

BY REPRESENTATIVE WESLEY BISHOP

To enact R.S. 33:2740.70.1, relative to Orleans Parish; to create the Downman Road Economic Development District within the parish; to provide relative to the boundaries, purpose, and powers and duties of the district; to provide relative to district funding, including the authority to levy taxes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

§2740.70.1. The Downman Road Economic Development District; creation, composition, and powers; levy of ad valorem taxes and issuance of bonds

A. There is hereby created within the parish of Orleans a body politic and corporate which shall be known as the Downman Road Economic Development 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. The boundaries of the district shall encompass the area included within the following perimeter: Jourdan Road on the west, Hayne Boulevard on the north, Downman Road on the east, and Old Gentilly Road on the south. The boundaries of the district shall also include all of the territory included within the geographic boundaries of the New Orleans Lakefront Airport.

1           C. The governing authority of the city of New Orleans, referred to in this  
2           Section, collectively, as the "city council", shall have such power and control over  
3           and responsibility for the functions, affairs, and administration of the district as  
4           provided in this Section.

5           D. The district shall be governed by a ten-member board of commissioners,  
6           referred to in this Section as the "board". The board shall be composed as follows:

7           (1)(a) The state representative who represents House District No. 99, or his  
8           designee.

9           (b) Two members shall be appointed by the state representative who  
10          represents House District No. 99. Each member shall own a business located within  
11          the boundaries of the district.

12          (c) The state senator whose district encompasses all or a greater portion of  
13          the area of the district, or his designee.

14          (d) The mayor of the city of New Orleans, or his designee.

15          (e) The member of the governing authority of the city of New Orleans whose  
16          district encompasses all or a greater portion of the area of the district, or his  
17          designee.

18          (f) The president of the Pines Village Neighborhood Association.

19          (g) The president of the Melia Neighborhood Association.

20          (h) The president of the Rosedale Neighborhood Association.

21          (i) The president of the Kenilworth Neighborhood Association.

22          (2) Appointed members shall serve at the pleasure of the appointing  
23          authority. The president of each neighborhood association shall serve during his  
24          term of office. Each designee shall serve at the pleasure of his respective designating  
25          authority.

26          (3) As soon as practicable after the effective date of this Section, the board  
27          shall meet and elect from its number a chairman, a vice chairman, a treasurer, and  
28          such other officers as it may deem appropriate. A secretary of the board may be  
29          selected from among the members or may be otherwise selected or employed by the  
30          board. The duties of the officers shall be fixed by bylaws adopted by the board.

1           (4) The board shall adopt such rules and regulations as it deems necessary  
2           or advisable for conducting its business and affairs and shall engage such assistants  
3           and employees as are needed to assist the board in the performance of its duties. It  
4           shall hold regular meetings as shall be provided by its bylaws and may hold special  
5           meetings at such time and places within or without the districts as may be prescribed  
6           in its rules or regulations.

7           (5) A majority of the members of the board shall constitute a quorum for the  
8           transaction of business. The board shall keep minutes of all regular and special  
9           meetings and shall make them available to the public in conformance with law.

10          (6) The members of the board shall serve without compensation; however,  
11          they shall receive travel allowance as reimbursement for expenses incurred while  
12          attending to the business of the district.

13          (7) Any member of the board may serve on the board of a private entity that  
14          enters into contracts with the district provided that the member does not receive  
15          compensation from the private entity.

16          E.(1) The district, through the board, shall have and exercise all powers of  
17          a political subdivision necessary or convenient for the carrying out of its objects and  
18          purposes, including but not limited to the following:

19               (a) To sue and to be sued.

20               (b) To adopt, use, and alter at will a corporate seal.

21               (c) To adopt bylaws and rules and regulations.

22               (d) To receive by gift, grant, donation, or otherwise any sum of money,  
23          property, aid, or assistance from the United States, the state of Louisiana, or any  
24          political subdivision thereof, or any person, firm, or corporation.

25               (e) To enter into contracts, agreements, or cooperative endeavors with the  
26          state and its political subdivisions or political corporations and with any public or  
27          private association, corporation, business entity, or individual.

1                   (f) To appoint officers, agents, and employees, prescribe their duties, and fix  
2                   their compensation.

