

**RECOMMENDATIONS TO
AMEND THE ST. TAMMANY PARISH
HOME RULE CHARTER**

SUBMITTED TO:

**ST. TAMMANY PARISH COUNCIL
DELIVERED TO: RICHARD TANNER, CHAIRMAN**

AND

**PARISH PRESIDENT
DELIVERED TO: PATRICIA P. BRISTER, PARISH PRESIDENT**

**Prepared by the
St. Tammany Parish Home Rule Charter Committee
March 31, 2015**

PREFACE

We, the members of the St. Tammany Parish Home Rule Charter Committee, respectfully present to Parish President Patricia P. Brister and Richard Tanner, Chairman of the St. Tammany Parish Council, our recommendations for amendments to the Parish Home Rule Charter for our government. The Committee convened under the authority of Resolution Series No. C-4129AA.

COMMITTEE MEMBERS


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I. INTRODUCTION

The existing Home Rule Charter for St. Tammany Parish ("Charter"), was approved by the voters on October 3, 1998, and has been in effect for over fifteen years. A home rule charter is a fundamental document wherein the voters establish the powers of government. Typically, a home rule charter establishes general principles of the government structure, leaving details to be established by ordinances. Reasonable flexibility is common and highly desirable in order to allow local government to adapt to changing needs without requiring frequent amendment to a home rule charter¹.

Since the establishment of the October 3, 1998 Home Rule Charter, St. Tammany Parish has experienced enormous growth in its population and infrastructure. The Parish Council, by Resolution Series No. C-4129AA passed on August 7, 2014, established a Charter Review Committee ("Committee") to review the St. Tammany Parish Government Home Rule Charter, and to provide recommendations for revisions and/or amendments to the Parish Council and Administration by April 1, 2015.

During the fourteen meetings of the Committee, from September 30, 2014 to March 26, 2015, every provision of the Charter was reviewed. As a part of its detailed review of all provisions of the Charter, the Committee considered at length the following:

- a. Council size and makeup (district and/or at-large representation);
- b. Term limits for Council members;
- c. Filling vacancy on Council;
- d. District Attorney representation of the Council and Administration;
- e. Review of vacancy in office of Parish President;
- f. Compensation of Council members and Parish President;
- g. Planning and Zoning;
- h. Automatic review of the Charter; and
- i. Initiative and Referendum process.

II. RECOMMENDATIONS

The Committee is prepared to provide a report to the Council and Administration. Many of the recommended amendments are technical in nature; others generated passionate debate from Committee members and the public. Following are the Committee's recommendations to amend the St. Tammany Parish Home Rule Charter²:

The Committee voted to recommend that Article 1 Section 06 be amended as follows:

Section 1-06. Joint Cooperative Agreements.

For a public purpose, the St. Tammany Parish Government, through the office of the parish president, shall have the right, power and authority to enter into cooperative endeavor

¹ Bureau of Governmental Research, *The St. Tammany Parish Home Rule Charter An Assessment*, page 5 May 2002

² All recommendations passed by a 2/3 vote of the committee members.

~~agreements, and intergovernmental contracts agreements, and/or memoranda of understanding with local governments and regional, state and federal authorities the state, other political subdivisions, the United States or its agencies and/or with any public or private association, corporation or individual.~~

The Committee voted to recommend that Article 1 Section 07 be amended as follows:

Section 1-07. Charter Review.

The council shall provide for the automatic review of this Charter at least once every ten (10) years through appointment of a Charter Commission consisting of at least eleven (11) members. The council by resolution shall provide for the method of appointment of members of the Charter Commission: provided, however, that at least two (2) council members shall be appointed to the then-current Charter Commission. Members of the Commission shall serve without compensation and shall submit their recommendations for Charter amendments, if any, to the council.

The Committee voted to recommend that Article 2 Section 01 (C) be amended as follows:

SECTION 2-01. Composition, Qualifications and Election.

~~C. — A council member shall have been legally domiciled and shall have actually resided for at least one (1) year immediately preceding the time established by law for qualifying for office in a area which, at the time of qualification, is within the district from which elected.~~

C. — A council member shall have been legally domiciled and shall have actually resided for at least two (2) years immediately preceding the time established by law for qualifying for office in an area which, at the time of qualification, is within the Parish. A council member also shall have actually resided for at least one (1) year immediately preceding the time established by law for qualifying for office in an area which, at the time of qualification, is within the district from which elected.

The Committee voted to recommend that Article 2 Section 04 (A) be amended as follows:

Section 2-04. Vacancy in Council Office.

A. The office of a council member shall become vacant upon death, resignation, removal from office in any manner authorized by law, forfeiture of office, failure to take office, notification by the Secretary of state or as otherwise provided in this charter and not inconsistent with state law.

B. A vacancy on the council shall be filled by appointment within fifteen (15) days after the vacancy occurs by a person meeting the qualifications for that office by the favorable vote of a majority of the remaining members of the council.

C. If one (1) year or less of the unexpired term remains when the vacancy occurs, the appointee shall serve out the remainder of the term.

D. If the vacancy occurs more than one (1) year before the expiration of the term, the appointee shall serve until the office is filled by the vote of the qualified electors voting in an election called by the council for that purpose and the person elected assumes the office. In such case, the council, within fifteen (15) days after the vacancy occurs, shall call an election to fill the vacancy. The election shall be held according to the timetable and procedures established by state law for the filling of vacancies in elected local offices.

The Committee voted to recommend that Article 2 Section 05 (A) be amended as follows:

Section 2-05. Compensation.

A. The annual salary of a council member shall be set by ordinance. ~~and shall be \$1,200 per month.~~

B. The council may, by ordinance, change the salary of council members, provided that no ordinance increasing the salary shall be adopted during the last year of a term and provided further that a change shall not become effective during the current term of the council members adopting the ordinance.

