

July 5, 2000
OPINION NUMBER 00-86

Honorable Connie Youngblood
Mayor, Town of Colfax
P. O. Box 310
Colfax, Louisiana 71417

Dear Mayor Youngblood:

This letter is in response to your request for an Attorney General's opinion regarding the Grant Council on Aging. According to your request, the Town owns a parcel of land containing a building structure. The Town desires to donate the land and building to the Grant Council on Aging so that the Council on Aging program will remain in Colfax and will not be moved to another location. Specifically, you are interested in determining whether the Town of Colfax can donate or otherwise transfer the property, which is owned by and titled in the name of the Town, to the Grant Council on Aging, Inc.

Implicitly, your request must be examined in light of La. Const. Art. VII, Sec. 14(A), which generally prohibits the state and its political subdivisions from loaning, pledging or donating its funds, credit, property or things of value to or for any person, association or corporation, public or private. This constitutional provision has been interpreted by the Louisiana Supreme Court in ***City of Port Allen v Louisiana Municipal Risk Agency***, 439 So.2d 399 (La. 1983), which held that the Constitution is violated whenever the state or a political subdivision seeks to give up something of value when it is under no obligation to do so. We note, however, that La. Const. Art. VII, Sec. 14(B) provides certain exceptions to the prohibition contained in Sec. 14(A) and states, in pertinent part: Nothing in this section shall prevent (1) the use of public funds for programs of social welfare for the aid and support of the needy..."

Attorney General's opinions have previously determined that Parish Councils on Aging, and the work they do, can be categorized as programs of social welfare for the aid and support of the needy. Attorney General's Opinions Nos. 98-238, 77-240. Accordingly, it is our opinion that the Constitution does not prohibit political subdivisions such as the Town of Colfax from providing funds or property to a Parish Council on Aging to be used for their program(s) of social welfare for the aid and support of the elderly.

We must caution you, however, that this office has typically characterized the term "needy" to mean low income, impoverished or indigent. Further, we have recognized as a threshold requirement, that a systematic program with objective eligibility requirements should be implemented to insure that the program in question serves those that are truly needy. Attorney General's Opinions Nos. 97-236, 94-157, 92-543 and 82-115. Therefore, it is our advice that the Town enter into a cooperative endeavor with the Grant Council on Aging in order to insure that the Council on Aging will provide services for the needy elderly of Colfax to an extent commensurate with the value of the land and building that will be transferred. Enclosed herewith is a copy of Attorney General Op. No. 93-787, which discusses cooperative endeavors in some detail.

We trust the foregoing to be of assistance to you and the Town of Colfax. If this office can be of assistance in other areas of the law, please do not hesitate to contact us.

Yours very truly,

RICHARD P. IEYOUNG
ATTORNEY GENERAL

BY: JEANNE-MARIE ZERINGUE BARHAM
Assistant Attorney General

RPI:JMZB:jv
Enclosure

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90-A-2 PUBLIC FUNDS, LOAN, PLEDGE OR
 GRANTS
La. Const. Art. VII, Sec. 14

Constitution does not prohibit political subdivisions such as the Town of Colfax from providing funds or property to a Parish Council on Aging, but Town should enter into a cooperative endeavor with Council on Aging to insure that Council on Aging will provide services for needy elderly to an extent commensurate with the value of property transferred.

Honorable Connie Youngblood
Mayor, Town of Colfax
P. O. Box 310
Colfax, Louisiana 71417

DATE RECEIVED:
DATE RELEASED: July 5, 2000

JEANNE-MARIE ZERINGUE BARHAM
ASSISTANT ATTORNEY GENERAL