

# The St. Tammany Parish Home Rule Charter: An Assessment

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Jerry Himelstein, *Research Analyst*  
Jon A. Eckert, *Research Analyst*  
Amy T. Pease, *Publications*  
Helen L. Williams, *Executive Assistant*

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The Bureau of Governmental Research is a private, nonprofit, independent research organization dedicated to informed public policy making and the effective use of public resources for the improvement of government in the Greater New Orleans metropolitan area.

This report and an appendix comparing St. Tammany's Home Rule Charter with its 1979 charter are available on BGR's website or by calling or faxing the numbers below.

Bureau of Governmental Research  
225 Baronne Street, Suite 610  
New Orleans, Louisiana 70112  
Phone (504) 525-4152  
Fax (504) 525-4153  
research@bgr.org  
www.bgr.org

## Executive Summary

In January 2000, St. Tammany Parish converted from a traditional police jury system to a president-council form of government under a home rule charter. St. Tammany's voters had approved their new home rule charter in 1998 by a narrow 121-vote margin out of nearly 24,000 votes cast.

Now that St. Tammany Parish has two years of experience with the new charter and the one-year waiting period for amending the charter has expired, the time is right to examine the charter's operation and consider fine-tuning it. Based on interviews with elected officials and parish staff, the Bureau of Governmental Research (BGR) found a general consensus that the charter is working well. Both those who opposed the adoption of the charter and those who supported it consider the charter an improvement over the police jury system that it replaced.

While St. Tammany's home rule charter is generally a solid document which reflects contemporary thinking on the distribution of powers within a government, there are a number of significant issues that warrant further consideration:

1. **Comprehensive Planning.** Although growth and development issues dominate the governmental life of St. Tammany, the charter provides surprisingly little direction and detail on the subject of master planning. It rather cryptically requires the parish to enact, enforce and maintain a comprehensive plan, while creating a procedural void and leaving decisions as to how much (or how little) planning occurs largely to the discretion of parish officials.
2. **Legal Counsel.** Requiring the parish and its elected officials to use the services of the district attorney, an independently elected official whose district is not coterminous with the parish, creates the danger of political and legal representation conflicts. Requiring the different branches of parish government—the council and the parish president—to use the same legal counsel creates problematic situations where separate and independent legal advice would be advisable.
3. **Council Size and Composition.** St. Tammany's council is relatively large (14 members as compared to 7-10 for other parish councils in the region) and has no at-large representation.
4. **Reapportionment.** The charter requires that council districts be reapportioned after every census and that the reapportionment be completed six months before the next scheduled election. This provision puts reapportionment on a collision course with the election scheduled for the year 2011, because it does not allow enough time to complete the process.

### **BGR recommends the following:**

1. To preserve the benefits of the extensive New Directions 2025 planning process, the voters should amend the charter to more

fully articulate and strengthen the provision on comprehensive planning. The charter amendment should at a minimum establish the framework of an ongoing comprehensive planning process and give the comprehensive plan the force of law, requiring public and private plans, as well as parish ordinances and actions, to be consistent with the comprehensive plan.

2. To eliminate the potential for conflicts of interest arising from the representation of parish officials and agencies by the district attorney, the voters should amend the charter (i) to allow the parish president, with the approval of the parish council, to establish the office of parish attorney and to appoint such an attorney, subject to council approval, and (ii) to specifically allow the council to hire legal counsel for itself. If established, the office of parish attorney should have the authority to represent all departments, offices and agencies of the parish.
3. The parish should consider reducing the size of the council in the future after St. Tammany has had more experience under the charter.
4. To alleviate foreseeable timing problems with respect to reapportionment, the voters should amend the charter to adjust the parish's self-imposed reapportionment deadline or to allow for the adjustment of the deadline in years when elections are scheduled to closely follow the release of census data.

## Introduction

In January 2000, St. Tammany Parish converted from a traditional police jury system to a president-council form of government under its new home rule charter. The police jury system consisted of an elected legislative body, the police jury, which also exercised executive functions through a parish manager. Each police juror acted as an administrator/ombudsman for parish government in the individual districts. Under the new home rule charter, St. Tammany voters elected a parish president as chief executive, and a parish council of fourteen members, one from each of the former police jury districts. The division of executive and legislative powers was defined in the charter.

