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STATE OF LOUISIANA
DEPARTMENT OF JUSTICE
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February 4, 2025
OPINION 24-0162

Mr. Brett A. Robinson
Deputy Executive Counsel
Governor Jeff Landry
P.O. Box 94004
Baton Rouge, LA 70804

71-1 MUNICIPALITIES - Special Charters

La. R.S. 33:321-481

La. R.S. 33:1181

The proposed amendment to the Charter for the City of St. Martinville is consistent with the constitution and laws of the United States and this state and should be approved by the governor pursuant to La. R.S. 33:1181.

Dear Mr. Robinson:

We received your opinion request concerning a proposed amendment to the Charter for the City of St. Martinville. Pursuant to La. R.S. 33:1181, you submitted the proposed amendment to our office for an opinion as to whether the amendment should be approved by the governor.

Question: Does the proposed amendment to the Charter for the City of St. Martinville comply with the laws and constitutions of the State of Louisiana and the United States such that the governor should approve the amendment?

Conclusion: It is the opinion of this office that the proposed amendment does comply with the laws and constitutions of the State of Louisiana and the United States, and the governor should approve the amendment.

The City of St. Martinville has presented the following documents to the governor's office:

- (1) A certified copy of the Amendment of Charter Ordinance 24-12 of the City of St. Martinville;
- (2) An Affidavit of Publication and Advertisement for three consecutive weeks in the Teche News; and
- (3) A certification from Lorrie M. Poirier, the City Clerk for the City of St. Martinville, dated December 16, 2024, certifying that no opposition has been filed in regard to the amendment contained in said Ordinance within thirty (30) days from the date of last publication of the Amendment (which date of last publication was November 6, 2024).

According to information provided to us, St. Martinville is a municipality existing prior to July 29, 1898, having a population of two hundred thousand or less, which does not come

under the provisions of Part I of Chapter 2 of Title 33.¹ Thus, to amend the Charter as proposed by Ordinance 24-01, the provisions of La. R.S. 33:1181 must be followed.² That statute provides, in pertinent part:

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, if there be one, and, if none, then by posting for said time in at least three public places therein; 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 proposed amendment seeks to make two changes to the Charter. First, it changes the method of setting the salaries of the council members and the mayor, established in Article II, section 9 of the Charter. Current Article II, section 9 of the Charter establishes the monthly salaries of the council members and the mayor and provides, “[*Salaries of Councilmembers and Mayor.*] The Council members and Mayor shall receive such salaries as the majority of the Council may determine, not to exceed the sum of” The version of the Charter we have been provided limits the monthly salaries of the Council members to \$600.00 and the monthly salary of the mayor to \$3,619.42. Ordinance 24-12 seeks to amend the Charter to allow the salaries of the Council members to be changed by majority vote of the Council, instead of by seeking amendment to the Charter every time a change in salary is needed. Specifically, the proposed amendment states, “The Mayor and Council Members shall receive such salaries as the majority of the Council may determine.”

The proposed amendment next attempts to change the date the salaries are fixed to line up with the City’s fiscal year. The amendment to Article IV, section 2 provides: “[2] [*Salaries*] The town council shall fix the salaries and fees of the mayor, Council Members, and other elective officers, and shall at that time establish the compensation or salary to

¹ Part I of Chapter 2 of Title 33 is commonly known as the Lawrason Act. The City of St. Martinville is governed by a special legislative charter. Consistent with La. R.S. 33:321, St. Martinville does not operate under the Lawrason Act.

² Louisiana Constitution article VI, § 2 also authorizes the amendment, modification, or repeal of a special legislative charter by local or special law of the legislature. See *also* La. Atty Gen. Op. 97-42.

be paid to the officers appointed by the town council.”³ According to the letter from the town attorney, this change was an attempt to set the date of fixing of the salaries as July 1; however, it appears that the specific date was left out.

The documentation provided to your office by the City, copies of which were provided to this office, establishes compliance with the local approval and publication requirements of La. R.S. 33:1181. As thirty days have passed since the required publications, and no objections to the proposed amendment have been received, this office must now determine whether “the proposed amendments are consistent with the constitution and laws of the United States and of this state ...” La. R.S. 33:1181.

Ordinance 24-12 allows the salaries of the council members and the mayor to be changed by majority vote of the council, instead of by seeking amendment to the Charter every time a change in salary is needed. Such a provision is in compliance with La. R.S. 33:404.1 which provides:

The board of aldermen shall by ordinance fix the compensation of the mayor, aldermen, clerk, chief of police, and all other municipal officers. The board of aldermen may by ordinance increase or decrease their compensation and the compensation of any nonelected municipal officer and may increase the compensation of other elected officials. However, the board of aldermen shall not reduce the compensation of any elected official during the term for which he is elected.

Ordinance 24-12 further allows the town council to fix the salaries of the mayor, the council members, and other elective officers, as well as the compensation or salary to be paid to the officers appointed by the town council. As noted previously, the current Charter provides the date of fixing salaries as May 1, and according to the letter from the City attorney, the amendment was supposed to change the date to July 1. Despite this intent, Ordinance 24-12 removes the previous date of May 1 from Article IV, section 2 and does not change the date to July 1. Thus, the Charter, as amended, has no date for when the salaries are to be fixed. However, we do not believe this has any constitutional or statutory implications that would require this office to advise the governor not to approve the Proposed Amendment Ordinance. Therefore, it is the opinion of this office that the governor should approve the proposed amendment.

³ Prior to the amendment, this provision stated, “The town council shall, on or before the first day of May, fix the salaries and fees of the mayor, and other elective officers, and shall at the time establish the compensation or salary to be paid to the officers appointed by the town council.”

We hope that this opinion has adequately addressed the legal issues you have raised. If our office can be of any further assistance, please do not hesitate to contact us.

With best regards,

LIZ MURRILL
ATTORNEY GENERAL

BY:

A handwritten signature in black ink, appearing to read "Carey T. Jones", written over a horizontal line.

Carey T. Jones
Assistant Attorney General

LM: CTJ