

# HOME RULE CHARTER

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**CITY OF KENNER**

**JEFFERSON PARISH, LOUISIANA**

Through November 6, 2012 Election  
Printed January 28, 2013

THE CHARTER OF  
THE CITY OF KENNER, LOUISIANA

PREAMBLE

We, the people of the City of Kenner, in order to secure the benefits of self-rule for ourselves and our posterity do ordain and establish this Home Rule Charter pursuant to Section 40 of Article XIV of the Constitution of the State of Louisiana.

ARTICLE I

INCORPORATION - FORM OF GOVERNMENT - BOUNDARIES - POWERS

Incorporation

Section 1.01. The inhabitants of the City of Kenner, within the corporate limits as now established by law shall be and continue as a body politic and corporate in perpetuity, under the name of the “City of Kenner,” hereinafter referred to as the “City.” By that name, it shall have perpetual succession and enjoy all the powers hereinafter recited.

Form of Government

Section 1.02. The City government provided by this Charter shall be known as the Mayor-Council form of government. It shall consist of an elected Council which shall constitute the legislative branch of government and an elected Mayor who shall be the Chief Executive Officer of the government.

## Boundaries

Section 1.03. The boundaries of the City shall be those set forth in the Proclamation of the Government of the State of Louisiana, dated December 13, 1913. Changes in the City boundaries shall be made in accordance with applicable state law.

## Powers

Section 1.04. The City shall have, and may exercise to the same extent as if herein repeated, all rights, powers, privileges and immunities which the City presently has and those which are now, or hereinafter become, possible for a City to have under the Constitution and laws of this State as fully and completely as though they were specifically enumerated in this Charter, except as expressly modified or changed herein, and the City shall also have, expressly or impliedly, all right, power, and authority to adopt and enforce local police, sanitary and similar regulations, and to do and perform all other acts pertaining to its local affairs, property and government, which are necessary, proper or desirable in the legitimate exercise of its corporate powers and municipal functions in promoting the general welfare of its inhabitants. The powers of the City under this Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in this Charter shall not be construed as limiting in any way the general powers stated herein.

## Joint Service Agreements and Cooperative Efforts

Section 1.05. The City is authorized to enter into joint service agreements or cooperative efforts with other governmental agencies.

## Apolitical Workforce

Section 1.06 The nonelected employees in the employment of the City of Kenner shall not participate in any political activity on behalf of any city candidate in the City of Kenner elections.

## ARTICLE II. THE COUNCIL

### Legislative Powers

Section 2.01. All legislative authority of the City shall be vested in the Council and exercised by it in the manner and subject to the limitations hereafter set forth in this Charter.

### Election, Size and Term

Section 2.02. The Council shall consist of seven (7) members. Two (2) members, to be known as Councilmen-at-Large, shall be nominated and elected by the qualified electors of the entire City. There shall be designated amongst the Councilmen-at-Large Division A and Division B. Such divisions shall be for the sole purpose of nomination and election of Councilmen-at-Large. Of the initial Councilman-at-Large to be elected under the provisions of this section, the Councilman-at-Large with the longest continuous service in the position shall preside over Division "A", and the Councilman-at-Large with the shortest continuous service in the position shall preside over Division B. The successor to any Councilman-at-Large shall preside over the same division as his predecessor. A candidate for the office of Councilman-at-Large shall, at the time of his filing as a candidate, designate the one division of the Council for which he is a candidate. The voters of the municipality shall elect one Councilman from among the candidates for each division of the Council. (Resolution

No. B-12496 adopted July 6, 1995 – Election held on 11/18/95) The remaining five (5) members, to be known as District Councilmen, shall be nominated and elected by the qualified electors of their respective Councilmanic Districts. All Councilmen shall be elected in accordance with the election laws of the State for a four-year (4) term concurrent with that of the Mayor.

All Council members shall be limited to two (2) consecutive full terms in the office to which they were elected exclusive of any partial term created by vacancy. This two (2)-term limitation shall apply commencing with the terms which begin in 1998. (Resolution No. B-12496 adopted July 6, 1995 – Special Election held on 11/18/95)

Section 2.02.01.

A. Notwithstanding the imposition of a two (2) year term limitation, an incumbent elected official in his second or any successive term may present a petition to waive the term limitation signed by the number of electors of the voting area as will in number equal not less than thirty-three and one-third (33 1/3%) percent of the number of the total electors of the voting area which the elective office represents.

B. Prior to the entering of any signature on a petition, the person designated to represent the petitioners shall file a copy of the petition which will be used with the Registrar of Voters of Jefferson Parish. The petition shall be deemed filed on the date received by the said Registrar. Thereafter, the signed and dated petition shall be submitted to the Registrar not later than one hundred eighty (180) days from the initial filing of the unsigned petition with the Registrar.

C. The initial filing of the unsigned petition with the Registrar of Voters shall be no more than one (1) year from the first date of qualification for the elective office,

nor less than ten (10) months prior thereto.

D. Each elector, at the time of signing the petition, shall enter his address and the date on which he signed beside or underneath his signature; however, if a person is unable to write as provided in R.S. 18:1300.4, the two witnesses shall date their signature. In addition, each petition shall be in compliance with the provisions of R.S. 18:3. In determining the number of qualified electors who signed the petition, the Registrar of Voters shall not count any signature which is undated or bears a date prior to the date on which the copy of the petition initially was filed with his office or after the last day hereinabove set forth for submission of the petition to his office. The Registrar of Voters shall not receive or certify a petition submitted to him for certification unless it is submitted to him timely. (Resolution No. B-12496 adopted July 6, 1995 – Special Election held on 11/18/95)

Section 2.02.02. In the event that term limits are imposed upon the Kenner Council, then the divisions of Councilmen-at-Large shall be deemed to be the same office for the purposes of such term limits. (Resolution No. B-12496 adopted July 6, 1995 – Special Election held on 11/18/95)

## Councilmanic Districts

Section 2.03. The City shall be divided into five (5) Councilmanic Districts. Each district shall serve as the basis for electing a District Councilman. Each Councilmanic District shall contain as nearly as possible the population factor obtained by dividing by five (5) the City's population as shown by the current United States decennial census, or other more recent duly authorized census; provided, however, that no two (2) districts shall differ in population by more than ten percent (10%). Councilmanic Districts shall be formed of compact, contiguous territory, as nearly rectangular as possible.

## Redistricting

Section 2.04. Within three (3) months after the official publication by the United States of the population of the City, as enumerated in each United States decennial census, it shall be the mandatory duty of the Council to redistrict the City by ordinance. If the Council shall have failed to redistrict the City within the time herein provided, the members of the Council shall forever forfeit any further salaries and the Director of Finance shall not issue checks for such salaries. When the Council shall have adopted such a redistricting ordinance, which may not be vetoed by the Mayor, the members of the Council shall once again begin to receive their regular salaries.

Nothing contained herein shall be construed to prevent the Council from redistricting the City at more frequent intervals when any other duly authorized census indicates a difference in population by more than ten percent (10%) in any two (2) or more Districts.

Anything to the contrary notwithstanding, regardless of the type of census used as a basis for redistricting the City, the redistricting ordinance must be adopted at least two (2) months prior to the first (1st) day of qualifications of candidates for the next regular councilmanic election.

Any ordinance redistricting the City shall become effective at the next regular councilmanic election.

If after any redistricting of the City, the domicile of a candidate for the position of District Councilman is contained in a district other than his prior district, the one-year (1) district domiciliary requirement in Section 2.05 shall be waived, provided the candidate will be domiciled at his current address for one (1) year immediately preceding his taking office if he wins the election in which he is a candidate.

#### Qualifications

Section 2.05. A Councilman shall be a qualified elector of the City and shall have been domiciled in the City for at least two (2) years immediately preceding his taking office. A District Councilman shall also have been domiciled in his respective district for at least one (1) year immediately preceding his taking office. If a Councilman removes his domicile from the City, or from the district from which he was elected, or becomes convicted of a felony, or ceases to possess any of the other qualifications required by this Charter, he shall immediately become disqualified, creating a vacancy in the office.



## Salary

Section 2.06. The annual salary of the Councilmen, to be set by ordinance, shall be equal and not less than thirty-six hundred dollars (\$3,600); provided, however, the ordinance may provide higher salaries for the President and Vice-President of the Council. Any ordinance decreasing or increasing the Councilmen's salary, or granting any other monetary compensation to the Councilmen, shall be effective only after the next regular councilmanic election and must have been adopted prior to six (6) months before the first (1st) day for qualifications of candidates for the next regular councilmanic election.

## Vacancies

Section 2.07. In the event of a vacancy, either actual or anticipated as provided for in the Louisiana Election Code Title 18 Louisiana Revised Statutes, in the office of a Councilman, the Council shall appoint a qualified person, who shall succeed to the office of Councilman. If the Council fails to make the appointment within ten (10) days from the creation of the actual vacancy, the Mayor shall make the appointment.

