

Regular Session, 2013

HOUSE BILL NO. 323

BY REPRESENTATIVES BADON, BILLIOT, WESLEY BISHOP, AND HONORE

DISTRICTS/NEIGHBORHOOD: Creates the Eastover Neighborhood Improvement and Security District in Orleans Parish

1 AN ACT

2 To enact R.S. 33:9091.21, relative to Orleans Parish; to create the Eastover Neighborhood
3 Improvement and Security District within the parish; to provide relative to the
4 purpose, governance, and powers and duties of the district; to provide for the
5 imposition of a parcel fee and for the use thereof; and to provide for related matters.

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

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:9091.21 is hereby enacted to read as follows:

11 §9091.21. Eastover Neighborhood Improvement and Security District

12 A. Creation. There is hereby created within the parish of Orleans, as more
13 specifically provided in Subsection B of this Section, a body politic and corporate
14 which shall be known as the Eastover Neighborhood Improvement and Security
15 District, referred to in this Section as the "district". The district shall be a political
16 subdivision of the state as defined in the Constitution of Louisiana.

17 B. Boundaries. (1) The district shall be comprised of all property located
18 in Eastover Subdivision within the following boundaries: the northern boundary is
19 the northern boundary of the Eastover Subdivision, the southern boundary is Dwyer

1 Road, the eastern boundary is the I-10 Service Road, and the western boundary is the
2 Jahncke Canal.

3 (2) The property located at 5690 Eastover Drive shall not be included in the
4 district as long as a sales and administration office is located on the property and the
5 office is available to the board to conduct its business.

6 C. Purpose. The district is established for the primary object and purpose of
7 promoting and encouraging the beautification, security, and overall betterment of the
8 district.

9 D. Governance. (1) In order for the orderly development and effectuation
10 of the services to be furnished by the district and to provide for the representation in
11 the affairs of the district of those persons and interests immediately concerned with
12 and affected by the purposes and development of the area included within the
13 district, the affairs of the district shall be managed by the members of the Eastover
14 Property Owner's Association's board of directors, referred to in this Section as the
15 "board".

16 (2) The minute books and archives of the district shall be maintained by the
17 board's secretary. The monies, funds, and accounts of the district shall be in the
18 official custody of the board.

19 (3) The duties of the officers shall be fixed by bylaws adopted by the board.
20 The board shall adopt such rules and regulations as it deems necessary or advisable
21 for conducting its business affairs. It shall hold regular meetings as shall be provided
22 in the bylaws and may hold special meetings at such times and places within the
23 district as may be prescribed in the bylaws.

24 (4) A majority of the members of the board shall constitute a quorum for the
25 transaction of business. The board shall keep minutes of all meetings and shall make
26 them available through the board's secretary to residents of the district.

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

28 E. Powers and duties. The district, acting through the board, shall have the
29 following powers and duties:

1 (1) To receive and expend funds collected pursuant to Subsection F of this
2 Section and in accordance with a budget adopted as provided by Subsection G of this
3 Section.

4 (2) To enter into contracts with individuals or entities, private or public, for
5 the provision of security patrols in the district.

6 (3) To purchase items and supplies which the board deems instrumental to
7 achieving the purpose of the district.

8 (4) To perform or have performed any other function or activity necessary
9 for the achievement of the purpose of the district.

10 F. Parcel fee. The governing authority of the city of New Orleans is hereby
11 authorized to impose and collect a parcel fee within the district subject to and in
12 accordance with the provisions of this Subsection.

13 (1)(a) The amount of the fee shall be as requested by duly adopted resolution
14 of the board. The fee shall be a flat fee per parcel of land, and the initial fee shall be
15 sixteen hundred fifty-two dollars per year for each parcel.

16 (b) If multiple adjacent parcels are combined for the purpose of housing a
17 single family dwelling, the flat fee for the combined parcel shall be calculated to be
18 one and four tenths times the single parcel fee for two adjacent parcels and one and
19 six tenths times the single parcel fee for three or more adjacent parcels.

20 (2)(a) The fee shall be imposed on each parcel located within the district.

21 (b) For purposes of this Section, "parcel" means a lot, a subdivided portion
22 of ground, an individual tract, or a "condominium parcel" as defined in R.S.
23 9:1121.103.

24 (c) The owner of each parcel shall be responsible for payment of the fee.

25 (3)(a) The fee shall be imposed only after the question of its imposition has
26 been approved by a majority of the registered voters of the district voting on the
27 proposition at an election held for that purpose in accordance with the Louisiana
28 Election Code.

