CHAPTER 1
GENERAL PROVISIONS

SECTION 1.01
Units of Local Government

There shall hence forth be within the limits of East Baton Rouge Parish, as the same are now established, a parish government and such other units of local government as are provided in this plan of government.

SECTION 1.02
The Parish

East Baton Rouge Parish shall continue to be a political subdivision of the state and through the Metropolitan Council as the governing body ~~thereof~~, as provided for in Section 2.01 ~~hereof~~, shall have all the privileges, powers, and duties, not inconsistent with the provisions of this plan of government, ~~heretofore~~ possessed by East Baton Rouge Parish or it is the governing body ~~thereof~~, or which may ~~hereafter~~ be conferred or imposed on parishes or on the governing bodies ~~hereof~~ by the constitution and laws of the state and, in addition, such other powers and duties as are specifically conferred or imposed on East Baton Rouge Parish by this plan of government.

SECTION 1.03
City of Baton Rouge.

The City of Baton Rouge shall continue its existence as a political subdivision of the state and body corporate under its charter as ~~heretofore~~ enacted except as the same is inconsistent with the provisions of this plan of government with the Metropolitan Council acting as the governing body ~~thereof~~ and, as provided for in Section 2.01 ~~thereof~~. The boundaries of the City of Baton Rouge are hereby extended to include, and shall henceforth always coincide with, the boundaries of the ~~urban~~ incorporated area as they are defined in this chapter and as they may be further extended in accordance therewith.

SECTION 1.04
Special Districts

The road, sewerage and drainage districts established within East Baton Rouge Parish prior to the first day of January 1949, whether within or without the City of Baton Rouge, shall continue to exist as on that date constituted to effectuate the purpose for which each was created~~, to complete any works begun or authorized therein~~, to pay the debts of the district, and to levy such taxes and other charges as may have been or may be legally authorized in each such district. There shall also

be within East Baton Rouge Parish such other districts as may be established by the governing body of the parish or city in accordance with the constitution and general laws of the state.

SECTION 1.05
Incorporated Municipalities

The incorporated municipalities of Zachary, Baker, and Central shall be parts of the ~~rural~~ unincorporated area as defined in section 1.08 and shall continue in existence as municipalities subject, except as specifically provided in this Plan of Government, to the general laws of the State relating to incorporated municipalities towns and villages, and may enlarge their boundaries as provided in such laws. No additional city, town or village shall be incorporated in East Baton Rouge Parish. (As amended October 20, 2007).

~~**SECTION 1.06**~~
~~**Indebtedness of the City of Baton Rouge**~~

~~All bonded indebtedness, including excess revenue bonds, of the City of Baton Rouge, outstanding on the first day of January 1949, shall be paid by taxes levied on taxable property within such city as constituted prior to such date, and the governing body of the City of Baton Rouge is hereby expressly authorized and required to levy annually on such taxable property taxes sufficient to meet principal and interest requirements on such indebtedness as such principal and interest become due.~~

~~**SECTION 1.07**~~
~~**Transfer of Property and Obligations**~~

~~There are hereby transferred to the City of Baton Rouge, as of the first day of January 1949, the property and obligations of the Fire Protection District Number One of East Baton Rouge Parish, and the incinerators, dumps, other lands and equipment belonging to East Baton Rouge Parish used in the collection and disposal of garbage and other refuse. There are hereby transferred as of the first day of January 1949, to East Baton Rouge Parish the use of all lands, buildings and equipment, belonging to the City of Baton Rouge, used in the construction, maintenance, repair, and cleaning of the streets, boulevards, parkways, bridges, alleys and other public ways. There is also transferred, as of the first day of January 1949, to the Recreation and Park Commission for the Parish of East Baton Rouge all equipment belonging to the City of Baton Rouge and used exclusively for recreational purposes or the maintenance of parks, playgrounds and play fields.~~

SECTION 1.08
~~Urban~~ Incorporated, Industrial, and ~~Rural~~ Unincorporated Areas

There shall be in East Baton Rouge Parish the following areas:

(a) ~~Urban Area~~. Incorporated Area. There shall be in East Baton Rouge Parish an ~~urban~~ incorporated area, also referred to as the "City", in which, because of the congestion of population therein, there shall be supplied by the City of Baton Rouge, unless supplied by districts established in accordance with the constitution and general laws of the state, police protection, fire protection, garbage and refuse collection and disposal, street lighting, and the maintenance and operation of sewers and sewer works. The ~~Urban~~ Incorporated Area shall be as detailed by the official map and legal description of the ~~Urban~~ Incorporated Area maintained by the Planning Commission and the Department heads as listed in Section 5.01 and 5.02 of the Plan of Government, as they are defined in this chapter and as they may be further extended in accordance herewith and shall coincide with the boundaries of the City of Baton Rouge. (As amended December 6, 2014)

(b) Industrial Areas. There shall be in East Baton Rouge Parish industrial areas predominantly used for industrial purposes and in which areas there shall be privately furnished the following services usually provided by local governments: the construction, maintenance and cleaning of streets, street lighting, sewers and sewerage works, fire protection, police protection, and garbage and refuse collection and disposal. None of the above services shall be supplied by the parish or city within the industrial areas except police and fire protection in case of grave emergency, as provided by agreements between property owners within the areas and the City of Baton Rouge for mutual assistance in such circumstances. It shall henceforth be unlawful in the industrial areas to construct or alter any building for use in whole or part for residential purposes. No portion of the industrial areas, so long as the above conditions are observed, shall be added to the urban area. If an industrial area or any portion thereof shall at any time cease to provide at the expense of the industry or industries located therein any of the services or facilities enumerated in this subsection, which are necessary in such area, and these facts are determined after public hearing by the Metropolitan Council, such industrial area or portion thereof in which such service or facility is not provided at the expense of the industry or industries concerned shall cease to be an industrial area or part thereof and may, without petition by the property owners therein, be added to the urban area by the Metropolitan Council, subject to appeal to the District Court as provided in the case of other additions to the urban area.

The boundaries of the industrial areas shall be as detailed by the official maps and legal descriptions of the Industrial Areas maintained by the Planning Commission and the Department heads as listed in Section 5.01 and 5.02 of the Plan of Government, as they are defined in this chapter and as they may be further extended in accordance herewith. (As amended December 6, 2014)

(c) ~~Rural~~ Unincorporated Area. There shall be in East Baton Rouge Parish an Unincorporated Area ~~rural area~~ consisting of that portion of the parish not included in ~~either~~ the ~~urban~~ incorporated area, incorporated municipalities set forth in Section 1.05, or the industrial areas. Fire protection, garbage and refuse collection and disposal, street lighting, and sewers and sewerage works and the maintenance and operation thereof ("municipal services"), shall not be provided by the parish in the ~~rural~~ unincorporated area except through the medium of districts

established by the governing body of the parish, as provided by the constitution and the general laws of the state or through the imposition of service charges~~; provided that the city may supply garbage and refuse collection for a service charge~~ based on not less than the actual cost of the municipal services to any premises in the ~~rural~~ unincorporated area ~~from which the parish was actually collecting garbage and other refuse prior to the first day of January 1949~~.

SECTION 1.09
Additions to the Boundaries of the City of Baton Rouge

Whenever a majority in number and amount of property tax payers, as certified by the Assessor, in any compact body of land adjoining the City of Baton Rouge but not part of an industrial area, shall petition the governing body of the city to be included in the boundaries of the City of Baton Rouge, the said body shall fix a time, not less than ten nor more than ~~thirty~~ forty-five days after the filing of such petition, at which it shall hold a public hearing on the proposal to so extend the boundaries of the City of Baton Rouge. Notice of such hearing and of its time, place, objects and purposes, shall be given by publication ~~twice in the official journal of the parish~~ in accordance with law, as well as by the electronic means the governing authority utilizes to publish public notices, which publication shall be completed not less than five days prior to the hearing. The valuation of the property owned by each of the signers of the petition shall be certified by the Parish Assessor as the valuation of such property appears in the last completed assessment of property, provided that he shall take account of subsequent change of ownership and if in any case the property of the present owner has not been specifically assessed the Assessor is authorized and directed to estimate the value of such property. After the conclusion of the hearing the governing body of the city may in its discretion add by ordinance, without additional public hearing, such body of land to the boundaries of the City of Baton Rouge and as such it shall become part of the City of Baton Rouge. Such ordinance shall be published in accordance with law and shall not go into effect until the thirtieth day following its final passage. During such period any citizen of the city or the area proposed to be added thereto may file and appeal therefrom in the District Court in the manner and with the effect provided by law. After the conclusion of such period the ordinance shall not be contested or attacked for any reason or cause whatever. Within ten days after effective date of the ordinance, a description of the entire boundary of the municipality as changed shall be filed by the Council Administrator with the clerk of the 19th Judicial District Court. (As amended October 20, 2007).

SECTION 1.10
Additional Industrial Areas

(a) Additional industrial areas may be established by the governing body of the parish on petition of the owners of not less than ninety percent in amount of the property in such proposed area; provided that any such additional industrial area shall consist of a compact body of

land of not less than three hundred and twenty acres situated in a rural area; and provided further, that there shall be filed with the petition an undertaking on the part of the petitioners, secured by such bond as the governing body of the parish may require, to devote the area predominantly to industry, to construct in such area within five years thereafter a substantial industrial plant or plants described in the petition, and to provide at their expense in such area from and after the granting of the petition all necessary streets including the maintenance and cleaning thereof, sewers, sewerage works, fire protection, police protection, and garbage and refuse collection and disposal.

Any additional area so established shall be subject to all the conditions provided in subsection (b) of Section 1.08. In the event such undertaking is not faithfully carried out the area shall cease to be an industrial area and shall be subject to inclusion in the urban area as provided in subsection (b) of Section 1.08.

(b) The boundaries of industrial areas created under Section 1.08(b) or under Section 1.10(a) may be revised or expanded by the governing body of the Parish so as to include property of an existing plant facility located partially within and without said industrial area, conditioned upon the area for the proposed expansion being contiguous to the existing plant property, and the said plant otherwise complying with all provisions of Section 1.10(a) as to the providing of services. (As amended February 1, 1972).

~~SECTION 1.11~~
~~Limitation on Tax Rates~~

~~The provisions of Section 3(a) of Article XIV of the Constitution of Louisiana relating to the limitation of taxation shall apply in the several areas established by this plan of government, provided that for this purpose the municipalities of Zachary, Baker, and Central shall be deemed to be urban areas and municipal taxes may be levied therein as provided by law. (As amended October 20, 2007)~~

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CHAPTER 2

GOVERNING BODIES

SECTION 2.01
Metropolitan Council
Parish of East Baton Rouge and the City of Baton Rouge
Creation and Composition

(a) ~~The consolidation of the governing body of the City of Baton Rouge and Parish of East Baton Rouge by the creation of Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge (hereinafter sometimes referred to as "Council"), is hereby authorized and directed, said consolidation to become effective January 1, 1983 (the "1983 Effective Date"). If approved by the qualified voters of the Parish at the Special Election to be called and held on September 11, 1982, in accordance with the Louisiana Election Code; and Section 11.09 hereof, from and of the 1983 Effective Date, the Metropolitan Council shall be the governing authority of the City of Baton Rouge and the Parish of East Baton Rouge.~~ All powers, functions and duties vested in the City Council of the City of Baton Rouge and the Parish Council of the Parish of East Baton Rouge, respectively, by (1) this Plan of Government~~, particularly, but without limitation, Chapter 3 hereof~~; (2) Article VI, Section 4, of the Louisiana Constitution of 1974 and Section 3A of Article 14 of the Louisiana Constitution of 1921; and (3) the Laws of the State of Louisiana are ~~hereby transferred to and shall be~~ vested in the Metropolitan Council as of ~~the~~ January 1, 1983 ~~Effective Date~~. (Electorate approved September 11, 1982.) Requirements for the adoption of proceedings for the Metropolitan Council as the ~~by the~~ governing authority of the City and Parish ~~after the effective date of the Metropolitan Council~~ shall be as provided for in the Plan of Government. ~~Duties, functions, responsibilities, and status of the officers of the City and Parish and all of the officers, departments, divisions, administrative officers, directors, boards, administrators and commissions of the City of Baton Rouge and/or the Parish of East Baton Rouge and the right to amend the duties, functions and status thereof under the Plan of Government are not altered by the effect of consolidation herein authorized, but to the extent that such right of amendment vests in the City Council of the City of Baton Rouge or in the Parish Council of the Parish of East Baton Rouge, such right shall upon the 1983 Effective Date of the consolidation be vested in the Metropolitan Council.~~

(b) ~~For the period from the 1983 Effective Date to January 1, 1985, the Metropolitan Council shall consist of the 12 persons elected to the Parish Council of the Parish of East Baton Rouge and the City Council of the City of Baton Rouge, respectively, in the general election of November 4, 1980, whose terms of office commenced January 1, 1981, or their successors in office as provided for by this Plan of Government and general law. On and after January 1, 1985,~~ Effective for the 2024 Metropolitan Council elections, the Metropolitan Council shall consist of ~~twelve (12) persons~~ thirteen (13) persons. Twelve members shall be elected from twelve single member districts within the Parish of East Baton Rouge, based on the most recent Federal

decennial census ~~of 1980~~ or special census authorized in paragraph (e) in this section~~; such districts to be determined by the Metropolitan Council no later than the year 1982, so that~~ and each member of the Metropolitan Council who represents a single member district ~~after January l, 1985,~~ will represent approximately the same number of persons. One member of the Metropolitan Council shall be elected from the parish at large. The member elected at large shall be selected by the voters of the parish at the November 2024 election. ~~notwithstanding anything herein contained, the single member districts, as provided for by this paragraph, shall become effective with respect to the Metropolitan Council for the terms of office to commence January l, 1985.~~

(c) After each Federal decennial census, the Parish of East Baton Rouge shall be reapportioned in compliance with the constitutional requirement of equal representation.

(d) It shall be the duty of the Metropolitan Council to undertake to reapportion itself as provided in paragraph (b) above within ninety (90) days after the promulgation of each Federal decennial census, and to complete such reapportionment within a period of one (l) year.

(e) Notwithstanding anything to the contrary herein the Metropolitan Council may at any time undertake to reapportion itself pursuant to a special census of the Parish of East Baton Rouge conducted and/or approved by the Metropolitan Council.

(f) The creation of the Metropolitan Council for the consolidation of the City Council and the Parish Council as hereby provided, shall not affect the continued existence of the City of Baton Rouge, the City of Baker, the City of Zachary, the City of Central, or Parish of East Baton Rouge all of which municipalities and parish are continued in existence as provided for in Section 1.02, 1.03 and 1.05 and other provisions of this Plan of Government. The continuation of said municipalities and parish and the exercise of powers and functions thereof, as authorized by general law, and this Plan of Government, is hereby recognized and left unchanged. (As amended October 20, 2007)

(g) The Metropolitan Council as the governing authority of the City and the governing authority of the Parish, respectively, shall constitute the "Authority" of the Greater Baton Rouge Airport ~~Authority~~ District and the governing body of ~~the Greater Baton Rouge Consolidated Sewerage District~~ any district, commission, or other entity ~~In addition, the Metropolitan Council shall constitute the governing body of any district~~ heretofore or hereafter created within the limits of the Parish of East Baton Rouge, which, under applicable general or special law, the governing body of which would otherwise consist of the governing body of the Parish of East Baton Rouge and/or the governing body of the City of Baton Rouge.

(h) All powers and duties of the City of Baton Rouge and Parish of East Baton Rouge are vested in the Metropolitan Council.

