

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 703 By Senator Peterson**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

SPECIAL DISTRICTS. Creates and provides for the Broadmoor Neighborhood Improvement District in Orleans Parish. (7/1/10)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Changes the period during which the initial parcel fee may not be increased from five years to the full term of the initial levy.
2. Removes the requirement that the election on the question of the imposition of the parcel fee must be held at a regularly scheduled election and provides that it shall be submitted to the voters in a proposition at an election held for that purpose in accordance with the election code.
3. Replaces the boundary description.
4. Removes provision that the fee shall be imposed on each improved parcel located within the district.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

Peterson

SB No. 703

Proposed law provides that the district is established for the purpose of promoting quality of life initiatives of the Broadmoor Improvement Association (BIA) that cater to residents living in the area included within the district and encouraging the beautification and overall benefit of the district as defined in the Redevelopment Plan for Broadmoor.

Proposed law provides that the district shall be governed by the nine-member BIA board. Three board members shall be elected from each subgroup of the district. Elections will occur as provided in the bylaws. Board members shall serve two-year terms. Any vacancy which occurs prior to the expiration of the terms for a board member shall be filled for the remainder of the unexpired term in the same manner as the original election. Board members shall be eligible for reelection. The commission shall elect from its members a chairman, a vice chairman, a secretary-treasurer, and such other officers as it may deem necessary. The duties of the officers shall be fixed by the bylaws adopted by the board.

Proposed law provides that the commission shall adopt such rules, regulations, and bylaws as it deems necessary or advisable for conducting its business affairs. Rules and regulations of the commission relative to the notice and conduct of meetings shall conform to applicable law, relative to open meetings. The commission shall hold regular and special meetings as prescribed in the bylaws.

Proposed law provides that the district shall have the following powers and duties:

- (1) To sue and be sued.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To receive and expend funds collected in accordance with an adopted budget.
- (4) To enter into contracts with individuals or entities, private or public.
- (5) To provide or enhance security patrols in the district, to provide for improved lighting, signage, or matters relating to the security of the district, to provide for the

beautification of and improvements for the district, or to provide generally for the overall betterment of the district as outlined in the Broadmoor Redevelopment Plan.

- (6) To enter into contracts and agreements with one or more other districts for the joint security, improvement, or betterment of all participating districts.
- (7) To provide for such services and make such expenditures as the board deems proper for the upkeep of the district.
- (8) To acquire or lease items and supplies which the board deems instrumental to achieving the purposes of the district.
- (9) To acquire, lease, insure, and sell real property within the boundaries of the district in accordance with district plans.
- (10) To 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 commission 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.
- (11) To perform or have performed any other function or activity necessary or appropriate to carry out the purposes of the district or for the overall betterment of the district.

Proposed law provides that the governing authority of the city of New Orleans is authorized, subject to voter approval, to impose and collect a parcel fee within the district. For purposes of this proposed law, a parcel is defined as a lot, a subdivided portion of ground, or an individual tract.

Proposed law provides that the amount of the fee shall be as requested by duly adopted resolution of the board. The fee shall be a flat fee per improved parcel of land not to exceed \$100 per year for each parcel. The owner of the parcel shall be responsible for payment of the fee.

Proposed law provides that the initial election on the question of the imposition of the fee shall be held at an election held in accordance with the La. Election Code. If approved, the initial fee shall expire on December 31, 2015, but the fee may be renewed if approved by a majority of the registered voters of the district voting on the proposition at an election. Any election to authorize the renewal of the fee shall be held for that purpose in accordance with the Louisiana Election Code. If the fee is renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed five years. The fee shall be collected at the same time and in the same manner as ad valorem taxes on property subject to taxation by the city are collected.

Proposed law provides that any parcel fee which is unpaid shall be added to the tax rolls of the city and shall be enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes. The proceeds of the fee shall be used solely and exclusively for the purpose and benefit of the district; however, the city may retain 1% as a collection fee. The city of New Orleans shall remit to the district all amounts collected not more than 30 days after collection.

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

Proposed law provides that the board shall adopt an annual budget in accordance with present law. The district shall be subject to audit by the legislative auditor.

Proposed law provides that any additional services or betterments provided by the district shall be supplemental to and not be in lieu of personnel and services to be provided in the district by the state or the city of New Orleans or by other political subdivisions. The district may perform or have performed any other function or activity necessary for the achievement of its primary objective of encouraging the beautification, security, and overall betterment of the area included within the district as outlined in the Broadmoor Redevelopment Plan.

Proposed law provides that the district may be dissolved after the question of its dissolution has been approved by a majority of the registered voters of the district voting on the proposition at a regularly scheduled election conducted in accordance with the provisions of the La. Election Code. The question may be placed on the ballot only after it has been approved by the affirmative vote of not less than five members of the board.

Proposed law provides that if and when the district ceases to exist:

- (a) All funds of the district shall be transmitted by the board to the BIA and such funds, together with any other funds collected by the city of New Orleans pursuant to proposed law, shall be maintained by the BIA shall be used only for law enforcement, security, improvement, and beautification purposes of the district.
- (b) The authority for the imposition of the parcel fee shall cease.

Proposed law provides that the district shall indemnify its officers and board members to the fullest extent permitted by present law, as fully as if the district were a nonprofit corporation and as may be provided in the district's bylaws.

Effective July 1, 2010.

(Adds R.S. 33:9091.16)

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