

Aug 11, 2010

PROPOSED HOME RULE CHARTER FOR THE TOWN OF WASHINGTON

The Town of Washington, Louisiana

Mayor Joseph A. Pitre

Home Rule Charter Commission Members:

Angela Doomes; Dwight Landreneau; Jim Bradshaw;
Donald Robinson; Rogers Jackson; Chad Pitre;
Alice Lawrence

Aug 11, 2010

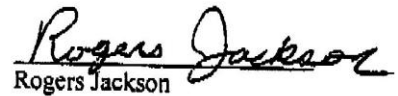
PREFACE

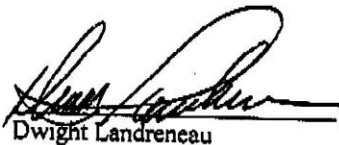
The Town of Washington Home Ruler Charter Commission respectfully presents to the citizens of the Town of Washington this proposed home rule charter. This charter was drafted under the authority of Article VI, Section 5 of the Louisiana Constitution and LSA-R.S. 33:1395, as amended. The Town of Washington Home Rule Charter Commission is hereby requesting that the Washington Town Council set a referendum election on this Charter in connection with the general election scheduled for November 2, 2010.

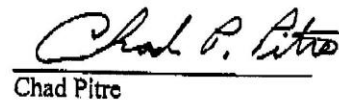
The Town of Washington Home Rule Charter Commission

MEMBERS


Angela Doomes

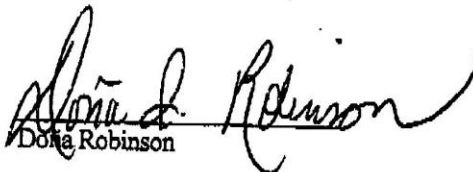

Rogers Jackson


Dwight Landreneau


Chad Pitre


Jim Bradshaw


Alice Layrence


Dona Robinson

August 12, 2010
Date of Proposal and Submission

TOWN OF WASHINGTON HOME RULE CHARTER

ARTICLE 1- INCORPORATION; FORM OF GOVERNMENT; BOUNDARIES; POWERS

ARTICLE I - SECTION 1: INCORPORATION; AUTHORITY

The inhabitants of the Town of Washington within the corporate limits as established by law shall be and continue to be a body politic and corporate, under the name of "TOWN OF WASHINGTON" herein under referred to as the "TOWN".

The Town is a local governmental subdivision as defined by Article 6, Section 44 of the Louisiana Constitution of 1974 (hereinafter referred to as the Constitution), which wishes to operate under a home rule charter. Subject to its charter, the Town is entitled to exercise any power and perform any function necessary, requisite or proper for the management of its local affairs.

ARTICLE I - SECTION 2: FORM OF GOVERNMENT

The municipal government provided by this charter shall be known as the mayor-council form of government. It shall consist of a legislative and an executive branch of government. Headed by the office of mayor, the executive branch shall direct the departmental operations in conformity with legislation passed by the town council. The elected town council shall be the legislative branch. The office of Chief of Police shall be an elected position in accordance with the election laws of the State of Louisiana.

ARTICLE I - SECTION 3: BOUNDARIES

The boundaries of the Town shall be those as originally set forth by original order or decree and as amended by annexation ordinances adopted thereafter. Changes in the Town's boundaries shall be made in accordance with applicable state general law.

ARTICLE I - SECTION 4: POWERS; General and Special

A. GENERAL POWERS: The Town shall have and continue to have all powers, rights, privileges, immunities and authority granted to or possessed by the Town under this Home Rule Charter and the general law of the State, and shall further have and exercise such other and additional powers, rights, privileges, immunities, authority and functions as may be conferred on or granted to municipalities adopting a Home Rule Charter under the provisions of Article 6 of the Constitution; provided that the specific mention of particular powers in this chapter shall not operate to limit in any way the general powers granted herein and further provided that reference to the Constitution herein shall not be construed as a relinquishment or surrender of any rights, privileges of immunities heretofore acquired by the Town by virtue of the adoption of this Home Rule Charter.

B. SPECIAL POWERS: The Town shall have all rights, powers, and authority to exercise general police power, and to this end the governing authority of the Town is specially empowered to pass all ordinances required or necessary to promote, protect and preserve the

general welfare, safety, health, peace, and good order of the Town , including, but not by way of limitation, the right, power and authority to pass ordinances on all subject matter necessary requisite or proper for the management of the Town's local affairs, and all other subject matters without exception, subject only to the limitation that the same not be expressly denied by the Constitution or by general law applicable to the Town or by this charter.

ARTICLE I - SECTION 5: POWERS OF ENFORCEMENT

For the purpose of carrying out the powers generally or specifically conferred on the Town, the governing authority of the Town shall have the power to grant franchises, to require licenses and permits and fix fees to be paid therefore, to charge compensation for any privilege or franchises granted or service rendered, and to provide penalties for the violation of any ordinance or regulation. All utility and other service charges presently in effect shall remain in full force until changed or modified by the governing authority of the Town. All license fee or license taxes shall remain in full force until changed or modified by the governing authority of the Town.

ARTICLE I - SECTION 6; POWER TO LEVY TAXES

The Council will have the power to perform any function necessary, requisite or proper for the management of its affairs shall specifically include the power to levy and collect taxes and to assume indebtedness as provided by the Constitution, Louisiana Revised Statutes and all other applicable law. In this regard, the council may levy and collect taxes, incur debt, and issue bonds and other evidence of indebtedness as authorized by the Constitution, Louisiana Revised Statutes and all other applicable law.

All tax measures proposed after this charter has received voter approval shall require a public hearing one month prior to passage and at least a three-fifth vote of the entire council membership. All taxes of the Town in force prior to the effective date of this Home Rule Charter shall remain in force and effect until amended or repealed by the governing authority of the Town or until they expire by their limitations.

It is further represented that the intention of the Home Rule Charter is to stay within the confines, restrictions and limitations of the Lawrason Act or any other Constitutional or State law provisions applicable to the Lawrason Act Municipalities as concerns the ability, power, and construed, so as to grant any additional power to levy taxes beyond that which is already provided by the Lawrason Act or any other Constitutional or State law provisions applicable to Lawrason Act Municipalities.

