

**PARISH COUNCIL OF THE PARISH OF LIVINGSTON, STATE OF LOUISIANA**

The following Ordinance which was previously introduced in written form at a regular meeting of the Parish Council on July 24, 2014, a Notice of Public Hearing having been published in the official journal and which public hearing was held in accordance with said public notice, was offered by Marshall Harris and seconded by Jim Norred:

**L.P. ORDINANCE NO. 14-28**

An ordinance ordering and calling a special election to be held in the Parish of Livingston, State of Louisiana, on December 6, 2014 to authorize the amendment of certain Articles of the Home Rule Charter for the Parish of Livingston, State of Louisiana; making application to the State Bond Commission; and providing for other matters in connection therewith.

WHEREAS, the Parish Council of the Parish of Livingston, State of Louisiana, acting as the governing authority (the “Governing Authority”) of the Parish of Livingston, State of Louisiana (the “Parish”), desires to order and call a special election to be held in the Parish on December 6, 2014, to authorize certain amendments to the Home Rule Charter for the Parish of Livingston, State of Louisiana (the “Charter”); and

NOW, THEREFORE, BE IT ORDAINED by the Governing Authority, that:

SECTION 1. Election Call. Subject to the approval of the State Bond Commission and under the authority conferred by Article VI, Section 5(c) of the Constitution of the State of Louisiana of 1974, as amended (the “Constitution”), Section 7-03 of the Charter and the applicable provisions of Chapter 6-A of Title 18 of the Louisiana Revised Statutes of 1950, as amended (the “Election Code”), and other constitutional and statutory authority, a special election be and the same is hereby called and ordered to be held in the Parish on SATURDAY, DECEMBER 6, 2014, between the hours of 7:00 a.m. and 8:00 p.m. in compliance with the provisions of Section 541 of Title 18 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 18:541), and that at the said election there shall be submitted to all registered voters residing in the Parish, qualified and entitled to vote at the said election under the Constitution and laws of the State of Louisiana and the Constitution of the United States, the following propositions, to wit:

**PROPOSITION NO. 1**

Shall Article II, Section 2-13, subparagraph A of the Home Rule Charter of the Parish of Livingston, State of Louisiana be amended to provide that any ordinance adopted by the Council be presented to the Parish President by the Council Clerk within seven (7) days after adoption, excluding Saturdays, Sundays and holidays?

PROPOSITION NO. 2

Shall Article III, Section 3-09, subparagraph (A)(5) of the Home Rule Charter of the Parish of Livingston, State of Louisiana be amended to clarify the authority of the Parish President to enter into certain contracts and to otherwise enable the Parish President to read “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 specifically identified in the approved operating and capital improvement budgets or specifically identified by ordinance shall be submitted to the Council for approval prior to signature of the Parish President.”?

PROPOSITION NO. 3

Shall Article IV, Section 4-02, subsection (B) of the Home Rule Charter of the Parish of Livingston, State of Louisiana be amended to allow the Council to retain special attorneys to represent the Parish subject to the restrictions imposed by the laws and statutes of the State of Louisiana and further allow the governing authority to create a separate full-time or part-time Parish attorney’s office on a temporary or permanent basis in lieu or in addition to the District Attorney and create such a position or department and provides for its organization in accordance with the general provisions of the Charter?

PROPOSITION NO. 4

Shall Article IV, Section 4-03, subsection (A) of the Home Rule Charter of the Parish of Livingston, State of Louisiana be amended to amend the job requirements for the Director of Finance and, in particular, to require experience in a governmental accounting position to read as follows: “The Director of Finance, at the time of appointment, shall have a bachelor’s degree in accounting from an accredited college or university, and at least two (2) years’ experience in a responsible governmental accounting position or a bachelor’s degree in business administration or a related field from an accredited college or university, and at least three (3) years’ experience in a responsible governmental accounting position or an associate’s degree in accounting from a community college and at least five (5) years’ experience in a governmental accounting position”?

PROPOSITION NO. 5

Shall Article V, Section 5-02, subsection (B) of the Home Rule Charter of the Parish of Livingston, State of Louisiana be amended to provide that “upon the failure of the Parish Council to adopt a budget by the end of the current fiscal year, the budget for the previous fiscal year shall continue in effect for no more than six (6) months into the next fiscal year and expenditures shall be limited to no more than 50% of the amount appropriated for the prior fiscal year”?

