
**HOME RULE CHARTER
PLAN OF
GOVERNMENT
OF
POINTE COUPEE
PARISH**

JUNE 6, 2016

APPROVED BY THE POINTE COUPEE PARISH HOME RULE CHARTER COMMISSOIN

TABLE OF CONTENTS

ARTICLE I	General Provisions	3
	Section 1.01 – Home Rule Charter	
	Section 1.02 – Intent	
	Section 1.03 – Form of Government	
	Section 1.04 – Boundaries	
	Section 1.05 – Powers	
	Section 1.06 – Amending or Repealing the Charter	
	Section 1.07 – Oath of Office	
ARTICLE II	Parish Council	6
	Section 2.01 – General	
	Section 2.02 – Qualifications and Term	
	Section 2.03 – Compensation	
	Section 2.04 – Vacancy	
	Section 2.05 – Organization	
	Section 2.06 – Investigation	
	Section 2.07 – Council Employees	
	Section 2.08 – Ordinances and Resolutions	
ARTICLE III	Parish President	16
	Section 3.01 – General	
	Section 3.02 – Qualifications and Term	
	Section 3.03 – Compensation	
	Section 3.04 – Vacancy	
	Section 3.05 – Powers and Duties	
ARTICLE IV	Administration	21
	Section 4.01 – General	
	Section 4.02 – Department of Administration	
	Section 4.03 – Department of Public Works	

- Section 4.04 – Department of Parks and Recreation
- Section 4.05 – Department of Finance
- Section 4.06 – Department of Utilities
- Section 4.07 – Legal Counsel

ARTICLE V Finance 31

- Section 5.01 – Fiscal Year
- Section 5.02 – Submission of Operating Budget
- Section 5.03 – Adoption of Operating Budget
- Section 5.04 – Submission of Capital Budget
- Section 5.05 – Adoption of Capital Budget
- Section 5.06 – Administration of Operating Budget and Capital Budget
- Section 5.07 – Amendment to Adopted Budgets
- Section 5.08 – Reserve Fund and Rainy Day Fund
- Section 5.09 – Debt and Borrowing
- Section 5.10 – Emergency Expenditures or Borrowing
- Section 5.11 – Access to Budgets

ARTICLE VI Transition 42

- Section 6.01 – Continuation of Actions
- Section 6.02 – Special Districts
- Section 6.03 – Fees, Charges and Tax Levies
- Section 6.04 – Severability
- Section 6.05 – Schedule of Transition
- Section 6.06 – Election of Officials (Options A – F)
- Section 6.07 – Ballot Proposition

ARTICLE I

GENERAL PROVISIONS

Section 1.01 – Home Rule Charter

Section 1.02 – Intent

Section 1.03 – Form of Government

Section 1.04 – Boundaries

Section 1.05 – Powers

Section 1.06 – Amending or Repealing the Charter

Section 1.07 – Oath of Office

Section 1.01. Home Rule Charter

The Pointe Coupee Parish Home Rule Charter Commission has proposed and the electors have adopted this Home Rule Charter under the authority of Article VI, Section 5 of the Louisiana Constitution of 1974. The Pointe Coupee Parish Government is a governmental subdivision of the State of Louisiana, which from this time on, operates under a home rule Charter and, subject to the Charter, is authorized to exercise any power and perform any function necessary, or requisite for proper management of its affairs.

Section 1.02. Intent

This Charter shall be liberally construed to aid its declared intent which, is to establish for the people of Pointe Coupee Parish, effective home rule which is free from state legislative interference regarding the structure and organization of its local government, and with the power and authority to manage its local governmental affairs, as contemplated and intended by provisions of Article VI, Sections 5 and 6 of the Louisiana Constitution of 1974.

Section 1.03. Form of Government

The plan established by this home rule Charter shall be known as the president-council form of government. It shall consist of an elected parish president who

will be its chief executive officer and head of the parish government's executive branch and an elected council, which shall constitute the legislative branch of the government.

Section 1.04. Boundaries

The boundaries of the parish government shall be the boundaries of Pointe Coupee Parish in effect on the date this Charter becomes effective and shall be subject to change as provided by law.

Section 1.05. Powers

- A. Except as otherwise provided by this Charter, the Parish Government of Pointe Coupee Parish shall continue to have all the powers, privileges, immunities and authorities previously possessed under state law. The parish government shall have and exercise any other powers, rights, privileges, immunities, authorities, and functions, not inconsistent with the Charter, that may be conferred on or granted to a local governmental subdivision by the constitution and general laws of the state, and this includes the right and authority to exercise any power and perform any function necessary, requisite, or proper for the management of parish government affairs which is not denied by this Charter, general state law or the constitution.
- B. The parish government shall have the power to pass all ordinances necessary to promote, protect, and preserve the general welfare, safety, health, peace, and orderly conduct of the parish, and this includes the power to pass ordinances on all subject matters not inconsistent with the constitution or denied by state law.
- C. The parish government shall have the power and authority to enter into cooperative agreements and inter-governmental contracts with local governments and regional, state and federal authorities.

Section 1.06. Amending or Repealing the Charter

- A. There shall be no proposal to Amend or Repeal this Charter prior to three years from the date when the eight member Parish Council takes office.**
- B. Thereafter a proposal to amend or repeal this Charter may be proposed by ordinance adopted by two-thirds of the membership of the Parish Council.**
- C. Such ordinance shall be published in its entirety in the official journal of the Pointe Coupee Parish Government**
- D. The election on the proposition to amend or repeal this Charter shall be called at the next available election following the publication of the ordinance or at such other election as specified in the ordinance, as allowable under Louisiana law.**
- E. In the event multiple amendments are adopted by the voters and the terms thereof conflict, the conflicting amendment that receives the higher number of votes shall prevail and become effective.**
- F. No proposal to amend or repeal the Charter may propose to shorten the term of any elected official of the Parish Government or eliminate such office prior to the expiration of the term of any such official who holds office at the time the proposition is submitted to the voters.**

Section 1.07. Oath of Office

All elected officials of the Pointe Coupee Parish Government shall take the following oath of office:

“I [NAME], do hereby solemnly swear (of affirm) that I will support the Constitution and laws of the United States, the Constitution and laws of the State of Louisiana, and the Home Rule Charter and ordinances of Pointe Coupee Parish, and that I will faithfully and impartially discharge and perform all of the duties incumbent upon me as [TITLE OF OFFICE], according to the best of my ability and understanding, (so help me God).”

