

SENATE BILL NO. 102

BY SENATOR DUPLESSIS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT

To amend and reenact R.S. 33:9100.1, 9100.3(A), 9100.4(B), 9100.5, 9100.6(A), 9100.7(A) and (C), and 9100.11, to enact R.S. 33:9100.9(E), to repeal R.S. 33:9100.10, relative to the East New Orleans Neighborhood Advisory Commission; to provide for commission membership; to provide for commission jurisdiction; to provide for terms; to provide for officers and meetings; to provide for staff; to require notice from governing authority regarding zoning and building permits; to require that views of the commission to be presented only by their officers; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9100.1, 9100.3(A), 9100.4(B), 9100.5, 9100.6(A), 9100.7(A) and (C), and 9100.11 are hereby amended and reenacted, and R.S. 33:9100.9(E) is hereby enacted to read as follows:

§9100.1. Definitions

Whenever used in this Chapter, unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall be given the following interpretations:

(1) "Area" means ~~the neighborhoods in New Orleans East that are represented on the commission membership.~~ **the area within the boundaries of the industrial canal to the west, the intracoastal canal to the south, the St. Tammany Parish line to the east and Lake Pontchartrain to the north.**

(2) "Commercial development" means all facilities and improvements used for commercial or other nonresidential purposes.

~~(2)~~ **(3)** "Commission" means the East New Orleans Neighborhood Advisory

1 Commission.

2 ~~(3)~~ (4) "Governing authority" means the governing authority of the city of
3 New Orleans.

4 (5) "Large development" means any development other than single-
5 family development, a multi-family development or a commercial development.

6 (6) "Multi-family development" means any building that is designed to
7 house more than one family, including, but not limited to duplexes,
8 condominiums and apartment buildings.

9 * * *

10 §9100.3. Commission's neighborhood area; domicile

11 A. The commission ~~area~~ shall include each neighborhood in New Orleans
12 East that is represented on the commission by the ~~chief executive officer~~ president
13 ~~and or~~ appointed representative of the neighborhood ~~organization or association~~ or
14 organization as provided in this Chapter.

15 * * *

16 §9100.4. Purposes

17 * * *

18 B. Within the commission's area, the commission ~~shall~~ may:

19 (1) Present and further the interest of the individual homeowners in the area
20 to aid in the preservation of property values and to improve the character and
21 integrity of individual residential neighborhoods.

22 (2) Educate and inform member neighborhood ~~organizations and~~ associations
23 or organizations on matters and issues of general interest.

24 (3) Participate in planning and improvement.

25 (4) Participate with community-based organizations which seek to improve
26 the community environment.

27 §9100.5. Commission membership

28 A.(1) The commission shall consist of the ~~chief executive officer and one~~
29 ~~representative appointed by the chief executive officer from each duly organized~~
30 ~~nonprofit organization or association representing single-family homeowners in New~~

1 Orleans East which requests membership on the commission: **president of each**
 2 **neighborhood association or organization within the commission area or an**
 3 **appointed representative of that neighborhood association or organization. The**
 4 **party representing the association or organization must submit an affidavit**
 5 **attesting to their status as president or being an appointed representative from**
 6 **their respective organization or association.**

7 **(2) The commission shall also consist of two at-large members elected**
 8 **from the commission area.**

9 ~~B. Each representative appointed by a chief executive officer for membership~~
 10 ~~on the commission shall be an elector of and be domiciled within his respective~~
 11 ~~neighborhood.~~

12 ~~C.~~**B.** Commission members shall serve without compensation.

13 ~~D.(1) The term of each commission member who is an appointed~~
 14 ~~representative of an organization or association shall be two years. A member may~~
 15 ~~be appointed for a succeeding term; however, no such member shall serve more than~~
 16 ~~three consecutive terms.~~

17 **C.(1) The term of each commission member who is a president of a**
 18 **neighborhood association shall be the same as his term of office for the**
 19 **association that he represents.**

20 **(2) The term of each commission member who is an appointed**
 21 **representative of an organization shall be the same as the term of the president**
 22 **of the organization that appointed him.**

23 **(3) The term of each commission member who is an at-large member**
 24 **shall be two years. Such members shall not be term limited.**

25 ~~(2) D.~~ A commissioner shall serve until his successor has been appointed and
 26 qualified.

27 ~~(3)(a) E.(1)~~ Any appointed representative member of the commission who
 28 ceases to be domiciled in his respective neighborhood shall be considered to have
 29 resigned, and the position shall be declared vacant.

30 ~~(b)(2)~~ A vacancy on the commission shall be filled in the manner of the

1 original appointment for the remainder of the unexpired term.

