

August 14, 2000
OPINION 00-244

Chief of Police Earl Mayfield
South Mansfield Police Dept.
P.O. Box 995
Mansfield, LA 71052

Dear Chief Mayfield:

This office is in receipt of your request for an opinion of the Attorney General in regard to the proper procedure for changing from an elected Chief of Police to an appointed Chief of Police for South Mansfield which is a Lawrason Act community. You indicate the Charter has not been changed, and ask whether the Mayor and Council can make such a change without a vote of the people.

It is our opinion that the Mayor and Council cannot make a change from an elected Chief of Police to an appointed Chief without a vote of the people as set forth in R.S. 33:381.1 which provides as follows:

The marshal who is the chief of police in such municipalities shall be elected at large, provided that, notwithstanding any other provisions of law to the contrary, a majority of the qualified electors voting therein may, at a special election called by the board of aldermen for that purpose, authorize the mayor to thereafter appoint a marshal with the approval of the board of aldermen. Such special election shall be called only upon the presentation of a petition, directed to the board of aldermen and signed by at least twenty-five percent of the qualified electors of the municipality. Once such an election has been called and held, no further or other election on the same question shall be held for at least four years.

If the people of any municipality vote to authorize the mayor to appoint the marshal, the first such appointment shall be made at the end of the term of the marshal, the first such appointment shall be made at the end of the term of the marshal in office at the time the election was held unless at that time the office of marshal is vacant or the incumbent is an appointed official.

Upon the expiration of at least four years after the effective date of any such determination that the marshal shall be an appointed rather than an elected

official the people of any such municipality may determine that said official shall be elective, but only in the same manner and through the same petition and election procedure as hereinabove set forth.

In accordance with the statutory law, the change to an appointed Chief of Police can only be made following a special election called only upon a petition by at least twenty-five percent of the qualified electors of the municipality. In response to a request regarding the petition for a special election to change from an elected to an appointed chief of police the office has issued Atty. Gen. Op. No. 98-177 which is attached for your consideration. We hope this sufficiently answers your inquiry, but if we can be of further assistance, do not hesitate to contact us.

Sincerely yours,

RICHARD P. IEYOUB
Attorney General

By: _____
BARBARA B. RUTLEDGE
Assistant Attorney General

RPI/bbr

Chief Ear Mayfield
OPINION NO. 00-244
Page 3

77 Officers - Local & Municipal
R.S. 33:381.1

To change from an elected Chief of Police to an appointed Chief of Police can only be made following a special election called upon a petition by at least 25% of the qualified electors of a municipality.

Chief of Police Earl Mayfield
South Mansfield Police Dept.
P.O. Box 995
Mansfield, LA 71052

Date Received:
Date Released: August 14, 2000

BARBARA B. RUTLEDGE
Assistant Attorney General