

**Zachary Home Rule Charter  
City of Zachary, LA  
Council Chambers, 4700 Main Street  
Tuesday, March 19, 2024, 6:00 P.M.**

**A. CALL TO ORDER**

Mr. Kline called the meeting to order at 6:06 p.m., on Tuesday March 19, 2024, at the Zachary City Hall located at 4700 Main Street, Zachary, LA.

**B. INVOCATION AND PLEDGE OF ALLEGIANCE**

Commissioner Cavin offered the invocation  
Commissioner Kline offered the pledge of allegiance

**C. OPENING PROCEDURES**

1. ROLL CALL

PRESENT

Billy Kline  
Adam Kwentua  
LT Dupre'  
John Hopewell  
Brandon Noel  
Ben Cavin  
Darin David

2. READING OF CITY POLICY RELATIVE TO OPEN MEETINGS

An opportunity for public comment shall be observed before a vote is taken on any agenda item. Once recognized by the presiding officer, the person afforded the floor, shall identify the agenda item upon which he or she wishes to provide comment and shall limit his or her comments to matters that are strictly relevant to that agenda item. Commentary shall not exceed three (3) minutes per person. No dialogue between Zachary Home Rule Charter board members and the public shall be permitted at these meetings, except to clarify the nature of questions and/or comments. The presiding officer reserves the right to limit and/or terminate any commentary when deemed necessary or outside of public decorum.

3. CHANGES/ADDITIONS TO AGENDA

**D. READING OF THE MINUTES**

1. Approval of minutes from the February 20, 2024, meeting, and approve them with corrections as noted written.

The motion was made by Commissioner Hopewell  
The motion was seconded by Commissioner Kwentua

YEAS: Kline, Noel, Kwentua, Cavin, David, Hopewell, Dupre  
 NAYS: None  
 ABSENT: None  
 ABSTAINED: None

**E. OLD BUSINESS**

1. Completion of Review of prior sections previewed.

The Commissioners reviewed ARTICLE II– CITY COUNCIL - COMPENSATION Section 2-03.

The motion was made by Commissioner Noel

The motion was seconded by Commissioner Kline

To approve the proposed changes to ARTICLE II – CITY COUNCIL - COMPENSATION Section 2-03 as follows:

- A. Monthly compensation for council members is mandated and shall be set by ordinance. Once set by ordinance, the compensation shall remain fixed unless and until changed by ordinance: ~~but such setting shall not reduce the salary of council members during the term for which they were elected. No ordinance changing the compensation of council members shall be adopted during the last year of a term of office. No ordinance changing the compensation of a council member shall be adopted during the last year of a term of office and no such ordinance shall become effective during the term of a council adopting the ordinance. Any ordinance changing the salary or other monetary compensation shall become effective not less than twelve months from the date of adoption.~~ For purposes of the initial fixing, the ordinance in place at the time of the approval by the electors of the new charter or amendments shall become the effective compensation benchmark.
- B. The council, by ordinance may adopt a system for reimbursement, upon presentation of properly documented receipts, of reasonable expenses necessary to the performance of official duties by a council member while outside the City.

YEAS: Kline, Noel, Kwentua, Cavin, David, Hopewell, Dupre  
 NAYS: None  
 ABSENT: None  
 ABSTAINED: None

The Commissioners reviewed ARTICLE III – EXECUTIVE BRANCH – COMPENSATION Section 3-07.

The motion was made by Commissioner Noel

The motion was seconded by Commissioner Kline

To approve the proposed changes to ARTICLE III – COMPENSATION Section 3-07 as follows:

The office of the mayor shall be considered to be a full-time position. The mayor shall be paid an annual salary. In addition, the mayor shall be entitled to be furnished a suitable automobile and a monthly expense account in an amount to be fixed by the council. The mayor's salary and monthly expense account shall initially be ~~setfixed~~ by the ordinance ~~but~~

~~such setting shall not reduce the salary of the mayor during the term for which he was elected. (s) in place at the time of the approval by the electors of the new charter or amendments as the effective compensation benchmarks. Once set by ordinance, the compensation shall remain fixed unless and until changed by ordinance. For purposes of the initial fixing, the ordinance in place at the time of the approval by the electors of the new charter or amendments shall become the effective compensation benchmark.~~ No ordinance changing the compensation or granting any monetary compensation of the mayor shall be adopted during the last year of a term of office. Any ordinance changing the salary or other monetary compensation shall become effective twelve months from the date of adoption. and no such ordinance shall become effective during the term of the council adopting the ordinance, provided however, that the mayor during any term of office may be entitled to one (1) annual cost-of-living adjustment in compensation in amounts set by the council by ordinance. Said cost of living adjustment shall not exceed the current published percentage change established and known as the consumer Price Index ("CPI") as that index is commonly described.