C. Council members shall, upon presentation of properly documented receipts, be reimbursed for reasonable expenses incurred in carrying out official duties of the office, in accordance with travel and expense policies established by the council by ordinance.

The Committee voted to recommend that Article 2 Section 06 (C) be amended as follows:

Section 2-06. Prohibitions.

C. Except as specifically provided in this charter, neither the council nor any of its members shall remove, direct or supervise any administrative officers or employees whom the president or any subordinates of the president are empowered to appoint. However, council members shall have the authority to consult with and discuss problems and issues with administrative officials at the level of ~~supervisor~~ director and above.

The Committee voted to recommend that Article 2 Section 07(G) be amended as follows:

Section 2-07. Council Meetings and Rules.

G. The council shall provide by ordinance a procedure whereby interested persons shall be given an opportunity to be heard at council meetings on any matter relating to Parish government and the meeting agenda.

The Committee voted to recommend that Article 2 Section 08 insert (B) and be amended as follows:

Section 2.08. Investigations.

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

B. The Council, by a majority vote of the authorized membership of the council, shall have the power to issue a subpoena, subpoena duces tecum or a document subpoena for service of process by the appropriate law enforcement agency. Should it be necessary to enforce any subpoena, subpoena duces tecum or document subpoena issued by the Council, and after a majority vote of the authorized membership of the council authorizing enforcement, a formal action shall be instituted in the 22nd Judicial District Court for the Parish of St. Tammany, State of Louisiana for enforcement of the subpoena or subpoena duces tecum or document subpoena. It shall be within the sole discretion of the district judge assigned to the hearing for the enforcement of the subpoena or subpoena duces tecum or document subpoena to set the remedy for any non-compliance.

The Committee voted to recommend that Article 2 Section 14 (C) be amended as follows:

Section 2-14. Emergency Ordinances.

~~C. ——— Emergency ordinances shall be effective for no longer than thirty (30) consecutive days after final adoption, except that the council, by the favorable vote of two-thirds vote of its authorized membership, may extend the life of the emergency ordinance for a period not to exceed an additional thirty (30) consecutive days.~~

C. Emergency ordinances shall be effective upon adoption and remain effective until the next regularly scheduled Council meeting. At the next regular meeting of the Council, the Council, by a two-thirds vote of the authorized membership, may extend the effectiveness of the emergency ordinance for a period not to extend beyond the date of the next regular meeting of the Council.

The Committee voted to recommend that Article 2 be amended to insert Section 2-19 (A), (B), (C) as follows:

A. The council shall appoint one or more attorneys who shall serve at the pleasure of the council. The Council attorney(s) shall (1) serve as legal advisor to the council, respective staff members, and boards and commissions established by council, all as directed by the council (2)

represent and/or direct representation for the council and/or parish government in legal proceedings. (3) represent boards and commissions established by the council and as directed by the council in legal proceedings and (4) co-administer Parish litigation with Parish President-appointed attorneys. The council's appointment of council attorney(s) shall be completed at the first meeting of the council following a general election for council districts and remain in effect for the full term of the council.

B. The operating budget for the council-appointed attorney(s) and their respective staff members shall be subject to the requirements of Article V.

C. Outside legal counsel shall only be retained by the council by written contract for a specific purpose approved by the favorable vote of a majority of the authorized membership of the council. Such authorization shall specify the compensation, if any, to be paid for such services.

The Committee voted to recommend that Article 3 Section 03 (A) be amended as follows:

Section 3-03. Qualifications.

A. The president shall be at least eighteen (18) years of age and a qualified elector of the Parish at the time of qualification and shall have been legally domiciled and shall have actually resided within the Parish for at least five (5) ~~three (3)~~ years immediately preceding the time established by law for qualifying for office.

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

The Committee voted to recommend that Article 3 Section 8 to delete subpart A in its entirety and insert:

Section 3-08. Compensation.

A. At beginning of each term of the president, the annual compensation of president shall be set at \$1,000.00 per year higher than the compensation received by the highest paid among the ST. Tammany Sheriff, Assessor and Clerk of Court. The salary of the president shall be adjusted accordingly on January 1st of each year. Compensation as used herein is comprised of salary, retirement benefits and medical health care benefits.

B. The president shall be eligible for health and hospital insurance, retirement benefits, and any other such benefits which are available to employees of the Parish government and to three weeks of vacation each year.

C. The president shall, upon presentation of properly documented receipts, be reimbursed for reasonable expenses incurred in carrying out the official duties of the office.

D. The president, in carrying out the official duties of the office, shall have the option of using an automobile provided by the Parish government or to use the president's personal

automobile and to be reimbursed for mileage in accordance with mileage reimbursement authorized by the United States Internal Revenue Service.

The Committee voted to recommend that Article 3 Section 9 (2) be deleted and amended and renumber as follows:

Section 3-09. Powers and Duties of the President.

A. The president as chief executive officer of the Parish government shall have the following powers and duties:

(1) See that all laws, provisions of this charter and acts of the council, subject to the president's direction and supervision, are faithfully executed.

~~(2) Appoint and suspend or remove for just cause all Parish government employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by this charter or other personnel rules adopted pursuant to this charter. The president may authorize any administrative officer who is subject to the president's direction and supervision to exercise these powers with respect to subordinates in the officer's department, office or agency.~~

(2)(3) Direct and supervise the administration of all departments, offices and agencies of the Parish government, except as otherwise provided by this charter.

(3)(4) Prepare and submit the annual operating budget and five (5) year capital improvement budget to the council.

