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The following are the strike-through revisions to the City of Sulphur Home Rule Charter. The election will be held Saturday, October 14, 2023.

## **PART I**

### **HOME RULE CHARTER**

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

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

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

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

The plan of government provided by this Home Rule Charter shall be known as the "mayor-council" form of government. It shall consist of an elected council which shall be called the Sulphur City Council and shall constitute the legislative branch of the government and an elected mayor who shall be the chief executive officer and head of the executive branch.

##### **Section 1-03. Boundaries**

The boundaries of the City shall be those in effect as of the effective date of this Charter and shall be subject to change thereafter as provided by law.

##### **Section 1-04. General Powers**

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

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

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

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## Section 1-06. Joint Service Agreements

The City government is authorized, as provided by state law, to enter into joint service agreements or cooperative efforts with other governmental agencies and political subdivisions.

## ARTICLE II. CITY COUNCIL

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

- A. The legislative power of the City government shall be vested in a council consisting of five (5) members elected for four (4) year terms from districts described in Appendix A, one (1) from and by the qualified electors in each district.
- B. A council member shall have attained the age of twenty-one (21) years and shall be a qualified elector of the district from which elected at the time of qualification.
- C. A council member shall have been legally domiciled and shall have actually resided for at least one (1) year immediately preceding the time established by law for qualifying for office in an area which, at the time of qualification, is within the district from which elected.
- D. A council member shall continue to be legally domiciled and to actually reside within the district from which elected during the term of office. Should the legal domicile and/or actual residence of a council member change from the district from which elected, unless changed by ~~reapportionment~~ redistricting, the office shall automatically become vacant, which vacancy shall be filled as set out hereinafter.

### Section 2-02. ~~Reapportionment~~ Redistricting

- A. Following official publication of each federal census by the United States Bureau of the Census for the area covered by the City of Sulphur and at least six (6) months prior to the time established by law for qualifying for office in the next regular election for council members, the council by ordinance shall alter, change or rearrange council district boundaries so as to provide for population equality among the districts as near as reasonably practicable. To the extent possible, council districts shall be compact and be composed of contiguous territory. s
- B. No ordinance effecting ~~apportionment~~ redistricting shall be considered for final passage by the council until at least three (3) advertised public hearings have been held on the proposal.

### Section 2-03. Forfeiture of Office

A council member shall forfeit the office if such member during the term of office:

- (1) lacks any qualification for the office prescribed by this Charter,
- (2) is convicted of a state or federal felony, or
- (3) violates an express prohibition of this Charter.

### Section 2-04. Vacancies

- A. The office of a council member shall become vacant upon death, resignation, removal from office in any manner prescribed by law, forfeiture of office or failure to take office.
- B. A vacancy on the council shall be filled by appointment of a person meeting the qualifications for office by a majority of the remaining members of the council. If ~~one (1) year~~ eighteen (18) months or less of the unexpired term remains when the vacancy occurs, the appointee shall serve out the remainder of the term. If the vacancy

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occurs more than eighteen (18) months ~~one (1) year~~ prior to the expiration of the term, the appointee shall serve until the office is filled by the vote of the qualified electors voting in an election called by the council for that purpose. The council, within ~~fifteen (15)~~ twenty (20) days after the vacancy occurs, shall issue a proclamation ordering the election to fill the vacancy. The 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 council does not make an appointment as required by this section within thirty (30) days, the appointment shall be made by the governor. If an election is required and the council fails to issue the proclamation within ~~fifteen (15)~~ twenty (20) days after the vacancy occurs, the governor shall issue the proclamation.

### **Section 2-05. Compensation**

The council may, by ordinance, change the salary of the council provided that no ordinance changing such salary shall be passed during the last year of the term of the council and further provided that the salary change shall not become effective during the term of the council in office at the time the salary is changed. ~~The compensation of council members shall be three hundred fifty dollars (\$350.00) per month. Council members shall be reimbursed for properly vouchered expenses incurred in conducting business of the City while outside the City.~~

### **Section 2-06. Prohibitions**

- A. A council member shall hold no other elected public office, nor be a compensated official or employee of the City government or any of its political subdivisions during the term for which elected to the council, and no former council member shall hold any compensated appointive office or employment of the City government or any of its political subdivisions until ~~one (1)~~ two (2) years after the expiration of the term for which elected to the council. Nothing in this section shall prohibit a council member from serving as a member of a Charter Commission, constitutional convention or political party committee nor prevent any current or former council member from appointment to a vacancy pursuant to Sections 2-04 or 3-07.
- B. Except as specifically provided in this Charter, neither the council nor any of its members shall remove, direct, or supervise any administrative officers or employees whom the mayor or any of his subordinates are empowered to appoint.

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

- A. The council shall meet regularly at least once a month at such times and places as the council may prescribe by ordinance. Special meetings may be held on the call of the mayor, the presiding officer of the council or a majority of the membership of the council with such notice as may be required by state law. To meet a public emergency affecting life, health, property or public safety, the council may meet upon call of the mayor, the presiding officer of the council or a majority of the membership of the council at whatever notice it shall be convenient to give. The call convening a special or emergency meeting of the council shall state the objects of the meeting. The power of the council to act at a special or emergency meeting shall be limited, under penalty of nullity, to the objects specifically enumerated in the call unless agenda items are added in accordance with applicable state law.
- B. All meetings of the council and its committees shall be open to the public in accordance with the provisions of general state law.
- C. The council shall operate under Robert's Rules of Order in all cases which are not inconsistent with this Charter or special rules of order the council may adopt, and the council shall provide for keeping a journal of its minutes and proceedings. This journal shall be a public record. All official action of the council shall be published and posted in accordance with state law. ~~the official journal within thirty (30) days of the action taken.~~

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- D. At all regular and special meetings of the council, the council shall operate from an agenda which shall ~~have been be~~ posted in accordance with applicable state law, a prominent place in City Hall and made available to the news media within seven (7) days of the meeting. The published agenda may be amended at the meeting in accordance with applicable State law, upon the favorable vote of a majority of the council membership, but only for routine administrative matters which developed between the time the agenda was submitted for publication and the scheduled meeting. The agenda for special or emergency meetings shall be made available to the public as soon as practical prior to the meeting.
- E. The council shall allow citizens, or their representative, to express views or raise questions concerning items on the stated agenda before action is taken on the items. The council shall hear any citizen wishing to be heard on any matter related to city government prior to conclusion of the regular council meeting.
- F. At the first regular meeting of a newly elected council and annually hereafter, a chairman and vice chairman shall be elected by a majority vote of the council from among the council members. The chairman shall preside at meetings of the council, and in the absence or disqualification of the chairman, the vice chairman shall preside. In the absence or disqualification of both the chairman and vice chairman, the council shall designate one (1) of its other members as temporary presiding officer. The chairman, vice chairman and temporary presiding officer shall be voting members of the council.
- G. All voting on ordinances and resolutions shall be by roll call, and the ayes and nays shall be recorded in the minutes of the council by the individual vote of each council member. Not less than a majority of the membership of the council shall constitute a quorum to transact business but if a quorum is lost during a meeting, a smaller number may recess from time to time and compel the attendance of absent members in the manner and subject to the penalties prescribed by council rules.
- H. All votes of the council shall be based on the authorized membership of the council.
- I. All public notices required pursuant to this Article shall be made in accordance with the generally applicable laws of the state, and the Council shall provide by ordinance requirements for additional electronic notice.

