

**TOWN OF HOMER  
STATE OF LOUISIANA  
RESOLUTION #19-002**

Mayor and Board of Selectman of the Town of Homer in the Parish of Claiborne, State of Louisiana, AT THEIR REGULAR MEETING HELD FEBRUARY 11, 2019 DID PASS THE FOLLOWING RESOLUTION:

WHEREAS, a resolution has been proposed to be adopted by the Board of Selectmen of the Town of Homer.

WHEREAS, the Town of Homer police chief gets an approval of all new and returning hires before the council and all promotions, disciplinary actions, and dismissals by the chief.

Motion was made by Councilwoman Patricia Jenkins.

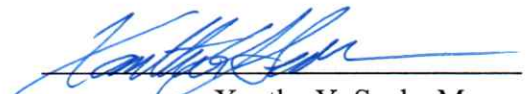
Seconded by Councilman Brandon Rich

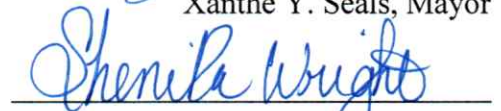
Yays: Hardaway, West, Johnston, Rich, Jenkins

Motion was unanimously approved.

Therefore the above resolution is hereby adopted by the Town of Homer Parish of Claiborne this 11<sup>th</sup> day of February, 2019 and shall become a part of the official public record.

Town of Homer, Parish of Claiborne  
State of Louisiana

  
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Xanthe Y. Seals, Mayor

  
\_\_\_\_\_  
Shenika Wright, Town Clerk

**(7) Clerk - Administrative Duties**

- Keeps the minute book
- Keeps the docket book
- Custodian of the municipal seal
- Custodian of municipal records
- Keeps tax records
- Completes other administrative tasks as needed

**(8) Chief of Police - Judicial**

- Whether elected or appointed is a world of difference
- Lawrason Act presumes elected, but appointed chiefs exist in municipalities where they existed as of August 1970, AND in towns where the people have voted to authorize the mayor to appoint the chief subject to board approval.
  - The people present a petition signed by at least 25% of the qualified voters, and if the people vote no, you can't hold another one for at least 4 years.
  - In municipalities of 5,000 people or less, the board must call the election by 2/3 vote, and the result of the election bars another for at least 4 years.
  - After at least 4 years, the people can switch back either way, using the same mechanism.
- Generally, both appointed and elected have responsibility for enforcement of law and ordinances within the municipality, which authority runs concurrent with the sheriff.
- For appointed chiefs, the Mayor is really the de facto chief of police for all administrative matters, so it is a very delicate dance that the chief and mayor perform - it helps if they are friendly and on the same page.
- For elected chiefs, the chief controls all administrative matters within the department and must get board approval only for appointment, promotion, discipline or dismissal of police personnel.
  - Exceptions: found in §§ 423.1 - 423.26 - Mandeville, Harahan, Gretna, Villa Blatte, Scott, Westwego, Patterson, Gonzales, Crowley, Tickfaw, Winnfield, Iowa, Grand Isle, Broussard, Carencro, Amite City, Livingston, Ponchartroula, White Castle, Independence, Pearl River, Youngsville, Kaplan, Welsh and Rayne.
  - Chief can immediately suspend or dismiss personnel pending board approval at the next special or regular meeting.
  - Chief may provisionally fill a vacancy with the mayor's approval pending board approval - if the board never votes to reject, the appointment stands.
  - Regarding budgets - if the elected chief sees that he is going to exceed the budget allocated to the PD by the board by 5% or more, it is the Chief's fiduciary obligation to inform the board of the overage and to present a plan to bring his budget back into line with what the board has provided. Examples were

**ACT No. 134**

2019 Regular Session

HOUSE BILL NO. 33

BY REPRESENTATIVE JEFFERSON

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AN ACT

To enact R.S. 33:423.28, relative to the Homer police department; to authorize the police chief to appoint, promote, and discipline police personnel; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:423.28 is hereby enacted to read as follows:

§423.28. Town of Homer; authority over police personnel by chief of police

Notwithstanding the provisions of R.S. 33:423, in and for the town of Homer, the chief of police shall appoint, promote, discipline, and discharge police personnel subject to the budgetary limitations established by the mayor and board of alderman pertaining to the number of allotted positions for the police department.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

§423.28. Town of Homer; authority over police personnel by chief of police

Notwithstanding the provisions of R.S. 33:423, in and for the town of Homer, the chief of police shall appoint, promote, discipline, and discharge police personnel subject to the budgetary limitations established by the mayor and board of alderman pertaining to the number of allotted positions for the police department.

Acts 2019, No. 134, §1.