If the unexpired term is greater than one (1) year, within ten (10) days from the creation of the vacancy, the Mayor shall call a special election on the dates to be used to call a special election provided for in The Louisiana Election Code Title 18 Louisiana Revised Statutes. If the Mayor fails to call the election within the ten (10) days provided herein, the Council shall call the election within five (5) days of the expiration of the ten (10) day period. (Special Election held April 1, 2006 -- Effective April 20, 2006)

## Officers

Section 2.08. At the first regular meeting of a newly elected Council, a President and a Vice-President shall be elected, both from the entire authorized membership of the Council. These officers shall serve at the pleasure of the Council, but they may resign their offices by giving written notice thereof to the Clerk of the Council. The President shall preside at meetings of the Council, except when he shall be Acting-Mayor. In the absence or disability of the President, the Vice-President shall assume his duties. Upon resignation or disqualification of the President or Vice-President, the Council shall elect their successors at the next regular or special Council meeting. (Special Election held April 1, 2006 -- Effective July 1, 2006)

## Legislation

Section 2.09. All actions having the force and effect of law, or leases, acquisitions, or sales of movable property having a value of five thousand dollars (\$5,000) or more; or leases, acquisitions or sales of immovable property; or contracts with a value of \$100,000.00 or more; or any action establishing a fine or other penalty; or levying a tax, license or other revenue measure; or creating a district; or establishing a rule, regulation or law for violation of which a fine or imprisonment can be imposed; or granting or revoking a franchise; or placing any burden upon or limiting the use of private property; or any of the other actions provided for in this Charter, or by applicable state law, shall be by ordinance.

However, actions that must be taken pursuant to a general statutory procedure for the construction of sewerage and street paving improvements, that are to be financed by local or special assessment, shall be excepted from the provisions of this Charter inconsistent therewith.

Except as hereinabove provided, all other actions may be taken by either ordinance or resolution at the discretion of the Council. (Resolution Nos. B-4585 & B-4897, Special Election on 11/06/84)

Section 2.10. The Council shall hold at least two (2) regular meetings a month. All Council meetings shall be held in the Council Chamber of the City Hall or such other place as the Council may designate by public notice and shall be open to the public; provided, however, the Council may hold a meeting closed to the public in conformity with the Procedures and for the reasons provided for in the Louisiana Open Meeting Laws, LSA-R.S. 42:4.1-10 as now or hereafter amended. Any action of the Council shall be taken only at duly constituted, public meetings. Duly constituted meetings, whether regular or special, may be continued over to another specified date upon unanimous consent of the Councilmen present at the meeting. The Council shall keep minutes of all its proceedings, which shall be a public record. (Effective January 1, 1979). (Resolution Nos. B-1844 & 1879, Special Election on 11/7/1978)

## Quorum

Section 2.11. A majority of the entire authorized membership of the Council shall constitute a quorum for the conduct of business and no action may be taken by the Council in the absence of a quorum, but a smaller number of Councilmen may adjourn from time to time and compel the attendance of absent members in such manner and subject to such penalties as may be prescribed by Council Rules.

## Form of Ordinance

Section 2.12. All proposed ordinances and resolutions shall be officially introduced by motion and by reading the proposed ordinance or resolution or a summary thereof and by submitting a typewritten copy of the complete ordinance or resolution for each Councilman and the Mayor. Except for codifications and the annual budgets, proposed ordinances shall be confined to one subject, expressed clearly in the title. Each proposed ordinance shall begin with the words, "The Council of the City of Kenner hereby ordains...". Repetition of the ordinary clause in succeeding portions of an ordinance shall not be required.

Any proposed ordinance which repeals or amends an existing ordinance or part of the City Code shall set out in full the ordinance, code sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type, or shall indicate new matter by underscoring or by italics.

## Particular Ordinances

Section 2.13. Proposed ordinances on any of the following specified subjects shall be introduced and adopted only at regular meetings of the Council and shall not be adopted until at least twenty-eight (28) days after being introduced, nor until the proposed ordinance shall have been published by caption in the Official Journal at least twice, to wit: (Resolution Nos. B-1844 & B-1879, Special Election on 11/07/78)

- (A) Levying any tax or excise, or increasing the rate of any tax or excise.
- (B) Imposing any license, requiring any permit, establishing any charge for services rendered, or increasing the rate of any license, permit or service charge.
- (C) Zoning or rezoning, or changing the zoning districts or classifications.
- (D) Alienating any immovable property, except revocations of alleys and streets no longer needed for public use, granting servitude, or awarding franchise or indeterminate permit. (\*)
- (E) Redistricting councilmanic districts, or changing the boundaries of existing districts.
- (F) Decreasing or increasing salaries or other compensation of any elected official or appointed City employee in a supervisory capacity provided for in this Charter.

(\*) Clerk's Note: Ordinance No. 5697, Procedures for Alienation of City-Owned Property, dictates "The City Council shall advertise three consecutive weeks for their public hearing". This dictate does not exclude "revocations of alleys and streets no longer needed for public use" as listed in 2.13 (D) above.

### Publishing and Laying Over

Section 2.14. All proposed ordinances, except as provided in Section 2.13, shall be published by caption in the Official Journal and laid over for at least seven (7) days. No ordinance may be adopted at the same meeting at which it was introduced. (Resolution Nos. B-2212 & 2271, Special Election on 04/05/1980)

### Contents of Public Notice

Section 2.15. When a proposed ordinance is published as provided in Sections 2.13 and 2.14, the Council shall indicate the time and place for its consideration, the right of the people to speak thereon, the places where copies of the proposed ordinance have been filed, and the times when the copies are available for public inspection.

On those ordinances requiring a specific public hearing as provided in this Charter, the Public Notice required in this section shall include specific notice that a public hearing will be held and shall indicate the time and place thereof.

## Hearings

Section 2.16. When a proposed ordinance is up for final passage, the Council shall permit those citizens who may wish to be heard to address the Council. The Council may hold public hearings on any matter before its consideration. Mandatory public hearings shall be had on any budgetary matters; on redistricting the councilmanic districts of the City; on franchise awards or changes; on removals or impeachments; on any matter required by applicable state law or this Charter; or on any other matter the Council provides for in the Council Rules or otherwise deems advisable.

## Voting

Section 2.17. All proposed ordinances and resolutions shall be read by title when called for final adoption and adopted in an open public meeting by the vote of a majority of the entire authorized membership of the Council. The vote on final passage and the individual vote of each Councilman shall be recorded in the minutes of the Council. A proposed ordinance shall not be altered or amended during its consideration so as to nullify its original purpose, or so as to accomplish an object not cognate to its original purpose, unless the procedural requirements of this Charter have been followed with respect to the altered or amended version. Except as specifically provided in this Charter, any ordinance or resolution may be adopted by an affirmative vote of a majority of the entire authorized membership of the Council.

### Effective Date

Section 2.18. Except when a later effective date is specifically provided for in the ordinance or resolution, ordinances and resolutions shall become effective ten (10) days after publication as provided in Section 2.19.

### Publication

Section 2.19. All ordinances and resolutions, and the votes thereon, shall be published in full in the Official Journal by the Clerk of the Council within fifteen (15) days after they are signed by the Mayor, passed over his veto, or after the expiration of the seven-day (7) period provided in Section 3.13. All other proceedings of the Council shall be published, in full or in summary form, in the Official Journal.

### Special Meetings

Section 2.20. Special meetings of the Council may be called by the Mayor or President, and shall be called by the Clerk of the Council upon the written request of any four (4) members of the Council. Notice of all special meetings shall be published in the Official Journal; provided, however, if the next edition of the Official Journal will be subsequent to such special meeting, then the notice shall be published in a daily newspaper of general circulation to be named in the Council Rules. The public notice for special meetings must be signed by the official calling the meeting and shall indicate the time and place of the meeting, and shall specify in detail the objects and purposes for which the meeting is called.



## Notice of Special Meetings to Officials

Section 2.21. The public notice for a special meeting provided for in Section 2.20 must be served by a police officer of the municipality on the Mayor and a majority of the entire authorized membership of the Council. The notice may be served either personally or at the domicile of the official to be notified, and shall be served in either event at least twelve (12) hours prior to the hour fixed in the call for the special meeting. The police officer serving the notice shall make a diligent effort to make personal service on the Mayor and each member of the Council.

The police officer serving the notice shall make his return on the back of a copy of the call, reciting the time and manner of service made by him upon the Mayor and each member of the Council. This return, together with the call for the special meeting, shall be transcribed into the minutes of the special meeting by the Clerk of the Council. The Mayor or any member of the Council may waive notice of a special meeting, in writing.

## Voting at Special Meeting

Section 2.22. No business, except as specified in the notice of the special meeting, may be transacted at the special meeting. Any ordinance or resolution adopted at a special meeting shall require a two-thirds (2/3) vote of the entire authorized membership of the Council.

## Emergencies

Section 2.23. The Council, by the concurrence of four (4) of its members, may declare the existence of an emergency due to acts of God, natural disasters, or civil disobediences and, thereafter, hold emergency meetings of the Council to deal with such emergency. The nature of the emergency shall be stated in the minutes of such meetings.

## Waiver of Procedural Requirements

Section 2.24. The Council may, in its Rules, provide for the waiver of the procedural requirements of this Charter for such emergency meetings and for the adoption of ordinances at such meetings; provided, however, such ordinances must be necessary to the immediate preservation of the public peace, health, and safety.

## Emergency Ordinances

Section 2.25. Any emergency ordinance shall be adopted by the Council by an affirmative vote of two-thirds (2/3) of a quorum. The Mayor shall have the power to veto emergency ordinances within one (1) hour after their adoption; but, another affirmative vote of two-thirds (2/3) of a quorum, immediately after the Mayor's veto, shall override the veto. Any provisions of this Charter to the contrary notwithstanding, emergency ordinances shall be effective upon adoption.