3                   (g) To acquire by purchase, gift, grant, donation, lease, or otherwise such  
4                   property as may be necessary or desirable for carrying out the objectives and  
5                   purposes of the board.

6                   (2) The district shall not be deemed to be an instrumentality of the state for  
7                   purposes of Article X, Section 1(A) of the Constitution of Louisiana.

8                   F.(1) All services to be furnished within the district may be furnished,  
9                   supplied, and administered by the city of New Orleans through its regularly  
10                  constituted departments, agencies, boards, commissions, and instrumentalities as  
11                  appropriate in the circumstances; and all capital improvements and facilities to be  
12                  acquired, constructed, or provided within the district, whether from the proceeds of  
13                  bonds or otherwise, may likewise be so acquired, constructed, or provided by the city  
14                  of New Orleans through its regularly constituted departments, agencies, boards,  
15                  commissions, and instrumentalities as appropriate in the circumstances, it being the  
16                  intention hereof to avoid absolutely the duplication of administrative and  
17                  management efforts and expense.

18                  (2) In order to provide such services and to provide, construct, or acquire  
19                  such capital improvements or facilities, the board may enter into contracts with the  
20                  city of New Orleans. The cost of any such services, capital improvements, and  
21                  facilities may be paid to the city of New Orleans from the proceeds of the special tax  
22                  levied upon immovable property within the district as provided in this Section, or  
23                  from the proceeds of bonds, as the case may be.

24                  (3) However, with the prior approval of the mayor and the city council, when  
25                  the service sought is not ordinarily provided by the city of New Orleans, the board  
26                  may contract with other entities subject to approval of the mayor and the city  
27                  council, for such services. The cost of such specially contracted services shall be  
28                  paid for by the board with its funds budgeted therefor.

1           (4) Notwithstanding the provisions of this Subsection, the board may  
2           exercise all of the powers granted to a community development district as provided  
3           in R.S. 33:9039.19, 9039.20, and 9039.32.

4           (5) Any property owned, operated, or administered by the board of  
5           commissioners of the Port of New Orleans shall be excluded from the district and not  
6           subject to the jurisdiction of the district.

7           G.(1)(a) The city council, in addition to all other taxes which it now or  
8           hereafter may be authorized by law to levy and collect, is hereby authorized to levy  
9           and collect as provided in this Section for a term not to exceed fifty years from and  
10          after the date the first tax is levied pursuant to the provisions of this Section, in the  
11          same manner and at the same time as all other ad valorem taxes on property subject  
12          to taxation by the city are levied and collected, a special ad valorem tax upon all  
13          taxable immovable property situated within the boundaries of the district.

14          (b) The tax shall be levied and collected only after the question of its  
15          imposition has been submitted to and approved by a majority of the qualified voters  
16          of the district voting on the question at a regularly scheduled primary or general  
17          election to be conducted in accordance with provisions of the Louisiana Election  
18          Code.

19          (2) Any tax levied pursuant to the provisions of this Section shall be subject  
20          to the homestead exemption as provided by Article VII, Section 20 of the  
21          Constitution of Louisiana.

22          (3)(a) The proceeds of the tax shall be used solely and exclusively for the  
23          purposes and benefit of the district.

24          (b) The proceeds shall be paid over to the Board of Liquidation, City Debt,  
25          day by day as the same are collected and received by the appropriate officials of the  
26          city of New Orleans and maintained in a separate account. The tax proceeds shall  
27          be paid out by the Board of Liquidation, City Debt, solely for the purposes provided  
28          for in this Section upon warrants or drafts drawn on such Board of Liquidation, City  
29          Debt, by the appropriate officials of the city and the treasurer of the district.

1           H.(1)(a) The city of New Orleans, when requested by resolution adopted by  
2           the vote of a majority of the members of the board, approved by a resolution of the  
3           city council adopted by a majority vote of its members, and by resolution adopted  
4           by the vote of a majority of the members of the Board of Liquidation, City Debt,  
5           shall have power and is hereby authorized to incur indebtedness for and on behalf  
6           and for the sole and exclusive benefit of the district, and to issue at one time, or from  
7           time to time, negotiable bonds, notes, bond anticipation notes, renewal notes,  
8           revenue bonds, short-term revenue bonds, refunding bonds, interim certificates,  
9           certificates of indebtedness, certificates of participation, debentures, warrants,  
10           commercial paper, short-term loans, and other obligations or evidences of  
11           indebtedness, referred to in this Section collectively as bonds of the city of New  
12           Orleans, the principal of, premium if any, and interest on which shall be payable  
13           from the proceeds of the special tax authorized, levied, and collected pursuant to the  
14           provisions of this Section or from any other sources whatsoever that may be  
15           available to the district, including funds derived from rentals and leases of its  
16           property for the purpose of paying the cost of acquiring and constructing capital  
17           improvements and facilities within the district.

18           (b) The bonds shall not constitute general obligations of the state of  
19           Louisiana, the parish of Orleans, or the city of New Orleans, nor shall any property  
20           situated within the city other than property situated within the boundaries of the  
21           district be subject to taxation for the payment of the principal of, premium if any, and  
22           interest on such bonds. Furthermore, any indebtedness incurred by the city of New  
23           Orleans for and on behalf and for the benefit of the district pursuant to the provisions  
24           of this Section, whether evidenced by bonds, notes, or other evidences of  
25           indebtedness, or otherwise, shall be excluded in determining the power of the city  
26           of New Orleans to incur indebtedness and to issue its general obligation bonds. The  
27           principal amount of such bonds which may be outstanding and unpaid at any one  
28           time shall never exceed the sum of two hundred million dollars.

1           (c) The proceeds derived from the sale of all such bonds shall be paid over  
2           to the appropriate officials of the city of New Orleans and shall be disbursed solely  
3           for the purposes and benefit of the district. All such bonds shall be sold by the Board  
4           of Liquidation, City Debt, and shall bear such rate or rates of interest, and shall,  
5           except as otherwise specifically provided in this Section, be in such form, terms, and  
6           denominations, be redeemable at such time or times at such price of or prices, and  
7           payable at such times and places, within a period of not exceeding fifty years from  
8           the date thereof, as the Board of Liquidation, City Debt, shall determine.

9           (2) The bonds shall be signed by the mayor of the city of New Orleans and  
10          the director of finance of the city of New Orleans, or officers exercising a similar  
11          function, and countersigned by the president or vice president and the secretary or  
12          assistant secretary of the Board of Liquidation, City Debt, provided that in the  
13          discretion of the Board of Liquidation, City Debt, all but one of such signatures may  
14          be in facsimile, and the coupons attached to such bonds shall bear the facsimile  
15          signatures of the director of finance and the secretary or assistant secretary. In case  
16          any such officer whose signature or countersignature appears upon such a bond or  
17          coupon shall cease to be such officer before delivery of the bonds or coupons to the  
18          purchaser, such signature or countersignature shall nevertheless be valid for all  
19          purposes. The cost and expense of preparing and selling the bonds shall be paid  
20          from the proceeds thereof.

21          (3) The resolution of the Board of Liquidation, City Debt, authorizing the  
22          issuance and sale of such bonds and fixing the form and details thereof, may contain  
23          such other provisions, not inconsistent nor in conflict with the provisions of this  
24          Section, as it may deem to be necessary or advisable to enhance the marketability  
25          and acceptability thereof by purchasers and investors, including but without limiting  
26          the generality of the foregoing, covenants with bondholders setting forth conditions  
27          and limitations on the issuance of additional bonds constituting a lien and charge on  
28          the special tax levied on real property within the district pari passu with bonds

1 theretofore issued and outstanding, and the creation of reserves for the payment of  
2 the principal of and interest on such bonds. These bonds and the interest thereon are  
3 exempt from all taxation levied for state, parish, or municipal or other local  
4 purposes; and savings banks, tutors of minors, curators of interdicts, trustees, and  
5 other fiduciaries are authorized to invest the funds in their hands in such bonds.

6 (4) The Board of Liquidation, City Debt, as now organized and created, and  
7 with the powers, duties, and functions prescribed by existing laws, shall be continued  
8 so long as any bonds authorized by this Section are outstanding and unpaid.

9 (5) Notwithstanding any other provision of this Section to the contrary, no  
10 bonds shall be issued unless and until the maximum amount of the bonds has been  
11 approved by a majority of the electors voting thereon in the city of New Orleans in  
12 an election called for that purpose.

13 I. The district shall have the power to acquire, to lease, to insure, and to sell  
14 immovable property within its boundaries.

