

The Town of Elton will be selecting an interim Town Councilman to fill the vacant seat of Councilman Mike Pierrotti. This seat will be set until an election in November is held. At that time the election for both a Mayor and Councilman will be decided. This election will be to decide who will serve the remaining term of both offices.

All interested town citizens are urged to attend and give a brief introduction and let the council know why they would make a good candidate. This forum will be held as part of our regular scheduled Town Council meeting on June 5, 2024.

The format will be in the form of a public forum. The guidelines for the forum will be:

Each applying candidate will be allowed 5 minutes for a brief introduction, and any comments on why that would like to hold this position. Followed by their introduction the council and public will have 1 minute each for any questions of the interested candidate. If you are interested in this position please give our Clerk Charlotte Artis a call at the City Hall. Thank you in advance for your interest in this position and the improvement of the Town of Elton.

**Q.13. What are the qualifications to be Alderman?**

**R.S. 33:385**

**A.13.** Qualifications of aldermen are the same as for the mayor, and in addition, those elected from wards must be residents of their respective wards (District).

**Q.14. What are the powers, duties and responsibilities of the Board of Aldermen or council? R.S. 33:362, 404.1**

**A.14.** The board of aldermen is the municipality's legislative body.

- An alderman acting alone, without the authority of the board, cannot bind the municipality;
- The board (by ordinance) sets the salaries of the mayor, aldermen, clerk, chief of police and all other municipal officers;
  - The board may increase or decrease the salaries of non-elected officials; and
  - The board may increase, but not decrease, the salaries for elected officials (including aldermen) during their term in office. Salaries may be decreased prospectively for elected positions.
- Board approval is required for the appointment or removal of a non-elected chief, clerk, municipal attorney, any department head and a CPA conducting the review, compilation or audit as required by the audit law;
- The board must approve or disapprove the annual operating and capital improvements budgets submitted by the mayor. (The Local Government Budget Act must be followed. R.S. 33:1301 *et seq.*);
  - The board of aldermen for a Lawrason Act municipality is excluded from the authority granted under R.S. 39:1305(F) for amendments to be made to the proposed budget prior to adoption.
- The express or implicit authorization of the board is required for all public expenditures. AG Op. No. 09-0187; and
- The board and mayor shall produce an annual financial statement, which is available for inspection and transmitted to the Legislative Auditor no later than six (6) months after the end of the fiscal year.

**Q.15. What authority does the Board of Alderman have to direct employees of a Lawrason Act municipality?**

**A.15.** The Board of Alderman has authority to provide, by ordinance, general policies and procedures regulating the employment of all municipal employees. The mayor, however, has sole authority to direct the day to day operation of municipal employees, except those within a municipal police department under an elected chief of police.

Items governed by such general policies adopted through ordinance may include, but are not limited to, the following:

- Establishment of general office hours for municipal employees;
- Regulations requiring use of a time clock; and
- The earning, accrual, and use of leave, including any provisions for payment of leave upon separation.

**Q.16. What happens if there is a vacancy on the Board? R.S. 33:385(B)**

**A.16.** A vacancy in the office of alderman is filled pursuant to R.S. 18:602. (R.S. 18:602 was amended in 2012 to modify all time limits therein from ten days to twenty days. The ten day time limit in R.S. 33:385(B), however, remains unchanged as noted below.)

- The governing authority, within twenty days, appoints a person who meets the qualifications of the office to fill the vacancy;
- The presiding officer is not required to vote on such an appointment unless a tie vote occurs, in which case he or she must vote to break the tie. However, in no case shall the presiding officer vote more than once on an appointment;
- In the event of a tie vote in filling a vacancy, the mayor as the presiding officer shall vote to break the tie;
- If the mayor fails or refuses to break the tie, the members of the board must notify the governor of the existence of a vacancy;
- Pursuant to R.S. 33:385(B), which was not amended to change the time limit, the governor must make an appointment to fill the vacancy within 10 days after receiving notice of the tie vote.
- If a vacancy is not filled within the time specified, the governor fills the vacancy.
- If the unexpired term of an office is 18 months or less, the person appointed to fill the vacancy or designated to assume the duties of the office serves for the remainder of the unexpired term;
- If the unexpired term exceeds 18 months, the governing authority, within twenty days after the vacancy occurs, must issue a proclamation ordering a special election to fill the vacancy and must specify in the proclamation (1) the dates on which the primary and general elections will be held and (2) the dates of the qualifying period for candidates in the special election. In selecting the

dates for such special elections, the governing authority may choose a gubernatorial or congressional election date, if such date is available within 18 months of the occurrence of the vacancy or may select an election date in accordance with state law;

- If the unexpired term exceeds 18 months but the vacancy occurs within 18 months of a regularly scheduled primary election for that office, no special election will be called, and the appointee shall serve for the remainder of the term of office;
- If the governing authority fails to issue the proclamation within twenty days after the vacancy occurs, the governor issues the proclamation;
- R.S. 18:602(F) provides the procedure when there is no quorum to choose a successor. The remaining members shall immediately inform the governor of the existence of the vacancies. Within twenty days after receipt of this notice, the governor shall make appointments to fill all the vacancies and shall issue a proclamation calling special elections to fill the vacancies if special elections are required.

**Q.17. May an Alderman hold two positions in a municipality? (Dual Office-holding)**

**A.17.** Louisiana's dual officeholding and dual employment laws prohibit a person who holds an elective office in a political subdivision of this state from at the same time holding any other elective or full-time appointed position or employment under the municipal government while a member of the board

**R.S. 42:63(D)**

For additional information on the Dual Officeholding and Dual Employment laws, please see the LLA's [FAQ on Dual Employment/ Dual Officeholding](#).

**Q.18. What are the duties of the Mayor Pro Temp?**

**R.S. 33:405**

**A.18.** The Mayor Pro Temp, in cases where there is a vacancy in the office of mayor, shall perform all the duties of the mayor until the vacancy is filled as otherwise provided by law.

The board of aldermen shall select one of its members to be mayor pro tempore.

If the mayor is unable to carry out the duties of the office of the mayor by reason of physical or mental disability, as determined by a licensed physician, the mayor pro tempore shall perform all of the duties of the mayor for the duration of the disability.

If the mayor is unable to attend a meeting of the board of aldermen, the mayor pro tempore shall preside at the meeting in the absence of the mayor. The mayor pro