ARTICLE I - SECTION 7: INTERGOVERNMENTAL COOPERATION

The Town is authorized to exercise and perform any of its authorized powers and functions, including the financing thereof with one or more political subdivisions (as defined by Article 6, Section 44 of the Constitution), with State or its agencies, or with the United States or its agencies.

ARTICLE I - SECTION 8: ORDINANCES; PRIOR ACTIONS

All Ordinances and Resolutions of the Town in force prior to the effective date of this Home Rule Charter shall remain in full force and effect until amended or repealed by the governing authority of the Town or until they expire by their own limitation. All actions of the Clerk, Mayor and Council and all administrative rules and regulations shall remain and be in full force and effect until changed or repealed.

ARTICLE II -THE COUNCIL

ARTICLE II - SECTION 1: DECLARED GOVERNING AUTHORITY

The council shall be the legislative branch of government and shall be the governing authority of the Town for purposes of legislation and policy making.

ARTICLE II - SECTION 2: COMPOSITION

The council of the Town shall consist of five members. A council member shall be elected to each of the four separate and distinct voting districts, know as districts "one" "two" "three" and "four" of the Town pursuant to the current districts in existence at the time of this Charter. The fifth council district shall be an "at-large" district comprised of the entire corporate limits of the Town. The council members shall be elected to a term of four years in accordance with the election laws of the State, the Lawrason Act, and the provisions of this Charter.

ARTICLE II - SECTION 3: QUALIFICATIONS

A Council Member shall have the following qualifications:

A Council Member shall be a qualified elector, shall have been legally domiciled and shall have actually resided within the district he/she represents for at least one (1) year immediately preceding the time established by law. A Council Member shall continue to be legally domiciled and to actually reside within the Town and the district he/she represents during the term of office. Should a legal domicile and/or actual residence change from the town, the office shall automatically become vacant. A Council Member ceasing to possess these qualifications or being convicted of a felony shall be disqualified, thus creating a vacancy on the Council. Council Members shall hold no other public office for which they shall receive remuneration except that of notary of the public or membership in the Armed Forces of the United States of America. The death, resignation, permanent disability, removal by any lawful means or failure to take office of any council member shall create a vacancy in the office.

ARTICLE II -SECTION 4: COMPENSATION

The four District Council Members shall receive Six Hundred and 00/100 (\$600.00) and the Council at Large Member shall receive Eight Hundred and 00/100 (\$800.00) per month as compensation. All Council Members shall receive Fifty dollars (\$50.00) for attending a second Council Meeting during the same month, but no further payment shall be made for additional meetings during the same month. All Council Members, in addition to their compensation may vote themselves a Cost of Living increase not to exceed five percent (5%) of their current salary and no compensation increase shall take effect within his/her current term of office.

ARTICLE II - SECTION 5: FILLING VACANCIES

Vacancies in the office of Council Member shall be filled by Council appointment. If the unexpired term is greater than one (1) year, an election shall be held at the earliest election

date provided for such election by the laws of the State of Louisiana.

ARTICLE II - SECTION 6: ELECTION OF MAYOR PRO TEMPORE

The Council shall elect one of the Council Members to be Mayor Pro Tempore who shall preside at all meetings in the absence of the Mayor, have the same power, and perform all duties of the Mayor in the absence or disability of the Mayor, except the veto power of the Mayor. In the absence of both the Mayor and the Mayor Pro Tempore, the Council may elect another Council Member to preside temporarily and perform the duties of the Mayor.

The Mayor shall notify the Mayor Pro Tempore when he shall be absent from Municipality. The Mayor Pro Tempore shall notify the Council Member who has been selected to perform the duties of the Mayor. The Mayor shall notify the Mayor Pro Tempore when he shall be absent from the Municipality,

ARTICLE II -SECTION 7: SPECIAL MEETINGS

Special Meetings of the Mayor and Board of Alderman may be called by the Mayor or a majority of the Council Members. The Council shall establish by Ordinance how notice of special meetings shall be provided to Members of the Council. Public Notice shall be given as provided in R. S, 42:7. No business, except that specified in the Notice of the Special Meeting, shall be considered at the meeting unless approved unanimously by the Council Members present at the meeting.

In cases of emergency as defined by R. S. 42:6.1A (5), the Mayor or any of the Councilmen may call an emergency meeting of the Council. The Members of the Council and the Mayor shall be notified in the most practical manner available, and the purpose of the meeting say be stated in general terms. Notice of the meeting shall be given as provided in R. S. 42:7.

The Council may adopt an Ordinance at an emergency meeting that it has not previously considered. The Ordinance shall specify the nature of the emergency, and a three-fifths vote of the entire Council shall be required for its adoption. No emergency ordinance can continue in force more than sixty days and an emergency ordinance that specifies a longer duration shall become void sixty days after it becomes effective.

ARTICLE II - SECTION 8: PRESIDING OFFICER

The Mayor shall preside at all meetings of the Council and in case there is an equal division or tie vote, he shall give the deciding vote except for the voting of an ordinance.

ARTICLE 11 - SECTION 9: QUORUMS

A majority of the full Council shall constitute a quorum of the Council at any meeting, whether regular, special, or emergency.

A meeting, whether regular, special or emergency may be continued to another date announced at the meeting with the consent of majority of the Council Members. A regular, special or emergency meeting that fails for want of a quorum may be continued to a date announced at the meeting with consent of the majority of Council Members present, or if only one entire Council Member is present, to the date he announces, but a meeting that fails for want of a quorum shall not be continued but once.

ARTICLE II - SECTION 10: OPEN MEETINGS LAW

All meetings of the Council shall be subject to the provisions of R.S. Title 42, et seq.

ARTICLE II - SECTION 11: REGULAR MEETINGS

The Mayor and Council shall hold not less than one regular meeting in each month on a date and place and hour to be fixed by Ordinance. The Council shall give public notice of the contents of this Ordinance pursuant to R.S. 42:7. The public shall be offered the opportunity to address the Council prior to the taking of any action on any matter listed on the agenda for that meeting.

