
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

DIGEST

SB 115 Engrossed

2017 Regular Session

Appel

Proposed law creates the University Neighborhood Security and Improvement District in Orleans Parish.

Proposed law creates the district as a political subdivision of the state as defined in the Constitution of Louisiana and defines its boundaries as Calhoun Street, downtown side, from Saint Charles Avenue to Freret Street; Freret Street, river side, from Calhoun Street to State Street; State Street from Freret Street to Saint Charles Avenue; Saint Charles Avenue, lake side, from State Street to Calhoun Street and all of Everett Place and 5940 Freret St. for the purpose of promoting and encouraging security in the area included within the district and promoting and encouraging the beautification and overall betterment of the district.

The district is governed by a nine-member board of commissioners composed as follows:

- (1) The president of the University Neighborhood Association, Inc.
- (2) The board of directors of the association shall appoint three members, none of whom shall be the president of the University Neighborhood Association, Inc.
- (3) The member of the Louisiana House of Representatives whose district encompasses all or the greater portion of the area of the district shall appoint one member from a list of nominations submitted by the association.
- (4) The member of the Louisiana Senate whose district encompasses all or the greater portion of the area of the district shall appoint one member from a list of nominations submitted by the association.
- (5) The assessor of Orleans Parish shall appoint one member from a list of nominations submitted by the University Neighborhood Association, Inc.
- (6) The mayor of the city of New Orleans shall appoint one member from a list of nominations submitted by the association.
- (7) The member of the governing authority of the city of New Orleans whose council district encompasses all or the greater portion of the area of the district shall appoint one member from a list of nominations submitted by the association.

All members of the board must be residents of the district. They serve four-year terms except for the president of the association who is ex officio. Two members serve initial terms of one year; two

serve initial terms of two years; two serve initial terms of three years; and two serve initial terms of four years, as determined by lot at the first meeting of the board. Board members are eligible for reappointment. The members serve without compensation but must be reimbursed for their reasonable out-of-pocket expenses directly related to the governance of the district.

The board must adopt such rules and regulations as it deems necessary or advisable for conducting its business affairs. Rules and regulations of the board relative to the notice and conduct of meetings must conform to applicable law, including, if applicable, R.S. 42:4.1 et seq., relative to open meetings. It must hold regular meetings as must be provided for in the bylaws and may hold special meetings at such times and places within the district as may be prescribed in the bylaws.

Proposed law grants the district, acting through its board, the authority to perform or have performed any function or activity necessary or appropriate to carry out the purposes of the district or for the overall betterment of the district.

The governing authority of the city of New Orleans is authorized to impose and collect a parcel fee within the district in an amount that is requested by the board. The fee must be a flat fee per "improved parcel" of land not to exceed \$950 per year for each "improved parcel," for calendar year 2017. "Parcel" is defined as a lot, a subdivided portion of ground, an individual tract, or a "condominium parcel" as defined in present law. The owner of each parcel shall be responsible for payment of the fee. However, no fee can be imposed upon any parcel whose owner qualifies for and receives the special assessment level provided by Const. Art. VII, Sec. 18(G)(1). The fee is collected at the same time and in the same manner as property taxes.

The fee expires in 10 years, but may be renewed if approved by voters of the district.

The proceeds of the fee must be used solely and exclusively for the purpose and benefit of the district; however, the Orleans Parish Sheriff may retain one percent of the amount collected as a collection fee.

The district is also specifically given the authority to provide or enhance security patrols in the district, to provide improved lighting, signage, or matters relating to the security of the district, to provide for beautification of and improvements for the district, or to provide generally for the overall betterment of the district. The purpose and intent of the proposed law is stated to be that any additional security patrols, public or private, or any other security or other services or betterments provided by the district is supplemental to and not in lieu of personnel and services to be provided in the district by the state, the city of New Orleans, or their departments or agencies or by other political subdivisions.

The district may also procure and maintain liability insurance against any personal or legal liability of a board member that may be asserted or incurred based upon his service as a member of the board or that may arise as a result of his actions taken within the scope and discharge of his duties as a member of the board.

The board is required to adopt an annual budget in accordance with the Local Government Budget

Act, and the district must be subject to audit by the legislative auditor.

Proposed law authorizes the dissolution of the district without the vote of the registered voters of the district if a majority of the area covered by the district becomes included in another district that serves similar purposes but includes additional parcels of property adjacent to the district, if approved by the affirmative vote of not less than five members of the board.

Proposed law requires the district to indemnify its officers and board members to the fullest extent permitted by present law, as fully as if the district were a nonprofit corporation governed thereby and as may be provided in the district's bylaws. Protects board members or officers from liability for monetary damages for breach of his duty to any individual who resides, owns property, visits, or otherwise conducts business in the district, provided that the foregoing does not eliminate or limit the liability of a board member or officer for any of the following:

- (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.

To the fullest extent permitted by present law, a person serving the district as a board member or officer is not individually liable for any act or omission arising out of the performance of his duties.

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

(Adds R.S. 33:9097.30)