

2017 Regular Session

HOUSE BILL NO. 329

BY REPRESENTATIVE BAGNERIS

DISTRICTS/NEIGHBORHOOD: Provides relative to the Lake Barrington Subdivision Improvement District in Orleans Parish

1 AN ACT

2 To amend and reenact R.S. 33:9077(D) and (F)(5)(b), relative to Orleans Parish; to provide  
3 relative to the Lake Barrington Subdivision Improvement District; to provide relative  
4 to the governing board of the district; to provide relative to the membership of the  
5 board; to provide relative to the special taxes and fees levied within the district; to  
6 provide relative to the renewal of such taxes and fees; and to provide for related  
7 matters.

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

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 33:9077(D) and (F)(5)(b) are hereby amended and reenacted to read  
13 as follows:

14 §9077. Lake Barrington Subdivision Improvement District

15 \* \* \*

16 D. Governance. ~~(1) In order to provide for the orderly development of the~~  
17 ~~district and effectuation of the services to be furnished by the district and to provide~~  
18 ~~for the representation in the affairs of the district of those persons and interests~~  
19 ~~immediately concerned with and affected by the purposes and development of the~~  
20 ~~area, the district shall be managed by a seven-member board of commissioners;~~

1 referred to in this Section as the "board". Each member of the board shall be a  
2 qualified voter and resident of the district and shall be appointed as follows:

3 (a) Three members shall be appointed by the board of directors of the Lake  
4 Barrington Homeowners Association.

5 (b) One member shall be appointed by the mayor of the city of New Orleans.

6 (c) One member shall be appointed jointly by any members of the governing  
7 authority of the city of New Orleans who represent the area which comprises the  
8 district.

9 (d) One member shall be appointed jointly by any members of the Louisiana  
10 House of Representatives who represent the area which comprises the district.

11 (e) One member shall be appointed jointly by any members of the Louisiana  
12 Senate who represent the area which comprises the district.

13 (2)(a) Members shall serve four-year terms after initial terms as provided in  
14 Subparagraph (b) of this Paragraph.

15 (b) Two members shall serve an initial term of one year; two shall serve an  
16 initial term of two years; two shall serve an initial term of three years; and one shall  
17 serve an initial term of four years, as determined by lot at the first meeting of the  
18 board. Such members shall serve until their successors have been appointed and  
19 qualified.

20 (c) Any vacancy which occurs prior to the expiration of the term for which  
21 a member of the board has been appointed shall be filled for the remainder of the  
22 unexpired term in the same manner as the original appointment.

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

26 (4) The minute books and archives of the district shall be maintained by the  
27 secretary of the board. The monies, funds, and accounts of the district shall be in the  
28 official custody of the board.

1           ~~(5) The board shall adopt such rules and regulations as it deems necessary~~  
2           ~~or advisable for conducting its business affairs. It shall hold regular meetings as~~  
3           ~~shall be provided in the bylaws and may hold special meetings at such times and~~  
4           ~~places within the district as may be prescribed in the bylaws.~~

5           ~~(6) A majority of the members of the board shall constitute a quorum for the~~  
6           ~~transaction of business. The board shall keep minutes of all meetings and shall make~~  
7           ~~them available through the secretary of the board to the residents of the district.~~

8           ~~(7) The members of the board shall serve without compensation.~~

9           (1) The district shall be governed by a seven-member board of  
10          commissioners, referred to in this Section as the "board". The board shall be  
11          composed as follows:

12          (a) The president, secretary, and treasurer of the governing board of the Lake  
13          Barrington Homeowners Association shall be members.

14          (b) Four members shall be appointed by the members of the Lake Barrington  
15          Homeowners Association, all of whom shall be members of the association.

16          (c) Each member shall be a qualified voter and resident of the district.

17          (2)(a) The members appointed pursuant to Subparagraph(1)(b) of this  
18          Subsection shall serve four-year terms after initial terms as provided in this  
19          Subparagraph. One member shall serve an initial term of one year; one shall serve  
20          an initial term of two years; one shall serve an initial term of three years; and one  
21          shall serve an initial term of four years, as determined by lot at the first meeting of  
22          the board. Such members shall serve until their successors have been appointed and  
23          qualified.

24          (b) The members serving pursuant to Subparagraph(1)(a) of this Subsection  
25          shall serve during their terms of office.

26          (c) Any vacancy which occurs prior to the expiration of the term for which  
27          a member of the board has been appointed shall be filled for the remainder of the  
28          unexpired term in the same manner as the original appointment.