ARTICLE II
PARISH COUNCIL

- Section 2.01 – General**
- Section 2.02 – Qualifications and Term**
- Section 2.03 – Compensation**
- Section 2.04 – Vacancy**
- Section 2.05 – Organization**
- Section 2.06 – Investigation**
- Section 2.07 – Council Employees**
- Section 2.08 – Ordinances and Resolutions**

Section 2.01. General

- A. The Parish Council shall serve as the parish governing authority for Pointe Coupee Parish.**
- B. The Parish Council shall be comprised of eight members, who shall be elected from single member districts.**
- C. The eight single member districts shall be identical to the eight single member districts from which the members of the Pointe Coupee Parish School Board were elected in the 2014 regular session, inclusive of any changes to such districts adopted by the Pointe Coupee Parish School Board subsequent to such election, except as otherwise provided.**
- D. After the federal decennial census, immediately following the adoption of this charter, the Council may redistrict the election districts for the Parish Council, to the extent allowable under applicable state and federal laws.**
- E. A change in the number of members of the Parish Council or a change as to whether those members are elected from single-member districts or at-large may only be affected through an amendment to this charter.**

Section 2.02. Qualifications and Term

- A. A person shall be a qualified elector of the Parish at the time of qualifying for the office of Parish Council member.**

- B. A person shall have been domiciled and actually resided within the district for which such person seeks election for at least 1 year at the time of qualifying to run for the office of Parish Council member. The provisions of this Subsection shall be inapplicable in the first election following any redistricting; however, any person elected to a single-member district shall, prior to taking office establish domicile and actual residency within the single-member district for which he was elected.**
- C. A person elected to the Parish Council shall remain domiciled in and actually residing in the district to which the person is elected, during the full duration of the term for which elected.**
- D. The method for enforcement of the qualifications required at the time of qualifying to run for the office of member of the Parish Council shall be those afforded under general Louisiana state election law.**
- E. The method for enforcing the requirement to remain domiciled and actually residing in the single-member district shall be enforced as provided for herein.**
- F. The term of a member of the Parish Council shall be four (4) years, to run concurrent with the term of the Parish President, except as otherwise provided for herein.**
- G. No person who has served as a member of the Parish Council for more than two and one-half terms of three consecutive terms may qualify for election for the succeeding term.**
- H. Elections for the members of the Parish Council shall be held at the time for the Regular Gubernatorial elections in 2023, and every four years thereafter, subject to the provisions of the Article on Transition;**
- I. Members of the Parish Council shall take office on the second Monday in January following their election.**

Section 2.03. Compensation

- A. The salary of a member of the Parish Council elected from a single-member district shall be \$1,200 per month, or portion thereof.**
- B. The salary of a member of the Council Chairperson shall be \$1,300 per month, or portion thereof.**

- C. Members of the Parish Council shall be eligible to purchase insurance under any plan offered by the Parish to full-time Parish employees, but only on the condition that the members pay 100% of the costs thereof.**
- D. The salary of the members of the Parish Council may be changed by ordinance, however, any change in salary may not be effective during the term in which it is adopted, and no such ordinance may be in the last year of a term.**
- E. The Council may, by ordinance, impose financial penalties on members failing to attend meetings.**

Section 2.04. Vacancy

- A. The office of a member of the Parish Council shall be considered vacant upon the death, resignation, or removal, in the manner set forth in Louisiana law or herein, of the person elected to the office.**
- B. A member of the Parish Council shall be removed from office if determined to not meet any of the Qualifications set forth herein for the office.**
- C. Any person may notify the District Attorney that one or more of the conditions for removal of a person elected as a member of the Parish Council is apparent. The District Attorney shall within seven (7) days initiate a quo warranto proceeding in the District Court in Pointe Coupee Parish requesting that the Court make a determination as to whether one or more of the conditions for removal of the member of the Parish Council exist, and if so to order such removal and the recognition of a vacancy.**
- D. In the event the office of a member of the Parish Council becomes vacant, the Council shall, within thirty days of the death or resignation, a final Judgment of vacancy by a Court of competent jurisdiction, or as otherwise provided by law, appoint a person to fill the vacancy.**
 - 1. The appointment shall require a vote of a majority of the entire remaining membership of the Council.**
 - 2. The person appointed shall meet all of the qualifications as of the date of the appointment for the seat to which they are appointed.**

3. Upon the failure of the Council to make an appointment within thirty days, such appointment shall be made by the Governor.
- E. If, upon the date of the vacancy, there remain less than two years in the term of the member of the Parish Council, the appointment shall be for the remainder of the term, with that person entitled to all of the rights, powers, benefits and compensation of the office.
- F. If, upon the date of the vacancy, there remain two years or more in the term of the member of the Parish Council:
 1. the appointment shall be an interim appointment, until such time as a member of the Parish Council can take office following a special election;
 2. during the term of the appointment the person appointed shall be entitled to all of the rights, powers, benefits and compensation of the office.
 3. the Council, at the same meeting at which the appointment is made or within three (3) days of an appointment by the Governor, shall take such actions as are necessary to call a special election for the remainder of the term of the office of member of the Parish Council at the next available regular election date, as provided for by Louisiana law;
 4. the person elected at such special election shall take office upon the certification of the election results as provided by Louisiana law and shall serve, as a member of the Parish Council, for the remainder of the term;
- G. The appointee to fill the office of member of the Parish Council shall be disqualified from running in the next election for the office, whether regular or special.

Section 2.05. Organization

- A. The Parish Council shall at its first meeting following the taking of office following a regular election elect from among its membership a Chairperson of the Parish Council who shall have the authority to preside at all regular or special meetings of the Council at which present;

- B. The Council shall, at its first meeting following the taking of office following a regular election, elect from among its membership a Vice Chairperson, who shall serve for the remainder of the four-year term of the Council.**
- C. The Vice Chairperson shall have the authority to preside at any regular or special meeting in the absence of the Chairperson;**
- D. The Chairperson shall endeavor to ensure compliance with all laws, ordinances and policies duly adopted by the Council and required by the Charter;**
- E. The Parish Council shall meet not less than once per month, on a regular schedule in accordance with an ordinance adopted by the Council and on such other dates as a special or emergency meeting is called, at a time and place identified in accordance with the Louisiana Open Meetings Law;**
- F. Special meetings may be called by the Chairperson on his own initiative, but shall be called by the Chairperson, upon written request of a majority of the members of the Council delivered by any means to the Chairperson, or in the absence thereof, the Vice Chairperson.**
- G. Emergency meetings may be called by the Parish President or the Chairperson or upon a majority, but shall be called by the Chairperson, upon written request of a majority of the members of the Council delivered by any means to the Chairperson, or in the absence thereof, the Vice Chairperson.**
- H. Minutes of the official actions of the Council shall be maintained and published in accordance with Louisiana law.**
- I. All meetings shall be conducted in accordance with the Louisiana Open Meetings Law.**

Section 2.06. Investigation

- A. Upon a vote of at least two-thirds of the entire membership, the Council may initiate an investigation into the affairs of the Parish government.**
- B. All Parish officials and employees shall cooperate with an investigation and the Council shall have the authority to seek judicial enforcement of such through mandamus.**

Section 2.07. Council Employees

- A. The Council shall, by a majority vote of the entire membership, appoint a Clerk, who shall serve at the pleasure of the Council;**
- B. The Council Clerk shall be an employee of the Parish, entitled to all of the rights, privileges and benefits thereof; except the Council Clerk shall be subject to supervision by the presiding officer of the Council, not the Parish President or any other official or employee of the Parish;**
- C. The Council shall set the compensation of the Council Clerk, subject to an appropriation in the Parish Operating Budget;**
- D. The Council may, by ordinance, authorize the hiring of any additional employees who shall serve at the pleasure of the Council;**
- E. The Council Clerk shall serve as the Secretary of the Council and be responsible to take all actions necessary to provide for the proper notice of meetings of the Council, keeping and maintaining the minutes of the Council, take all actions necessary to provide for the publication with the official journal of any matters as required by the Charter or otherwise by Louisiana law.**

