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Friday, March 23, 2007

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NEWS

Court OKs city of Central

Attack on incorporation rejected as lacking evidence

By [ADRIAN ANGELETTE](#)
 Advocate staff writer
 Published: Mar 23, 2007

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City of Central officials can get the newly created city moving at a “rapid pace” now that an appellate court has upheld the legality of its incorporation, Mayor Shelton “Mac” Watts said Thursday.

A 1st Circuit Court of Appeal panel, in a ruling handed down Thursday, notes that incorporation opponents provided no proof the election creating the city was flawed. The city of Central was incorporated on July 11, 2005.

The ruling came after a lengthy legal battle started by a lawsuit challenging the incorporation election.

“We’ll be able to move forward at a rapid pace now,” the mayor

said. Watts said that includes getting the city’s fiscal house in order, hiring staff and providing city services.

The 1st Circuit judges determined that those opposed to the incorporation neither showed there were flaws with the election nor that the consolidation was racially motivated.

“We were optimistic all along, but you never know,” Watts said of the lawsuit’s outcome.

“We have no barriers or barricades going into the city of Central,” Watts said. “This was all about providing our citizens with necessary services.”

Central city attorney Sheri Morris said the opponents had ample opportunity to prove their case, but they had no evidence.

Incorporation opponents maintained, among other things, that the boundary lines of the city were drawn to dilute the voting strength of black residents in the Central area by excluding them from the new city.

Robert Raborn, the Central attorney who filed the lawsuit on behalf of incorporation opponents, did not return a phone message Thursday from The Advocate. Attorney Yigal Bander, who has been assisting Raborn, referred any questions about the ruling to Raborn.

The 1st Circuit panel heard arguments about the case in February. Much of the argument at that hearing was about whether state District Judge Janice Clark was correct when she struck down a 2002 decision by another judge — a decision clearing the way for the consolidation election to take place.

Clark's ruling pertained to a provision in the Plan of Government that limits the number of cities in East Baton Rouge Parish at three.

The 1st Circuit panel on Thursday ruled the Louisiana Constitution and a 1984 Louisiana law superseded that Plan of Government provision — thus making the 2002 ruling and Clark's ruling meaningless.

The 1st Circuit noted that the constitution says no plan of government "shall prohibit the incorporation of a city, town or village as provided by general law." In 1984, the Louisiana Legislature adopted a law allowing the incorporation of an area with more than 200 inhabitants, the panel noted.

But the panel did not stop there. Appellate judges decided to look at all the evidence included in the case and determined that the incorporation challengers failed to prove their case.

Serving on the panel were 1st Circuit Judges John Pettigrew, Bob Downing and Jefferson Hughes III.

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