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

4           (4) A majority of the members of the board shall constitute a quorum for the  
5           transaction of business.

6           (5) The members of the board shall serve without compensation.

7           (6) The board shall adopt such rules and regulations as it deems necessary  
8           or advisable for conducting its business affairs. It shall hold regular meetings as shall  
9           be provided in the bylaws and may hold special meetings at such times and places  
10           within the district as may be prescribed in the bylaws.

11           (7) The board shall keep minutes of all meetings and shall make them  
12           available through the secretary of the board to the residents of the district.

13           (8) The monies, funds, and accounts of the district shall be in the official  
14           custody of the board.

15                                   \*       \*       \*

16           F. Taxing authority.

17                                   \*       \*       \*

18           (5)

19                                   \*       \*       \*

20           (b) The tax or fee shall expire at the time provided in the proposition  
21           authorizing the tax or fee, not to exceed eight years from its initial imposition, but  
22           the tax or fee may be renewed as provided in Subparagraph (a) of this Paragraph.  
23           Any election to authorize renewal of the tax or fee shall be held ~~only~~ at the same  
24           time as ~~the mayoral primary election~~ a regularly scheduled election in the city of  
25           New Orleans. If renewed, the term of the imposition of the tax or fee shall be as  
26           provided in the proposition authorizing such renewal, not to exceed eight years.

27                                   \*       \*       \*

28           Section 2. The terms of the members of the governing board of the Lake Barrington  
29           Subdivision Improvement District in office on the effective date of this Act shall terminate

1 on the effective date of this Act; however, such members shall remain in office until the  
2 board members are appointed as provided in this Act and take office.

3 Section 3. This Act shall become effective upon signature by the governor or, if not  
4 signed by the governor, upon expiration of the time for bills to become law without signature  
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
7 effective on the day following such approval.

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### 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)]

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HB 329 Engrossed

2017 Regular Session

Bagneris

**Abstract:** Relative to the Lake Barrington Subdivision Improvement District in Orleans Parish, changes the membership of the district's governing board and provides relative to the renewal of the special taxes and fees levied within the district.

Present law creates and provides for the Lake Barrington Subdivision Improvement District as a special taxing district in Orleans Parish to promote and encourage the beautification, security, and overall betterment of the district. Provides that district boundaries shall be coterminous with the boundaries of the Lake Barrington Subdivision.

Proposed law retains present law.

Present law provides that the district is governed by a seven-member board of commissioners comprised as follows:

- (1) Three members appointed by the board of directors of the Lake Barrington Homeowners Assoc. (association).
- (2) One member appointed by the mayor of the city of New Orleans.
- (3) One member appointed jointly by the members of the governing authority of the city of New Orleans who represent the area which comprises the district.
- (4) One member appointed jointly by the members of the La. House of Representatives who represent the area which comprises the district.
- (5) One member appointed jointly by the members of the La. Senate who represent the area which comprises the district.

Proposed law removes present law and instead provides that the seven-member board will be comprised of the president, secretary, and treasurer of the governing board of the association and four members will be appointed by the members of the association, all of whom must be members of the association.

Present law provides that members serve four-year staggered terms without compensation. Requires each member to be a qualified voter and resident of the district.

Proposed law retains present law and additionally provides that the president, secretary, and treasurer of the association will serve during their terms of office.

Present law requires the board to elect from its members a chairman, a vice chairman, a secretary-treasurer, and such other officers as it may deem necessary. Requires the board to adopt rules and regulations for conducting its business affairs and to hold regular meetings as provided in the bylaws. Requires the board to keep minutes of all meetings and provides that the monies, funds, and accounts of the district shall be in the official custody of the board. Proposed law retains present law.

Present law authorizes the governing authority of the city of New Orleans, subject to voter approval, to levy and collect special taxes or fees within the district. Provides that the tax or fee shall be adopted by resolution of the board. Further provides that the tax cannot exceed five mills and the fee shall be a flat fee levied on each parcel located in the district not to exceed \$360 per parcel per year.

Present law authorizes renewal of the tax or fee, subject to voter approval, and requires that the election for renewal be held at the same time as the mayoral primary election.

Proposed law retains the authorization to renew the tax or fee, subject to voter approval, but instead requires the election for renewal be held at the same time as a regularly scheduled election in the city of New Orleans.

Proposed law provides that the terms of the members of the board in office on the effective date of proposed law shall terminate on such date; however, the members must remain in office until all members of the board are appointed and take office.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 33:9077(D) and (F)(5)(b))