

RECOMMENDED AMENDMENTS OF THE CHARTER ADVISORY BOARD

ARTICLE I.

Section 1.01 – Powers of the Parish

The parish ~~shall have~~ has and shall continue to have all the powers, rights, privileges, and authority now or hereafter vested in parishes, parish governments, and parish officers and in Jefferson Parish in particular by the Constitution and laws of the State. In addition, it shall have all the powers, rights, privileges, and authority to which it is entitled under Article XIV, Section 3(c) of the Constitution of 1921 and Article VI, Section 4 of the Constitution of 1974 to carry on a home rule government for Jefferson Parish. The foregoing powers, rights, privileges, and authority shall be deemed to include all implied powers necessary and proper for putting them into effect and shall include, but shall not be restricted to, the power and authority to:

* * * * *

- (14) Protect the health of the people of the parish, Establish and maintain hospitals, and provide a program of public health services.

* * * * *

- (17) Regulate use of the public rights-of-way and grant any and all forms of agreements with respect thereto.

ARTICLE II.

Section 2.03 – Composition, Election and Compensation

* * * * *

- (D) A Council member who has served as a district Council member for two full consecutive terms ~~more than one and one-half terms in two consecutive terms~~ shall not be eligible to qualify as a candidate for Council member for a district for the succeeding term.

A Council member who has served as a Councilmember-at-Large for two full consecutive terms ~~more than one and one-half terms in two consecutive terms~~ shall not be eligible to qualify as a candidate for Council member elected at large for the succeeding term.

- (E) A council member who has been elected in a regular election shall not serve more than four consecutive terms as a member of the council.

Section 2.04 – Vacancies

* * * * *

- (C) If the Council does not make an appointment as required by this Section within thirty days of the occurrence of the vacancy, the appointment shall be made by the ~~Governor of the State of Louisiana~~ Parish President. If the Parish President does not make an appointment as required by this Section within sixty days of the occurrence of the vacancy, the appointment shall be made by the Governor of the State of Louisiana. If an election is required and the Council fails to call the election within thirty days after the vacancy occurs, the ~~Governor of the State of Louisiana~~ Parish President shall call the election. If an election is required and the Parish President fails to call the election with sixty days after the vacancy occurs, the Governor of the State of Louisiana shall call the election. The Parish Clerk shall give the Governor written notification forthwith if both the Council and Parish President does not take either action within the allotted time.

Section 2.07 – Ordinances & Resolutions

* * * * *

- (D) After the public hearing, the Council may pass the ordinance with or without amendment. Upon passage of the ordinance by the Council, the ordinance shall be submitted to the President as follows:

* * * * *

- (4) The right of the President to veto as provided in this section shall apply to all ordinances adopted by the Council except ordinances: for reapportionments; for amendments to this Charter; establishing, altering or modifying Council procedure; appropriating funds for auditing or investigating any part of the parish government; adopted pursuant to the initiatory and referendum procedures in Section 5.01; ~~emergency ordinances~~; and, ordinances as may be otherwise exempt by this Charter. The President’s veto authority shall not apply to resolutions.

* * * * *

ARTICLE III.

Section 3.01 – Election of the Parish President

* * * * *

- (C) The office of President shall become vacant upon death, resignation, removal from office in any manner authorized by law, forfeiture of office, failure to take office, or as otherwise provided in this Charter. Within thirty days after the vacancy occurs, by a vote of a majority of the authorized membership of the Council, the office of the President shall be filled by appointment of a person meeting the qualifications for that office, to serve as Acting President.

