



JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
70804-9005

APR 11 2013
OPINION 13-0013

Mayor Wesley Boddie
Village of Bienville
P.O. Box 207
Bienville, LA 71008

90-A-1 – Public Funds & Contracts
La. R.S. 39:1302; La. R.S. 39:1309; La. R.S. 39:1311; La. R.S.
39:1312; La. R.S. 39:1314

Since the governing authority of the Village of Bienville has not adopted a general fund budget, under the Louisiana Local Government Budget Act, the Mayor has no authority to incur general fund liabilities or authorize expenditures during the fiscal year beyond that authorized by La. R.S. 39:1312 or La. R.S. 39:1314.

Dear Mayor Boddie:

Your request for an Attorney General's Opinion regarding the Louisiana Local Government Budget Act, La. R.S. 39:1301, *et seq.* (the "Budget Act"), has been assigned to me for research and reply.

In your letter, you indicated the following:

The current general fund budget expired on June 30, 2012, and the village has been operating pursuant to statutory authority allowing for expenditures up to 50% of the previous year's budget allowance.

Specifically, you ask for guidance as to what actions should be taken to maintain compliance with the law. You note that the Village of Bienville (the "Village") does not currently have any outstanding bonded indebtedness.

First, we note that the Budget Act applies to the Village, because it is a "political subdivision" under La. R.S. 39:1302(1) and has a general fund. Under La. R.S. 39:1309(A), generally, all action necessary to adopt and otherwise finalize and implement the budget for a fiscal year shall be completed before the end of the prior fiscal year. Further, La. R.S. 39:1311(C) provides as follows:

The adopted budget and any duly authorized amendments required by this Section shall constitute the authority of the chief executive or administrative officers of the political subdivision to incur liabilities and authorize expenditures from the respective budgeted funds during the fiscal year.

Nevertheless, if a political subdivision fails to adopt a budget, La. R.S. 39:1312 applies and provides the following:

If, at the end of any fiscal year, the appropriations necessary for the support of the political subdivision for the ensuing fiscal year have not been made, then fifty percent of the amounts appropriated in the appropriation ordinance or resolution for the last completed fiscal year shall be deemed reappropriated for the several objects and purposes specified in such appropriation ordinance or resolution.

Additionally, La. R.S. 39:1314 provides as follows:

Nothing shall prohibit the expenditure of funds in cases of emergency. For purposes of this Section, "an emergency" means an unforeseen event bringing with it destruction or injury of life or property or the imminent threat of such destruction or injury.

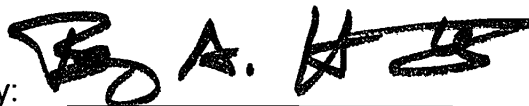
Considering the forgoing statutory authority, it is the opinion of this office that, as chief executive of the Village, the Mayor has no authority to incur general fund liabilities or authorize expenditures during the fiscal year beyond that authorized by La. R.S. 39:1312 or La. R.S. 39:1314.

We trust this adequately responds to your request. However, if our office can be of further assistance, please do not hesitate to contact us.

Yours very truly,

JAMES D. "BUDDY" CALDWELL
Attorney General

By:

A handwritten signature in black ink, appearing to read "B. A. Huxen II", written over a horizontal line.

BENJAMIN A. HUXEN II
Assistant Attorney General

JDC/BAH II