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State of Louisiana

DEPARTMENT OF JUSTICE

P.O. BOX 94005

BATON ROUGE

70804-9005

October 12, 2015

OPINION 15-0088

Chad J. Pitre
Town Attorney
Town of Grand Coteau
111 N. Court St.
Opelousas, LA 70570

71 MUNICIPALITIES
90-A-1 PUBLIC FUNDS & CONTRACTS

La. R.S. 33:321 *et seq.*
La. R.S. 39:1301 *et seq.*

Pursuant to La. R.S. 33:404.1, the board of aldermen of a Lawrason Act municipality is the proper authority to grant a pay increase to the town clerk.

Dear Mr. Pitre:

Your question regarding the Town of Grand Coteau ("Town") has been assigned to me for research and reply. Specifically, you ask if the Mayor may unilaterally grant a pay increase to an appointed town clerk without approval from the Board of Aldermen.

The Town is governed by a mayor-board of aldermen form of government under the Lawrason Act, La. R.S. 33:321-481. The governing authority is vested with all powers, rights, privileges, immunities, authorities, and duties and may perform any function necessary, requisite, or proper for the management of its affairs not denied by law.

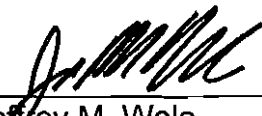
La. R.S. 33:404.1 governs the compensation of the elected officials and municipal officers in a municipality. It additionally provides that, "[t]he board of aldermen may by ordinance increase or decrease their compensation and the compensation of any nonelected municipal officer and may increase the compensation of other elected officials." La. R.S. 33:404.1. The statute is clear that the board of aldermen has the authority to grant a pay increase to a nonelected official, which includes the town clerk. See La. R.S. 33:381(A). Our office considered a similar question in La. Atty. Gen. Op. No. 97-492 and, relying on La. R.S. 33:404.1, concluded the board of aldermen in a Lawrason Act municipality is the appropriate authority to fix the salary of the town clerk.

In light of the above, it is the opinion of our office that the mayor may not unilaterally grant a pay increase to an appointed town clerk. Such an action requires approval from the board of aldermen.

We hope this opinion adequately addresses the concerns you have raised. If you have any further questions, please do not hesitate to contact our office.

With best regards,

James D. "Buddy" Caldwell
ATTORNEY GENERAL

BY: 
Jeffrey M. Wale
Assistant Attorney General

JDC: JMW