(4)(5) Sign contracts for projects, equipment, professional services and materials and supplies specifically identified in the approved operating and capital improvement budgets or as specifically identified by ordinance. Contracts for projects, equipment, professional services or materials and supplies not so identified shall be submitted to the council for approval.

(5)(6) Submit to the council and make available to the public, within ninety (90) days after the end of the fiscal year, a complete report on the finances and administrative activities of the Parish government as of the end of the fiscal year.

(6)(7) Make such other reports as the council may reasonably request to enable the council to conduct its functions.

(7)(8) The president shall attend all meetings of the council and keep the council fully advised as to the financial condition and future needs of the Parish government and make such recommendations to the council concerning the affairs of the Parish government as deemed desirable.

(8)(9) Perform such other duties as are specified in this charter or may be required by the council, not inconsistent with this charter.

The Committee voted to recommend that Article 4 Section 02 (A)(B) be amended as follows:

Section 4-02. Chief Administrative Officer.

- A. The president shall appoint a chief administrative officer who shall serve at the pleasure of the president. The chief administrative officer shall, subject to the direction of the president, supervise all departments, offices, and agencies of the Parish government under the direction and supervision of the president except the legal department and perform such other functions as may be directed by the president, ~~including but not limited to maintenance and upkeep of the computer informational system, building maintenance, public access TV channel, building supervision, and personnel information.~~
- B. The chief administrative officer at the time of appointment shall have a master's degree in public administration or a related field from an accredited college or university, and at least three years ~~experience~~ years experience as a chief administrative officer or head of a major department, or higher, in a governmental organization.

The Committee voted to recommend that Article 4 Section 03 be amended as follows:

Section 4-03. Legal Department.

- A. The president, without the necessity of council approval, shall appoint an Executive Counsel who shall serve at the pleasure of the president. The Executive Counsel shall (1) direct the Legal Department and its respective staff members. (2) serve as legal advisor to the president, parish employees and all departments, offices and agencies comprising Parish government. (3) represent and/or direct representation for the Parish president, parish employees and/or parish government in legal proceedings and (4) co-administer Parish litigation with council-appointed attorneys. ~~The district attorney of the judicial district serving St. Tammany Parish shall serve as legal adviser to the council, president and all departments, offices and agencies and represent the Parish government in legal proceedings.~~
- B. The operating budget for the Executive Counsel, Legal Department and the respective staff members of each of the foregoing shall be subject to the requirements of Article V.
- C. No special Outside legal counsel shall only be retained by the Parish government president except by written contract for a specific purpose approved by the favorable vote of a majority of the authorized membership of the council. Such authorization shall specify the compensation, if any, to be paid for such services. Notwithstanding the foregoing, in matters involving a conflict between Parish president and council, whether

direct or indirect, the Parish president shall have authority to retain outside legal counsel by written contract for the specific purpose giving rise to said conflict.

The Committee voted to recommend that Article 4 Section 04, 05, 06, 07, 08, 09, 10 be amended as follows:

Section 4 04.

Department of Finance.

- ~~A. The director of the department of finance shall direct and be responsible for:~~
- ~~(1) Collection (except where specifically otherwise provided for by law) and custody of all monies of the Parish government from whatever source.~~
 - ~~(2) Assistance to the president in the preparation of the annual operating budget.~~
 - ~~(3) Maintenance of a record of indebtedness and the payment of the principal and interest of such indebtedness.~~
 - ~~(4) Ascertaining that funds are available for payment of all contracts, purchase orders and any other documents which incur a financial obligation for the Parish government, and that such documents are in accordance with established procedures.~~
 - ~~(5) Disbursement of Parish funds.~~
 - ~~(6) Administration of a uniform central accounting system for all Parish departments, offices and agencies.~~
 - ~~(7) Preparation of a monthly statement of revenues and expenditures which shall be completed and made available for public inspection not later than thirty (30) days after the end of each month.~~
 - ~~(8) Procurement of all personal property, equipment, materials, supplies and services required by the Parish government under a central purchasing system for all departments, offices and agencies in accordance with applicable state law, council policy and administrative requirements.~~
 - ~~(9) Investment of idle funds, as permitted by law.~~
 - ~~(10) Preparation of all intergovernmental grant applications on behalf of the Parish government and informing departments, offices and agencies of all relevant local, state and federal programs.~~
 - ~~(11) Maintenance of an inventory of all Parish real and personal property.~~
 - ~~(12) Administration of Parish insurance programs and policies.~~
 - ~~(13) Other such activities as may be directed by the president.~~

Section 4 05. Department of Public Works.

- ~~A. The director of the department of public works shall direct and be responsible for:~~
- ~~(1) Construction and maintenance performed by the Parish government on roads, sidewalks, bridges and drainage facilities.~~
 - ~~(2) Monitoring all contract construction work.~~

- ~~(3) Operation of facilities for the repair and maintenance of Parish government vehicles and equipment.~~
- ~~(4) Monitoring and regulating utility operations within Parish rights-of-way.~~
- ~~(5) Providing flood zone determination.~~
- ~~(6) Other such activities as may be directed by the president.~~

~~Section 4-06. Department of Engineering.~~

- ~~A. The director of the department of engineering shall direct and be responsible for:~~
- ~~(1) Planning, designing and overseeing construction of certain public improvements.~~
 - ~~(2) Reviewing development of subdivisions.~~
 - ~~(3) Surveying and mapping.~~
 - ~~(4) Securing permits from the U.S. Army Corps of Engineers.~~
 - ~~(5) Reviewing requests for permission to enter Parish rights-of-way.~~
 - ~~(6) Engineering services to all departments and agencies.~~
 - ~~(7) Applying for and overseeing the expenditure of state and federal grants for Parish infrastructure improvements.~~
 - ~~(8) Other such activities as may be directed by the president.~~