SECTION 2. Publication of Notice of Special Election. Pursuant to La. R.S. 18:1285, a Notice of Special Election concerning the Election will be published in the *Livingston Parish News*, a newspaper of general circulation within the Parish, and is the official journal of the Parish, once a week for four (4) consecutive weeks, with the first publication to be made not less than forty-five (45) days nor more than ninety (90) days prior to the date fixed for the Election, which notice will be substantially in accordance with the Notice of Special Election annexed hereto as Exhibit A and incorporated herein by reference, to the same extent as if it were set forth in full.

SECTION 3. Canvass of Election Returns. This Governing Authority will meet on Thursday, January 8, 2015 at 6:00 p.m. in the Council Chambers in the Governmental Building, 20355 Government Blvd., Livingston, Louisiana, and shall then and there in open and public session proceed to examine and canvass the official election returns and declare the results of the said special election, pursuant to Section 1292 of Title 18 of the Louisiana Revised Statutes of 1950, as amended.

SECTION 4. Polling Places; Commissioners. The polling places set forth in the attached Notice of Special Election, and situated within the boundaries of the Parish, be and the same are hereby designated as the polling places at which to hold the said election in accordance with Section 1286(A) or Section 1286.1, as the case may be, of Title 18 of the Louisiana Revised Statutes of 1950, as amended, and the Commissioners-in-Charge and Commissioners, respectively, will be those persons designated according to law in accordance with Section 1286(A) or Section 1286.1, as the case may be, of Title 18 of the Louisiana Revised Statutes of 1950, as amended.

SECTION 5. Designation of Commissioners and Commissioners in Charge. As required in La. R.S. 18:1286(B), the officers designated to serve as Commissioners in Charge and Commissioners pursuant to Section 4 hereof, will hold the Election as herein provided solely in compliance with the provisions of Parts II and V of the Election Code, as amended, and will make due returns of said Election in accordance with the aforesaid provisions of the Election Code. The compensation of said officers be and the same is hereby fixed at the sum prescribed by law. All registered voters in each precinct and residing in the Parish are entitled to vote at the Election.

SECTION 6. Authorization of Chairman. The Chairman of the Governing Authority be and he is hereby empowered, authorized and directed to arrange for and to furnish the election officers, in ample time for the holding of said election, all equipment, forms and other items which may be required in order to hold said election. The Chairman of the Governing Authority is further authorized, empowered and directed to take any and all further action required by State and/or Federal law to arrange for the election

SECTION 7. Furnishing Election Call. In accordance with La. R.S. 18:1285(B)(1), certified copies of this Ordinance shall be forwarded to the Secretary of State, the Commissioner of Elections, the Clerk of Court and Ex-Officio Parish Custodian of Voting Machines in and for the Parish of Livingston, and the Registrar of Voters in and for said Parish, as notification of the special election herein called in order that each may prepare for said election and perform their respective functions as required by law.

SECTION 8. Application to State Bond Commission. Application be and the same is hereby formally authorized to be made to the State Bond Commission for consent and authority to hold the aforesaid special election as herein provided, and that a certified copy of this Ordinance shall be forwarded to the State Bond Commission on behalf of the Governing Authority, together with a letter requesting the prompt consideration and approval of such application.

SECTION 9. Publication. In accordance with Section 2-12(B) of the Charter, this Ordinance was published in full in the *Livingston Parish News*, a newspaper of general circulation in the Parish which is the official journal of the Parish prior to adoption.

SECTION 10. Implementation of Charter Amendments. The Council Clerk and the Parish Attorney shall have the authority to take such actions as necessary to implement the amendments affirmed by the voters.

SECTION 11. Effective Date. This Ordinance shall become effective immediately upon its adoption.

[Remainder of this page intentionally left blank]

This Ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: MR. NORRED, MS. FRANZ, MR. SHARP, MR. BLACKWELL, MR. HARRIS, MR. PARENT, MS. LANDRY, MR. GOFF

NAYS: NONE

ABSENT: MS. COLLINS

And the Ordinance was declared adopted on this, the 28th day of August, 2014.