2 (~~4~~)(3) No elected official in the legislative branch of state government may
3 serve as a member of the commission.

4 ~~E.~~ **F.** Each commission member shall have a vote at commission meetings.

5 §9100.6. Commission officers

6 A. ~~Annually~~ **Every two years**, the commission shall elect from its
7 membership a chairman, vice chairman, secretary, and such other officers as it deems
8 appropriate.

9 * * *

10 §9100.7. Commission meetings

11 A. The commission shall hold regular meetings as shall be provided in the
12 bylaws and may hold special meetings at such times and places within the
13 commission's area designed to reasonably accommodate the residents of the area
14 attending the meeting as may be provided in the bylaws. Special meetings may be
15 called by the chairman or by the executive board and shall be called by the chairman
16 upon written request of at least ten percent of the total ~~commission membership~~
17 **number of commission members.**

18 * * *

19 C. The presence of at least forty percent of the total ~~commission membership~~
20 **number of commission members** shall constitute a quorum for the transaction of
21 business.

22 * * *

23 §9100.9. Executive board

24 * * *

25 **E. The executive board of the commission, with the concurrence of the**
26 **commission, may hire such staff and other personnel as may be necessary to**
27 **carry out the directions and instructions of the commission and do other acts**
28 **as may be directed or authorized by the commission.**

29 * * *

30 §9100.11. Advisory authority of commission; official representation

1 A.(1) The commission may advise the governing authority, the mayor, or
 2 any other agency, department, board, commission, or other entity of local or state
 3 government with respect to all proposed matters of government policy which affect
 4 the area, including but not limited to decisions regarding planning, zoning, streets,
 5 recreation, social services programs, education, health, safety, budget, and sanitation.

6 (2) For purposes of this Chapter, all notices shall be sent either by email,
 7 facsimile, or certified mail to the commission's office.

8 B. No parish or municipal commission or governing authority shall zone
 9 or change any existing zoning as to any property within the area without giving
 10 notice to the commission officers at least fifteen days prior to the date set for
 11 public hearing on the matter.

12 C. The governing authority, mayor, or applicable agency, department,
 13 board, commission, or other entity of local or state government shall provide
 14 notice to the commission officers upon receipt of any application for a building
 15 permit for a multi-family development, commercial development or a large
 16 development within the commission area.

17 ~~B.D.~~ The governing authority, mayor, or applicable agency, department,
 18 board, commission, or other entity of local or state government shall provide at least
 19 ~~thirty~~ fifteen days written notice to the commission officers of any intent to acquire
 20 or dispose of immovable property in the area or any intent to change the use of
 21 property owned or leased by the respective governmental entity in the area.

22 ~~E.E.~~(1) "Proposed government action" as covered by this Chapter includes
 23 but is not limited to action of the governing authority, the mayor, or any other
 24 agency, department, board, commission, or other entity of local or state government.

25 (2) Each local or state agency, department, board, or commission, prior to
 26 transmitting to the governing authority or other respective governmental entity any
 27 proposed revenue bond issuance, or before the formation of any final policy,
 28 decision, or guidelines with respect to grant applications, comprehensive plans,
 29 requested or proposed zoning changes, variances, public improvements, ~~licenses, or~~
 30 ~~permits affecting the area,~~ the parish budget and goals and priorities, proposed

1 changes in local or state government services delivery, and opening of any proposed
2 specialty systems, shall provide at least thirty days advance notice of the proposed
3 action to each commission officer.

4 ~~D.F.~~ The issues and concerns raised in recommendation of the commission
5 shall be given great weight during the deliberations of the governing authority, the
6 mayor, or any other agency, department, board, commission, or other entity of local
7 or state government. This requires acknowledgment of the commission as the source
8 of the recommendation and reference to each issue and concern.

9 ~~E.G.~~ The views of the commission shall ~~only be presented~~ **be presented only**
10 by an officer of the commission ~~or by a commission representative duly selected at~~
11 ~~a public meeting by the commission to represent its view on the particular issue or~~
12 ~~proposed action.~~

13 ~~F.H.~~(1) No provision of this Chapter is intended nor shall be construed to
14 impede, interfere with, delay, or supersede any regulatory authority of the governing
15 authority, the mayor, or any other agency, department, board, commission, or other
16 entity of local or state government.

17 (2) No provision of this Chapter is intended nor shall be construed to impede,
18 interfere with, delay, or supersede any licensing functions, rulemaking, or
19 decisionmaking authority as provided for in the Administrative Procedure Act,
20 formulation of policies and procedures, nor the award of grants by or to any agency.

21 Section 2. R.S. 33:9100.10 is hereby repealed.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____