SECTION 2.02
Method of Election and Term

~~As provided in paragraph 2.01 (b) above, the members of the Metropolitan Council elected in the general election of November 4, 1980, and whose terms of office commenced January l, 1981, and their successors in office (if any) for the terms of office ending December 31, 1984, and the nomination and election of such members and their successors in office be and the same are hereby ratified, approved and confirmed.~~ The members of the Metropolitan Council shall ~~thereafter~~ be nominated and elected in 1984 and every fourth year thereafter at the same time as representatives in Congress of the United States and shall hold office for terms of four years from the first day of January following their election.~~; provided that the members of the Parish and City Council elected in 1980 shall take office as members of the Metropolitan Council for a term to extend to December 31, 1984, as provided in this chapter, except that such members of the Metropolitan Council shall not be subject to residency requirements of the single member district.~~

A person shall be eligible to serve a maximum of three consecutive full terms of ~~office who has been elected to serve~~ as a member of the Metropolitan Council of the Parish of East Baton Rouge and City of Baton Rouge, the governing authority of the Parish of East Baton Rouge and City of Baton Rouge as an at-large member or as a member representing a single member district, or a combination of the two. ~~for three (3) consecutive full terms of office~~, ~~such service being during a term of office that began on or after January 1, 1997,~~ A person who has been elected to three consecutive full terms of office on the Metropolitan Council shall not be eligible for election to the Metropolitan Council ~~of the Parish of East Baton Rouge and City of Baton Rouge~~ ~~for the succeeding term~~ for a minimum of one full term of office. (As Amended on November 18, 1995)

SECTION 2.03
Qualifications

The members of the Metropolitan Council elected from single member districts ~~with the terms of office to commence on January l, 1985~~, shall be qualified voters of the Parish and of the district and shall have been domiciled in the district from which they are seeking to be elected for at least two years immediately preceding qualifying for the office, and shall live in and maintain a residence in the district to which they are elected for the duration of their four-year term, and they shall be and remain both a qualified voter and resident of the parish and district during their term of office. The member of the Metropolitan Council elected at-large shall have been domiciled in the parish for at least two years immediately preceding qualifying for office and must remain a qualified voter of East Baton Rouge Parish. No member of the Metropolitan Council or the Mayor-President shall, while ~~he~~ they holds ~~-~~such office, may hold any other office ~~of profit under~~ for which they receive compensation by the United States, the State of Louisiana, or any political subdivision thereof, except that of notary public or an office in the National

Guard or the military or Naval Reserve in the United States. No such member shall, during the term for which he or she was elected and two years thereafter, ~~be appointed to any office of profit under the~~ assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction, involving the City of Baton Rouge, Parish of East Baton Rouge or any unit of local government therein, or render any service on a contractual basis to the Parish of East Baton Rouge or the City of Baton Rouge, or any unit of local government therein. No Metropolitan Council member shall, during the term for which he or she was elected, and for a period of two years thereafter, be employed in any capacity by, or be appointed to any position in the City of Baton Rouge, Parish of East Baton Rouge. If any of them shall cease to possess the qualification above required, as determined by a court of competent jurisdiction, ~~his~~ the office shall at once become vacant. (As amended October 20, 2007)

~~SECTION 2.04~~
~~Governing Body of City~~

~~The governing body of the City of Baton Rouge shall consist of the Metropolitan Council as hereinabove provided for.~~

SECTION 2.04
Powers of the Metropolitan Council

The Metropolitan Council of East Baton Rouge Parish shall, in addition to the powers and duties conferred or imposed by other provisions of this Plan of Government, have:

(a) All the powers and duties of East Baton Rouge Parish as provided in Section l.02. of this Plan of Government including the exclusive authority to bind and or obligate the City-Parish and or the expenditure of City-Parish funds. (As amended October 20, 2007)

(b) Exclusive authority, saving the authority of the State of Louisiana, throughout the Parish, including the City of Baton Rouge, with regard to the constructing, opening, widening, extending, closing, narrowing, improving, grading, paving, repaving, adorning with trees, shrubs and vines, curbing, guttering, cleaning, repairing, and maintaining of streets, highways, boulevards, parkways, bridges, alleys and other public ways, and the grading, improving, constructing and reconstructing of sidewalks, including the authority to assess the whole or part of the cost of any street, alley or sidewalk improvement on the owners of the abutting property. To that end there are hereby transferred to the Parish and to the Council as the governing body thereof, except as specifically provided in this Plan of Government, all the powers and duties hitherto conferred or imposed on the City of Baton Rouge by its charter or by the general laws of the State relating to the above enumerated matters, but such transfer of powers shall not be taken to diminish in any respect the power and obligation of the City, from whatever source derived.~~, to: (l) supply street lighting; (2) regulate traffic and the parking of vehicles, including the provision of facilities for off-street parking; (3) grant franchises or permits for the use of~~

~~streets, highways, boulevards, parkways, bridges, alleys and other public ways within the city; for pipes, poles, wire, conduits, street railways, bus lines, taxicabs and other vehicles for hire; (4) regulate the rates and conditions of service of any public utility or other person, firm or corporation holding any such franchise or permit; and (5) make charges and collect compensation for the privileges enjoyed by any such utility, person, firm or corporation.~~

(c) Power to construct, own, maintain and operate airports, and to provide for their management and control by the Department of Public Works, by a separate bureau in the office of the Mayor-President, or by a board of commission.

SECTION 2.05
Powers and Enforcement

For the purpose of carrying out the powers and duties conferred or imposed on the Metropolitan Council, the Metropolitan Council shall have power, whenever it deems it necessary, to require licenses and permits and fix the fees for those licenses or permits, to charge compensation for any privilege granted or service rendered, and to provide penalties for the violation of any ordinance or regulation, which shall not exceed the maximum penalties allowable under the laws of the State of Louisiana for offenses which fall within the jurisdiction of the Baton Rouge City Court. (As amended October 27, 1979.)

SECTION 2.06
Powers to Levy Taxes

The power or duty to perform any service or provide any facility, hereby granted to the Metropolitan Council, shall in all cases carry with it the power to levy taxes and to borrow money within the limits prescribed by this Plan of Government and by the Constitution and general laws of the State of Louisiana for the purpose of performing such service or providing such facility.

SECTION ~~2.05~~ 2.07
Compensation

The ~~salary~~ compensation of each ~~councilman~~ councilmember shall be ~~$1,000.00 per month effective January 1, 2009. Except for travel allowances authorized by law, the members of the Metropolitan Council shall receive no other compensation.~~ fixed by the Metropolitan Council by ordinance adopted at least one year prior to the commencement of the term of the councilmembers whose compensation is to be affected thereby and if no such ordinance be adopted the compensation of the councilmembers will remain as previously fixed by the

Metropolitan Council. ~~(As amended on November 6, 1956, November 8, 1966.) (As amended October 20, 2007)~~

SECTION ~~2.06~~ 2.08
Vacancies

A vacancy in the membership of the Metropolitan Council, from whatever cause arising, occurring within one year of the expiration of the term of any member shall be filled by appointment by majority vote ~~of the remaining members~~ of the Metropolitan Council by a ~~qualified~~ voter ~~residing in the same district as his predecessor~~ qualified pursuant to Section 2.03 within twenty days from the date of vacancy pursuant to La. R.S. 18:602.

If the vacancy occurs more than one year prior to the expiration of the term of any member it shall be filled within twenty days of the date of the vacancy by majority vote of the Metropolitan Council by a voter qualified pursuant to Section 2.03 until the next scheduled election at which time the qualified voters of the district in which the former member resided ~~and to be determined at the next scheduled election~~ shall elect a member to represent the district. (As amended September 11, 1982 and October 20, 2007)

The Metropolitan Council may, by ordinance, adopt procedures for notification and solicitation of potential candidates for the vacancy.

SECTION ~~2.07~~ 2.09
Organization

~~On the second day of January, 1985, and On the second fourth day of January of every fourth year thereafter~~ No later than the fifth day of January following an election of Metropolitan Council members, ~~or if such second fourth day of January falls on a Sunday then on the succeeding business day,~~ the newly elected Metropolitan Council shall meet ~~at 11:00 a.m.~~ at such place as may be designated by the Metropolitan Council as its place of meeting and shall take the oath of office before a judge of the District Court or other person authorized to administer oaths. The Metropolitan Council shall then to elect one of their own number to be a President Pro Tempore and a Vice President Pro Tempore in accordance with the procedure set forth below for a term of ~~four years~~ two years. The President Pro-Tempore shall preside over the meetings of the Metropolitan Council with the right to speak and to vote.

The President Pro Tempore and the Vice President Pro Tempore shall be elected by the members of the Metropolitan Council from its membership. The election of the President Pro Tempore and the Vice President Pro Tempore shall require a two-thirds vote of the members of the Metropolitan Council. The Vice President Pro Tempore shall serve in place of the President Pro Tempore in case of absence or vacancy in office of the President Pro Tempore. If a vacancy

occurs in the office of Vice President Pro Tempore, the members of the Metropolitan Council shall appoint a Vice President Pro Tempore from among its membership. Any members serving as President Pro Tempore or Vice President Pro Tempore due to vacancy in office shall continue to serve until such time as a successor is elected by the members.

SECTION ~~2.08~~ 2.10
Council Administrator

The Metropolitan Council shall appoint and fix the compensation of a Council Administrator who shall act as administrator of the Metropolitan Council. It shall be the duty of the Council Administrator to keep a journal of the proceedings of the Metropolitan Council and such journal shall be open to public inspection in the administrator's office during regular business hours. The administrator shall perform such other duties as may be prescribed by this Plan of Government or by resolution of the Metropolitan Council. The administrator shall appoint, subject to the provisions of Chapter 9 of this Plan of Government, all employees in the Council Administrator's office. The cost of this office shall be ~~included in the City and Parish budgets~~ supported by appropriations by the Metropolitan Council.

SECTION ~~2.09~~ 2.11
Voting

Unless specified otherwise herein, no ordinance, resolution, motion, or vote shall be adopted, or any appointment or removal made by the Metropolitan Council unless it shall have received the affirmative votes of ~~not less than seven (7)~~ a simple majority of the members. When used in the Plan of Government the term simple majority means more than one half of the membership of the Metropolitan Council. ~~members of such council~~. No such action shall be taken except in a meeting open to the public. All voting shall be in accordance with the Louisiana Open Meetings Law (La. R.S. 42:11 et seq.) ~~by roll call~~ and the yeas and nays shall be recorded. When used in the Plan of Government, the term supermajority shall mean not less than two-thirds of the membership of the Metropolitan Council. (As amended October 20, 2007)

~~Effective September 30, 2006,~~ A notice shall be placed at least once in a newspaper of general circulation in the Parish and on the official website of the City and the Parish, advising that a position on any board and commission in the Parish is open, at least sixty (60) days prior to the appointment, and that applications shall be accepted from residents registered to vote in the Parish and each person who has submitted an application and who meets the qualifications for the position shall be considered as nominated for the position, along with any person nominated by a member of the Metropolitan Council, and that the nominee who receives a majority of votes shall be the appointee to the position. (Amended September 30, 2006. Requirement to advertise for appointments to boards and commissions.)

SECTION ~~2.10~~ 2.12

Members of Councils Interested in Proposed Ordinance or Resolution

Duty to Refrain from Voting

Any member of the Metropolitan Council who shall have any personal or private pecuniary interest in the adoption or passage of any ordinance, resolution, motion or measure, by the Metropolitan Council, shall declare such fact to said body, and shall refrain from voting on the same at any time, whether on final passage or otherwise. ~~Any person who shall violate the above provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, or imprisonment for not more than sixty days, or both fine and imprisonment, at the discretion of the court, and shall forfeit his office.~~

SECTION ~~2.11~~ 2.13

Rules of Procedure

The Metropolitan Council shall have power to adopt rules of procedure not inconsistent with this Plan of Government. Such rules shall provide for the time and place of holding regular meetings, shall also provide for the calling of special meetings of the Metropolitan Council by the Mayor-President or any three members of the Metropolitan Council, and shall prescribe the method of giving notice thereof; provided that the notice of each special meeting shall contain a statement of the specific item or items of business to be transacted, and no other business shall be transacted at such meeting.

SECTION ~~2.12~~ 2.14

Procedure for Passing Ordinances and Resolutions

All ordinances and resolutions shall be introduced in typewritten or printed form. They shall be confined to a single subject which shall be clearly expressed in the title, except in the case of a codification or revision of ordinances, annual budget ordinances, or ordinances proposing related amendments to this plan of government or proposing the substitution of an entirely new form of government, in which case they shall be deemed to embrace but one subject, and their title need only refer to the general purpose and scope ~~thereof~~. No ordinance or resolution which makes an appropriation, authorizes the borrowing of money, levies a tax, creates a district which may levy a tax, requires the payment of a license or permit fee, establishes any rule or regulation for the violation of which a fine or other penalty is imposed, grants a franchise, creates or abolishes any office or employment, or places any burden upon or limits the use of private property, shall be adopted at the same meeting at which it was introduced, but shall be read by title a first time and a time, not less than six days after such introduction, fixed, at which the Metropolitan Council or a committee thereof shall hold a public hearing thereon. Such hearing may be held separately or in connection with the regular or special meeting of such Metropolitan Council ~~and may be adjourned from time to time~~. The Council Administrator shall cause the title of the proposed ordinance or resolution and a notice

of the time and place of the hearing to be published in the Parish Journal at least four days prior to the time fixed for such hearing. The Council Administrator shall cause copies of the proposed ordinance or resolution to be ~~be mimeographed,~~ available electronically and printed or otherwise reproduced within three business days after its introduction so that copies may be available to the members of the Metropolitan Council and the public. A proposed ordinance or resolution, unless it be an emergency ordinance as ~~hereinafter~~ defined in this Plan of Government shall be read a second time by title, and may be ~~finally passed~~ adopted at any regular or special meeting of the Metropolitan Council after the conclusion of the public hearing on the ordinance or resolution. An emergency ordinance for the immediate preservation of the public peace, health and safety may be passed at any regular or special meeting, after having been published in full in the official journal of the parish. An emergency ordinance shall contain a specific statement of the emergency claimed and shall be adopted by at least seven affirmative votes of the Metropolitan Council. No ordinance levying a tax, authorizing the borrowing of money, or granting a franchise shall be adopted as an emergency ordinance. (As amended October 20, 2007)

SECTION ~~2.13~~ 2.15

Removals

The Metropolitan Council may remove any officer or employee appointed by it for an indefinite term by a super majority vote, provided it shall first give such officer or employee notice in writing of its intention to remove the officer or employee ~~him~~, containing a clear statement of the grounds for such removal and fixing the time and place, not less than ten days after the service of the notice, at which he shall be given an opportunity to be heard thereon. After the hearing, which shall be public at the option of the person sought to be removed, and at which he may be represented by counsel, the decision of the Metropolitan Council shall be final. Members of unsalaried boards and commissions and other persons appointed by this Metropolitan Council for fixed terms may be removed in the same manner except that the only grounds on which they may be removed shall be neglect of duty or misconduct in office as determined by the Metropolitan Council. (As amended October 20, 2007)

SECTION ~~2.14~~ 2.16

Power of Investigation

The Metropolitan Council, or any committee thereof when authorized by such Metropolitan Council, shall have power to investigate the official conduct of any department, office or agency under its jurisdiction. For the purpose of conducting any such investigation or any hearing in connection with the contemplated removal of any officer or employee any Metropolitan Council member shall have power to administer oaths, and the Metropolitan Council or an authorized committee thereof may compel the attendance of witnesses and the production of books and papers. Any person refusing to obey such an order, if lawfully given,

shall upon conviction by a court of competent jurisdiction be subject to a fine of not more than one hundred dollars or imprisonment for not more than sixty days or both. (As amended October 20, 2007)

SECTION ~~2.15~~ 2.17

Submission of Ordinances to the Mayor-President

(l) Every ordinance, except those hereinafter enumerated, adopted by the Metropolitan Council shall be signed by the Council Administrator and presented by said office to the Mayor-President within two (2) calendar days of its adoption.

(2) The Mayor-President, within twelve (12) calendar days of the adoption of an ordinance, shall return it to the Council Administrator with or without ~~his~~ approval, or with ~~his~~ disapproval. If the ordinance has been approved, it shall become law upon its return to the Council Administrator; if the ordinance is neither approved or disapproved, it shall become law at 12:00 pm on the twelfth (12th) calendar day after its adoption; if the ordinance is disapproved, the Mayor-President shall submit to the Metropolitan Council through the Council Administrator a written statement of the reasons for ~~his~~ veto. The Council Administrator shall record upon the ordinance the date of its delivery to and receipt from the Mayor-President.

(3) Ordinances vetoed by the Mayor-President shall be presented by the Council Administrator to the Metropolitan Council at its next regular meeting, and should the Metropolitan Council then, or at its next regular meeting, adopt the ordinance by an affirmative supermajority vote of ~~two-thirds (2/3rds) of all of its~~, said ordinances shall become law irrespective of the veto thereof by the Mayor-President.

(4) The right of veto, as provided in this section shall not apply to the following, which shall become effective upon adoption (As amended October 20, 2007):

(a) Any action of the Metropolitan Council relating to the conduct of the Metropolitan Council business or the exercise of its authority pursuant to the provisions of Section 2.13 or 2.14 hereof.

(b) The making of appointments or the establishment of boards and divisions of government by the Metropolitan Council as provided by any of the provisions of the Plan of Government, or of Act 169 of 1898, as amended, or the general laws of the State of Louisiana.

(c) The granting of licenses, permits, or franchises, and ordinances or amendments to ordinances relating thereto.

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(d) The ordering of streets or other improvements to be paved or constructed at the cost and expense of abutting property owners, pursuant to the general laws of the State of Louisiana or of Act 169 of 1898, as amended and the various procedures relating to the awarding of contracts and the levying of special assessments under such local assessment statutes.