\_\_\_\_\_  
Ricky Goff, Council Chairman

ATTEST:

\_\_\_\_\_  
Lisa T. Frederick, Council Clerk

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INTRODUCED \_\_\_\_\_ ADOPTED \_\_\_\_\_

DELIVERED TO PRESIDENT \_\_\_\_\_, \_\_\_\_\_ o'clock \_\_\_\_ .M.

APPROVED BY PRESIDENT \_\_\_\_\_

Layton Ricks Date

VETOED BY PRESIDENT \_\_\_\_\_

Layton Ricks Date

RECEIVED FROM PRESIDENT \_\_\_\_\_, \_\_\_\_\_ o'clock \_\_\_\_ .M.

## **EXHIBIT A**

### **NOTICE OF SPECIAL ELECTION**

Pursuant to the provisions of an Ordinance adopted on August 28, 2014, by the Parish Council of the Parish of Livingston, State of Louisiana, acting as the governing authority (the "Governing Authority") of the Parish of Livingston, State of Louisiana (the "Parish"), NOTICE IS HEREBY GIVEN that a special election will be held in the Parish on SATURDAY, DECEMBER 6, 2014, and that at said election there will be submitted to all registered voters of the Parish, qualified and entitled to vote at said election under the Constitution and laws of the State of Louisiana and the Constitution of the United States of America, the following proposition, to wit:

#### **PROPOSITION NO. 1**

Shall Article II, Section 2-13, subparagraph A of the Home Rule Charter of the Parish of Livingston, State of Louisiana be amended to provide that any ordinance adopted by the Council be presented to the Parish President by the Council Clerk within seven (7) days after adoption, excluding Saturdays, Sundays and holidays?

#### **PROPOSITION NO. 2**

Shall Article III, Section 3-09, subparagraph (A)(5) of the Home Rule Charter of the Parish of Livingston, State of Louisiana be amended to clarify the authority of the Parish President to enter into certain contracts and to otherwise enable the Parish President to read "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 specifically identified in the approved operating and capital improvement budgets or specifically identified by ordinance shall be submitted to the Council for approval prior to signature of the Parish President."?

#### **PROPOSITION NO. 3**

Shall Article IV, Section 4-02, subsection (B) of the Home Rule Charter of the Parish of Livingston, State of Louisiana be amended to allow the Council to retain special attorneys to represent the Parish subject to the restrictions imposed by the laws and statutes of the State of Louisiana and further allow the governing authority to create a separate full-time or part-time Parish attorney's office on a temporary or permanent basis in lieu or in addition to the District Attorney and create such a position or department and provides for its organization in accordance with the general provisions of the Charter?

#### **PROPOSITION NO. 4**

Shall Article IV, Section 4-03, subsection (A) of the Home Rule Charter of the Parish of Livingston, State of Louisiana be amended to amend the job requirements for the Director of Finance and, in particular, to require experience

in a governmental accounting position to read as follows: “The Director of Finance, at the time of appointment, shall have a bachelor’s degree in accounting from an accredited college or university, and at least two (2) years’ experience in a responsible governmental accounting position or a bachelor’s degree in business administration or a related field from an accredited college or university, and at least three (3) years’ experience in a responsible governmental accounting position or an associate’s degree in accounting from a community college and at least five (5) years’ experience in a governmental accounting position”?

PROPOSITION NO. 5

Shall Article V, Section 5-02, subsection (B) of the Home Rule Charter of the Parish of Livingston, State of Louisiana be amended to provide that “upon the failure of the Parish Council to adopt a budget by the end of the current fiscal year, the budget for the previous fiscal year shall continue in effect for no more than six (6) months into the next fiscal year and expenditures shall be limited to no more than 50% of the amount appropriated for the prior fiscal year”?

