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DEPARTMENT OF JUSTICE
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March 14, 2025
OPINION 25-0005

The Honorable Darwin Sharp
Mayor of the Town of Franklinton
301 Eleventh Ave.
Franklinton, LA 70438

71-1 MUNICIPALITIES - Special Charters

La. R.S. 33:404 La. R.S. 33:481

The Mayor of the Town of Franklinton has the authority to hire and fire certain municipal employees, subject to certain procedures and restrictions set forth in applicable Louisiana law.

Dear Mayor Sharp:

We received your opinion request regarding the authority of the Mayor of the Town of Franklinton pursuant to the Town Charter. Specifically, you wish to know if you have the authority to hire and fire municipal employees in the daily administration of your office.

Question: Does the Mayor of the Town of Franklin have the authority to hire and fire municipal employees?

Conclusion: It is the opinion of this office that the Mayor has the authority to hire and fire certain municipal employees, subject to certain procedures and restrictions set forth in applicable Louisiana law.

The Town of Franklinton operates under a Legislative Charter and was incorporated pursuant to Act 96 of 1861. A review of the Charter indicates that, while Section 6 of the Charter provides for the appointment or election of the Town's officers, nothing in the Charter specifically addresses the hiring and firing of municipal employees.

In 2010, the Legislature passed La. R.S. 33:481, which provides, in pertinent part, "Notwithstanding any other provision of law to the contrary, in any municipality governed by a special legislative charter, if the provisions of the special legislative charter are silent on a particular matter, then the provisions of Part I of Chapter 2 of Title 33 of the Louisiana Revised Statutes of 1950 [the Lawrason Act] shall govern." The passage of this provision and the silence of the Charter on this issue require us to look to the Lawrason Act to determine who among the Town's leadership has the authority to hire and fire municipal employees.

La. R.S. 33:404(A)(3) provides that the Mayor has the following powers, duties, and responsibilities:

Subject to applicable state law, ordinances, and civil service rules and regulations, **to appoint and remove municipal employees**, other than the


employees of a police department with an elected chief of police. However, appointment or removal of a nonelected chief of police, the municipal clerk, the municipal attorney, or any department head shall be subject to approval by the board of aldermen, except that in the case of a tie vote, the recommendation of the mayor shall prevail. Furthermore, selection or removal of any person engaged by a municipality to conduct an examination, review, compilation, or audit of its books and accounts pursuant to R.S. 24:513 shall be subject to approval by the board of aldermen of that municipality.

Accordingly, it is the opinion of this office that the Mayor of the Town of Franklin has the authority to hire and fire municipal employees in accordance with La. R.S. 33:481 and La. R.S. 33:404(A)(3).

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,

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BY: 
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LM: CS