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ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
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NOV 25 2013
OPINION 13-0161

Hon. Euricka Mayweather
Mayor, Village of South Mansfield
P.O. Box 995
Mansfield, LA 71052

90-A-1 PUBLIC FUNDS & CONTRACTS

La. R.S. 33:4712

The Village of South Mansfield has the discretion to allow short-term limited uses of a publicly owned building provided it obtains in return a value or benefit that is commensurate or equal with the use.

Dear Mayor Mayweather:

Your request for an Attorney General's Opinion has been assigned to me for research and reply. On behalf of the Village of South Mansfield ("Village"), you have asked for our opinion as to whether the Village may allow private individuals to use a community center. You also ask whether the Village may charge for such use.

It is our understanding that a majority of the proposed third-party uses of the community center would be for limited short-term events such as banquets, luncheons, etc. In our view, these limited short-term uses do not invoke the lease of land provisions of La. Rev. Stat. 33:4712. We believe the Village has the discretion to allow these limited uses provided it obtains in return a value or benefit that is commensurate with such use in order to avoid any violation of Louisiana Constitution Article VII, Section 14.

In accord is Attorney General Opinion No. 02-0363, which opined that the Caldwell Parish School Board could contract for the non-exclusive use of its publicly owned property by a religious organization. There, the School Board had already adopted a policy that set forth a fee schedule for any organization wishing to rent the property and had expressed a commitment not to treat religious organizations any differently than any secular organization. Similarly, Attorney General Opinion No. 03-0218 concluded that the Town of Elton could permit limited short-term uses of public property upon payment of a set fee schedule. In this case, the Town of Elton wanted to permit the use of a town building for a church group to hold Bible studies. In our conclusion, we found no legal prohibition against permitting a non-resident use of the town building when the rental fee was uniformly paid by those seeking the rental. We also opined that it would appear to be reasonable to allow use of the building on a first come, first serve basis so as not to be biased. Finally, in Attorney General Opinion No. 10-0006 we opined that the Town of Mansura had the discretion to allow short-term limited uses of a publicly owned building provided it obtained in return for a value or benefit that is commensurate or equal with the use.

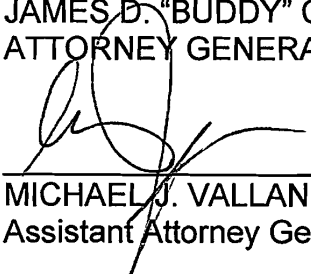
In accord with the prior opinions of this office, it is our opinion that the Village has the discretion to allow short-term limited uses of the community center provided the Village obtains in return a value or benefit that is commensurate with the use. We also advise that the Village adopt a policy that sets forth a fee schedule for any organization wishing to use the community center and that such use shall be awarded on a first come, first serve basis.

We trust this adequately responds to your request. If you should have any questions about the response contained herein, please feel free to contact our office.

Yours very truly,

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

BY:



MICHAEL J. VALLAN
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JDC/MJV/crt