

Bond Case Briefs

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MUNICIPAL CORPORATIONS - LOUISIANA

Broome v. Rials

Supreme Court of Louisiana - April 26, 2024 - So.3d - 2024 WL 1825148 - 2023-01108 (La. 4/26/24)

Mayor-president of city-parish and member of council for city-parish filed petition challenging incorporation of area adjacent to city as new municipality against proponents of incorporation.

Proponents filed exceptions of no right of action, which the District Court denied. Following bench trial, the trial court entered judgment for plaintiffs, finding incorporation was unreasonable and would adversely affect city. Proponents appealed, and the First Circuit Court of Appeal granted proponents' re-urged exception of no right of action as to mayor, but denied it as to council member, and affirmed denial of incorporation. Proponents filed separate applications for writ of certiorari.

The Supreme Court held that:

- Member lacked standing to challenge sufficiency of petition for incorporation;
- Member had standing to challenge whether area could provide services within reasonable period of time, and whether incorporation was reasonable;
- Area had sufficient revenue to provide non-parish-provided services within reasonable time, supporting incorporation;
- Factor considering whether area proposed for incorporation had definite characteristics of village weighed in favor of finding that incorporation was reasonable;
- Factor considering whether area residents had taken initial steps toward incorporation weighed in favor of finding that incorporation was reasonable;
- Factor considering whether nearby city had initiated preliminary proceedings toward annexation weighed in favor of finding that incorporation was reasonable; and
- Factor considering whether there had been any financial commitments toward incorporation weighed in favor of finding that incorporation was reasonable.