St. Tammany's voters approved the new home rule charter in 1998 by a narrow 121-vote margin out of nearly 24,000 votes cast. The charter had been developed over a period of time by a charter commission, which performed its work with the technical assistance of the Public Affairs Research Council of Louisiana, Inc. (PAR).

The St. Tammany Parish Home Rule Charter is now two years old. After two years of experience with the new charter and with the one-year waiting period for amending the charter having expired, now is a good time to examine the charter's operation and to consider fine-tuning it.

Although the St. Tammany charter in its early days had some rough moments, particularly when it came to determining how many appointments would be

made to various parish boards and commissions, and who would make those appointments, the new government is generally recognized as a success. Based on its interviews with elected officials and parish staff, BGR found a general consensus that the charter is working well. Those who opposed the adoption of the charter as well as those who supported it seem to agree that the charter is an improvement over the police jury system that it replaced. However, both groups identified issues that need to be resolved.

The general consensus in support of the charter is a positive and notable development, given St. Tammany's prior experience with respect to home rule government. In order to provide perspective, a brief description of home rule and a brief history of the charter movement in St. Tammany are provided.

## **Introduction to Home Rule**

What is home rule and how does it differ from other forms of local government?

The traditional concept of local government holds that local governments are merely creatures of the state and are allowed to exercise only those powers explicitly authorized by statute.

Louisiana's 1974 constitution changed this concept by granting broad home rule authority to parishes and municipalities choosing to exercise it.

Under a home rule charter adopted after 1974, a local government may exercise any power for the management of its

affairs not denied by general law, as long as it is not inconsistent with the state constitution. Also, the constitution grants some degree of protection from legislative interference. The fact that a home rule government can exercise any power not denied by the constitution or general law means that powers cannot be taken away by the legislature with a statute directed to a particular local government.

Municipalities and parishes may establish home rule powers through the charter process. Generally speaking, home rule charters are prepared by local charter commissions, which may be either appointed or elected. Charters must be approved by the voters to become effective.

The charter process allows citizens to design their own form of government. They decide what its powers and duties will be and how those powers and duties will be distributed in the government. Once a charter is adopted, the state legislature is constitutionally prohibited from enacting any law that changes or affects the structure and organization or the distribution and redistribution of the powers and functions of the government as set forth in the charter.

## **History of the Charter Movement in St. Tammany**

Historically St. Tammany has had a stormy relationship with home rule charters. A review of that history sheds light on its existing form of government.

St. Tammany's first home rule charter effort began formally in early 1978 when the police jury established a charter commission. The commission proposed a home rule charter on April 5, 1979, and the police jury called a referendum for May 19, 1979. The charter passed handily, 6,018 to 4,053. At first blush, this lopsided approval suggests a strong parish-wide consensus on the charter. In reality, St. Tammany was seriously split on the issue. The charter passed by resounding margins in the developed parts of the parish, particularly in the Slidell area. (One precinct there voted in favor of the new charter by a 14 to 1 ratio.) However, rural areas, such as Sun, Bush, and Folsom, resoundingly opposed the 1979 charter.

St. Tammany's first home rule foray was short-lived. On April 27, 1982 less than three years after the new home rule charter was adopted and little more than two years into its operation the St. Tammany Parish Council called for a referendum to repeal the charter. In the election held on September 11, 1982, parish voters decided to abandon the charter: 8,548 votes favored repeal, while 8,108 votes were cast to retain the charter.

The repeal election did not end the controversy. Citizens challenged the legality of the repeal referendum, contending that the home rule charter itself prohibited holding an election to repeal the charter so soon after it was adopted. The district court ruled that the repeal of the 1979 home rule charter was valid. Its ruling was affirmed by the appellate court in 1983.

Between the vote to repeal the charter and the appellate court ruling, the charter debate took another twist: voters were called to the polls again to consider a second St. Tammany Parish home rule charter. The proposal was odd; it would have restored a traditional police jury form of government, but would have called it home rule. This hybrid charter was put forth because of concern that the parish would lose the local autonomy otherwise available under the home rule provisions of the Louisiana Constitution if it reverted to the standard police jury system.

The second home rule charter was no less controversial than the first. It was defeated at the polls, with 4,880 votes cast in favor, and 8,826 votes cast against.

Thus the 1983 elections brought the police jury system back to St. Tammany Parish, effective January 1984. For the next sixteen years, the fastest growing parish in Louisiana governed itself under Louisiana's most traditional form of parish governance.

During the time between St. Tammany's return to a police jury and its new charter, the parish grew by about 81,000 people. Many community leaders continued to be dissatisfied with what was often characterized as a horse-and-buggy government ill suited to an information age economy. Critics of the police jury system also were concerned that the fragmentation of the parish into 14 police jury districts and the absence of a parish-wide elected official to speak for the whole parish put St. Tammany at a competitive disadvantage in a modern economy. These factors fueled the movement that produced the 1998 charter.

On March 20, 1997, the St. Tammany Parish Police Jury passed a resolution creating a new St. Tammany Parish Home Rule Charter Commission. The commission consisted of eleven members, six private citizens and five police jurors. Through an extensive public process, the charter commission developed three full drafts of the charter. The final draft of the charter was submitted to the voters on October 3, 1998. The vote was very close 12,033 votes in favor, 11,912 against. As with the charter election in 1979, the support for the new charter was most pronounced in the urbanized areas.

## Open Issues in the St. Tammany Home Rule Charter

At a fundamental level, a home rule charter is a set of instructions from the voters. It tells local officials what they must do, what they may do, and what they are prohibited from doing.

A charter typically lays out the broad general features of governmental structure, leaving the details to the elected officials. Reasonable flexibility is common and highly desirable to allow local government to adapt to changing needs without requiring frequent amendment.

St. Tammany's home rule charter is generally a solid document that reflects contemporary thinking in governmental circles on the distribution of powers within a government. However, a detailed examination of the document and the experience of governance under

it suggest several considerations that might enhance the efficiency and responsiveness of parish government.

BGR has identified four significant issues in the St. Tammany Home Rule Charter that may warrant further consideration. These issues are:

- Comprehensive Planning
- Legal Counsel
- Council Size and Composition
- Reapportionment

Each of these areas is addressed in a separate section below.

### Comprehensive Planning

Growth is the dominant feature of contemporary St. Tammany Parish. Since 1990, St. Tammany Parish's population has swelled by 46,760 residents, a 32% increase, earning St. Tammany the title of the fastest growing parish in Louisiana. St. Tammany's growing pains are evident in terms of stress on physical infrastructure and continual public controversies regarding how growth should be managed.

The dominance of growth and development issues in the governmental life of St. Tammany Parish is clearly evident in the type of business that comes before the St. Tammany Parish Council on a regular basis. Planning, zoning, and subdivision agenda items dominate the council's business. A review of council agendas for meetings in the first quarter of 2002 shows that 85% of the agenda items deal with one of these topics. Furthermore, these issues affect related

matters such as drainage, water and sewer infrastructure, and roads. They also have major budgetary impacts.

Despite the number of planning and development issues that come before the council, there is surprisingly little direction and detail in the charter on the subject. The charter leaves it largely to the discretion of the elected officials to decide how much (or how little) planning occurs, and what is to be done with the results of that planning.

The charter addresses planning and zoning, but it does so only in scattered sections:

Section 1-04 requires that [t]he parish shall prepare, enact, enforce and maintain comprehensive plans for the development of the Parish.

Section 2-11 spells out those actions that require an ordinance for approval, including approval of plats, subdivision controls or regulations, zoning plans, maps, and regulations.

Section 4-07 assigns responsibility to the Department of Development to prepare and maintain a comprehensive long range plan, and requires that department to present the plan annually to the parish council and the Planning and Zoning Commission to assure coordination of effort and allow for public input.

Section 4-08 assigns the Department of Planning and Permits responsibility for regulating land use, building, and the development of subdivisions, along

with responsibility for maintaining and updating the St. Tammany Parish land use map.

Pursuant to reorganization authority granted in Section 4-12, the responsibility for long range planning has been reassigned to the Department of Planning.

Nowhere does the charter define what constitutes a comprehensive plan, nor does it specify a process by which it must be developed. In fact, the word comprehensive appears only twice in the entire charter. Of potentially greater concern, the charter is less than clear on the extent to which the comprehensive plan binds the parish, its administrative subdivisions, or its various boards and commissions. While the charter calls for the enactment and enforcement of the plan, the intent is open to interpretation.