(e) Zoning ordinances or amendments to said ordinances.

(f) Any action which the government authority is required by law to take or perform where required to take or perform such action by a petition, or by the provisions of the Plan of Government, the general laws of the State of Louisiana, or of Act 169 or 1898, as amended.

(g) The adoption of current expense budgets, as provided for in Chapter 9 of the Plan of Government, except that any increase, decrease, deletion of any item in, or any new item added to, or subdivision of items of appropriations in the preliminary budget as submitted by the Mayor-President shall be approved by two-thirds of the entire membership of the Metropolitan Council.

(h) The fixing of the number or the compensation of the members of the classified and non-classified services.

(I) The prescribing of general regulations for the proper operation of the departments of governments when such regulations are specifically required by the Plan of Government to be approved or adopted by the Metropolitan Council.

~~This amendment shall become effective as of midnight, December 3l, l956~~. (As amended on November 6, 1956)

SECTION ~~2.16~~ 2.18

Council Budget Officer

There shall be a Council Budget Officer who shall be an unclassified employee appointed by the Metropolitan Council for an indefinite term. The Council Budget Officer shall have graduated from an accredited four-year college or university, with courses in accounting, or have at least five years of responsible work in the field of public administration, governmental accounting, or general accounting supervision. ~~He~~ The Council Budget Officer shall perform the duties hereinafter enumerated and shall have such other authority and power and perform such other functions as may be prescribed by the Metropolitan Council, subject only to the limitation that such authority not directly conflict with the authority vested in the Director of Finance by the provisions of Chapter 8 of this Plan of Government. The Council Budget Officer shall include, but not be limited to, the following duties:

(a) Study and analyze City and Parish revenues and expenditures on a continuing basis, and report thereon to the members of the Metropolitan Council.

(b) Study and analyze budget requests of the various departments, agencies and offices to which the Parish and City makes appropriations, and make specific recommendations thereon to the members of the Metropolitan Council.

(c) Determine and have available at all times the status of the general funds of the Parish and City and of all special accounts and funds; the status of appropriations and the amount actually expended or transferred out of all such appropriations; the amount appropriated but not expended and unencumbered during each fiscal year by each budget unit; and the amount which is encumbered but not expended at the close of each fiscal year by each budget unit; and such other budgetary information as may be requested by the members of the Metropolitan Council from time to time.

(d) Review the budget of receipts and expenditures, as recommended by the Mayor-President, ~~and~~ participate in the budget hearings conducted by the Metropolitan Council and the departmental budget hearings conducted by the Finance Department and the Office of the Mayor-President, and make specific recommendations thereon to the members of the Metropolitan Council.

(e) Review all audit reports and make specific recommendations with respect thereto.

In the performance of ~~his~~ the duties of the office, the Council Budget Officer, or a member of ~~his~~ the staff ~~designated by him~~, shall have the power to inspect and make copies of any books, records, documents, or files of any department, agency or office to which the Parish and City make appropriations. The Budget Officer may call upon all such departments, agencies, or offices for assistance and advice, and shall coordinate ~~his~~ work with that of the Director of Finance in providing budget information to the members of the Metropolitan Council. ~~He~~ The Council Budget Officer shall appoint, subject to the provisions of Chapter 9 of this Plan of Government, all employees of ~~his~~ the office. The cost of the office shall be supported by appropriations made by the Metropolitan Council. ~~borne by the Parish and City budgets in such proportions as the Councils may designate~~. (As amended November 8, 1966.)

SECTION ~~2.17~~ 2.19
Uniform Term Length for Boards and Commissions

Attendance Requirements for Board and Commission Members

The term of office of any board and commission member shall be four years, unless otherwise required by the laws of the State of Louisiana. ~~Any~~ All board or commission members ~~who fails to~~ shall attend sixty percent (60%) ~~75%~~ of all regularly scheduled meetings of ~~their~~ the board or commission in any calendar year~~. is no longer eligible to serve on such board and commission and~~ The director of the board or commission shall notify the Council Administrator-Treasurer no later than February 1 of any member who has failed to fulfill this attendance requirement in the prior year. ~~of any vacancies created in the prior year by violation of this provision.~~ After receiving notice and properly advertising the position, the Council Administrator-Treasurer shall place an

item on the agenda of the next available meeting for the Metropolitan Council to consider appointing a replacement for such member. The member shall continue to serve until a replacement has been appointed to fill the seat. A member who has failed to fulfill the attendance requirement is not eligible for reappointment to the seat for the remainder of the current term. (As amended on September 30, 2006. Requires uniformity of terms of office for all boards and commissions.) (As amended October 20, 2007)

SECTION ~~2.18~~ 2.20
Term Limits for Members of Boards and Commissions

Members of boards and commissions in the Parish ~~whose members~~ who are appointed by the members of the Metropolitan Council, other than those who serve as a result of being an elected official or serve as ex officio members, and other than with respect to members of any fire protection district, are limited to serve for two consecutive terms or eight consecutive years, whichever is greater, and may serve a third consecutive term if approved by a vote of ~~three-fourths~~ a supermajority of the members of the Metropolitan Council~~, and any member of a board or commission appointed for a second or subsequent consecutive term prior to the September 30, 2006 (the effective date of this amendment), may serve the remainder of such term and may be reappointed to one additional term if approved by a vote of three-fourths of the members of the Metropolitan Council.~~ The Metropolitan Council shall adopt ordinances to establish professional qualifications and relevant experience requirements for City-Parish board and commission appointees for the boards and commissions, including, but not limited to the appointees to the boards for the Capital Area Transit System, the Planning Commission, BREC, the Greater Baton Rouge Airport District, Library Board of Control, ABC Board, Board of Appeal, and Board of Adjustment. (Amended September 30, 2006. Requirement of term limitations for all members of boards and commissions in the Parish.)

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~~CHAPTER 3~~

~~GOVERNING BODIES - POWERS AND DUTIES~~

~~SECTION 3.01~~
~~Powers of the Metropolitan Council~~

~~The Metropolitan Council of East Baton Rouge Parish shall, in addition to the powers and duties conferred or imposed by other provisions of this Plan of Government, have:~~

~~(a) All the powers and duties of East Baton Rouge Parish as provided in Section l.02. of this Plan of Government including the exclusive authority to bind and or obligate the City-Parish and or the expenditure of City-Parish funds. (As amended October 20, 2007)~~

~~(b) Exclusive authority, saving the authority of the State of Louisiana, throughout the Parish, including the City of Baton Rouge, with regard to the constructing, opening, widening, extending, closing, narrowing, improving, grading, paving, repaving, adorning with trees, shrubs and vines, curbing, guttering, cleaning, repairing, and maintaining of streets, highways, boulevards, parkways, bridges, alleys and other public ways, and the grading, improving, constructing and reconstructing of sidewalks, including the authority to assess the whole or part of the cost of any street, alley or sidewalk improvement on the owners of the abutting property. To that end there are hereby transferred to the Parish and to the Council as the governing body thereof, except as specifically provided in this Plan of Government, all the powers and duties hitherto conferred or imposed on the City of Baton Rouge by its charter or by the general laws of the State relating to the above enumerated matters, but such transfer of powers shall not be taken to diminish in any respect the power and obligation of the City, from whatever source derived., to: (l) supply street lighting; (2) regulate traffic and the parking of vehicles, including the provision of facilities for off-street parking; (3) grant franchises or permits for the use of streets, highways, boulevards, parkways, bridges, alleys and other public ways within the city; for pipes, poles, wire, conduits, street railways, bus lines, taxicabs and other vehicles for hire; (4) regulate the rates and conditions of service of any public utility or other person, firm or corporation holding any such franchise or permit; and (5) make charges and collect compensation for the privileges enjoyed by any such utility, person, firm or corporation.~~

~~(c) Power to construct, own, maintain and operate airports, and to provide for their management and control by the Department of Public Works, by a separate bureau in the office of the Mayor-President, or by a board of commission.~~

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~~SECTION 3.02~~
~~Powers and Duties~~
~~City of Baton Rouge~~
~~Metropolitan Council~~

~~The City of Baton Rouge as extended by this Plan of Government shall continue to have all the powers and duties, except as provided in this Plan of Government, heretofore possessed by the City of Baton Rouge under its Charter and the general laws of the State, and such other powers and duties not inconsistent with the Plan of Government as hereafter may be conferred or imposed on municipalities of the same population class. All provisions of the Charter of the City of Baton Rouge not in conflict with the provisions of this Plan of Government are expressly continued in force and effect and henceforth, shall be subject to amendment only to the same extent and in the same manner as hereinafter provided for the amendment of this Plan of Government. All ordinances of the City of Baton Rouge in force prior to the first day of January 1949 shall, insofar as they are not inconsistent with the Plan of Government, remain in force and effect until amended or repealed by the Council.~~

~~SECTION 3.03~~
~~Powers and Enforcement~~

~~For the purpose of carrying out the powers and duties conferred or imposed on the Metropolitan Council, such Council shall have power, whenever it deems it necessary, to require licenses and permits and fix the fees to be paid therefor, to charge compensation for any privilege granted or service rendered, and to provide penalties for the violation of any ordinance or regulation, which shall not exceed the maximum penalties allowable under the Laws of the State of Louisiana for offenses which fall within the jurisdiction of the Baton Rouge City Court. (As amended October 27, 1979.)~~

~~SECTION 3.04~~
~~Powers to Levy Taxes~~

~~The power or duty to perform any service or provide any facility, hereby granted to the Metropolitan Council, shall in all cases carry with it the power to levy taxes and to borrow money within the limits prescribed by this Plan of Government and by the Constitution and general laws of the State for the purpose of performing such service of providing such facility.~~

PROPOSED AMENDMENTS FROM THE POG AMENDMENT COMMITTEE

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CHAPTER 4

MAYOR-PRESIDENT

SECTION 4.01
Election of Mayor-President

The Chief Executive Officer of the City and Parish shall be a Mayor-President who shall be elected by the qualified voters of the Parish at the same time as and ~~for the same~~ for four year terms ~~as the members of the Metropolitan Council~~, provided that the Mayor-President first elected shall take office for the purposes specified in Section 2.02 of this Plan of Government immediately following the promulgation of the results of such election. Thereafter the Mayor-President shall hold office for a term of four years beginning on the first day of January following his election. He or she shall be a qualified voter of the Parish and if any time during his term of office he shall cease to reside within the Parish his office shall be deemed vacant.

A person who has been elected to serve his or her first term as Mayor-President of the Consolidated Government of the City of Baton Rouge and Parish of East Baton Rouge after 2020 and who has served for ~~three (3)~~ two (2) consecutive full terms of office, ~~such service being during a term of office that began on or after January 1, 1997,~~ shall not be eligible for election as Mayor-President of the Consolidated Government of the City of Baton Rouge and Parish of East Baton Rouge for the succeeding term. (As amended on November 18, 1995)

SECTION 4.02
Compensation

~~For the term beginning on the first day of January 1949~~ The compensation of the Mayor-President shall be fixed by the ~~Parish~~ Metropolitan Council ~~at not less than ten or more than fifteen thousand dollars. Thereafter the compensation of the Mayor-President shall be fixed by the Metropolitan Council~~ by ordinance adopted at least one year prior to the commencement of the term of the Mayor-President whose compensation is to be affected thereby and if no such ordinance be adopted the compensation of the Mayor-President will remain as previously fixed by the Metropolitan Council.

SECTION 4.03
Chief Executive Officer of the Parish and City; Powers and Duties of the Mayor-President

(A) The Mayor-President shall be the Chief Executive Officer of the Parish and City and shall have powers and duties~~, as authorized by the Metropolitan Council~~, subject to this Plan of Government, the ordinances and resolutions of the Metropolitan Council

~~adopted in pursuance thereof~~, and the Constitution and general laws of the State, to ~~supervise and direct the administration of all~~ have the ultimate responsibility for executive branch parish and city departments, offices, and agencies through the Chief Administrative Officer ~~of the Parish and City Governments the heads of which are appointed by him.~~ ~~of which the Mayor-President appoints the head.~~ ~~He~~ The Mayor-President shall have all the powers and duties, not inconsistent with the provisions of this Plan of Government, conferred or imposed on the Mayor of the City of Baton Rouge by its Charter or which may be conferred or imposed on the mayors of cities by the general laws of the state applicable to such city. ~~He~~ The Mayor-President shall have power to appoint and remove, subject to the provisions of Chapter 9, of this Plan of Government, the Director of Finance, Purchasing ~~Agent~~ Director, ~~Personnel Administrator~~ Human Resources Director, the Department heads as listed in Section 5.01 and 5.02 of the Plan of Government, the Chief of the Fire Department and the Chief of Police, the Planning Director, the Chief Administrative Officer, the Chief of Staff, the Executive Counsel, and such other officers and employees as the Metropolitan Council may provide by ordinances pursuant to this Plan of Government. ~~In the case of any officer or employee who is not a member of the classified service as provided by Chapter 9 of the Plan of Government or by any general laws applicable to the City of Baton Rouge, the Mayor-President shall, before he or she may exercise the power of removal, first serve on the officer or employee sought to be removed a notice in writing setting forth the grounds of the proposed removal and fixing a time and place, not less than ten days after the service of such notice, at which the officer or employee shall be given an opportunity to be heard thereon. After such hearing, which shall be public at the option of the officer or employee, the action of the Mayor-President shall be final. The Mayor-President may suspend from duty for not more than sixty days any such officer or employee pending final action.~~ (As amended December 6, 2014)

(B) The duties and powers of the Mayor-President shall include, but not be limited to the following:

(1) Attend, either personally or by representation, meetings of the Metropolitan Council. The Mayor-President may present to the Metropolitan Council written messages or information which in his or her opinion are necessary and expedient and shall have the right to speak at all meetings of the Metropolitan Council. The Mayor-President shall have no vote on the Metropolitan Council, but all ordinances enacted by the Metropolitan Council shall be submitted to the Mayor-President as provided in Section 2.17 of the Plan of Government. (As Amended October 27, 1979.) (As amended October 20, 2007)

(2) Keep the Metropolitan Council informed of the financial condition of the parish and the city, and of all other matters pertaining to their proper administration, and to make recommendations concerning actions to be taken by the Metropolitan Council.

(3) Prepare and submit the annual budgets to the Metropolitan Council as provided in Chapter 8 of this Plan of Government.

(4) To prepare and submit to the Metropolitan Council not later than its first meeting in July of each year a concise and comprehensive report of the financial transactions and administrative activities of the parish and the city and all districts of which the Metropolitan Council is the governing body, during the fiscal year ending on the preceding thirty-first day of December, in suitable form for publication, and to cause to be printed for general distribution to all citizens or request such number of copies of the same as the Metropolitan Council shall direct. (As amended October 20, 2007)

(5) To perform such other duties as may be prescribed by this Plan of Government or required by the ordinances of the Metropolitan Council.