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

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

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

The council shall provide for an annual independent post audit, and such additional audits as it deems necessary, of the accounts and other evidence of financial transactions of the City government, including those of all City government departments, offices or agencies. Audits may be by the state or the council may designate a private auditor to make such audits. The private auditor shall be without personal interest in the affairs subject audit and shall be a certified public accountant or firm of such accountants. The audit shall be submitted to the council at one of its regularly scheduled meetings and shall be public record, and a summary thereof shall be published at least once in the official journal.

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

- A. The council shall appoint a clerk of the council who shall serve at the pleasure of the council. The clerk shall give notice of council meetings to its members and the public, keep the journal of its proceedings, be official

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secretary of the council and perform such other duties as are assigned to the position by this Charter or by the council and reviewed annually.

- B. The council shall, ~~by ordinance~~, fix the salary of the clerk, by adoption of the operating budget and the salary shall be comparable to salaries in the executive branch for similar work.

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

- A. An act of the council having the force of law shall be by ordinance. An act requiring an ordinance shall include but not be limited to those which:
- (1) Adopt or amend an administrative code.
  - (2) Provide a fine or other penalty or establish a rule or regulation for violation of which a fine or penalty may be imposed.
  - (3) Levy taxes or assessments as provided by law in accordance with Section 2-17 (Power to Levy Taxes).
  - (4) Appropriate funds and/or adopt the operating budget and capital improvement budget for the City government.
  - (5) Grant, renew or extend a franchise.
  - (6) Provide for raising revenue.
  - (7) Regulate the rate or other charges for service by the City government.
  - (8) Authorize the borrowing of money.
  - (9) Incur debt in any manner authorized by law.
  - (10) Dispose of any property owned by the City government.
  - (11) Convey or lease or authorize the conveyance or lease of any lands or property of the City government.
  - (12) Acquire real property on behalf of the City government.
  - (13) Adopt or modify the official City map.
  - (14) Adopt or modify regulations for review and approval of plats.
  - (15) Adopt or modify subdivision controls or regulations.
  - (16) Amend or repeal zoning plans, maps, variances, and regulations as submitted by the Land Use Commission.
  - (17) Amend or repeal any ordinance previously adopted.
  - (18) Propose amendments to this Charter.
- B. All City ordinances shall be codified in accordance with Article VI, Section 10, of the Constitution.
- C. A resolution may be used by the council for the purpose of expressing an opinion as to some given matter or thing and shall not have the force of law.
- D. All ordinances and resolutions shall be passed by the favorable vote of at least a majority of the authorized membership of the council except as otherwise provided in this Charter.

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

- A. All proposed ordinances shall be introduced in writing at a meeting of the council and in the form required for adoption and, except for codifications, the operating budget and capital improvement budget, shall be confined to one (1) subject, expressed clearly in the title.

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- B. All proposed ordinances shall be read by title when introduced and published in the official journal in full, in summary, or by title within seven (7) days after introduction, except that ordinances proposing amendments to the Charter shall be published in full. Except as otherwise provided in Sections 2-12.1 (Exceptions) and 2-14 (Emergency Ordinances), no ordinance shall be considered for final passage until at least two (2) weeks from date of introduction and a public hearing has been held on the ordinance.
- C. With the final approval of ordinances by the mayor, or the council in case of a veto by the mayor, such enacted ordinances shall be published in full in the official journal by the clerk of the council within ten (10) days after passage provided, however, that ordinances adopting codes of technical regulations or adopting or amending the operating budget or capital improvement budget may be published in full or in summary at the council's discretion. Every enacted ordinance, unless it shall specify another date, shall become effective upon the approval of the Mayor or approval of the Council over his veto, as provided for in Section 2-13 ~~at expiration of thirty (30) days after publication by the council.~~

### **Section 2-12.1. Exception**

Issues related to zoning regulations, maps, and variances coming before the council from the land use commission (established by ordinance 541) are exempt from the requirement of introduction if the commission's public meeting on the issue was held at least two (2) weeks prior to the council meeting.

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

- A. Every ordinance adopted by the council shall be signed by the presiding officer, except that upon failure of the presiding officer to sign the ordinance, the clerk of the council shall certify to its passage and it shall be presented to the mayor within three (3) calendar days after adoption, excluding Saturdays, Sundays and City holidays. The clerk of the council, or in the absence of the Clerk, the Chairman of the Council, shall record upon the ordinance the date and hour of its delivery to the mayor.
- B. Within ten (10) calendar days after the mayor's receipt of an ordinance, excluding Saturdays, Sundays, and City holidays, it shall be returned to the clerk of the council with the mayor's approval, or with the mayor's veto. The clerk shall record upon the ordinance the date and hour of its receipt from the mayor. If the proposed ordinance is not signed or vetoed by the mayor within ten (10) days after receipt, it shall be considered approved. If the ordinance has been approved, it shall be considered finally enacted and become effective as provided in Section 2-12 (Ordinances in General). If the ordinance is vetoed, the mayor shall submit to the council through the clerk a written statement of the reasons for the veto. The veto statement shall be published in full in the official journal by the clerk as soon as practical thereafter. All ordinances vetoed by the mayor shall be vetoed in full, except that the mayor shall have authority to veto individual appropriation items in the ordinances adopting the operating budget and capital improvement budget.
- C. Ordinances vetoed by the mayor shall be submitted by the clerk to the council no later than the next regular meeting held after publication of the veto statement. Should the council vote, not later than the second regular meeting held after receipt of the vetoed ordinance, to readopt the ordinance by the favorable vote of at least a majority plus one (1) of its authorized membership, said ordinance shall be considered finally enacted and become law irrespective of the veto by the mayor. The same procedure shall apply to individual appropriation items in the operating and capital improvement budgets vetoed by the mayor.
- D. The right of the mayor to veto as provided in this section shall apply to all ordinances adopted by the council except ordinances for ~~reapportionment-redistricting~~; amendments to this Charter; establishing, altering, or modifying council procedure; or appropriating funds for auditing or investigating any part of the executive branch.

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## Section 2-14. Emergency Ordinances

- A. To meet a public emergency affecting life, health, property or public safety, the council by the favorable vote of a majority of the authorized membership, may adopt an emergency ordinance at the meeting at which it is introduced, provided that no such ordinance may be used to levy taxes or special assessments; grant or extend a franchise; incur debt, except as provided in Section 5-04B (Emergency Appropriations); adopt or amend an official map, platting or subdivision controls or zoning regulations; or propose amendments to this Charter. Each emergency ordinance shall contain a specific statement of the emergency claimed. After adoption, the ordinance shall be printed and published as prescribed for other approved ordinances.
- B. Notwithstanding the provisions of Section 2-13 (Submission of Ordinances to the Mayor), any emergency ordinance adopted by the council shall be signed by the presiding officer, except that upon failure of the presiding officer to sign the ordinance, the clerk of the council shall certify to its passage, and it shall be presented to the mayor within six (6) hours after adoption. Within twelve (12) hours after the mayor's receipt of an emergency ordinance, it shall be returned to the clerk of the council with the mayor's approval, or with the mayor's veto. If the proposed ordinance is not signed or vetoed by the mayor within twelve (12) hours after receipt, it shall be considered adopted. If the emergency ordinance has been approved, it shall be considered finally enacted and become effective immediately upon receipt by the clerk. If the emergency ordinance is vetoed, the mayor shall submit to the council through the clerk a written statement of the reasons for the veto. The clerk shall record upon the emergency ordinance the dates and hours of its delivery to and receipt from the mayor. Should the council vote, not later than twelve (12) hours after receipt of the vetoed emergency from the mayor, to readopt the emergency ordinance by the favorable vote of at least a majority plus one (1) of its authorized membership, said emergency ordinance shall be considered finally enacted and become law immediately upon readoption, irrespective of the veto by the mayor. Upon final approval by the mayor, or the council in case of a veto by the mayor, such enacted emergency ordinance shall be published in full in the official journal by the clerk as soon as practical thereafter.
- C. Emergency ordinances shall be effective for no longer than sixty (60) days after final approval.