The brief treatment of comprehensive planning in the charter is not an indication of a lack of interest in the subject. In fact, long range planning appears to be at the forefront of the administrations and the council's concern, as evidenced by St. Tammany's New Directions 2025 planning effort. The process, initiated by the police jury in 1999, has involved a large number of citizens both as committee members and as participants at extensive public hearings. Parish officials have participated fully, aided by parish planners and planning consultants. The plan is being developed in accordance with practices recommended by the American Planning Association in its *Growing Smart Legislative Guidebook*.

When the process is complete and the comprehensive plan is ready, possibly by the end of 2002, the parish president intends to initiate a process that will give the plan the force of law. This would seem to be required by Section 1.04B of the charter, which requires enactment and enforcement of the plan. However, the details of the enactment and the enforcement, including the mechanisms for enforcement, have not been worked out.

Many would argue that the charter should indeed allow some degree of flexibility to prevent it from becoming a straightjacket on elected officials who need to respond to the changing needs of the parish. The flip side of that argument, however, is that long range planning issues and the infrastructure investment decisions that necessarily go hand-in-hand with long range planning should be more insulated from the vagaries of political cycles and election pressures.

St. Tammany has heavily invested time, energy, resources, and political capital in a state-of-the-art comprehensive planning process. It would make sense to protect this investment by explicitly requiring private and public development to be consistent with the plan and by developing and implementing an ongoing process for review and amendment. While the procedural framework could be effectively addressed by ordinance, the principle of consistency should be incorporated into the charter.

Other jurisdictions have used different mechanisms to strengthen to varying degrees the process and impact of comprehensive planning. The Plan

of Government for the Parish of East Baton Rouge and the City of Baton Rouge contains extensive provisions governing master planning and land use. Section 10.4 of The Plan of Government articulates the elements required in the comprehensive plan. It outlines the method by which the council shall adopt the plan, requires the council to adopt ordinances to implement the plan and to recommend methods of financing all elements of the plan, and requires that all land development regulations be consistent with the plan. The charter describes a procedure for changing the plan that requires a two-thirds vote of the council.

While not mandated by Baton Rouge s charter, an important part of Baton Rouge s implementation of its comprehensive plan is the practice of requiring an annual evaluation and appraisal report. Baton Rouge further requires a full review of the plan every five years. Scheduled reviews discourage the practice of making arbitrary zoning changes more often, a practice which would undermine the planning process.

The charter for the City of San Francisco also addresses comprehensive planning in detail. In Article IV, Sec. 4.105, the charter enumerates certain ordinances and projects that must be submitted for written report to the planning department regarding conformity to the master plan before they are adopted by the Board of Supervisors, the city s legislative body. The planning commission must disapprove any proposed action found not to conform to the plan. Such disapproval may be reversed only by a two-thirds vote of the Board of Supervisors.

The Baton Rouge and San Francisco charters are cited merely as examples of approaches to integrating planning with the operations of government. St. Tammany may require a different approach. Institutionalizing a master planning process, stating in broad terms the issues it should address, and explicitly requiring consistency with the plan are all sound concepts that the parish should consider. Incorporating provisions to address these matters would be consistent with Section 1-04 of the charter and would give meaning to the plan developed through New Directions 2025 by protecting it from short-term pressures.

Even if St. Tammany were to adopt the charter changes and ordinances necessary to strengthen its comprehensive plan, there are still factors currently in place that threaten to frustrate the goals of effective planning. The planning authority of the parish stops at the boundaries of the municipalities. Although there are cases of informal coordination by the parish and individual municipalities, there is no institutionalized process to coordinate planning between them. Thus the comprehensive plan for St. Tammany could be undermined by incompatible uses at the municipal boundaries. Successful planning for the future of St. Tammany Parish will require a focused commitment to inter-governmental cooperation from municipal and parish officials.

## Legal Counsel

The charter arrangements for legal representation of parish officials and bodies create potential conflicts of interest. Section 4.03 of the charter provides that

the district attorney shall serve as legal adviser to the council, president, and all departments, offices and agencies and represent the Parish government in legal proceedings.

