

March 24, 2005
OPINION 05-0129

Honorable T. Taylor Townsend
State Representative
Post Office Box 756
Natchitoches, LA 71458-0756

78-Officers – Dual Officeholding
R.S. 15:1097; R.S. 42:64(A)(6)
Assistant director of Ware Youth Center may not hold position
of police juror as same constitutes incompatible offices.

Dear Representative Townsend:

You ask this office to advise whether an individual may simultaneously hold full-time employment as the assistant director of the Ware Youth Center while holding the elected office of Natchitoches Parish police juror. We respond in the negative.

The Ware Youth Center houses juveniles from Natchitoches, Sabine, Red River, Webster and DeSoto parishes. See R.S. 15:1097¹. The Ware Youth Center Authority is a separate political subdivision of the state. The positions of assistant director and police juror fall within separate political subdivisions of the state. Thus, there is no violation of R.S. 42:63(D), providing that no person shall hold “employment.....in the same political subdivision in which he holds an elective office.”

However, of concern is R.S. 42:64(A)(6), which states:

- A. In addition to the prohibitions otherwise provided in this Part, no other offices or employments shall be held by the same person in combination if any of the following conditions are found to pertain . . . (6) Funds received by one office or employment are deposited with or turned over to the other office or position.

You advise that the participating parishes (including Natchitoches) transfer monies to the Authority to fund a daily per diem per juvenile.

It is the opinion of this office that if the police jury of Natchitoches Parish transfers funds to the Authority, then simultaneously holding employment with the Authority as an

¹ §1097. Ware Youth Center Authority; creation; jurisdiction

A. The Ware Youth Center Authority is hereby established as a political subdivision of the state, with a territorial jurisdiction throughout the parishes of Claiborne, DeSoto, Natchitoches, Red River, Sabine, and Webster. If the governing authority of Claiborne Parish or the governing authority of Webster Parish elects to withdraw its respective parish from the district, the territorial jurisdiction of the district shall not include such parish or parishes.

Assistant Director while serving as police juror would constitute incompatible offices. The reasoning is that the police jury is allocating or transferring funds to an entity run by a member of the police jury. See Attorney General Opinion 92-185, copy attached. The assistant director may run for the office of police juror, but if elected, he must resign from his employment.

We hope the foregoing is helpful to you. Should you have other questions in which we may provide assistance, please contact this office.

Very truly yours,

CHARLES C. FOTI, JR.
ATTORNEY GENERAL

BY:

KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL

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KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL