



Jeff Landry
Attorney General

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

November 6, 2023
OPINION 23-0103

Mr. John C. Walsh
Deputy Executive Counsel
Office of the Governor
Post Office Box 94004
Baton Rouge, LA 70804-9004

71-1 MUNICIPALITIES – Special Charters

La. R.S. 33:1181

The amendment to the City of St. Plaquemine's Legislative Charter is consistent with the constitutions and laws of the United States and Louisiana

Dear Mr. Walsh,

We received your request for review of an amendment to the Legislative Charter to the City of Plaquemine in accordance with La. R.S. 33:1181. In order to amend its Legislative Charter, the City of Plaquemine must meet the requirements set forth in La. R.S. 33:1181, which provides, in pertinent part:

When a municipality existing prior to July 29, 1898, and having a population of two hundred thousand or less, which has not come under the provisions of Part I of Chapter 2 of this Title, desires to amend its charter, the same may be done in this way: The municipal governing body may prepare, in writing, the desired amendments, have the same published for three weeks in a newspaper published in the municipality ... the proposed amendments shall then be submitted to the governor, who shall submit them to the Attorney General for his opinion. If the Attorney General is of the opinion that the proposed amendments are consistent with the constitution and laws of the United States and of this state, including Part I of Chapter 2 of this Title, the Governor shall approve the proposed amendments. If, within thirty days after publication, one-tenth of the electors of the municipality protest against any proposed amendment, the Governor shall not approve the amendment protested against until it is submitted to and ratified by a majority of the electors of the municipality at an election held within sixty days after the protest has been made.

The City of Plaquemine seeks to amend its City Charter. To that end, it passed Ordinance No. 426 so that Sections 7, 7(a), and 10(a) can be amended and added to the Charter to read as follows:

Sec. 7. Election of designated city officers; combining offices authorized; terms of office; oath of office; bond

requirements; officers subject to authority of mayor and board.

The Board of Selectmen/Selectwomen elect, shall within ten day after being commissioned, assemble qualify and proceed to the election of suitable persons for the positions of City Collector, Clerk and Treasurer, and City Attorney/Prosecutor. The offices of Collector and Clerk and Treasurer may be combined in one*. The officers elected as hereinabove provided shall hold their offices for the same term of the Mayor and Board, and shall take and subscribe an oath for the faithful performance of their duty, and give security in such sum as may be required by the Board, and be at all times subject to the directions of the Mayor and regulations of the Board of Selectmen established the Government of the same in the performance of their respective duties assigned to them. Such Officers shall be subject to termination by the Board at any time for cause.

Sec. 7(a). Method of appointment of City Collector, Clerk, Treasurer and City Attorney/Prosecutor.

The Mayor shall solicit and receive applications for the positions of City Collector, Clerk, Treasurer and City Attorney/Prosecutor and shall forward them to the Board along with recommendations. The board will accept or reject the recommendations of the Mayor. If after the failure of an appointment after two recommendations, the Board itself shall thereafter appoint by majority vote the positions from the list of applicants.

Sec. 10(a). City Attorney/Prosecutor, powers and duties; salary.

The City Attorney/Prosecutor of said Town [City] of Plaquemine, shall act as the chief legal officer of the City of Plaquemine, providing legal consultation and advice to the Mayor and Board, Police Department and all Departments of the City of Plaquemine and shall represent the City in all suits and proceedings before State and Federal Court and administrative agencies. The City Attorney shall also prosecute all traffic, misdemeanor, and Juvenile criminal charges in the City Court of Plaquemine. The City Attorney/Prosecutor shall receive such salary and benefits as said Board may fix.

The City of Plaquemine also adopted Ordinance No. 427 to amend Section 13-7 of the City Charter so that it now states:

Seventh: The Mayor and Board of Selectmen/Selectwomen shall fix the amount of the bonds to be given by the Town [City] officers and Department Heads from whom bonds are or may be required; to Fix the Salaries or compensation of all officers, persons and Department Heads employed by them; to define the duties and to fix the Term of office of such employees

as they may elect, and to remove for cause anyone of the employees appointed by the said Mayor and Board; to fix their own compensation and to impose such fines as they may deem proper upon themselves for nonattendance of the meetings of the Board. The Board may set forth by ordinance the Powers and Duties of the Mayor regarding the supervision, hiring, firing, discipline and termination of City Employees, including Department heads.

The Board of Selectmen of the City of Plaquemine reviewed and adopted the ordinances containing the proposed amendments on May 9, 2023. In correspondence to the Governor, the city attorney stated that the proposed amendments to the City of Plaquemine's Legislative Charter were published for a period of three weeks as required by La. R.S. 33:1181.¹ No written opposition was filed with the City of Plaquemine with regard to the proposed amendments to the City Charter within thirty days of the last publication of the amendment.²

Our office has reviewed this amendment and finds that the amendment is consistent with the constitution and laws of the United States and Louisiana.

We trust that this opinion has adequately addressed the issues 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: Chimène St. Amant
CHIMÈNE ST. AMANT
ASSISTANT ATTORNEY GENERAL

JL:CS

¹ The city attorney also furnished this office with documentation showing the proposed amendment was published in the Plaquemine Post South, a weekly newspaper of general circulation, printed and published in Plaquemine, Iberville Parish for the weeks: May 18, 2023, May 25, 2023, and June 1, 2023.

² The Plaquemine City Attorney has certified that there was no written opposition to the proposed amendment, and this office has received no facts to indicate that one-tenth of the electors protested the amendment.