

FOR IMMEDIATE RELEASE:

March 28, 2019

Clarifying the AG's Opinion on the Lafayette Charter:
Under the Law, Amending the Charter Requires Approval of the Voters

BATON ROUGE, LA - In light of misinformation from some in the Lafayette community regarding Attorney General Opinion 190033, the Louisiana Department of Justice issued the following information for clarification purposes:

Lafayette is governed by a Home Rule Charter. Our State Constitution requires a vote of the people to amend a home rule charter. This cannot be done by the council alone.

Everyone is entitled to his or her own opinion, but that does not mean that all opinions are entitled to equal weight.

Unlike the City Attorney's memo, our Opinion carries Constitutional weight. Historically, the courts have sided with Attorney General's opinions in disputes (save very rare exceptions).

The author of Opinion 190033 is the Deputy Director of the Attorney General's Civil Division. Prior to this service, he spent almost three decades as a contract attorney for the Secretary of State's Office — dealing with local governments and elections. Contrary to the City Attorney's 11page memo attempting to correct his own mistake, this is a cut and dried issue.

Our office has issued many opinions addressing home rule charters; it is clear that amendments to home rule charters are only valid when approved by the voters (see La. Const. Art VI, Sec. 5(c)).

It is important to always note that this problem arose after taking the City Attorney's original advice.

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