

2024 Regular Session

HOUSE BILL NO. 185

BY REPRESENTATIVE NEWELL

1 AN ACT

2 To enact R.S. 33:9091.28, relative to Orleans Parish; to create the Castle Manor  
3 Improvement District; to provide relative to the boundaries, purpose, governance,  
4 and powers and duties of the district; to provide relative to district funding; to  
5 authorize the city, subject to voter approval, to impose and collect a parcel fee for the  
6 district; and to provide for related matters.

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

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 33:9091.28 is hereby enacted to read as follows:

12 §9091.28. Castle Manor Improvement District

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

1           B. Boundaries. The district is comprised of all property included within the  
2           following perimeter: Cerise Avenue, the south side of Chef Menteur Highway,  
3           Gawain Drive, and the north side of Dwyer Road canal.

4           C. Purpose. The district is established for the primary objects and purposes  
5           of promoting and encouraging the beautification and security of the district.

6           D. Governance. (1) The district shall be managed by a seven-member board  
7           of commissioners, referred to in this Section as the "board". The board shall be  
8           composed as follows:

9           (a) The president of the Castle Manor Improvement Association.

10           (b) The governing board of the Castle Manor Improvement Association shall  
11           appoint two members.

12           (c) Each of the following shall appoint one member from a list of nominees  
13           submitted by the Castle Manor Improvement Association:

14           (i) The mayor of the city of New Orleans.

15           (ii) The member of the Louisiana House of Representatives whose district  
16           encompasses all or the greater portion of the area of the district.

17           (iii) The member of the Louisiana Senate whose district encompasses all or  
18           the greater portion of the area of the district.

19           (iv) The member of the governing authority of the city of New Orleans  
20           whose council district encompasses all or the greater portion of the area of the  
21           district.

22           (2) All members of the board shall be residents and qualified voters of the  
23           district.

24           (3)(a) Board members serving pursuant to Subparagraphs (1)(b) through (f)  
25           of this Subsection shall serve four-year terms after initial terms as follows: one  
26           member shall serve an initial term of one year; two shall serve two years; two shall  
27           serve three years; and one shall serve four years, as determined by lot at the first  
28           meeting of the board.

1           **(b) The member serving pursuant to Subparagraph (1)(a) of this Subsection**  
2           **shall serve during his term of office as president of the Castle Manor Improvement**  
3           **Association.**

4           **(c) Any vacancy which occurs prior to the expiration of a term shall be filled**  
5           **for the remainder of the unexpired term by the governing board of the Castle Manor**  
6           **Improvement Association. Board members are eligible for reappointment.**

7           **(4) The board shall elect from its members a chairman, a vice chairman, a**  
8           **secretary, a treasurer, and other officers as it deems necessary. The duties of the**  
9           **officers shall be fixed by the bylaws adopted by the board.**

10           **(5) The secretary or the treasurer of the board shall maintain the minute**  
11           **books and archives of the district. The monies, funds, and accounts of the district**  
12           **shall be in the official custody of the board.**

13           **(6) The board may adopt rules and regulations for conducting its business**  
14           **affairs. Rules and regulations of the board relative to the notice and conduct of**  
15           **meetings shall conform to applicable law, including laws relative to open meetings.**  
16           **The board shall hold regular meetings and may hold special meetings at times and**  
17           **places within the district as prescribed in the bylaws.**

18           **(7) A majority of the members of the board constitutes a quorum for the**  
19           **transaction of business. The board shall keep minutes of all meetings and shall make**  
20           **them available through the secretary of the board to residents of the district.**

21           **(8) The members of the board shall serve without compensation but shall be**  
22           **reimbursed for reasonable out-of-pocket expenses directly related to the governance**  
23           **of the district.**

24           **(9) Each member of the board has one vote. The vote of a majority of the**  
25           **members of the board present and voting, a quorum being present, is required to**  
26           **decide any question upon which the board takes action.**

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

29           **(1) To sue and be sued.**

30           **(2) To adopt, use, and alter at will a corporate seal.**

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

4                   (4) To enter into contracts with individuals or entities, private or public.

5                   (5) To provide or enhance security patrols in the district, to provide for  
6                   improved lighting, signage, or matters relating to the security and beautification of  
7                   the district.

8                   (6) To enter into contracts and agreements with one or more other districts  
9                   for the joint security, improvement, or betterment of all participating districts.

10                  (7) To provide for services and make expenditures as the board deems proper  
11                  for the upkeep and beautification of the district.

12                  (8) To acquire or lease items and supplies that the board deems instrumental  
13                  to achieving the purposes of the district.

