

## *Article I.*

### **Incorporation, Form of Government, Boundaries, Powers**

#### **Section 1-01. Incorporation**

The inhabitants of the City of New Iberia within the corporate limits as now established or as hereafter established by law shall be and continue a body politic and corporate in perpetuity under the name of the “City of New Iberia” hereinafter referred to as the “City”.

#### **Section 1-02. Home Rule Charter**

The charter commission has proposed this home rule charter, under the authority of Article VI, Section 5 of the Louisiana Constitution of 1974. Upon adoption by the electors and upon the effective date of this charter, the City of New Iberia will be a local governmental subdivision which operates under a home rule charter and, subject to said charter, is authorized, as hereinafter provided, to exercise any power and perform and function necessary, requisite or proper for the management of its local affairs.

#### **Section 1-03. Form of Government**

The plan of government provided by this home rule charter shall be known as the “mayor-city council” plan of government.

#### **Section 1-04. Boundaries**

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

#### **Section 1-05. General Powers**

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

#### **Section 1-06. Special Powers**

The City shall also have the right, power and authority to promote, protect and preserve the general welfare, safety, health, peace and good order of the City, including, but not limited to, the right, power and authority to pass ordinances on all subject matters necessary, requisite or

proper for the management of the City's affairs, and all other subject matters without exception, subject only to the limitation that the same shall not be inconsistent with the constitution or expressly denied by general law applicable to the City.

### **Section 1-07. Joint Service Agreements**

The City is authorized, as provided by state law, to enter into joint service agreements or cooperative efforts. Unless the joint service agreement or cooperative effort has a stated term of less than twenty-four (24) months, it shall be presented in the form of an ordinance and subject to the conditions set forth for ordinances as prescribed in this Home Rule Charter. Any joint service agreement or cooperative effort with a term in excess of thirty (30) days, shall be reduced to writing and maintained as a public record.

### **Section 1-08. Property Rights.**

All rights, titles and interests of the Mayor and Board of trustees of the City of New Iberia, as now existing in and to all land, tenements, hereditaments, bridges, ferries, streets, alleys, drains, wharves, levees, markets, stalls, landing places, buildings and other property of whatever description and wherever situated, and all goods, titles, monies, effects, debts due, demands, bonds, obligations, judgments, liens, actions and rights of actions, accounts, books, vouchers and other rights and property thereof remain vested in the City of New Iberia, as incorporated by this Charter. All ordinances heretofore adopted or now in force and effect, or to be put in force and effect at some future date, with penalties, shall remain in force until amended or repealed as legal and valid ordinances of the City of New Iberia, except where same may be in conflict with this Charter.

## *Article II.* **City Council**

### **Section 2-01. Composition, Qualifications and Elections.**

A. The legislative power of the City shall be vested in a city council consisting of seven (7) members elected as follows:

Six (6) members shall be elected from districts enumerated in Section (Council Districts), one from and by the qualified electors in each district.

One (1) member shall be elected at-large by all the qualified electors of the City.

B. A member of the council shall be elected for a four (4) year term concurrent with that of the mayor and shall be eligible for reelection. A person who has served as a member of the council for two (2) full consecutive terms, whether before or after the effective date of this Charter, shall not be eligible for election to the same office for the succeeding term. Nothing herein shall prohibit an at-large member from seeking a district seat or a district council member from seeking an at-large seat.

C. A council member shall be at least eighteen (18) years of age and a qualified elector of the municipality and where applicable, in their respective districts during the term of office.

D. A council member shall have been legally domiciled and shall have actually resided within the City for at least one (1) year and, where applicable, within the district from which elected, for at least one (1) year immediately preceding the time established by law for qualifying for office. A council member shall continue to be legally domiciled and to actually reside within the city limits and, if elected from a district, shall continue to be legally domiciled and to actually reside within the district, during the term of office. If a council member changes his legal domicile and/or actual residence from the City, or from the district from which elected, the office shall become vacant, which vacancy shall be filled, in accordance with the election laws of this state and as set out hereinafter.

E. Elections shall be held in accordance with the election laws of the state.

### **Section 2-02. Changes in District Boundaries, Reapportionment.**

A. In the event of annexation by the governing body of the City of New Iberia between the time of adoption of this charter and thirty(30) days before the election of the first city council provided for herein, the city council district lines shall be changed or rearranged in order to incorporate into such districts those persons living in the newly annexed areas.

