

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 247 By Senator Alario**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

SPECIAL DISTRICTS. Creates and provides for the Esprit at Stonebridge Neighborhood Improvement District. (7/1/10)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Adds requirement that the annual increase of the parcel fee maximum be approved by a majority vote of the governing authority and be recommended by the advisory board.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

Alario

SB No. 247

Proposed law provides for the creation of the Esprit at Stonebridge Neighborhood Improvement District.

Proposed law provides that the district is established 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.

Proposed law provides that the district shall be governed by the Jefferson Parish Council as per their home rule charter. Also, provides for a six-member advisory board, which shall be appointed by the governing authority from nominations received from the board of directors of the Esprit at Stonebridge Homeowners Association. Provides that none of the appointees to the advisory board shall be members of the Esprit at Stonebridge Homeowners Association board of directors.

Proposed law provides that district, through its governing authority 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.
- (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.
- (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 services and make expenditures for the upkeep of the district.
- (8) To acquire or lease items and supplies.
- (9) To acquire, lease, insure, and sell immovable property within the boundaries of the district in accordance with district plans.
- (10) 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 Jefferson Parish is authorized to impose and collect a parcel fee within the district.

Proposed law provides that the amount of the fee shall be based upon recommendations by a duly adopted resolution of the advisory board. The fee shall be a flat fee per improved parcel of land not to exceed \$100 per year for each improved parcel for calendar year 2010; however, once each calendar year after 2010, the governing authority may by majority vote increase the maximum by \$25 if such increase is recommended by the advisory board.

Proposed law provides that the owner of each parcel shall be responsible for payment of the fee. The fee shall be imposed only after the question of its imposition has been approved by a majority of the registered voters of the district who vote on the proposition at an election held for that purpose. The amount of the fee may be changed by duly adopted resolution of the commission, not to exceed the maximum amount authorized.

Proposed law provides that the initial election on the question of the imposition of the parcel fee shall be held at the same time as a regularly scheduled election in the parish of Jefferson. If approved, the fee shall expire on December 31, 2014, but the fee may be renewed for 8 years 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 at the same time as a regularly scheduled election in the parish of Jefferson.

Proposed law provides restrictions on the levy of the parcel fee.

Proposed law provides that the parcel fee shall be collected at the same time and in the same manner as ad valorem taxes on property subject to taxation by the parish are collected. Any parcel fee which is unpaid shall be added to the tax rolls of the parish 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 parish may retain one percent of the amount collected as a collection fee.

Proposed law provides that the commission shall adopt an annual budget in accordance with the Louisiana Local Government Budget Act.

Proposed law provides that the district shall be subject to audit by the legislative auditor.

Proposed law provides that it is the purpose and intent of this Section that any additional security or other services or betterments provided by the district shall be supplemental to the services to be provided in the district by the governing authority of Jefferson Parish.

Proposed law provides that the district may be dissolved 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 commission. If the district is dissolved, the funds of the district that relate to the portion of the district that is included in the new district, together with any other funds collected by the governing authority of Jefferson Parish that relate to such portion of the district, shall be transferred to the new district to be used for purposes of the new district. The remaining portion of funds, if any, shall be transmitted by the commission to the governing authority of Jefferson Parish and such funds shall be used only for law enforcement, security, improvement, and beautification purposes of the area that was formerly within the district but is not included in the new district.

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

Proposed law provides that no advisory board members, member of the governing authority, or officer of the district 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 his duties as an advisory board member, member of the governing authority, or officer, subject to certain exceptions for intentional acts or personal gain.

Effective July 1, 2010.

(Adds R.S. 33:9080.4)

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