~~SECTION 4.04~~
~~Duties of the Mayor-President~~

~~It shall be the duties duty of the Mayor-President:~~

~~(a) To attend, either personally or by representation, meetings of the Council. The Mayor-President may present to the Council written messages or information which in his opinion are necessary and expedient and shall have the right to speak at all meetings of the Council. The Mayor-President shall have no vote on the Council, but all ordinances enacted by the Council shall be submitted to the Mayor-President as provided in Section 2.17 of the Plan of Government. (As Amended October 27, 1979.) (As amended October 20, 2007)~~

~~(b) To keep the Council informed of the financial condition of the Parish and the City of all other matters pertaining to their proper administration, and to make recommendations concerning actions to be taken by the Council.~~

~~(c) To prepare and submit the annual budgets to the Council as provided in Chapter 8 of this Plan of Government.~~

~~(d) To prepare and submit to the Council not later than their first meeting in July of each year a concise and comprehensive report of the financial transactions and administrative activities of the Parish and the City and all districts of which the Metropolitan Council is the governing body, during the fiscal year ending on the preceding thirty-first day of December, in suitable form for publication, and to cause to be printed for general distribution to all citizens or request such number of copies of the same as the Council shall direct. (As amended October 20, 2007)~~

~~(e) To perform such other duties as may be prescribed by this Plan of Government or required of him by the ordinances of the Council.~~

SECTION ~~4.05~~ 4.04
~~President Pro-Tempore~~ Absence of Mayor-President

~~The President Pro-Tempore shall preside over the meetings of the Metropolitan Council with the right to speak and to vote.~~ If the Mayor-President is absent from the Parish and City or unable to perform his or her duties the President Pro-Tempore shall act as Mayor-President and in the case of a vacancy in the office of Mayor-President shall serve as such until the vacancy is filled ~~as hereinafter provided~~ according to Section 4.05. (As amended October 27, 1979.) (As amended October 20, 2007)

SECTION ~~4.06~~ 4.05
Vacancy in the Office of the Mayor-President

A vacancy in the office of Mayor-President, from whatever cause arising, occurring within one year of the expiration of his or her term shall be filled by appointment by majority vote of all members of the Metropolitan Council, but if the vacancy occurs more than one year prior to the expiration of his term, it shall be filled in accordance with La. R.S. 18:602 until the remainder of the term may be filled by vote of the qualified voters of the Parish at a special election called and held pursuant to the Louisiana Election Code, Louisiana Revised Statutes, Title 18. (As amended September 11, 1982)

~~SECTION 4.07~~
~~Division of Purchasing Department~~

~~There shall be under the immediate direction of the Mayor-President a Division Department of Purchasing. The head of the Division of Purchasing shall be the Purchasing Agent Director of Purchasing. He or she shall be a person skilled and experienced in private business purchasing or governmental purchasing and property control and accountability. It shall be the duty of the Purchasing Agent Director of Purchasing to purchase all supplies, materials, equipment, and contractual services, including insurance and surety bonds, for the use of the several departments of the Parish and City established by this Plan of Government, all districts of which the Metropolitan Council is the governing body, all other departments, boards, commissions, offices and boards to which this provision is constitutionally applicable, or which may request the services of the Purchasing Agent Director of Purchasing, henceforth referred to herein as using agencies, excepting the purchase of books for the public library. It shall be the duty of the Purchasing Agent Director of Purchasing to consult the head of each using agency as to the kind and quality of the supplies, materials and equipment to be purchased for it.~~

~~SECTION 4.08~~
~~Further Powers and Duties of Purchasing Agent Director of Purchasing~~

~~The Purchasing Agent Director of Purchasing, for the purpose of giving effect to the provisions of the preceding section, shall have the following powers and duties:~~

~~(a) To establish, with approval of the Mayor-President and after consultation with the heads of the using agencies concerned, standard specifications for supplies, materials and equipment required by the using agencies.~~

~~(b) To prescribe the time of making requisitions and the future period which such requisitions are to cover.~~

~~(c) To inspect or cause to be inspected all deliveries of supplies, materials and equipment, and to cause tests to be made when necessary, in order to determine their quality, quantity and conformance with specifications.~~

~~(d) To supervise and control such central storerooms as the Metropolitan Council may establish.~~

~~(e) To transfer to or between using agencies, sell or trade in, supplies, materials and equipment determined by him, with the approval of the Mayor-President and after consultation with the head of the using agency concerned, to be surplus, obsolete or unused.~~

~~(f) To maintain an adequate system of accounting for all property received and all property issued by the Division of Purchasing, in accordance with accepted principles of accounting for property and inventory control; and to maintain such inventory of all movable property under the control of the several using agencies as the Metropolitan Council may require.~~

~~SECTION 4.09~~
~~Competitive Bidding~~

~~Before making a purchase or contract the Purchasing Agent Director shall give opportunity for competitive bidding under such rules and regulations, not in conflict with general law, as may be established by the Metropolitan Council. With the approval of the Council, the Purchasing Agent Director may reject any or all bids for just cause and re-advertise for bids; provided that competitive bidding shall not be required in the case of contracts for professional service and for services for which the rate or price is fixed by a federal or state authority authorized by law to fix rates or prices. All sales made by the Purchasing Agent Director shall be made on the basis of competitive bids after such public notice as may be prescribed by the Metropolitan Council by ordinance and all sales shall be to the highest bidder.~~

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~~SECTION 4.l0~~
~~Accounting Control of Purchasing~~

~~All purchases and contracts executed by the Purchasing Agent Director shall be pursuant to a written requisition, in such form as may be prescribed by the Director of Finance, from the head of the using agency whose appropriation is to be charged or from the head of a division or other operating unit thereof to whom such authority has been delegated by the head of the using agency in writing, filed with the Purchasing Agent Director. No purchase order made or contract entered into by the Purchasing Agent Director shall be valid unless there be endorsed thereon the certificate of the Director of Finance that there is an unexpended and unencumbered balance in the appropriation and allotment applicable thereto. Nothing herein, however, shall be taken to prevent the Purchasing Agent Director from making purchases for a stores revolving fund which the Metropolitan Council is hereby authorized to establish, and to make sales from the stores account to the several using agencies based on their requisitions; provided that the Director of Finance certifies that there is an unexpended and unencumbered balance in the appropriation and allotment to be charged.~~

~~SECTION 4~~
~~Financing of Purchasing Department~~

~~The number compensation of the employees in the Purchasing department shall be fixed by the Metropolitan Council. The compensation of the Purchasing Director and all other expenses of the office shall be provided by appropriations made by the Metropolitan Council.~~

~~SECTION 4.11~~
~~Records Relating to Competitive Bidding~~

~~A record of all bids, showing the names of the bidders and the amount of the bids, and indicating in each case the successful bidder, together with the originals of all sealed bids and other documents pertaining to the making of purchases and the award of contracts, shall be preserved by the Purchasing Agent Director for six years in a file which shall be open to public inspection during regular business hours.~~

~~SECTION 4.12~~
~~Transaction Not to Be Divided~~

~~No transaction, which is essentially a unit, shall be divided for the purpose of evading or so as to evade the intent of Section 4.09.~~

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SECTION ~~4.13~~ 4.06
Financing Mayor-President's Office

The number and compensation of the employees in the office of the Mayor-President, including the Division of Purchasing, shall be fixed by the Metropolitan Council upon the advice and recommendation of the Mayor-President. The compensation of the Mayor-President and all other expenses of his or her office, including those of the Division of Purchasing, shall be provided by appropriations made by the Council upon the advice and recommendation of the Mayor-President.

SECTION ~~4.14~~ 4.07
Chief Administrative Officer

(a) For the purpose of ~~assisting in the supervision and coordination of the duties of the Mayor-President's office~~, supervising the agencies that report to the Mayor-President, the Mayor-President shall ~~may~~ appoint a Chief Administrative Officer, subject to confirmation by the Metropolitan Council, who shall be an unclassified employee in the office of the Mayor-President. He or she shall perform the duties ~~hereinafter enumerated and may appoint at least one secretary or confidential assistant who shall likewise be unclassified~~ set forth below and he or she may appoint at least one confidential assistant who shall likewise be unclassified. All other employees assigned to his or her office shall be appointed and removed by the Mayor-President subject to the provisions of Chapter 9 of this Plan of Government.

(b) The Chief Administrative Officer shall have the following ~~minimum~~ qualifications:

(l) At least five years' experience in an administrative capacity in municipal or state government; or,

~~(2) Must have graduated from an accredited four-year college or university; and~~

(2) Graduated with a master's degree from an accredited four year college or university in the field of public administration, business administration, or a related field of management.

(c) The Chief Administrative Officer shall report directly to the Mayor-President ~~assist the Mayor-President in the duties of his office and shall~~ have ~~and perform~~ the following mandatory duties:

(1) Supervise the executive branch departments as described by this Plan of Government, with the directors of those departments reporting directly to the Chief Administrative Officer.

(2) Make studies of the internal organization and procedures of any office, department or board, and require such reports from any of them which he deems necessary.

(3) Make reports prescribing accepted standards of administrative practice for all administrative offices, departments and board.

(4) Prepare ~~an annual~~ a statistical report of City and Parish operation for submission to the Mayor-President and the Metropolitan Council, including appropriate recommendations for revisions and changes in administrative practices and other departmental procedures.

(5) Coordinate with the Chief of Staff to the Mayor-President.

(d) Anything in this Chapter to the contrary notwithstanding, the compensation of the Chief Administrative Officer and all other expenses of his or her office shall be provided by appropriations made by the Council.

SECTION 4.08
Chief of Staff

(a) For the purposes of assisting the Mayor-President with his or her duties, the Mayor-President may appoint a Chief of Staff for the Office of the Mayor-President. The Chief of Staff shall be an unclassified employee with the duty to assist the Mayor-President in all matters of the office, including but not limited to, policy development, community engagement, constituent relations, and communications, coordination with the Metropolitan Council members and department heads, and all diplomatic and political affairs of the City-Parish.

(b) The Chief of Staff shall report directly to the Mayor-President.

(c) Anything in this Chapter to the contrary notwithstanding, the compensation of the Chief of Staff and all other expenses of his or her office shall be provided by appropriations made by the Council.

SECTION 4.09

Executive Counsel

The Mayor-President may appoint an Executive Counsel for independent legal guidance and advice for the Office of the Mayor-President. The Executive Counsel must be a licensed attorney practicing law in the State of Louisiana for at least five years. The City-Parish Attorney shall remain the legal representative of the City of Baton Rouge and Parish of East Baton Rouge as provided in Section 11.01.

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CHAPTER 5

DEPARTMENT OF PUBLIC WORKS

SECTION 5.01
~~A Single~~ The Department of Public Works

There shall be six (6) departments and an Office of Business Operations and Capital Programs in the Department of Public Works, as well as any additional department or administrative unit established in accordance with Section 5.02 (h) ~~as described in Section 5.02 of the Plan of Government, as amended, and further that.~~ There will be ~~one~~ directors for each of the departments ~~created and established in accordance with Section 5.02 of the Plan of Government, as amended~~. Each director shall report to the Chief Administrative Officer or his or her designee. (As amended December 6, 2014)

SECTION 5.02
Department of Public Works
Organization and Functions

The Department of Public Works shall consist of the following:

(a) The Department of Environmental Services which shall include a Wastewater Division which shall be responsible for wastewater operations and maintenance~~, engineering, construction and finance/administrative resources; and~~ , a Sanitation Division which shall be responsible for solid waste, landfill, recycling, and an Environmental Quality Division which shall be responsible for compliance and regulatory and pretreatment programs. ~~solid waste environmental functions, overseeing Department of Environmental Quality compliance, garbage cart management, City and Parish recycling programs, landfill management and management of the City and Parish solid waste collection contractor~~. (As amended December 6, 2014)

(b) The Department of Transportation & Drainage ~~which shall include transportation-related functions including oversight of traffic engineering, traffic operations, traffic signal and sign installation and maintenance, parking meter maintenance, road closures and public notifications, taxicab inspections, traffic volume counts, oversight of the Advance Traffic Management Center, traffic volume and average daily traffic calculations, traffic analysis and associated studies, street and curb painting, support for construction of capital improvements projects, inspection and compliance for new roadway construction, peer reviews of design and engineering plans, project management, support engineering services for capital improvements programs involving highways, bridges, drainage, and flood control, bridge inspections, contractor oversight for engineering studies and design engineering, and flood control measures including levee permits and inspections, bridge repair, guard rail repair, and road rehabilitation~~

~~programs with oversight of contracted program management team.~~ which shall include an Administrative Division; an Engineering Division (which shall include the Road Rehabilitation and Field Engineering sub-divisions); and a Traffic Engineering Division.

The Administrative Division which shall be responsible for administration of all of the divisions of the department.

The Engineering Division (through the Road Rehabilitation and Field Engineering sub-divisions) shall be responsible for the design and construction of street and drainage systems, capital improvements by in-house design and /or supervision of design consultants for the preparation of plans and specifications for their construction, management of the City of Baton Rouge Mississippi Levee systems inspection and permitting process, inspection of drainage structures and instructing repair, and management of the Parish Off-System Bridge Replacement and Rehabilitation program requirements

The Traffic Engineering Division shall be responsible for transportation-related functions including oversight of traffic engineering, traffic operations, traffic signals, sign installation and maintenance, parking meter maintenance, road closures and public notifications, taxicab inspections, traffic volume counts, oversight of the Advance Traffic Management Center, traffic volume and average daily traffic calculations, traffic analysis and associated safety studies, street and curb painting, support for construction of capital improvements projects, inspection and compliance for new roadway construction, peer reviews of design and engineering plans. (As amended December 6, 2014)

(c) The Department of Maintenance which shall be responsible for drainage maintenance functions including roadside ditch digging, off-road canal excavation, canal debris removal, inspection of roadside ditches and canals, ~~vector truck operations, storm drain and catch basin repair concrete work, erosion remediation, land and surveying for property lines~~, landscape and forestry functions, oversight of grass maintenance functions ~~involving mowing, weed eating, and litter clean up,~~ and street maintenance functions for asphalt, pothole patching, and tree maintenance and demolitions. (As amended December 6, 2014)

(d) The Department of Development which shall be responsible for enforcement of federal, state and local laws, ordinance and guidelines related to construction and development as well as blight elimination within East Baton Rouge Parish. The department consists of three divisions: Permit & Inspection Division; the Subdivision Office Division; and the Neighborhood Revitalization Division.

The Permit and Inspection Division shall be responsible for enforcement of mandated building codes and ordinances through plan review, issuance of permits, and inspections for all residential and commercial construction including occupancy, electrical, plumbing, and mechanical and fuel gas construction work. The division is also responsible for enforcement of zoning-related ordinances.

The Subdivision Office Division responsible for enforcement of all mandated Unified Development Code provision and all development-related codes and ordinances through plan review, issuance of permits, and inspections for all residential and commercial subdivisions. The division is also responsible for flood zone determinations and flood variance waivers.

The Neighborhood Revitalization Division responsible for blight elimination through removal of vegetative growth, junk, trash and debris, abandoned vehicles, remediation of unmaintained swimming pools, and demolition of condemned structures. ~~shall include development-related functions such as the subdivision office, which includes engineering functions involving work plan reviews, field inspections and environmental reviews, flood zone determinations, FEMA floodplain maps, permitting for residential and commercial purposes (building plan review and approval), inspections and code enforcement for addressing, building occupancy, mechanical, plumbing, and electrical needs, code enforcement for blight elimination including zoning ordinance compliance, blight and litter elimination, and condemnations and demolitions.~~
(As amended December 6, 2014)

(e) The Department of Buildings and Grounds ~~which shall include oversight of City and Parish infrastructure-related functions and buildings such as public building maintenance, which also includes Sheriff's office and substations, Parish prison, City and District Court buildings, and River Center maintenance, City and Parish owned parking garages and architectural services~~ which shall be responsible for oversight of the maintenance, construction, and security for all City Parish owned buildings, facilities, and immovable property .(As amended December 6, 2014)

(f) The Department of Fleet Management which shall include oversight and management of ~~Central Garage functions, including~~ maintenance and repairs for all City-Parish vehicles and~~, as well as in-house maintenance for all City and Parish~~ heavy equipment ~~such as tractors, bulldozers and excavators~~. (As amended December 6, 2014)

(g) The Office of Business Operations and Capital Programs ~~is hereby created and established for the purpose of which~~ shall be responsible for providing essential business, programmatic support, and workforce development for the departments described in Section 5.02. (As amended December 6, 2014)

(h) Such other Departments or other ~~units of administration~~ administrative units, with such powers, duties, and budget as the Metropolitan Council may create and provide. ~~may be required by the action of the Council whose budget is to provide the cost thereof~~. (As amended December 6, 2014)

SECTION 5.03
Department of Public Works
Financing

The compensation of the Directors of Environmental Services, Transportation & Drainage, Maintenance, Buildings and Grounds, Fleet Management, and Development and the number and compensation of the officers and employees in these departments shall be set by the Metropolitan Council. ~~The cost, however, of operating the Departments of Building & Grounds, Maintenance and Fleet Management, if established, shall be distributed between the several departments, divisions, offices and agencies using the services of the same,, by means of a system of charges for such services, based on actual cost, to be established by the Council. The Council is hereby specifically authorized to establish by appropriation revolving funds for each of these departments, to be replenished by the charges above provided.~~ (As amended December 6, 2014)

SECTION 5.04
Director<u>s</u> of Public Works
Qualification<u>s</u>, Powers, and Duties

Each of the Directors of the Departments as described in Section 5.02 shall have received a college degree ~~(which must include the completion of engineering courses, or business management courses, or public administration management courses)~~, from an accredited four ~~(4)~~ year college or university, and ~~(ii)~~ have at least ten ~~(10)~~ years of relevant administrative/management experience.

Each Director shall have the general management and control of such Director's respective Department, subject to the <u>applicable</u> provisions of Chapter 9 of this Plan of Government, shall appoint and remove all the officers and employees of such Department and shall have power to make rules and regulations for the conduct of its business consistent with the Plan of Government and the ordinances of the <u>Metropolitan</u> Council. The Department of Environmental Services, the Department of Transportation & Drainage, and the Department of Development shall each have at least one ~~(1)~~ Chief Engineer, in responsible charge, as defined by Title 37 of <u>the Louisiana Revised Statutes</u> ~~L.R.S.~~, who shall, as a minimum, be a professional engineer licensed to practice in the State of Louisiana.

