

City of Mandeville Home Rule Charter
Working Draft of Review Changes

Prepare 3/13/14 by Butler Snow LLP

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APPENDIX A. COUNCIL DISTRICTS

Legend:

Recommended deletions are shown as ~~strikeout text~~.

Recommended additions are shown as underlined text.

Major policy-level changes marked by yellow indicators in the right margin.

Significant process changes marked by blue indicators in the right margin.

ARTICLE I. - INCORPORATION, FORM OF GOVERNMENT, BOUNDARIES, POWERS

Section 1-01. - Mandeville charter.

Section 1-02. - Form of government.

Section 1-03. - Boundaries.

Section 1-04. - General powers.

Section 1-05. - Special powers.

Section 1-06. - Joint service agreements.

Section 1-01. - Mandeville charter.

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

Section 1-02. - Form of government.

The plan of government provided by this home rule charter shall be known as the "mayor-council" form of government. It shall consist of an elected council which shall be called the Mandeville Council and shall constitute the legislative branch of the government and an elected mayor who shall be the chief executive officer and head of the executive branch.

Section 1-03. - Boundaries.

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

Section 1-04. - General powers.

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

Section 1-05. - Special powers.

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

Technical clarification.

B. The city government shall, by ordinance, have the right to create special districts except that no taxes, collection of which is to be limited to such district, may be levied in such special district unless approved by the electors in that special district.

C. The city government shall, by ordinance, have the right to purchase developmental rights in accordance with state laws granting such rights to other municipalities.

D. The city government shall, by ordinance, have the power to alter or change water courses within the city boundaries.

Section 1-06. - Joint service agreements.

The city government is authorized, as provided by state law, to enter into joint service agreements or cooperative ~~endeavor agreements with any natural or juridical person, efforts with other governmental agencies and political subdivisions~~

Eliminates an implied restriction that agreements could only be made with other governmental entities. State law allows political subdivisions to enter into agreements with private entities (such as a nonprofit organization).

ARTICLE II. - CITY COUNCIL

- Section 2-01. - Composition, qualifications and election.
- Section 2-02. - Forfeiture of office.
- Section 2-03. - Vacancies.
- Section 2-04. - Compensation.
- Section 2-05. - Prohibition.
- Section 2-06. - Council meetings and rules.
- Section 2-07. - Investigations.
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- Section 2-17. - Powers of enforcement.

Section 2-01. - Composition, qualifications and election.

A. The legislative power of the city government shall be vested in a council consisting of five (5) members elected for four-year terms, of which two (2) shall be elected at large and three (3) from single-member districts as described in Appendix A.

B. A council member shall at the time of qualification have attained the age of eighteen (18) years, been legally domiciled and shall have actually resided in the city for at least two (2) years prior to qualification, be a qualified elector of the city, and shall not have served as a council member ~~from the same councilmanic district~~ for the ~~two (2)~~three (3) consecutive councilmanic terms immediately preceding the term for which he or she qualifies. For the purpose of this section, ~~servng less than~~service of at least two (2) ~~consecutive~~ years of an unexpired councilmanic term shall ~~not be required to~~ be deemed service for that term of office. ~~The provisions of this paragraph shall take effect commencing with the councilmanic term of office which begins July 1, 2000; therefore, the term beginning July 1, 2000, shall be the first term of the two (2) consecutive terms allowed by this charter.~~

C. In addition, a council member elected from a district shall have been legally domiciled and shall have actually resided for at least six (6) months in the district at the time of qualification.

D. A council member shall continue to be legally domiciled and to actually reside in the city and district from which elected during the term of office. Should the legal domicile and/or actual residence of a council member change from the city and the district from which elected, unless changed by reapportionment, the office shall become vacant, which vacancy shall be filled as set out hereinafter.

Changes council term limits from two to three terms, but eliminates “musical chairs” of moving from district to at large seats or vice-versa to avoid the effect of term limits. Also some technical language changes.

E. ~~Following~~ Within six (6) months after the official publication of each federal census by the United States Bureau of the Census ~~and at least six (6) months prior to the time established by law for qualifying for office in the next regular election for council members,~~ the planning commission shall alter, change or rearrange council district boundaries so as to provide for population equality among the districts as near as reasonably practical. To the extent possible, council districts shall be compact and composed of contiguous territory. If requested by the planning commission, the executive branch shall provide technical assistance to planning commission to facilitate the preparation of a reapportionment plan. The council may provide budgetary resources to the planning commission to engage outside professional services for the same purposes. The procurement of such services shall be subject to the requirements for discretionary procurement provided in Section 5.08. However, notwithstanding the provisions of that section, and only for such a procurement for reapportionment purposes, the planning commission shall administer the procurement process instead of the executive branch, and the contract approval shall be by the planning commission rather than the council.

F. The reapportionment plan prepared by the planning commission shall be submitted to the council for approval by ordinance. The council may adopt, amend or reject the reapportionment plan prepared by the planning commission. Upon rejection of a plan by the council, the planning commission shall submit an alternate plan. No ~~reapportionment~~ ordinance ~~effecting [affecting] reapportionment~~ shall be considered for final passage by the council until at least three (3) advertised public hearings have been held on the proposal.

G. An ordinance adopting a reapportionment plan for the council shall not be subject to veto by the mayor.

(Ord. No. 03-02, 1-23-02)

H. If a reapportionment plan is not approved at least two (2) months in advance of the time established by law for qualifying for office in the next regular election for council members (which shall include approval by the council and approval by any other agency whose approval is required by state or federal law), the plan shall not take effect for the next regular election following, but shall be in effect for subsequent regular elections.

Section 2-02. - Forfeiture of office.

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

- (1) Lacks any qualification for the office prescribed by this charter;
- (2) Is convicted of a state or federal felony; or
- (3) Violates an expressed prohibition of this charter.

Section 2-03. - Vacancies.

A. The office of a council member shall become vacant upon death, resignation, removal from office in any manner prescribed by law, forfeiture of office or failure to take office.

Procedural revision and technical clarification for schedule workability. As written, reapportionment would not be possible in 2020.

B. A vacancy on the council shall be filled by appointment of a person meeting the qualifications for office by a majority of the remaining members of the council. If the vacancy occurs within one (1) year of the next primary election scheduled pursuant to general law, one (1) year or less of the unexpired term remains when the vacancy occurs, the appointee shall serve out the remainder of the term. ~~If the vacancy occurs more than one (1) year prior to the expiration of the term,~~ Otherwise, the appointee shall serve until the office is filled by the vote of the qualified electors voting in an election called by the council for that purpose. The council, within ~~fifteen (15)~~twenty (20) days after the vacancy occurs, shall issue a proclamation ordering the election to fill the vacancy. The election shall be held according to the timetable and procedures established by state law generally for the filling of vacancies in elected local offices.

Technical changes to track state election law in La. R.S. 18:602(A) and (E).

C. If the council does not make an appointment as required by this section within ~~thirty (30)~~twenty (20) days, the appointment shall be made by the ~~governor~~mayor. If an election is required and the council fails to issue the proclamation within ~~fifteen (15)~~twenty (20) days after the vacancy occurs, the ~~governor~~mayor shall issue the proclamation.

The timing revisions are technical changes to track state election law in La. R.S. 18:602(A) and (E).

Changing the backup appointing authority from the governor to the mayor is a substantive change intended to keep local decisions local and to avoid potential political issues from crossing levels of government.

Section 2-04. - Compensation.

A. The salary of council members shall be the same as that of incumbent council members at the time the charter becomes effective.