ARTICLE II - SECTION 12: RULES OF PROCEDURE

The Council shall adopt rules and regulations governing its own organization and business, petitions, hearings and like matters which shall be available for public inspection in the office of the Clerk and the Council. Those powers not listed in this Charter and not in direct contravention of said Charter shall be governed and provided by under the Lawrason Act.

ARTICLE II - SECTION 13: APPOINTMENT OF CLERK, TERM, GENERAL DUTIES, SALARY

The Mayor shall appoint a Town Clerk with the consent of a majority of the Council's membership. The Clerk shall give notice of all meetings, keep records or proceedings, record and authenticate actions of the Council, inform the Mayor of all Council Actions and do and perform all other actions required by State Law, this Charter and Council direction. The Mayor shall have exclusive right to suspend the Clerk for incompetence, neglect of duty, immorality, drunkenness, drug abuse, failure to obey orders given by proper authority, or for any other just and reasonable cause. The suspension may be with or without pay. If the Clerk be so suspended by the Mayor, the Mayor shall forthwith certify to the fact, together with the cause for suspension, together with disciplinary measures to the Town Council, which, within (10) ten days from the date of receipt of such notice shall proceed to render judgment, which may be to take disciplinary action, terminate employment or to reinstate. This judgment shall be final. The salary of the Clerk shall be set by Council action.

The Clerk shall keep a book labeled "Municipal Minutes, Town of Washington" in which he/she shall record the proceedings of the Mayor and Council meetings, and keep the same fully indexed alphabetically, so that the entries on the minutes can be easily found. The Clerk shall be the ex officio notary for the Town and shall have the ability to affix the town seal to municipal documents as directed by the Mayor.

The Clerk shall keep a book, "Municipal Dockets Town of Washington", upon which he/she shall enter each claim against the municipality and all subject matter to be acted upon by the Mayor and Council. After each meeting he/she shall make up such docket for the next regular meeting. He/she shall examine the Statutes of the State and the Ordinances of the Municipality to ascertain the subject matter revised or proper to be acted upon at the following meeting, and shall docket all such matters.

He/she shall keep other books and records as may be provided for by Ordinance, and preserve all records and papers appertaining to the business of the Municipality. He/she shall keep a book to be styled "Tax Records Town of Washington", in which he/she shall enter all deeds to individuals of the land by as to whose property sold, date of sale, amount of taxes, cost, and damages due, and to whom the costs are owing, when redeemed, date of redemption and amount paid therefore.

The Clerk shall serve as the Tax Collector for the Town of Washington.

The Clerk shall keep books in which he/she shall enter and preserve accounts of particular funds, and the account of each municipal officer. All fines and forfeitures shall be reported by the Officer collecting the same, immediately after such collection, and be paid into the treasury. The books shall be subject to inspection by the taxpayers of the Municipality at any time during business hours.

The Clerk shall be supervised by the Mayor and shall comply with orders and regulations issued by the Mayor.

ARTICLE II- SECTION 14: ACTIONS REQUIRING ORDINANCES

All actions having the force and effect of law, or any action that creates a contractual obligation of the Town; or any action establishing a fine or other penalty; approving a budget; authorizing the borrowing of money; levying a tax, license or other revenue measure; creating or abolishing any office; or placing any burden upon or limiting the use of private property, shall be by Ordinance. However, actions that must be taken pursuant to a general statutory procedure for a construction of sewerage and street paving improvements that are financed by local or special assessments shall be excepted from the requirements of this section.

ARTICLE II - SECTION 15: INTRODUCTION OF ORDINANCES, FORM, SCOPE

All Ordinances shall be introduced in full and in typewritten form and shall be confined to one subject, expressed clearly in title, except in the case of codification or revision of Ordinances, budget Ordinance, and Ordinances preparing Amendments to this chapter or proposing a new chapter, in which case they shall be deemed to embrace but one subject, and their title need only refer to general purpose and the scope thereof.

ARTICLE II - SECTION 16: READING, PUBLICATION, PASSAGE, OR ORDINANCES

All proposed Ordinances shall be read in full, published by title and notice given by one publication in the official journal, laid over for at least (30) thirty days from the date of introduction and subject to public hearing before passage. No Ordinance may be adopted at the same meeting in which introduced, except emergency legislation under the provisions of Article II, Section 7.

ARTICLE II - SECTION 17: ORDINANCES, RESOLUTIONS TO BE PASSED AT OPEN MEETINGS, VOTE REQUIRED, RECORDING

All Ordinances and Resolutions shall be introduced and adopted in open public meetings by the vote of the majority of the full Council Membership, with the exceptions of a (a) tax or revenue measure, (b) a utility rate vote increase or (c) the imposition of a fine, fee, forfeiture or penalty. All three of these exceptions listed above shall require at least a three-fifths vote of the entire Council Membership after this chapter becomes effective. The vote on introduction of and final adoption of all Ordinances shall be recorded in the minutes of the Council by the individual vote of each Council Member.

All resolutions shall be introduced in full and in typewritten form and shall be passed by voice vote, provided that the number of ayes and nays shall be recorded in the minutes.

ARTICLE II - SECTION 18: SUBMISSION OF ORDINANCE TO THE MAYOR

- A. Every Ordinance adopted by the Council shall be presented to the Mayor within three

days after adoption, excluding Saturdays, Sundays, and State holidays. The Clerk shall record upon the Ordinance the date and hour of its deliverance to the Mayor.