Section 2.08. Ordinances and Resolutions

- A. The Parish may adopt Ordinances or Resolutions to provide for matters pertaining to the health, welfare, safety, peace and good order of the Parish.**
- B. The following actions shall require the adoption of an Ordinance by the process set forth in this Charter:**
 - Adopt or amend administrative codes**
 - Create or reorganize parish departments**
 - Provide for a fine or penalty and the regulation associated therewith**
 - Levy taxes, assessments and charges**
 - Adopt budgets and appropriate funds**
 - Grant, renew or extend a franchise**
 - Provide for raising revenue**

- **Regulate the rate charges for Parish services**
- **Authorize the borrowing of money**
- **Incur debt in any manner**
- **Dispose of immoveable property**
- **Convey or lease Parish property**
- **Acquire immoveable property**
- **Adopt or modify the official Parish map**
- **Adopt or modify regulations for approval of plats**
- **Adopt or modify subdivision regulations**
- **Adopt or modify zoning plans, maps and regulations**
- **Amend or repeal an Ordinance**
- **Propose amendments to the Charter**

C. Resolutions are to be adopted by the affirmative vote of a majority of the members of the Council present and voting, are not subject to veto by the Parish President, and do not have the full effect of law, except as otherwise provided for herein, and are intended as an expression of the intent of the Council.

D. Ordinances shall be introduced and adopted as follows:

- **An Ordinance may be proposed by any member of the Parish Council or by the Parish President.**
- **A proposed Ordinance must be introduced in writing at a Council meeting in the form for codification, except as otherwise provided;**
- **An Ordinance proposing the adoption of a recognized Code of Regulations may do so by reference to said Code without the recitation of every item contained therein;**
- **Every proposed Ordinance must contain only a single subject, which shall be expressed in its title**
- **The title of the Ordinance shall be read aloud upon introduction**
- **The title of a proposed Ordinance shall be submitted for publication in official journal within 10 days of introduction, except as otherwise provided herein**
- **A proposed Ordinance may not be considered for adoption sooner than three weeks from introduction, except as otherwise provided;**

- **A proposed Ordinance may not be considered until after a public hearing has been held, except as otherwise provided for herein;**
 - **A proposed Ordinance shall be considered for adoption at a regular or special meeting of the Council, including the same meeting at which the public hearing is conducted;**
 - **If considered for adoption at the same meeting at which the public hearing was held, the public hearing shall satisfy the requirement for Public Comment set forth in the Open Meetings Law;**
 - **The Council may propose amendments to the proposed Ordinance, which amendments need only be approved by a majority of the members of the Council present and voting thereon;**
 - **Any amendments so adopted are considered to be incorporated into the Ordinance when considered for final adoption;**
 - **Adoption of a proposed Ordinance, inclusive of any amendments thereto, shall require the affirmative vote of a majority of the membership of the Parish Council;**
 - **Any Ordinance so adopted shall be signed by the Council Clerk, attesting to its adoption;**
 - **The adopted Ordinance shall then be delivered to the office of the Parish President by the Council Clerk, within 10 days, and the time and date of delivery shall be recorded by the Council Clerk;**
 - **The Parish President shall have 10 days from receipt to sign or veto the Ordinance;**
 - **Upon the passage of the tenth day following receipt, in the event that the Parish President has neither signed nor vetoed the Ordinance, the Ordinance shall be deemed finally adopted;**
 - **Upon signature by the Parish President the Ordinance shall be deemed Finally adopted;**
 - **Upon final adoption the Ordinance shall be delivered by the Parish President to the Council Clerk.**
- E. The Parish President may veto an adopted Ordinance, in its entirety, in the manner provided for herein:**
- **To veto an adopted Ordinance, the Parish President shall prominently mark the Ordinance VETO, at or near its title;**

- The Parish President shall then return the Ordinance to the Parish Council by delivery to the Council Clerk, within three days of the veto, the Ordinance so marked and a written veto statement setting forth the reasons for the veto;
 - The Council Clerk shall have the veto statement published in the official journal as soon as practical;
 - The vetoed Ordinance shall be presented to the Council at the next regular or special meeting following the publication of the veto statement, as permitted by the Open Meetings Law;
 - The Council may, upon a vote of at least two-thirds of its entire membership, override the veto;
 - If the veto is overridden, then the Ordinance is considered finally adopted.
- F. The Parish President shall not have the authority to veto any Ordinance pertaining to any of the following: redistricting of the single member districts of the Parish Council, proposed amendment to the Charter, establishment or modification of Council procedures, the appropriation of funds for auditing or Council investigations, or emergency ordinances.
- G. Any Ordinance finally adopted shall become effective on the thirtieth day after such final adoption, unless an alternative effective date is set forth therein or as otherwise provided for herein.
- H. Within ten days of final adoption, the Council Clerk shall submit the Ordinance to the official journal for publication, in its entirety.
- I. An Emergency Ordinance may be adopted by the Council to address an imminent danger to life or property or to comply with a State or Federal rule, mandate or requirement, which forestalls the use of the ordinary process for adoption of an Ordinance. The requirements for the adoption of an Emergency Ordinance shall be as follows:
- An Emergency Ordinance may be proposed by any member of the Parish Council or by the Parish President;
 - An Emergency Ordinance must be introduced in writing at a Council meeting in the form for codification;
 - An Emergency must contain only a single subject, which shall be expressed in its title;

- **The title of the Emergency Ordinance shall be read aloud upon introduction;**
- **The Emergency Ordinance may be considered for adoption at the meeting in which it is introduced, but only after an opportunity for public comment has been had on the matter;**
- **Adoption of an Emergency Ordinance requires the affirmative vote of two-thirds of the entire membership of the Council;**
- **An Emergency Ordinance shall not be subject to veto;**
- **An Emergency Ordinance shall be submitted for publication in the official journal, as soon as practical;**
- **An Emergency Ordinance shall become effective upon adoption, but shall expire and no longer be enforceable after the passage of the thirtieth day following its adoption, or the adoption of an Ordinance on substantially the same subject matter, by ordinary means, whichever occurs sooner;**
- **Emergency Ordinances on substantially the same subject matter may not be adopted within any consecutive sixty-day period.**

ARTICLE III
PARISH PRESIDENT

Section 3.01 – General

Section 3.02 – Qualifications and Term

Section 3.03 – Compensation

Section 3.04 – Vacancy

Section 3.05 – Powers and Duties

Section 3-01. General

The Parish President shall be the chief executive officer of the Parish and exercise general executive and administrative authority over all departments, offices, and agencies of the Parish, except as otherwise provided for herein. The office of Parish President shall be considered a full-time position.