B. The council may periodically review the salary paid council members and may change same by ordinance adopted at least ninety (90) days prior to the qualifying deadline for the next term of office. ~~Any, except that a~~ change in salary shall not become effective until commencement of the next term of office.

Schedule limitation to insure that candidates know what the salary will be when they qualify.

C. Council members may be reimbursed for properly vouchered expenses incurred in conducting business of the city.

D. The council shall specify by ordinance the employee benefits to be provided council members.

Section 2-05. - Prohibition.

A. A council member shall hold no other elected public office, nor be a compensated official or employee of the city government or any of its political subdivisions during the term for which elected to the council and no former council member shall hold any compensated appointive office or employment of the city government or any of its political subdivisions until one (1) year after the expiration of the term for which elected to the council. Nothing in this section shall prohibit a council member from serving as a member of a charter commission, constitutional convention or political party committee.

B. Except as specifically provided in this charter, neither the council nor any of its members shall remove, direct or supervise any administrative officers or employees whom the mayor or any of his subordinates are empowered to appoint, nor shall they substantially reduce any such officer or employee's compensation or benefits unless the reduction is part of a budget reduction applicable to the city workforce as a whole.

Change to prohibit indirect removal of executive branch personnel.

Section 2-06. - Council meetings and rules.

A. The council shall meet regularly at least once a month at such times and places as the council may prescribe by ordinance. Special meetings may be held on the call of the mayor, the ~~mayor pro tempore~~ council president or a majority of the membership of the council with such notice as may be required by state law. To meet a public emergency affecting life, health, property or public safety, the council may meet upon call of the mayor, the ~~mayor pro tempore~~ council president or a majority of the membership of the council at whatever notice it shall be convenient to give. The call convening a special or emergency meeting of the council shall state the objects of the meeting. The power of the council to act at a special or emergency meeting shall be limited, under penalty of nullity, to the objects specifically enumerated in the call.

B. All meetings of the council, council members elect, and council and its committees shall be open to the public in accordance with the provisions and exceptions of general state law.

This change would clarify that the Open Meetings Act applies to new council members between the time they are elected and when they take office.

C. The council shall determine by resolution its own rules and order of business and shall provide for keeping a journal of its minutes and proceedings which shall be a public record. All official actions of the council shall be published in the official journal and on the Internet within twenty (20) days of the action taken.

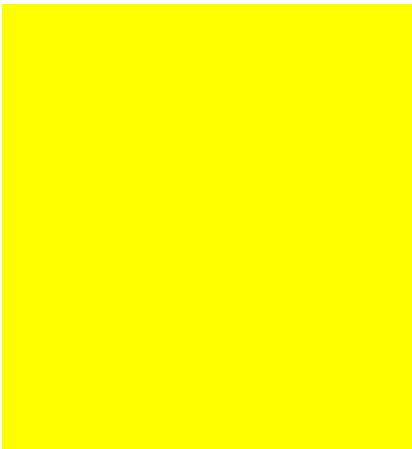
D. At all regular meetings of the council, the council shall operate from an agenda which shall have been posted in a prominent place in city hall, and on the Internet, and made available to the news media at least four days prior to the meeting and published in the official journal prior to the meeting. The published agenda may be amended ~~at the meeting upon the favorable vote of at least a majority of the council membership in accordance with general state law.~~ The agenda for special or emergency meetings shall be made available to the public as soon as practical prior to the meeting. The council may, by resolution, establish procedures by which the agenda is prepared, which may include deadlines for submission of agenda items. Such procedures shall not deny any council member the right to have an item placed on the agenda, provided the agenda item is submitted timely under such procedures.

Elevates some agenda control procedures to the charter level.

E. Organization of the council shall occur at the first meeting of a newly elected council. ~~Changes may be made in the organization during the term for which the council is elected by a vote of two thirds of the authorized membership of the council. A mayor pro tempore-A council president~~ shall be elected by a majority vote of the council from among the at-large council members, ~~and shall serve as the council's presiding officer.~~ The ~~mayor pro tempore~~council president shall make committee appointments and preside at meetings of the council. In the absence or disqualification of the ~~mayor pro tempore~~council president, the council shall designate one of its other members as temporary presiding officer. The ~~mayor pro tempore~~council president and temporary presiding officer shall be voting members of the council, except as otherwise provided in this charter. The organization of the council, the council president, or temporary presiding office may be changed by majority vote of the council.

F. All voting on ordinances shall be by roll call, and the ayes and nays shall be recorded in the minutes of the council by the individual vote of each council member. Not less than a majority of the authorized membership of the council shall constitute a quorum to transact business, but if a quorum is lost during a meeting, a smaller number may recess from time to time and compel the attendance of absent members in the manner and subject to the penalties prescribed by council rules.

G. All votes of the council shall be based on the authorized membership of the council unless otherwise specified in this charter. As used in this charter, "authorized membership" means the number of council members then in office and not disqualified from serving, excluding members mandated by law to abstain from voting on a particular matter, such as by virtue of ethics laws or this charter. The term "membership" used alone without modification shall mean all five council members.



Definitional clarification, but with some impacts. Needs to be considered in conjunction with change in supermajority requirements.

Section 2-07. - Investigations.

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

Section 2-08. - Independent audit.

The council shall provide for an annual independent postaudit, and such additional audits as it deems necessary, of the accounts and other evidence of financial transactions of the city, including those of all city departments, offices or agencies. Audits may be by the state or the council may designate a private auditor to make such audits. The provisions of Section 5.08 related to discretionary procurements shall not apply to the council's selection of a private auditor. However, if a private auditor is utilized, the council shall procure such services through an public selection process, to be determined by the council, that allows any auditor authorized by state law to propose to provide audit services, except that the council may decline to accept a proposal from any auditor who provided audit services to the city during the three fiscal years prior to the fiscal year being audited. The private auditor shall be without personal interest in the affairs subject to audit and shall be a certified public accountant or firm of such accountants. The audit shall be submitted to the council at one of its regularly scheduled meetings and shall be a public record, and a summary thereof shall be published at least once in the official journal and on the Internet.

Clarification of power to choose an auditor.

Section 2-09. - Council employees.

A. The council shall appoint a clerk of the council who shall serve at the pleasure of the council. The clerk shall give notice of council meetings to its members and the public, keep the journal of its proceedings, be official secretary of the council, and perform such other duties assigned to the position by this charter or by the council.

B. The council may provide for such other employees as it may need and shall, by ordinance, fix the salaries of its employees.

Section 2-10. - Action requiring an ordinance.

An act of the council having the force of law shall be by ordinance. An act requiring an ordinance shall include, but not be limited to those which:

- (1) Adopt or amend an administrative code.
- (2) Provide a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty may be imposed.
- (3) Levy taxes or assessments as provided by law in accordance with the section on "Power to levy taxes."
- (4) Appropriate funds and/or adopt the operating budget and capital improvement budget for the city government.
- (5) Grant, renew or extend a franchise.
- (6) Provide for raising revenue.
- (7) Regulate the rate or other charges for service by the city government.
- (8) Authorize the borrowing of money.
- (9) Incur debt in any manner authorized by law.
- (10) Abandon any property owned by the city government.
- (11) Convey or lease or authorize the conveyance or lease of any lands or property of the city government.

Simplifies authority for minor acquisitions.

(12) Acquire or accept ownership of immovable property on behalf of the city government (authority for which may be provided as part of a budget ordinance).

(13) Adopt or modify the official city map.

(14) Adopt or modify the zoning plan, maps and regulations.

(15) Amend or repeal any ordinance previously adopted.