## Section 2-15. Codes of Technical Regulations

The council, by ordinance, may adopt any standard code of technical ~~relations~~ regulations by reference. The procedure and requirements governing the adopting of such ordinances shall be as prescribed for ordinances generally, except that a period of ~~sixty (60)~~ thirty (30) days shall be allowed between the time of introduction and final passage of the ordinance. During this interim, copies of any proposed code shall be available for public review. A copy of each adopted code of technical regulations as well as the adopting ordinance shall be authenticated and recorded by the clerk of the council in the official records of the City government. Such adopted codes of technical regulations shall be published at least by title or by reference in the official journal by the clerk as soon as practical following such final adoption.

## Section 2-16. Authentication and Recording of Ordinances and Resolutions; Printing and Distribution

- A. All finally enacted ordinances and resolution shall be authenticated, numbered, and recorded by the clerk of the council. All ordinances shall be indexed and codified in a book or books kept for this purpose. All resolutions shall be indexed and recorded in the minutes of the council meeting at which the resolution was approved.
- B. The council shall cause each ordinance and each amendment to this Charter to be printed or otherwise reproduced promptly following enactment and such printed or reproduced amendments and ordinances, including codes of technical regulations adopted by reference pursuant to Section 2-15 (Codes of Technical Regulations), shall be distributed or sold to the public at cost.

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

- A. The power to perform any service or provide any facility granted to the City government by this Charter or by the constitution and general laws of the state shall in all cases carry with it the power to levy taxes and to borrow money within the limits and in accordance with procedures prescribed by the constitution and general laws of the state. The council shall have, and is hereby granted, all of the authority to levy and collect taxes, to incur debt, and issue bonds and other evidences of indebtedness, as is now or hereafter conferred on governing authorities of cities by the constitution and general laws of the state, **special laws applicable to the city**, or as may be hereafter specially conferred by the electors of the City.
- B. Any tax being levied by the City of Sulphur on the effective date of this Charter is ratified and continued in effect for the term for which same is currently authorized.
- C. All proposals to levy property taxes, in excess of that authorized by the constitution to be levied without a vote of the people, shall be submitted to the voters for approval in accordance with the election laws of the state.
- D. All proposals to levy a new or increase an existing sales and use tax shall be submitted to the voters for approval in accordance with the election laws of the state.

## **Section 2-18. Levying User Fees and Utility Rates**

Proposals to increase user fees and utility rates in excess of ten (10) percent in any one (1) fiscal year shall be submitted to the voters for approval in accordance with the election laws of the state.

## **Section 2-19. Powers of Enforcement**

For the purpose of carrying out the powers and duties generally or specially conferred on the City government, the council shall have the power to grant franchises, to issue and revoke, subject to reasonable requirements, licenses and permits and fix the fees to be paid therefore, to regulate and supervise any such licensee or permittee, to charge compensation for any privilege or franchise granted or service rendered, and to provide penalties for the violation of any ordinance or regulation, as provided by law.

# **ARTICLE III. EXECUTIVE BRANCH**

## **Section 3-01. Executive Authority**

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

## **Section 3-02. Election**

The mayor shall be elected at large from and by the qualified electors of the City according to the election laws of the state for a four (4) year term.

## **Section 3-03. Qualifications**

- A. The mayor shall be at least twenty-one (21) years of age and a qualified elector of the City at the time of qualification and shall have been legally domiciled and shall have actually resided in the City at least the one (1) year immediately preceding the time established by law for qualifying for office.



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

### **Section 3-04. Compensation**

- A. ~~The salary of the first mayor elected under this Charter shall be thirty eight thousand five hundred dollars (\$38,500.00) annually.~~ The council may, by ordinance, change the salary of the mayor provided that no ordinance changing such salary shall be passed during the last year of the term of the mayor and further provided that the salary change shall not become effective during the term of the mayor in office at the time the salary is changed. The mayor shall, upon presentation of properly documented receipts, be reimbursed for reasonable expenses incurred in carrying out the official duties of the office.
- B. The council shall specify by ordinance the employee benefits to be provided the mayor.

### **Section 3-05. Powers and Duties of the Mayor**

- A. The mayor, as chief executive officer of the City government shall have the following powers and duties:
- (1) See that all laws, provisions of this Charter and acts of the council, subject to enforcement by the mayor or by officers subject to the mayor's direction and supervision, are faithfully executed.
  - (2) Appoint and suspend or remove for just cause all City government employees and appointive administrative officers provided for, by or under this Charter in accordance with personnel policies. The mayor may authorize any administrative officer who is subject to the mayor's direction and supervision to exercise these powers with respect to subordinates in officer's department, office or agency.
  - (3) Direct and supervise the administration of all departments, offices and agencies of the City government, except as otherwise provided by this Charter.
  - (4) Prepare and submit the annual budget and five (5) year capital budget to the council.
  - (5) Submit to the council and make available to the public, within sixty (60) days after the end of the fiscal year, a complete report on the finances and administrative activities of the City as of the end of each fiscal year.
  - (6) Make such other reports as the council may reasonably request to enable the council to conduct its councilmanic function.
  - (7) Perform such other duties as are specified in this Charter or may be required by the council, not inconsistent with this Charter.

### **Section 3-06. Forfeiture of Office**

The office of mayor shall be forfeited if during the term of office the officeholder:

- (1) Lacks any qualification for the office prescribed by this Charter,
- (2) Is convicted of a felony under state or federal law, or
- (3) Violates an express prohibition of this Charter.

### **Section 3-07. Vacancies**

- A. The office mayor shall become vacant upon death, resignation, removal from office in any manner authorized by law, forfeiture of office, or failure to take office.

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- B. A vacancy in the office of mayor shall be filled by appointment of a person meeting the qualifications for the office by a majority vote of the authorized membership of the council. If ~~one (1) year~~ **or less than (18) months** 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 **(18) eighteen months** ~~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 an election called by the council for that purpose. The council, within ~~fifteen (15)~~ **twenty (20)** days after the vacancy occurs, shall issue a proclamation ordering the election to fill the vacancy. The 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 council does not make an appointment as required by this section within thirty (30) days, the appointment shall be made by the governor. If an election is required and the council fails to issue the proclamation within ~~fifteen (15)~~ **twenty (20)** days after the vacancy occurs, the governor shall issue the proclamation.

### **Section 3-08. Mayor's Temporary Absence**

- A. Whenever the mayor is absent from and unavailable to the City, the powers and duties of the office of mayor shall be exercised by a department head designated by the mayor. The mayor shall file the name of the person so designated with the clerk of the council. In the absence of such a filing, the department head shall be designated by the chairman of the council.
- B. When the mayor expects to be absent from and unavailable to the City for more than seventy-two (72) consecutive hours, the mayor shall notify the clerk of the council in writing of the expected duration of the absence.
- C. If a temporary absence of the mayor extends to more than thirty (30) consecutive days, the office shall become vacant and shall be filled in accordance with Section 3-07 (Vacancies), except that the council may authorize a longer absence not to exceed a total of sixty (60) consecutive days.

