



Jeff Landry
Attorney General

State of Louisiana

DEPARTMENT OF JUSTICE
CIVIL DIVISION
P.O. BOX 94005
BATON ROUGE
70804-9005

December 20, 2023

OPINION 23-0080

The Honorable Bridget A. Dinvaout
District Attorney
Fortieth Judicial District
1342 La. Hwy. 44
Reserve, LA 70084

84 PARISHES

La. R.S. 39:1310 La. R.S. 39:1311

St. John the Baptist Parish may not amend an adopted budget for a prior fiscal year. All amendments to an adopted budget must take place in the current fiscal year as per the St. John the Baptist Parish Home Rule Charter and the Local Government Budget Act.

Dear Ms. Dinvaout:

You have requested an opinion from our office on behalf of St. John the Baptist Parish Government regarding whether the Parish can amend the previous fiscal year adopted budget after the fiscal year has ended to account for adjustments that could not be estimated or were unknown during the previous fiscal year. Your request has been assigned to me for research and reply.

St. John the Baptist Parish has adopted a home rule charter form of government in accordance with La. Const. art. VI, § 5 and La. R.S. 33:1395. Thus, the parish is governed by its charter (the "Charter"), unless its provisions violate state law or the state constitution. As a political subdivision operating under a home rule charter form of government, St. John the Baptist is subject to the Local Government Budget Act found at La. R.S.39:1301, *et seq.* ("LGBA"). However, the provisions of the LGBA are only minimum standards that must be met, and thus, the Charter may include stricter standards than those imposed by the LGBA and may include other rules not otherwise prohibited by the LGBA or other state law.

Under Article V of the Charter regarding financial procedures of the parish, the fiscal year begins on January 1 and ends on December 31.¹ The parish president must submit a budget and it must be balanced.² A budget ordinance adopted by the parish council becomes effective on the first day of the fiscal year, unless otherwise provided therein. Section D of Article V of the Charter provides that the parish council may amend the budget before adoption but in no event shall the parish council cause the total expenditures to exceed anticipated revenue.³

Procedures for amendments to adopted budgets are contained in the general provisions in Section F of Article VII of the Charter.⁴ Supplemental appropriations may be made

¹ See Article V of the St. John the Baptist Parish Home Rule Charter.

² *Id.*

³ *Id.* at Section D.

⁴ See Article VII, Section F of the St. John the Baptist Parish Home Rule Charter.

during the fiscal year if the parish president certifies that there are available revenues in excess of those estimated in the budget.⁵ If during the fiscal year, it appears probable that the revenues available will be insufficient to meet the amount appropriated, the president shall report to the parish council without delay, indicating the estimated amount of the deficit, any remedial action taken and recommendations as to any other steps to be taken.⁶ In any event, the parish council shall take action as it deems necessary to prevent any deficit. If an emergency appropriation is made or the parish council borrows money it deems necessary to remedy the deficit, the repayment shall be a fixed charge upon the revenue of the following year and shall be included in the operating budget for that year.⁷ Finally, an ordinance authorizing supplemental appropriations, or a reduction or transfer of appropriations may be made effective immediately upon adoption but may not be adopted at the same meeting as introduced.⁸

As can be gleaned from above, the St. John the Baptist Parish Charter expressly provides that budget amendments are to be made during the fiscal year when supplemental or reduction of appropriations are required or appropriate. The Charter is silent regarding budget amendments after the close of the fiscal year. However, the Charter requires the parish to place a fixed charge on the revenue for the following fiscal year when the council borrows money to remedy a deficit/ reduction in appropriations.

An adopted budget and any adopted amendments form the framework from which the chief executive or administrative officers and members of a governing authority of the political subdivision must monitor revenues and control expenditures.⁹ A review of the LGBA is necessary in order to determine whether budget amendments to the previous fiscal year are authorized. The budget amendment process of the LGBA is set out in La. R.S. 39:1310. It provides the following:

When the governing authority has received notification pursuant to La. R.S. 39:1311, or there has been a change in operations upon which the original budget was developed, the governing authority shall adopt a budget amendment in an open meeting to reflect such change...In no event shall a budget amendment be adopted proposing expenditures which exceed the total estimated funds available for the fiscal year.

Pursuant to La. R.S. 39:1311(A), the chief executive or administrative officer must advise the governing authority it writing when: 1) total and projected revenue, including other sources, for the remainder of the year are failing to meet total budgeted revenues and other sources by five percent (5%) or more, 2) total actual expenditures plus projected expenditures for the remainder of the year are exceeding total budgeted expenditures by five percent or more, and 3) the actual beginning fund balance fails to meet estimated

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ This opinion does not address a scenario in which an ordinance to amend an adopted budget is introduced at the last meeting of the parish council in the current fiscal year.

⁹ La. R.S. 39:1311(A).


beginning fund balance by five percent or more and fund balance is being used to fund current year expenditures. Two of the three of the conditions that require an amendment to an adopted budget reference the remainder of the fiscal year. It is clear that these amendments must take place during the fiscal year and not after the fiscal year ended. The third condition requiring an amendment to an adopted budget also occurs in the current fiscal year but is related to not receiving the expected revenues or sources of funds by the end of the previous fiscal year.

Neither the Charter nor the LGBA set forth a condition that mandates or provides for a budget amendment to occur after a fiscal year has ended. More importantly, the language used in both the Charter and LGBA consistently refer to budget amendments being made during the fiscal year. In the instance where accounting adjustments cannot be estimated or are unknown before the fiscal year end, the parish must place a fixed charge on the revenue for the following fiscal year when the council borrows money to remedy a deficit/reduction in appropriations. If the council does not borrow money and a shortfall of beginning funds for a particular fund balance is five percent (5%) or greater occurs, then a budget amendment must be made in the current fiscal year.

It is the opinion of this office that St. John the Baptist Parish may not amend an adopted budget for a prior fiscal year. All amendments to an adopted budget must take place in the current fiscal year as per the St. John the Baptist Parish Home Rule Charter and the Local Government Budget Act.

We trust that this adequately responds to your request and the issue that you have raised. If our office can be of any further assistance, please do not hesitate to contact us.

With best regards,
JEFF LANDRY
ATTORNEY GENERAL

BY: 
Brett A. Robinson
Assistant Attorney General

JL/BAR