(16) Propose amendments to this charter.

B. All city ordinances shall be codified in accordance with Article VI, Section 10 of the constitution.

C. An action of the council which is not to have the force of law may be enacted by resolution. Actions which may be adopted by resolution shall include but shall not be limited to those which:

(1) Establish a commemorative day, week, month or year;

(2) Authorize a person to sign or execute on behalf of the council a contract which has been previously approved;

(3) Authorize a person to execute, sign or countersign a check or draft on an account of the city; or

(4) Declare a statement of public policy of the council.

D. Ordinances shall be passed by the favorable vote of at least a majority of the authorized membership of the council except as otherwise provided in this charter. Resolutions shall be passed by the favorable vote of a majority of the council members present.

E. Voting on ordinances and resolutions shall be at open meetings and the ye and nay votes shall be recorded by name. Proxy voting is prohibited.

Section 2-11. - Ordinances in general.

A. Ordinances shall be proposed at council meetings and shall be submitted by a council member and seconded by another council member prior to introduction.

B. All proposed ordinances shall be introduced in writing and in the form required for adoption and, except for codifications, the operating budget and capital improvement budget, shall be confined to one subject, expressed clearly in the title.

C. All proposed ordinances shall be read by title when introduced and published in full or in summary within fourteen (14) days after introduction, except that ordinances proposing amendments to the charter shall be published in full. Except as otherwise provided in the section on "Emergency Ordinances," no ordinance shall be considered for final passage until at least one (1) week from the date of publication and after a public hearing has been held on the ordinance. The public hearing may be held at the meeting at which final passage is to be considered.

D. With the final approval of ordinances by the mayor, or the council in case of a veto by the mayor, such enacted ordinances shall be published in full in the official journal and on the Internet by the clerk of the council as soon as practical thereafter; provided, however, that ordinances adopting codes of technical regulations or adopting or amending the operating budget or capital improvement budget may be published in full or in summary at the council's discretion. Every enacted ordinance, unless it shall specify another date, shall become effective at the expiration of thirty (30) days after publication by the council.

Section 2-12. - Submission of ordinances to the mayor.

A. Every ordinance adopted by the council shall be signed by the presiding officer, except that upon failure of the presiding officer to sign the ordinance, the clerk of the council shall certify to its passage and it shall be presented to the mayor within three (3) calendar days after adoption, excluding Saturdays, Sundays and city holidays. The clerk of the council shall record upon the ordinance the date and hour of its delivery to the mayor.

B. Within ten (10) calendar days after the mayor's receipt of an ordinance, excluding Saturdays, Sundays and city holidays, it shall be returned to the clerk of the council with the mayor's approval, or with the mayor's veto. The clerk shall record upon the ordinance the date and hour of its receipt from the mayor. If the proposed ordinance is not signed or vetoed by the mayor within ten (10) days after receipt, it shall be considered approved. If the ordinance has been approved, it shall be considered finally enacted and become effective as provided in the section on "Ordinances in general." If the ordinance is vetoed, the mayor shall submit to the council through the clerk a written statement of reasons for the veto. The veto statement shall be published in full in the official journal by the clerk as soon as practical thereafter. All ordinances vetoed by the mayor shall be vetoed in full, except that the mayor shall have authority to veto individual appropriation items in the ordinances adopting the operating budget and capital improvement budget.

C. Ordinances vetoed by the mayor shall be submitted by the clerk to the council at the next regular meeting held after publication of the veto statement. Should the council vote, not later than the second regular meeting held after receipt of the vetoed ordinance to readopt the ordinance by the favorable vote of at least ~~two-thirds-three-fourths~~ of its authorized membership, said ordinance shall be considered finally enacted and become law irrespective of the veto by the mayor. The same procedure shall apply to individual appropriation items in the operating and capital improvement budgets vetoed by the mayor.

D. The right of the mayor to veto as provided in this section shall apply to all ordinances adopted by the council except ordinances for amendments to this charter; establishing, altering or modifying council procedure; appropriating funds for auditing or investigating any part of the executive branch; or as may be otherwise provided in this charter.

Section 2-13. - Emergency ordinances.

A. To meet a public emergency affecting life, health, property or public safety, the council by the favorable vote of at least ~~two-thirds~~ three-fourths of its authorized membership, may adopt an emergency ordinance at the meeting at which it is introduced, provided that no such ordinance may be used to levy taxes or special assessments; grant or extend a franchise; incur debt, except as provided in the section on "Emergency appropriations"; adopt or amend an official map, platting or subdivision controls or zoning regulations; or change rates, fees or charges established by the city government. An emergency ordinance may temporarily suspend or modify any existing ordinance. Each emergency ordinance shall contain a specific statement of the emergency claimed.

Allows suspension of existing ordinances during emergency (as opposed to merely passing new emergency ordinances).

B. Notwithstanding the provisions of the section on "Submission of ordinances to the mayor," any emergency ordinance adopted by the council shall be signed by the presiding officer, except that upon failure of the presiding officer to sign the ordinance, the clerk of the council shall certify to its passage and it shall be presented to the mayor within six (6) hours after adoption. Within twelve (12) hours after the mayor's receipt of an emergency ordinance, it shall be returned to the clerk of the council with the mayor's approval, or with the mayor's veto. If the proposed ordinance is not signed or vetoed by the mayor within twelve (12) hours after receipt, it shall be considered adopted. If the emergency ordinance has been approved, it shall be considered finally enacted and become effective immediately upon receipt by the clerk. If the emergency ordinance is vetoed, the mayor shall submit to the council through the clerk a written statement of the reasons for the veto. The clerk shall record upon the emergency ordinance the dates and hours of its delivery to and receipt from the mayor. Should the council vote, not later than twelve (12) hours after receipt of the vetoed emergency ordinance from the mayor, to readopt the emergency ordinance by the favorable vote of at least ~~two-thirds~~ three-fourths of its authorized membership, said emergency ordinance shall be considered finally enacted and become law immediately upon readoption, irrespective of the veto by the mayor. Upon final approval by the mayor, or the council in case of a veto by the mayor, such enacted emergency ordinance shall be published in full in the official journal by the clerk as soon as practical thereafter.

C. Emergency ordinances shall be effective for no longer than sixty (60) days after final approval.

Section 2-14. - Codes of technical regulations.

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

Section 2-15. - Authentication and recording of ordinances and resolutions: printing and distribution.

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A. All finally enacted ordinances and resolutions shall be authenticated, numbered and recorded by the clerk of the council. All ordinances shall be indexed and codified in a book or books kept for this purpose. All resolutions shall be indexed and recorded in the minutes of the council meeting at which the resolution was approved.

B. The council shall cause each ordinance and each amendment to this charter to be printed or otherwise reproduced promptly following enactment and such printed or reproduced amendments and ordinances, including codes of technical regulations adopted by reference pursuant to the section on "Codes of technical regulations", shall be distributed or sold to the public at cost.

Section 2-16. - Power to levy taxes.

A. The power to perform any service or provide any facility granted to the city government by this charter or by the constitution and general laws of the state shall in all cases carry with it the power to levy taxes and to borrow money within the limits and in accordance with procedures prescribed by the constitution and general laws of the state. The council shall have, and is hereby granted, all of the authority to levy and collect taxes, to incur debt, and issue bonds and other evidences of indebtedness, as is now or hereafter conferred on governing authorities of cities by the constitution and general laws of the state, or as may be hereafter specially conferred by the electors of the city.

B. Any tax being levied by Mandeville on the effective date of this chapter is ratified and continued in effect for the term of which same is currently authorized.