### **Section 3-09. Mayor's Disability**

- A. Whenever the mayor transmits to the clerk of the council a written declaration stating inability to discharge the powers and duties of the office, and until the mayor transmits to the clerk of the council a written declaration to the contrary, the office of mayor shall be filled in the same manner as in Section 3-08(A).
- B. Whenever a panel of three (3) qualified medical experts, designated by resolution adopted by the favorable vote of at least a majority of the authorized membership of the council, transmits to the clerk of the council its written declaration that the mayor is unable to discharge the powers and duties of the office, the office of mayor shall be filled in the same manner as in Section 3-08(A), except that the council shall designate the department head to serve as acting mayor in the event of the failure or inability of the mayor to make such a designation. The person filling the office shall serve until a panel of three (3) qualified medical experts, designated by resolution adopted by the favorable vote of at least a majority of the authorized membership of the council, transmits to the clerk of the council its written declaration that the mayor's inability has ended. The medical experts shall review the mayor's disability at least once every three (3) months until such time as it has been determined that the disability has ended.
- C. Should the mayor be unable to discharge the powers and duties of the office for a period exceeding six (6) consecutive months, the council shall have the authority upon the favorable vote of at least a majority of its authorized membership to declare the office of the mayor vacant due to disability, provided, however, that the council shall hold a public hearing on the issue prior to any such declaration.

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### **Section 3-10. Prohibitions**

- A. The mayor shall be a full-time official and shall hold no other elected public office nor any compensated appointive office or employment of the City government or any of its political subdivisions during the term of office for which elected and shall hold no compensated appointive office or employment of the City government until ~~one (1) year~~ two (2) years after expiration of the term for which elected. The mayor shall not engage in any activity unrelated to City government business that would interfere with or detract from the performance of duties as mayor.
- B. Nothing in this section shall prohibit the mayor from serving as an elected member of a political party committee, Charter Commission or constitutional convention. Nothing in this section shall prohibit a former Mayor from appointment by the Council to a vacancy pursuant to Sections 2-04 or 3-07.

### **Section 3-11. Office of the Mayor**

The office of the mayor shall be located in the City Hall.

## **ARTICLE IV. ADMINISTRATION**

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

- A. Except as otherwise provided by this Charter all departments, offices and agencies of the City and all employees thereof shall be under the direction and supervision of the mayor. The mayor shall have the authority, subject to council approval, to appoint all directors of departments in the executive branch created by this Charter.
- B. The salaries of the directors of the departments appointed by the mayor shall be set by the mayor subject to approval by the council by adoption of the operating budget.

### **Section 4-02. Legal Department**

- A. The head of the legal department shall be the City attorney who shall be appointed by the mayor subject to the approval of the council. The City attorney shall be appointed for a term concurrent with that of the mayor. The mayor may dismiss the City attorney during the term of the appointment subject to approval by the council.
- B. The City attorney shall be an attorney licensed to practice in the courts of Louisiana and shall have at least ~~at least~~ three (3) years continuous practice of law in Louisiana ~~and shall have a law practice in the City of Sulphur.~~
- C. The City attorney shall serve as chief legal advisor to the mayor, council and all departments, offices and agencies, shall represent the City government in all legal proceedings, and shall perform such other duties prescribed by this Charter or by ordinance.
- D. Any assistant City attorneys shall be appointed by the mayor subject to approval by the council.
- E. No special legal counsel shall be employed by the mayor except by written legal contract subject to prior approval by the council.

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

- A. The head of the department of finance shall be the director of finance.
- B. The director of finance, at the time of appointment, shall have at least a bachelor's degree in business administration, accounting, public administration or a related field from an accredited college or university,

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and at least two (2) years experience in a responsible managerial or administrative fiscal position OR five (5) years experience in a responsible managerial or administrative fiscal position.

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

- (1) Collection (except where specifically otherwise provided for by law) and custody of all monies of the City government from whatever source.
- (2) Assistance to the mayor in the preparation of the annual operating budget and capital improvement budget.
- (3) Maintenance of a record of indebtedness and the payment of the principal and interest on such indebtedness.
- (4) Ascertaining that funds are available for payment of all contracts, purchase orders and any other documents which incur financial obligation for the City government, and that such documents are in accordance with established procedures.
- (5) Disbursement of all funds from the City treasury.
- (6) Administration of a uniform central accounting system for all City departments, offices and agencies, using nationally accepted standards where applicable.
- (7) Preparation of a monthly statement of revenues and expenditures which shall be completed and made available for public inspection not later than twenty (20) days after the end of each month.
- (8) Procurement of all personal property, materials, supplies and services required by the City government under a central purchasing system for all departments, offices and agencies in accordance with applicable state law, council policy and administrative requirements.
- (9) Preparation of all intergovernmental grant applications on behalf of the City government and informing departments, offices and agencies of all relevant local, state and federal programs.
- (10) Maintenance of an inventory of all property, real and personal.
- (11) Investment of idle funds, as permitted by law, so as to receive the maximum rate of return.
- (12) Provide general administrative services.
- (13) Other actions as may be directed by the mayor.

#### **Section 4-04. Public Works Department**

A. The head of the public works department shall be the director of public works.

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

B. The Director of Public Works shall direct and be responsible for the following activities:

- (1) Engineering services for all City departments and agencies.
- (2) Supervision of all contract construction work.
- (3) Maintenance of City property.
- (4) Construction and maintenance performed by the City government of roads, sidewalks, bridges, drainage facilities.
- (5) Garbage and trash collection and disposal.

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- (6) Operation of a central facility for the repair and maintenance of City government vehicles and equipment.
  - (7) Operation and maintenance of water and sewer plants and systems.
  - (8) As the Land Use Administrator perform the following duties, to-wit:
    - (a) To receive and review, or cause to have reviewed, applications for development approval;
    - (b) To issue permits pursuant to the provisions of Ordinance No. 541, M-C Series;
    - (c) To perform such other duties as required by Ordinance No. 541, M-C Series;
    - (d) To maintain the Official Land Use District Map;
    - (e) To issue land use certificates and render interpretations of Ordinance No. 541, M-C Series;
  - (9) Other such activities as may be directed by the Mayor.

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

- ~~A. The personnel policy and rules in effect in the City at the time this Charter becomes effective shall continue in effect until amended by the council or as they may conflict with this Charter.~~
- ~~B. The director of finance shall serve as personnel officer until such time as the mayor, upon approval of the council, appoints another person to the office. The personnel officer shall:
  - ~~(1) Prepare, administer and recommend changes in such personnel rules and regulations as may be necessary or desirable for carrying out provisions of this Charter.~~
  - ~~(2) Prepare, install and maintain a uniform classification and pay plan for all positions in the classified service.~~
  - ~~(3) Perform such other duties and functions as may be directed by the mayor.~~~~
- ~~C. Any person holding a full time appointive position in the City government when this Charter takes effect, who served in that position at the time the Charter was adopted by the electors of the City, and at least one (1) year prior thereto, shall continue in the same or a comparable position without a reduction in compensation, but shall be subject in all other respects to this section.~~

#### **Section 4-056. Police Department**

- A. The head of the Police Department shall be the police chief who shall be appointed by the mayor, subject to confirmation by the council, in accordance with applicable state law.
- B. The police chief shall direct and be responsible for the preservation of public peace and order; prevention of crime; apprehension of criminals; assistance to the courts and other law enforcement officials; the enforcement of the laws of the state and the ordinances of the council.
- C. The police chief shall direct and be responsible for the operation of Animal Control.

#### **Section 4-067. Fire Department**

- A. The head of the fire department shall be the fire chief who shall be appointed by the mayor, subject to confirmation by the council, in accordance with applicable state law.
- B. The fire chief shall direct and be responsible for fire prevention; fire extinguishments and salvage operations; inspection and recommendations concerning the fire code of the City; investigations of fires and their causes; and the conduct of the fire safety and prevention programs.