The said special election will be held at the following polling places situated within the boundaries of the Parish, which polls will open at 7:00 a.m. and close at 8:00 p.m. on SATURDAY, DECEMBER 6, 2014, in compliance with the provisions of Section 541 of Title 18 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 18:541), to-wit:

<u>WARD/ PRECINCT</u>	<u>PRECINCT NAME</u>	<u>PRECINCT LOCATION</u>
00/01	N Live Oak Elementary School	36605 Outback Rd Denham Springs
00/01A	N Live Oak Elementary School	36605 Outback Rd Denham Springs
00/01B	Live Oak High School Gym	35086 Old La Hwy 16 Denham Springs
00/01C	Live Oak High School Gym	35086 Old La Hwy 16 Denham Springs
00/01D	N Live Oak Elementary School	36605 Outback Rd Denham Springs
00/02	South Live Oak Elementary School	8400 Cecil Dr Denham Springs
00/02A	South Live Oak Elementary School	8400 Cecil Dr Denham Springs
00/03	Friendship Fire Station	35455 Walker North Rd Walker
00/03A	Levi Milton Elementary School	31450 Walker North Rd Walker
00/03B	Friendship Fire Station	35455 Walker North Rd Walker
00/04	Live Oak Middle School	8444 Cecil Dr Denham Springs
00/04A	Live Oak Middle School	8444 Cecil Dr Denham Springs
00/04B	Live Oak Middle School	8444 Cecil Dr Denham Springs
00/05	Levi Milton Elementary School	31450 Walker North Rd Walker
00/05A	N Corbin Elementary School	32645 N Corbin Rd Walker
00/05B	Levi Milton Elementary School	31450 Walker North Rd Walker
00/05C	Levi Milton Elementary School	31450 Walker North Rd Walker
00/06	N Corbin Elementary School	32645 N Corbin Rd Walker
00/06A	N Livingston Voting Precinct	32511 La Hwy 63 Livingston
00/06B	N Livingston Voting Precinct	32511 La Hwy 63 Livingston
00/07	South Walker Elementary School	13745 Milton Ln Walker
00/07A	Walker High School	12646 Burgess Ave Walker
00/07B	South Walker Elementary School	13745 Milton Ln Walker
00/07C	South Walker Elementary School	13745 Milton Ln Walker
00/08A	Doyle Elementary School	29285 S Range Rd Livingston
00/08B	Doyle Elementary School	29285 S Range Rd Livingston
00/09	Fire District No 11 Station	33815 La Hwy 43 Independence

00/10	Holden High School	30120 La Hwy 441 Holden
00/11	Albany Elementary School	29777 S Montpelier Ave Albany
00/11A	Albany Elementary School	29777 S Montpelier Ave Albany
00/12	Albany Elementary School	29777 S Montpelier Ave Albany
00/13A	Albany/Springfield Branch Public Library	26941 La Hwy 43, Hammond
00/13B	Albany/Springfield Branch Public Library	26941 La Hwy 43, Hammond
00/14	Springfield High School	32000 La Hwy 42 Springfield
00/15	Killian Voting Precinct	28284 La Hwy 22 Springfield
00/16	Maurepas School New Gym	25125 La Hwy 22 Maurepas
00/17	Fire District No 9 Station No 2	20368 Louisiana Hwy 22 Maurepas
00/18	French Settlement Elem School	15810 La Hwy 16 French Settlement
00/18A	French Settlement Elem School	15810 La Hwy 16 French Settlement
00/19	Frost Elementary School	19672 La Hwy 42 Livingston
00/19A	Frost Elementary School	19672 La Hwy 42 Livingston
00/20	Frost Elementary School	19672 La Hwy 42 Livingston
00/21	Gray's Creek Elementary School	11400 La Hwy 1033 Denham Springs
00/22	Fire District No. 8 Substation	21760 La Hwy 444 Livingston
00/23	Juban Parc Junior High School	12470 Brown Rd, Denham Springs
00/23A	Juban Parc Junior High School	12470 Brown Rd, Denham Springs
00/23B	Juban Parc Junior High School	12470 Brown Rd, Denham Springs
00/24	Southside Junior High School	26535 La Hwy 16 Denham Springs
00/24A	Southside Junior High School	26535 La Hwy 16 Denham Springs
00/24B	Southside Junior High School	26535 La Hwy 16 Denham Springs
00/24C	Southside Junior High School	26535 La Hwy 16 Denham Springs
00/24D	Southside Junior High School	26535 La Hwy 16 Denham Springs
00/24E	Southside Junior High School	26535 La Hwy 16 Denham Springs
00/25	Denham Springs City Hall	941 Government St Denham Springs
00/26	Denham Springs Elem School	306 N Range Ave Denham Springs
00/26A	Denham Springs Elem School	306 N Range Ave Denham Springs
00/26B	Denham Springs Elem School	306 N Range Ave Denham Springs
00/26C	Denham Springs Elem School	306 N Range Ave Denham Springs
00/27	Denham Springs Jr High School	401 Hatchell Ln Denham Springs
00/28A	Southside Elementary School	1129 South Range Ave Denham Springs
00/28B	Southside Elementary School	1129 South Range Ave Denham Springs
00/29	Livingston Town Hall	20550 Circle Dr Livingston
00/30	Albany Maintenance Bldg	29869 S Montpelier Ave Albany
00/31	Springfield High School	32000 La Hwy 42 Springfield
00/32	Killian Voting Precinct	28284 La Hwy 22 Springfield
00/33	Port Vincent Village Hall	18235 La Hwy 16 Port Vincent
00/34	French Settlement Town Hall	16015 La Hwy 16 French Settlement
00/35	Walker Freshman High School	13443 Burgess Ave Walker
00/35A	Walker Freshman High School	13443 Burgess Ave Walker
00/36	Westside Junior High School	12615 Burgess Ave Walker
00/36A	Westside Junior High School	12615 Burgess Ave Walker
00/38	Springfield High School	32000 La Hwy 42 Springfield
00/39	Eastside Elementary School	9735 Lockhart Rd Denham Springs
00/39A	Eastside Elementary School	9735 Lockhart Rd Denham Springs
00/39B	Eastside Elementary School	9735 Lockhart Rd Denham Springs
00/40	Freshwater Elem School	1025 Cockerham Rd Denham Springs
00/40A	Freshwater Elem School	1025 Cockerham Rd Denham Springs
00/41	Freshwater Elem School	1025 Cockerham Rd Denham Springs
00/43	French Settlement Elem School	15810 La Hwy 16 French Settlement

