Regular Session, 2011

HOUSE BILL NO. 162

BY REPRESENTATIVE AUSTIN BADON

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

AN ACT

To enact R.S. 33:9091.18, relative to Orleans Parish; to create the Pressburg East Neighborhood Improvement and Security District within the parish; to provide relative to the purpose, governance, and powers and duties of the district; to provide for the imposition of a parcel fee and for the use thereof; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9091.18 is hereby enacted to read as follows:

§9091.18. Pressburg East Neighborhood Improvement and Security District

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

B. Boundaries. The district shall be comprised of the area of the parish of Orleans lying within the following perimeter: bounded on the north side by the north side of Dwyer Road, bounded on the west side by the west side of Read Boulevard,

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bounded on the south side by the south side of Chef Menteur Highway, and bounded on the east side by a line parallel to the east side of Nighthart Street which extends in a northerly direction to its intersection with the north side of Dwyer Road and which extends in a southerly direction to its intersection with the south side of Chef Menteur Highway.

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

D. Governance. (1) The district shall be governed by a board of commissioners, referred to in this Section as the "board", consisting of seven members as follows:

(a) The president of the Pressburg East Homeowners/Neighborhood Association, referred to this Section as the "association".

(b) The governing board of the association shall appoint three members, two of whom may be members of such board.

(c) The member of the city council of New Orleans whose district encompasses all or the greater portion of the area of the district shall appoint one member.

(d) The member of the Louisiana House of Representatives whose district encompasses all or the greater portion of the area of the district shall appoint one member.

(e) The member of the Louisiana Senate whose district encompasses all or the greater portion of the area of the district shall appoint one member.

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

(3)(a) The board member serving pursuant to Subparagraph (1)(a) of this Subsection shall serve on the board during his term of office as president of the association.

(b) Board members serving pursuant to Subparagraph (1)(b) of this Subsection shall serve three-year terms after serving initial terms as follows: one

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member shall serve an initial term of one year, one member shall serve an initial term of two years, and one member shall serve an initial term of three years, as determined by lot at the first meeting of the board.

(c) Each member serving pursuant to Subparagraphs (1)(c) through (e) of this Subsection shall serve on the board during the term of office of his respective appointing authority.

(4) Vacancies resulting from the expiration of a term or for any other reason shall be filled for the remainder of the unexpired term in the manner of the original appointment.

(5) The members of the board shall select from among themselves a president and such other officers as they deem appropriate. The responsibilities of the officers shall be as provided by the bylaws of the board.

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

E. Powers and duties. The district, acting through its board of commissioners, 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 pursuant to Subsection F of this Section and in accordance with a budget adopted as provided by Subsection G of this Section.

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

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

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

F. Parcel fee. The New Orleans City Council is hereby authorized to impose and collect a parcel fee within the district subject to and in accordance with the provisions of this Subsection.

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(1) 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 two hundred dollars per year for each parcel.

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

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

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

(3)(a) 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 voting on the proposition at an election held for that purpose in accordance with the Louisiana Election Code. The amount of the fee may be changed by duly adopted resolution of the board, not to exceed the maximum amount authorized in this Subsection. No other election shall be required except as provided by this Paragraph.

(b) If approved, the 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 as provided in Subparagraph (a) of this Paragraph. 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 eight years.

(4) 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.

(5) 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.

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

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

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G. Budget. (1) The board of commissioners shall adopt an annual budget in accordance with the Louisiana Local Government Budget Act, R.S. 39:1301 et seq. The budget and all amendments shall be subject to the approval of the New Orleans City Council.

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

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

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

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)]

Austin Badon HB No. 162

Abstract: Creates the Pressburg East 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 Pressburg East 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 for district boundaries and that the district shall be governed by a board of seven commissioners, all of whom shall be residents and qualified voters of the district, composed as follows:

(1) The president of Pressburg East Homeowners/Neighborhood Association (association).

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(2) The association's governing board shall appoint three members, two of whom may be members of such board.

(3) The member of the New Orleans City Council whose district encompasses all or the greater portion of the district's area shall appoint one member.

(4) The member of the La. House of Representatives whose district encompasses all or the greater portion of the district's area shall appoint one member.

(5) The member of the La. Senate whose district encompasses all or the greater portion of the district's area shall appoint one member.

Proposed law provides that the president of the association board shall serve on the district board during his term of office as president of the association board, that members appointed by the association board shall serve three-year staggered terms, and that members appointed by members of the city council or legislators shall serve during the terms of their respective appointing authorities. Provides that vacancies shall be filled in the same manner as the original appointment and that members shall serve without compensation.

Proposed law authorizes the board to select from its members a president and other officers whose duties shall be fixed by the board bylaws. Provides that the district shall have these 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 pursuant to proposed law and in accordance with a budget adopted as provided by proposed law.

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

(5) To purchase items and supplies instrumental to achieving the district's purpose.

(6) To perform or have performed any other function or activity necessary for achieving the district's purpose.

Proposed law authorizes the New Orleans City Council 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 improved land not to exceed $200 per year. 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 imposed only after the question of its imposition has been approved by a majority of the district's registered voters voting on the proposition at an election held for that purpose. Provides that the amount of the fee may be changed by duly adopted board resolution, not to exceed the maximum amount authorized by proposed law. Provides that no other election shall be required except as provided by proposed law. Provides that the fee shall expire on Dec. 31, 2015, but may be renewed, and that if renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing renewal, not to exceed eight years.

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 provides that fee proceeds shall be used solely and exclusively for the district's purpose and benefit. Authorizes the city to retain 1% of the

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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 board of commissioners 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 provides that if the district ceases to exist, the board shall transmit all district funds to the city. Provides that such funds together with any other funds collected by the city pursuant to proposed law shall 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.

(Adds R.S. 33:9091.18)

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