- B. Within seven calendar days after the Mayor's receipt of an Ordinance, excluding Saturdays, Sundays, and State holidays, it shall be returned to the Clerk with Mayor's approval, or with the Mayor's veto. The Clerk shall record upon the Ordinance the date and hour of its receipt from the Mayor. If the Ordinance has been approved, it shall be considered finally enacted and become effective as provided in Section 11 - 19 (Publication of Ordinance: effective date). If the Ordinance is vetoed, the Mayor shall submit to the Council a written statement of the reasons for the veto. The veto statement shall be published in full in the journal by the Clerk with ten days of the receipt of the veto message from the Mayor, All Ordinances the Mayor vetoes shall be vetoed in full, except that the Mayor shall have authority, to veto individual appropriation items in the Ordinances adopting the operating budget and capital improvements program. If the Ordinance is neither approved nor vetoed, it shall become effective at 12:00 noon on the eighth calendar day after its receipt by the Mayor.
- C. Ordinances vetoed by the Mayor shall be submitted by the Clerk to the Council no later than the next regular meeting held after publication of the veto statement. Should the Council vote, not later than the record regular meeting held after receipt of the vetoed Ordinance, to readopt the Ordinance by the favorable vote of at least three fifths of its authorized memberships, said Ordinances shall be considered finally enacted and become law immediately irrespective of the veto by the Mayor.
- D. The right of the Mayor to veto as provided in this section shall apply to all Ordinances adopted by the Council except those which propose amendments to this Charter, propose a New Charter, establish, alter or modify Council procedure, appropriate funds for auditing or investigating any part of the Executive Branch; actions authorized by State law, or any action required to be taken upon presentation of a citizen petition.

ARTICLE II - SECTION 19: PUBLICATION OF ORDINANCES, EFFECTIVE DATE

With the final adoption of Ordinances by the Town Council, the Ordinance shall be published in the official journal by the Clerk within ten days either in full or shall become effective at expiration of ten days after publication by the Council, except as provided in Article II, Section 18, Subsection C, or if the Ordinance be submitted to a referendum election, then upon a favorable vote of majority of those voting thereon.

Emergency Ordinances shall be effective on adoption by the Council, followed by publication with ten (10) days.

ARTICLE II - SECTION 20: INVESTIGATION OF TOWN AGENCIES

The Council, a committee of the Council or a committee authorized by the Council may investigate the operations of any employee, public officer, or agency of the Town government or any agency which derives or accepts support from appropriations made by the Council. In such investigation a member of the Council Committee or Committee authorized by the Council may administer oath, subpoena witnesses and compel the production of records. Enforcement of this section may be obtained through the State District Court.

ARTICLE II - SECTION 21: EMPLOYMENT, QUALIFIATION OR AUDITOR, AUDITING PROCEDURE, SUBMISSION TO THE COUNCIL

The Council shall execute a contract each year with a certified public accountant or a firm of certified public accountants for an examination of the accounts of the city to include all funds appropriated or approved by the Council. The contractee shall not be a public officer, official or employee, nor shall he/she hold any political office or be an officer, an employee of a political party or organization. The audit report shall be tendered to the Council through the Clerk.

ARTICLE III – THE MAYOR

ARTICLE III- SECTION 1: DUTIES

The Mayor and his/her department shall comprise the executive department and he shall be the chief executive officer who shall direct the department operations in conformity with the legislation passed by the Council; make appointments as required by this Charter and State law; co-sign all checks as required by this Charter; sign all contracts in behalf of the Town; issue proclamations; represent the City on all occasions where representation is required by resolution, ordinance, state law or this Charter; be the custodian of the seal for the Town and affix it thereon as required, and perform any other duty that may be required of him/her

ARTICLE III - SECTION 2: ELECTION TERMS

The Mayor shall be elected according to the election laws of the State for a four (4) year term concurrent with that of the Council.

ARTICLE III - SECTION 3: QUALIFICATIONS

The Mayor shall be a qualified elector and domiciled in the Town and shall hold no other public office except that of notary public or membership in the National Guard or the reserve defense establishment. If the Mayor shall cease to possess these qualifications or be convicted of a felony, the Mayor shall immediately become disqualified, thus creating a vacancy in the office. A vacancy shall also be created by death, resignation, removal by any means in accordance with state law or failure to take office.

ARTICLE III -SECTION 4: COMPENSATION

The salary of the Mayor shall be Two Thousand Four Hundred Fifty-Eight Dollars and 33/100 (\$ 2, 458.33) per month except when changed by amendment to this Charter with a vote of the people. The Mayor may be compensated for actual expenses when on official business of the Town. The Council may by Ordinance grant the Mayor an additional Compensation known as a Cost of Living Adjustment not to exceed five percent (5%) and which shall not take effect within his/her current term of office. Any additional increase shall be determined by vote of the electors of the Town.

ARTICLE III - SECTION 5: MAYOR'S TEMPORARY ABSENCE

- (A) When there is a temporary absence of the Mayor from the Town of less than fourteen days, the Mayor shall designate the Mayor Pro Tempore as acting Mayor. If the Mayor Pro Tempore is unavailable to serve, the Mayor shall designate the alternate Pro Tempore as acting Mayor. If the alternate Mayor Pro Tempore is unavailable or unwilling to serve, the Mayor shall designate a Council Member as acting Mayor.
- (B) When such temporary absence of the Mayor exceeds fourteen (14) days, the Council shall

so certify and designate the Mayor Pro Tempore as acting Mayor during the Mayor's absence.

- (C) While serving as acting Mayor, the Mayor Pro Tempore shall continue to have a vote as a Council Member.
- (D) Should the Mayor Pro Tempore be unable or unwilling to serve as acting Mayor as provided for this section, the alternate Mayor Pro Tempore shall serve. While serving as acting Mayor, the alternate Mayor Pro Tempore shall continue to have a vote as a council Member. If both the Mayor Pro Tempore and the alternate Mayor Pro Tempore are unable or unwilling to serve as acting Mayor, the Council shall choose an acting Mayor from its membership should the Mayor's absence exceed fourteen (14) days. Any Council member serving as acting Mayor shall continue to vote as a Council Member.

ARTICLE III - SECTION 6: CALLING ELECTION TO FILL VACANCY

In the event of a vacancy in the office of Mayor when the term will expire in less than one (1) year, the Council shall appoint a Mayor by majority vote of the Council Membership to serve the remainder of the unexpired term of office.

If the unexpired term of office shall be for a greater period than one (1) year, a special election to be held at the earliest election date permitted by State law shall be called to fill the vacancy.

ARTICLE III - SECTION 7: LOCATION OF MAYOR'S OFFICE

The Mayor shall maintain his/her office in the Town Hall.

ARTICLE III - SECTION 8: MAYOR'S COURT

There shall be a Mayor's Court in the municipality, with jurisdiction over all violations of municipal ordinances. The Mayor's Court shall follow the provisions and protocol directed under the Lawrason Act.

