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DEPARTMENT OF JUSTICE
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OPINION 24-0110

Mr. Weston R. Merriott
211 Shadow Ridge Drive
Bossier City, Louisiana 71112

78 Dual Officeholding

La. R.S. 42:61, *et seq.*

La. R.S. 25:211, *et seq.*

The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a member of the Bossier Parish Police Jury from serving as a member of the Bossier City Charter Review Commission and as a member of the Bossier Parish Library Board of Control.

Dear Mr. Merriott:

Our office received your request for an opinion regarding whether a member of the Bossier Parish Police Jury may serve as a member of the Bossier City Charter Review Commission and a member of the Bossier Parish Library Board of Control.

QUESTION: Whether a member of the Bossier Parish Police Jury may serve as a member of the Bossier City Charter Review Commission and a member of the Bossier Parish Library Board of Control.

CONCLUSION: The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a member of the Bossier Parish Police Jury from serving as a member of the Bossier City Charter Review Commission and a member of the Bossier Parish Library Board of Control.

Pursuant to La. Const. art. X, § 22, the legislature has enacted laws regulating dual employment and defining, regulating, and prohibiting dual office holding in state and local government. The provisions of the Dual Officeholding and Dual Employment Law, found at La. R.S. 42:61, *et seq.*, govern questions concerning the ability to hold two or more public offices and/or positions simultaneously. Classifying the correct nature of the positions held is essential for the purposes of applying the Dual Officeholding and Dual Employment Law.

Bossier Parish operates under a police jury form of government.¹ The Police Jury has general power over any agency created by it, including, without limitation, the power to abolish the agency.² A member of the Police Jury holds an “elective office” for the purposes of the Dual Officeholding and Dual Employment Law.³

¹ Section 2-1, Bossier Parish Code of Ordinances.

² Section 2-39, Bossier Parish Code of Ordinances and Article VI, Section 15 of the Constitution of Louisiana.

³ “Elective office” means any position which is established or authorized by the constitution or laws of this state or by the charter or ordinances of any political subdivision thereof, which is not a political party

The City of Bossier City operates under a home rule charter pursuant to the authority of La. Const. art. VI, § 5.⁴ The charter provides for a president-council form of government.⁵ The City Charter Review Commission was created by Ordinance 154 of 2023. The Commission is comprised of nine members who are appointed by the Council.⁶ A member of the Commission holds a “part time” “appointive office” for the purposes of the Dual Officeholding and Dual Employment Law.⁷

The Bossier Parish Public Library was created by the Bossier Parish Police Jury in accordance with R.S. 25:211, *et seq.*⁸ The Library is governed by a Board of Control, which consists of the president of Bossier Parish and five members who are appointed by the Police Jury.⁹ A member of the Board of Control appointed by the Police Jury holds a “part time” “appointive office” for the purposes of the Dual Officeholding and Dual Employment Law.

Bossier Parish and the City of Bossier City are separate political subdivisions for the purposes of the Dual Officeholding and Dual Employment Law.¹⁰

The most relevant provision of the Dual Officeholding and Dual Employment Law is La. R.S. 42:63(D), which provides, in pertinent part:

No person holding an elective office in a political subdivision of this state shall at the same time hold another elective office or full-time appointive office in the government of this state or in the government of a political subdivision thereof. No such person shall hold at the same time employment in the government of this state, or in the same political subdivision in which he holds an elective office.

office, and which is filled by vote of the citizens for this state or of a political subdivision thereof. La. R.S. 42:62(1).

⁴ Section 1.02, City of Bossier City Charter.

⁵ Sections 3:01 and 4.01, City of City of Bossier City Charter.

⁶ Section 21.02, City of Bossier City Charter.

⁷ “Part time” means the period of time which a person normally works or is expected to work in an appointive office or employment which is less than the number of hours of work defined in this Section as full time. La. R.S. 42:62(5). “Appointive office” means any office in any branch of government or other position on an agency board, or commission, or any executive office of any agency, board, commission or department which is specifically established or specifically authorized by the constitution or laws of this state or by the charter or ordinances of any political subdivision thereof and which is filled by appointment or election by an elected or appointed public official or by a governmental body composed of such officials of this state or of a political subdivision thereof. La. R.S. 42:62(2).

⁸ Section 74-31, Bossier Parish Code of Ordinances.

⁹ Section 74-51, Bossier Parish Code of Ordinances.

¹⁰ “Political subdivision” means a parish, municipality, and any other unit of local government, including a school board and a special district, authorized by law to perform governmental functions. In addition for the purposes of this Part, mayor’s courts, justice of the peace courts, district attorneys, sheriffs, clerks of court, coroners, tax assessors, registrars of voters, and all other elected parochial officials shall be separate political subdivisions. La. R.S. 42:62(9).

La. R.S. 42:63(D) does not prohibit a member of the Police Jury from serving as a member of the City Charter Review Commission and as a member of the Library Board of Control.

In addition to the prohibition found in La. R.S. 42:63, La. R.S. 42:64 prohibits holding incompatible offices. In that regard, La. R.S. 42:64(A)(1) provides:

The incumbent of one of the offices, whether or not in conjunction with fellow officers, or employment has the power to appoint or remove the incumbent of the other, except that local governmental subdivisions may appoint members of the governing body to boards and commissions created by them and over which they exercise general powers as provided in Article VI, Section 15 of the Constitution of Louisiana. A board or commission so created may elect officers from its own membership . . .

Accordingly, the prohibition in La. R.S. 42:64(A)(1) does not apply since the Board of Control was created by the Police Jury and the Police Jury exercises general powers over the Board of Control pursuant to Article VI, Section 15 of the Constitution of Louisiana.

As previously discussed, the Police Jury created the Board of Control and exercises general powers over the Board of Control. See, Article II, §§ 74-31 and 51. Our office has consistently opined that a library board of control is an agency of the parish, created by the governing authority of the parish, pursuant to the authority granted by the legislature and over which the parish exercises general powers as provided in Article VI, Section 15 of the Constitution of Louisiana.¹¹

La. R.S. 42:64(A)(1) does not prohibit a member of the Police Jury from serving as a member of the Library Board of Control.

Based on the applicable provisions of law, our prior opinions and the information you have provided, it is the opinion of this office that the provisions of the Dual Officeholding and Dual Employment Law do not prohibit a member of the Bossier Parish Police Jury from serving as a member of the Bossier City Charter Review Commission and as a member of the Bossier Parish Library Board of Control.

Please note that our expressed opinion relative to state law is limited to an examination of the Dual Officeholding and Dual Employment provisions. It does not address the potential applicability of the provisions of the Louisiana Code of Governmental Ethics, La. R.S. 42:1111, *et seq.* Advisory rulings addressing questions under the Ethics Code are within the jurisdiction of the Louisiana State Board of Ethics. The Board may be contacted at the following address: P.O. Box 4368, Baton Rouge, LA 70821, phone: 225-219-5600.

¹¹ La. Atty. Gen. Op. Nos. 23-0070, 04-0053, 90-339, and 83-766.

We hope that this opinion adequately addresses 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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ATTORNEY GENERAL

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LM: MSC