The Department of Buildings and Grounds shall have at least one ~~(1)~~ Chief Architect who as a minimum shall be a licensed architect registered in the State of Louisiana. (As amended December 6, 2014)

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CHAPTER 6

POLICE DEPARTMENT

SECTION 6.01
Police Department for the City of Baton Rouge

There shall be a Police Department for the City of Baton Rouge as extended by this Plan of Government. It shall consist of a Chief of Police, who shall be the head of the department, and such other officers and employees of such ranks and grades as may be provided by the Metropolitan Council. The Police Department shall be responsible within the city limits for the preservation of public peace and order, the prevention of crime, the apprehension of criminals, the protection of rights of persons and property, and the enforcement of the laws of the state and the ordinances of the Metropolitan Council. All members of the department shall have the same powers and duties with respect to the enforcement of criminal laws as are now or may be conferred by the laws of the state on police officers. (As amended October 20, 2007)

SECTION 6.02
Police Department - Organization

The Metropolitan Council shall have, except as provided in this Plan of Government, all the powers and duties relating to the organization and activities of a Police Department conferred or imposed on the City of Baton Rouge by its charter and the general laws of the state. The Chief of Police shall be in direct command of the department and, subject to the provisions of Chapter 9 of this Plan of Government and applicable state laws, shall have power to appoint and remove all other officers and employees of the department. He or she shall assign all members of the department to their respective posts, shifts, details and duties. He or she shall make rules and regulations consistent with this Plan of Government, the ordinances of the Metropolitan Council, and the laws of the state, concerning the operation of the Police Department, the conduct of its officers and employees, and their equipment, training and discipline, and the penalties to be imposed for infraction of such rules and regulations, which when approved by the Metropolitan Council shall be binding on all members of the department.

~~SECTION 6.03~~
~~Continuance of Civil Service Status~~
~~Existing Members of Police Department~~

~~All regular full-time officers and employees of the Police Department of the City of Baton Rouge on the first day of January 1949 are hereby continued as members of the City~~

~~Police Department in their then ranks and grades, and shall hold such positions until promoted, demoted, transferred or removed, as provided in Chapter 9 of this Plan of Government.~~

SECTION 6.04
Financing of Police Department

The Police Department shall be supported by appropriations made by the Metropolitan Council upon the advice and recommendation of the Mayor-President.

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CHAPTER 7

FIRE DEPARTMENT

SECTION 7.01
Fire Department for the City of Baton Rouge

There shall be a Fire Department for the City of Baton Rouge as extended by this Plan of Government. It shall consist of the Fire Chief, who shall be head of the department, and such other officers and employees of such ranks and grades as may be provided by the Metropolitan Council. It shall be responsible for providing fire protection within the boundaries of the City of Baton Rouge and not elsewhere in the Parish, and any service rendered outside such area, except in accordance with a mutual assistance agreement, shall be rendered only with the approval of the Chief or acting chief, who shall not approve such outside service in any case in which the assistance given will detract from the protection provided within the boundaries of the City of Baton Rouge. ~~The City Council shall, immediately after the first day of January 1949, provide by the issuance of bonds approved by the resident property taxpayers qualified to vote in the City of Baton Rouge or by the issuance of excess revenue bonds, for the construction of fire houses and a fire alarm system and the purchase of equipment sufficient to furnish adequate fire protection throughout the City. It shall also be the duty of the Council to increase the number of employees of the department to man adequately all of the City's firefighting equipment.~~ (As amended October 20, 2007)

SECTION 7.02
Fire Department Organization

The Metropolitan Council shall have, except as provided in this Plan of Government, all the powers and duties relating to the organization and activities of the Fire Department conferred or imposed on the City of Baton Rouge by its charter and general laws of the state. The Fire Chief shall be in direct command of the department and, subject to the provisions of Chapter 9 of The Plan of Government, as applicable, shall have power to appoint and remove all other officers and employees of the department. ~~He~~ The Fire Chief shall assign all members of the department to their respective posts, shifts, details, and duties. He or she shall make rules and regulations, consistent with this Plan of Government, the ordinances of the Metropolitan Council and the laws of the state, concerning the operation of the Fire Department, the conduct of its officers and employees, their equipment, training and discipline, and the penalties to be imposed for the infraction of such rules and regulations~~., which rules and regulations, when approved by the Council, shall be binding on all members of the department.~~

SECTION 7.03
~~Continuance of Civil Service Status~~
~~Existing Members of the Fire Department~~

~~All Regular full-time officers and employees of the Fire Department of the City of Baton Rouge and all regular full-time firemen employed by East Baton Rouge Parish on the first day of January 1949, are hereby continued as members of the City Fire Department in their present ranks and grades, and shall hold such positions until promoted, demoted, transferred or removed as provided in Chapter 9 of this Plan of Government. All regular full-time employees of Fire Protection District Number One of East Baton Rouge Parish shall also be transferred to the City Fire Department without competitive examination, provided they meet all requirements for admission to competitive examinations.~~

~~SECTION 7.04~~
Financing of Fire Department

~~The Fire Department shall be supported by appropriations made by the Metropolitan Council.~~
The Metropolitan Council shall appropriate funds to support the Fire Department.

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CHAPTER 8

FINANCE

SECTION 8.01
Director of Finance

The head of the Department of Finance shall be the Director of Finance. ~~He~~ The Director shall be a person skilled in local government accounting, budgeting and financial control, and shall further have ~~graduated~~ a degree from an accredited four-year college or university ~~with a major course in accounting or public administration,~~ and have at least five ~~six~~ years progressively responsible accounting experience. It shall be his or her duty to:
(As amended October 20, 2007)

(a) Compile for the Mayor-President the estimates for the current expense and capital budgets.

(b) Maintain accounting systems for the Parish, the City, and districts of which the Metropolitan Council is the governing body, hereafter in this Chapter referred to as Districts, and for each department, office and agency thereof, in accordance with the best recognized practices in governmental accounting; keep records for and exercise financial and budgetary control over each such department, office, or agency; keep separate accounts for the items of appropriation contained in the budget ordinance, and encumber such items of appropriation with the amount of each purchase order, payroll or contract, approved by him for sufficiency of funds, immediately upon such approval; and keep such records as shall show at all times for each account the amount of the appropriation, the amounts paid therefrom, the amount of unpaid encumbrances, and the unencumbered balance. (As amended October 20, 2007)

(c) Prescribe the form of receipts, vouchers, bills or claims to be used, and the accounts to be kept, by all departments, offices and agencies of the Parish, the City, and Districts, and provide suitable instructions for the use thereof.

(d) Prescribe the times at and the manner in which moneys received by any department, office or agency for the Parish, City, or any District, shall be paid to the Parish and City Treasurer or deposited in a bank account under his control to the credit of the Parish, City, or District, as the case may be.

(e) Examine all contracts, purchase orders and other documents which involve financial obligations against the Parish, the City, or any District, and approve the same only upon ascertaining that moneys have been appropriated, and that an unexpended and unencumbered balance is available in such appropriation to meet the same. (As amended October 20, 2007)

(f) Review before payment all bills, invoices, payrolls, and other claims, demands, or charges against the Parish, the City, or any District, and approve the same only if proper, legal and correct. (As amended October 20, 2007)

(g) Inspect and audit the accounts and records of financial transactions maintained in each department, office and agency of the Parish, the City and Districts.

(h) Prepare at the request of the Mayor-President, interim financial statements and reports of the financial transactions of the Parish, the City and Districts. (As amended October 20, 2007)

(i) Prepare for the Mayor-President each year, a complete financial statement and report of the financial transactions for the preceding year, of the Parish, the City, and Districts. (As amended October 20, 2007)

(j) Appoint and remove subject to the provisions of Chapter 9 of this Plan of Government, all employees of the Department of Finance.

(k) Designate, with the approval of the Mayor-President, an employee of the Department of Finance, as Deputy Director of the Department of Finance, who may have and perform all the powers and duties herein conferred or imposed on the Director of Finance. (As amended November 3, 1964.)

SECTION 8.02
Parish and City Treasurer

There shall be a Parish and City Treasurer who shall be appointed by the Metropolitan Council for an indefinite term and which office, in the discretion of the Metropolitan Council, may be combined with that of Council Administrator. The Parish and City Treasurer shall have ~~graduated~~ a degree from an accredited four-year college or university, ~~with courses in accounting, or~~ and have at least five years of responsible work in either the field of public administration, governmental accounting, or general accounting supervision. ~~He~~ The Treasurer shall have custody of all funds belonging to the Parish, the City, and Districts, and shall deposit the same in such banks as may be designated by the Metropolitan Council, on such conditions as are provided by law for the deposit of public money. ~~He~~ The Treasurer shall also be the treasurer of all special and trust funds, with power to invest the same under such conditions as may be prescribed by ordinance by the Metropolitan Council, except where otherwise provided by law or by the terms of the trust. ~~He~~ The Treasurer shall have such other powers and duties, not inconsistent with this Plan of Government, as are conferred or imposed on Parish Treasurers by law, and shall appoint and remove, subject to the provisions of Chapter 9 of this Plan of Government, all employees of ~~his~~ the office. (As amended November 3, 1964.)

SECTION 8.03

Disbursements

Unless appropriately authorized, no disbursements shall be made from the funds of the Parish, the City, or any District ~~except by an instrument authorized~~ by the Treasurer, ~~based upon a voucher or payroll duly reviewed~~ and approved by the Director of Finance~~. The Metropolitan Council may by ordinance authorize the Treasurer to use a check signing machine or other similar device for affixing the facsimile signature of the Treasurer to checks and other negotiable instruments drawn on the various accounts subject to his control and custody.~~ The Council shall provide in such ordinance such safeguards as may be necessary for the proper protection of the public assets. (As amended on November 6, 1965.) (As amended October 20, 2007)

SECTION 8.04
Surety Bonds

The Mayor-President, the Director of Finance, the Parish and City Treasurer, and all other officers and employees concerned in the handling of money, shall be covered by such surety company bonds, conditioned upon the faithful performance of their duties, as are prescribed by law, or shall be required by ordinance of the Metropolitan Council and shall be paid from appropriations made by the Metropolitan Council. (As amended October 20, 2007)

SECTION 8.05
Collection of Taxes

All taxes levied and all other licenses, fees, and other charges imposed by the Metropolitan Council as the governing body of the Parish, the City, or of any district shall be collected as directed by the Director of Finance except as provided by State law. The Council may by resolution enter into an agreement with the Sheriff for the collection by the Sheriff of taxes levied. ~~in the City. Otherwise they shall be collected by the Director of Finance and the actual cost of such collection shall be paid from an appropriation thereof made by the Council.~~ (As amended October 20, 2007)

SECTION 8.06
Fiscal Year

The fiscal year of the Parish, the City, and Districts shall commence on the first day of January in each year and end on the last day of the succeeding December.

SECTION 8.07
Department Estimates

The head of every department, office, agency, or entity receiving ~~financial support~~ funding from the Metropolitan Council shall file with the Director of Finance, at such time in

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each year as the Mayor-President may require estimates of revenues to be received by that department, office, agency, or entity for or on account of the Parish, City, or any District, and of the expenditures of that department, office, agency, or entity for the ensuing year. Such estimates shall be submitted upon forms prescribed by the Director of Finance and shall contain all information which the Mayor-President shall require. The Mayor-President, with the assistance of the Director of Finance, shall review these estimates and revise them as he or she may deem advisable. (As amended October 20, 2007)

SECTION 8.08
Submission of the Budgets

Effective for the budget to be submitted in the year following approval of this amendment by the voters, the Mayor-President shall submit to the Metropolitan Council a current expense budget and a capital budget for the Parish, the City and for each District of which such Council is the governing body not later than ~~the fifth day of November in each year~~ October 15th of each year. The capital budget for the Parish, the City or the Districts shall provide for those capital projects or capital outlays which will be financed from revenues for the ensuing fiscal year and available surpluses from prior years. (As amended October 20, 2007)

SECTION 8.09
Scope of Current Expense Budgets

Each current expense budget shall contain in respect of the unit of local government to which it is applicable: (a) an estimate of all revenues anticipated; (b) an estimate of the surplus or deficit from the current fiscal year; (c) debt service requirements for the ensuing fiscal year; (d) all other estimated expenditures for the ensuing fiscal year to be met from current revenues; and provided further, that in no event shall the total estimated expenditures exceed total anticipated revenues combined with the estimated surplus or deficit at the end of the current fiscal year. Revenues shall be shown by sources and expenditures by organization units and activities, and the budgets shall be so arranged as to show comparative figures for revenues and expenditures for prior years, for the current year, and the Mayor-President's recommendations for the ensuing year. The current expense budgets shall be accompanied by such supplementary schedules supporting the estimates of revenues and expenditures as the Mayor-President may supply or the Metropolitan Council may request. (As amended October 20, 2007)

SECTION 8.10
Allocations of Parish Revenues to Municipalities

The Metropolitan Council shall allocate Parish revenues annually to the four municipalities of the Parish, specifically the City of Baton Rouge, the City of Baker, the City of Zachary, and the City of Central, by including in the current expense budget for the Parish items

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of appropriation to these municipalities. The total of such allocations shall not be less, in any one fiscal year, than the equivalent of three mills on the taxable valuation of the industrial areas.

All allocations of Parish revenues made under authority of this Section shall be appropriated and distributed to the municipalities of the Parish in the proportion that the population of each said municipality, based upon the last federal census, bears to the total population of the four municipalities in the Parish. All amounts so appropriated to the municipalities by the Council shall be treated as anticipated revenue in the current expense budgets of the respective municipalities. Adjustments of allocations based upon changes in population as determined by the latest federal census shall be effective on the first day of January after the promulgation of each succeeding census. (As amended December 2, 2015)

SECTION 8.11
Capital Budgets

Each capital budget shall present a program of capital expenditures for the unit of local government concerned, and the method of financing them and shall include in the appropriate current expense budget any projects to be financed from revenues for the ensuing fiscal year and available surpluses at the end of the current fiscal year. The Council shall have power to accept, with or without amendment, or reject, the proposed program and proposed means of financing, but such Council shall not authorize any expenditure for the construction of any building, structure, work or improvement, unless the appropriation for such project is included in its capital budget or amendments thereto except to meet a public emergency threatening the lives, health or property of the inhabitants, when passed by ~~seven votes~~ majority vote of the Council in accordance with Section 8.18. ~~Capital budgets may be approved or amended by the Metropolitan Council at any time during the year.~~ (As amended October 20, 2007)

SECTION 8.12
Budget Message

The Mayor-President shall submit, together with the current expense and capital budgets, a budget message containing his or her recommendations concerning the fiscal policy of the Parish, the City, and Districts, a description of the important features of the budgets, and an explanation of all major increases or decreases in budget recommendations as compared with expenditures for prior years. (As amended October 20, 2007)

SECTION 8.13
Budgets Public Records

All the budgets and supplementary schedules submitted by the Mayor-President shall be public records and shall be open to inspection in the office of the Council Administrator during regular business hours. The budget message and summaries of the current expense and capital budgets shall be published in the official journal of the Parish and electronically on the official

City-Parish or agency website not later than the sixth day following their submission, together with notice of public hearings in accordance with state law ~~therein to be held not later than the fourteenth day following such publication~~. (As amended November 8, 1966.) (As amended October 20, 2007)

SECTION 8.14
Public Hearings

The public hearing on each budget shall be conducted separately by the Council but all such hearings, may be announced for the same time and place. The hearings may be adjourned from time to time.