In practice, an assistant district attorney is assigned to the council. The parish president recruited a full-time Executive Counsel from outside the district attorney's office who was then formally hired as an assistant district attorney.

Under Louisiana Revised Statute 42:261, local district attorneys are designated as the attorney for parish governing authorities created by the state. Home rule charters may make other provisions for legal counsel to the parish government.

The district attorney was the parish's attorney when St. Tammany was governed by a police jury. St. Tammany's short-lived charter of 1979 made the district attorney the legal adviser to the parish (as does the current one), but it contained an explicit provision (not in the current charter) allowing the council to create the position of parish attorney as an alternative if it so decided.

St. Bernard, St. Charles, St. James and St. John the Baptist parish charters make the district attorney the legal adviser but explicitly authorize parish officials to hire other counsel if they choose. Tangipahoa's charter provides that the district attorney shall be asked to serve as the legal advisor; it also provides that the parish may, with the approval of council, enter into a written contract to retain legal counsel. Jefferson and Plaquemines Parishes

each direct the parish president, with the approval of the parish council, to appoint a parish attorney. Washington Parish's charter provides that the district attorney shall serve as the legal adviser to the parish government. It has an added provision that, [i]f for any reason of documented and recorded conflict, the District Attorney does not become the legal advisor of the Parish Council, then the parish president will appoint legal counsel, subject to the council's approval. Washington Parish is in the same judicial district as St. Tammany, and therefore the same district attorney serves as both parishes' legal counsel.

The *Model County Charter* of the National Civic League presents three alternatives for the appointment of the chief legal officer of a county (parish). In the first, the county executive appoints the legal officer. In the second, the executive appoints the legal officer subject to confirmation by the council. In the third, the council appoints the legal officer. The commentary on this subject makes it clear that the League considers the selection of legal counsel a decision best exercised by members of the executive or legislative branches.

There are two potential problems with St. Tammany's current arrangement:

1. Requiring parish officials to use the services of an independently elected official, answerable to his own constituency, and whose district is not coterminous with the parish (the district attorney is elected from St. Tammany and Washington

Parishes combined), creates the danger of political and legal representation conflicts.

2. Requiring the different branches of parish government—the council and the parish president—to use the same legal counsel is problematic in situations where separate and independent legal advice would be advisable.

The latter problem has been addressed as a practical matter in the current administration by the designation of an executive counsel for the president who is, technically, an assistant district attorney. However, since both the assistant district attorney representing the council and the executive counsel to the parish president report to the district attorney, their independence is less than absolute. The district attorney has indicated that council/parish conflicts are resolved through regular meetings between the attorney assigned to the council, the president's executive counsel and specific other members of his staff, often with the district attorney participating in the discussions and guiding the participants to a final legal conclusion. This arrangement appears to cede to the district attorney a mediation role that he, as counsel for clients with different interests, should not have.

The existing charter may appear to address this potential conflict without the need for an amendment. Section 4.03 of the charter allows the parish to retain special counsel by written contract for a specific purpose approved by a majority vote of the council. This provision affords a measure of flexibility, but still suffers from three problems.

First, the special counsel must be engaged for a specific purpose, which raises the possibility that legal advice spanning multiple issues over a period of time would be off limits. Second, it is unclear whether the parish council can retain legal counsel for itself. Third, if conflicts should develop between the legislative and executive branches, only the council would have the option to consult a lawyer of its choosing; the president would be without authority to seek independent advice. In the midst of a controversy, a council would be unlikely to indulge a president with separate access to legal services.

If the political interests of the parish governing authorities and the district attorney diverge in the future, the possibility of conflicts of interest may become a reality. Should a conflict over legal representation develop, the public debate to resolve it by charter amendment or otherwise would be distorted by the political dynamics surrounding the incumbents and the particulars of the dispute between them. It would be better to create a charter structure less susceptible to conflicts of interest prior to the emergence of a major controversy. One approach would be a charter amendment that allows the parish president, with the approval of the parish council, to establish the office of parish attorney and to appoint such an attorney, subject to council approval, and specifically allows the council to hire legal counsel for itself. If established, the office of parish attorney should have the authority to represent all departments, offices and agencies of the parish.