1 **(b) The amount of the fee may be increased or decreased by duly adopted**
2 **resolution of the board if approved by a majority of the registered voters of the**
3 **district voting on the proposition at an election as provided in Subparagraph (a) of**
4 **this Paragraph.**

5 **(4) The fee shall be collected at the same time and in the same manner as ad**
6 **valorem taxes on property subject to taxation by the city are collected.**

7 **(5) Any parcel fee which is unpaid shall be added to the tax rolls of the city**
8 **and shall be enforced with the same authority and subject to the same penalties and**
9 **procedures as unpaid ad valorem taxes.**

10 **(6)(a) The proceeds of the fee shall be used solely and exclusively for the**
11 **purpose and benefit of the district; however, the city may retain one percent of the**
12 **amount collected as a collection fee.**

13 **(b) The city of New Orleans shall remit to the district all amounts collected**
14 **not more than sixty days after collection.**

15 **G. Budget. (1) The board shall adopt an annual budget in accordance with**
16 **the Louisiana Local Government Budget Act, R.S. 39:1301 et seq.**

17 **(2) The district shall be subject to audit by the legislative auditor pursuant**
18 **to R.S. 24:513.**

19 **H. Miscellaneous provisions. (1) It is the purpose and intent of this Section**
20 **that the additional law enforcement or security personnel and their services provided**
21 **for through the fees authorized in this Section shall be supplemental to and not in**
22 **lieu of personnel and services provided in the district by the New Orleans Police**
23 **Department.**

24 **(2) If the district ceases to exist, all funds of the district shall be transmitted**
25 **by the board to the city of New Orleans, and such funds, together with any other**
26 **funds collected by the city of New Orleans pursuant to this Section, shall be**
27 **maintained in a separate account by the city and shall be used only to promote,**
28 **encourage, and enhance the security, beautification, and overall betterment of the**
29 **area included in the district.**

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

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 No. 323

Abstract: Creates the Eastover Neighborhood Improvement and Security District in Orleans Parish for the purpose of promoting and encouraging the beautification, security, and overall betterment of the district. Provides for a board of commissioners and for the imposition and use of a parcel fee.

Proposed law creates the Eastover Neighborhood Improvement and Security District in Orleans Parish as a political subdivision of the state for the purpose of promoting and encouraging the beautification, security, and overall betterment of the district. Provides that the district shall be governed by the members of the Eastover Property Owner's Association's board of directors. Provides for district boundaries and excludes certain property from the district.

Proposed law provides that the district has the following powers and duties:

- (1) To receive and expend funds collected pursuant to proposed law and in accordance with a budget adopted as provided by proposed law.
- (2) To enter into contracts with individuals or entities, private or public, for the provision of security patrols.
- (3) To purchase items and supplies instrumental to achieving the district's purpose.
- (4) To perform or have performed any other function or activity necessary for achieving the district's purpose.

Proposed law authorizes the governing authority of the city of New Orleans, subject to voter approval, to impose and collect a parcel fee within the district which amount shall be as requested by duly adopted board resolution. Provides that the fee shall be a flat fee per parcel of land and the initial fee shall be \$1,652 per year. Provides that the amount of the fee may be increased or decreased, subject to voter approval. Provides for a reduced combined parcel fee if multiple adjacent parcels are combined for the purpose of housing a single family dwelling. Provides relative to calculating the combined parcel fee. Defines a parcel as a lot, a subdivided portion of ground, an individual tract, or a condominium parcel as defined in present law (R.S. 9:1121.103).

Proposed law provides that the fee shall be collected in the same manner and at the same time as ad valorem taxes and that any unpaid fee shall be added to the city tax rolls and enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes. Proposed law requires that the fee proceeds be used solely and exclusively

for the district's purpose and benefit. Authorizes the city to retain 1% of the amount collected as a collection fee and requires the city to remit to the district all amounts collected not more than 60 days after collection.

Proposed law requires the district's board to adopt an annual budget in accordance with the Local Government Budget Act and provides that the district shall be subject to audit by the legislative auditor.

Proposed law provides that it is the purpose and intent of proposed law that the additional law enforcement personnel and their services provided for through the fees authorized by proposed law shall be supplemental to and not in lieu of personnel and services provided in the district by the New Orleans Police Dept.

Proposed law requires the district's board, if the district ceases to exist, to transmit all district funds to the city. Requires that such funds together with any other funds collected by the city pursuant to proposed law be maintained in a separate account by the city. Requires that such funds be used only to promote, encourage, and enhance the security, beautification, and overall betterment of the area included in the district.

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

(Adds R.S. 33:9091.21)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill.

1. Makes changes to the district's boundaries and excludes certain property from the district.
2. Adds provision for a reduced combined parcel fee if multiple adjacent parcels are combined for the purpose of housing a single family dwelling.