

Regular Session, 2012
HOUSE BILL NO. 254
BY REPRESENTATIVE BROSSETT

ACT No. 182

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.

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

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

4 (a) The president of the Gentilly Terrace and Gardens Improvement
5 Association.

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

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

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

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

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

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.

28 (b) The member serving pursuant to Subparagraph (1)(a) of this Subsection
29 shall serve during his term of office as president of the Gentilly Terrace and Gardens
30 Improvement Association.

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

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

8 (5) The minute books and archives of the district shall be maintained by the
9 secretary or the treasurer of the board. The monies, funds, and accounts of the
10 district shall be in the official custody of the board.

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

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

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

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

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

28 (1) To sue and be sued.

29 (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 of the district.

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

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

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

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

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

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

23 (1) The amount of the fee shall be as requested by duly adopted resolution
24 of the board. The fee shall be a flat fee not to exceed two hundred sixty dollars per
25 parcel per year for lots zoned for residential use and three hundred sixty dollars per
26 parcel per year for lots zoned for commercial use.

27 (2)(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 portion
29 of ground, an individual tract, or a "condominium parcel" as defined in R.S.
30 9:1121.103.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (a) Acts or omissions not in good faith or which involve intentional
 23 misconduct or a knowing 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 officer
 27 shall not be individually liable for any act or omission arising out of the performance
 28 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.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____