~~Section 4-07. Department of Development.~~

- ~~A. The director of the department of development shall direct and be responsible for:~~
- ~~(1) Preparation and maintenance of a comprehensive long range plan for Parish wide development, including an overall plan for land use by public, commercial, and residential interests; traffic and transportation issues; economic and demographic growth; water and drainage concerns; and such other items as may be directed by the Parish Council.~~
 - ~~(2) Airport administration.~~
 - ~~(3) Solid waste disposal.~~
 - ~~(4) Development of plans for economic growth of the Parish, including transportation activities.~~
 - ~~(5) Community development block grants.~~
 - ~~(6) Other such activities as may be directed by the president.~~
- ~~B. The Long Range Plan in item (1) above shall be presented by the Director to both the Parish Council and the Planning and Zoning Commissions in January of each year to assure coordination of efforts and allow for public input.~~

~~Section 4-08. Department of Planning and Permits.~~

- ~~A. The director of planning and permits shall direct and be responsible for:~~
- ~~(1) Regulating land use and building and development of subdivisions within the unincorporated areas of the Parish.~~
 - ~~(2) Interpretation of land use controls.~~

- ~~(3) Maintaining and updating the St. Tammany Parish Land Use Map.~~
- ~~(4) Issuing building permits.~~
- ~~(5) Enforcing building codes and zoning ordinances.~~
- ~~(6) Other such activities as may be directed by the president.~~

~~Section 4-09. Department of Community Action.~~

- ~~A. The director of the department of community action shall direct and be responsible for:~~
 - ~~(1) Providing information and processing applications for community service programs, including but not limited to weatherization, mortgage and rental assistance, utility assistance and heat relief.~~
 - ~~(2) Developing homeless shelter assistance programs.~~
 - ~~(3) Administering food stamp office, food and commodities distributions and emergency food bank.~~
 - ~~(4) Other such activities as may be directed by the president.~~

The Committee voted to recommend that Article 4 Section 10 be amended and renamed as Article 4 Section 4:

Section 4-104. Personnel Policies and Procedures.

- A. The Parish president shall submit Personnel Policies and Procedures to the Council as an Ordinance. Such personnel policies and procedures shall generally include, but not be limited to, (1) benefits (i.e.: leave time, insurances, post-employment health plan, deferred compensation, retirement system and any/all other), (2) compensation/salary (i.e.: compensation, overtime, compensatory leave, payroll deductions), (3) employment (i.e.: hours of work, position descriptions, assigned vehicles, hiring processes, promotion/demotion, evaluations, classified/non-classified determinations, training, travel), (4) employment procedures/rules, and (5) conduct (i.e.: conduct, disciplinary action, grievance procedures, dress code, asset usage, ethics). All personnel policies, procedures and/or rules in effect as of the date of this Charter shall remain in effect until amended via Ordinance, provided they do not conflict with this Charter.
- ~~A. It shall be the policy of the Parish government to employ those persons best qualified to perform the functions of the Parish government and to foster effective career service in Parish government. All appointments and promotions in the service of the Parish government and of each of its departments, offices and agencies shall be made on the basis of merit and fitness.~~
- ~~B. The chief administrative officer shall serve as personnel officer until such time as the president, upon approval by the council, appoints a personnel director. If the position of chief administrative officer is vacant, the president shall designate a department head to serve as the personnel officer. The personnel officer shall:~~

- ~~(3) Administer personnel rules and regulations governing the classified services, including working hours, attendance regulations, leaves of absence, sick leave and vacation leave.~~
- ~~(4) Maintain a uniform classification and pay plan for all positions in the classified service.~~
- ~~(5) Administer an employee grievance procedure for dismissals, demotions and other disciplinary matters, subject to review by the personnel board.~~
- ~~(6) Administer personnel policies for employees not a part of the classified service.~~
- ~~(7) Perform such other duties and functions as may be directed by the president.~~
- ~~H. The administration of the classified service, including the classification and pay plans of the Parish government, shall be governed by written rules and regulations known as "Personnel Policies."~~
- ~~I. The personnel policies and rules and position descriptions in effect in the Parish government at the time this charter becomes effective shall continue in effect until amended by the council by ordinance or as they may conflict with this charter. Within six months after assuming office, the personnel officer shall propose to the president and the council changes necessary to cause the "Personnel Policies" and position descriptions to conform the Parish plan of government. Such changes shall be adopted by ordinance.~~
- ~~J. The following shall not be members of the classified personnel system of the Parish government:

 - ~~(11) Elected officials of the Parish government.~~
 - ~~(12) Employees hired on a temporary or contractual basis.~~
 - ~~(13) Chief administrative officer.~~
 - ~~(14) Executive secretary to the president.~~
 - ~~(15) Directors of departments and agencies.~~
 - ~~(16) Employees appointed directly by the council.~~~~
- ~~Q. A personnel board of five (5) members is hereby created. The board members shall be electors of the Parish, hold no other office or position in St. Tammany Parish government, have resided in the Parish for at least two (2) years, and shall receive no compensation. Four (4) members shall be appointed by the council from nominees submitted from organizations listed below and the fifth member shall be appointed by the Parish Council.~~
- ~~R. The Parish Council shall appoint members of the personnel board as follows:

 - ~~(19) One (1) from a list of three (3) nominees submitted by the Greater Slidell Area Chamber of Commerce.~~
 - ~~(20) One (1) from a list of three (3) nominees submitted by the St. Tammany West Chamber of Commerce.~~
 - ~~(21) One (1) from a list of three (3) nominees submitted by the St. Tammany Bar Association.~~
 - ~~(22) One (1) from a list of three (3) nominees submitted by the East St. Tammany Ministerial Alliance.~~~~