The Mayor may try misdemeanor breaches of the Ordinances and impose fines or imprisonment or both, of the infraction thereof. The Mayor may appoint, and upon confirmation of the Council, an Attorney who shall serve as Court Magistrate from time to time designated by the Mayor to serve in his stead as the official over the Mayor's Court.

ARTICLE IV - ADDITIONAL POWERS AND COMPENSATION OF THE MAYOR AND THE TOWN COUNCIL: ORDINANCES AUTHORIZED

ARTICLE IV - SECTION 1: ADDITIONAL POWERS AND COMPENSATION

The Mayor and Town Council shall have the additional powers listed in Section 2 of this Article. Powers and Ordinances authorized by this Article are in no way a limitation or restriction on the Mayor's or Council's power to enact Ordinances on other subject matter; instead, the powers granted in Section 2 of this Article are intended to give authority to deal with problems commonplace to most municipalities.

ARTICLE IV - SECTION II: ADDITIONAL POWERS OF THE MAYOR AND TOWN COUNCIL: ORDINANCES AUTHORIZED

The Mayor and the Town Council shall have the care, management and control of the municipality and its property and finances. They shall have power:

1. To provide by Ordinance for assessing against the abutting property the cost of cutting, destroying or removing noxious, unsightly weeds, grass or other unsightly, deleterious, unhealthy or noxious growths or accumulations on any sidewalks; to assess the owner of such lot or place or areas the cost of cutting, destroying or removing noxious weeds, grass or other unsightly, deleterious, unhealthy or noxious growths or accumulations within the corporate limits; and on the owner of any lot or place or area within the corporate limits the cost of cutting, destroying or removing unsightly, noxious weeds, grass or other deleterious, unhealthy, or noxious growth or unsightly accumulations on the lot or place or area; and to provide the filling of notice of such cost which shall constitute a privilege upon the property and shall be prior in rank to mortgages, vendors privileges, except tax privileges.
2. To grant a franchise to any person for the erection, maintenance and operation of (a) poles, wire, and appurtenances for telephone, telegraph, cable television, and electrical distribution systems and (b) pipelines, mains and appurtenances for a gas transmission and distribution system, over, along and upon the streets, alleys, public ways and places of the municipality, and to change, modify and regulate the same. But such a franchise or privilege shall not be exclusive, nor be granted for a longer period than sixty (60) years. The Mayor and Town Council may grant exclusive franchises or privileges for the purposes herein named, when authorized to do so by a majority of the electors of the town, voting in favor of such proposal at an election held for such purpose; but no such exclusive privileges shall be granted for a longer period than twenty-five (25) years, and all expenses of the election shall be paid by the person or entity seeking the franchise or privilege.
3. To grant to any person the use of the streets, alleys, and public grounds for the purpose of laying gas, water, sewer, or steam pipes, conduits for electric lights and cable television to be used in furnishing or supplying the municipality and inhabitants or any person or cooperation with gas, water, sewerage, cable television, steam or hot air for heating purposes, or light but no franchise, right of ways, or privilege of any character whatever, shall be granted for a longer period than (60) sixty years, and such privilege shall not be exclusive.
4. To make all police regulations necessary for the preservation of good order and the peace of the Town; and to prevent injury to, destruction of, or interference with public or private property.
5. To prohibit and suppress houses of prostitution, disreputable houses, and all kinds of indecent behavior and other disorderly practices, disturbances of the peace, and to provide for the punishment of the person engaged therein.
6. To secure the general health of the municipality; to prevent, remove and abate nuisances; to prohibit the construction of cesspools, and to regulate or suppress those already constructed; to compel and regulate the connection of all property with sewers and drains; and for cleaning in order warehouses, alleys, yards, private ways, outhouses and other places where offensive matter to kept or permitted to accumulate; to compel and regulate the removal of garbage and filth beyond the Corporate limits; to prevent or regulate the running at large of animals of all kinds and to cause any which may be running at large to be impounded and sold to discharge the costs and penalties provided for the violation of such regulation, and the expense of impounding and keeping and selling the same; to provide for the erection of all needed pens, pounds, and buildings for the use of the Municipality within or without its limits, and to appoint and confirm keeper thereof, and to establish and enforce rules governing the same.
7. To cause to be constructed and maintained sidewalks, and determine the material, plans specifications and grades of the same.

8. To compel owners of property adjacent to dangerous walks and ways, to erect and maintain railings, safeguards and barriers along the same, except when made dangerous by municipal authority.
9. To close and vacate any street or alley, or any portion thereof and lease or dispose of same by sale or otherwise.
10. To exercise the right of eminent domain in the laying out of streets, avenues and alleys; and in straightening or widening the streets or changing the grades thereof, and the construction and repairing of the sidewalks, and sewers and other needed repairs and improvements; and for the purpose of perfecting its drainage system, may exercise the right without as well as within its limits.
11. To erect, establish, and regulate hospitals, work houses and houses of correction in the corporate limits or within three miles thereof, and provide for the government and support of the same.
12. To provide for the lighting of streets, parks and public grounds and the erection of lamps and lamp posts,
13. To maintain one or more libraries for public use and to regulate the use thereof.
14. To regulate the entrances to public halls and buildings and way of ingress and egress from the same.
15. To provide for the prevention and extinguishment of fires; to organize and maintain a fire department; to regulate or prohibit the erection of wooden buildings within limits prescribed by Ordinance, and to provide for their removal at the expense of the owner when erected contrary to the Ordinance of the municipality.
16. To regulate and if necessary prevent the carrying on of manufactures which may cause or produce fires injurious to health or offensive to the inhabitants; to appoint a fire marshal with power to remove and keep away from the vicinity of any fire all idle and suspicious persons lurking near the same, to compel any person present to aid in the extinguishment of such fire or in the prevention of property exposed to the danger of the same, and in preventing goods from being purloined thereat, and with such powers and duties as may be prescribed by Ordinance.
17. To regulate the storage of all combustible and inflammable materials, and the storing of lumber in yards or on lots within fire limits prescribed by Ordinance, to remove or prevent the construction of any fireplace, chimney, stove, oven boiler, kettles or any apparatus used in any house, building, manufactory or business which may be dangerous in causing fires; to direct the safe deposit of ashes; to enter into and examine all dwellings, houses, lots, yards, enclosures and buildings of every description, and other places, in order to ascertain whether any of them are in a dangerous state; to take down and remove buildings, walls and superstructures that may become insecure or dangerous; and to require owners of insecure or dangerous buildings, walls and other structures to remove or render the same secure and safe at the cost of the owner.
18. To exercise full jurisdiction in the matter of streets, sidewalks, sewers, and parks; to open, lay out and construct the same; to repair, maintain, pave, sprinkle, adorn and light the same.
19. To regulate parks, public grounds, depots, depot grounds and places of storage of freight within the corporate limits; to provide for and regulate the construction and passage of railways and street avenues, alley or lanes and public grounds of the Municipality; but a person or company to whom the right is granted by the municipal authorities to construct railroads and street railroads through the municipality shall not have the exclusive privilege to do so, and prior to said grant, a majority of the electors of the Town voting in a referendum to be called for such purpose shall approve the proposed grant where such approval is required by law.
20. To erect, purchase, maintain, operate and regulate water works; to prescribe the rate at which water is to be supplied to the inhabitants; to acquire by purchase or donation