## **Council Size and Composition**

The existing St. Tammany Home Rule Charter calls for a council of 14 members, a composition that corresponds to the size and district makeup of the former police jury. Each council member is elected from a single-member district; there are no council members at-large.

The St. Tammany Parish Council is the largest in the metropolitan area. The parish also has a much larger population than most of the other parishes. Each of its council members currently represents more constituents than district council members from the smaller parishes.

When adopting the existing charter, St. Tammany Parish voters were not given the opportunity to vote on the size or composition of the parish council. The issue was one of the points of contention in the charter commission's debate, but the commission ultimately decided not to disturb the existing police jury districts or the concept of single-member districts. It was the judgment of the commission that not eliminating any elected positions would make the transition more palatable politically. Leaving the legislative branch the same size was intended to render the creation of an elected executive a less abrupt change in the form of government. It also preserved minority representation and defused the potential argument that citizens would be losing their district representation and voice.

This is in contrast to the 1979 charter, which mandated a referendum for the public to consider council size and com-

**Parish Council Size**

| Parish               | Parish Council Members | Single-Member Districts | At-Large | Population 2000 Census |
|----------------------|------------------------|-------------------------|----------|------------------------|
| Jefferson            | 7                      | 6                       | 1        | 455,466                |
| Orleans              | 7                      | 5                       | 2        | 484,674                |
| Plaquemines          | 9                      | 9                       | 0        | 26,757                 |
| St. Bernard          | 7                      | 5                       | 2        | 67,229                 |
| St. Charles          | 9                      | 7                       | 2        | 48,072                 |
| St. James            | 7                      | 7                       | 0        | 21,216                 |
| St. John the Baptist | 9                      | 7                       | 2        | 43,044                 |
| St. Tammany          | 14                     | 14                      | 0        | 191,268                |
| Tangipahoa           | 10                     | 10                      | 0        | 100,588                |
| Washington           | 7                      | 7                       | 0        | 43,926                 |

Sources: Parish Charters, U. S. Census

less populous districts. Arguments against a large council suggest that they are unwieldy, costly, and that the closeness to constituents fosters geographical divisiveness. This latter argument takes on additional meaning when there are no at-large council members, as in the case of the St. Tammany Parish Council.

position. In a 1980 referendum, when presented with a head-to-head choice between a large council and a smaller council, St. Tammany Parish voters by a vote of 6,486 to 2,119 chose the smaller nine-member council (including two at-large seats) over a 19 member council (which also included two at-large seats). However, this referendum was ineffective by virtue of the sequence of ballot propositions under which the parish chose by a much narrower margin to retain the then 16-member council with two members elected at-large.

When the reapportionment discussions began in 2001, some public officials suggested that the time might be ripe to combine the reapportionment plan with a move to reduce the size of the council. Philosophical arguments relating to size run both ways. The argument for a large council is traditionally based on the theory that a larger number of council members can be more responsive to, and better able to serve, smaller and

Under the existing charter, the only parish-wide elected official is the parish president. While BGR does not suggest that the St. Tammany Parish Council is insensitive to the needs of the entire parish, the mathematical fact is that only one elected official answers to the whole parish, while 14 answer to much smaller constituencies. The structure of the council has the potential to undermine a parish-wide perspective.

The current parish president and the council demonstrated an awareness of the potential to fractionalize the parish along district lines when the president presented and the council adopted a sweeping reorganization of the various boards and commissions of the parish in May 2000. With the exception of those boards and commissions whose jurisdiction pertained only to limited geographic areas of the parish, all boards and commissions were constituted with fewer than 14 members. For example, the St. Tammany

Parish Planning Commission was reduced from 14 to nine members. The reduction in numbers forced the composition to span council district boundaries. The reorganization plan gave the parish president the power to appoint designated members of boards and commissions apart from those appointed by the council, further enhancing the breadth of the appointees perspectives.

While a smaller council with at-large representation might be more conducive to a broader, parish-wide perspective and produce a more efficient government, those who prefer the status quo point out that the closeness between council members and constituents has already been dramatically diluted through rapid population growth. St. Tammany grew by 46,760 people between 1990 and 2000. Proponents of the status quo also suggest that, given St. Tammany's racial composition (approximately 9.9% African-American), reducing the size of the council would most likely result in a dilution of the voting strength of African-American voters and an illegal retrogression under the Voting Rights Act of 1965. Although reducing the size of a legislative branch and utilizing at-large seats are not per se prohibited by the Voting Rights Act, both practices are scrutinized carefully in the reapportionment review process at the federal level.

