

ORDINANCE NO. _____

AN ORDINANCE PROPOSING AN ELECTION TO DETERMINE AMENDMENTS TO THE CITY OF HAMMOND HOME RULE CHARTER PROVIDING FOR AN ELECTED CHIEF OF POLICE AND OTHERWISE PROVIDING WITH RESPECT THERETO

BE IT ORDAINED by the Hammond City Council in due, regular and legal session convened, and pursuant to the provisions of Section 7-04 of the City of Hammond Home Rule Charter, that the following proposed amendments to the City of Hammond Home Rule Charter be presented to the voters of the City of Hammond for approval at the next regularly scheduled election at which such matters may be presented and that each such amendment be presented as a separate proposition on the ballot:

PROPOSITION

REVISE FOR ELECTION OF CHIEF OF POLICE

Summary: Revises and replaces Article IV, Section 4-04 of the Home Rule Charter for the City of Hammond, pertaining to the chief of police. The amendment makes a substantive change, as follows: Provides for the election of the chief of police, provides salary and benefits, establishes qualifications and residency requirements and terms of office and provides procedures in the event of a vacancy or absence from office.

If approved, the amended Charter provision shall read as follows:

ARTICLE IV. ADMINISTRATION

Section 4-04. Police Department.

A. The police department shall be a department of the city, subject to the budgetary authority of the city council by ordinance and allocation of line item funding by the city council. The mayor shall have veto authority over the budget of the police department.

B. The head of the police department shall be the police chief who shall be elected according to the election laws of the state for a four (4) year term concurrent with that of the mayor and council and shall be eligible for re-election for a maximum of two (2) consecutive terms.

C. The office of police chief shall be a full-time position. The police chief shall not hold any other elected public office, city office or city employment during the term for which he or she is elected. The chief of police shall not engage in any outside activity that would interfere with or detract from the performance of duties as chief of police.

D. The police chief shall exercise general executive and administrative authority over the police department and its employees, including the appointment, removal, direction, supervision and discipline of officers and employees of the department; shall direct and be responsible for the preservation of public peace and order; prevention of crime; apprehension of criminals; assistance to the courts and other law enforcement officials; and the enforcement of the laws of the state and the ordinances of the council. Except as provided elsewhere in this charter, neither the mayor, the council nor any of its members shall involve themselves in any manner in

the appointment, removal, direction, supervision or discipline of any officer or employee of the police department.

E. The police chief shall be a citizen of the United States, a qualified elector of the city and shall have been actually domiciled for at least the prior twelve (12) consecutive months in an area which, at the time of qualifying for office, is within the city limits.

F. The police chief candidate must meet one of the following qualifications:

(1) Must have a bachelor's degree from an accredited institution of higher education in criminal justice, police administration, public administration, or other related curriculum and at least six (6) years' experience of progressively responsible positions in law enforcement, at least two (2) years of which must have been in positions which include administrative or supervisory responsibilities. Law enforcement experience should include work in positions which would provide background in patrol operations, criminal investigations, police training, and related areas of police department operations and management, or;

(2) Must have an associate degree from an accredited institution of higher education in criminal justice, police administration, or other related curriculum, or a bachelor's degree from an accredited institution of higher education in an unrelated curriculum and at least eight (8) years' experience of progressively responsible positions in law enforcement, at least two (2) years of which must have been in positions which include administrative or supervisory responsibilities. Law enforcement experience should include work in positions which would provide background in patrol operations, criminal investigations, police training, and related areas of police department operations and management.

G. Vacancy or Suspension. The office of police chief shall become vacant upon the death, resignation, removal from office in any manner authorized by law, forfeiture of office by the officeholder, or failure to take office for any reason. The chief of police shall be removed and suspended from office for conviction, during his term of office, of a felony to the extent and in the manner provided under state law.

(1) The office of police chief shall be forfeited if the officeholder (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, or (4) is disqualified by law from holding public office.

(2) If a vacancy in the office of police chief occurs, the assistant chief of police shall assume the duties of the police chief to the extent allowed by the state civil service laws until the vacancy is filled by the vote of the qualified electors voting in a special election called by the city council for that purpose, provided that said election shall be called to be held on the first candidate election day available according to state law after such vacancy occurs. If twelve (12) months or less of the unexpired term remains when the vacancy occurs or the scheduling of a special election to fill the vacant term cannot be held on a date more than twelve (12) months prior to the expiration of the term of office, the assistant chief of police shall assume the duties of police chief to the extent allowed by state civil service laws for the remainder of the term.

H. Absence and Disability. Whenever the police chief transmits to the mayor a written declaration that he is unable to discharge the powers and duties of the office, and until the chief of police transmits to the mayor a written declaration to the contrary, such powers and duties shall be discharged by the assistant police chief to the extent consistent with civil service laws.

Whenever a panel of three (3) qualified medical experts, designated by resolution passed by the favorable vote of at least two-thirds of the authorized membership of the council, transmits to the presiding officer of the council its written declaration that the police chief is unable to discharge the powers and duties of the office, the assistant chief of police shall immediately assume the powers and duties of the office of chief of police to the extent consistent

with civil service laws. Thereafter, when the chief of police transmits to the presiding officer of the council a sworn declaration that no inability exists, the chief of police shall resume the powers and duties of the office unless the original panel of three (3) qualified medical experts designated by the council transmits within seven (7) days to the presiding officer of the council its written declaration that the chief of police is unable to discharge the powers and duties of the office. Thereupon the council shall decide the issue. If the council, within twenty-one (21) days after receipt of the latter written declaration, determines by resolution passed by the favorable vote of at least two thirds of the authorized membership of the council that the chief of police is unable to discharge the powers and duties of the office, there shall be a vacancy in the office of the police chief; otherwise, the chief of police shall resume the powers and duties of his office.

I. Compensation.

(1) The chief of police shall be paid a salary of one hundred five thousand dollars (\$105,000.00) per year until changed by ordinance. No ordinance changing the salary of the chief of police shall be adopted during the last year of a term of office, and no such ordinance shall become effective during the term of the council adopting the ordinance.

(2) The city council, by ordinance, may adopt other benefits of office for the chief of police and police department employees, including health insurance benefits.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications which can be given effect without the invalid provisions, items or applications, and to this end, the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that this ordinance shall become effective to the extent that it is approved at an election called for that purpose upon the date of the official promulgation of said election return.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

The above and foregoing ordinance having being duly submitted to the Hammond City Council in writing; introduced at a public meeting on _____, 2023 of the Hammond City Council and discussed at a public meeting held on _____, 2023; after motion and second was submitted to the official vote of the Hammond City Council.

On motion by Councilman _____ and Second by Councilman _____ the foregoing ordinance was hereby declared adopted on _____, 2023 by the following roll call vote:

Votes: Councilman Wells (), Councilman DiVittorio (), Councilman Andrews (), Councilwoman Gonzales (), Councilman Leon ().

WHEREFORE the above and foregoing ordinance was declared duly adopted on the ____ day of _____, 2023, at Hammond, Tangipahoa Parish, Louisiana.

Kip Andrews
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond

Lisa Cockerham, Clerk
Hammond City Council