### Extension of Emergency Ordinance

Section 2.26. Emergency ordinances shall be effective for no longer than thirty (30) days after their adoption. The Council, however, upon an affirmative vote of a majority of its entire authorized membership, may extend the life of an emergency ordinance for an additional thirty (30) days, but no such ordinance may be extended beyond that period.

### Clerk of the Council

Section 2.27. At the first regular meeting of a newly elected Council, a Clerk of the Council shall be appointed to serve at the Council's pleasure. The Clerk shall give notice of meetings, prepare materials for the Council's consideration, keep records of proceedings, record and authenticate actions of the Council, and do and perform all other actions required by applicable state law, this Charter, and Council direction. The Clerk shall keep a book to be labeled "Minutes of the Council of the City of Kenner" in which shall be recorded the proceedings of the Council.

## Audit

Section 2.28. The Council shall execute a contract each year with a certified public accountant, or a firm of certified public accountants, for an examination of the accounts of the City to include all funds appropriated or approved by the Council. The contractee shall not be a public officer, public official, or any public employee, nor shall he hold any political office or be an officer or employee of any political party or organization. The audit shall be conducted in all respects in accordance with applicable state law, and the report shall be tendered to the Council through the Clerk of the Council.

## Council Rules

Section 2.29. The Council shall adopt rules governing its own organization, business, procedure, and any other matters specified in this Charter. The Council shall provide for the publishing of its Rules, and provide for their availability to the general public.

## Investigation

Section 2.30. The Council may inquire into and investigate the operations of any agency of the City government or any agency which derives support from appropriations made by the Council. In any such inquiry or investigation, the Council may administer oaths, subpoena witnesses, and compel the production of records.

## Employees

Section 2.31 For purposes of performing any inquiry or investigation provided for in Section 2.30, the Council may employ such employees, including special legal counsel, as may be necessary for the proper discharge of its duties. The compensation of such employees shall be fixed by the Council. Such employees shall not be civil service employees. (Special Election held April 1, 2006 -- Effective January 1, 2007)

## Removals

Section 2.32. Removal from office hearings may be held by the Council for any elected or appointed officer of the City under the removal for cause provisions of state law. The hearings shall be conducted in accordance with the investigation powers of the Council with full rights and privileges afforded the accused. Proceedings by the Council shall be only evidentiary in nature and any findings shall be referred to the District Attorney and Grand Jury of the parish or other proper authority for further action.

## Code

Section 2.33. The Council shall provide for the codification of the ordinances and laws of the City. The classification and arrangement of all ordinances and laws of general applicability shall be in accordance with The Code of Ordinances, City of Kenner, Louisiana. The City Attorney shall keep the Code current. The Council shall, in its discretion, decide upon periodic published revisions of the Code.

## ARTICLE III. THE MAYOR

### Executive Authority

Section 3.01. The Mayor shall be the Chief Executive Officer of the City. All executive and administrative authority of the City shall be vested in the Mayor and exercised by him, in the manner and subject to the limitations as hereafter set forth in this Charter.

### Election and Term

Section 3.02. The Mayor shall be nominated and elected by the qualified electors of the City, in accordance with the election laws of the State, for a four- (4) year term concurrent with that of the Council. The Mayor shall be limited to two (2) consecutive full terms in the office to which he was elected exclusive of any partial term created by vacancy. This two (2) term limitation shall apply commencing with the terms which begin in 1998. (Amended by Resolution No. B-12496, adopted July 6, 1995 , Special Election on 11/18/1995))

#### Section 3.02.01.

A. Notwithstanding the imposition of a two (2) year term limitation, an incumbent elected official in his second or any successive term may present a petition to waive the term limitation signed by the number of electors of the voting area as will in number equal not less than thirty-three and one-third (33 1/3%) percent of the number of the total electors of the voting area which the elective office represents.

B. Prior to the entering of any signature on a petition, the person designated to represent the petitioners shall file a copy of the petition which will be used with the Registrar of Voters of Jefferson Parish. The petition shall be deemed filed on the date received by the said Registrar. Thereafter, the signed and dated petition shall be submitted to the Registrar not later than one hundred eighty (180) days from the initial filing of the unsigned petition with the Registrar.

C. The initial filing of the unsigned petition with the Registrar of Voters shall be no more than one (1) year from the first date of qualification for the elective office, nor less than ten (10) months prior thereto.

D. Each elector, at the time of signing the petition, shall enter his address and the date on which he signed beside or underneath his signature; however, if a person is unable to write as provided in R.S. 18:1300.4, the two witnesses shall date their signature. In addition, each petition shall be in compliance with the provisions of R.S. 18:3. In determining the number of qualified electors who signed the petition, the Registrar of Voters shall not count any signature which is undated or bears a date prior to the date on which the copy of the petition initially was filed with his office or after the last day hereinabove set forth for submission of the petition to his office. The Registrar of Voters shall not receive or certify a petition submitted to him for certification unless it is submitted to him timely. (Resolution No. B-12496 adopted July 6, 1995 – Election held on 11/18/1995)

## Qualifications

Section 3.03. The Mayor shall be a qualified elector of the City, and shall have been domiciled in the City for at least three (3) years immediately preceding his taking office. The Mayor shall hold no other public office, except that of Notary Public, membership in the National Guard, membership in the Reserve Defense establishment, or membership on appointive boards and commissions, whose objects and purposes do not conflict with the duties of his office. If the Mayor removes his domicile from the City, or becomes convicted of a felony, or ceases to possess any of the other qualifications required by this Charter, he shall immediately become disqualified, creating a vacancy in the office.

## Salary

Section 3.04. The annual salary of the Mayor, to be set by ordinance, shall not be less than Twelve Thousand Dollars (\$12,000). The Council shall provide, in the annual operating budget, a contingency fund of Twenty-Five Hundred Dollars (\$2,500) to be expended by the Mayor for such public purposes as he may deem proper. Any ordinance decreasing or increasing the Mayor's salary, or granting any other monetary compensation to the Mayor, shall be effective only after the next regular mayoralty election and must have been adopted prior to six (6) months before the first (1st) day for qualifications of candidates for the next regular mayoralty election.



## Temporary Absence

Section 3.05. During the Mayor's temporary absence from the City, or during his temporary inability to perform the duties of his office, the temporary vacancy thereby created shall be filled by the President of the Council as Acting-Mayor.

## Vacancy

Section 3.06. In the event of a vacancy, either actual or anticipated as provided for in the Louisiana Election Code Title 18 Louisiana Revised Statutes, in the office of the Mayor, when his term will expire in less than one (1) year, the President of the Council shall succeed to the mayoralty and serve for the duration of the unexpired term as Mayor. A vacancy shall then have been created on the Council, to be filled in accordance with the provisions of this Charter.

If the Mayor's unexpired term is greater than one (1) year, within ten (10) days from the creation of the vacancy, the Council shall call a special election on the dates to be used to call a special election provided for in The Louisiana Election Code Title 18 Louisiana Revised Statutes. If the Council fails to call the election with the 10 days provided herein, the Acting Mayor shall call the election within five (5) days of the expiration of the ten (10) day period. Acting Mayor for the purposes herein shall be defined as the President of the Council who has assumed the duties of the Mayor after the vacancy has occurred. Prior to this election, the vacancy shall be filled by the President of the Council as Acting-Mayor. (Special Election held April 1, 2006 – Effective April 20, 2006)

## Acting Mayor

Section 3.07 In the absence of the Mayor, the Acting-Mayor shall be vested with the same powers and shall have the same duties as the Mayor. While serving as Acting-Mayor, he shall not participate as an officer or member of the Council, and his only compensation shall be his regular compensation as Councilman. In the event that the Mayor and Council President as Acting-Mayor should be concurrently absent, then the order of succession shall be: 1. The Council Vice-President; 2. Thereafter, the Councilman with the most consecutive years of service as Councilman, and, should there be a tie, that the tie would be decided by a vote of the Council. (Effective January 1, 2008 – Special Election on 11/17/2007)

## Business Office

Section 3.08. The Mayor shall maintain his office in the City Hall.

## Power and Duties

Section 3.09. The Mayor in his executive capacity shall supervise and direct the operations of all departments of City government. He shall be ex-officio a nonvoting member of all boards and commissions and shall coordinate their efforts with other agencies of City government. He shall be the custodian of the seal of the City. He shall prepare and submit to the Council the pay plan for unclassified employees. He shall approve or reject the pay plan for classified employees prepared by the Civil Service Board, and, upon approval, shall submit the pay plan with the operating budget to the City Council for its acceptance or rejection. He shall prepare and submit to the Council the operating and capital budgets, and all other planning and programming documents as require Council approval. He shall execute all contracts, agreements,

instruments of debt and the like for which the City is obligated, except such instruments as the Director of Finance may be authorized to execute. (Special Election held April 1, 2006 - Effective January 1, 2007)

### Appointments

Section 3.10. Except as otherwise provided in this Charter, the Mayor shall have the power to appoint and remove all non-elected City officials and employees, subject to the provisions of applicable state law and this Charter. He shall have the power to appoint and remove all members of boards and commissions; provided, however, that any such appointment or removal of board or commission members may be vetoed by a two-thirds (2/3) vote of the entire authorized membership of the Council. This Section shall not apply to the Clerk of the Council and the Auditor, both of whom shall be appointed by the Council.