within or without the corporate limits upon which to erect water works, the right of ways to and from such works and also the right of ways for laying water pipes within the corporate limits and from such water works to the municipality, and to extend such rights from time to time.

21. To establish and change the channel of streams and water courses, and to bridge the same whenever to do so will promote the health, comfort and convenience of the inhabitants of the municipality.
22. To license ferries and to regulate the same and the landing thereof within the corporate limits.
23. To erect, purchase or rent a Town Hall, engine house and all other municipal buildings.
24. To provide for the removal of officers and discharge of employees for misconduct or neglect of duty.
25. To levy and collect a license tax upon and to regulate all callings, trades, professions and occupations conducted, pursued, carried on or operated within the limits of the Town.

ARTICLE IV – SECTION 3: HISTORICAL PRESERVATION

Subject to uniform procedures established by law, The Town may (1) adopt regulations for land use, zoning, and historic preservation, which authority is declared to be a public purpose; (2) create commissions and districts to implement those regulations; (3) review decisions of any such commission; and (4) adopt standards for use, construction, demolition, and modification of areas and structures.

ARTICLE IV - SECTION 4: LAWRASON ACT PROVISIONS

Any matter or issue not addressed by this Charter shall be regulated by the Lawrason Act or by appropriate State Law as long as there is no inconsistency with the content and intent of this Charter.

All powers granted to the Mayor and Council of a Lawrason Act municipality shall be granted to the Mayor and Council of the Town of Washington provided these powers are not inconsistent with the content and intent of this Charter.

ARTICLE V- SECTION 1: THE POLICE CHIEF

The Police Chief of the Town shall be elected by the town's electorate. The Chief of Police shall have the following qualifications:

1) A Chief of Police shall have been legally domiciled and shall have actually resided within the town for at least one (1) year immediately preceding the time established by law or qualifying for office in an area which, at the time of qualification, is within the Town.

2) A Chief of Police shall continue to be legally domiciled and to actually reside within the Town during the term of office. Should a legal domicile and/or actual residence change from the town, the office shall automatically become vacant.

A Chief of Police ceasing to possess these qualifications or being convicted of a felony shall be disqualified, thus creating a vacancy in the office of Chief of Police.

The Chief of Police shall hold no other public office for which he/she shall receive remuneration except that of notary of the public or membership in the Armed Forces of the United States of America, The death, resignation, permanent disability, removal by any lawful means or failure to take office of the Chief of Police shall create a vacancy in the office.

The Police Chief shall have general responsibility for law enforcement in the Municipality, and shall be charged with the enforcement of all Ordinances of the municipality

and all applicable State Law. He/She shall be ex officio a constable. The Police Chief shall be responsible for stationing, transfer and work schedule of all Police Officers and other officers and personnel constituting the police force.

3) The Police Chief's salary shall be \$2,666.67 per month. In addition to Compensation, a Cost of Living adjustment not to exceed five percent (5%) of the monthly salary, may be granted by the Town Council, and shall not take effect within his/her current term of office. Any additional increase shall be determined by vote of the electors of the Town.

ARTICLE V - SECTION 2: SUSPENSION, REMOVAL OF POLICE PERSONNEL

The Mayor, with a majority of the full Council shall have the right to suspend police personnel, with the exception of the Police Chief, for incompetence, neglect of duty, immorality, drunkenness, drug abuse, failure to obey orders given by a proper authority, or for any other just and reasonable cause. This suspension may be with or without pay. If the personnel be so suspended by the Mayor and Council, the Mayor shall forthwith certify to the fact, together with the cause of suspension and the disciplinary measures for the Town Council, which within ten (10) days from the date of receipt of such notice shall proceed to render judgment, which may be to take disciplinary action, terminate employment or to reinstate. This judgment shall be final.

The Police Personnel may also be removed from office by a majority vote of the Council if there is just and reasonable cause to do so. The dismissal of the Police Personnel shall not, necessarily, require a recommendation from the Mayor or a suspension of the Police Personnel by the Mayor.

ARTICLE V - SECTION 3: REGULATIONS GOVERNING POLICE DEPARTMENT

The Chief of Police shall prescribe rules, regulations and management of the Police Department. Such regulations shall include provisions specifically prohibiting immorality and intemperance in the use of alcoholic liquor or habit forming drugs by members of this department and the total abstinence therefrom while on duty.

Any violations of these requirements shall be an absolute disqualification for further employment in this department.

The Chief of Police may suspend any of the officers or employees of the Police Department for incompetence neglect of duty, immorality, drunkenness, drug abuse, failure to obey orders given by proper authorities, or for any other just and reasonable cause. If any officer or employee is suspended, as herein provided, the Chief of Police shall forthwith in writing certify to the fact, together with the cause for the suspension, and render to the Council judgment thereon, with judgment, if the charge is sustained by the Council, may be suspension, with or without pay, reduction in rank, or dismissal, and such judgment in the matter shall be final.

The Mayor in any such investigation shall have the power to administer oath and secure the attendance of witnesses.