- (1) If one year or less of the unexpired term remains when the vacancy occurs, the Acting President ~~appointee~~ shall serve the remainder of the term. The Acting President ~~appointee~~ shall not be eligible to be a candidate for the next full term for the office of President.
- (2) If the vacancy occurs more than one year before the expiration of the term, the Council, within thirty days after the vacancy occurs, shall call an election to fill the vacancy. The election shall be held according to the timetable and procedures established by state law for filling of vacancies in elected local offices. The Acting President ~~appointee~~ shall serve until the office is filled by the vote of the qualified electors and the person assumes office. The Acting President ~~appointee~~ shall not be eligible to be a candidate for the election to fill the remainder of the unexpired term.
- (3) If the Council does not make an appointment as required by this section within thirty days of the occurrence of the vacancy, the “Deputy Administrator” designated by the Parish President pursuant to Section 3.02 shall serve as Acting President if the “Deputy Administrator” meets the qualifications as defined in Paragraph B of this Section. If the “Deputy Administrator” does not meet the qualification as defined in Paragraph B of this Section, then the appointment shall be made by the Governor of the State of Louisiana. If an election is required and the Council fails to call the election within thirty days after the vacancy occurs, the Governor of the State of Louisiana shall call the election. The Parish Clerk shall give the Governor written notification forthwith if the Council does not take either action within the allotted time.

Section 3.01.5 – Term Limitation of the Parish President

A President who has served ~~more than one and one-half terms in two consecutive terms as~~ President for two full consecutive terms shall not be eligible to qualify as a candidate for President for the succeeding term.

Section 3.02 – Temporary Absence

(A) The President shall designate a qualified administrative employee of the parish to assume his duties and authority during periods of his temporary absence, ~~or~~ disability, or a vacancy in the position of President. That administrative employee will be designated as the “Deputy Administrator” for purposes of this Section and Section 3.01(C). The President shall adopt a policy for implementation of these provisions.

* * * * *

ARTICLE IV.

Section 4.02 – Financial Administration

* * * * *

(G) (1) Except in the purchase of unique or non-competitive articles, contracts for public works and purchases of supplies and materials, for the parish or for any of its departments, offices, agencies, or special districts shall be made on the basis of specifications and competitive bids. ~~Formal sealed bids shall be secured for all such parish purchases when the transaction involves the expenditure of \$10,000.00 or more. The Council, by ordinance, may amend the \$10,000.00 limit except that it shall not exceed the maximum limit for the purchase of supplies and materials or public works contracts established by the laws of the State of Louisiana. Advertisement for bids shall be required, pursuant to the regulations contained in state statutes as amended, more particularly R.S. 38:2212.1, for the purchase of materials and supplies in excess of the sum set in R.S. 38:2212.1, and for all public works in excess of the contract limit, as defined in R.S. 38:2212.1. The transaction shall be evidenced by written contract, purchase order, or like documentation submitted to and approved by the Council. The Council shall have the right to reject any and all such bids. The Council may authorize any parish department through its own employees and facilities or any other governmental agency to make any public improvements or to perform other public works without competitive bidding provided that any purchases made by the parish in connection therewith shall be by competitive bidding, in accordance with this section. The Council, by ordinance, may provide alternative contract and purchasing procedures in cases of public emergency. Purchasing and contract procedure not prescribed by this charter shall be established by ordinance.~~

* * * * *

Section 4.03 – Personnel Administration

(A) It shall be the policy of the parish to employ those persons best qualified to perform the functions of the parish and to foster effective career service in parish employment. All appointments and promotions in the service of the parish and of each of its departments, offices, agencies, and special districts shall be made on the basis of merit and fitness, which shall be determined, insofar as practicable, by competitive test except that the following shall not be subject to the provisions of Section 4.03, or any rules adopted pursuant thereto regarding appointment, promotion, discipline and dismissal:

- (1) The Parish President.
- (2) The directors of departments and heads of principal offices appointed by the Parish

President or the Parish Council. ~~provided that the~~ The procedures prescribed in Section 4.03E(2) shall apply to the appointment of the Personnel Director.