Section 3-02. Qualifications and Term

- A. A person shall be at least 25 years of age at the time of qualifying to run for the office of Parish President.**
- B. A person shall be a qualified elector of Pointe Coupee Parish at the time of qualifying to run for the office of Parish President, and shall remain so qualified during the full duration of the term for which elected.**
- C. A person shall have been domiciled and actually resided in the Parish of Pointe Coupee for at least 1 year at the time of qualifying to run for the office of Parish President.**
- D. No person who has served as Parish President for more than three and one-half terms of four consecutive terms may qualify for election for the succeeding term**
- E. A person elected to the office of Parish President shall remain domiciled in and actually residing in Pointe Coupee Parish during the full duration of the term for which elected.**
- F. The method for enforcement of the qualifications required at the time of qualifying to run for the office of Parish President shall be those afforded under general Louisiana state election law.**

- G. The method for enforcing the requirement to remain domiciled and actually residing in Pointe Coupee Parish shall be enforced as provided for herein.**
- H. The term of the Parish President shall be four (4) years, to run concurrent with the terms of the Council, except as otherwise provided for herein.**

Section 3.03. Compensation

- A. The annual salary of the Parish President, first elected after the adoption of this Charter, shall be the greater of \$110,000 or 90% of the average of the Assessor and the Clerk of Court of Pointe Coupee Parish, payable in the same manner as the full-time employees of the Parish.**
- B. The salary shall be calculated on January 1st following the election of the Parish President and shall remain the same during the entire term.**
- C. The annual salary of the Parish President may be increased by ordinance duly adopted by the Parish Council. The Parish President shall be entitled to the benefits afforded to full-time parish employees. However, with regard to participation in the Parochial Employees Retirement System, the Parish President shall be entitled to participate in accordance with applicable State law.**
- D. The Parish President shall be provided a Parish vehicle, subject to appropriation by the Parish Council.**
- E. The Parish President shall be entitled to the reimbursement of reasonable expenses related to his office in accordance with a policy adopted by the Parish Council.**

Section 3.04. Vacancy

- A. The office of Parish President shall be considered vacant upon the death, resignation, or removal, in the manner set forth in Louisiana law or herein, of the person elected to the office of Parish President.**
- B. The Parish President shall be removed from office if determined to not meet any of the Qualifications set forth herein for the office.**
- C. The Parish President shall be removed from office upon being physically absent from the Parish for a period in excess of 90 consecutive days.**

- D. The Parish President shall be removed from office upon being infirmed or disabled to the extent of being unable to carry out the duties of the office for a period in excess of 90 consecutive days.**
- E. Any member of the Council may notify the District Attorney that one or more of the conditions for removal of the person elected to the office of President is apparent. The District Attorney shall within seven (7) days initiate a quo warranto proceeding in the District Court in Pointe Coupee Parish requesting that the Court make a determination as to whether one or more of the conditions for removal of the Parish President exist, and if so to order such removal and the recognition of a vacancy.**
- F. In the event the office Parish President becomes vacant, the Council shall, within thirty days of the death or resignation, a final Judgment of vacancy by a Court of competent jurisdiction, or as otherwise provided by law, appoint a person to fill the office of Parish President.**
- G. The appointment shall require a vote of a majority of the entire membership of the Council.**
- H. The person appointed shall meet all of the qualifications for Parish President as of the date of the appointment.**
- I. In the interim between the occurrence of the vacancy and the appointment, the Director of Administration shall exercise the Powers and Duties of the Parish President, but shall not be considered the Parish President for any purpose other than those necessary for the operation of the Parish.**
- J. Upon the failure of the Council to make an appointment within thirty days, such appointment shall be made by the Governor.**
- K. If, upon the date of the vacancy, there remains less than two years in the term of the Parish President, the appointment shall be for the remainder of the term, with that person entitled to all of the rights, powers, benefits and compensation of the office of Parish President.**
- L. If, upon the date of the vacancy, there remains two years or more in the term of the Parish President:**
- M. The appointment shall be an interim appointment, until such time as a Parish President can take office following a special election;**
- N. The Council, at the same meeting at which the appointment is made or within three (3) days of an appointment by the Governor, shall take such**

actions as are necessary to call a special election for the remainder of the term of the Parish President at the next available regular election date, as provided for by Louisiana law;

- O. The person elected at such special election shall take office upon the certification of the election results as provided by Louisiana law and shall serve, as the Parish President, for the remainder of the term;
- P. During the term of the appointment the person appointed shall be entitled to all of the rights, powers, benefits and compensation of the office of Parish President.
- Q. The appointee to fill the office of Parish President shall be disqualified from running in the next election for the office of Parish President, whether regular or special.

Section 3.05. Powers and Duties

The Parish President shall have the Powers and be responsible to perform the Duties set forth herein. The Parish President shall:

- A. Ensure compliance with all laws, ordinances and policies duly adopted by the Council and required by the Charter;
- B. Submit a proposed Annual Operating Budget for the operations of the Parish, for consideration by the Council as provided for herein;
- C. Submit, annually, a proposed Five Year Capital Budget for consideration by the Council as provided for herein;
- D. Make Monthly Fiscal Reports to the Council on the fiscal condition of the Parish;
- E. Make an Annual Fiscal Report to the Council recapping the fiscal operations of the Parish for the preceding year and making projections for the fiscal health of the Parish moving into the next fiscal year.
- F. Make such other reports regarding the Parish as may be requested by the Council;
- G. Attend all regular Council meetings, in person or through a designee;
- H. Attend any special meeting of the Council or meeting of a Committee of the Council, upon request by the Council;

- I. Sign all contracts for expenditures as provided for in the duly adopted Annual Operating Budget or as otherwise approved by the Council or policy adopted by the Council;**
- J. Perform such other duties as are apparent from the Charter, as provided for by the Council, or as provided for by Louisiana law not in conflict with this Charter or ordinance;**
- K. Have the authority to veto any ordinance, in its entirety, adopted by the Council, including the Annual Operating Budget;**
- L. Have the authority to veto specific line items of the Annual Operating Budget adopted by the Council, in conjunction with executing the remainder thereof;**
- M. Appoint, suspend, discipline or remove any employee of the Parish, in accordance with the personnel ordinance adopted by the Council, or as otherwise provided by the Charter or Louisiana law;**
- N. Direct and supervise all Departments, offices and agencies of the Parish.**

ARTICLE IV
ADMINISTRATION

Section 4.01 – General

Section 4.02 – Department of Administration

Section 4.03 – Department of Public Works

Section 4.04 – Department of Parks and Recreation

Section 4.- Department of Finance

Section 4.06 – Department of Utilities

Section 4.07 – Legal Counsel

Section 4.01. General

- A. Except as otherwise provided for in the Charter all departments, and the offices and agencies therein, of Pointe Coupee Parish Government shall be under the direct supervision of the President, through the Directors of each department.**
- B. The Directors of each department shall be appointed by the President, subject to the approval of at least two-thirds of the entire membership of the Council, but shall serve at the pleasure of the President.**
- C. The compensation of the Directors shall be established in the duly adopted Operating Budget, or amendments thereto, or otherwise by ordinance.**

Section 4.02 Department of Administration

- A. The Department of Administration is hereby created.**
- B. There may be appointed a Director of Administration, who shall be subject to the direct supervision and direction of the President. However, nothing herein shall prohibit the President from assuming the duties of the Director of Administration, in lieu of making an appointment to such post, without any increase in compensation above that provided to the President.**
- C. The Director of Administration, in the event of the appointment thereof, shall be appointed in the manner set forth in the Charter for the**

appointment of Directors and possess the following minimum qualifications upon appointment:

