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## **BGR RELEASE**

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### **Legislature Should Reject Attempts to Override Planning Provisions in New Orleans Charter**

Last fall, voters in New Orleans approved a city charter amendment that created a process for preparing and adopting a master plan. Basically, the charter requires the City Planning Commission to prepare, adopt and submit a master plan to the City Council. It requires the City Council, in turn, to adopt, revise or reject the plan submitted by the City Planning Commission.

The amendment gives the future Master Plan the force of law. Among other things, the charter now requires the city's capital improvement plan, comprehensive zoning ordinance, zoning map, and other land use laws and decisions to conform to the Master Plan.

Currently, bills before the State Legislature would undermine these recently adopted charter changes. Senate Bill 75, which will be heard by the House Committee on Municipal, Parochial and Cultural Affairs on Wednesday, June 10, would require voter approval of any master plan with the force of law in Orleans Parish. House Bills 305 and 698 would require such approval for any master plan adopted by a parish or municipality. All three bills would transfer planning power from elected and appointed officials to the ballot box.

The three bills, all introduced by New Orleans legislators, represent a backdoor attempt to undermine a charter change approved by New Orleanians only seven months ago. The bills are an affront to the principle of home rule.

The assault on a home rule charter is only the first among many problems with the bills. The bills would dilute accountability by allowing elected and appointed officials to abrogate their responsibility for the outcome of the master planning process. Furthermore, since the city's charter directs it to create a master plan, the bills could create a situation where the city produces, and voters reject, master plans ad infinitum. By the same token, the bills could force planners to advance a plan that is designed to pass

muster in the political arena, rather than one that addresses the grave challenges our city faces. Passage of this legislation might open the door to a flood of referenda on decisions now made via representative government.

A master plan should be developed with significant citizen participation. New Orleans' city charter requires such participation, and the planners have sought it. Across the city, citizens have participated in numerous public meetings. They have taken the time to review and respond to the proposals contained in the initial draft plan. They will have the opportunity to comment on the final draft that goes to the City Planning Commission and the document that goes to the City Council.

The emerging Master Plan may not be a perfect document. Some may disagree with the direction it takes. If so, the appropriate response is not to pass a law undermining a recent charter amendment; rather, it is to join with other citizens to comment on and help craft the best possible plan. If shortcomings emerge later, the charter has in place a reasonable, participatory process for amending the Master Plan.

New Orleanians have approved a rational process for crafting and amending the Master Plan. If they want to change it, they can do so through another charter amendment. The decision should be theirs.

*BGR is a private, nonprofit, independent research organization. Since its founding in 1932, it has been dedicated to informed public policy-making and the effective use of public resources in the Greater New Orleans area. For more information call 525-4152 or visit BGR's web site, [www.bgr.org](http://www.bgr.org).*