C. All proposals to levy property taxes, in excess of that authorized by the state constitution to be levied without approval of the electorate, shall be submitted to the electors for approval in accordance with the election laws of the state.

D. All proposals to levy a new or increase an existing sales and use tax shall be submitted to the electors for approval in accordance with the election laws of the state.

Section 2-17. - Powers of enforcement.

For the purposes of carrying out the powers and duties generally or specifically conferred on the city government, the council shall have the power to grant franchises; establish requirements for licenses and permits and fix the fees to be paid therefor; to regulate, investigate and inspect any such license or permittee; to charge compensation for any privilege or franchise granted or service rendered; and to provide penalties for the violation of any ordinance or regulation, as provided by law.

ARTICLE III. - EXECUTIVE BRANCH

- Section 3-01. - Executive authority.
- Section 3-02. - Election of mayor.
- Section 3-03. - Qualifications.
- Section 3-04. - Compensation.
- Section 3-05. - Powers and duties of the mayor.
- Section 3-06. - Forfeiture of office.
- Section 3-07. - Vacancies.
- Section 3-08. - Mayor's temporary absence.
- Section 3-09. - Mayor's disability.
- Section 3-10. - Prohibitions.
- Section 3-11. - Office [facilities] of mayor.

Section 3-01. - Executive authority.

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

Section 3-02. - Election of mayor.

The mayor shall be elected at large from and by the qualified electors of the city for four-year terms in accordance with the election laws of the state. The office of mayor shall be a fulltime position.

Section 3-03. - Qualifications.

A. A mayor shall be at least twenty-five (25) years of age and a qualified elector of the city at the time of qualification and shall have been legally domiciled and shall have actually resided in the city at least the two (2) years immediately preceding the time established by law for qualifying for office, and shall not have served as mayor of the city for each of the three (3) consecutive mayoral terms immediately preceding the term for which he or she qualifies. For the purpose of this section, ~~servng less than service of at least two (2) consecutive~~ years of an unexpired mayoral term shall ~~not be required to~~ be deemed service for that term of office. ~~The provisions of this paragraph shall take effect commencing with the mayoral term of office which begins July 1, 2002; therefore, the term beginning July 1, 2000, shall be the first term of the three (3) consecutive terms allowed by this charter.~~

Technical clarification and deletion of obsolete text.

B. The mayor shall continue to be legally domiciled and to actually reside within the city during the term of office. Should the legal domicile and/or actual residence of the mayor change from the city, the office shall automatically become vacant, which vacancy shall be filled in accordance with the section on "Vacancies".

(Ord. No. 03-01, 1-23-03)

Section 3-04. - Compensation.

A. The salary of the mayor under this charter shall be the same as the salary of the incumbent mayor at the time the charter becomes effective. The council may, by ordinance, increase the salary of the mayor. The mayor shall, upon presentation of properly documented receipts, be reimbursed for reasonable expenses incurred in carrying out the official duties of the office.

B. The council shall specify by ordinance the employee benefits to be provided the mayor.

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Section 3-05. - Powers and duties of the mayor.

The mayor, as chief executive officer of the city government, shall have the following powers and duties:

- (1) See that all laws, provisions of this charter and acts of the council, subject to enforcement by the mayor or by officers subject to the mayor's direction and supervision, are faithfully executed.
- (2) Appoint and suspend or remove all city government employees and appointive administrative officers provided for, by or under this charter in accordance with personnel policies. The mayor may authorize any administrative officer who is subject to the mayor's direction and supervision to exercise these powers with respect to subordinates in the officer's department, office or agency.
- (3) Direct and supervise the administration of all departments, offices and agencies of the city government, except as otherwise provided by this charter.
- (4) Prepare and submit the annual budget and five-year capital budget to the council.
- (5) Prepare a monthly financial statement comparing the operating budget with income and expenditures for the month and for the fiscal year to date. The report shall be submitted to the council no later than fifteen (15) days after the end of the month.
- (6) Submit to the council and make available to the public, within forty-five (45) days after the end of the fiscal year, a complete report on the finances and administrative activities of the City as of the end of each fiscal year.
- (7) Make such other reports as to the council may reasonably request to enable the council to conduct its councilmanic function.
- (8) Sign contracts, deeds and other obligations as authorized by the council.
- (9) Attend meetings of the council, keep it fully informed as to matters of finance and future needs, and make such recommendations to the council as deemed desirable.
- (10) Perform such other duties as are specified in this charter or may be required by the council, not inconsistent with this charter.

Section 3-06. - Forfeiture of office.

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

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

Section 3-07. - Vacancies.

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

B. A vacancy in the office of mayor shall be filled by appointment of a person meeting the qualifications for the office by a majority vote of the authorized membership of the council. If the vacancy occurs within one (1) year of the next primary election scheduled pursuant to general law, one (1) year or less of the unexpired term remains when the vacancy occurs, the appointment shall be for the remainder of the term. ~~If the vacancy occurs more than one (1) year prior to the expiration of the term,~~ Otherwise, the appointment shall be until such time as the office is filled by the vote of the qualified electors voting in an election called by the council for that purpose. The council, within ~~fifteen (15)~~twenty (20) days after the vacancy occurs, shall issue a proclamation ordering the election to fill the vacancy. The election shall be held according to the timetable and procedures established by state law generally for the filling of vacancies in elected local offices.

Technical clarification to track state election law.

C. If the council does not make an appointment as required by this section within ~~ten (10)~~twenty (20) days after the vacancy occurs, the appointment shall be made by the governor. If an election is required and the council fails to issue the proclamation within ~~fifteen (15)~~twenty (20) days after the vacancy occurs, the governor shall issue the proclamation.

Technical clarification to track state election law.

Section 3-08. - Mayor's temporary absence.

A. Whenever the mayor is absent from and unavailable to the city for a period not to exceed seventy-two (72) hours, the mayor, by letter filed with the clerk of the council, ~~shall~~may designate a qualified officer or employee in the executive branch or the ~~mayor pro tempore~~council president to serve as acting mayor.

B. When such temporary absence and unavailability of the mayor exceeds or is expected to exceed seventy-two (72) hours, the ~~mayor pro tempore~~council president shall serve as acting mayor. While serving as acting mayor, the ~~mayor pro tempore~~council president shall not have a vote on the council or otherwise participate in council activities except that the ~~mayor pro tempore~~council president shall continue to preside at council meetings.

C. Should the ~~mayor pro tempore~~council president be unable or unwilling to serve as acting mayor, the council shall, by resolution adopted by the favorable vote of at least a majority of the authorized membership of the council, designate another member of the council to serve as acting mayor. That council member shall not have a vote on the council or otherwise participate in council activities while serving as acting mayor.

D. If ~~a temporary absence of the mayor extends to the mayor is absent from the city for~~ more than thirty (30) consecutive days, the office shall become vacant and shall be filled in accordance with the section on "Vacancies," except that the council may authorize a longer absence, not to exceed a total of sixty (60) consecutive days.

E. By ordinance, the city may provide for the use of electronic signatures or similar means for the mayor to execute documents or authorize actions provided under this charter.

Updates the charter to the digital age.

Section 3-09. - Mayor's disability.

A. Whenever the mayor transmits to the clerk of the council a written declaration stating inability to discharge the powers and duties of the office due to a disability, and until the mayor transmits to the clerk of the council a written declaration to the contrary, the office of mayor shall be filled by the ~~mayor pro tempore~~council president.