- (3) The Parish Clerk.
 - (4) Members of boards and other unpaid bodies who are not parish employees.
 - (5) Organizations and their employees and other persons who are engaged by the parish on a contractual basis.
 - (6) The Parish Attorney and ~~his~~ legal assistants to the Parish Attorney.
 - (7) The Inspector General and ~~his~~ assistants to the Inspector General.
 - (8) Employees hired to work directly in the office of the Parish President or a Parish Council member.
- (B) (1) The appointment, promotion, discipline, and dismissal of employees in the service of the elected officials subject to this Charter shall be made by the elected officials rather than the Parish President, ~~but, nevertheless, shall be subject to the provisions of this Section 4.03.~~
- (2) The appointment, promotion, discipline, and dismissal of employees in the service of the Inspector General shall be made by the Inspector General rather than the Parish President, ~~but, nevertheless, shall be subject to the provisions of this Section 4.03.~~
- (C) There shall be a personnel department consisting of a Personnel Director, who shall be the executive head of the department, and a Personnel Board, which shall be policy making and quasi-judicial in nature.
- (1) The Personnel Director shall be appointed, disciplined, or dismissed by the Personnel Board. The Personnel Director shall be qualified by special training and experience in public personnel administration and shall be responsible to the Board 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.
- * * * * *
- (D) The duties of the Personnel Director shall include but shall not be restricted to the following:
- * * * * *
- (2) To develop and, upon adoption, to administer a salary pay plan for all positions in the parish classified service. Such salary pay plan shall be submitted to the Personnel Board, which, after public hearing, shall submit it, together with such amendments as it deems necessary, to the Council through the Parish President. The plan shall become effective upon approval by the Council.
- (3) To prepare personnel rules to carry out the provisions of this section. These rules shall be submitted to the Personnel Board which, after public hearing, shall make such amendments as it deems necessary and shall submit the proposed rules to the Council through the Parish President. These rules shall become effective upon approval by the Council. Such rules shall apply to all parish departments, offices, agencies, and special districts and shall provide for:
- (a) Policies and procedures for the administration of the classification plan.
 - (b) Policies and procedures for the administration of the salary pay plan.
 - (c) Policies and methods for holding competitive tests 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 and procedures for the certification of persons from the eligible lists for filling vacancies.
 - (e) The procedure for lay-off, suspension, demotion, and dismissal of employees, which shall provide for public hearings before the Personnel Board in cases of demotion or dismissal of permanent employees.
 - (f) Hours of work, attendance regulations, and sick and vacation leave.
 - (g) Prohibition against political activity of classified employees and assessment for political purposes.
 - (h) A retirement system for parish employees which shall take into account any existing system or systems.

- (i) Other policies, practices, and procedures necessary to the administration of the parish personnel system.
- (E) The Personnel Board shall review the classification plan, the pay plan, and the rules as provided in Section 4.03D and in addition thereto shall:
- (1) Hold hearings on dismissals, demotions, and other disciplinary matters of classified personnel as may be provided in the rules. The decisions of the Personnel Board in these matters shall be final.
 - (2) Examine candidates and select a qualified person for the position of Personnel Director whenever there is a vacancy in the position.
 - (3) Make any investigation it deems desirable concerning personnel management in the parish service and report its findings to the Council through the Parish President.
 - (4) Perform such other policy making or quasi-judicial duties as may be required under the rules developed pursuant to this section.
- (F) ~~Any person holding a full-time position subject to this section when this Charter takes effect, who served in that position at the time the Charter was adopted by the electors of the parish, and at least one year prior thereto, shall continue in his position without competitive test but shall be subject in all other respects to this section.~~

Section 4.04 – Legal Services

There shall be a department of law headed by a Parish Attorney, who may appoint and remove his assistants. The Parish Attorney shall be appointed by the President with the approval of the Council and shall serve at the will of the President. He shall devote his full time to the service of the parish and shall serve as legal counsel to the Council, the President, and all parish departments, offices, agencies, and special districts, and perform such other legal duties as may be assigned to him by administrative regulations adopted pursuant of this Charter. The assistant parish attorneys may be part-time employees ~~and shall be electors of the parish.~~