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State of Louisiana

DEPARTMENT OF JUSTICE
CIVIL DIVISION
P.O. BOX 94005
BATON ROUGE
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OPINION 16-0001

Ms. Donna Y. Frazier
Caddo Parish Attorney
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Shreveport, LA 71163

90-A-1 PUBLIC FUNDS & CONTRACTS
La. Const. art. VII, §14
La. R.S. 33:1321 *et seq.*

Caddo Parish may transfer funds to the municipalities within Caddo Parish and the Caddo Parish Sheriff's Department for law enforcement purposes pursuant to the Local Services Law.

Dear Ms. Frazier,

Your request for an Attorney General's Opinion has been assigned to me for research and reply. On behalf of Caddo Parish ("Parish"), you have asked our opinion regarding the ability of the Parish to transfer funds to the Caddo Parish Sheriff's Department and the municipalities within the Parish through a cooperative endeavor agreement for the purposes of enhancing law enforcement services within the Parish.

In order to enhance the law enforcement services available to its citizens, the Parish appropriated \$725,000.00 to the municipalities within the Parish and the Caddo Parish Sheriff's Office as a supplement to the law enforcement budgets of the political subdivisions. The Parish anticipates that these agencies will use the funds on a one-time basis to acquire vehicles or other equipment related to law enforcement. You have asked whether La. Const. art. VII, §14 permits such a transfer of funds.

As noted in your request, parish governing authorities typically do not perform law enforcement functions. However, La. R.S. 33:1321 *et seq.* ("Local Services Law"), grants parishes, municipalities, and political subdivisions¹ of the State of Louisiana the authority to contract with each other for the joint use of funds, facilities, personnel, or

¹ La. Const. art. VI, §44 defines a "political subdivision" as "a parish, municipality, and any other unit of local government, including a school board and a special district, authorized by law to perform governmental functions." La. R.S. 13:5901 creates a law enforcement district in every parish for the purpose of providing financing to the office of sheriff for that parish and establishes the sheriff as ex officio the chief executive officer. This district is provided with the power to tax by La. R.S. 13:5902 and, therefore, qualifies as a political subdivision. The jurisdiction of the Caddo Parish Sheriff's department is synonymous with that of the Caddo Parish law enforcement district. Therefore, the Caddo Parish Sheriff's Department qualifies as a political subdivision.

property for police, fire, and/or health protection "provided that at least one of the participants to the agreement is authorized... to perform such an activity." La. R.S. 33:1324.²

Municipalities are provided with the general responsibility for law enforcement. See, e.g. La. R.S. 33:423 and 13:1881. Additionally, La. Const. art. V, § 27 provides that a parish sheriff shall be the chief law enforcement officer in the parish. See *a/so* La. R.S. 13:5539 (listing the duties of the sheriff). Due to the fact that both the municipalities and the Caddo Parish Sheriff's Department have the authority to provide law enforcement services, the Local Services Law provides the Parish with the authority to enter into a cooperative endeavor agreement in order to provide for the joint use of funds in order to enhance these services.

Accordingly, it is the opinion of this office that the Parish may transfer funds to the municipalities within Caddo Parish and the Caddo Parish Sheriff's Department for law enforcement purposes pursuant to the Local Services Law.

We hope this sufficiently answers your inquiry; however, if we may be of further assistance, please do not hesitate to contact our office.

With best regards,

JEFF LANDRY
ATTORNEY GENERAL

By: Andrea Barient
Andrea Barient
Assistant Attorney General

² Additionally, La. R.S. 33:1325 requires that the terms of any such agreement be formally reduced to writing, setting forth the reciprocal rights and obligations of each party, and the agreement must be published in the same manner as are the other proceedings of the governing body.