

April 20, 2006
OPINION 06-0077

Honorable Eugene Smith
Mayor
P. O. Box 767
Arcadia, LA 71001

78 OFFICERS- Dual Officeholding
LSA-R.S. 42:63(D); LSA-R.S. 42:62(4) & (5)

A commissioner on the Board of the Housing Authority, a part-time appointive office, may also hold a local elective office in the same political subdivision.

Dear Mayor Smith:

You ask whether the law permits an individual to simultaneously hold the office of municipal housing authority commissioner and the elected office of city councilman. Our response is governed by the following provision of Louisiana's Dual Officeholding and Dual Employment law, stating:

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. LSA-R.S. 42:63(D).

The office of the city councilman is a local elective office; the housing commissioner is a part-time appointive office, which position is designated by the mayor. The dual officeholding statute quoted above prohibits one holding an elective office in a political subdivision of this state while holding a full-time appointive office in the government of a political subdivision. An appointment as Commissioner of the Housing Authority for the Town of Arcadia is not a full-time appointive office, and therefore the prohibition is not applicable.

It is permissible for an individual to hold the part-time appointive office of commissioner and either the elective office of mayor or councilman. For your further reference, note that a full-time position would require a person to work at least seven hours per day of work and at least thirty-five hours per week; a part-time position is less than the number of hours of work defined as full-time. LSA-R.S. 42:62(4) & (5).

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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Date Received:
Date Released: April 20, 2006

KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL