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DEPARTMENT OF JUSTICE
CIVIL DIVISION
BATON ROUGE
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90 POLICE JURIES – Powers & Functions
15 COURTS
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The district attorney and the district court can require the police jury to fund the reasonable and necessary expenses of their offices. The police jury, the judges and the district attorney should confer and determine the reasonableness and necessity for salary increases after analyzing the total revenues available to the parish and the necessary expenditures which must be paid therefrom.

Reference is made to your request for an opinion of this office, on behalf of the Natchitoches Parish Police Jury, regarding the police jury's responsibility for the payment of raises granted to judicial employees and the employees of the district attorney's office. Specifically, you are interested in determining whether the district attorney and the district judges must seek the approval of the police jury in order to grant raises to their employees, and whether the police jury is required to pay such salary increases.

In this regard, we direct your attention to the judicial decisions rendered in **Reed v. Washington Parish Police Jury**, 518 So.2d 1044 (La. 1988) and **W.T. McCain v. Grant Parish Police Jury**, 440 So.2d 1369 (La. App. 3rd Cir. 1983), which are pertinent to, and controlling of, our response to your request.

Reed v. Washington Parish Police Jury, supra, was a mandamus action brought by a district attorney to compel a police jury to reimburse his office for operational expenses. The issue presented was whether LSA-R.S. 16:6 imposes a mandatory duty on a police jury to fund the itemized expenses set forth therein, including "...salaries of stenographers, clerks and secretaries, and salaries for special officers, investigators and other employees...". The Supreme Court determined that the Washington Parish Police Jury was statutorily imposed with a "mandatory duty" to fund the expenses set forth in LSA-R.S. 16:6, limited only by the standard of reasonableness. Pertinently, the Court stated:

"The legislature enacted 16.6 to create a mandatory expense allowance for district attorneys to assure operation of their offices...we conclude 16.6 creates a mandatory duty on the part of the police jury to fund the 16.6 expenses of the district attorney's office in their entirety...the legislature did not intend to give the police jury discretion to fund 16.6 expenses. Rather the legislature directed the police jury to do so. We hold however, that the police jury's duty to fund the 16.6 expenses is limited by the standard of reasonableness....Accordingly, the budget request of the

district attorney must be legitimate in that it is related to the function of his office. Also it must be quantitatively reasonable."

In **McCain v. Grant Parish Police Jury**, supra, a district court judge brought an action against a parish police jury seeking mandamus to compel the police jury to pay past due district court bills and reform its budget to provide for expected future bills. Therein, the Third Circuit Court of Appeal determined that a district court could, by mandamus, require a police jury to budget the funds reasonably necessary for the effective and efficient operation of the court. Pertinently, with reliance upon the concept of separation of powers, the Third Circuit determined that:

"...courts have the inherent power to compel the guardians of the public fisc, in this case, the Police Jury of Grant Parish, to budget adequate funds for the operations of the court to insure that the proper independence among our three co-equal branches of government be maintained.

* * *

"...(1) such power is essential to preserve the independence of courts which are often called upon to rule on acts of these same public officials, who control public funds, and the courts must be free to act without fear of retaliation; and (2) although the power which exists in the courts is inherent, it is not unlimited; rather it extends to expenses which are reasonably necessary to the functioning and administration of the court and must be exercised in the spirit of mutual cooperation among the various branches of government."

Based upon the foregoing, it is the opinion of this office that the district attorney and the district court can require the police jury to fund the reasonable and necessary expenses of their offices. As stated in the **Reed** decision, however, it must be recognized that "there is a need for cooperative intergovernmental relations." A police jury can only spend so much of its revenues as are available and budgeted for such costs and expenses, and it must be recognized that the police jury only raises a limited amount of revenues each year which it must use to fund other services of the parish.

In Attorney General Opinion No. 84-51 several questions were posed to this office regarding the use of the Criminal Court Fund and the responsibility of a police jury to fund an order to increase by ten percent the salaries of secretaries employed by the judges and the district attorney. In connection with that request, this office was advised that there was insufficient money in the Criminal Court Fund to pay these amounts and that the police jury did not have sufficient revenue to cover the salary increases. Most pertinent to the issues presented in your request that opinion provides:

"In view of [the **McCain**] case, the police jury should attempt to pay the increase in salaries from such other available funds which may legally be used for such purpose. We recognize that it is especially difficult for the police jury to pay such salary increases if such increases were not included in the original budget approved by the police jury and such increases were requested after all estimated revenues have been dedicated in the budget. The solution to this financial dilemma may be resolved by following the theme expressed by the [**McCain** court] that a spirit of mutual cooperation among the various branches of government must exist in determining the expenses which are reasonably necessary to the functioning and administration of the court. This office does not have the authority to determine whether or not the expenses are necessary or reasonable and recommends that the police jury, the judges and the district attorney confer and resolve the problem after analyzing the total revenues available to the parish and the necessary expenditures which must be paid therefrom."

We trust the foregoing to be of assistance.

Yours very truly,

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