~~(23) — One (1) by the Parish council.~~

~~The persons nominated do not have to be members of the nominating organization.~~

~~If a named nominator ceases to exist, the Parish council shall select an organization within the Parish to be the nominator.~~

~~Z. The terms of the first appointees shall be as follows:~~

~~(27) The term of the appointee of the Greater Slidell Area Chamber of Commerce shall be one (1) year.~~

~~(0) The term of the appointee of the St. Tammany Bar Association shall be two (2) years.~~

~~(0) The term of the appointee of the East St. Tammany Ministerial Alliance shall be two (2) years.~~

~~(0) The term of the appointee of the St. Tammany West Chamber of Commerce shall be three (3) years.~~

~~(0) The term of the person appointed by the council shall be three (3) years. Thereafter all appointments will be for three (3) years.~~

~~FF. The nominating organizations shall make such nominations within thirty (30) days after the effective date of this charter, and the council shall make appointments within thirty (30) days after the nominations are received. Should the council fail to make an appointment from the list submitted within the allotted thirty (30) days, the first named nominee shall automatically become a member of the personnel board. Should an organization fail to make the nominations within thirty (30) days, the council shall call a public hearing to discuss and develop the list of candidates. Whenever the term of a board member expires or there is a vacancy in an unexpired term, the council shall make an appointment in the same manner as that designated for that member being replaced.~~

~~A member of the personnel board may be removed by the Parish council for cause after being served with written specifications of the charges and being afforded an opportunity for a public hearing thereon by the Parish council.~~

~~II. — The personnel board shall:~~

~~(36) — Serve as a review board for personnel policies and rules established by the Parish council.~~

~~(37) — Hold hearings on dismissals, demotions, and other disciplinary matters as may be provided in the rules. On appeal to the personnel board by an employee relative to the actions of the employer, the burden of proof shall be on the employee. The decisions of the personnel board in these matters shall be final, subject to judicial review.~~

~~(38) — Perform such other quasi-judicial duties as may be required under the rules developed pursuant to this section.~~

~~MM. A full time employee of the Parish government who has been employed by the Parish at least one year prior to the time of adoption of this charter shall continue to be an employee of the Parish government and shall continue without competitive test or other method approved by the council but shall be subject in all other respects to this section.~~

The Committee voted to recommend amend rename Article 4 Section 11 as Article 4 Section 5 and insert:

Section 4-511. Parish Departments

~~Other Departments:~~

—Except as otherwise provided by this charter, all Parish government departments, offices and agencies and functions in existence, whether established via Parish Ordinance or discretion of Parish president on the effective date of this charter, insofar as they do not conflict with this charter, shall continue in existence as organized on that date until reorganized in accordance with the section on “Administration Reorganization.”

The Committee voted to recommend to amend Article 4 Section 12 and amend as Article 4 Section 6 and insert:

Section 4-612. Administration Reorganization.

- A. The president may propose to the council the creation, change, alteration, consolidation or abolition of Parish departments, offices and agencies and the reallocation of the functions, powers, duties and responsibilities of such departments, offices or agencies, including those provided for in this charter.
- B. Upon receipt of the president’s proposed plan of reorganization, the presiding officer of the council shall cause to be introduced an ordinance to implement the proposed reorganization plan. The ordinance shall follow the same procedure as provided in the section on “Ordinances in General” of this charter.
- C. The reorganization plan submitted by the president shall become effective if the council fails to act on the proposed reorganization within ninety (90) days of its submission to the council.

The Committee voted to recommend that Article 5 Section 02 (A) be amended as follows:

Section 5-02. Operating Budget Preparation and Adoption.

- A. ~~At least ninety (90) days prior to the beginning of each fiscal year the president shall submit to the council, at the regularly scheduled Council meeting held in the month of October,~~ a proposed operating budget in the form required by this charter. At the meeting of the council at which the operating budget is submitted, the council shall order a public hearing and shall cause to be published in the official journal, at least ten (10) days prior to the date of such hearing, the time and place thereof, a general summary of the proposed budget and the times and places where copies of the proposed budget are available for inspection. At the time and place so advertised, the council shall hold a

public hearing on the budget as submitted. Changes in the proposed operating budget by the council shall be by the favorable vote of at least a majority of the authorized membership of the council. Upon final adoption, the budget shall be in effect for the budget year and copies shall be filed with the clerk of the council. The budget as final adopted shall be reproduced and sufficient copies shall be made available for use by all offices, departments and agencies of the Parish government. Copies shall be available for public use in the office of the clerk of the council. Additional copies may be purchased at cost by the public.

- B. Upon failure of the council to adopt a budget before the end of the current fiscal year, the budget for the prior year shall continue in effect until amended by the council.

III. Additional Committee Comments³

The most debated issue addressed by the Committee was Council term limits. The issue of term limits was a recurring matter. The Committee debated a number of provisions, suggested by its members and members of the public that would modify Charter language to include term limits for Council members.

A motion that included Council term limits was rejected by the Committee by a six to five vote. (The original term limits related motion included creation of member(s) at large, in order to preserve historical and institutional knowledge. The motion was amended to remove the member(s) at large provision. The motion voted by the Committee would have recommend to the Council that a Council member could serve no more than three consecutive terms with no lifetime limitation.) The issue was of great interest to the public that attended the meeting(s) as well as to the Committee members. The vote resulted in a division of the Committee on this complex issue.

Several meetings were dedicated to discussions of amending the Parish Charter to include term limits and, in summary, the following was offered against term limits:

1. A belief that term limits deny the voters of a district the right to elect a qualified candidate of their choice to represent them.
2. Institutional knowledge is critical to effective representation of the people and running of the government. Every new Council member has an inherent learning curve, and term limits limit experienced member(s) from serving.
3. Council members that leave office take with them experience that is useful in running government.
4. Every election has the possibility of an incumbent being subject to a term limit - the vote of the citizens of that district.
5. Constant transition in leadership can stall and/or impede legislation, public works projects and long range government planning.