- 1. A bachelor's degree in business administration, management, public administration or a related field and at least three (3) years of experience in business operations, management or public administration.; or alternatively**
 - 2. At least five (5) years of experience in business operations, management of public administration**
- D. The Department of Administration shall have the responsibilities as set forth herein.**
- E. Purchasing and Procurement, which shall include purchasing and procurement of any and all goods services, or immovable property, except as specifically otherwise provided by this Charter or a duly enacted Parish ordinance or state or federal law, rule or regulation, by any department, office or agency of the Parish Government, except the execution of contracts on behalf of the Parish Government, unless otherwise directed by the President;**
- F. Compliance with all ordinances and state or federal laws, rules or regulations with regard to purchasing or procurement which are determined to be applicable to the Parish Government, including but not limited to the Louisiana Public Bid Laws;**
- G. Nothing herein is intended to extend any state or federal laws, rules or regulations to the Parish Government that are not applicable to Parish Government in the absence or the existence of this Charter.**
- H. Flood Plain Management, which shall include:**
- I. Supervision and direction of the Office of Flood Plain Management;**
 - J. Compliance with all state and federal laws pertaining to Flood Plain Management, including but not limited to the Federal Flood Insurance program;**
 - K. Administrative assistance to the Planning Commission.**
 - L. Building Code Compliance and Enforcement, which includes;**
 - M. Supervision of the duly appointed Building Official;**
 - N. Oversight and administration of the office or contractor designated to issue permits and perform compliance and enforcement inspections and other duties in accordance with the Louisiana State Uniform Construction**

Code, or its successor, and any applicable Parish ordinances or state or federal laws, rules and regulations with regard to building codes or construction codes.

- O. Planning Commission, which includes;**
- P. Determinations in accordance with the planning ordinances and the issuance of permits thereunder;**
- Q. Human Resources, which shall include:**
- R. Supervision and direction of the Human Resource function of Parish Government;**
- S. Maintenance of all personnel records of employees of the Parish Government in accordance with applicable Parish ordinances and state and federal laws, rules and regulations;**
- T. Clerical Staffing, which shall include:**
 - a. Assignment of clerical staff to support the function of each and every department, office and agency of Parish Government, except as otherwise provided for herein;**
 - b. Supervision of the clerical function in support of each and every department, office or agency of Parish Government**
- U. Coordinate the interaction and cooperation between the various departments, office and agencies of the Parish Government.**
- V. Supervision and direction of any Parish Government employees designated to the Department of Administration, subject to the provisions of this Charter and in accordance with all applicable ordinances and state or federal laws, rules or regulations.**
- W. The Department of Administration shall have any other responsibilities as provided by ordinance or as directed by the President, not otherwise in conflict with the provisions of this Charter.**

Section 4.03 - Department of Public Works

- A. The Department of Public Works is hereby created**
- B. There shall be appointed a Director of Public Works, who shall be subject to the direct supervision and direction of the President.**
- C. The Director of Public Works shall be appointed in the manner set forth in the Charter for the appointment of Directors.**

D. The Director of Public Works shall possess the following minimum qualifications upon appointment:

- 1. Licensure by the State of Louisiana as a professional civil engineer; and at least three (3) years of experience in the practice of civil engineering.; or, alternatively**
- 2. At least ten (10) years of experience in public works administration or construction administration.**

E. The Department of Public Works shall have the responsibilities as set forth herein.

F. Parish Road System

- 1. Supervision and direction of the expenditure of monies from the Parish Transportation Fund, subject to the provisions of this Charter, and in accordance with all applicable ordinances and state or federal laws, rules or regulations, including the designation of the Director, or some other person, to administer the Parish Road Program as required by the Parish Transportation Act;**
- 2. Supervision and direction of the expenditure of any other funds, from whatever source derived, for the maintenance, repair and construction of roads within the Parish, subject to the provisions of this Charter, and in accordance with all applicable ordinances and state or federal laws, rules or regulations;**

G. Drainage

- 1. Supervision and direction of the expenditure of funds for the maintenance, repair and construction of the parish drainage system, subject to the provisions of this Charter, and in accordance with all applicable ordinances and state or federal laws, rules or regulations;**
- 2. Designation of the Director, or some other person, to administer this function.**

H. Buildings and Grounds Maintenance

- 1. Supervision and direction of the operations of the maintenance, repair, and construction of the buildings, structures and property owned or operated by the Parish Government, subject to the provisions of this Charter, and in accordance with all applicable ordinances and state or federal laws, rules or regulations;**

2. Designation of the Director, or some other person, to administer this function
- I. Mosquito Abatement
 1. Supervision and direction of the operations related to mosquito abatement, subject to the provisions of this Charter, and in accordance with all applicable ordinances and state or federal laws, rules or regulations;
 2. Designation of the Director, or some other person, to administer this function.
- J. Animal Control
 1. Supervision and direction of operations related to animal control, subject to the provisions of this Charter, and in accordance with all applicable ordinances and state or federal laws, rules or regulations;
 2. Designation of the Director, or some other person, to administer this function.
- K. Designation of the Director, or some other person, to administer this function. Supervision and direction of any Parish Government employees designated to the Department of Public Works, subject to the provisions of this Charter and in accordance with all applicable ordinances and state or federal laws, rules or regulations.
- L. The Department of Public Works shall have any other responsibilities as provided by ordinance or as directed by the President, not otherwise in conflict with the provisions of this Charter.

Section 4.04 – Department of Parks and Recreation

- A. The Department of Parks and Recreation is hereby created.
- B. There shall be appointed a Director of Parks and Recreation, who shall be subject to the direct supervision and direction of the President.
- C. The Director of the Department of Parks and Recreation shall be appointed in the manner set forth in the Charter for the appointment of Directors.

- D. The Director of Parks and Recreation shall possess the following minimum qualifications upon appointment:
 - 1. A bachelor's degree in physical education, kinesiology, parks management or a related field; and at least three (3) years of experience in physical education or parks or recreation program management; or, alternatively**
 - 2. At least five (5) years of experience in physical education or parks or recreation program management****
- E. The Department of Parks and Recreation shall have the responsibilities as set forth herein.**
- F. Supervision and direction of any and all designated Parish Parks or Park facilities, subject to the provisions of this Charter and in accordance with all applicable ordinances and state or federal laws, rules or regulations.**
- G. Supervision and direction of the Parish Multi Use Facility, subject to the provisions of this Charter and in accordance with all applicable ordinances and state or federal laws, rules or regulations.**
- H. Supervision and direction of any Parish Government employees designated to the Department of Parks and Recreation, subject to the provisions of this Charter and in accordance with all applicable ordinances and state or federal laws, rules or regulations.**
- I. Development, supervision and direction of parish recreational programs, subject to the provisions of this Charter and in accordance with all applicable ordinances and state or federal laws, rules or regulations.**
- J. The Department of Parks and Recreation shall have any other responsibilities as provided by ordinance or as directed by the President, not otherwise in conflict with the provisions of this Charter.**

Section 4.05 – Department of Finance

- A. The Department of Finance is hereby created.**
- B. There shall be appointed a Director of Finance, who shall also serve in the capacity of the Parish Treasurer, and shall be subject to the direct supervision and direction of the President.**

- C. The Director of Finance shall be appointed in the manner set forth in the Charter for the appointment of Directors.**
- D. The Director of Finance shall possess the following minimum qualifications upon appointment:**
 - a. A bachelor's degree in business administration, finance, accounting or a related field; and**
 - b. At least five (5) years of experience in business administration, finance or accounting.**
- E. The Department of Finance shall have the responsibilities as set forth herein.**
- F. Supervision and administration of functions related to the collection of sales and use taxes in the role as the Collector of Sales and Use Tax for Pointe Coupee Parish, including the appointment of a Sales and Use Tax Collector.**
- G. Supervision and administration of the billing and collection of any and all charges, fees, fines, charges by or due to the Parish Government, directly as in the circumstance of the Parish Government serving the billing or collection function for any other entity.**
- H. Maintain the custody or all monies of the Parish Government, or other funds held by the Parish Government in fiduciary capacity for any person or entity.**
- I. Assist the President in the preparation of the annual operating and capital improvement budgets of the Parish Government.**
- J. Maintain all records of indebtedness, including the payment of principal and interest thereon.**
- K. Ascertain and declare the availability or not of funds for the payment of invoices, charges, contracts, purchase orders or any other call for payment of monies by the Parish Government, including determination of the sufficiency of the documentation establishing valid justification for such payment.**
- L. Disbursement of funds of the Parish Government**
- M. Disbursement of funds held by the Parish Government in a fiduciary capacity for another person or entity.**
- N. Administration of a uniform accounting system for all departments, offices or agencies of the Parish Government, in accordance with the**

requirements of the Governmental Accounting Standards Board Rules, and any applicable state or federal laws, rules or regulations.