Officials on both sides of the question of council size now seem to agree that the political will to reduce the size of the council does not exist. It is an issue that should be reconsidered in the future, after St. Tammany has had more experience under the charter.

## **Reapportionment**

Section 2-02 of the charter requires the council to reapportion itself after the publication of each 10-year federal census. Similar provisions are found in other home rule charters. The provision in the St. Tammany charter requires the council to complete the reapportionment at least six months before the next election following the federal census. The problem with this deadline is that it may not allow enough time for the reapportionment to be completed and approved by the Federal government, as required by the Voting Rights Act of 1965.

The deadline imposed under the charter has not caused a problem with respect to the next scheduled elections, set for October 2003. Despite the large growth in the parish population, very few issues emerged in the reapportionment process that was triggered by the 2000 U.S. Census. A consensus was achieved in a relatively short period of time by taking care to leave the incumbents in their current districts, preserving the one district with a sizable African-American population, and holding a number of public hearings as part of the process of developing a plan. Despite the early achievement of a consensus, the reapportionment process experienced several delays due to technical errors in the plan. The plan was finally adopted in February 2002 with the unanimous support of the parish council and was reviewed and approved by the U. S. Justice Department in April. The district boundaries may face a court challenge on the grounds of an objection raised in public hearings by a citizen who asserted that one district was malapportioned.

The time required to complete the current reapportionment points to a potential time crunch that looms in the future. The next census will be in 2010. The first council elections after that census will be a primary in October 2011 followed by a general election in November. To satisfy the charter requirement, a reapportionment plan for the 2011 election will have to be in place by April of that year. If 2010 census data are released on the same schedule as the most recent census, the data required for reapportionment will not be available until March 2011. One month is too short a period to devise and implement a redistricting plan.

A relatively direct way to relieve, if not eliminate, this pressure would be to reset the charter deadline for the adoption of a reapportionment plan to a later date (e.g., three, instead of six, months, before the election). Alternatively, the charter could make provision for changing the deadline by ordinance in those years when an election is scheduled for the year in which census data are released. This latter solution to a time crunch is the one recommended in the *Model County Charter* of the National Civic League.

If the charter were changed to reset the deadline permanently or as needed, there would still be a rush. Completing the reapportionment would require advance planning and coordination with the Census Bureau to get the data on an expedited schedule. The State of Louisiana did this successfully in its 1991 legislative redistricting when faced with a very similar schedule.

The existing provisions in the charter leave the reapportionment scheduling for 2011 up in the air. It would seem prudent to provide for a resolution before political particulars cloud the issue.

## Conclusion

The St. Tammany Parish Home Rule Charter has worked well in practice. Despite a few problems in the early days of the new government's operation, the parish government has not been racked by the controversies that attended the 1979 home rule charter government. Now that the first two years of operation are behind it, the parish can, and should, consider fine-tuning the charter.

## BGR recommends the following:

1. To preserve the benefits of the extensive New Directions 2025 planning process, the voters should amend the charter to more fully articulate and strengthen the provision on comprehensive planning. The charter amendment should at a minimum establish the framework of an ongoing comprehensive planning process and give the comprehensive plan the force of law, requiring public and private plans, as well as parish ordinances and actions, to be consistent with the comprehensive plan.
2. To eliminate the potential for conflicts of interest arising from the representation of parish officials and agencies by the district attorney, the voters should amend the charter (i) to allow the parish

president, with the approval of the parish council, to establish the office of parish attorney and to appoint such an attorney, subject to council approval, and (ii) to specifically allow the council to hire legal counsel for itself. If established, the office of parish attorney should have the authority to represent all departments, offices and agencies of the parish.

3. The parish should consider reducing the size of the council in the future after St. Tammany has had more experience under the charter.
4. To alleviate foreseeable timing problems with respect to reapportionment, the voters should amend the charter to adjust the parish's self-imposed reapportionment deadline or to allow the adjustment of the deadline in years when elections are scheduled to closely follow the release of census data.

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