### Delegation of Authority

Section 3.11. The Mayor may, at his discretion, authorize department heads or administrative officers to appoint and remove subordinates in their departments or under their supervision, subject to the provisions of this Charter.

### Interference with Administration

Section 3.12. Except for the purpose of inquiries and investigations under Section 2.30, and except as provided in Section 4.09, the Council or its members shall deal with City officials and employees, who are subject to the direction and supervision of the Mayor, solely through the Mayor or his delegate, and neither the Council nor its members may give orders to any such official or employee, either publicly or privately.

### Veto Procedure

Section 3.13. All ordinances and resolutions adopted by the Council shall be signed by its presiding officer and the Clerk of the Council, dated and delivered within twenty-four (24) hours to the office of the Mayor by the Clerk of the Council. The Mayor shall have seven (7) days after the adoption of the ordinance or resolution to either sign or veto it, returning it immediately to the Clerk of the Council, together with his written reasons in the event of veto. In the event the Mayor neither signs nor vetoes the ordinance or resolution within the seven- (7) day period, the ordinance or resolution shall be treated as if it had been signed by the Mayor and shall be returned immediately to the Clerk of the Council for publication as provided in Section 2.19. This Section shall not apply to emergency ordinances adopted under Section 2.25.

## Veto

Section 3.14. All ordinances and resolutions vetoed by the Mayor shall be vetoed in full, except that the Mayor may exercise line item vetoes on any items in the operating or capital budgets. The veto of the Mayor cannot be over-ridden by the Council until the next regular meeting of the Council following the veto. At the next regular meeting, a two-thirds (2/3) vote of the entire authorized membership of the Council shall be sufficient to over-ride the Mayor's veto. This Section shall not apply to the veto of emergency ordinances adopted under Section 2.25.

## Relations with the Council

Section 3.15. The Mayor may present to the Council messages and requests for action. The Mayor may attend all public meetings of the Council and be heard on matters currently before it; provided, however, the Mayor shall not vote or introduce any ordinance or resolution.

## Annual Report

Section 3.16. Within ninety (90) days from the close of each fiscal year, the Mayor shall render to the Council and the public a financial and administrative report on activities of the preceding year.

## ARTICLE IV. ADMINISTRATION

### Organization and Control

Section 4.01. Except for the Police Department, the administrative branch of City government shall be under the direction, control, and supervision of the Mayor. The Mayor shall carry out the policy direction of the Council.

### Investigation by Mayor

Section 4.02. The Mayor or his designee may investigate the administration and actions of any agency of City government under his direction. The Mayor may prescribe administrative standards and regulations not inconsistent with policy established by the Council, which shall be applicable to all agencies of City government under his direction. Such administrative standards and regulations shall be reduced to writing, kept in pamphlets or booklet form, and made available to all City officials and employees.

### Departments

Section 4.03. There shall be departments of law, finance, public works, fire, police, planning, community service, personnel, and civil service. Except as provided in this Charter, the general internal organization, relationships, and the allocation of duties and responsibilities within these departments shall be established by the Mayor. (Special Election held April 1, 2006 - Effective January 1, 2007)

### Administrative Officer

Section 4.04. When the Mayor feels that he requires an assistant to aid him in the administration of City affairs, he shall so certify to the Council. If this need is concurred in by a majority of the entire authorized membership of the Council, the position of Administrative Officer is thereby created.

### Appointment of Administrative Officer

Section 4.05. The Administrative Officer shall be appointed by the Mayor to serve at the Mayor's pleasure.

### Function of Administrative Officer

Section 4.06. The Administrative Officer, under the direction of the Mayor, shall supervise all departments, except the Legal Department, the Fire Department, and the Police Department.

### Employees

Section 4.07. The Mayor is charged with the responsibility of employing and terminating all personnel of the City, except as otherwise provided by applicable state law and this Charter.

### Legal Department

Section 4.08. The head of the Legal Department shall be the City Attorney. He shall be appointed by the Mayor with approval of a majority of the authorized membership of the Council to serve at the Mayor's pleasure. The City Attorney shall be a licensed attorney with at least three (3) years experience in the practice of law.

### Duties of City Attorney

Section 4.09. The City Attorney shall supervise the conduct of the legal affairs of the City, attend Council meetings, and prepare ordinances upon the request of the Mayor or any Councilman, provide legal advise concerning the affairs of the City when requested by the Mayor or any Councilman, and render written opinions as to legality of all contracts, franchises, and other legal instruments when requested by the Mayor or any Councilman. The City Attorney or one of his assistants shall be the prosecutor in the Mayor's Court or City Court of Kenner.

### Assistant City Attorneys

Section 4.10. Assistant City Attorneys may be appointed by the Mayor with approval of a majority of the entire authorization membership of the Council to serve at the Mayor's pleasure. Assistant City Attorneys shall be licensed attorneys with at least one (1) year experience in the practice of law.

### Special Counsel

Section 4.11. No special counsel shall be employed by the City except by written contract.



## Department of Finance

Section 4.12. The head of the Department of Finance shall be the Director of Finance. He shall be appointed by the Mayor with the approval of a majority of the entire authorized membership of the Council to serve at the Mayor's pleasure. The Director of Finance shall have had at the time of his appointment at least three (3) years experience in a responsible managerial or administrative fiscal position or comparable accounting or auditing experience.

## Duties of Director of Finance

Section 4.13. The Director of Finance shall collect all taxes, licenses and permit fees, and all other monies due the City, except as otherwise provided for by applicable state law or Council ordinance. He shall hold a tax sale at least every three (3) years. He shall maintain the treasury of the City and negotiate agreements, subject to Council approval, with depository banks; procure all real and personal property, materials, supplies, and services required by the City; maintain perpetual inventory; account for and manage all property, real and personal, owned by the City; maintain and supervise all accounts for all funds, operating, capital, trust, or otherwise; permit no expenditure, except on proper authorization in accordance with this Charter, applicable state law, or Council ordinance; prepare and execute, under the supervision of the Mayor or Administrative Officer, the operating and capital budgets of the City; prepare and issue all checks of the City; provide such information pertaining to fiscal matters as is requested by the Mayor; and do and perform such other actions as may be directed by the Mayor or applicable state law or the provisions of this Charter.

## Department of Public Works

Section 4.14. The head of the Department of Public Works shall be the Director of Public Works. He shall be appointed by the Mayor to serve at the Mayor's pleasure. The Director of Public Works shall have had at the time of his appointment at least three (3) years experience in a responsible managerial or administrative position.

## Duties of Director of Public Works

Section 4.15. The Director of Public Works shall direct and be responsible for engineering services for all agencies of the City; contract construction supervision; maintenance of City property; construction of streets, sidewalks, and bridges, and street drainage connected therewith; traffic engineering; garbage and trash collection and disposal; street cleaning; weed and grass control; storm water collection and disposal system; inspections and licensing in conjunction with the enforcement of zoning ordinances and building and other construction codes; and licensing of trades. (Resolution Nos. B-1844 & 1879, Special Election on 11/7/1978)

(\*) Clerk's note: Section 4.16, Sewerage Districts, which provided for a Board of Sewerage Commissioners, was repealed effective January 1, 2008 by special election held November 17, 2007.

## Department of Community Services

Section 4.17. The head of the Department of Community Services shall be the Director of Community Services. He shall be appointed by the Mayor to serve at the Mayor's pleasure. The Director of Community Services shall have a broad and comprehensive background in this field.

### Duties of Director of Community Services

Section 4.18. The Director of Community Services shall direct and be responsible for programs of athletics; recreational activities; Council on Aging; Humane Department; cultural activities, such as libraries, concerts, art museums, parks, and playgrounds; and other leisure time and cultural activities of the City. (Effective January 1, 1979). (Resolution Nos. B-1844 & 1879, Special Election on 11/7/1978)

### Fire Department

Section 4.19. The head of the Fire Department shall be the Fire Chief. He shall be appointed by the Mayor in accordance with applicable state law.

### Duties of the Fire Chief

Section 4.20. The Fire Chief shall direct and be responsible for fire prevention; fire extinguishment; salvage operations; inspections and recommendations concerning the Fire Code of the City; and investigations of fires and their causes. He shall be responsible for the fire stations and fire equipment of the City, conduct fire safety and prevention programs, and perform such other duties as directed by the Mayor or as authorized by Council action.

### Officers and Employees

Section 4.21. The Fire Chief is charged with the responsibility of employing and terminating all officers and employees of the Fire Department, subject to the provisions of applicable state law and this Charter.

## Rules Governing Fire Department

Section 4.22. The Fire Chief shall prescribe rules and regulations, in writing, consistent with applicable state law for the discipline, inspection, regulation, and management of the Fire Department.

Any violations of these rules or regulations shall be grounds for disciplinary action.

## Suspensions and Dismissals

Section 4.23. Subject to the provisions of applicable state law and this Charter, the Fire Chief may remove any officer or employee from the service, or take such other disciplinary action against any officer or employee of the Fire Department, who is under his direction and supervision, for failure to obey rules and regulations, and failure to obey orders given by proper authorities, or for any other just and reasonable cause.

## Police Department

Section 4.24. The head of the Police Department shall be the Chief of Police, who shall be elected as provided in Article V of this Charter.

## Duties of Police Chief

Section 4.25. The Chief of Police shall have such duties and responsibilities as provided in Article V of this Charter.