³ Section III does not reflect finding of facts of the committee, but is instead a summary of arguments presented to the committee on various issues.

6. The election history of the St. Tammany Parish Council demonstrates frequent turnover of Council seats, providing "fresh blood" to the Council.

The following is a summary of the proponents' positions for term limits:

1. A belief that the Parish Council is in need of new ideas, procedures, and influence.
2. A perceived belief that campaign contributors usually direct their efforts to those in power, making it difficult for a new candidate to run a successful campaign.
3. A belief that term limits lead to a "citizen" council, rather than a council led by career politicians.
4. There is alleged belief that corruption of government can be avoided or minimized if public officials are subject to term limits.
5. A belief that Council members in their last term of office may ignore politics when voting.
6. The Parish President is limited to 3 terms. The Parish Council should be similarly limited.

Despite a concern that recommending "issues" for the Council to address that were not in the form of a recommended Charter amendment was beyond the scope of the Charter Review Committee's mandate from the Council,⁴ a majority of the Committee voted to recommend that the Council provide the public with the ability to vote on the term limits issue. At the March 18, 2015 voting meeting, the Committee passed a recommendation, by a vote of six to three (two members absent), that recommended that St. Tammany voters be allowed to consider three alternative provisions regarding term limits and member(s) at large:

Proposition 1 retain current law Article 2 Section 01 (A):

- A. The legislative power of the Parish government shall be vested in a council consisting of fourteen (14) members, or such other number of council members as may be determined by the electorate, elected from single-member districts for four (4) year terms, one from and by the qualified electors in each district as defined in section "Election of Officials."

(or)

Proposition 2 amend Article 2 Section 01 (A) to include term limits:

- A. The legislative power of the Parish government shall be vested in a council consisting of fourteen (14) members, or such other number of council members as may be determined by the electorate, elected from single-member districts for four (4) year terms, one from

⁴ Resolution Council Series No. C-4129AA establishing the Committee states in part: "THE PARISH OF ST. TAMMANY HEREBY RESOLVES that it creates an advisory Home Rule Charter Committee pursuant to Section 8-05 of the Home Rule Charter for the purpose of reviewing the current St. Tammany Parish Home Rule Charter *and provide recommended revisions and/or amendments*, if any; . . ." (Emphasis supplied.)

and by the qualified electors in each district as defined in section "Election of Officials." A person who has served as a council member for more than two and one-half terms in three (3) consecutive terms shall not be eligible to qualify as a candidate for a member of the council for the succeeding term.

(or)

Proposition 3 amend Article 2 Section 01(A) to include term limits and members at large:

- A. The legislative power of the Parish government shall be vested in a council consisting of fourteen (14) members, or such other number of council members as may be determined by the electorate, 12 (twelve) members elected from single-member districts, and 2 (two) members elected at-large by the qualified electors in each district. A person who has served as a council member for more than two and one-half terms in three (3) consecutive terms shall not be eligible to qualify as a candidate for the same office for the succeeding term.

Another issue to which the Committee devoted a significant amount of time regarded the determination of authority of the Council and Parish Administration to establish a Parish Attorney position in conjunction with or as an alternative to the District Attorney's being the mandated attorney for the parish. This issue has been addressed by two previous charter review initiatives⁵.

In 2002, Bureau of Governmental Research identified two potential problems with St. Tammany's Charter provision that designates the District Attorney as the Parish Attorney. The first identified problem regards use of the services of an independently elected official, answerable to his own constituency and whose district is not coterminous with the parish, creating the danger of political and legal representation conflicts. The second identified problem regards a mandatory provision requiring the District Attorney to be the legal counsel for the Parish Government requires two different branches of that government (the Council and the Parish President) to use the same attorney, which could lead to conflicts⁶. Both issues are resolved by the Committee's recommendations to the Council herein.

Committee member LeMon submitted the following position regarding separate legal counsel employed by the Council, which position reflects a concern expressed by the District Attorney to the Committee:

The District Attorney of St. Tammany Parish, Warren Montgomery⁷, agreed that the St. Tammany Parish President should have an independent choice of legal counsel. However, he disagreed with the position of the Home Rule Charter Committee that the District Attorney should no longer provide legal services to the Parish Council and its many agencies, boards and

⁵ Bureau of Governmental Research, *The St. Tammany Parish Home Rule Charter An Assessment*, May 2002
Citizens' AD HOC HOME RULE CHARTER REVIEW COMMITTEE, *Proposed Changes to Charter Report to St. Tammany Parish Council*, May 1, 2008

⁶ Bureau of Governmental Research, *The St. Tammany Parish Home Rule Charter An Assessment*, page 9 May 2002

⁷ Mr. Montgomery serves as the District Attorney for Washington and St. Tammany Parish.

