



JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
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AUG 26 2015
OPINION 15-0114

The Honorable Randy Roach
Mayor
City of Lake Charles
326 Pujo Street
Lake Charles, LA 70602

71- MUNICIPALITIES
90-A-1 PUBLIC FUNDS & CONTRACTS

La. R.S. 33:4710.2 La. R.S. 34:201

The City of Lake Charles is required to provide firefighting services to the Lake Charles Harbor and Terminal District and the Chennault International Airport Authority because such facilities are located within its city limits.

Dear Mayor Roach:

You have requested an Attorney General's opinion as to whether the City of Lake Charles ("City") is obligated to provide fire protection services for the Port of Lake Charles Harbor and Terminal District ("Port") and/or the Chennault International Airport Authority ("Airport"). In particular, you ask whether the City is permitted to enter into a cooperative endeavor agreement ("CEA") with these public entities and charge a fee for the purpose of providing firefighting services, considering the implications of La. Const. art. VII, § 14.

Your request states that the Port and the Airport are political subdivisions located within the city limits.¹ Further, the Port does not operate its own fire protection services and the Airport only maintains a firefighting brigade through a third party provider for the purpose of fighting runway and aircraft fires only (not building or structural fires). You explain that there is no CEA or joint services agreement in place with these political subdivisions. In fact, no fees are charged by the City for such fire protection services; however, as the Port's and Airport's "first responder" for structural fires, the City is assessed for any deficiencies found in the Port's and the Airport's facilities, which ultimately affect the City's fire rating score.

In general terms, municipalities are not required to provide firefighting services outside its limits free of charge.² However, according to your request, the Port and the Airport are located within the city limits, thus, just like for any other immovable in Lake Charles under the jurisdiction of the City's Fire Department, the City is obligated to respond to fire emergencies at these locations. The fact that the Port and the Airport are political subdivisions of the state does not change this conclusion.

¹ La. R.S. 34:201 created the Port as a political subdivision and La. R.S. 33:4710.2(B) declared the Airport Authority to be a political subdivision of the state.

² See La. Atty. Gen. Op. Nos. 05-0122 and 11-0044.

Therefore, since the City is obligated to provide firefighting services to the Port and the Airport free of charge, it is not necessary for our office to analyze or opine on the propriety of providing these services through a CEA and its implication under La. Const. art. VII, § 14.

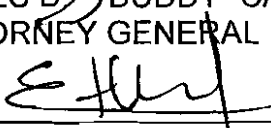
In sum, it is the opinion of this office that the City is required to provide firefighting services to the Port and Airport because such facilities are located within its city limits.

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:


Ethel Solache Graham
Assistant Attorney General

JDC: ESG