## Department of Planning

Section 4.26. The head of the Department of Planning shall be the Director of Planning. He shall be appointed by the Mayor to serve at the Mayor's pleasure. The Director of Planning shall have had at the time of his appointment at least three (3) years experience in the field of planning, architecture, or other related activities.

## Duties of the Director of Planning

Section 4.27. The Director of Planning shall direct and be responsible for the preparation and administration of the master plan of the City; zoning regulations; subdivision regulations; renewal and redevelopment plans; maintenance of the City map and mapping and survey work; and shall exercise all other responsibilities affecting the physical development of the City. The Director of Planning shall make recommendations on the capital budget and program of the City. (Effective January 1, 1979). (Resolution Nos. B-1844 & 1879, Special Election on 11/7/1978)

## Board of Adjustment

Section 4.28. The Board of Adjustment shall be established by ordinance. The Mayor, with the approval of a majority of the entire authorized membership of the Council, shall appoint and remove the members of the Board. The composition, duties, and functions of the Board shall be as provided by applicable state law.

## Department of Personnel

Section 4.29. The head of the Personnel Department shall be the Personnel Director, who shall be appointed as provided in Article VII of this Charter.

### Duties of Personnel Director

Section 4.30. The Personnel Director shall have such duties and responsibilities as provided in Article VII of this Charter.

### Advisory Boards within Mayor's Office

Section 4.31. Advisory Boards and Committees may be appointed and dissolved as needed by the Mayor and shall submit reports to the Mayor when requested.

### Additional Departments

Section 4.32. Additional departments and department heads may be created by ordinance on the request of the Mayor and concurred in by a majority of the entire authorized membership of the Council, and the functions of such departments and department heads shall be designated by the ordinance.

### Residency

Section 4.33. Except as provided by specific hiring ordinance, applicable state law, and this Charter, department heads or board members need not be residents of the City or the State at the time of their appointment, but within six (6) months of their appointment, they shall become residents of the City and the State.

## ARTICLE V. POLICE DEPARTMENT

### Law Enforcement Authority

Section 5.01. The Chief of Police shall be the chief law enforcement officer of the City. All law enforcement authority of the City shall be vested in the Chief of Police and exercised by him in the manner and subject to the limitations as hereinafter set forth in this Charter.

### Election and Term

Section 5.02. The Chief of Police shall be nominated and elected by the qualified electors of the City, in accordance with the election laws of the state for a four-(4) year term concurrent with that of the Mayor and the Council. The Chief of Police shall be limited to two (2) consecutive full terms in the office to which he was elected exclusive of any partial term created by vacancy. This two (2) term limitation shall apply commencing with the terms which begin in 1998. (Resolution No. B-12496 adopted July 6, 1995 – Special Election held on 11/18/1995)

#### Section 5.02.01.

A. Notwithstanding the imposition of a two (2) year term limitation, an incumbent elected official in his second or any successive term may present a petition to waive the term limitation signed by the number of electors of the voting area as will in number equal not less than thirty-three and one-third (33 1/3%) percent of the number of the total electors of the voting area which the elective office represents.

B. Prior to the entering of any signature on a petition, the person designated to represent the petitioners shall file a copy of the petition which will be used with the Registrar of Voters of Jefferson Parish. The petition shall be deemed filed on the date received by the said Registrar. Thereafter, the signed and dated petition shall be submitted to the Registrar not later than one hundred eighty (180) days from the initial filing of the unsigned petition with the Registrar.

C. The initial filing of the unsigned petition with the Registrar of Voters shall be no more than one (1) year from the first date of qualification for the elective office, nor less than ten (10) months prior thereto.

D. Each elector, at the time of signing the petition, shall enter his address and the date on which he signed beside or underneath his signature; however, if a person is unable to write as provided in R.S. 18:1300.4, the two witnesses shall date their signature. In addition, each petition shall be in compliance with the provisions of R.S. 18:3. In determining the number of qualified electors who signed the petition, the Registrar of Voters shall not count any signature which is undated or bears a date prior to the date on which the copy of the petition initially was filed with his office or after the last day hereinabove set forth for submission of the petition to his office. The Registrar of Voters shall not receive or certify a petition submitted to him for certification unless it is submitted to him timely. (Resolution No. B-12496 adopted July 6, 1995 – Election 11/18/1995)



## Qualifications

Section 5.03. The Chief of Police shall be a qualified elector of the City, and shall have been domiciled in the City at least three (3) years immediately preceding his taking office. The Chief of Police shall hold no other public office, except that of Notary Public, membership in the National Guard, membership in the Reserve Defense establishment, or membership on appointive boards and commissions, whose objects and purposes do not conflict with the duties of his office. If the Chief of Police removes his domicile from the City, or becomes convicted of a felony, or ceases to possess any of the other qualifications required by this Charter, he shall immediately become disqualified, creating a vacancy in the office.

## Salary

Section 5.04. The annual salary of the Chief of Police, to be set by ordinance, shall not be less than Eleven Thousand Dollars (\$11,000). Any ordinance decreasing or increasing the Chief of Police's salary, or granting any other monetary compensation to the Chief of Police, shall be effective only after the next regular election of the Chief of Police and must have been adopted prior to six (6) months before the first (1st) day for qualifications of candidates for the next regular election of the Chief of Police.

### Acting-Chief of Police

Section 5.05. Upon entering office, the Chief of Police shall appoint an individual to serve in his absence as Acting-Chief of Police, as provided in this Charter.

If the Chief of Police appoints an employee of the Police Department under Civil Service, he shall be the highest-ranking officer in time and grade.

In the absence of the Chief of Police, the Acting-Chief of Police shall be vested with the same powers and shall have the same duties as the Chief of Police. The Acting-Chief of Police shall serve at the Chief of Police's pleasure and his only compensation shall be the compensation of his regular position.

### Temporary Absence

Section 5.06. During the Chief of Police's temporary absence from the City, or during a temporary inability to perform the duties of his office, the temporary vacancy thereby created shall be filled by the Acting-Chief of Police.

### Vacancy

Section 5.07. In the event of a vacancy, either actual or anticipated as provided for in the Louisiana Election Code Title 18 Louisiana Revised Statutes, in the office of the Chief of Police, the Council shall appoint a qualified citizen, who shall succeed to the office of Chief of Police and serve for the duration of the unexpired term as Chief of Police. If the Council fails to make this appointment within ten (10) days from the creation of the vacancy, the Mayor shall make the appointment. Prior to the appointment, the vacancy shall be filled by the Acting-Chief of Police.

If the Chief of Police's unexpired term is greater than one (1) year, within ten (10) days from the creation of the vacancy, the Mayor shall call a special election on the dates to be used to call a special election provided for in the Louisiana Election Code Title 18 Louisiana Revised Statutes. If the Mayor fails to call the election within the ten (10) days provided herein, the Council shall call the election within five (5) days of the expiration of the ten (10) day period. Prior to this election, the vacancy shall be filled by the Acting-Chief of Police. (Special Election held April 1, 2006 - Effective April 20, 2006)

#### Business Office

Section 5.08. The Chief of Police shall maintain his office in the City Hall or other public building.

#### Powers and Duties

Section 5.09. The head of the Police Department shall be the Chief of Police. The Chief of Police shall direct and be responsible for the prevention of crime, enforcement of applicable state law, this Charter, City ordinances, and with the general enforcement of law; assistance to the courts and other law enforcement officials; the maintenance of the peace of the City; and the operation and maintenance of the Police Department.

No person shall exercise police authority in the City, except regularly constituted law enforcement officers of the City, parish, state, or federal government. Limited special police powers may be granted by permit by the Chief of Police if authorized by ordinance. The internal organization, relationship, and the allocations of duties and responsibilities within the Police Department shall be established by the Chief of Police.

#### Funding of Police Department

Section 5.10. The Council shall provide by ordinance for the systematic funding of the Police Department to whatever extent deemed necessary by means of dedicated taxes, a dedicated percentage of the City revenues, or other means deemed advisable. This ordinance shall be adopted by at least a majority vote of the entire authorized membership of the Council and shall not be rescinded, amended, or modified except by a two-thirds (2/3) vote of the entire authorized membership of the Council.

#### Quarterly Allotments

Section 5.11. The Chief of Police shall establish quarterly allotments of expenditures and no encumbrance shall be approved that is in excess of such allotments.

#### Officers and Employees

Section 5.12. The Chief of Police is charged with the responsibility of employing and terminating all officers and employees of the Police Department, subject to the provisions of applicable state law and this Charter.

## Rules Governing Police Department

Section 5.13. The Chief of Police shall prescribe rules and regulations, in writing, consistent with applicable state law, for the discipline, inspection, regulation, and management of the Police Department.

Any violation of these rules or regulations shall be grounds for disciplinary action.

## Suspension and Dismissals

Section 5.14. Subject to the provisions of applicable state law and this Charter, the Chief of Police may remove any officer or employee from the service, or take such other disciplinary action against any officer or employee of the Police Department, who is under his direction and supervision, for failure to obey rules and regulations, and failure to obey orders given by proper authorities, or for any other just and reasonable cause.

## Interference with Administration

Section 5.15. Except for the purpose of inquiries and investigations under Section 2.30, the Mayor and the Council or its members shall deal with the officers and employees of the Police Department, who are subject to the direction and supervision of the Chief of Police, solely through the Chief of Police or his delegates, and neither the Mayor, the Council, nor its members may give orders to any such officers or employees, either publicly or privately.