YEAS: Kline, Noel, Kwentua, Cavin, David, Hopewell, Dupre  
NAYS: None  
ABSENT: None  
ABSTAINED: None

The Commissioners reviewed ARTICLE IV – GENERAL PROVISIONS – POLICE DEPARTMENT Section 4-06.

The motion was made by Commissioner Noel

The motion was seconded by Commissioner Kline

To approve the proposed changes to ARTICLE IV – GENERAL PROVISIONS – POLICE DEPARTMENT Section 4-06 as follows:

D. The office of police chief shall be considered to be a full-time position. The annual salary of the police chief shall be set by ordinance but such setting shall not reduce the salary of the police chief during the term for which he was elected. For purposes of this initial fixing, the ordinance in place at the time of the approval by the electors of the new charter or amendments shall become the effective compensation benchmark. No ordinance changing the salary or granting any other monetary compensation shall be adopted during the last year of a term of office. ~~The Any~~ ordinance changing the salary or other monetary compensation shall become effective twelve months from the date of adoption. ~~No more than two changes in salary or other compensation shall be made during the term of office.~~

YEAS: Kline, Noel, Kwentua, Cavin, David, Hopewell, Dupre  
NAYS: None  
ABSENT: None  
ABSTAINED: None

The Commissioners reviewed ARTICLE IV – GENERAL PROVISIONS– CITY PROSECUTOR Section 4-04.

The motion was made by Commissioner Hopewell

The motion was seconded by Commissioner Kline

To approve the proposed changes to ARTICLE IV – GENERAL PROVISIONS – CITY

PROSECUTOR Section 4-04 as follows:

- A. The city prosecutor shall be an attorney licensed to practice in the courts of Louisiana with at least five (5) years' experience in the practice of law.
- B. The city prosecutor shall have charge of all criminal matters prosecuted by the city.
- C. The city prosecutor may be recommended by the city attorney and shall be appointed by the mayor upon the consent of the council and serve at the discretion of the mayor. Any city prosecutor may be removed by the mayor, but such removal shall be subject to consent of the council for such termination.
- D. Any assistant city prosecutor(s) may be recommended by the city attorney, and shall be appointed by the mayor upon the advice and consent of the council and serve at the pleasure of the mayor. Any assistant city prosecutor(s) shall serve under the direction and supervision of the city prosecutor. To promote independent function, prevent potential conflict, and to provide for resolution of conflicts, any assistant city prosecutor(s) shall not be a member of the same firm as the city prosecutor. The city prosecutor and any assistant city prosecutor(s) are charged with and shall abide by all rules of ethical and professional conduct applicable to attorneys practicing in Louisiana.
- E. In the event that the city prosecutor and/or any assistant city prosecutor(s) ~~is~~be unable to perform the duties of the city prosecutor ~~due to by reason of~~ necessary recusal or temporary absence ~~from the city~~, the mayor upon the recommendation of the city attorney may ~~appoint~~ ~~cause~~ an attorney licensed to practice in the courts of Louisiana with at least five (5) years' experience in the practice of law and not otherwise affiliated with the city to ~~act as fulfill the duties of~~ the city prosecutor ~~ad hoc and be fully authorized to act~~. Said ~~proxy~~ city prosecutor ~~ad hoc~~ may be ~~allowed to be~~ compensated for his services and shall serve for the duration of the recusal or absence and at the discretion of the mayor.

YEAS: Kline, Noel, Kwentua, Cavin, David, Hopewell, Dupre  
 NAYS: None  
 ABSENT: None  
 ABSTAINED: None

The Commissioners reviewed ARTICLE V – FINANCIAL PROCEDURES – OPERATING BUDGET PREPARATION AND ADOPTION Section 5-02.