15 J. The district shall have the power to advance to the city of New Orleans  
16 funds for payment for services rendered by the city pursuant to a contract or  
17 contracts between the district and the city.

18 K.(1) Notwithstanding any other provision of law to the contrary, if the  
19 board determines, in its discretion, that it is in the best interest of the taxpayers and  
20 that completion of public improvements and facilities will be expedited, the design  
21 and construction phases of any project may be combined.

22 (2) The board shall adopt and promulgate rules for administering  
23 design-build contracts. Such procedures shall include but not be limited to:

24 (a) Prequalification requirements of competitors for design-build projects.

25 (b) Public announcement procedures for solicitation of interested  
26 design-build competitors.

27 (c) Scope of service requirements to be met by the successful  
28 designer-builder.

29 (d) Requirements of letters of interest by competitors for the design-build  
30 contract.

1                   (e) Criteria and procedures for choosing a short list of interested competitors  
2                   from which to request the submission of technical proposals.

3                   (f) Requirements for bid proposals by competitors for design-build contracts.

4                   (g) Composition of and appointment of qualified individuals to the technical  
5                   review committee which shall grade and judge the technical proposals for ranking  
6                   and recommendation to the board.

7                   (h) Selection, process of award, and execution of the design-build contract  
8                   for a stipulated sum certain.

9                   (3) Notwithstanding any other provision of law to the contrary, the board  
10                  may utilize a competitive request for proposals process to select a design-build  
11                  contractor as follows:

12                  (a) For a contract to be let under the provisions of this Subsection, the board  
13                  shall give adequate public notice of the request for proposals by advertising in the  
14                  official journal of the city at least thirty days before the last day that proposals will  
15                  be accepted. In addition, the board shall mail written notice to persons, firms, or  
16                  corporations who are known to be in a position to furnish the required services at  
17                  least thirty days before the last day that proposals will be accepted.

18                  (b) The request for proposals shall clearly indicate the relative importance  
19                  of price and other evaluation factors, the criteria to be used in evaluating the  
20                  proposals, and the time frames within which the work shall be completed.

21                  (c) Written or oral discussions shall be conducted with all responsible  
22                  offerors who submit proposals determined in writing to be reasonably susceptible of  
23                  being selected for award. Discussions shall not disclose any information derived  
24                  from proposals submitted by competing offers.

25                  (d)(i) The contract award shall be made to the responsible offeror whose  
26                  proposal is determined in writing by the board to be the most advantageous to the  
27                  district, taking into consideration review of price and the evaluation factors set forth  
28                  in the request for proposals.

1           (ii) A request for proposals or other solicitation may be canceled or all  
2           proposals may be rejected only if it is determined, based on reasons provided in  
3           writing, that such action is taken in the best interest of the district.

4           (e) Each contract entered into pursuant to this Subsection shall contain at a  
5           minimum:

6           (i) Description of the work to be performed and objectives to be met, as  
7           applicable.

8           (ii) Amount and time of payments to be made.

9           (iii) Description of reports or other deliverables to be received, when  
10          applicable.

11          (iv) Date of reports or other deliverables to be received, when applicable.

12          (v) Responsibility for payment of taxes, when applicable.

13          (vi) Circumstances under which the contract can be terminated either with  
14          or without cause.

15          (vii) Remedies for default.

16          (viii) A statement giving the legislative auditor the authority to audit records  
17          of the individuals or firms.

18          (f) When written proposals are submitted by offerors, the proposals of the  
19          successful offeror shall be incorporated into the final contract consummated with that  
20          offeror.

21          (4) There shall be no challenge by any legal process to the choice of the  
22          successful designer-builder other than for fraud, bias for pecuniary or personal  
23          reasons not related to the interest of the taxpayers, or arbitrary and capricious  
24          selection by the board. Once the designer-builder has been chosen and a contract for  
25          a stipulated sum certain executed, the price of the design-build contract shall not be  
26          increased other than for inflation, as prescribed in the contract, and for site or other  
27          conditions existing at the site or concerning the design and construction of which the  
28          designer-builder had no knowledge and should not have had knowledge as a  
29          reasonable possibility.

1           Section 2. This Act shall become effective upon signature by the governor or, if not  
2 signed by the governor, upon expiration of the time for bills to become law without signature  
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
5 effective on the day following such approval.

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

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

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

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