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B. Whenever a panel of three (3) qualified medical experts, designated by resolution adopted by the favorable vote of at least ~~two-thirds-three-fourths~~ of the authorized membership of the council, transmits to the clerk of the council a written declaration signed by a majority of the medical panel that the mayor is unable to discharge the powers and duties of the office due to a disability, the council by the favorable vote of at least ~~two-thirds-three-fourths~~ of the authorized membership may declare the office of mayor temporarily unoccupied, and the office of mayor shall be filled by the ~~mayor pro tempore council president~~. The ~~mayor pro tempore council president~~ shall serve until a panel of three (3) qualified medical experts, designated by resolution adopted by the favorable vote of at least ~~two-thirds-three-fourths~~ of the authorized membership of the council, transmits to the clerk of the council a written declaration signed by a majority of the medical panel that the mayor's disability has ended, and the council by the favorable vote of at least ~~two-thirds-three-fourths~~ of the authorized membership declares that the mayor is able to assume the duties of the office.

C. In the event the mayor is declared disabled, the designated medical experts shall review the mayor's disability at least once every three (3) months until such time as it has been determined that the disability has ended.

D. Should the mayor be unable to discharge the powers and duties of the office for a period exceeding six (6) consecutive months because of a disability, the council shall have the authority upon the favorable vote of at least ~~two-thirds-three-fourths~~ of its authorized membership to declare the office of mayor vacant due to disability; provided, however, that the council shall hold a public hearing on the issue prior to any such declaration. The council shall fill the vacancy in accordance with the section on "Vacancies."

Section 3-10. - Prohibitions.

A. The mayor shall hold no other elected public office nor any compensated appointive office or employment of the city government during the term of office for which elected and shall hold no compensated appointive office or employment of the city government until one (1) year after expiration of the term for which elected. The mayor shall not engage in any activity that would substantially interfere with compliance of the duties of the office provided by this charter.

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

Section 3-11. - Office [facilities] of mayor.

The office of the mayor shall be located in the city hall.

ARTICLE IV. – ADMINISTRATION

- Section 4-01. - General provisions.
- Section 4-02. - Legal Department.
- Section 4-03. - Operating departments.
- Section 4-04. - Administrative reorganization.
- Section 4-05. - Personnel system.

Section 4-01. - General provisions.

- A. Operating rules and regulations prepared by the mayor or the departments, offices and agencies under his jurisdiction shall, upon approval by the mayor, be filed in the office of the mayor and the office of the clerk of the council. Such rules and regulations shall be codified, indexed and bound and shall be available to the public at the cost of reproduction.
- B. Except as otherwise provided by this charter, all departments, offices and agencies of the city and all employees thereof shall be under the direction and supervision of the mayor.
- C. Except as otherwise provided in this charter, all department directors shall be appointed by the mayor and serve at the pleasure of the mayor.
- D. The salaries of the directors of the departments appointed by the mayor shall be set by the mayor subject to approval by the council by means of the budget.

E. By ordinance, the city may establish the position of chief administrative officer, specifying the duties and authorities of the position, provided that a chief administrative officer shall not be delegated any power, action, decision, or function expressly provided for or by the mayor in this charter. Any chief administrative officer shall be nominated by the mayor and confirmed by the council, and shall serve at the pleasure of the mayor.

Allows, but does not require, a CAO position.

Section 4-02. - Legal Department.

- A. The head of the legal department shall be the city attorney who shall be appointed by the mayor subject to approval by the council.
- B. The city attorney shall be an attorney duly authorized and licensed to practice law in the courts of Louisiana.
- C. The city attorney shall serve as chief legal advisor to the mayor, council and all departments, offices and agencies, shall represent the city in all legal proceedings, and shall perform other duties prescribed by this charter or by ordinance.
- D. Any assistant city attorneys authorized by the council shall be appointed by the city attorney subject to approval by the council

E. No special legal counsel representing or advising the city shall be employed by the city except by written contract and approval of the council. Unless expressly exempted by the council, the discretionary procurement provisions of Section 5.08 shall apply to the selection of special legal counsel.

Clarifies special counsel provisions.

F. Notwithstanding any other provisions of this Section 4.02 or of Section 5.08, but subject to the availability of a an appropriation for this purpose, the council may, by resolution, engage special legal counsel to advise the council in situations where the council determines that advice independent of the executive branch is required. The resolution authorizing such counsel shall describe with particularly the following:

1. The circumstances requiring independent advise;
2. The substantive scope of the engagement;
3. The duration of the engagement, which shall not exceed six (6) months, which term may be extended by council resolution satisfying the requirements of this section;
4. The compensation of the special legal counsel.

No special legal counsel shall be engaged under this section 4.02(F) unless the resolution authorizing the engagement passes by at least four (4) affirmative votes of the council members.

Section 4-03. - Operating departments.

Except as otherwise provided by this charter, all city government departments, offices, agencies and functions in existence on the effective date of this charter shall continue in existence as organized on that date until reorganized in accordance with the section on "Administrative reorganization."

Section 4-04. - Administrative reorganization.

A. The mayor may propose to the council the creation, change, alteration, consolidation or abolition of city departments, offices and agencies and/or the reallocation of the functions, powers, duties and responsibilities of such departments, offices or agencies, including those provided for in this charter.

B. Upon receipt of the mayor's proposed plan of reorganization, the council shall introduce an ordinance to implement the proposed reorganization plan. The ordinance shall follow the same procedure as provided in the section on "Ordinances in general" and the section on "Submission of ordinances to the mayor" of this charter, except that the council shall not amend nor modify the reorganization proposal submitted by the mayor except with the consent of the mayor. Upon failure of the council to adopt or reject the ordinance within thirty (30) days following its introduction, the reorganization plan shall become effective without council action.

Section 4-05. - Personnel system.

A. The council shall by ordinance adopt personnel rules, policies, procedures and practices for all employees, except that the civil service system for the Mandeville Police Department as adopted by Act 164 of the 1984 session of the Louisiana Legislature, or as amended in the future, shall continue in effect. No amendment to the act shall make it applicable to employees other than those of the police department.

B. There is hereby established a classified personnel system in which all appointments and promotions shall be made on the basis of merit and fitness. The classified service shall include all officers and employees of the city except the following: members of the council; the mayor, his secretary and his assistants; the clerk of the council; the tax collector; the directors of departments; the personnel officer; and police employees covered by section 4-05(A).

C. The mayor shall designate a department head or official in the executive branch to serve as personnel officer until such time as the mayor recommends and the council approves creating the position of personnel officer.

D. The personnel officer shall:

(1) Prepare, administer and recommend changes in personnel rules and regulations governing the classified service as may be necessary or desirable for carrying out provisions of this charter.

(2) Prepare, install and maintain a uniform classification and pay plan for all positions in the classified service.

(3) Perform such other duties and functions as may be directed by the mayor.

E. The policies and administration of the classified service, including the classification and pay plans, of the city shall be governed by written rules and regulations to be known as "Personnel Policies." Any such policy shall include a prohibition against political activity by employees and financial assessment for political purposes. The personnel officer shall prepare such policies and recommend their adoption to the mayor. Upon approval by the mayor, the personnel policies shall be presented to the council for adoption. Thereafter, the personnel officer shall recommend additions to, modifications of, or deletions from such policies to the mayor for presentation to the council in the same manner as for adoption of the original policies. All personnel policies adopted by the council shall be by ordinance.

F. The personnel policy and rules in effect in the city at the time this charter becomes effective shall continue in effect until amended by the council or as they may conflict with this charter.