## Relations with the Council

Section 5.16. The Chief of Police may present to the Council messages and requests for action regarding the Police Department. The Chief of Police may attend all public meetings of the Council and be heard on matters currently before it regarding the Police Department; provided, however, the Chief of Police shall not vote nor introduce any ordinance or resolution.

## Annual Report

Section 5.17. Within ninety (90) days from the close of each fiscal year, the Chief of Police shall render, to the Council and the public, a financial and administrative report on activities of the Police Department during the preceding year.

## ARTICLE VI. FINANCE

### Fiscal Year

Section 6.01. The fiscal year of the City shall begin on July first (1st) and end on June thirtieth (30th), until changed by ordinance, which ordinance shall also make provision for appropriate change in the time schedules as set forth in this Charter. (Resolution Nos. B-1844 & 1879, Special Election on 11/7/1978)

### Operating Budget

Section 6.02. The operating budget form shall be a modified lump sum budget of expenditures supported by a detailed listing of personnel and details concerning such other budget classifications as the Mayor deems advisable. The operating budget of revenues shall list in detail each item of revenue.

### Preparation of Operating Budget

Section 6.03. The Mayor shall be responsible for the preparation of the operating budget. The operating budget shall show all estimated revenues for each fund, a statement showing the fiscal condition of each fund, and an estimate of the expenditures from each fund. The operating budget shall also contain the budget requests of all applicable departments, agencies, and offices of the City, together with the expenditure levels of the past year and the experience for the first three (3) quarters of the current fiscal year. The operating budget shall be transmitted to the Council not later than May first (1st), together with the budget message and budget recommendations of the Mayor and appropriate revenue and expenditure ordinances. (Resolution Nos. B-1844 & 1879, Special Election on 11/7/1978)

## Adoption

Section 6.04. After a public hearing as required by Section 2.16, the Council, not later than June fifteenth (15th), shall adopt an operating budget. If the Council fails to adopt an operating budget by June fifteenth (15th), it shall be presumed to have adopted the budget submitted by the Mayor. (Special Election held April 1, 2006 – Effective April 20, 2006)

## Adoption of Budget Ordinance

Section 6.05. Adoption of the budget ordinance shall constitute revenue levies and appropriations within the terms of the budget classifications. At any time during the fiscal year, the Mayor may transfer part or all of any unencumbered appropriation balance among programs within a department, and, upon written request by the Mayor, the Council may by ordinance transfer part or all of any unencumbered appropriation balance from one department to another.

## Quarterly Allotments

Section 6.06. The Mayor shall establish quarterly allotments of expenditures and no encumbrance shall be approved that is in excess of such allotments.

## Lapse of Appropriations

Section 6.07. All appropriations shall be for one (1) fiscal year and shall lapse at the end of the year, the monies reverting to the general fund.



## Preparation of Capital Budget and Program

Section 6.08. The Mayor shall be responsible for the preparation of the capital budget and program. Each request shall be accompanied by substantiation in detail of need and cost, an estimate of all revenues available for capital purposes for the next fiscal year and the five (5) years following, a statement of debt, and, in the event of any proposed new debt, the amount of millage necessary for debt service.

## Capital Budget and Program

Section 6.09. The Mayor shall submit to the Council not later than May first (1st), the capital budget and program with his recommendations, and those of the Planning Commission, and a written report including a listing by priority of projects not included by reason of financing and a list of projects not recommended together with the reasons therefor. The recommendations of the Mayor on the capital budget and program shall be in the form of an ordinance and accompanied by a capital budget message in support of his proposals. (Resolution Nos. B-1844 & 1879, Special Election on 11/7/1978)

## Adoption

Section 6.10. After a public hearing as required by Section 2.16, the Council, not later than June fifteenth (15th), shall adopt a capital budget ordinance and approve a capital program. If the Council fails to adopt a capital budget and approve a capital program by June fifteenth (15th), it shall be presumed to have adopted the capital budget and approved the capital program submitted by the Mayor. Adoption of the capital budget ordinance shall constitute an appropriation of the funds provided therein, except that the appropriation of all funds not encumbered at the end of the fiscal year shall lapse. The Mayor shall be responsible for the administration of the capital budget. (Special Election held April 1, 2006 – Effective April 20, 2006)

## Power to Incur Bonded Debt

Section 6.11. The City is empowered to incur bonded debt in accordance with applicable state law.

## Referendum on Proposals

Section 6.12. All proposals for the issuance of revenue bonds must be approved by a majority vote of the qualified electors of the City voting in a referendum called for such purpose. No ordinance shall be adopted calling such referendum unless engineering and economic feasibility reports made or approved by the Director of Public Works shall have been made to the Council thirty (30) days prior to the proposed date of the referendum.

## Procurement

Section 6.13. Procurement of all property, supplies, materials, and services shall be in accordance with applicable state law, Council policy, and administrative requirements, and shall be in accordance with established standards and specifications.

## Rejection of Bids

Section 6.14. In all contracts and sales or purchases of property, the City may reserve the right to reject all bids.

## Award of Franchises and Indeterminate Permits

Section 6.15. All franchises and indeterminate permits shall be awarded only after the provisions of Section 2.13 have been followed. Franchises and indeterminate permits shall be awarded only for monetary consideration.

## Official Bonds

Section 6.16. The Director of Finance, and such other employees as the Council may require, shall be bonded in such amounts as determined by the Council. Employee bonding shall be at City expense.

## ARTICLE VII. PERSONNEL DEPARTMENT

### Policy

Section 7.01           The policy of the City shall be to employ from those available, the persons best qualified to perform the functions of the City in the capacity for which the persons are employed. (Special Election held April 1, 2006 -- Effective January 1, 2007)

### Merit

#### Section 7.02

Except as otherwise provided for by applicable state law and in this Charter, appointments and promotions shall be made on the basis of merit and fitness as demonstrated by examination or other evidence of competence. (Special Election held April 1, 2006 -- Effective January 1, 2007)

## Personnel Department

Section 7.03 The Personnel Department shall administer and update the City's Job Classification Plan and salary ranges for unclassified employees and maintain employee files and personnel forms. The Personnel Department shall also administer employee insurance programs and other special programs sponsored by the Department, including volunteer programs, the Employee Assistance Program, and the summer youth employment program. The head of the Personnel Department shall be the Personnel Director. He shall be appointed by the Mayor to serve at the Mayor's pleasure. The Chief Administrative Officer may also serve in the capacity of Personnel Director. The Personnel Director shall be qualified by education or experience in this field. (Special Election held April 1, 2006 -- Effective January 1, 2007)

## Duties of Personnel Director

Section 7.04. The Personnel Director shall administer the personnel system of the City, which shall apply to all non-elected employees not under Civil Service. The Personnel Director shall prepare from time to time personnel rules and procedures, in writing, for submission to the Mayor and the Council. Upon approval of the Mayor and adoption by the Council, either with or without amendment, such rules and procedures shall be administered by the Personnel Director. These rules and procedures shall be as comprehensive as possible and shall be kept in pamphlet or booklet form and shall be made available to all City officers and employees.

(\*) Clerk's note: Sections 7.05, Civil Service System, Section 7.06, Civil Service Board, and Section 7.07, Civil Service Personnel, was repealed effective January 1, 2007 by special election held April 1, 2006.

## ARTICLE VIII. CIVIL SERVICE SYSTEM

### Civil Service System and Personnel Administration

#### Section 8.01.

A. It shall be the policy of the City of Kenner to employ those persons best qualified to perform the functions of the City and to foster effective career service in City employment. All appointments and promotions in the service of the City and of each of its departments, offices and agencies 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 this Section regarding appointment, promotion, and dismissal:

1. All elected officials and interim appointed officials filling an elective office.
2. The Director and Assistant Director of each City Department except for the Civil Service Dept.
3. One Chief Administrative Officer, one Chief of Staff, one Deputy and one Executive Assistant.
4. Members of advisory boards and other unpaid bodies who are not City employees.
5. Organizations and their employees and other persons who are employed by the City on a contractual or part-time basis.
6. The City attorney and his legal assistants.

7. Clerk of the City Council, such assistants to the Clerk of the City Council as are deemed necessary not to exceed 5; and, seven council assistants, to be hired by each individual Councilmember.

8. Three assistants to the Mayor.

9. All persons employed and paid exclusively with federal funds administered by the City, unless specifically required by federal regulation or law to be included under this System.

B. The appointment and dismissal of the City of Kenner employees subject to this Section shall be made by the Mayor, or his designee, and shall be subject to the provisions of this Section.

C. There shall be a Civil Service Department, which shall receive appropriate annual funding for salaries and administrative expenses and also office space, furnishings and equipment in order to effectively carry out the Department's function as provided for by this charter. It shall consist of a classified Civil Service Director, who shall be the executive head of the department and a Civil Service Board, which shall be policy-making and quasi-judicial in nature.

D. The Civil Service Director shall be appointed by the Civil Service Board after competitive examination, The Civil Service Director shall be qualified and experienced in personnel administration and shall be responsible to the Board for the administration of the Classified Civil Service System for the City, including all City departments, offices and agencies in accordance with Civil Service rules adopted pursuant to this Section. (Special Election held April 1, 2006 -- Effective January 1, 2007)

Section 8.02

A. The City of Kenner Civil Service Board shall be appointed as provided below, and shall consist of five (5) electors of the City of Kenner, who hold no other public office or position in City government, who have resided within the City for at least two (2) years, and who are known to be in sympathy with merit principles of public personnel administration. Members of the Board shall serve without compensation.