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#### **Section 4.078. Department of Human Resources**

- A. The head of the Human Resources Department shall be the Director of Human Resources.
- B. The Director of Human Resources, at the time of appointment, shall have at least a bachelor's degree from a four-year college or university in the area of business administration or related field, and four or more years related experience in public sector human resources management, or equivalent combination of education and experience.
- C. The Director of Human Resources shall direct and be responsible for the following duties:
  - (1) Develops policy and directs and coordinates human resources activities, such as employment, compensation, labor relations, benefits, training and employee services.
  - (2) Analyzes wage and salary reports and data to determine competitive compensation plan.
  - (3) Prepares personnel forecast to project employment needs and assist with annual budget process.
  - (4) Writes directives advising department heads of City policy regarding equal employment opportunities, compensation, and employee benefits.
  - (5) Consults legal counsel to ensure that policies comply with federal and state law.
  - (6) Develops and maintains a human resources system that meets management information needs.
  - (7) Oversees the analysis, maintenance, and communication of records required by law or local governing bodies, or other departments in the City government.
  - (8) Assists in negotiating collective bargaining agreements.
  - (9) Writes and delivers presentations to government officials regarding human resources policies and practices.
  - (10) Handles and resolves day to day employee issue[s] and complaints.
  - (11) Administers human resources policies and procedures for employees, supervisors, department heads and general public.
  - (12) Administer employee retirement and insurance programs.
  - (13) Supervises other employees in the Human Resources Department.
  - (14) Carries out supervisory responsibilities in accordance with the City's policies and applicable laws such as interviewing, hiring, and training employees; planning, assigning, and directing work; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems.
  - (15) Other actions as may be directed by the Mayor.

#### **Section 4-089. Department of Information Technology**

- A. The head of the Information Technology Department is the Information Technology Director.
- B. The Director of Information Technology, at the time of appointment, shall have at least a Bachelor's degree from a four-year college or university in Computer Science, Information Technology or related field; or High School Diploma and five years related experience and/or training in Information Technology; or equivalent combination of education and experience.
- C. The Director of Information Technology shall direct and be responsible for the following duties:
  - (1) Direct and coordinate development and production activities of computerized management Information Technology Department by performing duties personally or through Information Technology staff.
  - (2) Provide leadership, vision, and management to the Information Technology Department.

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- (3) Hold departmental meetings to review strategic goals and initiatives.
  - (4) Assist in recruiting, hiring, and providing appropriate training for Information Technology staff.
  - (5) Oversee the development, design, and implementation of new applications and changes to existing computer systems and software packages.
  - (6) Accomplishes financial objectives by forecasting requirements, preparing an annual budget, scheduling expenditures.
  - (7) Maintain the integrity and continual operation of the Information Technology network including wireless networks.
  - (8) Ensure the continual functioning of mission critical operations.
  - (9) Maintain security and privacy of the information systems, communication lines, and equipment.
  - (10) Maintains professional and technical knowledge by attending educational workshops.
  - (11) Consults with department heads to analyze computer systems needs for department information and functional operations, to determine scope and priorities of projects, and to discuss system capacity and equipment acquisitions.
  - (12) Recommends and develops plans for systems development and operations, hardware and software purchases, budget, and staffing.
  - (13) Manages the development, implementation, installation and operation of information and functional systems for the organization.
  - (14) Develops, implements, and monitors management information technology policies and controls to ensure data accuracy, security, and legal and regulatory compliance.
  - (15) Negotiates and contracts with consultants, technical personnel, and vendors for services and products.
  - (16) Provides support to end users in the selection, procurement, usage and maintenance of software programs and hardware.
  - (17) Manages computer operation scheduling, backup, storage, and retrieval functions.
  - (18) Reviews reports of computer and peripheral equipment production, malfunction, and maintenance to determine costs and impact, and address problems.
  - (19) Develops, maintains, and tests disaster recovery plans.
  - (20) Other actions as may be directed by the Mayor.

#### **Section 4-910. Department of Municipal Services**

- A. The head of the Municipal Services Department is the Director of Municipal Services.
- B. The Director of Municipal Services shall direct and be responsible for the following duties:
  - (1) Direction, coordination, and supervision of city utility billing operations, the processing and billing of occupational license taxes, permit issuance, property standards, ordinance enforcement, and inspections.
  - (2) Supervision of the Chief Building Official, who shall be responsible for the enforcement of any zoning ordinances and building, housing and other technical codes.
  - (3) Supervision of the Office of Ordinance Enforcement and the Ordinance Enforcement Officer.

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### **Section 4-1011. Other Departments**

Except as otherwise provided by this Charter, all City government departments, offices, agencies and functions in existence on the effective date of this Charter shall continue in existence as organized on that date until reorganized in accordance with Section 4-1112 (Administrative Reorganization).

### **Section 4-1112. Administrative Reorganization**

- A. The mayor may propose to the council the creation, change, alteration, consolidation or abolition of City departments, offices and agencies and/or the reallocation of the functions, powers, duties and responsibilities of such departments, offices or agencies, including those provided for in this Charter.
- B. Upon receipt of the mayor's proposed plan of reorganization, the presiding officer of the council shall cause to be introduced an ordinance to implement the proposed reorganization plan. The ordinance shall follow the same procedure as provided in Section 2-12 (Ordinances in General) and Section 2-13 (Submission of Ordinances to the Mayor) of this Charter, except that upon failure of the council to adopt or reject the ordinance within sixty (60) days following its introduction, the ordinance shall become effective without council action.

## **ARTICLE V. FINANCIAL PROCEDURES**

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

The fiscal year of the City government shall be July 1 through June 30, subject to change by ordinance by the council.

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

- A. At least sixty (60) days prior to the beginning of the fiscal year, the mayor shall submit to the council a proposed operating budget in the form required by this Charter. At the meeting of the council at which the operating budget is submitted, the council shall order a public hearing on it and shall cause to be published in the official journal at least ten (10) days prior to the date of such hearing the time and place of the hearing, a general summary of the proposed budget and the times and places where copies of the proposed budget are available for public inspection. At the time and place so advertised, the council shall hold a public hearing on the budget as submitted. Changes in the proposed operating budget by the council shall be by the favorable vote of at least a majority of the membership of the council. The budget shall be finally adopted not later than fifteen (15) days prior to the end of the current fiscal year. Upon final adoption, the budget shall be in effect for the budget year and copies shall be filed with the clerk of the council. The budget as finally adopted shall be reproduced and sufficient copies shall be made available for use by all offices, departments and agencies of the City government. Copies shall be available for public use in the office of the clerk and additional copies may be purchased at cost.
- B. Upon failure of the council to adopt a budget prior to the end of the current fiscal year, the budget as proposed by the mayor shall become effective.



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## Section 5-03. The Operating Budget Document

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

Part I shall contain: (1) a budget message, prepared by the mayor, which shall outline the proposed fiscal plan for the City government and describe significant features of the budget for the forthcoming fiscal period; and (2) a general budget summary which, with supporting schedules, shall show the relationship between total proposed expenditures and total anticipated revenues for the forthcoming fiscal period and which shall compare these figures with corresponding actual figures for the last completed fiscal year and estimated figures for the year in progress.