G. Any person holding a position in the city government when this charter takes effect, who served in that position at the time the charter was adopted by the electors of the city, and at least one (1) year prior thereto, shall continue in that position without competitive test or other method approved by the council, but shall be subject in all other respects to this section.

H. There is hereby established a personnel board consisting of five (5) members who shall serve staggered five-year terms. Those persons or groups designated as the appointing authority for membership on the municipal police employees civil service board shall be the appointing authority for membership on the personnel board. The terms of the members of the first personnel board shall be determined by a drawing in which the first name drawn shall serve a one-year term; the second, a two-year term; the third, a three-year term; the fourth, a four-year term; and the fifth, a five-year term. Thereafter, all members shall be appointed for a five-year term. If the appointing person or group designates the same person who holds membership on the municipal police employees civil service board to be a member of the personnel board, then the duration of the term of such person who holds membership on both boards shall coincide. The lengths of terms of initial appointments for the remaining members of the personnel board who are not members of the municipal police employees civil service board shall be designated so as to provide staggered five-year terms for the five (5) members of the personnel board. Personnel board members shall be residents of the City of Mandeville and shall not be an official nor employee of a federal, state or local government.

I. The personnel board shall:

- (1) Hold hearings on dismissals, demotions and other disciplinary matters as may be provided in the rules. The decisions of the personnel board in these matters shall be final.
- (2) Draft and submit to the council for approval rules and regulations for the filing and hearing of appeals.
- (3) Perform such other quasijudicial duties as may be required under the rules developed pursuant to this section.

J. On appeal to the personnel board by an employee relative to the actions of the employer, the burden of proof shall be on the employee.

ARTICLE V. - FINANCIAL PROCEDURES

Section 5-01. - Fiscal year.

Section 5-02. - Operating budget.

Section 5-03. - Capital improvement budget.

Section 5-04. - Administration of operating and capital budgets.

Section 5-05. - Lapse of appropriations.

Section 5-06. - Bonded debt.

Section 5-07. - Facsimile signatures.

Section 5-08. - Purchasing.

Section 5-01. - Fiscal year.

The fiscal year of the city government shall be September 1 through August 31, subject to change by ordinance by the council.

Section 5-02. - Operating budget.

A. The operating budget shall be prepared and implemented in accordance with general state law and guidelines as may be established by the council.

B. Emergency appropriations. To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations shall be made by emergency ordinance in accordance with the provisions of this charter. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by such emergency ordinance borrow money in sums necessary to meet the emergency. The repayment of such sums shall be a fixed charge upon the revenues of the fiscal year next following the fiscal year in which the sums are borrowed.

Section 5-03. - Capital improvement budget.

A. Each year, no later than the time of submission of the operating budget for the ensuing fiscal year, the mayor shall prepare and submit to the council a capital improvement budget covering a period of at least five (5) years. The amount indicated to be spent during the first year of the capital improvement budget shall be the capital budget for that year.

B. The capital budget shall include:

- (1) A clear general summary of its contents.
- (2) A list of all capital improvements and acquisitions which are proposed to be undertaken for at least the five (5) fiscal years next ensuing with appropriate supporting information as to the necessity for such improvements and acquisitions.
- (3) Cost estimates, method of financing and recommended time schedules for each such improvement or acquisitions.
- (4) The estimated annual cost of operating and maintaining the capital improvement to be constructed or acquired.

(5) All unexpended balances from a prior year appropriations and contractual obligations against those balances, itemized for the individual projects authorized.

Improves information on prior budget authorizations.

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

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C. At a meeting of the council at which the capital improvement budget is submitted, the council shall order a public hearing on such capital improvement budget and shall cause to be published in the official journal, at least ten (10) days prior to the date of such hearing, the time and place of the hearing, a general summary of the proposed capital improvement budget and the times and places where copies of the proposed capital improvement budget are available for public inspection. At the time and place so advertised, the council shall hold a public hearing on the capital improvement budget as submitted. Changes in the proposed capital improvement budget by the council shall be by the favorable vote of at least a majority of the authorized membership of the council. In considering the capital improvement budget, the council may rescind the unexpended balance of any prior year appropriation that is not contractually obligated. The capital improvement budget as finally adopted by ordinance shall be reproduced and sufficient copies shall be made available for use by all offices, departments and agencies of the city government. Copies shall be available for public use in the office of the clerk of the council and additional copies may be purchased at cost.

Clarifies that prior unexpended balances may be rescinded, and should be read in conjunction with the newly proposed provision requiring the capital budget to disclose unexpended balances.

D. Amendments to the finally adopted capital improvement budget shall be by ordinance in accordance with provisions of this charter relative to ordinances.

Section 5-04. - Administration of operating and capital budgets.

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

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

The three-year limitation is no longer needed if the discretionary procurement language is adopted.

C. Deficit spending is prohibited except for emergencies as provided in the section on "Emergency appropriations."

Section 5-05. - Lapse of appropriations.

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Every appropriation, except an appropriation for a capital expenditure shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. ~~An~~Provided that an unexpended balance is included in the capital budget under Section 5.03(B)(5), an appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; ~~the, or until the appropriation has been rescinded.~~ The purpose of any such appropriation shall be deemed abandoned if one (1) year passes without any disbursement from or encumbrance of the appropriation.

Clarifies the application of budgetary rescissions.

Section 5-06. - Bonded debt.

The city government is empowered to incur bonded debt in accordance with this charter and the constitution and laws of the state. When approval of the electorate is required, no resolution shall be passed calling for a referendum to incur a bonded debt until an engineering and economic feasibility report shall have been made to the council and a summary thereof published in the official journal at least sixty (60) days prior to the proposed date of the election.

Section 5-07. - Facsimile signatures.

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

Section 5-08. - Purchasing.

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

Substantially new provisions on professional service and other non-low bid procurements.

~~B. Contracts for professional services, technical equipment, and purchases in excess of the amount specified by state law to be advertised and bid shall be submitted to the council by the mayor with the mayor's recommendation as to the contract to be awarded. Any purchase of property, supplies, materials, or services (including, but not limited to professional services) for which general state law does not specify a procurement process and award to the lowest responsive bidder shall be shall be advertised, evaluated, and awarded by a competitive selection process, referred to herein as "discretionary procurements." The process shall be conducted by the executive branch, and shall adhere to the following minimum requirements:~~

~~1. Public notice of a solicitation in the official journal and on the Internet sufficiently far in advance of the deadline for vendors to respond to give prospective vendors a reasonable opportunity to evaluate the solicitation and formulate a response. In the absence of an emergency, the time period shall be no shorter than one (1) week.~~

~~2. A description in the solicitation of the specific property, supplies, materials, or services to be procured.~~

~~3. A description in the solicitation of the factors that will be used to evaluate vendor responses, including the basis of ranking, scoring, or assigning weights to evaluation factors. Except where prohibited by general law, cost shall be included as an evaluation factor. Except where prohibited by general law or by conditions or restrictions imposed by the source of funding anticipated for the procurement, the evaluation factors may include a preference for vendors located in the city or in nearby jurisdictions.~~

~~4. A description in the solicitation of the composition of the evaluation panel or persons who will evaluate responses to the solicitation. A minimum of three individuals selected by the executive branch shall evaluate responses.~~

~~5. Public disclosure of the results of the evaluation of all responses.~~

~~6. Award of the procurement to the response that receives the highest evaluation, unless rejected by the council in accordance with this section.~~

~~C. A discretionary procurement exceeding \$50,000 in value shall not be awarded until the proposed contract for such award is submitted to the council for approval. At the first regular or special meeting of the council held after receipt of the mayor's recommendations proposed contract, the council shall, by the favorable vote of at least a majority of the authorized membership, approve or disapprove the mayor's recommendations contract.~~

