

Regular Session, 2012

HOUSE BILL NO. 254

BY REPRESENTATIVE BROSSETT

DISTRICTS/SPECIAL: Creates the Gentilly Terrace and Gardens Security District in Orleans Parish

1 AN ACT

2 To enact R.S. 33:9091.19, relative to Orleans Parish; to create the Gentilly Terrace and  
3 Gardens Security District within the parish; to provide relative to the purpose,  
4 governance, and powers and duties of the district; to provide for the imposition of  
5 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. 33:9091.19 is hereby enacted to read as follows:

11 §9091.19. Gentilly Terrace and Gardens 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 Gentilly Terrace and Gardens Security District, referred  
15 to in this Section as the "district". The district shall be a political subdivision of the  
16 state as defined in the Constitution of Louisiana.

17 B. Boundaries. The boundaries of the district shall include all property  
18 included within the following perimeter: the east side of Elysian Fields Avenue, the  
19 south side of Filmore Avenue, the west side of Peoples Avenue, and the north side  
20 of Gentilly Boulevard.

1           C. Purpose. The district is established for the primary object and purpose of  
2           promoting and encouraging the security of the district.

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

6           (a) The president of the Gentilly Terrace and Gardens Improvement  
7           Association.

8           (b) The governing board of the Gentilly Terrace and Gardens Improvement  
9           Association shall appoint two members.

10          (c) The mayor of the city of New Orleans shall appoint one member to the  
11          board from a list of nominees submitted by the Gentilly Terrace and Gardens  
12          Improvement Association.

13          (d) The member of the Louisiana House of Representatives whose district  
14          encompasses all or the greater portion of the area of the district shall appoint one  
15          member from a list of nominees submitted by the Gentilly Terrace and Gardens  
16          Improvement Association.

17          (e) The member of the Louisiana Senate whose district encompasses all or  
18          the greater portion of the area of the district shall appoint one member from a list of  
19          nominees submitted by the Gentilly Terrace and Gardens Improvement Association.

20          (f) The member of the governing authority of the city of New Orleans whose  
21          council district encompasses all or the greater portion of the area of the district shall  
22          appoint one member from a list of nominees submitted by the Gentilly Terrace and  
23          Gardens Improvement Association.

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

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

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 Gentilly Terrace and Gardens**  
3           **Improvement Association.**

4           **(c) Any vacancy which occurs prior to the expiration of the term for which**  
5           **a member of the board has been appointed shall be filled for the remainder of the**  
6           **unexpired term by the governing board of the Gentilly Terrace and Gardens**  
7           **Improvement Association. Board members are eligible for reappointment.**

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

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

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

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

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

26           **(9) Each member of the board shall have one vote. The vote of a majority**  
27           **of the members of the board present and voting, a quorum being present, shall be**  
28           **required to decide any question upon which the board takes action.**

1           E. Powers and duties. The district, acting through its board, shall have the  
2           following powers and duties:

3           (1) To sue and be sued.

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

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

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

9           (5) To provide or enhance security patrols in the district, to provide for  
10          improved lighting, signage, or matters relating to the security of the district.

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

13          (7) To provide for such services and make such expenditures as the board  
14          deems proper for the upkeep of the district.

15          (8) To acquire or lease items and supplies which the board deems  
16          instrumental to achieving the purposes of the district.

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

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

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

27           (1) The amount of the fee shall be as requested by duly adopted resolution  
28           of the board. The fee shall be a flat fee not to exceed two hundred sixty dollars per

1 parcel per year for lots zoned for residential use and three hundred sixty dollars per  
2 parcel per year for lots zoned for commercial use.

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

4 (b) For purposes of this Section, "parcel" means a lot, a subdivided portion  
5 of ground, an individual tract, or a "condominium parcel" as defined in R.S.  
6 9:1121.103.