Part II shall contain: (1) detailed estimates of all proposed expenditures, showing the corresponding estimated expenditures for each item for the current fiscal year and actual figures for the last preceding fiscal year with explanations of increases or decreases recommended related to performance standards or workload measurements, to the extent of availability of such information; (2) manning or organizational tables for each of the departments, agencies or programs; (3) detailed estimates of all anticipated revenues and other income, showing the corresponding estimated revenue or income for each item for the current fiscal year and actual figures for the last preceding fiscal year with explanations of increases or decreases; (4) percentage collectible; (5) statement of the indebtedness of the City government, showing debt redemption and interest requirements, debt authorized and unissued, and conditions of the sinking funds; and (6) such other information as may be requested by the council. The total of proposed expenditures shall not exceed the total of estimated revenues.

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

## Section 5-04. Amendments to Operating Budget

- A. *Supplemental Appropriations:* If during the fiscal year the mayor certifies that there are available for appropriation revenues in excess of those estimated in the operating budget, the mayor may present a supplemental budget for the disposition of such revenues, and the council by ordinance may make supplemental appropriations for the year up to the amount of such excess in the same manner required for adoption of the budget.
- B. *Emergency Appropriations:* To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations shall be made by emergency ordinance in accordance with the provisions of this Charter. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by such emergency ordinance borrow money in sums necessary to meet the emergency. The repayment of such sums shall be a fixed charge upon the revenues of the fiscal year next following the fiscal year in which the sums are borrowed.
- C. *Reduction of Appropriations:* If at any time during the fiscal year it appears to the mayor that the revenues available will be insufficient to meet the amount appropriated, the mayor shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken and recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent a deficit, and if it fails to adopt a plan to eliminate the deficit the Mayor shall instruct department heads to take actions needed to resolve the deficit.
- D. ~~*Reduction:*~~ Subject to the limitations in Subsection F of this section, the council may, by ordinance, reduce any appropriation at any time.
- E. *Transfer of Appropriations:* At any time during the fiscal year the mayor may transfer part or all of any unencumbered appropriation within programs or functions. An unencumbered appropriation balance may be

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transferred from one department, office or agency to another or from one program or function to another only upon council action by ordinance.

- F. *Limitations:* No appropriation for debt service may be reduced or transferred and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof.

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

- A. Each year, no later than the time of submission of the operating budget for the ensuing fiscal year, the mayor shall prepare and submit to the council a capital improvement budget covering a period of at least five (5) years. The amount indicated to be spent during the first year of the capital improvement budget shall be the capital budget for that year.
- B. The capital budget shall include:
- (1) A clear general summary of its contents.
  - (2) A list of all capital improvements and acquisitions which are proposed to be undertaken for at least the five (5) fiscal years next ensuing with appropriate supporting information as to the necessity for such improvements and acquisitions.
  - (3) Cost estimates, method of financing and recommended time schedules for each such improvement or acquisition.
  - (4) The estimated annual cost of operating and maintaining the capital improvement to be constructed or acquired.

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

- C. At the meeting of the council at which the capital improvement budget is submitted, the council shall order a public hearing on such capital improvement budget and shall cause to be published in the official journal, at least ten (10) days prior to the date of such hearing, the time and place of the hearing, a general summary of the proposed capital improvement budget and the times and places where copies of the proposed capital improvement budget are available for public inspection. At the time and place so advertised, the council shall hold a public hearing on the capital improvement budget as submitted. Changes in the proposed capital improvement budget by the council shall be by the favorable vote of at least a majority of the membership of the council. The capital improvement budget shall be finally adopted not later than fifteen (15) days prior to the end of the current fiscal year. The capital improvement budget as finally adopted shall be reproduced and sufficient copies shall be made available for use by all offices, departments and agencies of the City government. Copies shall be available for public use in the office of the clerk of the council and additional copies may be purchased at cost.
- D. Amendments to the finally adopted capital improvement budget shall be by ordinance in accordance with provisions of this Charter relative to ordinances.

### **Section 5-06. Administration of Operating and Capital Budgets**

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

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made such payment or incurred such obligation or who caused such payment to be authorized or made or obligation to be incurred. Such persons shall also be liable to the City government for any amount so paid.

- B. Nothing in this Charter shall be construed so as to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is authorized by ordinance, except that contracts for services not covered by the public bid law shall be for a period not to exceed three (3) years.
- C. Deficit spending is prohibited except for emergencies as provided in Section 5-04 B (Emergency Appropriations).

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

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

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

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

### **Section 5-09. Electronic signature and/or Facsimile signatures**

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

### **Section 5-10. Purchasing**

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

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

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

The electors of the City shall have the power, except as herein restricted, to propose to the council passage or repeal of ordinances and to vote on the question if the council refuses action. This power shall not extend to the proposing or repealing of ordinances making or reducing the appropriation of money, to the repeal or reduction of the levy of any taxes or to change the salaries of City government officers or employees. The initiative power shall be exercised in the following manner:

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- (1) The person or persons proposing the exercise of this power shall submit the proposal to the council which shall specify within thirty (30) days a form of petition for circulation in one (1) or multiple copies as the proposer may desire. The petition shall contain the full text of the proposed ordinance.
  - (2) Within sixty (60) days after the form of the petition shall have been specified, the person or persons circulating the petition shall obtain the signatures of at least ten (10) percent of the total registered voters of the City. There shall be noted after each signature on the petition the date signed and the address of the signer. Each person circulating a copy of the petition shall attach a sworn affidavit to it stating the number of signers and the fact that each signature was made in the presence of the circulator of the petition.
  - (3) The signed petition shall be filed with the council within sixty (60) days of the specification of the form of the petition and, upon filing, the council shall order a canvass of the signatures through the office of the registrar of voters to determine their sufficiency and authenticity. The council's canvass shall be completed within thirty (30) days. If the number of signatures is insufficient or the petition is deficient as to form or compliance with this section, the council shall notify the person or persons filing the petition of such sufficiency or deficiency and allow thirty (30) days for filing of additional papers, at the end of which time the sufficiency and correctness of the petition shall be determined finally.
  - (4) Within thirty (30) days after a petition shall have been certified as sufficient and correct by the council, the council shall cause the proposed ordinance, and a summary thereof, to be published in the official journal of the City government at least once together with a notice of the date, time and place when and where it will be given a public hearing and be considered for passage, which notice shall appear at least seven (7) days prior to the time advertised for the hearing. At the time and place so advertised the council shall hold a public hearing. Subsequent to such hearing, the council shall either:
    - (a) Adopt the proposed ordinance submitted in an initiative petition, without substantive amendments, or effect the repeal referred to by such petition, or
    - (b) Determine to submit the proposal to the electors
  - (5) If the council adopts an ordinance following the submission of an initiatory petition as provided above, it shall not amend or repeal the ordinance by its own action within one (1) year following the date of submission of the petition proposing the ordinance, but it may submit proposals amending or repealing such ordinances to a vote of the electors. After the expiration of one (1) year, the ordinance may be amended or repealed as any other ordinance.
  - (6) If an initiative ordinance is submitted to a vote of the electors as provided in Section 6-01(4) above, the election shall take place ~~at the first election already scheduled for other purposes which occurs at least thirty (30) days after the date the council proposes to submit the proposal to the electors in accordance with applicable state law.~~ at the first election already scheduled for other purposes which occurs at least thirty (30) days after the date the council proposes to submit the proposal to the electors in accordance with applicable state law. The results shall be determined by a majority vote of the electors voting on the proposal.
  - (7) If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
  - (8) An ordinance adopted by the electorate through the initiative process shall not be amended or repealed by council action for a period of one (1) year after the election at which it was adopted, but thereafter it may be amended or repealed as any other ordinance.
  - (9) Ordinances adopted through the initiative process shall not be subject to veto by the mayor.

## **Section 6-02. Recall**

- A. Any elected official of the City government may be removed from office by the electors of the area from which elected through a recall procedure which shall be the same as is provided in the general laws of the state.

