

Chapter 2

THE GOVERNING BODY

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The *Louisiana Constitution* states that the Legislature shall provide by general law for the incorporation, consolidation, merger, and government of municipalities [Article VI, Section 2]. Of the 304 incorporated municipalities in Louisiana, 35 municipalities are governed by home-rule charters; 26 municipalities are governed by legislative or special charters; and the 243 remaining municipalities are governed by the Lawrason Act, which was enacted in 1898 and amended numerous times throughout its existence. The newest municipality is the City of Central, which was incorporated in 2005.

Municipalities are divided into cities (5,000 population or greater), towns (more than 1,000 but less than 5,000 population), and villages (1,000 or less population).

HOME RULE CHARTERS

Any local government may adopt or amend a home rule charter in accordance with the provisions of Article VI, Section 5 of the *Louisiana Constitution*. In the adoption of a home rule charter, provisions must be made for the structure and organization, powers, and functions of the local government.

In particular, the charter can authorize the exercise of any power and the performance of any function necessary for the management of the affairs of the local government which are not denied by general law or inconsistent with the Constitution. In addition, the Legislature is prohibited from enacting any law which changes the structure and organization or the distribution of powers and functions of any local government operating under a home rule charter [Article VI, Section 6]. From a historical perspective, the development of home rule charters is most likely attributable to the practice of city-county consolidations, which many local governments throughout the United States have achieved.

Notably, the first such consolidation -- merging the City of New Orleans with Orleans Parish -- was created by special legislative act in 1805. This first consolidation was accomplished, it should be noted, without a vote of the people.

And, in 1947, a local voter referendum approved a plan to merge the City of Baton Rouge with East Baton Rouge Parish. An unusual feature of this particular unification was the fact that it retained both the city and the parish governments, giving the Baton Rouge government a flexibility not usually found in other city-county consolidations.

LEGISLATIVE OR SPECIAL CHARTERS

The Legislature over the years has spelled out the charters for several municipalities, some of which date back to as early as 1813. The charters of these municipalities have been amended over the years by complying with R.S. 33:1181, which provides for the following procedures:

- Preparing proposed amendments in writing;
- Publishing the proposed amendments in a newspaper printed in the municipality; and,
- Submitting proposed amendments to the governor for his approval, which entails an opinion by the attorney general that the proposed amendments are consistent with the Constitution and laws of this state.

THE LAWRASON ACT

The Lawrason Act was enacted by Act 136 of 1898 and is named after the legislator who authored the legislation. The Lawrason Act was a general legislative charter for all municipalities created after July 29, 1898, as well as those municipalities which opted -- by a vote of the people -- to be governed by its provisions.

This Act, which can be found at R.S. 33:321-463, was totally revised in 1986, with another significant revision in 1997. Under the Lawrason Act, the municipality is governed by a mayor-board of aldermen form of government with the legislative powers vested in the board of aldermen and the mayor acting as the chief executive officer of the municipality [R.S. 33:362].

The officers of a Lawrason Act municipality are a mayor, aldermen (the number varies, depending upon the size of the municipality), chief of police, tax collector, and municipal clerk, the street commissioner was removed as a municipal officer in the 1997 revision, with the duties of all officers specified by law [R.S. 33:381].

The Lawrason Act is described more fully in Chapter 3 of this handbook.