SECTION 8.15
Action by the Metropolitan Council on Current Expense Budgets

After the conclusion of such public hearings the Metropolitan Council may amend the current expense budgets by inserting new items of expenditure, or increasing, decreasing or striking out items of expenditure, except that no item of appropriation for debt service shall be reduced below the amount certified by the Director of Finance as necessary therefor. The Council shall not alter the Mayor-President's estimate of revenues except to correct errors and omissions in which event a full explanation shall be provided in the minutes of the Council, but the Council may decrease the amount of anticipated revenues for the ensuing fiscal year as proposed in its current expense budgets by the Mayor-President in proportion to such decrease as it may make in the total expenditures proposed by the Mayor-President. In no event shall the Council cause the total proposed expenditures to exceed total anticipated revenues combined with estimated surplus or deficit at the end of the current fiscal year. Not later than the ~~fifteenth day of December~~ the last day of the fiscal year, and not earlier than the thirty-first day following its publication the Metropolitan Council shall adopt the current expense budgets. If the Metropolitan Council shall fail to adopt the current expense budgets by the ~~fifteenth day of December~~ the last day of the fiscal year, it shall be presumed to have adopted the budgets submitted by the Mayor-President. On and after the first day of J~~anuary~~ fiscal year the current expense budgets as adopted shall be in effect for the fiscal year beginning on that day. A copy of each of such budgets, certified by the Council Administrator, shall be filed in the office of the Director of Finance. The totals in each current expense budget for each organization unit and activity shall constitute appropriations for their respective purposes, and no expenditure shall be made except in accordance therewith. Summaries of the current expense budgets as finally adopted shall be published once in the official journal of the Parish. (As amended October 20, 2007)

SECTION 8.16
Work Plans ~~Programs and Allotments~~

After the current expense budgets have been adopted and before the beginning of the fiscal year to which they are applicable the head of each department, office, ~~or~~ agency or entity to which any appropriation is made thereby, shall submit to the Mayor-President, in such form as he or she shall prescribe a work plan, ~~program~~ together with the outcomes of the prior year's work plan. The work plan should outline specific detail of how a program/project will be conducted, who will work on which part, and when and in what order each part will be accomplished. The work plans should include but are not limited to the following components: a breakdown of the department, office, agency or entity's work plan into individual program/projects; a short description of each program/project's objective; a breakdown of the program/project into specific tasks, with indications of which tasks are dependent upon the completion of others; a schedule indicating when each task will be started and when it will be completed and who will perform it; and an estimated budget. ~~The Mayor-President may implement a quarterly or monthly appropriation allotment system so as to control cash resources as necessary. If the Mayor-President shall at any time ascertain that there will not be for the Parish, the City, or its Districts, sufficient funds to meet total appropriations, it shall be his duty to revise appropriations so as to forestall the incurring of a deficit. (As amended October 20, 2007)~~

SECTION 8.~~16~~ 17
Allotment System of Appropriations

The Mayor-President may implement a quarterly or monthly appropriation allotment system so as to control cash resources as necessary. If the Mayor-President shall at any time ascertain that there will not be for the Parish, the City, or its Districts, sufficient funds to meet total appropriations, it shall be his duty to revise appropriations so as to forestall the incurring of a deficit.

SECTION 8.~~17~~18
Transfers of Appropriations

The Mayor-President may at any time authorize the transfer of any unencumbered balance of an appropriation, or portion thereof, to supplement another appropriation made in the same budget to the same department, office or agency. At the request of the Mayor-President, the Metropolitan Council may by resolution transfer any unencumbered balance of an appropriation made by it, or portion thereof, to supplement an appropriation made in the same budget to another department, office or agency. (As amended October 20, 2007)

SECTION 8.~~18~~19
Additional Appropriations

Appropriations in addition to those contained in any current expense budget or capital budget shall be made only on the recommendation of the Mayor-President and only if the

Director of Finance certifies that sufficient funds are available in accordance with the best recognized practices in governmental accounting to meet such appropriation. (As amended October 20, 2007)

SECTION 8.~~19~~20
Lapse of Appropriations

Any portion of a current expense appropriation remaining unexpended and unencumbered at the close of the fiscal year shall lapse. Capital budget and non-recurring appropriations shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided that any project shall be deemed to have been abandoned if three fiscal years pass without any expenditure from or encumbrance of the appropriation therefor.

SECTION 8.~~20~~21
Certification of Funds, Penalties for Violation

No payment shall be made and no obligation incurred against any appropriation unless the Director of Finance shall first certify that there is a sufficient unexpended and unencumbered balance in such appropriation to meet the same. Every expenditure or obligation authorized or incurred in violation of the provisions of this Chapter shall be void. Every payment made in violation of the provisions of this Chapter shall be deemed illegal, and every official who shall knowingly authorize or make such payment of take part therein, and every person who shall knowingly receive such payment or any part thereof, shall be jointly and severally liable to the Parish, the City, or District concerned, for the full amount so paid or received. If any officer or employee of the Parish, the City, or any District, shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of the Chapter or knowingly take part therein, such action shall be cause for his removal. (As amended October 20, 2007)

SECTION 8.~~21~~22
Annual Audit

The Metropolitan Council shall provide for an annual audit of the accounts of the Parish, the City, and Districts of which the Metropolitan Council is the governing body and for each department, agency, or office thereof, by a firm of certified public accountants. (As amended October 20, 2007)

SECTION 8.~~22~~23
Expense of Financial Administration

The compensation of the Director of Finance and the Parish and City Treasurer and the number and compensation of the employees in their respective offices shall be fixed by the

Metropolitan Council. The cost of financial administration, as provided in this Chapter, including the annual audit, shall be provided by appropriations made by the Metropolitan Council. (As amended October 20, 2007)

SECTION 8.~~23~~24
New Sales Taxes

Except where authorized by a majority of those voting in an election called for that purpose and open to all electors, the Metropolitan Council shall not levy any new Sales Taxes. (As amended October 27, 1979.)

SECTION 8.~~24~~25
Bond or Tax Elections

The Metropolitan Council shall only be authorized to call and thereafter hold a bond or tax election: (i) on a date on which the Louisiana Election Code (Title 18 of the Louisiana Revised Statutes of 1950, as amended from time to time) (the "Louisiana Election Code") authorizes the holding of (a) both a bond or tax election and a gubernatorial election, or (b) both a bond or tax election and a Congressional election; (ii) in a year in which the Louisiana Election Code does not provide for the holding of either a gubernatorial election or a congressional election, on a date in September, October or November in any such calendar year, which specific date shall be in accordance with the dates for bond, tax or other elections as set forth in the Louisiana Election Code; or (iii) after the Metropolitan Council has determined that an emergency exists and has approved the calling of the election by a vote of a majority of the members of the Metropolitan Council, which election shall be held on a date in accordance with the schedule of dates for bond, tax or other elections as set forth in the Louisiana Election Code. This amendment shall be effective January 1, 2000. (As amended November 3, 1998)

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CHAPTER 9

PERSONNEL

SECTION 9.01
System for Policemen and Firemen

Appointments, transfers, promotion, demotions, removals, and all other matters relating to the management of personnel in and for the Fire Department and Police Department shall be subject to the general laws of the state applicable to the City of Baton Rouge; provided that wherever in such laws the term Mayor is used it shall be interpreted to mean Mayor-President as far as the application of such laws to the City of Baton Rouge is concerned.

SECTION 9.02
Parish and City Personnel Civil Service System

There shall be a Parish and City Personnel Civil Service System, as provided in this Chapter, for all departments, offices and agencies, except the Police and Fire Departments, supported by appropriations made by the Metropolitan Council, and all other Parish offices and boards to which the provisions of this Chapter are constitutionally applicable. For the management and operation of the Parish and City Personnel Civil Service System there shall be a ~~Personnel Administrator~~ Human Resources Director appointed by the Mayor-President for an indefinite term. There shall be ~~and~~ a Personnel Board consisting of five members appointed for terms of four years. Two members of the board shall always be members of the Classified Service, one ~~elected from the Department of Public Works employees~~ elected by the employees within the departments governed by Chapter 5 of the Plan of Government, and one elected by ~~the non-Department of Public Works~~ all other City-Parish employees. Two members shall be appointed by the Metropolitan Council, and one member shall be appointed by the Mayor-President. The member of the Personnel Board shall be known to be in agreement with the Civil Service system and shall not hold public office or be a candidate for any other public office or position. (As amended October 6, 1990. Changed from a three member board to a five member board.) (As amended September 30, 2006. Changed from a three year term to a four year term.) (As amended October 20, 2007)

SECTION 9.03
~~Personnel Administrator~~ Human Resources Director - Powers and Duties

The ~~Personnel Administrator~~ Human Resources Director shall have power and be required to:

(a) Prepare and recommend to the Personnel Board and Metropolitan Council rules to carry out the provisions of this Chapter, as required by law, and any other ordinances or resolutions approved by the Metropolitan Council. (As amended October 20, 2007)

(b) Conduct open competitive examinations for all original appointments and, for promotions, in the Classified Service; provided that in formulating examinations the ~~Personnel Administrator~~ Human Resources Director shall consult with the ~~officers having the power of appointment,~~ appointing authorities regarding departmental personnel requirements. (As amended October 20, 2007)

(c) Restrict, in accordance with law ~~such rules~~, eligibility requirements for \examinations, ~~to persons reasonably qualified, by education, experience, age, and physical condition, to perform their respective duties~~.

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(d) Maintain eligible lists based on examinations for each class of position in the Classified Service, and whenever a vacancy is to be filled, certify the names of the top three grade groups ~~standing~~ highest on the eligible list applicable to the position available ~~concerned~~. If there are ~~on such eligible list less~~ fewer than three grade groups on a list, it shall be the duty of the ~~Personnel Administrator~~ Human Resources Director to give notice of an examination, and hold an examination for recruitment. ~~of such list, and~~ If after the notice and examination, there are fewer than three grade groups on the eligible list ~~the Personnel Administrator~~ the Human Resources Director shall certify ~~all such~~ the names of those who apply. No appointment shall be made except from an eligible list certified by the ~~Personnel Administrator~~ Human Resources Director ~~except as provided in the following subsection~~; ~~provided that the Personnel Administrator~~ However, the Human Resources Director, with the approval of the Personnel Board, may enter into agreements with other public personnel departments or agencies for the joint administration of examinations and the joint use of eligible lists. (As amended October 20, 2007)

(e) Authorize ~~in writing~~ temporary appointments to vacancies in positions for which there is no eligible list, provided that no temporary appointment shall be for a longer period than three months and shall not be subject to renewal.

(f) Prepare and recommend to the Mayor-President a classification plan covering all positions in the Classified Service. (As amended October 20, 2007)

(g) Prepare and submit to the Mayor-President separate pay plans covering the members of the Classified Service whose compensation is provided from appropriations by the Metropolitan Council.

(h) Maintain a roster of all persons in the Classified Service ~~in which there shall be set forth as to each such person~~ which shall include, at least the following: (1) the class title of the position held; (2) the salary; (3) any changes in class title, pay or status; and (~~4) such other data as may be deemed desirable or useful.~~

(i) Certify all payrolls for persons in the Classified Service, and ensure that no payment ~~for personal services~~ to any person in the Classified Service ~~shall be~~ is made unless the ~~payroll voucher bears the certificate of the Personnel Administrator~~ Human Resources Director certifies that the ~~persons mentioned therein~~ classified employees have been appointed and employed in accordance with the provisions of this Chapter.

(j) Direct and enforce the maintenance by all departments, offices and agencies in which members of the Classified Service are employed, of such personnel records and service ratings of members of the Classified Service ~~as it shall prescribe~~.

(k) Organize plans for the recruitment of trained personnel for the service of the Parish and City, and promote a systematic program of in-service training for members of the Classified Service to qualify them for advancement.

(l) Investigate any or all matters relating to conditions of employment in all departments, offices, and agencies in which members of the Classified Service are employed, and make an annual report to the Mayor-President and the Metropolitan Council. (As amended October 20, 2007)

SECTION 9.04
Personnel Board - Powers and Duties

The Personnel Board shall have power and be required to:

(a) Adopt and amend, on the recommendation of the ~~Personnel Administrator,~~ Human Resources Director, rules consistent with this Plan of Government and the ordinances of the Metropolitan Council, for the purpose of carrying out the provisions of this Chapter. Among other things ~~they~~ the Personnel Board shall provide for the method of holding competitive examinations; the method of certifying eligible for appointment; the establishment, maintenance, consolidation and cancellation of eligible lists; methods of promotion and the application of service ratings ~~thereto~~; probationary periods of employment; the transfer of employees within the Classification Plan; hours of work, vacations, sick leaves, and other leaves of absence, overtime pay; the order and manner in which layoffs shall be effected, and disciplinary actions and appeals therefrom; and such other rules as may be necessary to provide an adequate and systematic procedure for handling the personnel affairs of the Parish and City. All rules promulgated by the Personnel Board must be placed on the Metropolitan Council agenda for approval or ratifications before they go into effect. (As amended October 20, 2007)

(b) Hear appeals from members of the Classified Service affected by the classification, reclassification, and allocation of positions, and also hear appeals from any disciplinary action suspending, reducing in rank or pay, or removing any member of the Classified Service. ~~as hereinafter provided~~. (As amended October 20, 2007)

(c) Make recommendations to the ~~Personnel Administrator~~ Human Resources Director to investigate any or all matters relating to conditions of employment in all departments, offices and agencies in which members of the Classified Service are employed, and make at least annually a report of its findings to the Metropolitan Council. (As amended October 20, 2007)

SECTION 9.05
Classified and Unclassified Services

The service of all departments, offices, and agencies, except the Police and Fire Departments, supported by appropriations made by the Metropolitan Council, shall be divided into the Unclassified and the Classified Services.

The Unclassified Service shall comprise: (a) officers elected by the people and persons appointed to fill vacancies in elective offices; (b) persons appointed by the Metropolitan Council and the Mayor-President; (c) the heads of departments appointed by the Mayor-President or the Metropolitan Council, the Chief Executive Officer of each board and commission appointed by the Metropolitan Council, and not more than one assistant and confidential secretary to the

Mayor-President and each head of a department, board or commission; (d) the Clerk of the City Court/Judicial Administrator; (e) Assistant Parish Attorneys; (f) persons employed in a professional or scientific capacity to make or conduct a temporary or special inquiry, investigation or examination, including special counsel. (As amended October 20, 2007)

The Classified Service shall comprise all positions included in the Parish and City Personnel Civil Service System as defined in Section 9.02 not specifically included by this Section in the Unclassified Service. All appointments and promotions in the Classified Service shall be made as provided in Section 9.03. No member of the Classified Service shall be suspended for more than thirty days, reduced in rank or pay, or removed, except after notice in writing of the grounds of the proposed disciplinary action and an opportunity to be heard thereon by the Personnel Board at a hearing which may be public at his or her option, and at which he or she may be represented by counsel, to be held not less than ten nor more than sixty days after the mailing of notice ~~service of such notice at a time to be specified therein~~. The decision of the Personnel Board either sustaining, reversing or modifying the disciplinary action against a Classified Service member may be appealed by such Classified Service member or the applicable department head to the Nineteenth Judicial District Court within sixty (60) calendar days from the ~~appealing party's~~ ~~receipt of notice~~ date of mailing of the notice of the Personnel Board's decision.

At all such hearings, and as otherwise required for the purpose of the administration of the provisions of this Chapter and of the rules and regulations of the Personnel Board, the ~~Personnel Administrator~~ Human Resources Director shall have the power to make services and to administer oaths, for disobedience of which the penalties prescribed in Section 9.11 shall apply. (As amended November 3, 1964.) (As amended October 20, 2007)

In addition to the classified and unclassified service, with the approval of the Metropolitan Council, the Mayor-President may exercise the power to contract with individuals, on behalf of the City of Baton Rouge and Parish of East Baton Rouge, for services that are temporary, part-time, or seasonal in nature or with persons employed in a scientific or professional capacity for temporary or special inquiry, investigation or examination, including special counsel. (As amended October 20, 2007)

SECTION 9.06
Classification Plan

The ~~Personnel Administrator~~ Human Resources Director first appointed shall, as soon as practicable after his appointment, prepare and submit to the Personnel Board a Classification Plan for all positions in the Classified Service, according to similarity of authority, duties and responsibilities. The Personnel Board shall hold a public hearing thereon at least ten days' notice of which shall be given by publication in the official journal of the Parish, and within thirty days after the submission of the plan by the Human Resources Director it shall reject or adopt the same with or without modification. Changes in the classification Plan may thereafter be recommended from time to time by the Human Resources Director. The Human Resources Director shall submit those recommendations to the Personnel Board for their review and

recommendations. The recommendations of the Human Resources Director and Personnel Board shall be submitted to the Mayor-President. Thereafter, the Mayor-President shall propose a Classification Plan to the Metropolitan Council for adoption. After the adoption of the Classification Plan the class titles set forth therein shall be used to designate such positions in all official records, documents, vouchers and communications, and no person shall be appointed to or employed in a position not in the adopted Classified Plan. Employees affected by the allocation or reallocation of a position to a class or by any change in the Classification Plan shall be afforded an opportunity to be heard thereon by the Personnel Board after filing with the Human Resources Director a request for such hearing. (As amended October 20, 2007)

SECTION 9.07
Pay Plans

The Human Resources Director shall prepare and recommend to the Mayor-President, separate Pay Plans which shall be transmitted by the Mayor-President with his recommendations to the Metropolitan Council. Each Pay Plan shall consist of a salary range for each class of position in the Classification Plan, which shall provide for regular increases within each such range, to be earned by length of service and satisfactory service ratings. Each such range shall be determined with due regard to the salary ranges for other classes and to the relative difficulty and responsibility of characteristic duties of positions in the class, the minimum qualifications required, the prevailing rate paid for similar employment outside the service of local government, and any other factors that may properly be considered to have a bearing on the fairness and adequacy of the range. The Council shall have power to adopt the Pay Plans, with or without modification. When so adopted each Pay Plan shall remain in effect until amended by the Council. When a Pay Plan has been adopted by the Council, the Council shall not increase or decrease the salaries of individual members of the Classified Service but shall act in fixing the salaries of members of the Classified Service only by amendment of the Pay Plan. (As amended October 20, 2007)

SECTION 9.08
Promotions

Vacancies in higher positions in the Classified Service shall, as far as practicable, be filled by promotion from lower classes upon the basis of competitive examinations including a consideration of service ratings; provided that in case the Human Resources Director so determines, with the approval of the Mayor-President, such position shall be filled by competitive examination open not only to persons in the Classified Service but also to all other qualified persons. The provisions of Subsection (d) of Section 9.03 relating to eligible lists, shall be applicable to filling vacancies under this Section.