commissions. Mr. Montgomery opined that his office was best suited to provide legal services to the Parish Council and to manage its legal affairs most effectively. Mr. Montgomery also expressed that, given the population growth during the fifteen years since the original Home Rule Charter was established, the Parish President should be able to hire her own legal counsel. Such counsel would handle the legal business of the Parish President and, like the other departments and agencies created and supervised by the Office of the Parish President, her legal counsel should report directly to her. While the Parish President's present legal counsel is employed by the District Attorney, as a practical matter, that counsel reports to and is supervised by the Parish President. The requested change in the Home Rule Charter would merely formalize what is already taking place and make for a clear line of authority between the Parish President and her legal counsel. On the other hand, Mr. Montgomery expressed that the Parish Council consists of fourteen part-time members with a dilution of management authority⁸. Without a full-time manager of the Parish Council to oversee its legal affairs, the ongoing appointment of the District Attorney as a full-time legal advisor provides the best legal representation of the Parish Council and its agencies, boards, and commissions, as well as the best use of our tax dollars. Further, Mr. Montgomery expressed that if he is to continue to be authorized to represent the Parish Council on legal matters, it follows from that authority that the District Attorney should be the one to decide how those legal services are to be provided, including the selection of outside legal counsel in specialized legal matters. In addition, there are a multitude of small boards and commissions under the supervision of the Parish Council, which makes it very difficult for the Parish Council to manage legal issues effectively. Mr. Montgomery stated that the economies of scale warrant the continued representation of the Parish Council by the District Attorney and that, as an independent legal advisor, he can provide the best quality legal representation at a cost savings to the public. Mr. Montgomery also indicated that, whatever the outcome on this issue, he "will remain available to assist the Parish President and the Parish Council in the spirit of cooperation for the good of our Parish."

IV. SUBMISSION

The Committee submits our report this 31st day of March, 2015 to Parish President Patricia P. Brister and Richard Tanner, Chairman of the St. Tammany Parish Council.

⁸ Councilmen Stefancik notes that the council which consists of 14 members from separate districts does select a chairman and vice chairman who are designated spokespersons for the council.



S. MICHELE BLANCHARD-AIREY is managing member of the Airey Blanchard Law Office and All American Title Agency, L.L.C. She advises clients on the preparation of wills, trusts, and family wealth transfer plans. Ms. Blanchard received her J.D. from the Louisiana State University Paul M. Hebert Law Center in 2002. She earned her LL.M. in Taxation from Boston University School of Law in 2003. Upon graduation, Michele returned home to St. Tammany Parish and started her own law practice. The Airey Blanchard Law Office focuses on tax planning, business planning, estate planning, and other legal services. Michele Blanchard assists businesses and individuals to resolve problems through innovative and cost effective strategies. In 2006, she opened a title company, All American Title Agency, L.L.C., which closes commercial real estate deals and helps individuals obtain the American Dream of home ownership.

Michele is active in the community. She is a 2014 graduate of Leadership Louisiana, 2013 graduate of Leadership Northshore, a Trustee of Leadership Northshore Board of Trustees; a member of East St. Tammany Parish Chamber of Commerce and 2013 Chairman; member and 2012 President of the Northshore Estate Planning Council; a member of Slidell Women's Civic Club; a member of the Northshore Legislative Alliance (NLA); a member of Louisiana State Bar Association, Treasurer of the Greater Slidell Bar Association, a member of the Greater Covington Bar Association, Inns of Court, and Treasurer of the St. Tammany Economic Development Foundation. She is also a founding member of the East St. Tammany Business Women Network, Slidell Empowering Ladies & Family (SELF), 14Forward, and Kiwanis Club of Camellia City.

Michele is the wife of Jacob Albert Airey and the proud mother of Jackson and Belle Airey.



EDGAR J. DILLARD, JR. holds a B.S. in accounting from U.N.O. and is a certified Public Accountant with Edgar J. Dillard, Jr., CPA, LLC. Mr. Dillard is a member of the American Institute of C.P.A.s and a member of the Louisiana society of C.P.A.s. Mr. Dillard has served as a board member of the Leadership Foundation Private Industry Council, J.T.P.A., the Louisiana Association of Business & Industry (LABI), commissioner of the St. Tammany Home Rule Charter Commission, and former board member and past President of the Lake Pontchartrain Basin Maritime Museum, the Youth Service Bureau, Northlake Mandeville Rotary, St. Tammany West Chamber of Commerce, St. Tammany Economic Development Foundation, and Charter Board Member of Leadership St. Tammany West and a graduate of the premier class. Other Activities include Northshore Republican Men's Club, charter member and two terms on the Republican State Central Committee. Mr. Dillard has been recognized as the member of the year for the St. Tammany West Chamber Board and Leadership St. Tammany West.



ANDREW GIBSON, a proud native of St. Tammany Parish, serves on the committee as the appointee of the St. Tammany West Chamber of Commerce where he is a member of the Board of Directors and former Chairman of the Governmental Affairs Committee. He is an attorney practicing in Madisonville with a wide range of experience, including commercial litigation, complex litigation, insurance casualty defense and intergovernmental relations. Mr. Gibson received his bachelor's degree from LSU E.J. Ourso College of Business and his juris doctor degree from Loyola University New Orleans College of Law. Mr. Gibson is a veteran of the United States Marine Corps where he served as a Non-Commissioned Officer.



VAN JOFFRION, a Fire Prevention Officer with St. Tammany Fire District #1 is a dedicated husband and father. He has been married to his wife Jennifer for twenty-eight years and their 20 year old son Evan is an Army ROTC Cadet at the University of Southern Mississippi. Van is a native of Slidell, a member of Aldersgate United Methodist Church, a veteran of The United States Marine Corps and recently celebrated twenty-three years on the fire department. He serves his community through his fire prevention and public safety education work, and his support of Leadership Northshore and their community projects. With Leadership Northshore, Van is currently on the Board of Trustees, is the former Vice President of the Alumni Association and serves as the Project Mentor Leader. Van is the Past President of the Louisiana Association of Arson Investigators and is the former chairman of the St. Tammany Fire District #1 Civil Service Board, where he served for twelve years.



ANTONIO LEMON is age 55, and the father of 2 adult children. Mr. LeMon is employed by the District Attorney of St Tammany Parish & Washington Parish and is the Chief of the Civil Division & Diversion. He is a fellow with the Louisiana Bar Association member 2014-2015, and previously practiced law for 29 years, and has practiced law in his private practice in Covington, Louisiana since 2000. He has served as the Kiwanis Northshore President 2005-2006; Kiwanian of the Year 2008 & 2009, Tammany Trace Foundation Vice President 2006 to present; Master of Ceremonies, Holiday of Lights 2014-2015; Eggstravaganza Co-Chair to benefit Kids' Town 2013-2015; Kids Konnection Chair to benefit Kids Konnection project Children's Museum Board of Trustees 2013 to present; Celebration Chair or Co-Chair 2008-2013, Leadership St Tammany Board of Directors 2013 to present, graduate 2012 class.



JEANNINE MEEDS was born in eastern Montana. She attended grade school and high school in Glendive, Montana. At the age of 15 she was selected by her high school to be an exchange student to Germany.

Jeannine attended universities in Montana, Maine, California, Guadalajara, Mexico and Louisiana and has earned B.S. degrees in Spanish, General Studies, and Mass Communication. She is currently a timber farmer who enjoys traveling



DANNY SHAW is a resident of Mandeville and a shareholder with Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C., specializing in construction law and alternative dispute resolution. Before gaining his law degree at Georgetown University in 1977, Danny acquired a Bachelor of Science in Civil Engineering from Louisiana Tech University in 1970, and is a licensed professional engineer. Following undergraduate school, Danny served for six years in the U.S. Navy (LT, CEC, USN). Danny and his wife, Susan, have two grown sons.



E. RENÉ SOULÉ is a certified Small Entrepreneur by LA Economic Development and registered Federal contractor. He is a proven business leader with an entrepreneurial spirit that discovers opportunities and determines how to leverage those opportunities into greater success for your organization.

René brings over 25 years of public-private Organizational Management and Leadership Development skills and experiences; he has vision, passion, and drive. He is a former Federal Government Inspector General Auditor and Faith-based Community Initiatives Training Officer.

René resides in Slidell, LA and is married to Doris Marie Soulé; they have four children. He owns and operates E. René Soule' and Associates, a business management consulting firm.



COLONEL EVANS C. SPICELAND retired from the United States Regular Army in 1998 after serving 30 years on active duty. He is a Distinguished Military Graduate of the University of Alabama and holds a B. S. and also an M. S. Degree from the University of South Alabama. He is also a graduate of the U.S. Army War College and the Armed Forces Staff College. In 1999 he was inducted into the Army ROTC Hall of Fame and in 2002 received the Louisiana Military Department Distinguished Civilian Service Medal. After retirement he became a very proactive citizen of St. Tammany Parish and has been involved with several local enterprises to include Eagle Consulting Solutions, specializing in emergency preparedness planning, which he founded in 2005, and the Co-founder and President of Sigma Educational Services (SES). Colonel Spiceland

serves as Chairman of the Board of Elections Supervisors, as well as several other State and local boards, and immediate past Chairman of the St. Tammany RPEC. He formerly served on the Parish Economic and Industrial Commission, and the St. Tammany Parish Tourist Commission. He was a 2002 graduate of the St. Tammany West Leadership class and currently serves on its Board of Directors. He is a member of the Mandeville Rotary Club and numerous other civic and professional organizations. He is also a political activist and has worked on numerous Republican candidate campaigns. Colonel Spiceland is also a founder and co-chairman of the Northshore Tea Party. He has been married to his wife Peggy for 45 years and has two daughters and seven grandchildren.



STEVE STEFANIK has been a member of the Police Jury/Parish Council since 1988.

He was born and raised in Linton, Indiana and graduated from Linton High School. He served in the US Navy as an Electronics Technician with a specialty in submarine RADAR. He completed his graduate and post graduate work at Indiana State University with a Bachelor of Science in Mathematics and Computer Science. Steve taught high school and worked several years as a mathematician and computer scientist for the US Navy as a civilian employee, and served 6 years on the School Board of Linton Stockton School Corporation in Indiana prior to moving to Louisiana in 1984.

He retired from Lockheed Martin Space Systems Company and was the IT Senior Manager for the Space Shuttle External Tank project at the NASA Michoud Assembly Facility in Eastern New Orleans.

He and his wife Margaret live in Slidell and have three children and one grandchild.

Steve works with his constituents on a daily basis and has held a monthly meeting with his constituents for the 21 years that he has served as a Police Juror/Parish Councilman. He updates his constituents on a regular basis with his newsletter "District 11 Happenings".

He continues to upgrade the roads, drainage and lighting in his district and is constantly working projects to maintain a high quality of life for his constituents.



RICHARD TANNER is a 1960 graduate of the Tangipahoa Parish Public School system and went on to earn a Bachelor of Science and Master of Science from LSU.

Richard is married to the former Cheryl Spell. They have been married for 43 years and have two daughters and five grandchildren.

Richard is honored to serve the residents of District Six.

After college, Richard moved to Covington to begin his career in education. He was hired as a Vocational Agriculture teacher in 1965 at Covington High School. After seven years of teaching, he was promoted to Supervisor of Child Welfare and Attendance, then Director of Transportation, Interim Superintendent and Administrative Assistant Superintendent. In all, Richard served the students of St. Tammany Parish for thirty-seven years before retiring in 2002.

Richard has served as President of the St Tammany Parish Teachers Association as well as the Vice President, General Manager and President of the St. Tammany Parish Fair Association. He was the first President of the St Tammany Parish 4-H FFA Youth Fund.

In 1979 he was elected Councilman-at-Large to the first St Tammany Parish Council form of government.

For the last eight years Richard has been an associate of Gardner Realtors. He is actively involved in the sale of residential and vacant land properties. He is also on the Board of Lakeview Regional Hospital.

He is an active member of the Fitzgerald Methodist Church.