1. The first members shall be appointed for the terms of 1,2,3,4, and 5 years respectively. Thereafter, appointment shall be for 4 year terms.
2. One member shall be appointed by the President of Tulane University.
3. One member shall be appointed by the President of Loyola University.
4. One member shall be appointed by the President of Dillard University.



5. One member shall be appointed by the Chancellor of the University of New Orleans.

6. One member shall be appointed by the Jefferson Parish Bar Association.

7. Within sixty (60) days after a vacancy occurs, the appointing authority shall make the required appointment. Within thirty (30) days thereafter, the City Council must ratify or reject the appointment. If the appointment is rejected, another appointment must be solicited for the same source. The City Council must act to approve or disapprove the nominee within thirty (30) days after receipt of the name. If one of the appointing authorities fails to submit nominees in the time required, the Board of the Louisiana Civil Service League shall make the appointment. If one of the named appointing authorities ceases to exist, the City Council shall choose the President of another accredited College or University within Louisiana to replace it. The outgoing Board member shall serve on the Board until replaced by the newly appointed member.

8. Whenever the term of a Board member expires or there is a vacancy in an unexpired term, the vacancy shall be filled by appointment in accordance with the procedures of the original appointment, and from the same source.

9. A member of the Civil Service Board may be removed by the Kenner City Council for cause, after being served with written specifications of the charges against him and being afforded an opportunity for a public hearing thereon by the City Council.

a. Cause includes, but is not limited to, chronic absenteeism from board meetings, conviction of any felony or misdemeanor, incompetency, corruption, favoritism, extortion, oppression, gross misconduct or habitual intoxication. (Special Election held April 1, 2006 -- Effective January 1, 2007)

#### Section 8.03

A. The duties of the Civil Service Director shall include, but not be restricted to the following:

1. To develop and, upon adoption, to administer a position classification plan which shall provide for the classification of all positions on the basis of duties and responsibilities of each position. The classification plan shall be submitted to the Civil Service Board, and it shall become effective upon approval by the Civil Service Board after public hearing.

2. To develop and, upon adoption, to administer a salary plan for all positions in City service. Such salary plan shall be submitted to the Civil Service Board, which, after public hearing, shall submit it, together with such amendments as it deems necessary, to the Mayor for his approval or rejection in accordance with the budgetary process as specified in this charter. The Mayor shall then submit the pay plan to the City Council for its acceptance or rejection.

3. To prepare Civil Service rules to carry out the provisions of this Section. These rules shall be submitted to the Civil Service Board which, after public hearing, shall make amendments as it deems necessary. The rules shall become effective upon approval by the Civil Service Board, and shall have the full force of law. Such rules shall apply to all City departments, offices, agencies and special districts covered by this Section and shall provide for

a. Policies and procedures for the administration of the classification plan

b. Policies and procedures for furnishing forms and records to the Civil Service Department from the appointing authority

c. Policies and procedures for the administration of the salary plan

d. Policies and methods for holding Civil Service tests to determine the merit and fitness of candidates for all regular position appointments

e. The establishment and maintenance of lists of persons eligible for appointment by reason of successful participation in competitive tests and procedures of the certification of person from eligible lists for filling vacancies

f. The procedure for lay-offs, suspension, demotion, dismissal of employees, which shall provide for public hearings before the Civil Service Board in cases of demotion or dismissal of permanent employees

g. Hours of work, attendance regulations, leaves of absence with or without pay, working, rest periods and temporary appointments

h. Prohibitions against political activity of employees and assessment for political purposes.

i. Other policies, practices, and procedures necessary for the administration of the City of Kenner Classified Civil Service System. (Special Election held April 1, 2006 – Effective January 1, 2007)

Section 8.04

A. The Civil Service Board shall review and adopt the classification plan, the pay plan, and the personnel rules and in addition thereto shall

1. Although it is incumbent upon the appointing authority to initiate corrective or disciplinary action, if warranted, in the absence of such action by the appointing authority, the Board shall conduct investigations and take action on complaints by or against any employee in the Classified Service and may order the appointing authority to act, and such action shall be taken by the appointing authority.

2. Hold hearings on dismissals, demotions, and other disciplinary matters as may be provided in the rules. The right to appeal from any decision of the Board, or from any action taken by the Board under these provisions shall lie direct to the court of original and unlimited jurisdiction in civil suits for the Parish of Jefferson.

3. Exercise witness and record subpoena powers

4. Appoint a Civil Service Director when a vacancy occurs

5. Make any investigations it deems desirable concerning Civil Service management in the City Service and report its findings to the City Council

6. Perform such other policy-making or quasi-judicial duties as may be required under the rules developed pursuant to the Section

7. Make, alter, amend and promulgate rules necessary to carry out effectively the Classified Civil Service System

B. Party Membership; Elections. No member of the Kenner City Civil Service Board, or employee covered under this Section shall participate or engage in political activity; be a candidate for nomination or election to public office or be a member of any national, state, or local committee of a political party or faction; make or solicit contributions for a political party, faction or candidate; or take active part in the management of the affairs of a political party, faction, candidate, or any political campaign, except to exercise his right as a citizen to express his opinion privately, to serve as a commissioner or official watcher at the polls, and to cast his vote as he desires.

(1) Contributions. No person shall solicit contributions for political purposes from any classified employee or use or attempt to use his position in City service to punish or coerce the political action of a classified employee.

(2) Political Activity Defined. As used in the Part, "political activity" means an effort to support or oppose the election of a candidate for political office or to support a particular political party in an election.

C. Rules and regulations, classification plans, and pay plans presently in effect for the employees of the City of Kenner, will remain in effect until rules and regulations under this Section have been passed by the Kenner Civil Service Board.

D. Any person holding a full-time position subject to this Section on its effective date, who has served as an employee of the City of Kenner for at least eight months prior thereto shall continue in his position without a competitive test, but shall be subject in all other respects to this Section.

E. The provisions of this Section shall prevail if conflicts are found between this Section and other laws of the City of Kenner. (Special Election held April 1, 2006 -- Effective January 1, 2007)

Fire and Police Civil Service Personnel:

Section 8.05: There shall be a separate Fire and Police Department Civil Service System as provided by applicable state law. (Special Election held April 1, 2006 -- Effective January 1, 2007)

Section 8.06 City of Kenner employees shall be subject to a policy of zero tolerance for illegal drugs as enumerated in Louisiana Revised Statutes, R.S. 40:966 through R.S. 40:970. The terms of the program in place on the effective date of this legislation shall continue in effect. The terms and conditions of the program may be amended by the City of Kenner Administration and ratified by the City of Kenner Council. (Special Election held April 1, 2006 -- Effective January 1, 2007)

## ARTICLE IX. GENERAL PROVISIONS

### Service of Legal Process on City

Section 9.01. Legal process against the City shall be served upon the Mayor.

### Appointments

Section 9.02. All appointments of officers, officials, board of commission members, or employees of the City, unless otherwise specifically provided for by applicable state law or this Charter, shall be made by the Mayor.

### Council Approval of Appointments

Section 9.03. Except as specifically provided for in this Charter, appointments and approval of appointments recommended by the Mayor, which require Council action, shall be by an affirmative vote of a majority of the entire authorized membership of the Council.

Section 9.03.01. Resignation of board members and commissioners upon qualifying to run for public office:

A vacancy shall be created, ipso facto, in the position of any board or commission member, whether provided for by Charter or otherwise, upon that member's qualification as a candidate for any elected position within the municipality of the City of Kenner. Such a vacancy shall be filled in accordance with the provisions of this Charter. (Effective January 1, 1979). (Resolution Nos. B-1844 & 1879, Special Election on 11/7/1978)

### Dual Office Holding

Section 9.04. No elected official provided for in this Charter may hold any other elected public office, nor may he hold any other compensated position with the City.

### Compensation of Board and Commission Members

Section 9.05. All members of boards and commissions provided by this Charter or by ordinance shall serve without pay or compensation, except that by ordinance the Council may authorize reimbursement of members for actual and necessary expenses incurred on official business of the City.

### Prohibitions

Section 9.06. Any officer, official, board or commission member, or employee of the City, who has a substantial financial interest, directly or indirectly, in any contract, lease, franchise, or concession with the City, or in the sale of any land, material, supplies or services to the City, or to a contractor supplying the City, shall make known that interest, in writing, to the Mayor and the Council and shall refrain from voting upon or otherwise participating in his capacity as a City officer, official, board or commission member, or employee in the making of such sale or in the making or performance of such contract. No privilege, rebate, reduced rate, or any other type of monetary gain may be, directly or indirectly, solicited or received by any officer, official, board or commission member, or employee of the City from any person doing business with the City.



Any City officer, official, board or commission member, or employee who is found guilty by a court of law of willfully concealing such a substantial financial interest, or willfully violating the requirements of this Section, shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this Section with the knowledge, expressed or implied, of the person or corporation contracting with, or making a sale to the City, shall render the contract or sale voidable by the Council, which action may be vetoed by the Mayor as provided in Section 3.13.

#### Facsimile Signature

Section 9.07. Facsimile signatures are authorized for negotiable instruments and multiple certificates of indebtedness in those cases where an official is required to sign by law.