~~D. Should the council disapprove the mayor's recommendation proposed contract, the executive branch shall either propose a revised contract for the selected vendor, or shall propose a contract for the next-highest evaluated vendor, the mayor shall make another recommendation and the procedure for council approval shall be the same as that required by this section~~

~~E. Notwithstanding the dollar threshold in Section 5.08(C), all discretionary procurements shall be reported to the council, and shall not be enforceable by the prospective vendor as an obligation of the city unless and until reported to the council. For each procurement, the report to the council shall include the name of the prospective vendor, a brief description of the procurement, the amount of the procurement, and the duration of the contract.~~

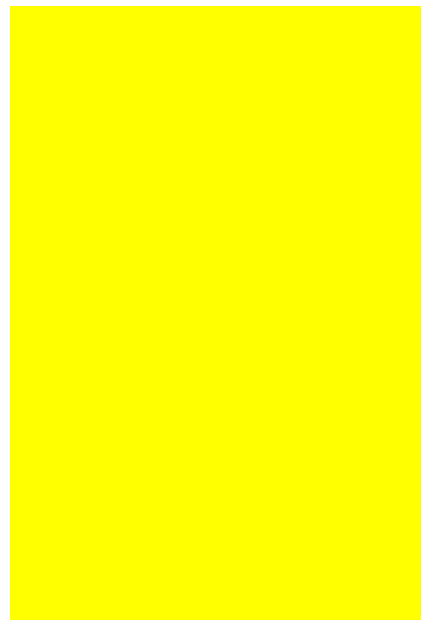
~~F. Unless expressly approved by the council, the term of a discretionary procurement shall not exceed three (3) years.~~

G. Any discretionary procurement may be terminated by the city if sufficient funds are not appropriated either the operating budget or the capital improvements budget. Such termination shall be without penalty to the city.

H. By ordinance, the city may increase the dollar threshold stated in Section 5.08(C), may establish additional requirements for the discretionary procurement process, including evaluation criteria, standard contractual provisions, or vendor disclosure requirements. Such ordinance provisions may be established either for described classes or for specific procurements, and may be provided for in a separate ordinance or as a part of an ordinance establishing an operating or capital improvements budget.

I. In the event of an emergency, the discretionary procurement requirements of this Section 5.08 may be modified or suspended by emergency ordinance, subject to the provisions of this charter governing emergency ordinances.

J. The discretionary procurement requirements of this Section 5.08 shall not apply to the appointment of department heads, the selection of a city attorney, the selection of city employees, or appointments to boards or commissions.



ARTICLE VI. - INITIATIVE, REFERENDUM, RECALL AND REMOVAL BY SUIT

Section 6-01. - Initiative and referendum.

Section 6-02. - Council referendum.

Section 6-03. - Recall.

Section 6-04. - Removal by suit.

Section 6-01. - Initiative and referendum.

The electors of the city shall have the power, except as herein restricted, to propose to the council passage or repeal of ordinances and to vote on the question if the council refuses action. This power shall not extend to the proposing or repealing of ordinances making or reducing the appropriation of money, to the repealing or reducing of the levy of any taxes, to the establishing or modifying of fees and charges for city services, reducing the term of elected officials, changing the salaries of city officers or employees, incurring or reducing indebtedness, or making changes in zoning. The initiative power shall be exercised in the following manner:

- (1) The person or persons proposing the exercise of this power shall submit the proposal to the council which shall specify within thirty (30) days a form of petition for circulation in one or multiple copies as the proposer may desire. The petition shall contain the full text of the proposed ordinance.
- (2) Within ninety (90) days after the form of the petition shall have been specified, the person or persons circulating the petition shall obtain the signatures of at least twenty (20) percent of the total registered voters of the city. There shall be noted after each signature on the petition the date signed and the address of the signer. Each person circulating a copy of the petition shall attach a sworn affidavit to it stating the number of signers and the fact that each signature was made in the presence of the circulator of the petition.
- (3) The signed petition shall be filed with the council within ninety (90) days of the specification of the form of the petition and, upon filing, the council within seven (7) days thereof shall order a canvass of the signatures through the office of the registrar of voters to determine their sufficiency and authenticity. The canvass shall be completed within thirty (30) days of the order of canvass. If the number of signatures is insufficient, or the petition is deficient as to form or compliance with this section, the council shall notify the person or persons filing the petition of such insufficiency or deficiency and allow thirty (30) days from said notice for filing of additional papers, at the end of which time the sufficiency and correctness of the petition shall be determined finally.
- (4) Within thirty (30) days after a petition shall have been certified as sufficient and correct by the council, the council shall cause the proposed ordinance, and a summary thereof, to be published in the official journal of the city government at least once together with the notice of the date, time and place when and where it will be given a public hearing and be considered for passage, which notice shall appear at least seven (7) days prior to the time advertised for the hearing. At the time and place so advertised the council shall hold a public hearing. Subsequent to such hearing, the council shall either:
 - (a) Adopt the proposed ordinance submitted in an initiative petition, without substantive amendments, or effect the repeal referred to by such petition; or
 - (b) Determine to submit the proposal to the electors.

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(5) If the council adopts an ordinance following the submission of an initiatory petition as provided above, it shall not amend or repeal the ordinance by its own action within one (1) year following the date of submission of the petition proposing the ordinance, but it may submit proposals amending or repealing such ordinances to a vote of the electors. After the expiration of one (1) year, the ordinance may be amended or repealed as any other ordinance.

(6) If an initiative ordinance is submitted to a vote of the electors as provided in Section 6-01(4) above, the election shall take place at the first election already scheduled for other purposes which occurs at least thirty (30) days after the date the council proposes to submit the proposal to the electors. The results shall be determined by a majority vote of the electors voting on the proposal.

(7) If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(8) An ordinance adopted by the electorate through the initiative process shall not be amended or repealed by council action for a period of one (1) year after the election at which it was adopted, but may be repealed or amended by a vote of the electorate at any time.

(9) Ordinances adopted through the initiative process shall not be subject to veto by the mayor.

Section 6-02. - Council referendum.

The council is hereby authorized to call a referendum on an issue or issues if approved by the favorable vote of at least four-fifths of the authorized membership of the council. The council may call no more than one (1) such election during a calendar year, and no more than three (3) issues shall be proposed at one election. The results of the referendum shall be binding.

Section 6-03. - Recall.

A. Any elected official of the city government may be removed from office by the electors of the area from which elected through a recall procedure which shall be the same as is provided in the general laws of the state, except that the number of electors on a petition to recall an elected official shall be twenty-five (25) percent of the total electors of the area wherein and for which a recall election is petitioned.

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

Section 6-04. - Removal by suit.

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

ARTICLE VII. - GENERAL PROVISIONS

Section 7-01. - Legal process.

Section 7-02. - Code of ethics.

Section 7-03. - Amending or repealing the charter.

Section 7-04. - Bonding of officers.

Section 7-05. - Oaths of office.

Section 7-06. - Boards and commissions.

Section 7-07. - Reconstitution of government.

Section 7-08. - Control over special districts.

Section 7-01. - Legal process.

Legal process against the city government shall be served upon the mayor or in his absence upon the ~~mayor pro tempore~~council president.

Section 7-02. - Code of ethics.

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

Section 7-03. - Amending or repealing the charter.