14                  (9) To procure and maintain liability insurance against any personal or legal  
15                  liability of a board member that may be asserted or incurred based upon his service  
16                  as a member of the board or that may arise as a result of his actions taken within the  
17                  scope and discharge of his duties as a member of the board.

18                  (10) To perform or have performed any other function or activity necessary  
19                  or appropriate to carry out the purposes of the district or for the overall betterment  
20                  of the district.

21                  F. Parcel fee. The governing authority of the city of New Orleans may  
22                  impose and collect a parcel fee within the district subject to and in accordance with  
23                  the provisions of this Subsection:

24                  (1) The amount of the fee shall be as requested by duly adopted resolution  
25                  of the board. The fee shall not exceed the following amounts:

26                  (a) For parcels zoned residential, one hundred dollars per parcel per year for  
27                  the first three years that the fee is collected and one hundred twenty-five dollars per  
28                  parcel per year for the next two years of collection.

1           **(b) For parcels zoned commercial, two hundred dollars per parcel per year**  
2           **for the first three years that the fee is collected and two hundred twenty-five dollars**  
3           **per parcel per year for the next two years of collection.**

4           **(2)(a) The fee shall be imposed on each parcel located within the district**  
5           **except a parcel whose owner qualifies for the special assessment level pursuant to**  
6           **Article VII, Section 18(G)(1) of the Constitution of Louisiana.**

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

10           **(c) The owner of each parcel is responsible for payment of the fee.**

11           **(3)(a) The fee shall be imposed only after the question of its imposition has**  
12           **been approved by a majority of the registered voters of the district who vote on the**  
13           **proposition at an election held for that purpose in accordance with the Louisiana**  
14           **Election Code.**

15           **(b) The initial term for the imposition of the parcel fee is five years, but the**  
16           **fee may be renewed if approved by a majority of the registered voters of the district**  
17           **voting on the proposition at an election as provided in Subparagraph (a) of this**  
18           **Paragraph. Any election to authorize the renewal of the fee shall be held for that**  
19           **purpose in accordance with the Louisiana Election Code. If the fee is renewed, the**  
20           **amount of the fee shall not exceed one hundred twenty-five dollars per parcel per**  
21           **year for residential parcels and two hundred twenty-five dollars per parcel per year**  
22           **for commercial parcels. If the fee is renewed, the term of the imposition of the fee**  
23           **shall be as provided in the proposition authorizing such renewal, not to exceed five**  
24           **years. If the fee is not renewed, the district shall cease to exist.**

25           **(4) The fee shall be collected at the same time and in the same manner as**  
26           **city ad valorem taxes are collected.**

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

1           (6)(a) The city of New Orleans shall remit to the district all amounts  
2           collected not more than sixty days after collection.

3           (b) The district shall use the proceeds of the fee solely and exclusively for  
4           the purpose and benefit of the district; however, the city may retain one percent of  
5           the amount collected as a collection fee.

6           G. Additional contributions. The district may solicit and accept additional  
7           voluntary contributions and grants to further the purposes of the district.

8           H. Budget. (1) The board of commissioners shall adopt an annual budget  
9           in accordance with the Local Government Budget Act, R.S. 39:1301 et seq.

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

12           I. Miscellaneous provisions. (1) It is the purpose and intent of this Section  
13           that any additional security patrols, public or private, or any other security or other  
14           services or betterments provided by the district shall be supplemental to and not be  
15           in lieu of personnel and services to be provided in the district by the state or the city  
16           of New Orleans or their departments or agencies or by other political subdivisions.

17           (2) If the district ceases to exist, the board shall transmit all district funds to  
18           the city of New Orleans, and such funds, together with any other funds collected by  
19           the city of New Orleans pursuant to this Section, shall be maintained in a separate  
20           account by the city and shall be used only to promote, encourage, and enhance the  
21           security of the area included in the district.

22           J. Indemnification and exculpation. (1) The district shall indemnify its  
23           officers and board members to the fullest extent permitted by R.S. 12:227, as fully  
24           as if the district were a nonprofit corporation governed thereby, and as provided in  
25           the district's bylaws.

26           (2) No board member or officer of the district is liable to the district or to  
27           any individual who resides, owns property, visits, or otherwise conducts business in  
28           the district for monetary damages for breach of his duties as a board member or  
29           officer; however, the foregoing provision does not eliminate or limit the liability of  
30           a board member or officer for any of the following:

1                    (a) Acts or omissions not in good faith or which involve intentional  
2                    misconduct or a knowing violation of law.

3                    (b) Any transaction from which he derived an improper personal benefit.

4                    (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.  
5                    9:2792.1 through 2792.9, a person serving the district as a board member or officer  
6                    shall not be held individually liable for any act or omission arising out of the  
7                    performance of his duties.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_