~~SECTION 9.09~~
~~Status of Present Employees~~

~~All regular full-time employees of the City of Baton Rouge and East Baton Rouge Parish at the effective date of this Plan of Government, except policemen and firemen, shall be given preference over all other applicants in the determination of eligible lists for appointment to positions in the Classified Service as defined in Section 9.05; provided that they possess the qualifications as to education, age, and physical condition, required by the Personnel Board for the admission of candidates to competitive examination for the class of position concerned.~~

SECTION 9.10
Prohibited Practices

No person in the Classified Service or seeking admission thereto shall be appointed, promoted, reduced, removed, or in any way favored or discriminated against because of his political or religious opinions or affiliations, or on the basis of status as a member of a protected class as defined by law. No person shall willfully or corruptly make any false statement, certificate, mark rating or report in regard to any test, certification, promotion, reduction, removal or appointment held or made under the provisions of this Chapter, or in any manner commit or attempt to commit any fraud preventing the impartial execution thereof or of the rules and regulations made in accordance therewith. No officer or employee in the Classified Service shall continue in such position after becoming a candidate for election to any public office. No person shall either directly or indirectly pay, render or give any money, service or other valuable thing to any person for or on account of or in connection with any test, appointment, promotion, reduction or removal in which he is concerned. No person shall orally, by letter, or otherwise solicit or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or political purpose whatever from any person holding a position in the Classified Service. No person holding a position in the Classified Service shall make any contribution to the campaign funds of any political party or candidate for public office or take any part in the management, affairs or campaign of any political party or candidate further than in the exercise of his rights as a citizen to express his opinion and to cast his vote. Any person who by himself or with others willfully or corruptly violates any of the provisions of this Section shall upon conviction thereof be punished by a fine of not more than five hundred dollars or by imprisonment for a term not exceeding six months or by both. Any person who is convicted under this Section shall for a period of five years be ineligible for appointment to or employment in a position in the service of the Parish, the City, or any District of which the Metropolitan Council is the governing body, and shall, if he be an officer or employee of any of the above, immediately forfeit the office or position he holds.

SECTION 9.11
Power of Personnel Board to Subpoena and Administer Oaths

For the purpose of the administration of the provisions of this Chapter each member of the Personnel Board shall have the power to administer oaths and the board may by majority vote compel the attendance of witnesses and the production of books and papers. Any person disobeying such order of the Personnel Board shall be subject to a fine of not more than one hundred dollars or imprisonment for not more than sixty days or both. (As amended October 20, 2007)

SECTION 9.12
Veterans' Preference

Any person who has served in the Army, Navy, Marine Corps, Coast Guard or Air Corps of the United States and has been honorably discharged therefrom shall be entitled to have added to his rating in any examination held under the provisions of this Chapter ten points on a scale of one hundred if he is eligible for or actually receiving disability compensation, pension, or other benefits from the United States, or five points on a scale of one hundred is he is not so eligible, provided that he shall be within the age limit specified for appointment to the position or class of position for which the examination is held, is physically capable of performing the duties of such position, and attains in the examination without such added points the minimum rating prescribed for passage of such examination. (As amended February 1, 1972.)

SECTION 9.13
Financing Personnel System

~~The cost of the Parish and City Personnel Civil Service System shall be included in the Parish Budget~~. The Metropolitan Council shall make appropriations to fund the City-Parish Personnel System (As amended October 20, 2007)

SECTION 9.14
Applicability of General State Law

If at any time a general state law providing a Personnel System for city employees becomes applicable to the City of Baton Rouge, the provisions of such Personnel System shall be applied to the employees of all departments, offices and agencies supported by appropriations made by the Metropolitan Council as fully as if such employees were employees of the City of Baton Rouge; provided that the Unclassified Service of the Parish shall include the Unclassified Service as defined by Section 9.05. ~~include all elective officers of the Parish, all persons appointed by the Metropolitan Council or the Mayor-President, the heads of departments appointed by the Mayor-President and the Metropolitan Council, the Chief Executive Officer of each board and commission, one assistant, and one confidential secretary for each head of a department[1], the Clerk of the City Court/Judicial Administrator, and Assistant Parish Attorneys~~. (As amended October 20, 2007)

SECTION 9.15
Pensions

The Parish and City are hereby authorized to establish and maintain, by ordinances and amendments thereto, a Retirement System for all permanent full-time employees of the Parish, the City, and of those agencies and instrumentalities of the Parish and City as may be designated by the Council. Such ordinances and the amendments thereto shall provide for funding of the Retirement System by means of contributions to a Pension Trust designated by the Council, which contributions shall be made jointly by the Parish, the City, the designated agencies and instrumentalities of the Parish and City, and by all employees required to enroll as members of the Retirement System. The contributions required in such ordinances and the amendments thereto shall be in an amount sufficient to establish an actuarially sound reserve from which pensions shall be paid. The Council shall annually appropriate such additional funds as may be required to maintain the Retirement System on an actuarially sound basis. Such ordinances and the amendments thereto shall establish criteria for membership and vesting in the Retirement System, and shall provide for the accrual, form and payment of benefits. Such ordinances and the amendments thereto shall provide further both for the administration of the Retirement System and for the creation of a Retirement Board. The Retirement Board shall administer the Retirement System as fiduciaries, and shall have custody of and invest the assets of the Pension Trust. The Retirement Board shall be composed of seven persons, one (1) of whom shall be a member of the Retirement System employed in the City Police Department and elected by the members of the Retirement System employed as Police Civil Service employees in that Department; one (1) of whom shall be a member of the Retirement System employed in the City Fire Department and elected by the members of the Retirement System employed as Fire Civil Service employees in that Department; two (2) of whom shall be members of the Retirement System employed other than as Police and Fire Civil Service employees, and elected by the members of the Retirement System employed other than as Police and Fire Civil Service employees; one (1) of whom shall be appointed by the Mayor-President; and the remaining two (2) of whom shall be appointed by the Council. In the event that all eligible employees of the City Police Department are enrolled into the Municipal Police Employees' Retirement System of Louisiana, the position on the Retirement Board reserved to a Retirement System member employed in that Department shall be revoked, and the position shall be thereafter occupied by a member of the Retirement System employed other than in the Municipal Fire and Police Civil Service of the City Police and Fire Departments, and duly elected by the members of the Retirement System likewise employed other than in the Municipal Fire and Police Civil Service of those Departments. Similarly, in the event that all eligible employees of the City Fire Department are enrolled into the Firefighters' Retirement System of Louisiana, the position on the Retirement Board reserved to a Retirement System member employed in that Department shall also be revoked, and the position shall also be thereafter occupied by a member of the Retirement System employed other than in the Municipal Fire and Police Civil Service of the City Police and Fire Departments, and duly elected by the members of the Retirement System likewise employed other than in the Municipal Fire and Police Civil Service of those Departments. The Retirement System established pursuant to this System shall constitute the Employees' Retirement System for the City of Baton Rouge and the Parish of East Baton Rouge, a governmental plan qualified under the Internal Revenue Code. The Council shall take no

action, by ordinance, contract, resolution, or otherwise, which would adversely affect the tax qualified status of the Retirement System. The pension rights and benefits of employees enrolled as members of the Retirement System shall be determined in accordance with the provisions of the Plan of Government, together with the provisions of the retirement ordinances enacted under the authority of this Section, that are in effect on the date that such employees enrolled as members of the Retirement System. The Council shall not diminish or impair those rights and benefits in any way, nor shall the Council impair or diminish in any way increases in those benefits or additions to those rights made during the tenure of a member's employment. Subject only to this constraint, the Parish and City may, at any time, by ordinances or amendments thereto: (a) amend, revise or otherwise alter the retirement ordinances for the purpose of defining the pension rights and benefits of persons not yet enrolled as members of the Retirement System; and (b) enroll any or all eligible police and/or fire employees into the Municipal Police Employees' Retirement System of Louisiana and/or the Firefighters' Retirement System of Louisiana. (As amended on November 3, 1998)

CHAPTER 10

PLANNING AND ZONING

SECTION 10.01
Planning Commission - Composition

(a) There shall be a Planning Commission which shall consist of nine members. One member shall be a member of the Metropolitan Council who shall be appointed by the latter for a term coincident with his term on the Council; one member shall be the Mayor-President or an officer or employee of the City designated by the Mayor-President from time to time; and seven members shall be qualified voters and taxpayers of East Baton Rouge Parish, three residing outside the boundaries of the City of Baton Rouge and four residing in the City of Baton Rouge, appointed by the Metropolitan Council for a term of four years. The citizen members shall be appointed for terms of four years. Members may be removed by the Metropolitan Council only for official misconduct or neglect of duty. Vacancies arising among the appointive members shall be filled by the appointing body for the unexpired portion of the term. (As amended September 30, 2006. Changed from a five year term to a four year term.) (As amended October 20, 2007)

(b) If the Parish of East Baton Rouge is authorized to zone property outside of incorporated municipalities, the Planning Commission, in its capacity as the Parish Planning Commission, shall constitute the Zoning Commission provided for by such laws. No ordinance, nor resolution, adopting, amending, supplementing, changing or modifying any regulation or restriction or district boundary authorized by such laws to be made by the governing authority of the Parish shall be passed by that body until such ordinance or resolution has been submitted to and approved or disapproved by the Planning Commission acting in its capacity as Zoning Commission of the Parish of East Baton Rouge. As amended July 29, 1952. Effective September 5, 1952. (As amended November 6, 1956.)

SECTION 10.02

Planning Commission - Organization

~~The first Planning Commission appointed under the provisions of this Chapter shall meet as soon as practicable after its appointment and organize by election one of its members to be chairman for a term of one year from the first day of January 1949 and until his successor is elected and qualified. Thereafter~~ The Planning Commission~~, at its first meeting in January of each year,~~ shall annually elect one of its members to be chairman for a term of one year, who shall be eligible for re-election. The commission shall adopt rules of procedure in which it shall fix the time for its regular meetings which shall be held at least ~~as frequently as~~ once a month~~. It shall appoint a~~ Upon a vacancy in the office of the Planning Director, the Mayor-President shall appoint a Planning Director who shall keep ~~a journal of it's~~ the official minutes of the Planning Commission proceedings~~, in which shall be recorded all actions taken by the commission and which shall be a public record~~. The ~~commission~~ Planning Director shall hire, appoint and remove, subject to the provisions of Chapter 9 of this Plan of Government, as applicable, such other employees as ~~it~~ the director may deem necessary for ~~its work~~ the work of the Planning

Commission. ~~hand~~ The Planning Commission shall have authority to contract with planning experts, engineers, architects, and other consultants; provided that the expenditures of the commission~~, exclusive of amounts received by contribution,~~ shall be limited to the appropriations for the purpose made by the Metropolitan Council. (As amended October 20, 2007)

SECTION 10.03

Planning Commission - Powers and Duties

The Planning Commission shall constitute a parish planning commission ~~in respect of that portion of the Parish outside the City of Baton Rouge and other municipalities~~ and shall ~~in that capacity~~ have all the powers and duties conferred or imposed on parish planning commissions by the general laws of the State of Louisiana. The Planning Commission shall likewise constitute the city planning commission for the City of Baton Rouge and ~~in that capacity~~ shall have all the powers and duties conferred or imposed on city planning commissions by the general laws of the State of Louisiana.

SECTION 10.04

Comprehensive Land Use Plan

(a) A Comprehensive Master Land Use and Development Plan for the physical development of the metropolitan area of East Baton Rouge Parish and the City of Baton Rouge shall be adopted by the Planning Commission and Metropolitan Council within two years of the passage of this amendment to the Plan of Government. The comprehensive plan shall include but not be limited to the following ~~elements~~ plans: (1) a future land-use ~~element~~ plan; (2) a traffic circulation and mass-transit ~~element~~ plan; (3) a wastewater, solid waste, and drainage ~~element~~ plan; (4) a conservation and environmental resources ~~element~~ plan; (5) a recreation and open space ~~element~~ plan; (6) a housing ~~element~~ plan; (7) a public services and facilities ~~element~~ plan; which shall include but not be limited to a capital improvement program; (8) a public buildings and related facilities ~~element~~ plan; (9) development and redevelopment plan; (10) health and human service ~~element~~ plan; and (11) methods of financing to implement recommendations;(12) community design plan, and (13) economic development plan.

The Master Plan and any amendments thereto shall be drafted by the Planning Commission under the direction of the Mayor-President who shall thereupon submit such plan to the Metropolitan Council with his or her recommendations thereon within sixty (60) days of the Mayor-President's receipt of the Master Plan. The Metropolitan Council may adopt the plan submitted as a whole or in parts and may adopt any amendment thereto, after a public hearing, not less than two (2) public hearings on the proposed actions not less than one month apart. The Metropolitan Council shall act on such plan within sixty days of the final public hearing. If such plan, or part thereof, is rejected by the Metropolitan Council, the Planning Commission may modify such plan, or part thereof, and ~~again~~ forward it to the Mayor-President who shall submit the modified plan to the Metropolitan Council within thirty (30) days of receipt.

There shall be at least one public hearing on the changes submitted, following which the Council shall adopt or reject the modifications within 60 days. All further amendments to the

Master Land Use Plan recommended by the Planning Commission shall be submitted in the same manner as that outlined above to the Metropolitan Council for approval; all recommendations to the Council from any City-Parish department affecting the Master Plan shall first be submitted to and accompanied by a recommendation from the Planning Commission, and require a two-thirds vote of the Metropolitan Council for adoption.

The Metropolitan Council shall adopt by ordinance other elements as are necessary or desirable to establish and implement policies for growth, development and beautification within the borders of East Baton Rouge Parish and the City of Baton Rouge, including neighborhood, community, or area-wide plans.

The Metropolitan Council shall recommend methods of financing of all elements contained in the comprehensive plan in accordance with law.

~~The several elements~~ All parts of the comprehensive plan shall be coordinated and be internally consistent. Each ~~element~~ part of the comprehensive plan shall include policy recommendations for its implementation and shall be implemented, in part, by the adoption and enforcement of appropriate land development regulations.

(b) LEGAL EFFECT OF MASTER PLAN. Upon adoption of the Master Plan by the Planning Commission and Metropolitan Council, no subdivision, street, park or public way, ground or space, drainage, building development or structure, whether publicly or privately owned which is in conflict with the Master Plan or Zoning Ordinance of the City Parish shall be constructed or authorized by the appropriate department of the City-Parish government, until and unless the locations and extent thereof shall have been submitted to and approved by the Planning Commission and where appropriate, Zoning Commission. In case of disapproval, or approval the commission shall communicate its reasons to the Metropolitan Council, which shall have the power to overrule such disapproval or approval following public hearings, provided that any changes in the Master Land Use Plan shall require a 2/3 vote of the Metropolitan Council and upon such overruling the Metropolitan Council or appropriate office, department or agency shall have the power to proceed, and the Master Plan shall be amended to reflect such change or modification.

All land development regulations including zoning and map, subdivision regulations, roadway plan, and all public improvements, public facilities and all City-Parish regulatory actions relating to land use, subdivision and development approval shall be consistent with the comprehensive plan, element or portion thereof as adopted. For purposes of planning and land development process, the various types of local regulations or laws concerning the development of land may be combined in their totality in a single ordinance known as the Comprehensive Land Use and Development Code for the City of Baton Rouge and Parish of East Baton Rouge.

SECTION 10.05

ZONING

The Metropolitan Council shall have all the powers and duties relating to zoning which are conferred or imposed on the legislative bodies of cities by the General Laws of the State. The Metropolitan Council authorizes the Planning Commission to have all the powers and duties conferred by the General Laws of the State. The Planning Commission, in its capacity as the City Planning Commission, shall constitute the Zoning Commission provided for by such laws. No ordinance or resolution adopting, amending, supplementing, changing or modifying any regulation or restriction or district boundary authorized by such laws to be made by the Council shall be passed by the Council until such ordinance or resolution has been submitted to and approved by the Planning Commission; provided that failure of the Planning Commission to act on any ordinance or resolution submitted to it within sixty days of such submission shall be deemed to constitute approval thereof; and provided further that an ordinance or resolution disapproved by the Planning Commission may be adopted by the Council by not less than eight affirmative votes. (As amended October 20, 2007).

