



## ATTORNEY GENERAL OPINION

December 22, 2011

*For Immediate Release*

### ***Attorney General Buddy Caldwell Opinion Says Kenner Council Acted Out of Order; Yenni Asks Council to Stop Wasting Time, Money & Resources on Politics***

**KENNER, LA.** – Kenner Mayor Michael Yenni received written notice today from Attorney General Buddy Caldwell that a council ordinance designed to restrict non-classified personnel from participating on their own time in political campaigns or events is out of order and should not be adopted.

Wrote Caldwell, “The (Kenner) council cannot usurp the power given to the Mayor under the guise of legislative authority.” Opinion 11-0256 drafted by Caldwell in a written letter dated December 16, 2011 pointed to two sources he used when making his decision: *Bourgere v. Anzelmo*, 517, So.2d 1121 (La. App. 5 Cir. 1987) and former Attorney General opinion, 08-0039A. Caldwell also noted that, “Prohibiting all non-classified workers from participating in political activities is not a general principle; it is a specific direction to the administrative branch concerning personnel matters.” Therefore, it was his conclusion that council ordinance “directing” city employees to not engage in political activities, was overreaching.

Stated Yenni, “Some members of the council have been determined to disrupt our government with politics over progress. They have wasted time, money and resources with a measure that was politically motivated and submitted to disparage me and my administration. I am hoping that this decision will illustrate my resolve to challenge their petulance when I believe they are acting irresponsibly and out of personal gain over public service. We should work to find the common ground that promotes growth and leads Kenner to a renaissance.”

The Kenner Council voted on October 20, 2011 to prohibit all non-classified employees from political activity. On October 27, Yenni vetoed the ordinance to protect his employees’ constitutional rights. On November 3, the Council overrode the veto by a 6-1 margin. That led to a request from Yenni to the Attorney General for an opinion on who was right. Yenni contended from the beginning that the measure was politically charged by Council members Joe Stagni and Michele Branigan. In a Times-Picayune interview published on November 4, Branigan defended the override stating “We have solid legal standing.” Noted Yenni, They shouldn’t waste our taxpayer’s money by rendering their own opinions and ignoring those of the city attorney, who by home rule charter conducts the legal affairs of the city.” “Considering these two council members sought no advice from their own City Attorney before even putting this ordinance up for adoption and ignoring his opinion prior to adopting this illegal ordinance, I am not surprised by the Attorney General’s opinion”. “This protects the rights of the dedicated people that maintain the standards of services in Kenner. I am pleased their legal rights have been preserved and the city is not exposed to any liability.