

November 7, 2005
OPINION 05-0337

Mr. F. Douglas Wimberly
Acadia Parish Police Jury
900 South College Road, Suite 200
Lafayette, LA 70505-3951

78 Dual Officeholding
R.S. 42:61, et seq.; R.S. 42:63(D); R.S. 42:62(9)
Elected school board member may hold employment as
parish librarian.

Dear Mr. Wimberly:

You advise this office that the current Acadia Parish Librarian, Mr. Lyle Johnson, is also an elected member of the Acadia Parish School Board. You ask whether he may hold both positions without violating the Louisiana Dual Officeholding and Dual Employment Laws, R.S. 42:61, et seq.

Our response is governed by the provisions of R.S. 42:63(D), stating:

D. No person holding an elective office in a political subdivision of this state shall at the same time hold another elective office or full-time appointive office in the government of this state or in the government of a political subdivision thereof. No such person shall hold at the same time employment in the government of this state, or in the same political subdivision in which he holds an elective office. In addition no sheriff, assessor, or clerk of court shall hold any office or employment under a parish governing authority or school board, nor shall any member of any parish governing authority or school board hold any office or employment with any sheriff, assessor, or clerk of court. (Emphasis added).

In Attorney General Opinion 83-766, a copy of which is enclosed, this office summarized the laws relating to parishes, parish libraries, library boards of control and their functions and powers. As stated in that opinion a library board of control is not a "special district" or a "creature of the legislature". It is an agency of the parish, created by the governing authority of the parish pursuant to authority granted by the legislature for the purpose of operating and administering the parish library system on behalf of the police jury.¹ Thus, a library board is an agency of the parish, and the parish is a "political subdivision" of the state as defined in R.S. 42:62(9), providing:

¹ The laws pertaining to local libraries are found in R.S. 25:211 to 25:223, et seq.

- (9) "Political subdivision" means a parish, municipality, and any other unit of local government, including a school board and a special district, authorized by law to perform governmental functions. In addition for the purposes of this Part, mayor's courts, justice of the peace courts, district attorneys, sheriffs, clerks of court, coroners, tax assessors, registrars of voters, and all other elected parochial officials shall be separate political subdivisions.

The parish and the school board are considered separate political subdivisions. While the law prohibits one from holding elective office and employment in the same political subdivision, the law does not prohibit one from holding elective office and employment in separate political subdivisions. We conclude Mr. Johnson may continue to hold both positions.

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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78 Dual Officeholding

R.S. 42:61, et seq. R.S. 42:63(D); R.S. 42:62(9)

Elected school board member may hold employment as parish librarian because these positions are held in separate political subdivisions.

Mr. F. Douglas Wimberly
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900 South College Road, Suite 200
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Date Received:

Date Released: November 7, 2005

KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL