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DEPARTMENT OF JUSTICE
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OPINION 13-0027

Mr. Michael L. Hughes
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64-1 LIBRARIES
La. R.S. 25:215
La. R.S. 25:220

La. R.S. 25:215(B)(1)-(17) permits the library board of control in seventeen parishes to assume the administrative and accounting functions related to parish library expenses. Because the Board of Control of the West Feliciana Parish Library is not included among the seventeen parishes, it must follow the general rule set forth in La. R.S. 25:215(A), which provides that the expenses and costs of maintenance of a public library "shall be paid monthly by the governing authority establishing the library," i.e., the West Feliciana Parish Police Jury.

Dear Mr. Hughes:

You have requested an opinion of this office regarding whether the West Feliciana Parish Police Jury ("Police Jury") or the Board of Control of the West Feliciana Parish Library ("Board") is responsible for the administrative functions relative to payment of parish library expenses. Such expenses include vendor payments and employee payroll payments.

Pursuant to La. R.S. 25:211, *et seq.*, the Board was established by the Police Jury by ordinance enacted in 2003. The ordinance provides for a Board of Control having all powers authorized by law to be delegated to it by the Police Jury.

At issue is whether La. R.S. 25:220 requires the Police Jury to pay all library expenses, directly to its vendors and employees or whether the statute allows the Police Jury to provide funds to the Board in order for the Board to handle the payment of those expenses itself. The statute provides:

The expenses or costs of maintenance of a public library established under this Part, including the salaries of librarian, assistants, and other employees as well as all other incidental expenses, shall be paid monthly by the governing authority establishing the library, upon the approval of such expenses and maintenance costs by the board of control of such library, out of the funds specially budgeted from the general fund for library purposes and, in default thereof, out of the special taxes voted, levied and collected by the governing authority for the library's support and maintenance. The board of control may delegate to the president or one of

its members the duty of approving such monthly expenses and maintenance costs (emphasis added).

Initially, we note that previous attorney general opinions have stated that a library board of control is not a special district or creature of the legislature. Rather, 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. La. Atty. Gen. Op. Nos. 06-0160, 04-0053, 90-339, and 83-766. As such, the police jury retains general budgetary and fiscal control over the library board of control. A library board has limited powers which are clearly set forth in La. R.S. 25:215(A), which provides:

The board of control shall meet and organize immediately after their appointment and annually thereafter and elect a president, vice-president, secretary, and treasurer, whose duties shall be those customarily exercised by such officers. The board of control shall have authority to establish rules and regulations for its own government and that of the library not inconsistent with law; to elect and employ a librarian, and, upon the recommendation and approval of the latter, to employ assistant librarians and other employees and fix their salaries and compensation; provided that no contract of employment shall be made for a longer period than four years nor with any person as head librarian who has not been certified by the State Board of Library Examiners as provided in R.S. 25:222. The head librarian may be appointed or elected secretary of the board of control.

As you can see, the Board's powers are very limited and include the adoption of rules and regulations for its own government, the election of a librarian, and the employment of certain employees.

Paragraph (B)(1)-(17) of La. R.S. 25:215 provides that "the administration of and accounting functions" of several parish libraries "are hereby transferred from the ... police jury to the ... parish library board of control." The parishes which have this special provision are (in the order listed in the statute): St. John the Baptist, Morehouse, Rapides, Bienville, Sabine, Franklin, West Carroll, Tangipahoa, St. Tammany, Beauregard, St. Mary, Allen, DeSoto, Caldwell, Concordia, Vermilion, and Acadia.

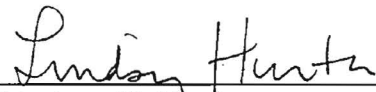
Our office has opined that the purpose of La. R.S. 25:215(B) is "to alleviate the burden of the police juries in the routine check-writing and accounting functions of library funds legally imposed by R.S. 25:220 and to transfer such functions to the respective parish library boards." La. Atty. Gen. Op. No. 83-765. As you can see, West Feliciana Parish is not included among the list of parishes for which the legislature has allowed the administrative and accounting functions relating to parish libraries to be "hereby transferred from the ... police jury to the ... parish library board of control."

Because the legislature has expressly permitted the parish library boards in seventeen parishes to assume the administrative and accounting functions related to parish library expenses and has not included the Board of Control of the West Feliciana Parish Library among the seventeen parishes, it is our opinion that the Board may not assume those functions. Without being included among those parishes excepted from La. 25:215(A) by virtue of (B)(1)-(17), then the expenses and costs of maintenance of a public library in West Feliciana Parish "shall be paid monthly by the governing authority establishing the library," i.e., the West Feliciana Parish Police Jury. La. R.S 25:215(A).¹

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,

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Attorney General

By: 
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JDC/LKH/chb

¹ In accord is La. Atty. Gen. Op. No. 1936-38, p. 932, which stated that the "police jury may not deposit a lump sum to the account of the board of control of the parish library to be disbursed by the board in payment of expenses incurred by the library, but the money may only be paid by the police jury after approval of the various expenses and maintenance costs by the board of control."