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

### **Section 6-03. Removal by Suit**

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

## **ARTICLE VII. GENERAL PROVISIONS**

### **Section 7-01. Legal Process**

Legal process against the City government shall be served upon the mayor or in his absence upon the presiding officer of the council.

### **Section 7-02. Code of Ethics**

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

### **Section 7-03. Amending or Repealing the Charter.**

- A. Proposals to amend or repeal this Charter may be made by a two-thirds ( $\frac{2}{3}$ ) vote of the council membership or by petition signed by not less than twenty (20) percent of the total number of registered voters of the City. A petition shall contain the full text of the proposed amendment or amendments. The procedures and time limits for filing such a petition shall be the same as for an initiative ordinance as provided in Section 6-01(1), (2), and (3).
- B. Within thirty (30) days after a petition shall have been certified as sufficient and correct by the council, the council shall cause the amendment or amendments being proposed, and summaries thereof, to be published in the official journal of the City.
- C. Proposals to amend or repeal this Charter shall be submitted for ratification to the qualified electors of the City at an election already authorized for other purposes or at a special election called for the purpose of considering proposed Charter amendments. The results shall be determined by a majority vote of the electors voting on any particular proposal.
- D. Proposals by the council and by petition may be submitted to the voters at the same election and voters may, at their option, accept or reject any or all such proposals. Should conflicting proposals be approved at the same election, the one receiving the greater number of affirmative votes shall prevail to the extent of such conflict.
- E. Upon passage or rejection of a proposal by the voters, at least one (1) year shall lapse before the same issued can again be submitted to the voters.
- F. Except as provided in Section 8-07 (Severability) and Section 8-08 (Violation of Civil Rights Act), no proposal to amend or repeal this Charter shall be submitted during the first one (1) year of operations under this Charter. No amendment or repeal shall shorten the term for which any incumbent official was elected or reduce the salary of the office for that term.

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

The director of finance and such other City government officers or employees as the council may designate shall give bond in the amount and with the surety prescribed by the council. The premiums on such bonds shall be paid by the City government.

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

All elected officials of the City government shall take an oath of office to be administered by any qualified person.

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

- A. The council, by resolution, and the mayor may appoint advisory boards and commissions to provide advice regarding the operations of City services or other activities. No such board or commission shall exercise any administrative or legislative responsibility.
- B. A member of an advisory board or commission shall receive no compensation for service and shall serve at the pleasure of the appointing authority.
- C. Members of all existing boards and commissions shall complete their terms of office, except as may be provided by this Charter or by action of the council.
- D. All meetings of advisory boards and commissions shall be open to the public.
- E. This section shall not apply to a board or commission created by ordinance or in accordance with general state law.

## **Section 7-07. Reconstitution of Government**

In the event of war or public disaster that incapacitates the mayor and/or a majority of the council, the remaining members of the council may act on an emergency basis and shall appoint such other officials as are necessary to reconstitute the City government. 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 it is judicially determined that conditions permit their being held.

## **Section 7-08. Control Over Local Agencies and Special Districts**

- A. The council shall have general power over any agency or special district heretofore created by the governing authority of the City of Sulphur or hereafter created by the council including, without limitation, the power to abolish the agency and require prior approval of any charge or tax levied or bond issued by the agency.
- B. The City government may consolidate and merge into itself any special district or local public agency situated and having jurisdiction entirely within the boundaries of the City. Upon the consolidation and merger, the City government shall succeed to and be vested with all of the rights, revenues, resources, jurisdiction, authority, and powers of the special district or local public agency. A consolidation and merger shall become effective only if approved by a majority of the electors voting thereon in the City as a whole and by a majority of the electors voting thereon in the affected special district. A local public agency shall be consolidated and merged only if approved by a majority of the electors voting thereon in the City as a whole.

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

## **ARTICLE VIII. TRANSITIONAL PROVISIONS**

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

- A. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, contracts, franchises, debt or other obligations due by the City of Sulphur, together with rights or causes of action, claims, demands, titles and rights existing on the effective date of this Charter shall continue unaffected. All sentences for punishment for ordinance violations or for crime shall be executed according to their terms.
- B. All actions, ordinances, and administrative rules and regulations of the City of Sulphur in force prior to the effective date of this Charter shall, insofar as they are not inconsistent with this Charter, remain in full force and effect until amended or repealed by the council or until they expire by their own limitation.

### **Section 8-02. Special Districts**

Any special district heretofore established and existing in the City of Sulphur 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 8-03. Fees, Charges and Tax Levies**

- A. Constitutional limitations on the maximum property tax millages that can be levied without voter approval shall continue to be applicable to the City.
- B. No special assessment for improvement shall be imposed on property owners until approval of property owners is obtained in accordance with applicable state law, or a written petition, including signatures of not less than sixty (60) percent of property owners of abutting real estate within limits of improvements, and not less than sixty (60) percent lineal frontage of abutting real estate owners within limits of improvements, has been presented to the City Council. Upon receipt of petition, the council shall have the petition published in the official journal three (3) times within fifteen (15) days. At any time on or before the tenth (10th) day following the last publication of the petition, property owners may withdraw or add their signatures to the petition at City Hall. The withdrawals and additions shall not necessitate the republication of the petition. Ten (10) days after final publication, the council shall call for the improvements by ordinance in compliance with state laws.
- C. All fees, charges and taxes levied by the City of Sulphur shall continue to be levied until changed by the council by ordinance or by a vote of the people when a vote is required.
- D. Receipts from fees, charges, rentals and royalties, taxes, federal and state grants, and shared revenues and taxes applicable to special districts shall be used only for services to be rendered in the district.
- E. The levy of property tax millages above the constitutional maximum previously approved by the voters of a special district shall continue to be levied by the City government and used only for the approved purposes. Such levies may be renewed upon the favorable vote of the electors within the geographical area involved.

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

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

### **Section 8-05. City Retirement System**

No pension or retirement systems of the City in existence at the time the Charter is approved shall be affected in any way by this Charter and shall remain in full force and effect and shall be carried out and regulated in accordance with applicable laws and procedures.

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

This Charter shall be liberally construed in aid of its declared intent which is to establish for the people of the City of Sulphur effective home rule free from legislative interference as to the structure and organization of its local government, and with the power and authority to manage its local affairs, all as contemplated and intended by the provisions of Article VI, Section 5, of the constitution.

### **Section 8-07. 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 8-08. Violation of Civil Rights Act**

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

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

The provisions of this Charter pertaining to the election of City government officials created hereunder shall become effective on the date this Charter is adopted. The remaining provisions of this Charter shall become effective on the date of taking of office of the newly elected officials provided for by this Charter, such date being established in Section 8-10 (Election of Officials).

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

- A. The first election for the officials provided for by this Charter shall be held in the primary and general elections in ~~April and May 1986~~ the Spring General election of 2026, and subsequent elections shall be held on corresponding dates every fourth year thereafter. Persons elected under the provisions of this Charter shall take office at noon on the first day of July or on the following day that is not a legal holiday, Saturday, or Sunday, that follows ~~on the first Tuesday following~~ certification of the results of the general election.
- B. All City officers elected under provisions of the system of government applicable to the City prior to the adoption of this Home Rule Charter shall continue to hold their offices and discharge the duties thereof until the officials elected under the provisions of this Charter have taken office. Thereafter, the offices of said City officers shall cease to exist.



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## Section 8-11. Required Approval By Electors

The Charter shall become effective ~~only if approved by majority of those voting on the Charter~~ upon approval of a majority of the registered voters for the City of Sulphur.

