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Times-Picayune

N.O. first solo assessor can't take office until almost 8 months after election, according to new law

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After voters in 2006 overwhelmingly approved a state constitutional amendment reducing the number of assessors in New Orleans from seven to one, supporters exhilarated in their success in tearing down a system rooted in the ward politics of the 1800s.

"This is the power of the people over the politics of the past," said Ruthie Frierson, founder of Citizens for 1 Greater New Orleans, a grass-roots group formed after Hurricane Katrina to advocate for more responsive governments in Louisiana.

But the status quo might remain in place a bit longer than expected, owing to a technical discrepancy between the previous rules that still apply and the 2006 reforms.

The problem: The new law, sponsored by state Sen. Ann Duplessis, D-New Orleans, calls for the single assessor to take office Dec. 31, 2010 -- the same time as assessors across the state. The date, however, falls nearly eight months after the four-year terms of the seven current assessors expire May 2.

By that time, voters will have chosen New Orleans' first solo assessor in modern times. The election for that assessor will appear on the same Feb. 6 ballot that includes races for City Council and mayor. If necessary, runoff elections will be March 6.

As it stands, however, the winning candidate won't take over until the last day of the year.

Nancy Marshall, the 6th Municipal District assessor who won her post in 2006 on a reform platform that included merging the assessor offices, has asked Attorney General James "Buddy" Caldwell to weigh in on who should run the independent Board of Assessors from early May to late December next year. The board is made up of the seven assessors.

In her May 8 request for an advisory opinion, Marshall inquired as to what becomes of the seven district offices -- along with their budgets and politically appointed employees -- after the assessors' terms expire.

On a technical but crucial point, she also asked whether the board and its seven municipal districts no longer exist when those terms end.

The attorney general has not yet responded.

Meanwhile, the current assessors appear to be planning to serve until their new, single replacement takes over at the end of 2010. Records show that the board that year plans to spend the same amount of money -- about \$6.1 million -- to cover their salaries, as well as the cost of running seven offices, as it will spend this year.

Erroll Williams, the 3rd Municipal District assessor and Board of Assessors chairman, said next year's spending plan would change if Caldwell -- or some other authority -- sets new rules for the transition.

Alternately, he pointed to a clause in the single-assessor law that calls for a chief deputy assessor to step in if the top post becomes vacant. While all seven assessors have a deputy, Williams said the board might convene before May to create and fill a chief deputy post. That person could then oversee the single office until year's end, he said.

Williams, who intends to compete for the single assessor job, advocates keeping the current assessors on staff through the end of 2010 to ensure a smooth transition from seven disparate district offices to a united administration. He noted that the tax rolls open in August.

"That would be the logical approach, but I guess there's ill feelings on both sides," said Williams, who opposed the consolidation. "There's a group that says, 'We're happy with what they've done so far,' and there's a group that says, 'Throw the bums out.'"

Tending toward the latter is Jay Lapeyre, one of Citizens for 1 Greater New Orleans' lead advocates for assessor reform. Acknowledging a transition will be necessary, Lapeyre said eight months is too long for an assessor-elect to linger.

"These kinds of extended periods with no sunsets are not conducive to excellent work," he said. "It would make a lot more sense for the new assessor to have authority to manage that timeline in accordance with what is best for the operation."

In Lapeyre's view, the new assessor might be seated in May and have the power to decide which of the old guard to retain -- or not. Citizens for 1 is mulling the options before taking a position, he said.

Anticipating the lag between the end of the current term and the first day of the new one, state election officials tried last year to resolve the matter in the Legislature with a bill that would have reset the new term to begin on the first Monday of May, said a spokesman for Secretary of State Jay Dardenne.

But the bill stalled, and spokesman Jacques Berry said this week that Dardenne likely will submit to the attorney general his own request for guidance.

Duplessis said she realized as her legislation wended its way through the process that the new rules would create a months-long limbo. But she said it was the only way to align the New Orleans' assessor's term with those of assessors across the state without mandating another costly election.

Duplessis said the measure provides for a local "authority" -- the council or mayor, in her view -- to assign a stand-in if the assessor job goes unfilled for some reason.

"It is my thought that the leadership of New Orleans would just simply appoint the person who has been elected (to begin serving Dec. 31, 2010) for that seven-month period," she said.

In that case, Duplessis said she would support keeping the seven assessors on staff through year's end, so the old team and the new official can "be working in concert to transition the consolidation into the new office."