

SENATE BILL NO. 380

BY SENATOR CARTER

1 AN ACT

2 To enact R.S. 33:9091.30, relative to Orleans Parish; to create the Real Timbers Crime
3 Prevention and Improvement District; to provide relative to the boundaries, purpose,
4 governance, authority, powers, duties, and functions of the district; to provide for
5 district funding; to provide for an effective date; and to provide for related matters.

6 Notice of intention to introduce this Act has been published.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 33:9091.30 is hereby enacted to read as follows:

9 **§9091.30. Real Timbers Crime Prevention and Improvement District**

10 **A. There is hereby created within the parish of Orleans, as more**
11 **specifically provided in Subsection B of this Section, a body politic and**
12 **corporate known as the Real Timbers Crime Prevention and Improvement**
13 **District, referred to in this Section as the "district". The district is a political**
14 **subdivision of the state as defined in the Constitution of Louisiana.**

15 **B. The district is comprised of the area included within the following**
16 **perimeter: Iowa Street, Amazon Street, Delaware Street, Memorial Park Drive,**
17 **Kansas Street, and Hudson Street.**

18 **C. The district is established for the primary object and purpose of**
19 **promoting and encouraging the beautification, security, and overall betterment**
20 **of the district.**

21 **D.(1) The district shall be governed by a seven-member board of**
22 **commissioners, referred to in this Section as the "board", composed as follows:**

23 **(a) The president, secretary, treasurer, and parliamentarian of the Real**
24 **Timbers Homeowners Association, referred to in this Section as the**
25 **"association".**

26 **(b) The association shall appoint three members who shall be residents**

1 of the district.

2 (2)(a) The members appointed pursuant to Subparagraph (1)(b) of this
3 Subsection shall serve five-year terms after initial terms as provided in this
4 Subparagraph. One member shall serve an initial term of three years; one shall
5 serve four years; and one shall serve five years, as determined by lot at the first
6 meeting of the board.

7 (b) The members serving pursuant to Subparagraph (1)(a) of this
8 Subsection shall serve during their term of office.

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

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

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

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

24 E. The district, acting through its board, shall have the following powers
25 and duties:

26 (1) To sue and be sued.

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

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

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

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

5 **(6) To enter into contracts and agreements for security, improvement,**
6 **or betterment of the district, including with one or more other districts for the**
7 **joint security, improvement, or betterment of all participating districts.**

8 **(7) To provide for services and make expenditures as the board deems**
9 **proper for the upkeep and beautification of the district and the quality of life**
10 **of its residents.**

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

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

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

21 **F.(1) The governing authority of the city of New Orleans may impose and**
22 **collect a parcel fee within the district subject to and in accordance with the**
23 **provisions of this Subsection.**

24 **(2) The amount of the fee shall be as requested by duly adopted**
25 **resolution of the board. The fee shall be a flat fee per parcel of land not to**
26 **exceed three hundred fifteen dollars per year for each parcel.**

27 **(3)(a) The fee shall be imposed on each parcel located within the district.**

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

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

2 (4)(a) The fee shall be imposed only after the question of its imposition
3 has been approved by a majority of the registered voters of the district voting
4 on the proposition at an election held for that purpose in accordance with the
5 Louisiana Election Code. The amount of the fee may be changed by duly
6 adopted resolution of the board, not to exceed the maximum amount authorized
7 in this Subsection. No other election shall be required except as provided by this
8 Paragraph.

9 (b) The fee shall expire at the time provided in the proposition
10 authorizing the fee, not to exceed five years, but the fee may be renewed if
11 approved by a majority of the registered voters of the district voting on the
12 proposition at an election as provided in Subparagraph (a) of this Paragraph.
13 If the fee is renewed, the term of the imposition of the fee shall be as provided
14 in the proposition authorizing the renewal, not to exceed five years.

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

17 (6) Any parcel fee which is unpaid shall be added to the tax rolls of the
18 city and shall be enforced with the same authority and subject to the same
19 penalties and procedures as unpaid ad valorem taxes.

20 (7)(a) The proceeds of the fee shall be used solely and exclusively for the
21 purpose and benefit of the district; however, the city may retain one percent of
22 the amount collected as a collection fee.

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

25 G. The district may solicit and accept additional voluntary contributions
26 and grants to further the purposes of the district.

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

30 (2) The district shall be subject to audit by the legislative auditor

1 pursuant to R.S. 24:513.

2 I.(1) It is the purpose and intent of this Section that the additional law
3 enforcement or security personnel and their services provided for through the
4 fees authorized in this Section shall be supplemental to and not in lieu of
5 personnel and services provided in the district by the New Orleans Police
6 Department.

7 (2) If the district ceases to exist, all funds of the district shall be
8 transmitted by the board to the city of New Orleans, and such funds, together
9 with any other funds collected by the city of New Orleans pursuant to this
10 Section, shall be maintained in a separate account by the city and shall be used
11 only to promote, encourage, and enhance the security, beautification, and
12 overall betterment of the area included in the district.

13 J.(1) The district shall indemnify its officers and board members to the
14 fullest extent permitted by R.S. 12:227, as fully as if the district were a nonprofit
15 corporation governed thereby, and as may be provided in the district's bylaws.

16 (2) No board member or officer of the district shall be liable to the
17 district or to any individual who resides, owns property, visits, or otherwise
18 conducts business in the district for monetary damages for breach of his duties
19 as a board member or officer, provided that the foregoing provision shall not
20 eliminate or limit the liability of a board member or officer for any of the
21 following:

22 (a) Acts or omissions not in good faith or which involve intentional
23 misconduct or a violation of law.

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

25 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
26 9:2792.1 through 2792.9, a person serving the district as a board member or
27 officer shall not be individually liable for any act or omission arising out of the
28 performance of his duties.

29 Section 2. This Act shall become effective upon signature by the governor or, if not
30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____