CHAPTER 11
MISCELLANEOUS

SECTION 11.01
City-Parish Attorney

There shall be a City-Parish Attorney who shall be appointed by the Metropolitan Council for an indefinite term. ~~He~~ The City-Parish Attorney shall be an attorney-at-law and shall have actively practiced his profession in the state for at least five years immediately preceding his or her appointment. ~~He~~ The City-Parish Attorney shall appoint such Assistant Parish Attorneys as may be authorized, at least one of whom shall, at all times, be assigned to the prosecution of ordinance violations, as hereinafter provided. ~~He~~ The City-Parish Attorney shall be the legal advisor of the Council, the Mayor-President, and all departments, offices and agencies appointed by or under the jurisdiction of any of the above and shall furnish them on request a written opinion on any question of law involving their official powers and duties. At the request of the Mayor-President or any member of the Council ~~he~~ the City-Parish Attorney shall prepare ordinances and resolutions for introduction. ~~He~~ The City-Parish Attorney shall draw or approve all bonds, deeds, leases, contracts, or other instruments to which the Parish, the City or any District of which the Council is the governing body is a party or in which any of them has an interest. ~~He~~ The City-Parish Attorney shall represent the Parish, the City, the Mayor-President, all City-Parish departments, offices and agencies, and any district of which the Council is the governing body in all civil litigation. ~~He~~ The City-Parish Attorney shall, in person or through an Assistant Parish Attorney assigned to such duty, represent the City in the prosecution of all ordinance violations in the City Court. ~~He~~ The City-Parish Attorney shall further represent both the Parish and City in any criminal case in which the constitutionality or validity of any ordinance or resolution of the Council is in issue. ~~He~~ The City-Parish Attorney shall appoint and remove all employees of his office, subject, except in case of Assistant Attorneys, to the provisions of Chapter 9 of this Plan of Government. The compensation of the Parish Attorney and all employees in his or her office shall be provided by appropriations made by the Council, except that the cost of any Assistant City-Parish Attorney who serves as the City Prosecutor or an Assistant City Prosecutor, and other employees assigned to prosecute ordinance violations shall be included in the City Budget. Nothing herein shall be taken to prevent the employment of special counsel when authorized by the Council in any matter relating to its jurisdiction, or the employment of an Executive Counsel by the Mayor-President. (As amended November 8, 1966.) (As amended October 20, 2007)

~~SECTION 11.02~~
~~Recreation and Park Commission~~

~~The Recreation and Park Commission for East Baton Rouge Parish shall consist of: the Mayor-President, or an officer or employee of the City or Parish designated by the Mayor-President from time to time; a member of the School Board of East Baton Rouge Parish appointed by the School Board for a term coincident with his term on the School Board; a member of the Planning Commission appointed by the latter for a term coincident with his term~~

~~on the Planning Commission; and six qualified voters of the parish appointed by the Metropolitan Council for terms of three years. The six members of the commission appointed by the Council in office on January l, l953, shall each continue to hold office until the expiration of the term for which he was appointed, and thereafter his successor shall be appointed for a term of three years. Vacancies among the appointive members shall be filled by the appointing body of the unexpired portion of the term. The Recreation and Park Commission shall have responsibility for the provision of public park and recreation facilities in East Baton Rouge Parish. It shall have the maintenance, management and control of all the parks, playgrounds, play fields, or other property permanently devoted to recreational purposes, and the cemeteries, belonging to the City of Baton Rouge and to East Baton Rouge Parish, and no such property shall be alienated, sold, leased or otherwise disposed of by the City-Parish so long as it continues to be used by the Recreation and Park Commission for recreational purposes. The Recreation and Park Commission shall succeed to all the powers and duties relating to parks and recreation heretofore conferred or imposed on the City of Baton Rouge by its Charter or the General Laws of the State, including the power to make charges for the use of recreational facilities and incidental services and shall have all the powers and duties conferred or imposed on such commission by Section 3(b) of Article 14 of the Constitution of Louisiana and Act No. 246 of 1946 and all future acts amendatory thereof and supplementary thereto. Council is hereby authorized to make appropriations for the support of the Recreation and Park Commission. (As amended October 20, 2007)~~

~~The Recreation and Park Commission is hereby authorized to make use of the accounting services of the Director of Finance as described in Section 8.01. (b-k inclusive) hereof, the services of the Engineering, Building Maintenance and Central Garage Divisions of the Department of Public Works, of the Purchasing Division, and to become a part of and subject to the Personnel Systems established by Chapter 9 of this Plan of Government or any Personnel System for City-Parish employees in general provided by a General Law of the State applicable to the City of Baton Rouge, on such terms and conditions as may be agreed to by the Council out of whose appropriations the cost of any such service is provided. (As amended October 20, 2007)~~

SECTION 11.03
Public Library

There shall continue to be a Public Library for East Baton Rouge Parish, with such branches and other services as may be established by the Board of Control thereof. The Board of Control shall ~~after the first day of January 1949,~~ consist of the Mayor-President ex-officio and seven citizens of the Parish appointed by the Metropolitan Council for terms of four years~~,~~ ~~provided that the seven citizen members of the Board of Control in office on the said first day of January 1949, shall each continue in office until the expiration of his term and that thereupon his successor shall be appointed for a term of four years~~. Vacancies shall be filled by the Metropolitan Council for the unexpired portion of the term. The Board of Control shall have all the powers and duties conferred or imposed by the General Laws of the State of Boards of Control of Parish Public Libraries, and the cost of maintaining the Parish Public Library and its several branches and services shall be provided by appropriations made by the Council, such appropriations to be in such amounts and proportions as the Council determines. (As amended

November 3, 1964.) (As amended September 30, 2006. Changed from a five year term to a four year term.) (As amended October 20, 2007)

SECTION 11.04
City Court and Judge

There shall continue to be a City Court of the City of Baton Rouge, which shall have jurisdiction over the territorial area of the City of Baton Rouge, as extended by this Plan of Government, and the provisions of the Louisiana Revised Statutes ~~of 1950~~, as amended, shall continue in full force and effect except to the extent that they are in conflict with the provisions of this Section. The City Court shall be a court of record, and shall exercise such jurisdiction as may be conferred upon it by the Constitution and laws of the State of Louisiana. The City Court shall have but five Judges, unless the number be increased by a vote of a supermajority of the members of the Metropolitan Council. The administrative Judge, elected annually, shall be the chief or presiding judge, subject to the rules adopted by the Court. Judges of the Court must be electors of the City of Baton Rouge, and have been admitted to the practice of law in Louisiana at least five (5) years prior to their selection. The Judges of the City Court shall be elected for terms of six (6) years. The Judges of the City Court shall receive such salary as the Council may from time to time determine, but such salary shall not be decreased during their tenure of office and moreover, shall not be more than the salary of a district court Judge. The annual salary of the City Judges shall be fixed by the Council by ordinance adopted at least one year prior to the commencement of the term of the City Judges whose compensation is to be affected thereby, and if no such ordinance be adopted, the compensation for the City Judges shall remain as previously fixed by the Council. Judges of the Court shall not practice law, nor shall they or any officer or employee of the Court receive any fees. The Clerk of City Court/Judicial Administrator shall be appointed by the City Judges at a salary fixed by the Council. The number and compensation of Deputy Clerks and employees, who shall be members of the Classified Service as provided in Chapter 9 of this Plan of Government or any Personnel System for City employees in general applicable to the City of Baton Rouge, shall be fixed by the Council. All expenses of the Court, including the compensation of the Judges, Clerk of City Court/Judicial Administrator and other employees, shall be paid from appropriations made by the Council. The Court shall have full power to make and promulgate its own rules of Court within the limitations as might otherwise be imposed by the Constitution or Legislature of Louisiana. (As amended July 29, 1952, effective September 5, 1952; as amended September 11, 1982; as amended November 3, 1998).

SECTION 11.05
City Constable

There shall continue to be a City Constable for the City of Baton Rouge as extended by this Plan of Government, and the provisions of the Charter of the City of Baton Rouge relating to such City Constable shall continue in full force and effect, except to the extent that they are in conflict with the provisions of this Section. The City Constable shall receive no remuneration for the performance of his official duties except the salary mentioned hereinafter. The annual salary of the City Constable shall be fixed by the Council by ordinance adopted at least one year prior to the commencement of the term of the City Constable whose compensation is to be

affected thereby, and if no such ordinance be adopted the compensation of the City Constable shall remain as previously fixed by the Council. The Chief Deputy Constable shall be appointed by the City Constable at a salary fixed by the Council. In the event of the City Constable's absence or inability to act for any cause, the Chief Deputy Constable shall have the power and authority to act in his capacity, and to perform all the powers and duties conferred or imposed on the Constable. The number and compensation of other Deputy Constables, who shall be members of the Classified Service as provided in Chapter 9 of this Plan of Government or any Personnel System for City employees in general applicable to the City of Baton Rouge, shall be fixed by the Council. All expenses of the City Constable office, including the compensation of the Constable and his deputies, shall be paid from appropriations made by the Council. (As amended November 3, 1964.)

SECTION 11.06
Justices of the Peace and Ward Constables

From and after the first day of January 1949, except as provided by state law, no Justice of the Peace or Ward Constable shall be elected for or exercise jurisdiction in the City of Baton Rouge as extended by this Plan of Government, but Justices of the Peace and Constables shall be elected from Justices of the Peace Wards outside the City, to be determined by the governing body of the Parish, which may consist of the whole or part of any pre-existing Police Jury Ward or of a combination of such Wards or part of such Wards. ~~provided that the Justices of the Peace and Constables elected in 1948 for any Ward shall retain and exercise their powers, duties and jurisdictions within the limits of such Ward, or the portion of such Ward outside the City of Baton Rouge, for the term for which they were elected~~.

SECTION 11.07
Parish and School Board Not Affected

Nothing in this Plan of Government shall be taken to affect in any way the rights, powers and duties of the East Baton Rouge Parish School District or the East Baton Rouge Parish School Board.

SECTION 11.08
Certain Officers to Hold Offices Until Their Successors Are Elected or Appointed and Qualified

The Mayor-President, the members of the Council, the Judge of the City Court, the City Constable, and all officers or members of boards and commissions appointed for fixed terms, shall hold office until their successors are elected or appointed and qualified.

SECTION 11.09
Amendment

Amendments of this Plan of Government may be proposed by majority vote of all the members elected to the Metropolitan Council or by a petition containing the full text of the proposed amendment signed by qualified voters of East Baton Rouge Parish in number equal to ten per cent of the number of votes cast for Sheriff at the last preceding election of Parish officers and filed in the office of the Council Administrator. A proposed amendment shall be submitted by the Metropolitan Council to the qualified voters of the parish at a special election to be called ~~and held~~ by the Metropolitan Council at the next available election on the Louisiana Secretary of State's election schedule. ~~not less than sixty nor more than ninety days after the passage of the amendment by the Council or the filing of the petition; provided, that if a state or congressional primary or election falls within the above period the special election may be held in connection with such primary or election.~~ The Metropolitan Council shall call and hold such special election in the same manner as is provided for the calling and holding of elections on bond issues in accordance with the Louisiana Election Code located in title 18 of the Louisiana Revised Statues. ~~under Act No. 46 of the extraordinary session of the Legislature of the State of Louisiana for the Year 1921, as amended, except that all qualified voters of East Baton Rouge Parish shall be eligible to vote in such election and except that the form of ballot shall be prescribed by the Council.~~ The Metropolitan Council shall promulgate the returns of said election and shall cause a proces verbal of the election to be filed with the Clerk of Court of the Parish. If the majority of the votes cast on such amendment are in favor thereof a certified copy thereof shall be filed with the Secretary of State and it shall become effective on the thirtieth day following the promulgation of the result of the election unless another time is specified in such amendment.

SECTION 11.10
Severability

If any provision of the Plan of Government or the application thereof to any person or circumstances is held invalid, the remainder of this Plan of Government and the applicability of such provision to other persons or circumstances shall not be affected thereby.

CHAPTER 12
SECTION ~~4.07~~ 12.01
~~Division of~~ Purchasing Department

There shall be under the immediate direction of the Mayor-President a ~~Division~~ Department of Purchasing. The head of the Division of Purchasing shall be the ~~Purchasing Agent~~ Director of Purchasing. He or she shall be a person skilled and experienced in private business purchasing or governmental purchasing and property control and accountability. It shall be the duty of the ~~Purchasing Agent~~ Director of Purchasing to purchase all supplies, materials, equipment, and contractual services, including insurance and surety bonds, for the use of the several departments of the Parish and City established by this Plan of Government, all districts of which the Metropolitan Council is the governing body, all other departments, boards, commissions, offices and boards to which this provision is constitutionally applicable, or which may request the services of the ~~Purchasing Agent~~ Director of Purchasing, henceforth referred to herein as using agencies, excepting the purchase of books and other collection materials for the public library. It shall be the duty of the ~~Purchasing Agent~~ Director of Purchasing to consult the head of each using agency as to the kind and quality of the supplies, materials and equipment to be purchased for it.

SECTION ~~4.08~~ 12.02
~~Further~~ Powers and Duties of ~~Purchasing Agent~~ Director of Purchasing

The ~~Purchasing Agent~~ Director of Purchasing, for the purpose of giving effect to the provisions of the preceding section, shall have the following powers and duties:

(a) To establish, with approval of the Mayor-President and after consultation with the heads of the using agencies concerned, standard specifications for supplies, materials and equipment required by the using agencies.

(b) To prescribe the time of making requisitions and the future period which such requisitions are to cover.

(c) To inspect or cause to be inspected all deliveries of supplies, materials and equipment, and to cause tests to be made when necessary, in order to determine their quality, quantity and conformance with specifications.

~~(d) To supervise and control such central storerooms as the Metropolitan Council may establish.~~

(e) To transfer to or between using agencies, sell or trade in, supplies, materials and equipment determined by him, with the approval of the Mayor-President and after consultation with the head of the using agency concerned, to be surplus, obsolete or unused.

(f) To maintain an adequate system of accounting for all property received and all property issued by the Division of Purchasing, in accordance with accepted principles of accounting for property and inventory control; and to maintain such inventory of all movable

property under the control of the several using agencies as the Metropolitan Council may require.
(g) efficient and effective procurement

SECTION ~~4.09~~ 12.03
Competitive Bidding

Before making a purchase or contract the Purchasing ~~Agent~~ Director shall give opportunity for competitive bidding under such rules and regulations, not in conflict with general law, as may be established by the Metropolitan Council. With the approval of the Council, the Purchasing ~~Agent~~ Director may reject any or all bids for just cause and re-advertise for bids; provided that competitive bidding shall not be required in the case of contracts for professional service and for services for which the rate or price is fixed by a federal or state authority authorized by law to fix rates or prices. All sales made by the Purchasing ~~Agent~~ Director shall be made on the basis of competitive bids after such public notice as may be prescribed by the Metropolitan Council by ordinance and all sales shall be to the highest bidder.

SECTION ~~4.10~~ 12.04
Accounting Control of Purchasing

All purchases and ~~contracts~~ executed by the Purchasing ~~Agent~~ Director shall be pursuant to a written requisition, in such form as may be prescribed by the Director of Finance, from the head of the using agency whose appropriation is to be charged or from the head of a division or other operating unit thereof to whom such authority has been delegated by the head of the using agency in writing, filed with the Purchasing ~~Agent~~ Director. No purchase order made or contract entered into by the Purchasing ~~Agent~~ Director shall be valid unless there be endorsed thereon the certificate of the Director of Finance that there is an unexpended and unencumbered balance in the appropriation and allotment applicable thereto. Nothing herein, however, shall be taken to prevent the Purchasing ~~Agent~~ Director from making purchases for a stores revolving fund which the Metropolitan Council is hereby authorized to establish, and to make sales from the stores account to the several using agencies based on their requisitions; provided that the Director of Finance certifies that there is an unexpended and unencumbered balance in the appropriation and allotment to be charged.

SECTION 12.05
Financing of Purchasing Department

The number compensation of the employees in the Purchasing department shall be fixed by the Metropolitan Council. The compensation of the Purchasing Director and all other expenses of the office shall be provided by appropriations made by the Metropolitan Council.

SECTION ~~4.11~~ 12.06
Records Relating to Competitive Bidding

A record of all bids, showing the names of the bidders and the amount of the bids, and indicating in each case the successful bidder, together with the originals of all sealed bids and other documents pertaining to the making of purchases and the award of contracts, shall be preserved by the Purchasing ~~Agent~~ Director for six years in a file which shall be open to public inspection during regular business hours.

SECTION ~~4.12~~ 12.07
Transaction Not to Be Divided

No transaction, which is essentially a unit, shall be divided for the purpose of evading or so as to evade the intent of Section ~~4.09~~ 12.03.