

2015 Regular Session

HOUSE BILL NO. 325

BY REPRESENTATIVE WESLEY BISHOP

DISTRICTS/CRIME PREVENT: Creates the Faubourg Marigny Security and Improvement District in Orleans Parish

1 AN ACT

2 To enact R.S. 33:9091.22, relative to Orleans Parish; to create the Faubourg Marigny
3 Security and Improvement District; to provide relative to the boundaries, purpose,
4 governance, and powers and duties of the district; to provide relative to district
5 funding, including the authority to impose a parcel fee within the district; and to
6 provide for related matters.

7 Notice of intention to introduce this Act has been published
8 as provided by Article III, Section 13 of the Constitution of
9 Louisiana.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 33:9091.22 is hereby enacted to read as follows:

12 §9091.22. Faubourg Marigny Security and Improvement District

13 A. Creation. There is hereby created within the parish of Orleans, as more
14 specifically provided in Subsection B of this Section, a body politic and corporate
15 which shall be known as the Faubourg Marigny Security and Improvement District,
16 referred to in this Section as the "district". The district shall be a political
17 subdivision of the state as defined in the Constitution of Louisiana.

18 B. Boundaries. The boundaries of the district shall be that area within and
19 including the following perimeter: beginning at the intersection of Esplanade Avenue
20 and North Peters Street proceeding along Esplanade Avenue (interior side) to its

1 intersection with North Rampart Street, along North Rampart (interior side) to
2 McShane Place, along McShane Place (interior side) to St. Claude Avenue, then
3 proceeding along St. Claude Avenue (interior side) to its intersection with Press
4 Street, then proceeding along Press Street (interior side) to its intersection with
5 Chartres Street, then proceeding along Chartres Street (both sides) to its intersection
6 with St. Ferdinand Street, along St. Ferdinand Street (both sides) to its intersection
7 with North Peters Street, and along North Peters Street (both sides) back to its
8 intersection with Esplanade Avenue.

9 C. Purpose. The purpose of the district shall be to aid in crime prevention
10 by providing security for district residents and to promote quality of life initiatives
11 for district residents by funding beautification and other activities and improvements
12 for the overall betterment of the district.

13 D. Governance. (1) The district shall be governed by a board of
14 commissioners consisting of seven members as follows:

15 (a) The board of directors of the Faubourg Marigny Improvement
16 Association, shall appoint three members.

17 (b) The member or members of the Louisiana House of Representatives who
18 represent the area which comprises the district shall appoint one member.

19 (c) The member or members of the Louisiana Senate who represent the area
20 which comprises the district shall appoint one member.

21 (d) The member or members of the governing authority of the city of New
22 Orleans who represent the area which comprises the district shall appoint one
23 member.

24 (e) The mayor of the city of New Orleans shall appoint one member.

25 (2) All members shall be qualified voters and residents of the district.

26 (3) Board members appointed pursuant to Subparagraph (1)(a) of this
27 Subsection shall serve two-year terms after serving initial terms as provided in this
28 Paragraph. One member shall serve an initial term of one year and two shall serve

1 initial terms of two years, as determined by lot at the first meeting of the board held
2 after such members are appointed.

3 (4) Each member serving pursuant to Subparagraphs (1)(b) through (e) of
4 this Subsection shall serve on the board during the term of his respective appointing
5 authority.

6 (5) Any vacancy which occurs prior to the expiration of the term for which
7 a member of the board has been appointed shall be filled for the remainder of the
8 unexpired term in the same manner as the original appointment. Board members
9 shall be eligible for reappointment.

10 (6) The board shall elect from its members a chairman, a vice chairman, a
11 secretary-treasurer, and other such officers as it may deem necessary. The duties of
12 the officers shall be fixed by the bylaws adopted by the board.

13 (7) The minute books and archives of the district shall be maintained by the
14 secretary-treasurer of the board. The monies, funds, and accounts of the district shall
15 be in the official custody of the board.

16 (8) The board shall adopt such rules and regulations as it deems necessary
17 or advisable for conducting its business affairs. Rules and regulations of the board
18 relative to the notice and conduct of meetings shall conform to applicable law. The
19 board shall hold regular meetings as shall be provided for in the bylaws and may
20 hold special meetings at such times and places within the district as may be
21 prescribed in the bylaws.

22 (9) A majority of the members of the board shall constitute a quorum for the
23 transaction of business. The board shall keep minutes of all meetings and shall make
24 them available through the secretary-treasurer of the board.

25 (10) The members of the board shall serve without compensation but shall
26 be reimbursed for reasonable out-of-pocket expenses directly related to the
27 governance of the district.

28 E. Powers and duties. The district, acting through its board, shall have the
29 following powers and duties:

1 (1) To sue and be sued.

2 (2) To adopt, use, and alter at will a corporate seal.