#### Continuation in Office Until Successor Qualified

Section 9.08. Any appointed or elected official, officer, or board or commission member of the City shall continue in office until his successor has been appointed or elected and qualified. This Section shall not prohibit a valid resignation, recall, disqualification, or removal of an elected official or a valid resignation, removal, disqualification, or dismissal of an appointed official, officer, or board or commission member.

## Reconstitution of Government after War or Disaster

Section 9.09. In the event of war or public disaster that incapacitates the Mayor and a majority of the authorized membership of the Council, the remaining members of City government may act on an emergency basis and appoint such other officials as is necessary to reconstitute a government of the City. It shall be the intent of this Section that these emergency powers shall subsist only so long as an emergency exists and that regularly constituted elections shall be held as soon as it is judicially determined that conditions permit their being held.

## Recall

Section 9.10. Any member of the City Council, the Mayor, or the Chief of Police may be removed from office by the qualified electors of the City, district, or districts by which he was chosen, through a recall process in accordance with the provisions of Title 42 of the Louisiana Revised Statutes (R.S. 42:341 et seq.), or any successor law or amendment thereto.

If in a recall election, the majority of those voting, vote for recall, the official named in the recall petition shall be ipso facto removed from office and the vacancy thereby created shall be filled as in the case of ordinary vacancies in accordance with the provisions of this Charter.

## Disqualification

Section 9.11. Any officer, official, board or commission member, or employee of the City who becomes convicted of any crime provided for in Sub-Part E, Part VII, Chapter I of Title 14 of the Louisiana Revised Statutes (R.S. 14:134 et seq.), or any successor law or amendment thereto, shall immediately be disqualified, creating a vacancy in the office or position, as the case may be.

## Penalties for Violations

Section 9.12. The Council shall, by ordinance, provide for the punishment of willful violations of any provisions of this Charter and may provide for punishment of violations of ordinances, rules, and regulations.

## Reimbursement of Expenses

Section 9.13. The Council shall provide, by ordinance, for the systematic reimbursement of the actual and necessary expenses, of the elected officials of the City, incurred in the performance of the duties of their offices. The ordinance may list in detail the extent of such reimbursements, including what expenses shall be considered actual and necessary, or may provide for a set sum as a monthly expense allowance for each elected official, or may establish some other means of reimbursement. The amount of expenses reimbursed by the City to the elected officials shall be a public record and shall be listed in the Annual Report of the Mayor, with itemized statements for each elected official.

### City Court

Section 9.14. This Charter shall not govern the City Court of Kenner, Louisiana, when, and if, such a court is established.

### Supremacy Clause

Section 9.15. It is intended that this Charter give to the City the broadest powers permissible under Article XIV, Section 40 of the Constitution of the State of Louisiana, and other applicable state law.

### Computation of Time

Section 9.16. In computing a period of time allowed or prescribed by this Charter, the date of the act or event after which the period begins to run is not to be included. The last day of the period is to be included, unless it is a legal holiday, in which event the period runs until the end of the next day which is not a legal holiday.

A half-holiday is considered as a legal holiday. A legal holiday is to be included in the computation of a period of time allowed or prescribed, except when it would otherwise be the last day of the period.

### General and Specific Provisions

Section 9.17. To the extent that any specific provision contained in this Charter conflicts with any general provision contained in this Charter, the specific provision shall prevail.

### Singular Words

Section 9.18. Whenever a word in the singular number is used in this Charter, it shall be held to include the plural, when the sense requires.

## Gender of Words

Section 9.19. Whenever a word is used in this Charter with reference to a natural person, denoting the masculine gender, it shall apply to both sexes, unless otherwise expressly provided.

## Sectional Headings

Section 9.20. Titles or sub-titles, headings or sub-headings, or marginal notes, printed in or with this Charter, shall in no way define, limit, or prescribe the scope or intent of, or be considered or construed to be part of this Charter, but have been inserted only for convenient reference.

## ARTICLE X. AMENDMENTS

### Referendum Required

Section 10.01. This Charter may be amended, replaced, or repealed only by majority vote of the qualified electors of the City voting in a referendum called for such purpose, pursuant to applicable state law.

### Repeal

Section 10.02. In the event that this Charter is repealed, without any other specific form of government being substituted in its place, the City shall automatically revert to the Mayor and Board of Aldermen form of government provided by Sub-Part A, Part I, Chapter 2 of Title 33 of the Louisiana Revised Statutes (R.S. 33:321 et seq.), or any successor law or amendment thereto.

### Effective Date

Section 10.03. Any amendment to, replacement of, or repeal of this Charter approved by a majority vote of the qualified electors of the City voting in a referendum called for such purpose, pursuant to applicable state law, shall become effective at the time and under the conditions fixed in such amendment, substitute charter, or repeal.

## ARTICLE XI. SCHEDULE

### Purpose of Article

Section 11.01. The purpose of this Article is to carry this Charter into complete operation and to ensure that no inconvenience may arise from the adoption thereof.

### When Election Provisions Effective

Section 11.02. The provisions of this Charter pertaining to the elected officials in office at the time this Charter is adopted, and pertaining to the qualification and election of the Mayor, the members of the Council, and the Chief of Police provided for herein, shall go into effect immediately upon the promulgation of the ratification of this Charter, the intent being to provide for the qualification and election of officials of the City in the municipal election to be held in 1974.

### Effective Date of Charter

Section 11.03. Persons elected under the provisions of this Charter shall take office on July 1, 1974, and this Charter shall become fully effective on that date, except as may be specifically provided herein.

### Limit on Expenditures

Section 11.04. Expenditures under the provisions of the 1974 operating budget ordinance shall not exceed one-half ( $\frac{1}{2}$ ) of the total anticipated revenues for the 1974 fiscal year. This Section is effective immediately upon promulgation of the ratification of this Charter.

## Boards, Commissions and Agencies Abolished

Section 11.05. All boards and commissions or other agencies of the City, not provided for in this Charter, shall be abolished on the effective date of this Charter, except for Municipal Fire and Police Civil Service Board.

## Prior Law Continued in Effect

Section 11.06. All actions of the Board of Aldermen, or its predecessors, and all administrative rules and regulations not inconsistent with this Charter shall remain in full force and effect until changed or repealed.

## Existing Rights Continued in Effect

Section 11.07. Legal actions, proceedings, contracts, obligations due the City, and all allied, kindred, and associated matters, shall continue unaffected and remain pending regardless of the adoption of this Charter.

## Resolutions and Ordinances Continued in Effect

Section 11.08. The resolutions and ordinances of the City in effect at the time of the adoption of this Charter, except as inconsistent with this Charter, shall remain in full force and effect until amended or repealed. In those instances wherein the meaning is not clearly established, the word "Council" shall be construed to substitute for "Board of Aldermen."

## Existing Employees Continued

Section 11.09. All employees of the City under Civil Service, prior to the effective date of this Charter, shall be continued in their positions in Civil Service with status. Any action to the contrary shall be subject to review by the Civil Service Board.



## Retirement Rights

Section 11.10. No pension or retirement rights shall be affected by the adoption of this Charter, and services of officers, officials and employees shall be deemed continuous.

## Special Acts Repealed

Section 11.11. All special acts pertaining to the City, insofar as they are in conflict with the provisions of this Charter, shall henceforth be inoperative and of no effect.

## Establishing Councilmanic Districts and Setting Salaries

Section 11.12. Prior to nine (9) months before their term of office expires, the Board of Aldermen, in office at the time this Charter is adopted, shall divide the City by ordinance into five (5) councilmanic districts based on the current United States decennial census, or other more recent duly authorized census, in accordance with the provisions of Sections 2.03 and 2.04; provide for the funding of the Police Department by ordinance, in accordance with Section 5.10; and set the salaries and provide for the reimbursement of expenses by ordinance of the Mayor, the members of the Council, and the Chief of Police to be elected in the 1974 municipal election, in accordance with Sections 2.06, 3.04, 5.04, and 8.13. The ordinances to be adopted as provided in this Section may not be vetoed by the Mayor.

If the Council shall have failed to adopt the ordinances provided for in this Section within the time limit herein provided, the Mayor shall appoint a committee of three (3) qualified electors of the City who shall, within three (3) months of their appointment, divide the City into five (5) councilmanic districts based on the current United States decennial census, or other more recent duly authorized census, in accordance with the provisions of Sections 2.03 and 2.04; provide for the funding of the Police Department, in accordance with Section 5.10; and set the salaries and provide for the reimbursement of expenses of the Mayor, the members of the Council, and the Chief of Police to be elected in the 1974 municipal election, in accordance with Sections 2.06, 3.04, 5.04, and 8.13. The decisions of the committee on the matters provided for herein shall have the full force and effect of law.

#### Severability

Section 11.13. If any provision of this Charter, or the application thereof to any person or circumstance, is for any reason held unconstitutional or otherwise invalid, the remainder of this Charter and its applicability shall not be affected thereby.

Form for Referendum Ballot

Section 11.14. The ballot form for the referendum on this proposed Charter shall be:

“Shall the plan of government for the City of Kenner, prepared and submitted by the fully appointed Charter Commission, said plan being prepared according to Article XIV, Section 40 of the Constitution of Louisiana, and Revised Statutes of Louisiana, Title 33:1381-1390, and other applicable law, be adopted?”

Yes

No