A. Proposals to amend or repeal this charter may be made by a four-fifths vote of the council membership or by petition signed by not less than twenty (20) percent of the total number of registered voters of the city. A proposal to repeal the charter shall contain the words: "To repeal the charter of Mandeville." A petition shall contain the full text of the proposed amendment or amendments. The procedures and time limits for filing such a petition shall be the same as for an initiative ordinance as provided in the section on "Initiative and referendum."

B. Within thirty (30) days after a petition shall have been certified as sufficient and correct by the council, the council shall cause the amendment or amendments being proposed, and summaries thereof, to be published in the official journal of the city.

C. Proposals to amend or repeal this charter shall be submitted for ratification to the qualified electors of the city at an election already authorized for other purposes. The results shall be determined by a majority vote of the electors voting on any particular proposal.

D. Proposals by the council and by petition may be submitted to the voters at the same election and voters may, at their option, accept or reject any or all such proposals. Should conflicting proposals be approved at the same election, the one receiving the greater number of affirmative votes shall prevail to the extent of such conflict.

E. Upon passage or rejection of a proposal by the voters, at least one (1) year shall lapse before the same issue can again be submitted to the voters.

F. Except as provided in the section on "Severability" and the section on "Violation of Civil Rights Act, " no proposal to amend or repeal this charter shall be submitted during the first one (1) year of operation under this charter. No amendment or repeal shall shorten the term for which any incumbent official was elected or reduce the salary of office for that term.

G. No more than one (1) election may be held during a calendar year on amendments to or repeal of the charter.

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Section 7-04. - Bonding of officers.

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

Section 7-05. - Oaths of office.

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

Section 7-06. - Boards and commissions.

A. The council, by resolution, or the mayor, may appoint advisory boards and commissions to provide advice regarding the operation of city services or other activities. No such board or commission shall exercise any administrative or legislative responsibility.

B. A member of an advisory board or commission shall receive no compensation for service and shall serve at the pleasure of the appointing authority.

C. Members of all existing boards and commissions shall complete their terms of office, except as may be provided by this charter or by action of the council.

D. All meetings of advisory boards and commissions shall be open to the public.

E. This section shall not apply to a board or commission created by ordinance or in accordance with the general state law.

Section 7-07. - Reconstitution of government.

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

Section 7-08. - Control over special districts.

A. The council shall have general legislative authority over any special district heretofore created by the governing authority of Mandeville or hereafter created by the council including, without limitation, the power to abolish the special district and require prior approval of any charge or tax levied or bond issued by the special district.

B. The city government may consolidate and merge into itself any special district situated and having jurisdiction entirely within the boundaries of the city. Upon the consolidation and merger, the city government shall succeed to and be vested with all of the rights, revenues, resources, jurisdiction, authority, and powers of the special district. A consolidation and merger shall become effective only if approved by a majority of the electors voting thereon in the city as a whole and by a majority of the electors voting thereon in the affected special district.

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

ARTICLE VIII. - TRANSITIONAL PROVISIONS

Section 8.01. - Continuation of actions.

Section 8-02. - Special districts.

Section 8-03. - Fees, charges and tax levies.

Section 8-04. - Special legislative acts.

Section 8-05. - City retirement systems.

Section 8-06. - Declaration of intent.

Section 8-07. - Severability.

Section. 8-08. - Violation of Civil Rights Act.

Section 8-09. - Schedule of transition.

Section 8-10. - Election of officials.

Section 8-11. - Required approval by electors.

Section 8-12. - Charter ballot.

Section 8.01. - Continuation of actions.

A. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, contracts, franchises, debt or other obligations due by Mandeville, together with rights or causes of action, claims, demands, titles and rights existing on the effective date of this charter shall continue unaffected. All sentences for punishment for ordinance violations or for crime shall be executed according to their terms.

B. All actions, ordinances, and administrative rules and regulations of Mandeville in force prior to the effective date of this charter shall, insofar as they are not inconsistent with this charter, remain in full force and effect until amended or repealed by the council or until they expire by their own limitation.

Section 8-02. - Special districts.

Any special district heretofore established and existing in Mandeville shall continue to exist to effectuate the purpose for which it was created, to complete any works begun or authorized therein, to pay the debts of the district and to levy taxes and other charges as may have been or may be legally authorized in the district.

Section 8-03. - Fees, charges and tax levies.

A. Constitutional limitations on the maximum property tax millages that can be levied without voter approval shall continue to be applicable to the city.

B. All fees, charges and taxes levied by Mandeville shall continue to be levied until changed by the council by ordinance or by a vote of the electorate when a vote is required.

C. Receipts from fees, charges, rentals and royalties, taxes, federal and state grants, and shared revenues and taxes applicable to special districts shall be used only for services to be rendered in the district.

D. The levy of property tax millages above the constitutional maximum previously approved by the voters of a special district shall continue to be levied by the city government and used only for the approved purposes. Such levies may be renewed upon the favorable vote of the electors within the geographical area involved.

Section 8-04. - Special legislative acts.

All special legislative acts pertaining to Mandeville, insofar as they are in conflict with the provisions of this charter, shall henceforth be inoperative and

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of no effect.

Section 8-05. - City retirement systems.

No pension or retirement systems of the city, in existence at the time the charter becomes effective, shall be affected in any way by this charter.

Section 8-06. - Declaration of intent.

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

Section 8-07. - Severability.

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

Section. 8-08. - Violation of Civil Rights Act.

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

Section 8-09. - Schedule of transition.

The provisions of this charter pertaining to the election of city government officials created hereunder shall become effective on the date this charter is adopted. The remaining provisions of this charter shall become effective in accordance with the provisions of the section on "Election of officials."

Section 8-10. - Election of officials.

A. Upon approval of the charter by the electors of Mandeville, the incumbent mayor and council members shall remain in office and, effective July 1987, the charter shall be in full force and effect, and the mayor and council shall function in accordance with the provisions of the charter. The terms of the incumbent mayor and council shall expire at noon on July 1, 1988.

B. The first election for the officials provided for by this charter shall be held in the primary and general elections in April and May of 1988 and subsequent elections shall be held on corresponding dates every fourth year thereafter. Persons elected under the provisions of this charter shall take office at noon on July 1 next following their election.

Section 8-11. - Required approval by electors.

The charter shall become effective only if approved by a majority of those voting on the charter.

Section 8-12. - Charter ballot.

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

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"Shall the home rule charter and plan of government for Mandeville be adopted?"

YES

NO

APPENDIX A. - COUNCIL DISTRICTS

Council District I. District I shall consist of all property within the city limits at the intersection of Highways LA 22 and US 190 and the intersection of Highways US 190 and LA 3128 and all property within the city limits west of a line starting at the intersection of the city limits on the north and the North Approach Road; then south along the North Approach Road, including properties fronting on both sides of the North Approach Road, to a point just south of Monroe Street but excluding properties fronting on both sides of Monroe Street; then east to a point just west of Kleber Street but excluding properties fronting on both sides of Kleber Street; then south to Lake Pontchartrain.

Council District II. District II shall consist of all that property within the city limits starting at Lake Pontchartrain and a point just west of Kleber Street; then proceeding north, including properties fronting on both sides of Kleber Street, to a point just south of Monroe Street; then west, including properties fronting on both sides of Monroe Street, to the North Approach Road; then north along the North Approach Road to the city limits; then east along the northern city limits to a point just west of Lafayette Street but excluding properties fronting on both sides of Lafayette Street; then south to Lake Pontchartrain.

Council District III. District III shall consist of all that property within the city limits east of a line beginning at the intersection of a point just west of Lafayette Street and Lake Pontchartrain; then north to the city limits, including properties fronting on both sides of Lafayette Street.