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In re City of St. Martinville

Court of Appeal of Louisiana, Third Circuit - March 23, 2022 - So.3d - 2022 WL 853866 - 2021-700 (La.App. 3 Cir. 3/23/22)

After mayor vetoed ordinance passed by city council amending its special legislative charter to convert mayoral position from full-time to part-time, city filed petition for declaratory judgment, seeking judgment declaring that mayor was precluded from vetoing actions taken by city council.

Following hearing, the District Court, the Judicial District granted declaratory judgment in favor of city. Mayor appealed.

The Court of Appeal held that:

- Mayor had power to veto actions of city council, and
- City, rather than mayor, was responsible for costs associated with action.

Mayor of city that had adopted special legislative charter had power to veto actions of city council as provided in statute specifying that Lawrason Act applied if city charter of municipality governed by special legislative charter was silent on a matter; while Act previously only applied to municipalities not governed by special legislative charter, change to existing law made it clear that distinction existed between a charter being silent on an issue versus conflicting with Act by specifying the Act applied when charter was silent, and city's special legislative charter was silent on the issue of veto.

City that had adopted special legislative charter, rather than mayor, was responsible for costs associated with declaratory judgment action filed by city seeking judgment declaring that mayor was precluded from vetoing actions taken by city council; city instituted litigation and named mayor as a person of interest, and mayor responded to suit in her capacity as mayor for the city.