



LIZ MURRILL
ATTORNEY GENERAL

STATE OF LOUISIANA
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
P.O. BOX 94005
BATON ROUGE, LA
70804-9005

March 13, 2024
OPINION 24-0010

Honorable Joseph Green
District Attorney
Thirty-Third Judicial District
Allen Parish
Post Office Box 839
Oberlin, LA 70655

172-A WATER DISTRICTS

La. R.S. 33:3819

There is no legal impediment to the reappointment by the police jury of a commissioner of the board of the waterworks district whose position was deemed vacant pursuant to La. R.S. 33:3819 after he missed four consecutive meetings.

Dear Mr. Green,

This office has received your request for an Attorney General's Opinion. In your request, you ask whether the Allen Parish Police Jury may reappoint a commissioner of the board of the waterworks district whose position was deemed vacant pursuant to La. 33:3819 after he missed four consecutive meetings.¹ For the reasons that follow, we find no legal impediment that would prevent the police jury from reappointing the commissioner.

The commissioners of each waterworks district may meet as often as necessary, but shall meet at least once every three months. La. R.S. 33:3819.² The absence of a commissioner from any four consecutive meetings shall be deemed to create a vacancy and it shall be filled by the police jury, if the commissioner had been appointed by the police jury. *Id.*³

A review of the statutes in Chapter 8 of Title 33 of the Louisiana Revised Statutes⁴ demonstrates that there is no statutory prohibition on the reappointment by the police jury of a commissioner whose seat has been deemed vacant under the circumstances set forth above. In addition, the Allen Parish Code of Ordinances does not contain any prohibition on any such reappointment. Moreover, neither the revised statutes nor the code of ordinances contains any provision for term limits that might otherwise prevent this commissioner from taking office upon reappointment.

¹ In a phone call with this office, you advised that the commissioner had missed the meetings because his wife was very ill. Furthermore, you stated that the police jury wished to reappoint the commissioner because he is very knowledgeable about the issues that come before the commission.

² Code of Ordinances, Parish of Allen, Louisiana, sections 82-115, 82-1157, 82-1187, and 82-1217.

³ Code of Ordinances, Parish of Allen, Louisiana, sections 82-115, 82-1157, 82-1187, and 82-1217.

⁴ Chapter 8 is entitled, "Water Supply," and consists of La. R.S. 33:3811-3838.

The only case we could find that addressed the impact of La. R.S. 33:3819 was *Aucion v. Spencer*, 135 So.2d 105 (La. App. 1 Cir. 1961). However, *Aucion* did not involve the issue of whether the commissioner could be reappointed; rather, the case involved whether the commissioner, having missed more than four meetings in a row, was still entitled to serve as a commissioner until her successor was appointed pursuant to La. R.S. 42:2. The First Circuit ultimately determined that she had forfeited her position by missing the meetings and no longer had any right to hold the office until a successor was appointed.

In the situation you present, the commissioner does not have any right to serve as a commissioner until he is reappointed or until his successor is appointed; however, this office concludes that there is no legal impediment preventing the police jury from reappointing the commissioner to the board of the waterworks district if it so desires.

We trust this adequately responds to your request. However, if our office can be of further assistance, please do not hesitate to contact us.

With best regards,

LIZ MURRILL
ATTORNEY GENERAL

BY: 
CHIMÈNE ST. AMANT
ASSISTANT ATTORNEY GENERAL

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