ARTICLE V - SECTION 4: HIRING & REMOVING POLICE DEPARTMENT PERSONNEL

The applicants for employment with the Town's Police Department must first be recommended by the Chief of Police before being considered by Council. In order to be employed by the Police Department, an applicant must receive a majority vote of the Council Membership.

By majority vote of the Council Membership, the Council, with a just and reasonable

cause for doing so, may terminate the employment of any Police Department employee with or without the recommendation of the Chief of Police.

ARTICLE V - SECTION 5: EMERGENCY APPOINTMENT OF POLICE OFFICERS

In case of riot or insurrection or other such extreme emergency, the Mayor may appoint additional patrolmen and officers for temporary service. The Council shall meet in an emergency meeting to decide to continue or discontinue these emergency appointments.

ARTICLE V - SECTION 6: APPOINTMENT AND REMOVAL OF DIRECTOR OF UTILITIES; DIRECTOR OF STREETS; DIRECTORS OF PARKS; DIRECTOR OF MAINTENANCE; TOWN CLERK; DIRECTOR OF LIBRARY

The Mayor shall recommend an applicant for the positions of Director of Utilities; Director of Streets; Director of Maintenance; Town Clerk; Director of Library; Director of Parks; and heads of any other created department to the Council for approval on which a majority of its membership must vote in the affirmative for the approval or confirmation to be granted, except when there is an equal division of the Council Members in which case the Mayor may cast the deciding vote.

The above mentioned directors, or any of their employees may be suspended, with or without pay by the Mayor, for incompetence, neglect of duty, immorality, drunkenness, drug abuse, failure to obey orders or for any other just and reasonable cause. If any of these Directors or any of their employees are suspended, as herein provided, the Mayor shall certify to the fact, together with the cause for the suspension, and render to Council judgment thereon, which judgment, if the charge is sustained by the Council, may be suspension, reduction in rank, or dismissal and such judgment in the matter shall be final. The Directors at the direction of the Mayor shall be responsible for performing duties that are deemed necessary by the Mayor or the Council, Subject to the supervisory control of the Mayor, these Directors shall comply with orders and regulations issued by the Mayor. These offices and/or departments and its responsibilities may be changed or eliminated only by Ordinance. Salary is to be set by Council action.

ARTICLE V - SECTION 7: APPOINTMENT OF TOWN ATTORNEY

The Town Attorney shall be appointed by the Mayor with the consent of the Council. He/she shall be a Louisiana licensed attorney with at least five (5) years experience in the practice of law.

ARTICLE VI - FINANCE

ARTICLE VI -SECTION 1: FISCAL YEAR

The Town's fiscal year shall begin July first and shall end June thirtieth, unless changed by Ordinance.

ARTICLE VI - SECTION 2: OPERATING BUDGET FORM

The operating budget form shall be modified lump-sum budget expenditures and a detail

of such other budget classifications as the Council deems advisable. The operating budget of revenue shall list in detail each item of revenue.

ARTICLE VI - SECTION 3: PREPARATION, SUBMISSION OF BUDGET

The Clerk, under the supervision of the Mayor, shall be responsible for the operating budget showing all estimated revenues for each fund, a statement showing the fiscal condition of each fund, an estimate of the total revenues and expenditures from said fund, and the budget requests from the units together with the expenditure level of the past year. The budget will be transmitted to the Council and made available for citizens not later than forty-five (45) days prior to the end of the fiscal year together with budget message and budget recommendation of the Mayor and appropriate revenue and expenditure Ordinances.

ARTICLE VI - SECTION 4: ADOPTING OF BUDGET

After a public hearing has been advertised and held, the budget shall be adopted not later than the last council meeting prior to the beginning of the fiscal year. If the council fails to adopt a budget for the ensuing fiscal year, the town government is permitted to operate on the previous budget for the first six months of the ensuing fiscal year.

ARTICLE VI - SECTION 5: EFFECT OF ADOPTING BUDGET, CHARGES AND TRANSFERS, REPORTS BY MAYOR

Passage of the budget ordinance shall constitute revenue levies and appropriations within the terms of the budget classifications. Additional appropriations may be made by the Council at any time, provided that the Mayor shall certify that there is available an unencumbered and un-appropriated surplus from which such appropriation can legally be made. The Clerk shall report to the Council and to the Mayor monthly on the budget administration. This report shall be submitted prior to the first regular council meeting of the month succeeding the month being reported on.

ARTICLE IV - SECTION 6: LAPSE OF APPROPRIATIONS

All appropriations, except capital appropriations, shall lapse at the end of the year, the monies remaining in their respective funds.

ARTICLE VI - SECTION 7: BONDED INDEBTEDNESS AUTHORIZED, FEASIBILITY REPORT REQUIRED

The Town of Washington is empowered to incur bonded indebtedness in accordance with the Constitution and laws of the State. No Ordinance shall be adopted calling for a referendum to incur a bonded indebtedness until first level environmental, engineering and economic feasibility reports have been made to the Council at least sixty (60) days prior to the proposed date of the election.

ARTICLE VI - SECTION 8: REVENUE BONDS

All proposals for the issuance of revenue bonds must be approved by the majority of the

voters of the Town voting in a referendum called for that purpose for the bond measure to be approved.

ARTICLE VI - SECTION 9: PROCUREMENT

Procurement of all property, supplies, materials, and services shall be in accordance with applicable State Law and Council Policy and administrative requirements and shall be in accordance with established standards and specifications.

ARTICLE VI - SECTION 10: FRANCHISED AND INDETERMINATE PERMITS

All franchise or indeterminate permits shall be awarded only after properly advertised public hearings. Franchised or indeterminate permits shall be awarded only for monetary consideration. Public utility franchises shall be awarded for specific number of years and shall be awarded after approval by a majority of those qualified voters of the Town voting in a referendum election to be called at the earliest election date provided by State Law.

ARTICLE VI - SECTION 11: BONDS OF OFFICERS AND EMPLOYEES

The Mayor, the Clerk, the water and gas clerk and all other employees or officials of the Town who directly manage or have access to the Town's fund shall be bonded in the amount determined by the Council. Employee bonding shall be at the Town's expense.