3 (3) To receive and expend funds collected pursuant to Subsection F of this
4 Section and in accordance with a budget adopted as provided by Subsection H of this
5 Section.

6 (4) To perform or have performed any other function or activity necessary
7 for the achievement of the purpose of the district.

8 (5) To provide or enhance security patrols in the district, to provide for
9 improved lighting, signage, or matters relating to the security of the district, to
10 provide for the beautification of and improvements for the district, or to provide
11 generally for the overall betterment of the district.

12 (6) To enter into contracts and agreements with one or more other districts
13 for the joint security, improvement, or betterment of all participating districts.

14 (7) To provide for such services and make such expenditures as the board
15 deems proper for the upkeep of the district.

16 (8) To acquire or lease items and supplies which the board deems
17 instrumental to achieving the purposes of the district.

18 (9) To acquire, lease, insure, and sell real property within the boundaries of
19 the district in accordance with district plans.

20 (10) To procure and maintain liability insurance against any personal or legal
21 liability of a board member that may be asserted or incurred based upon his service
22 as a member of the board or that may arise as a result of his actions taken within the
23 scope and discharge of his duties as a member of the board.

24 (11) To perform or have performed any other function or activity necessary
25 or appropriate to carry out the purposes of the district or for the overall betterment
26 of the district.

27 F. Parcel fee. The governing authority of the city of New Orleans may
28 impose and collect a parcel fee within the district subject to and in accordance with
29 the provisions of this Subsection.

1 (1)(a) The amount of the fee shall be as requested by duly adopted resolution
2 of the board. The fee shall be a flat fee per parcel of land not to exceed two hundred
3 dollars per year for each unimproved parcel and improved residential parcel with
4 fewer than three family units, except that the fee shall be three hundred dollars per
5 year for each improved residential parcel with three or more family units, and five
6 hundred dollars per year for each improved parcel zoned for commercial use. No fee
7 shall be imposed upon any parcel whose owner qualifies for the special assessment
8 level provided by Article VII, Section 18(G)(1) of the Constitution of Louisiana.

9 (b) If multiple adjacent parcels are combined for the purpose of housing a
10 single family dwelling, the flat fee for the combined parcel shall be calculated to be
11 one and four tenths times the single parcel fee for two adjacent parcels and one and
12 six tenths times the single parcel fee for three or more adjacent parcels.

13 (2)(a) The fee shall be imposed on each parcel located within the district.

14 (b) For purposes of this Section, "parcel" means a lot, a subdivided portion
15 of ground, an individual tract, or a "condominium parcel" as defined in R.S.
16 9:1121.103.

17 (c) The owner of each parcel shall be responsible for payment of the fee.

18 (3)(a) The fee shall be imposed only after the question of its imposition has
19 been approved by a majority of the registered voters of the district who vote on the
20 proposition at an election held for the purpose in accordance with the Louisiana
21 Election Code.

22 (b) If approved, the initial fee shall expire on December 31, 2018, but the fee
23 may be renewed if approved by a majority of the registered voters of the district
24 voting on the proposition at an election as provided in Subparagraph (a) of this
25 Paragraph. If renewed, the term of the imposition of the fee shall be as provided in
26 the proposition authorizing such renewal, not to exceed four years.

27 (4) The fee shall be collected at the same time and in the same manner as ad
28 valorem taxes on property subject to taxation by the city are collected.

1 (5) Any parcel fee which is unpaid shall be added to the tax rolls of the city
2 and shall be enforced with the same authority and subject to the same penalties and
3 procedures as unpaid ad valorem taxes.

4 (6)(a) The proceeds of the fee shall be used solely and exclusively for the
5 purpose and benefit of the district; however, the city may retain one percent of the
6 amount collected as a collection fee.

7 (b) The city of New Orleans shall remit to the district all amounts collected
8 not more than sixty days after collection.

9 G. Additional contributions. The district may solicit and accept additional
10 voluntary contributions and grants to further the purposes of the district.

11 H. Budget. (1) The board shall adopt an annual budget in accordance with
12 the Louisiana Local Government Budget Act, R.S. 39:1301 et seq.

13 (2) The district shall be subject to audit by the legislative auditor pursuant
14 to R.S. 24:513.

15 I. Miscellaneous provisions. (1) It is the purpose and intent of this Section
16 that the additional law enforcement or security personnel and their services provided
17 for through the fees authorized in this Section shall be supplemental to and not in
18 lieu of personnel and services provided in the district by the New Orleans Police
19 Department.

20 (2) If the district ceases to exist, all funds of the district shall be transmitted
21 by the board to the city of New Orleans, and such funds, together with any other
22 funds collected by the city of New Orleans pursuant to this Section, shall be
23 maintained in a separate account by the city and shall be used only to promote,
24 encourage, and enhance the security, beautification, and overall betterment of the
25 area included in the district.