The motion was made by Commissioner Kline

The motion was seconded by Commissioner Noel

To approve the proposed changes to ARTICLE V – FINANCIAL PROCEDURES – OPERATING BUDGET PREPARATION AND ADOPTION Section 5-02 as follows:

- A. At least sixty (60) days prior to the beginning of each fiscal year, the mayor shall submit to the council a proposed operating budget in the form required by ~~§Section~~ 5-03. At the meeting of the council at which the operating budget is submitted, the council shall order a public hearing on it and shall cause to be published in the official journal, at least ten (10) days prior to the date of such hearing, the time and place thereof, and the times and places where copies of the proposed budget are available for public inspection. At the

time and place so advertised, the council shall hold a public hearing on the budget as submitted.

- B. The proposed budget and the attendant budget adoption instrument may be amended to the extent deemed appropriate by the governing authority at any point prior to final adoption. Upon final adoption, the budget shall be in effect for the ensuing fiscal year.
- C. The budget as finally adopted shall be reproduced and sufficient copies shall be made available for the use of all offices, departments and agencies of the City, and for the use of interested persons.
- D. If, at the end of any fiscal year, the appropriations necessary for the support of the political subdivision for the ensuing fiscal year have not been made, then ninety percent of the fifty percent of the amounts appropriated in the appropriation ordinance or resolution for the immediate last completed fiscal year shall be deemed reappropriated for the several objects and purposes specified in such appropriation ordinance.

YEAS: Kline, Noel, Kwentua, Cavin, David, Hopewell, Dupre  
NAYS: None  
ABSENT: None  
ABSTAINED: None

**F. NEW BUSINESS**

- 1. Review, Discussion, and approval of Home Rule Charter proposed changes.

The Commissioners reviewed ARTICLE VI –INITIATIVE, REFERENDUM, RECALL AND REMOVAL BY SUIT.

The motion was made by Commissioner Kline

The motion was seconded by Commissioner Kwentua

To approve the proposed changes to ARTICLE VI –INITIATIVE, REFERENDUM, RECALL AND REMOVAL BY SUIT as follows:

*Section 6-01. - Initiative and Referendum.*

The electors of the City shall have the power, except as herein restricted, to propose to the council passage or repeal of ordinances and to vote on the question if the council refuses action. This power shall not extend to the proposing or repealing of ordinances making or reducing the appropriation of money, fixing the salaries of City officers or employees or authorizing the repeal or reduction of the levy of any taxes. The initiative power shall be exercised in the following manner:

- (1) The person or persons proposing the exercise of this power shall submit the proposal to the council which shall specify within thirty (30) days a form of petition for circulation in one or multiple copies as the proposed may desire. The petition shall contain the full text of the ordinance being proposed for adoption or repeal.
- (2) Within sixty (60) days after the form of the petition shall have been specified, the person or persons circulating the petition shall obtain the signatures of at least twenty-five (25) percent of the total number of registered voters of the City eligible to have participated in the last citywide regular or special election. There shall be noted after each signature on the petition the date signed and the address of the signer. Each person circulating a copy of the petition shall attach a sworn affidavit

to it stating the number of signers and the fact that each signature was made in the presence of the circulator of the petition.

- (3) The signed petition shall be filed with the council within sixty (60) days of the specification of the form of the petition and, upon filing, the council shall order a canvass of the signatures, through the office of the parish registrar of votes, to determine their sufficiency and authenticity. The council's canvass shall be completed within thirty (30) days. If the number of signatures is insufficient or the petition is deficient as to form or compliance with this section, the council shall notify the person or persons filing the petition of such insufficiency and allow thirty (30) days for filing of additional papers, at the end of which time the sufficiency or insufficiency of the petition shall be determined finally.
- (4) Within thirty (30) days after a petition shall have been certified as sufficient by the council, the council shall cause the ordinance being proposed for adoption or repeal, or a summary thereof to be published in the official journal of the City at least once together with a notice of the date, time and place when and where it will be given a public hearing and be considered for passage, which notice shall appear at least ten (10) days prior to the time advertised for the hearing. At the time and place so advertised, the council shall hold a public hearing. Subsequent to such hearing, the council shall either:
  - a) Adopt the proposed ordinance submitted in an initiative petition, without substantive amendments, or effect the repeal referred to by such petition, or
  - b) Determine to submit the proposal to the electors.
- (5) If the council adopts an ordinance following the submission of an initiative petition as provided above, it shall be treated in all respects in the same manner as other ordinances of the same kind adopted by the council.
- (6) If an initiative proposal is submitted to a vote of the electors as provided in Section 6-01(4)b) above, the election shall take place on a date consistent with general state law for the holding of such an election preferably in an election already scheduled for other purposes, otherwise in a special election called by the Council. The results shall be determined by a majority vote of the electors voting on the proposal.
- (7) If a majority of the qualified electors voting on an initiative proposal vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (8) An ordinance adopted by the electorate through the initiative process shall not be amended or repealed by council action during the term of the council in which it was adopted. The council, however, may submit proposals amending or repealing such ordinances to a vote of the electors.

