out of parish treasury	5-01(C)
Annual audit	7-03
Annual budgets, preparation, submission of by president	3-03(H)
Bonded debt	7-02

FINANCES—Cont'd	Section
Budgets	
Action of budgets	7-01(C)
Adoption	7-01(D)
Amendments after adoption	7-01(E)
Message, budget	7-01(B)
Submittal of	7-01(A)
Chief administrator officer duties	5-02
Conflicts of interest	8-02
Council powers in general	4-12
Emergency appropriations	7-01(E)(2)
Misapplication of public funds	5-01(E)
Monitoring fiscal, operational matters of special boards, com- missions, agencies, districts	3-03(1)
Monthly reports submitted by president	3-03(G)
Presidential veto powers	3-04
Surety bonds	7-04
Treasurer duties	5-01(B)
 FIRE PREVENTION AND PROTECTION	
Special districts re	4-12(h)
 FRANCHISES	
Power to grant	4-14
Transitional provisions	10-03
 G	
 GARBAGE AND TRASH	
Waste and garbage collection, disposal	
Special districts re	4-12(h)
 GOVERNOR	
Filling vacancy of office of president	3-07(C)
 H	
 HOME RULE	
Establishment of	1-01
 HUMAN RESOURCES DEPARTMENT	
Composition	5-04
Personnel director, appointed by president	5-04(A)
Personnel director duties	5-04(D)
Review board	5-04(B), (C)
 L	
 LEGAL PROCESS	
Against the parish; serving	8-01

CHARTER INDEX

LICENSES AND PERMITS	Section
Council powers in general	4-12

O

OFFICERS AND EMPLOYEES	
Appointment, removal with approval of president all employees	5-02(2)
Bonds for	4-16
Chief administrator officer	5-02
Code of ethics	8-06
Compensation of employees	4-15
Conflicts of interest	8-02
Members of advisory board, commission appointment, removal	4-12(e)
Parish attorney	5-03
Personnel director	5-04(A)
President's power to appoint	3-03(B)
Recall	8-05
Removal of department head	4-09
Removal of, president's authority to	3-03(E)
OFFICIAL JOURNAL	
Provisions re	8-08

ORDINANCES, RESOLUTIONS, ETC.

Acts requiring an ordinance	6-01
Codification of ordinances	6-06
Emergency ordinances	6-04
Enactment of an ordinance	6-02
Enactment of code	6-03
Generally	4-11
Parish attorney preparation of	5-03(A)(4)
Personnel rules, regulations, procedures	5-04(E)
President's veto powers	3-04
Resolutions	6-07
Secretary sign, certify copies of	5-01(A)
Signing of ordinance	6-05
Transitional provisions; continuation of	10-03

P

PARISH

Establishment of home rules	1-01
Executive branch	
President	3-01 et seq.
Local governmental subdivision	2-01
Police power, general	2-01
Powers, functions	2-01
Privileges, immunities	2-01

ASCENSION PARISH CODE

PARKS AND RECREATIONS	Section
Special districts re	4-12(h)
PENALTIES, FINES, FORFEITURES	
Powers of enforcement	4-19
Violation of Charter	4-12(i)
PERSONNEL. See: OFFICERS AND EMPLOYEES	
PETITIONS	
Amendment or repeal of Charter; procedure by petition	9-02
PLANNING COMMISSION	
Creation by ordinance	4-18
PLUMBING	
Plumbing code	
Enactment	6-03
POLICE	
Police protection	4-12(h)
PRESIDENT	
Chief executive officer of parish	3-03)(A)
Compensation	3-02
Election of	10-02
Legal process against the parish served upon	8-01
Participation at governing authority meetings	3-05
Personnel director, appointed by	5-04(A)
Powers, duties of	3-03
Veto, presidential	3-04
Prohibitions	3-06
Qualifications	3-01
Secretary, treasurer, appointed by	5-01
Signing notice for special meetings	4-05(B)
Signing of ordinance	6-05
Temporary absence	3-08
Term	3-01
Vacancies	3-07

R

RESIDENCY	
Forfeiture of office	4-20
Parish attorney	5-03(B)

S

SECRETARY AND TREASURER	
Appointed by president	5-01
Legal process; serving	8-01

CHARTER INDEX

SECRETARY AND TREASURER—Cont'd	Section
Maybe same person	5-01(D)
Misapplication of public funds	5-01(E)
Secretary duties	5-01(A)
Signing of ordinance	6-05
Treasurer duties	5-01(B)
STREETS AND SIDEWALKS	
Right-of-way, power to grant	4-14
Special districts re	4-12(h)
T	
TAXATION	
Council powers in general	4-12
Special assessments; special districts	4-12(h)
TRAFFIC	
Traffic code	
Enactment	6-03
TREASURER. See: SECRETARY AND TREASURER	
W	
WATER AND SEWERS	
Special districts re	4-12(h)