The polling places set forth above and situated within the boundaries of the Parish, be and



the same are hereby designated as the polling places in which to hold the said special election, and the Commissioners-in-Charge and Commissioners, respectively, shall be those persons designated according to law pursuant to Section 1286(A) or Section 1286.1, as the case may be, of Title 18 of the Louisiana Revised Statutes of 1950, as amended.

The said special election will be held in accordance with the applicable provisions of Chapter 6-A of Title 18 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority supplemental thereto, and the officers appointed to hold the said election, as provided in this Notice of Special Election, or such substitutes therefor as may be selected and designated in accordance with Section 1287 of Title 18 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 18:1287), will make due returns thereof to the Governing Authority, and NOTICE IS HEREBY FURTHER GIVEN that the Governing Authority will meet at its regular meeting place, in the Council Chambers in the Governmental Building, 20355 Government Blvd., Livingston, Louisiana, on THURSDAY, JANUARY 8, 2015 at 6:00 p.m., and will then and there in open and public session, proceed to examine and canvass the returns and declare the result of the special election. All registered voters in the Parish are entitled to vote at said special election and voting machines will be used in connection therewith.

[Remainder of this page intentionally left blank]

STATE OF LOUISIANA

PARISH OF LIVINGSTON

I, the undersigned Clerk of the Parish Council of the Parish of Livingston, State of Louisiana, acting as the governing authority of the Parish of Livingston, State of Louisiana (the “Governing Authority”), do hereby certify that the foregoing constitutes a true and correct copy of an Ordinance adopted by the Governing Authority on August 28, 2014, ordering and calling a special election to be held in the Parish of Livingston, State of Louisiana, on December 6, 2014 to authorize the amendment of certain Articles of the Home Rule Charter for the Parish of Livingston, State of Louisiana; making application to the State Bond Commission; and providing for other matters in connection therewith.

I further certify that this Ordinance has not been amended or rescinded.

IN WITNESS WHEREOF, I have subscribed my official signature as Clerk of the Parish Council of the Parish of Livingston, State of Louisiana, acting as governing authority of the Parish of Livingston, State of Louisiana on this, the 28th day of August, 2014.

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Lisa T. Frederick, Council Clerk