*Section 6-02. - Recall.*

- A. Any elected official of the City may be removed from office by the electors of the City through a recall process. The recall procedure shall be the same as is provided in the general laws of the state.
- B. If, in a recall election, the majority of those voting vote for recall, the officer named in the recall petition shall be removed ipso facto from office, and the vacancy thereby created shall be filled as in the case of ordinary vacancies in accordance with this charter

*Section 6-03. - Removal by Suit.*

Any elected official of the City may be removed from office by court suit as provided for in the Constitution and general laws of the state.

YEAS: Kline, Noel, Kwentua, Cavin, David, Hopewell, Dupre  
NAYS: None  
ABSENT: None  
ABSTAINED: None

The Commissioners reviewed ARTICLE VII –GENERAL PROVISIONS

The motion was made by Commissioner Cavin

The motion was seconded by Commissioner Dupre’

To approve the proposed changes to ARTICLE VII –GENERAL PROVISIONS as follows:

*Section 7-01. - Legal Process.*

Legal process against the City shall be served upon the mayor, ~~or in his/her absence upon the presiding officer of the council.~~ In his absence, legal process shall be served in accordance with the Louisiana Code of Civil Procedure, as amended and all other Louisiana Law in general.

*Section 7-02. - Conflict of Interest.*

- A. No privilege, rebate, reduced rate of any other thing of value may be directly or indirectly solicited or received by an officer, official or employee of the City from any person, firm or corporation doing business with the City.
- B. Any city officer or employee who has a substantial financial interest, direct or indirect or reason of ownership of stock in any corporation, in any contract with the City or in the sale of any land, material, supplies or services to the City or to a contractor supplying the City shall make known that interest and shall be prohibited from voting and otherwise participating in the capacity of a City officer or employee in making of such sale or in the making or performance of such contract.
- C. Any City officer or employee who willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit the office or position. Violation of this section, with the knowledge express or implied of the person or corporation contracting with or making a sale to the City shall render the contract or sale void.

*Section 7-03. - Code of Ethics.*

The proper operation of the municipal government provided for by this charter requires that officers, officials, and employees of the City be independent, impartial and responsible to the people; that decisions and policy be made in the best interest of the people, the community and the government; and that the public have confidence in the integrity of its government. ~~In furtherance of these goals, the first council elected under the provisions of this charter shall, within six (6) months after taking office, adopt by ordinance, a code of ethics that shall apply to all officers, officials and employees of the City, whether elected or~~

~~appointed, paid or unpaid. The code shall be administered by a board created by the council with qualifications, terms of office, duties and powers provided by ordinance. Members of the board shall be appointed by the council and shall receive no compensation for service. Decisions of the board shall be appealable to the courts. All officers, officials and employees of the City, whether elected or appointed, paid or unpaid shall abide by the Louisiana Code of Ethics established by the State of Louisiana for these purposes, as amended.~~

*Section 7-04. - Amending or Repealing the Charter.*

- A. Proposals to amend or repeal this charter may be made both by council or by petition signed by not less than thirty (30) percent of the total number of registered voters of the city eligible to have participated in the last citywide or regular election. The procedures and time limits for filing such a petition, for holding a public hearing on the matter and for calling an election on the petition request shall be the same as provided for in Section 6-01 (Initiative and Referendum). A petition shall contain the full text of the proposed amendment.
- B. Proposals to amend or repeal this charter shall be submitted for ratification to the qualified voters of the city, preferably in an election already scheduled for other purposes, otherwise in a special election called by the council. The results shall be determined by a majority vote of the electors voting on any particular proposal.
- C. Proposals by the council and by petition may be submitted to the votes at the same election and voters may, at their option, accept or reject any or all such proposals. Should conflicting proposals be approved at the same election, the one receiving the greater number of affirmative votes shall prevail to the extent of such conflict.
- D. ~~No proposal to amend or repeal this charter shall be submitted during the term of office of the first Council elected under the provisions of this charter. Thereafter, p~~Proposals to amend or repeal this charter shall not be submitted more often than every two (2) years. No amendments or repeal shall shorten the term for which any official was elected or reduce the salary of office for that term.