- O. Investment of idle funds of the Parish Government, in accordance with all applicable ordinances and state and federal laws, rules and regulations.
- P. Preparation and maintenance of a monthly statement of revenues, expenses and accounts, to be completed within thirty (30) days of the end of each calendar month.
- Q. Assistance in the preparation of any state, federal or private sector grant applications and maintain the records of such grants from application to completion.
- R. Make recommendations for the selection of an auditor to conduct any audits mandated by state or federal law, rule or regulation.
- S. Provide cooperation and assistance to the Auditor with any and all annual or periodic audits.
- T. Maintenance of an inventory of all Parish Government moveable and immovable property.
- U. Supervision and direction of any Parish Government employees designated to the Department of Finance, which may include an Assistant Treasurer, subject to the provisions of this Charter and in accordance with all applicable ordinances and state or federal laws, rules or regulations.
- V. The Department of Finance shall have any other responsibilities as provided by ordinance or as directed by the President, not otherwise in conflict with the provisions of this Charter.

Section 4-06. Department of Utilities

- A. The Department of Utilities is hereby created.
- B. There shall be appointed a Director of Utilities, who shall be subject to the direct supervision and direction of the President.
- C. The Director of Utilities shall be appointed in the manner set forth in the Charter for the appointment of Directors.
- D. The Director of Utilities shall possess the following minimum qualifications upon appointment:
 - 1. A bachelor's degree in industrial engineering or a related field; and

2. At least three (3) years of experience in operations or management of a utility facility, office or department, inclusive of either gas or water; or, alternatively
 3. At least ten (10) years of experience in operations or management of a utility facility, office or department, inclusive of either gas or water; and hold a valid certification for the operation of either or both a gas or water utility facility.
- E. The Department of Utilities shall have the responsibilities as set forth herein.
- F. Supervision and direction of the administration and operations of the parish utilities system, including any and all gas, or other utilities, systems or districts under the supervision or administration of the Parish Government, subject to the provisions of this Charter, and in accordance with all applicable ordinances and state or federal laws, rules or regulations;
1. Ensuring that there are personnel either employed or contracted that hold the licenses or certifications required by state or federal law, rule or regulation for the administration or operation of any utility system within the authority of the Parish Government;
 2. Designation of the Director, or some other person, to administer this function.

Section 4-07. Legal Counsel

- A. The Pointe Coupee Parish Government opts to continue to utilize the District Attorney for the 18th Judicial District, or his designee, as its statutory legal advisor for the Parish Government as provided by Louisiana law, subject to the provisions of this Charter.
- B. Special legal counsel may be retained by the Parish Government pursuant to a written contract with an individual attorney or a law firm, which contract outlines the nature of the legal representation and the compensation to be provided to such counsel.

- 1. Such written contract must be approved by the affirmative vote of a majority of the members of the Council present and voting thereon, in a regular or special meeting of the Council.**
- 2. Any such compensation expressed as an hourly rate shall not exceed the most recently promulgated fee schedule by the Louisiana Attorney General, unless and except the hourly rate is approved by the affirmative vote of not less than two-thirds of the total membership of the Council.**
- 3. Upon approval of the contract provided for in this Section, no other review or approval shall be required, and the contract shall be executed by the President, upon presentation.**

ARTICLE V

FINANCE

Section 5.01 – Fiscal Year

Section 5.02 – Submission of Operating Budget

Section 5.03 – Adoption of Operating Budget

Section 5.04 – Submission of Capital Budget

Section 5.05 – Adoption of Capital Budget

Section 5.06 – Administration of Operating Budget and Capital Budget

Section 5.07 – Amendment to Adopted Budgets

Section 5.08 – Reserve Fund and Rainy Day Fund

Section 5.09 – Debt and Borrowing

Section 5.10 – Emergency Expenditures or Borrowing

Section 5.11 – Access to Budgets

Section 5.01. Fiscal Year

The Parish of Pointe Coupee shall continue to utilize a standard calendar year of January 1 through December 31 as its fiscal year.

Section 5.02 Submission of Operating Budget

- A. The President shall submit a proposed Operating Budget to the Council at least 90 days before the beginning of the fiscal year.**
- B. The proposed Operating Budget shall consist of three parts:**
 - 1. Presidential Message – which shall be a brief summary of the proposed budget with commentary as a comparison to the current year Operating Budget and notation of significant changes from the prior year Operating Budget.**
 - 2. A detailed list of proposed expenditures, with comparisons to the current year Operating Budget in such a format as changes to expenditures are readily ascertainable; a detailed list of anticipated revenues; detailed information as to any delinquent taxes or fees for the current year or prior years; any other information that the Council may request in regard to the Operating Budget.**

the first public hearing and prior to adoption thereof, may make changes to the proposed Operating Budget.

- E. Changes to the proposed Operating Budget shall conform to the following requirements:
 - 1. The change shall require a motion and a majority vote in favor thereof of a majority of the Council membership;
 - 2. The changes adopted by the Council may not result in the budget failing to meet the requirements of Section 5.02(C) or (D).
- F. The Operating Budget ordinance shall be adopted by the affirmative of vote of not less than a majority of the membership of the Council.
- G. The Operating Budget ordinance shall be signed by the Council Clerk, attesting to its adoption.
- H. The Operating Budget Ordinance shall be delivered to the office of the Parish President, within 10 days, and the time and date of deliver shall be recorded by the Council Clerk.
- I. The Parish President shall have 10 days to sign or veto the ordinance, which includes veto in whole or by line item appropriation.
- J. Upon signature by the President or upon the passage of the tenth day following receipt, in the event that the Parish President has neither signed nor vetoed the ordinance, the Operating Budget ordinance shall be deemed finally adopted, and shall be returned to the Council Clerk to be maintained in the records of the Council.
- K. If the President vetoes the Operating Budget ordinance, in its entirety or as to any line item appropriation, the President shall return the ordinance to the Council Clerk, within three days of the veto, with the ordinance marked prominently VETO; or in the event of a line item veto, marking the particular line item as VETO.
- L. The President shall at the time the ordinance is returned to the Council Clerk, include a statement as to the basis for the veto or line item vetoes.
- M. The Council shall, at its next regular meeting or a special meeting called, consider the override of the veto.
- N. The Council may, upon two-thirds vote of its entire membership, override the veto in its entirety or any one or more of the line item vetoes.