26 J. Indemnification and exculpation. (1) The district shall indemnify its
27 officers and board members to the fullest extent permitted by R.S. 12:227, as fully
28 as if the district were a nonprofit corporation governed thereby, and as may be
29 provided in the district's bylaws.

- 1 (2) No board member or officer of the district shall be liable to the district
 2 or to any individual who resides, owns property, visits, or otherwise conducts
 3 business in the district for monetary damages for breach of his duties as a board
 4 member or officer, provided that the foregoing provision shall not eliminate or limit
 5 the liability of a board member or officer for any of the following:
- 6 (a) Acts or omissions not in good faith or which involve intentional
 7 misconduct or a knowing violation of law.
- 8 (b) Any transaction from which he derived an improper personal benefit.
- 9 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
 10 9:2792.1 through 2792.9, a person serving the district as a board member or officer
 11 shall not be individually liable for any act or omission arising out of the performance
 12 of his duties.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 325 Original

2015 Regular Session

Wesley Bishop

Abstract: Creates the Faubourg Marigny Security and Improvement District in Orleans Parish in order to aid in crime prevention and to promote quality of life initiatives to serve the needs of the residents by funding beautification and other activities and improvements in the district. Provides for a board of commissioners and for the imposition and use of a parcel fee.

Proposed law creates the Faubourg Marigny Security and Improvement District in Orleans Parish as a political subdivision of the state for the purpose of promoting and encouraging the security of the district and quality of life initiatives to district residents. Provides for district boundaries and that the district is governed by a board of seven members, all of whom shall be residents and qualified voters of the district, composed as follows:

- (1) Three members appointed by the board of directors of the Faubourg Marigny Improvement Assoc.
- (2) One member appointed by the member or members of the La. House of Representatives who represent the district.
- (3) One member appointed by the member or members of the La. Senate who represent the district.
- (4) One member appointed by the member or members of the New Orleans city council who represent the district.
- (5) One member appointed by the mayor of the city of New Orleans.

Proposed law provides for the district's powers and duties, including the following:

- (1) To sue and be sued.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To receive and expend funds collected pursuant to proposed law and in accordance with a budget adopted as provided by proposed law.
- (4) To perform or have performed any other function or activity necessary for achieving the district's purpose.
- (5) To enter into contracts with individuals or entities, private or public.
- (6) To perform or have performed any other function or activity necessary for achieving the district's purpose.

Proposed law authorizes the governing authority of the city of New Orleans, subject to voter approval, to impose and collect a parcel fee within the district which amount shall be as requested by duly adopted board resolution. Provides that the fee shall be a flat fee not to exceed \$200 per parcel per year on unimproved parcels and improved residential parcels with fewer than three family units, \$300 per parcel per year on improved parcels with three or more family units, and \$500 per parcel per year on improved parcels zoned for commercial use. Requires that the fee be imposed on each parcel located within the district.

Proposed law defines "parcel" as a lot, a subdivided portion of ground, an individual tract, or a condominium parcel as defined in present law.

Proposed law provides that the fee shall expire on Dec. 31, 2018, but authorizes renewal of the fee. Provides that the term of the renewal shall be as provided in the proportion authorizing such renewal, not to exceed four years.

Proposed law provides that the fee shall be collected in the same manner and at the same time as ad valorem taxes and that any unpaid fee shall be added to the parish tax rolls and enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes. Proposed law requires that the fee proceeds be used solely and exclusively for the district's purpose and benefit. Authorizes the city to retain 1% of the amount collected as a collection fee and requires the city to remit to the district all amounts collected not more than 60 days after collection.

Proposed law authorizes the district to solicit voluntary contributions and grants to further district purposes.

Proposed law requires the board to adopt an annual budget in accordance with the Local Government Budget Act and provides that the district shall be subject to audit by the legislative auditor.

Proposed law provides that it is the purpose and intent of proposed law that the additional law enforcement personnel and their services provided for through the fees authorized by proposed law shall be supplemental to and not in lieu of personnel and services provided in the district by the New Orleans Police Dept. Requires the board to transmit all funds of the district to the city of New Orleans if the district ceases to exist. Provides further with respect to the management of the funds by the city.

Proposed law requires the district to indemnify its officers and board members to the fullest extent permitted by present law (relative to indemnification of officers, directors, employees, and agents of nonprofit corporations) as fully as if the district were a nonprofit corporation governed thereby and as may be provided in district bylaws. Provides that no board member

or officer shall be liable to the district or to any individual who resides, owns property, visits, or otherwise conducts business in the district for monetary damages for breach of duties; however, provides that this shall not eliminate or limit the liability of a board member or officer for:

- (1) Acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law.
- (2) Any transaction from which he derived an improper personal benefit.

Proposed law provides that a board member or officer shall be not individually liable for any act or omission arising out of the performance of his duties to the fullest extent permitted by present law relative to limitation of liability of directors, officers, and trustees of certain organizations and districts.

(Adds R.S. 33:9091.22)