## Section 8-12. Charter Ballot

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

"Shall the revised and restated Home Rule Charter ~~and plan of government~~ for the City of Sulphur, prepared and submitted ~~for~~ by the duly constituted citizen Charter Commission according to Article VI, Section 5, of the Constitution of Louisiana and other applicable law, be adopted?"

\_\_\_\_\_ YES

\_\_\_\_\_ NO

## APPENDIX A. COUNCIL DISTRICTS

There is hereby established a 2021 reapportionment plan, as follows:

The five Sulphur City Council districts shall be comprised of the territory within each district as set forth herein:

*District 1.* The boundary description for District 1 is as follows:

Beginning at the northwest corporate boundary of the City of Sulphur, southerly to West Napoleon Street, westerly on West Napoleon Street to Kim Street, northerly on Kim Street to Southern Pacific Railroad, westerly along Southern Pacific Railroad to the west corporate boundary of the City of Sulphur, southerly along west corporate boundary of the City of Sulphur to West Napoleon Street, generally westerly, southerly, easterly, northerly, easterly, northwesterly to West Napoleon Street, easterly on West Napoleon Street to Kim Street, southerly on Kim Street to Sara Street, easterly on Sara Street to Picard Road, northerly on Picard Road to Southern Pacific Railroad, easterly along Southern Pacific Railroad to Lewis Street, northerly on Lewis Street to East Burton Street, easterly on East Burton Street to North Beglis Parkway, northerly on North Beglis Parkway to South Scott Drive, westerly on South Scott Drive to West Scott Drive, northerly on West Scott Drive to North Scott Drive, easterly on North Scott Drive to North Beglis Parkway, northerly on North Beglis Parkway to the north corporate boundary of the City of Sulphur, generally westerly along the north corporate boundary of the City of Sulphur to point of beginning.

*District 2.* The boundary description for District 2 is as follows:

Beginning at the intersection of Logan Street and Picard Road, southerly on Picard Road to I-10, westerly on I-10 to the western corporate boundary of the City of Sulphur, southerly on the west corporate boundary of the City of Sulphur, then easterly on the south corporate boundary of the City of Sulphur to Hwy. 1256, southerly on Hwy. 1256 to Clay Street, easterly on Clay Street following the eastern corporate boundary of the City of Sulphur, generally northerly, easterly, northerly, southwesterly to Hwy. 1256, northerly on Hwy. 1256, to Chennault Street, easterly on Chennault Street following the eastern corporate limits of the City of Sulphur, generally northeasterly to Stillwell Street, northerly on Stillwell Street following the eastern boundary of the City of Sulphur, generally westerly to Hwy. 1256, northerly on Hwy. 1256 to Patch Street, easterly on Patch Street to Allen Street, southerly on Allen Street following the corporate boundary of the City of Sulphur to McNair Street, westerly on McNair Street to Hwy. 1256, southerly on Hwy. 1256 to the south corporate boundary of the City of Sulphur, generally easterly, southerly, easterly to Wright Road, northerly on Wright Road following the corporate boundary of the City of Sulphur, generally easterly, southerly, easterly to Beglis

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Parkway, northerly on Beglis Parkway following the corporate boundary of the City of Sulphur, generally northwesterly to Wright Road, north on Wright Road to Patch Street, easterly on Patch Street to Broussard Road, northerly on Broussard Road following the corporate boundary of the City of Sulphur back to Patton Street, easterly on Patton Street, following the corporate boundary of the City of Sulphur generally southerly, westerly to Broussard Road, southerly on Broussard Road to Patton Street, westerly on Patton Street following the corporate boundary of the City of Sulphur to Patch Street, westerly on Patch Street following the corporate boundary of the City of Sulphur to Allen Street, northerly on Allen Street to I-10, easterly, southeasterly to South Beglis Parkway, northerly on South Beglis Parkway to Argin Street, westerly on Argin Street to Loretto Avenue, southerly on Loretto Avenue to Taylor Street, westerly on Taylor Street to Mathilda Drive, northerly on Mathilda Drive to Ginger Street, westerly on Ginger Street to East Kent Drive, northerly on East Kent Drive to Cypress Street, westerly on Cypress Street to point of beginning.

*District 3.* The boundary description for District 3 is as follows:

Beginning at the intersection of the north corporate boundary of the City of Sulphur and North Beglis Parkway, southerly on North Beglis Parkway to North Scott Drive, westerly on North Scott Drive to West Scott Drive, southerly on West Scott Drive to South Scott Drive, easterly on South Scott Drive to North Beglis Parkway, southerly on North Beglis Parkway to East Burton Street, westerly on East Burton Street to Lewis Street, southerly on Lewis Street to Southern Pacific Railroad, westerly on Southern Pacific Railroad to Picard Road, southerly on Picard Road to Logan Street, easterly on Logan Street to Cypress Street, easterly on Cypress Street to East Kent Drive, southerly on East Kent Drive to Ginger Street, easterly on Ginger Street to Mathilda Drive, southerly on Mathilda Drive to Taylor Street, easterly on Taylor Street to Loretto Avenue, northerly on Loretto Avenue to Argin Street, easterly on Argin Street to Beglis Parkway, southerly on Beglis Parkway to south corporate boundary of the City of Sulphur, generally easterly, northerly, easterly to Post Oak Road, northerly on Post Oak Road to Maplewood Drive, westerly on Maplewood Drive to Louisiana Avenue, northwesterly on Louisiana Avenue to Georgia Street, easterly on Georgia Street to Arkansas Street, southeasterly on Arkansas Street to Post Oak Road, northerly on Post Oak Road to Napoleon Street, easterly on Napoleon Street to eastern boundary of the City of Sulphur, generally northeasterly, westerly, northerly, westerly to point of beginning.

*District 4.* The boundary description for District 4 is as follows:

Beginning at the intersection of Napoleon Street and Post Oak Road, southerly on Post Oak Road to Arkansas Street, northwesterly on Arkansas Street to Georgia Street, westerly on Georgia Street to Louisiana Avenue, southeasterly on Louisiana Avenue to Maplewood Drive, easterly on Maplewood Drive to Post Oak Road, southerly on Post Oak Road to I-10, easterly on I-10 to Hazel Street, northerly on Hazel Street to the northern corporate boundary of the City of Sulphur, generally westerly, northerly to East Napoleon Street, westerly on East Napoleon Street following the corporate boundary of the City of Sulphur to point of beginning.

*District 5.* The boundary description for District 5 is as follows:

Beginning at the intersection of the north corporate boundary of the City of Sulphur and Hazel Street, southerly on Hazel Street to the south corporate boundary of the City of Sulphur, generally southwestly, southerly, easterly, northerly, easterly, northerly to I-10, easterly on I-10 following the corporate boundary of the City of Sulphur, generally southerly, easterly to Cities Service Hwy., northerly on Cities Service Hwy. to the south corporate boundary of the City of Sulphur, then northeasterly along the east corporate boundary of the City of Sulphur to Maplewood Drive, easterly on Maplewood Drive to the east corporate boundary of the City of Sulphur, generally northwesterly to East Napoleon Street, easterly on East Napoleon Street to the east boundary of the City of Sulphur, generally northwesterly, northeasterly to the north corporate boundary of the City of Sulphur, westerly on the north corporate boundary of the City of Sulphur to the west corporate boundary of the City of Sulphur, southerly on the west corporate boundary of the City of Sulphur to Southern Pacific Railroad, westerly on Southern Pacific Railroad to the west corporate boundary of the City of Sulphur,

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then southerly on the west corporate boundary of the City of Sulphur to the north corporate boundary of the City of Sulphur, then westerly along the north corporate boundary