

December 15, 1998
OPINION NUMBER 98-14

Syllabus

Honorable Harold Capello
Mayor
City of Donaldsonville
Post Office Box 470
Donaldsonville, Louisiana 70346

90-A-1-(a) Public Funds & Contracts - Constitution

La. Const. Art. VII, §14

City Council purchasing candy with public funds to throw to on-lookers along parade route violates constitution prohibition against donation of public funds. Payment of fee to sponsor a float representing the city would not violate the constitutional prohibition, as it is not a donation, provided the benefit to the general welfare of the citizens of the city is commensurate with the cost.

Dear Mr. Capello:

You have requested the opinion of this office as to the legality of the use of municipal funds to sponsor a Christmas parade float and to purchase candy to be thrown from the float during the parade.

Article VI, §14(A) of the Louisiana Constitution of 1974 provides, in pertinent part, as follows:

Except as otherwise provided by this constitution, the funds, credit, property, or things of value of the state or of any political subdivision shall not be loaned, pledged, or donated to or for any person, association, or corporation, public or private.

In view of the foregoing, the purchase of candy by the City of Donaldsonville, to be given to persons along the Christmas parade route is prohibited.

With regard to your question concerning the City sponsoring a float in the Christmas parade, we understand the City pays a fee to the local chamber of commerce for the float, which various city officials ride. The fee is not a donation to the chamber of commerce. Such activity could be viewed as a legitimate means of promoting the city, within the scope of providing for the general welfare of its citizens and, therefore, would not be a violation of Article VII, §14 of the Louisiana Constitution. Of course, the city council should exercise its sound discretion and judgment to determine that the benefit to the city is a fair return for the expenditure.

If we can be of any further assistance to you, please do not hesitate to contact us.

Very truly yours,

RICHARD P. IEYOUB
ATTORNEY GENERAL

By: _____
RANDALL A. KARR
Assistant Attorney General

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Mayor Harold Capello
Mayor
City of Donaldsonville
P. O. Box 470
Donaldsonville, LA 70346

Date Received:

Date Released:

Randall A. Karr
Assistant Attorney General