ARTICLE VII - CONTINUATION OF ELECTED OFFICIALS; ORDINANCES, RESOLUTIONS; PRIOR CHARTER PROVISIONS

ARTICLE VII- SECTION 1: PRIOR ORDINANCES

All existing ordinances, resolutions, and administrative rules and regulations not in conflict with this Charter shall remain in full force and effect until they are amended, repealed or expire by their own terms. The Mayor, Police Chief and members of the present Council shall continue to serve in their present offices for the remainder of their elective terms.

ARTICLE VII – SECTION 2: ELECTED OFFICIALS

All officials elected in the election of October 2, 2010, and general election of November 2, 2010, shall continue to serve under the previous form of government until this charter becomes effective, and thereafter be sworn to office under the provisions of this charter.

ARTICLE VII - SECTION 3: EFFECTIVE DATE OF CHARTER

This Charter shall become effective upon promulgation of the referendum at which this Charter is approved by a majority of those electors of the Town of Washington voting in such referendum, and as certified by the Louisiana Secretary of State.

ARTICLE VII - SECTION 4: EXISTING RIGHTS CONTINUED IN EFFECT

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

ARTICLE VII – SECTION 5: DECLARATION OF INTENT, SEVERABILITY

A. DECLARATION

This Home Rule Charter shall be liberally construed in aid of its declared intent which is to establish for the people of the Town of Washington effective home rule free from legislative interference in the structure and organization of its local government, and with the power and authority to manage its local affairs, all as contemplated and intended by the provisions of Article 6, Section 5 and 6 of the Louisiana Constitution of 1974.

B. SEVERABILITY

If any of this Home Rule Charter is declared invalid for any reason, that invalid provision shall not affect the validity of this entire Home Rule Charter, or any other provision thereof, and the remainder of this Charter and its applicability shall not be affected thereby. In the event the courts of the State of Louisiana or of the United States of America formally reject any provision of this Charter the same Charter Commission which was appointed by the Town Council shall meet as soon as possible thereafter for the sole purpose of addressing the objections raised by the courts and shall submit to the Town Council with sixty (60) days upon receipt of such disapproval, make amendments to this Charter to overcome the objections raised. The Town Council of the Town of Washington shall submit the amendments to the electorate for the adoption in a referendum election to be held at the earliest election dated permitted by State Law. Any amendments election shall become effective immediately upon promulgation of the results of the referendum approving it.

ARTICLE VIII: MISCELLANEOUS

ARTICLE VIII - SECTION 1: COMPENSATION OF BOARDS AND COMMISSIONS

All members of boards and commissions shall serve without pay or compensation; except that by Ordinance, the Council may authorize reimbursement of members for actual expenses incurred on official business of the Town.

ARTICLE VIII - SECTION 2: CONFLICT OF INTEREST

No officers, officials, council members, commission members or employees of the Town shall have an interest directly or indirectly in any contract, lease, franchise, concession or service to the Town or shall profit therefrom. Be it further provided that anyone listed above may provide goods or services to the Town in the ordinary and customary course of business provided these goods or services do not require council approval or written contract. Be it further provided that the Council, by majority vote, may terminate any type of business relationship between the Town and any person indicated herein.

No privilege, rebate, reduced rate or any other type of monetary gain may be directly or indirectly solicited or received by any officer, official or employee of the Town from any person doing business with the Town. Any violation of the provisions of this section shall be punished in the discretion of the Mayor's Court as a misdemeanor up to the maximum fined

and imprisonment permitted by law. Any member of the council or commission who has a personal interest either directly or indirectly in any matter before the council, or commission or committees thereof shall make public and vow the same and recuse himself from voting. The Town Council shall adopt the Louisiana Code of Governmental Ethics by ordinance, in which event said Louisiana Code of Governmental Ethics shall supersede the provisions of this section, insofar as this section is in conflict therewith.

ARTICLE VIII - SECTION 3: RECONSTITUTION OF GOVERNMENT AFTER WAR OR DISASTER

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

ARTICLE VIII - SECTION 4: VOTE REQUIRED TO APPROVE APPOINTMENTS

Unless otherwise specified in this Charter, appointments and approval of appointments recommended by the Mayor shall require an affirmative vote of majority of the Council membership. In the event of an equal division of the Council Members, the Mayor may cast the deciding vote.

ARTICLE IX – AMENDMENTS; REPLACEMENT OR REPEAL OF CHARTER, BALLOT FORM OF CHARTER

ARTICLE IX- SECTION 1: REFERENDUM REQUIRED TO REPLACE, REPEAL OR AMEND CHARTER, BALLOT FORM OF CHARTER

- (A) This Charter may be replaced or repealed in the same manner provided by State Law for the adoption of Home Rule Charter, particularly Louisiana Revised Statutes, Section 33:1395.
- (B) Proposed amendments to this Home Rule Charter may be made as follows:
 - 1. By Ordinance of the Town of Council passed by four fifths (4/5) majority vote of the Town Council. The veto provision of this Charter shall not apply. All such amendments shall be submitted to the electorate of the Town of Washington for adoption at the earliest election date permitted by State Law subsequent to the date of publications of same.
 - 2. By recommendation of amendments by a Charter Commission. The Charter Commission shall consist of not less than seven (7) nor more than eleven (11) members who shall be appointed by the Mayor with the Town Council's majority consent. The Charter Commission shall take office immediately upon appointment and shall submit to the Town Council proposed amendments to the Charter within ninety (90) days of taking office.
- (C) The term of Charter Commission members shall automatically expire if no Proposal is submitted to the Town Council within ninety (90) days.
- (D) The full text of any proposed amendments shall be published at least once in the official journal of the Town of Washington, as soon as possible after such amendments are proposed by Ordinance by the Town Council. Such publication shall be within thirty (30) days. The ballot form for the referendum on this proposed Charter shall be;

Aug 11, 2010

"Shall the Home Rule Charter for the Town of Washington, prepared by the duly appointed charter commission, said plan being prepared according to Article VI, Section 5 (B) of the Constitution of Louisiana, and Louisiana revised statutes section 33:1395 and applicable law be adopted?"

YES

NO