- O. If the veto in the entirety is overridden the Operating Budget ordinance shall be deemed finally adopted and effective upon the first day of the fiscal year.**
- P. In the event of line item appropriation vetoes, the ordinance will be deemed finally adopted, inclusive of any line item appropriation the veto of which had been overridden by the Council, after said meeting.**
- Q. If the Council fails to override a line item appropriation veto before the first day of the fiscal year, the Operating Budget subject to such line item appropriations is deemed finally adopted.**
- R. The proposed Operating Budget of the Parish President becomes the finally adopted Operating Budget if any of the following occur:
 - 1. The Council fails to adopt an Operating Budget ordinance prior to the first day of the fiscal year;**
 - 2. The first day of the fiscal year occurs prior to signature of the Operating Budget ordinance by the Parish President and during the 10 days following receipt of the ordinance by the Parish President;**
 - 3. The Council fails to override a veto in the entirety of the Operating Budget ordinance.****

Section 5.04 Submission of Capital Budget

- A. The President shall submit a proposed Capital Budget to the Council at least 90 days before the beginning of the fiscal year.**
- B. The proposed Capital Budget shall propose capital expenditures for the subsequent 5 fiscal years, to include new or expanded facilities, buildings, or other erections; major road or street construction or rehabilitation; new major drainage, recreation or public buildings projects; all other major construction projects.**
- C. The proposed Capital Budget shall consist of the following parts:
 - 1. Presidential Message – which shall be a brief summary of the proposed budget with commentary as the major projects proposed and the funding toward such projects in each of the 5 fiscal years;**
 - 2. A detailed list of proposed projects;****

3. **Cost estimates to construct, operate and maintain, the anticipated means of financing, and the time schedule for completion of each project proposed;**
 4. **An update of the status of any ongoing projects**
- E. **The proposed Capital Budget shall not propose expenditures in the next fiscal year without the means of financing being provided therein, but may propose projects for which the means of financing derives from taxes to be proposed or bonds or other debt instruments proposed to be entered into, or access to other funds, inclusive of grants, rainy day funds and reserve funds, contingent upon the approvals necessary for access to such means of financing.**

Section 5.05. Adoption of Capital Budget

- A. **Upon submission to the Council of the Capital Budget, the Council shall order at least one public hearing prior to consideration of adoption of the Capital Budget.**
- B. **Notice of the first public hearing on the Capital Budget shall be published in the official journal at least 10 days prior to the hearing.**
- C. **Subsequent public hearings on the Capital Budget, if called by the Council, shall be noticed in the same manner as a special meeting of the Council.**
- D. **The Council, following any public hearing on the Capital Budget, or at any meeting called for consideration of the Capital Budget following the first public hearing and prior to adoption thereof, may make changes to the proposed Capital Budget.**
- E. **Changes to the proposed Capital Budget shall require a motion and a majority vote in favor thereof of a majority of the Council membership;**
- F. **The Capital Budget ordinance shall be adopted by the affirmative of vote of not less than a majority of the membership of the Council.**
- G. **The Capital Budget ordinance shall be signed by the Council Clerk, attesting to its adoption.**

- H. The Capital Budget Ordinance shall be delivered to the office of the Parish President, within 10 days, and the time and date of deliver shall be recorded by the Council Clerk.**
- I. The Parish President shall have 10 days to sign or veto the ordinance, which includes veto in whole or by line item.**
- J. Upon signature by the President or upon the passage of the tenth day following receipt, in the event that the Parish President has neither signed nor vetoed the ordinance, the Capital Budget ordinance shall be deemed finally adopted, and shall be returned to the Council Clerk to be maintained in the records of the Council.**
- K. If the President vetoes the Capital Budget ordinance, in its entirety or as to any line item appropriation, the President shall return the ordinance to the Council Clerk, within three days of the veto, with the ordinance marked prominently VETO; or in the event of a line item veto, marking the particular line item as VETO.**
- L. The President shall at the time the ordinance is returned to the Council Clerk, include a statement as to the basis for the veto or line item vetoes.**
- M. The Council shall, at its next regular meeting or a special meeting called, consider the override of the veto.**
- N. The Council may, upon two-thirds vote of its entire membership, override the veto in its entirety or any one or more of the line item vetoes.**
- O. If the veto in the entirety is overridden the Capital Budget ordinance shall be deemed finally adopted and effective upon the first day of the fiscal year.**
- P. In the event of line item appropriation vetoes, the ordinance will be deemed finally adopted, inclusive of any line item appropriation the veto of which had been overridden by the Council, after said meeting.**
- Q. If the Council fails to override a line item appropriation veto before the first day of the fiscal year, the Capital Budget subject to such line item appropriations is deemed finally adopted.**
- R. The proposed Capital Budget of the Parish President becomes the finally adopted Capital Budget if any of the following occur:**

1. The Council fails to adopt a Capital Budget ordinance prior to the first day of the fiscal year;
2. The first day of the fiscal year occurs prior to signature of the Capital Budget ordinance by the Parish President and during the 10 days following receipt of the ordinance by the Parish President;
3. The Council fails to override a veto in the entirety of the Capital Budget ordinance.

Section 5.06. Administration of Operating Budget and Capital Budget

- A. The Parish President shall be responsible for the proper administration of the Parish government in accordance with the finally adopted Operating Budget and Capital Budget.
- B. No expenditures shall be authorized or made by the Parish President or any employee of the Parish unless such expenditure falls within a line item appropriation, except as otherwise provided for herein; the intentional violation of this provision shall be cause for malfeasance and individual authorizing such charge shall be personally liable to reimburse the Parish.
- C. With regard to each expenditure, the President or his designee shall certify that there are funds available and that there is a valid appropriation for such expenditure.
- D. Any appropriation in the Operating Budget shall lapse at the end of the fiscal year if not expended or encumbered, unless otherwise provided in the Capital Budget as part of a multi-year Capital project.
- E. Procurement of materials, equipment and supplies shall conform to applicable State Bid Laws, and applicable federal rules when the procurement is federally funded.
- F. Contracts for public works projects shall conform to applicable State Bid Laws, and applicable federal rules when the procurement is federally funded.
- G. Contracts for services that are not required to be subject to a public bid process mandated under State or federal law, rule or regulation shall be

entered into under a procurement process established by ordinance, which process shall include the consideration of qualifications, price, and such other factors as may be included therein. Until such time as such an ordinance is finally adopted and becomes effective, the Parish may utilize any process in place prior to the adoption of this Charter.