*Section 7-05. - Employee Representation.*

- A. The right of City employees to be represented by union organizations for the purpose of collective bargaining with reference to compensation, working conditions or other employment related issues is hereby recognized.
- B. Any negotiations by the City with any such employee union representative shall be by the mayor or his designee. Final approval of any labor contracts with municipal employees shall rest with the council and shall be by ordinance.

*Section 7-06. - Bonding of Officers.*

The Mayor, Mayor Pro Tempore, ~~Chief Financial Officer, Chief Administrative Officer~~ ~~Director of Administration~~, any person authorized to sign checks on behalf of the City, and such other City officers or employees as the Mayor may designate shall give bond in the amount and with the surety prescribed by the council. The premiums on such bonds shall be paid by the City.

*Section 7-07. - Oath of Office.*



All elected officials of the City shall take an oath of office before entering upon the duties of their offices before entering upon the duties of their offices. The oath may be administered by any person qualified by law to do so.

*Section 7-08. - Boards and Commissions.*

- A. The Mayor may appoint boards and commissions to provide advice regarding the operations of City services or other activities. No such board or commission shall exercise any administrative or legislative responsibility. This provision shall not apply to a board or commission created by ordinance or in accordance with general state law.
- B. A member of an advisory board or commission shall receive no compensation for service, other than reimbursement for ordinary and necessary expenses, and shall serve at the pleasure of the mayor.
- C. Members of all existing boards and commissions shall complete their terms of office, except as may be provided by this charter or by action of the council.

*Section 7-09. - Council Confirmation of Mayoral Appointments.*

The mayor shall submit the names of all appointees requiring council confirmation to the council for their ~~revisions and~~ consideration not later than thirty (30) days after the next regular meeting held, after such appointment. The council shall act on the matter of confirmation not later than sixty (60) days after receipt from the mayor of notification of appointment. Should the council fail to act within the prescribed time, confirmation shall be deemed to have been given.

*Section 7-10. - Reconstitution of Government.*

In the event of war or public disaster that incapacitates the mayor and/or 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 City. 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.

YEAS: Kline, Noel, Kwentua, Cavin, David, Hopewell, Dupre  
NAYS: None  
ABSENT: None  
ABSTAINED: None

The Commissioners reviewed ARTICLE VIII –TRANSITIONAL PROVISIONS

The motion was made by Commissioner Cavin

The motion was seconded by Commissioner Kline

To approve the proposed changes to ARTICLE VIII –TRANSITIONAL PROVISIONS  
as follows:

*Section 8-01. - Continuation of Actions.*

- A. 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, demands, titles and rights existing on the effective date

of this charter shall continue unaffected. All sentences for punishment for ordinance violations or for crime shall be executed according to their terms.

- B. All actions, ordinances, and administrative rules and regulations of the City in force prior to the effective date of this charter shall, insofar as they are not inconsistent with this charter, remain in full force and effect until amended or repealed by the council or until they expire by their own limitation.

*Section 8-02. - 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 8-03. - 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 8-04. - City Retirement Systems.*

All pension and retirement systems of the City presently in existence 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 8-05. - 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, Section 5 and 6 of the Constitution.

*Section 8-06. - 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 8-079. - Ballot for this Charter.*

The ballot form for the referendum on this proposed Home Rule Charter shall be:  
Do you favor or oppose the adoption of the proposed 2024 Home Rule Charter for the City of Zachary?

For \_\_\_\_\_  
Against \_\_\_\_\_

**G. REPORT OF THE CHAIRMAN**

There was a unanimous vote to elect Commissioner Kwentua as the Vice-Chairman.

**H. ADJOURNMENT**

The meeting was adjourned at 7:21 p.m.

**CERTIFICATION**

**Dana LeJeune, Clerk of City Council**  
**CITY OF ZACHARY**  
**PARISH OF EAST BATON ROUGE**  
**STATE OF LOUISIANA**

**William Kline, Chairman**

I, Dana LeJeune, do hereby certify that I am the duly appointed and acting Clerk of the City Council for the City of Zachary, Parish of East Baton Rouge, Louisiana.

I further certify that the above and foregoing is a true and correct copy of the minutes of the regular meeting of the Zachary Home Rule Charter Commission of the City of Zachary, Louisiana, held on Tuesday, February 20, 2024, a proper quorum being there and then present.

**Dana LeJeune, Clerk of the City Council**