B. Following the election of the first council under this charter, any ordinance annexing new areas to the City shall prescribe the council district or districts in which said area shall be included.

### **Section 2-03. Vacancies.**

B.

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 for any reason or being legally interdicted.

B. Any council member shall forfeit the office if such member (1) lacks at any time during the term of office any qualification for the office prescribed by this charter, (2) violates any express prohibition of this charter (3) is disqualified by law from holding public office or (4) is found guilty of a felony by a jury or a court of competent jurisdiction.

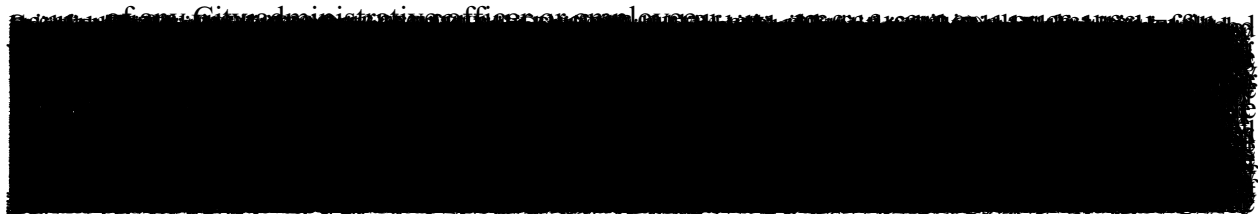
~~Annexation shall not affect forfeiture of office by any of the above provisions.~~

A district council member shall be paid compensation of Seven Hundred (\$700.00) Dollars per month and Two Hundred Fifty (\$250.00) Dollars per month car allowance until changed by ordinance. An at-large member shall be paid compensation of Eight Hundred (\$800.00) Dollars per month and Two Hundred Fifty (\$250.00) per month car allowance until changed by ordinance.

### **Section 2-05. Prohibitions.**

A. Except as otherwise provided in Sections 3-04 (Vacancies) and Section 3-05 (Mayor's Absence and Disability), a council member shall not hold any other elected public office, city office, city employment or compensated office on any state or local public board or commission during the term for which elected to the council. No former council member shall hold any compensated appointive city office or city employment until one (1) year after the expiration of the term for which elected to the council.

B. Except as provided by this charter, neither the council nor any of its members shall involve themselves in any manner in the appointment, removal, direction or supervision



**Section 8-02. Continuation of Officers.**

Nothing in this Charter shall be construed to affect the term of office of any incumbent elected City official or of any officer or member of a board or commission appointed for a fixed term. All such officers shall serve the terms for which elected or appointed until their successors are elected or appointed and qualified.

**Section 8-03. Continuation of Actions.**

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

**Section 8-04. Special Districts.**

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

**Section 8-05. Special Acts.**

All special acts pertaining to the City, insofar as they are in conflict with the provisions of this Charter, shall henceforth be inoperative and of no effect.

**Section 8-06. City Retirement Systems.**

All pension and retirement systems presently in existence in the City shall not be affected in

any way by this Charter and shall remain in full force and effect and shall be carried out and regulated in accordance with applicable laws and procedures.

**Section 8-07. Declaration of Intent.**

This Charter shall be liberally construed in aid of its declared intent which is to establish for the people of the City effective home rule free from legislative interference as to the structure and organization of its local government, and with the power and authority to manage its local affairs, all as contemplated and intended by the Provisions of Article VI, Sections 5 and 6 of the constitution.

**Section 8-08. Severability.**

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

**Section 8-09. Schedule of Transition.**

This charter shall be effective January 1, 2009. The Mayor and the City Council members elected in the municipal election in the fall of 2008 shall qualify and the Charter shall take effect at that time. They shall take office on January 1, 2009 and shall be governed by the provisions of this Charter from that date.

**Section 8-10. Election of Officials.**

Municipal elections for the officials provided for by this Charter shall be held on the dates established by general state law applicable to the City. Initial terms of office shall begin on January 1, 2009 and subsequent terms shall begin January 1 every four years thereafter.

**Section 8-11. Ballot for this Charter.**