Section 5.07. Amendment to Adopted Budgets

- A. Operating and Capital Budgets may be amended by ordinance adopted in the same manner as originally adopted, except as provided for herein.**
- B. The amendment to the Operating of Capital Budgets are limited to:**
 - 1. The reduction of an appropriation; or**
 - 2. The transfer of funds between line item appropriations, such that the aggregate total appropriations for the fiscal year do not exceed the aggregate total appropriations of the finally adopted budget for that fiscal year.**
- C. Budget amendments should be recommended by the Parish President at any time that it appears as though such is necessary, but may be adopted by the Council without recommendation by the President.**
- D. No budget amendment shall be adopted if it would result in the budget violating the provisions of Section 5.02(D) of this Charter.**
- E. The Parish President, without Council approval, shall have the authority to transfer unencumbered funds from one-line item appropriation to another during the fiscal year; except that such authority shall not allow the transfer to or from any line item appropriation for salaries of Parish employees or officials.**
- F. Budget amendments may not be based upon an anticipated or realized increase in aggregate revenues above those recognized in the finally adopted budgets, except as provided for herein.**

Section 5.08. Reserve Fund and Rainy Day Fund

- A. There shall exist two special funds in the Parish: the Reserve Fund and the Rainy Day Fund.**

- B. The Reserve Fund shall be funded with an appropriation in each annual Operating Budget as provided for in Section 5.02(D), unless the balance in the Reserve Fund at the time of submission of the proposed Operating Budget exceeds 3/12ths of the aggregate non-Capital and non-debt service expenditures proposed in the Operating Budget.**
- C. Appropriations from the Reserve Fund that would cause the balance thereof to fall below 3/12ths of the aggregate non-Capital and non-debt service expenditures proposed in the Operating Budget shall only be made during a fiscal year upon recommendation of the President and adoption of a budget amendment approved by the affirmative vote of at least two-thirds of the entire membership of the Parish Council.**
- D. Appropriations from the Reserve Fund that would not cause the balance thereof to fall below 3/12ths of the aggregate non-Capital and non-debt service expenditures proposed in the Operating Budget maybe approved in the same manner as an ordinary budget amendment.**
- E. A proposed appropriation from the Reserve Fund may be included in a proposed Operating Budget, as current year revenues to be expended, but such funds shall not impact the calculation of annual revenues with regard to the Rainy Day Fund.**
- F. In the event that aggregate total revenues at the end of a fiscal year, not otherwise dedicated to bonded indebtedness or dedicated to a specific and identifiable expenditure, exceed the aggregate total revenues recognized in the finally adopted budgets, those excess revenues shall be deposited in a special fund, to be known as the Rainy Day Fund.**
- G. Deposits in the Rainy Day fund shall aggregate, year to year, unless withdrawn as provided for herein.**
- H. In order for funds within the Rainy Day Fund to be appropriate for expenditure, there must be a request by the Parish President and a budget amendment adopted by not less than two-thirds of the membership of the Parish Council.**

Section 5.09. Debt and Borrowing

- A. The Parish may incur debt, including bonded indebtedness as permitted by Louisiana law.**
- B. No election shall be held on the question of incurring bonded indebtedness for a Capital project, until such time as preliminary engineering review and an economic feasibility report is made to the Council and a summary of which is published in the official journal, which publication shall be at least 45 days prior to the election.**

Section 5.10. Emergency Expenditures and Borrowing

- A. Notwithstanding the contrary provisions of this Charter, the Parish President may make expenditures outside of the adopted appropriations in case of a declared state of emergency.**
- B. The Parish Council may, by means of an emergency ordinance, authorize appropriations and/or borrowing to meet an emergency need.**
- C. Any emergency borrowing must be paid in full in the following fiscal year, unless properly adopted replacement borrowing is otherwise approved.**

Section 5.11. Access to Budgets

- A. Upon final adoption copies of the Operating Budget and the Capital Budget shall be provided by the Council Clerk to each member of the Council.**
- B. The Council Clerk and the Parish President shall each maintain a copy of both the Operating Budget and the Capital Budget which shall be available for public inspection and copying during ordinary business hours.**

- C. Within 30 days of final adoption, the Operating Budget and the Capital Budget shall be posted on a website maintained by the Parish.**
- D. Within 30 days of final adoption, an electronic copy of the Operating Budget and the Capital Budget shall be provided to the Pointe Coupe Parish Library Board, through its Director, so that copies thereof may be maintained at the various public libraries in the Parish.**

ARTICLE VI
TRANSITION

- Section 6.01 – Continuation of Actions**
- Section 6.02 – Special Districts**
- Section 6.03 – Fees, Charges and Tax Levies**
- Section 6.04 – Severability**
- Section 6.05 – Schedule of Transition**
- Section 6.06 – Election of Officials**
- Section 6.07 – Ballot Proposition**

Section 6.01. Continuation of Actions

- A. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, contracts, franchises, debt or other obligations due by Pointe Coupee Parish, rights or causes of action, claims, demands, titles and rights existing on the effective date of this charter shall continue unaffected.**
- B. All sentences for punishment for ordinance violations or for crime shall be executed according to their terms. All actions, ordinances, and administrative rules and regulations of Pointe Coupee 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 6.02 Special Districts

Any special district heretofore established and existing in Pointe Coupee 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.

Section 6.03. 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 Pointe Coupee 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 Pointe Coupee 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 parish wide 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 Pointe Coupee Parish or a special district shall continue to be levied by the Parish government and used for the approved purposes. Such levies may be renewed upon the favorable vote of the electors within the geographical area involved.**

Section 6.04 Severability

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

Section 6.05. Schedule of Transition

- A. The provisions of this charter pertaining to the election of Parish government officials created hereunder shall become effective on the**

date this charter is adopted by the voters of Pointe Coupee Parish; the remainder of the provisions of this charter shall become effective on the date of taking office of the newly created officials provided for by the charter.

- B. This charter shall be submitted to the electors of Pointe Coupee Parish at the regular election set for November 8, 2016, or in the event there is a legal bar to such, at the next available election date thereafter.**

Section 6.06. Election of Officials

- A. The first election for the elective offices created by this charter, including Parish President and Parish Council, shall be held at the dates of the Regular primary and general elections scheduled for the Fall of 2018, in accordance with Louisiana law, November 6, 2018 and December 8, 2018, or such other dates on which those regular elections are otherwise set.**
- B. The members of the Parish Council elected from each of the eight single-member districts shall run from one of the districts provided for in this Section which shall be the same geographic districts that were utilized for the eight single-member districts of the Pointe Coupee Parish School Board in the regular election of 2014.**
- C. The Parish President elected in accordance with this Section shall take office at noon on January 14, 2019.**
- D. The members of the Parish Council elected in accordance with this Section shall take office at noon on January 14, 2019.**
- E. The members of the Pointe Coupee Parish Police Jury shall continue to serve until such time as the officials elected under this Section take office; at which time the office of Police Juror shall cease to exist in Pointe Coupee Parish.**
- F. Notwithstanding any other provision of this Charter, the Parish President and members of the Parish Council elected in accordance with this Section shall serve a term of five (5) years, or until their successors take office.**
- G. The next election for Parish President and the Parish Council shall be held at the regular Fall elections in 2023, and every four years thereafter, and**

the officials elected at such elections shall take office on the second Monday in January, following such election.

Section 6.07. Ballot Proposition

The proposition presented to the electors of Pointe Coupee Parish at the regular election to be held on November 8, 2016 shall read as follows:

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

YES _____ NO _____

We, the undersigned members of the Pointe Coupee Parish Home Rule Charter Commission, after due consideration and contemplation, do present this proposed Home Rule Charter Plan of Government for Pointe Coupee Parish to the Pointe Coupee Parish Police Jury for submission to the voters of Pointe Coupee Parish.

L. James Lyles - Chair

Alden Andre

Cornell Dukes

James Fairchild

Price Gay

Gail Hurst

Jeremy LaCombe

Jacques LaCour

Cletus Langlois

Richard Maciasz

Albert Sneed