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

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

14 (b) The fee shall expire on December 31, 2015, but may be renewed if  
15 approved by a majority of the registered voters of the district voting on the  
16 proposition at an election as provided in Subparagraph (a) of this Paragraph. Any  
17 election to authorize the renewal of the fee shall be held for that purpose in  
18 accordance with the Louisiana Election Code. If the fee is renewed, the term of the  
19 imposition of the fee shall be as provided in the proposition authorizing such  
20 renewal, not to exceed four years. If the fee is not renewed, the district shall cease  
21 to exist, and the provisions of this Section shall be null and void.

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

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

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

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

3           **G. Additional contributions. The district may solicit and accept additional**  
4           **voluntary contributions and grants to further the purposes of the district.**

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

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

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

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

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

23           **(2) No board member or officer of the district shall be liable to the district**  
24           **or to any individual who resides, owns property, visits, or otherwise conducts**  
25           **business in the district for monetary damages for breach of his duties as a board**  
26           **member or officer, provided that the foregoing provision shall not eliminate or limit**  
27           **the liability of a board member or officer for any of the following:**

28           **(a) Acts or omissions not in good faith or which involve intentional**  
29           **misconduct or a knowing violation of law.**

- 1            (b) Any transaction from which he derived an improper personal benefit.
- 2            (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
- 3            9:2792.1 through 2792.9, a person serving the district as a board member or officer
- 4            shall not be individually liable for any act or omission arising out of the performance
- 5            of his duties.

6            Section 2. This Act shall become effective upon signature by the governor or, if not

7 signed by the governor, upon expiration of the time for bills to become law without signature

8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

9 vetoed by the governor and subsequently approved by the legislature, this Act shall become

10 effective on the day following such approval.

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#### 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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Brossett

HB No. 254

**Abstract:** Creates the Gentilly Terrace and Gardens Security District in Orleans Parish for the purpose of promoting and encouraging the security of the district. Provides for a board of commissioners and for the imposition and use of a parcel fee.

Proposed law creates the Gentilly Terrace and Gardens Security District in Orleans Parish as a political subdivision of the state for the purpose of promoting and encouraging the security of the district. Provides for district boundaries and that the district is 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 Gentilly Terrace and Gardens Improvement Association (association).
- (2) Two members appointed by the association's governing board.
- (3) One member appointed by the mayor of the city of New Orleans.
- (4) One member appointed by the member of the La. House of Representatives whose district encompasses all or the greater portion of the district's area.
- (5) One member appointed by the member of the La. Senate whose district encompasses all or the greater portion of the district's area.
- (6) One member appointed by the member of the New Orleans City Council whose district encompasses all or the greater portion of the district's area.

Appointments pursuant to (3) through (6) above are made from nominations from the association. Proposed law appointed members shall serve staggered four-year terms. Provides that the president of the association board shall serve during his term of office.

Provides that vacancies shall be filled by the governing board of the association and requires members to serve without compensation; requires reimbursement of expenses.

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 for district powers including the following:

- (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; to provide for lighting, signage, and other security matters.
- (5) To require or lease 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, subject to voter approval, which amount shall be as requested by duly adopted board resolution. Provides that the fee shall be a flat fee not to exceed \$260 per parcel per year for lots zoned for residential use and \$360 per parcel per year for lots zoned for commercial use. Defines "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 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 four years. Provides that the district shall cease to exist if the fee is not renewed.

Proposed law requires that the fee be collected in the same manner and at the same time as ad valorem taxes and that any unpaid fee 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 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 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. Requires the board to transmit all funds of the district to the city of New Orleans if the district ceases to exist. Provides further with respect to the management of the funds by the city.

Proposed law requires the district to indemnify its officers and board members to the fullest extent permitted by present law (relative to indemnification of officers, directors, employees, and agents of nonprofit corporations) as fully as if the district were a nonprofit corporation governed thereby and as may be provided in district bylaws. Provides that no board member or officer 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 duties; however, provides that this shall not eliminate or limit the liability of a board member or officer for:

- (1) Acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law.
- (2) Any transaction from which he derived an improper personal benefit.

Proposed law provides that a board member or officer shall not be individually liable for any act or omission arising out of the performance of his duties to the fullest extent permitted by present law relative to limitation of liability of directors, officers, and trustees of certain organizations and districts.

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

(Adds R.S. 33:9091.19)