

Regular Session, 2012

ACT No. 575

HOUSE BILL NO. 145

BY REPRESENTATIVE WESLEY BISHOP

1 AN ACT

2 To enact R.S. 33:9091.19, relative to Orleans Parish; to create the North Kenilworth
3 Improvement and Security District within the parish; to provide relative to the
4 purpose, governance, and powers and duties of the district; to provide for the
5 imposition of 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. North Kenilworth Improvement and 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 North Kenilworth Improvement and Security District,
15 referred to in this Section as the "district". The district shall be a political subdivision
16 of the state as defined in the Constitution of Louisiana.

17 B. Boundaries. The boundaries of the district shall be that area included
18 within the following perimeter: beginning at the intersection of Morrison Road and
19 Malvern Drive, north along Malvern Drive to its intersection with the south side of
20 Curran Boulevard, then east along the south side of Curran Boulevard to its
21 intersection with Afton Drive, then south along Afton Drive to its intersection with
22 Aberdeen Road, then west along Aberdeen Road to its intersection with Dartmoor
23 Drive, then south along Dartmoor Drive to its intersection with Morrison Road, then
24 west along Morrison Road to the point of beginning.

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

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

7 (a) The president of the North Kenilworth Homeowners Association.

8 (b) The board of directors of the North Kenilworth Homeowners Association
9 shall appoint four 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 North Kenilworth Homeowners
12 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 North Kenilworth Homeowners
16 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 North Kenilworth Homeowners 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 North Kenilworth
23 Homeowners 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 provided in this
28 Subparagraph: two members shall serve an initial term of one year; two shall serve
29 an initial term of two years; two shall serve an initial term of three years; and two
30 shall serve an initial term of 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 North Kenilworth**
3 **Homeowners 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 in the same manner as the original appointment. Board members**
7 **shall be 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 district**
13 **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 of**
27 **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 Subsection F of this
 6 Section and in accordance with a budget adopted as provided by Subsection H of this
 7 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, to
 11 provide for the improvements of the district, or to provide generally for the overall
 12 betterment of the district.

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

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

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

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

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

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

1 (1) The amount of the fee shall be as requested by duly adopted resolution
 2 of the board. The fee shall be a flat fee per parcel of land. The fee shall not exceed
 3 five hundred dollars per year.

4 (2)(a) The fee shall be imposed on each parcel located within the district
 5 except as provided in Paragraph (4) of this Subsection.

6 (b) For purposes of this Section, "parcel" means a lot, a subdivided portion
 7 of ground, an individual tract, or a "condominium parcel" as defined in R.S.
 8 9:1121.103.

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

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

16 (b) The fee shall expire eight years after its initial levy but may be renewed
 17 if approved by a majority of the registered voters of the district voting on the
 18 proposition at an election as provided in Subparagraph (a) of this Paragraph. Any
 19 election to authorize the renewal of the fee shall be held for that purpose in
 20 accordance with the Louisiana Election Code. If the fee is renewed, the term of the
 21 imposition of the fee shall be as provided in the proposition authorizing such
 22 renewal, not to exceed eight years.

23 (4) No fee shall be imposed upon any parcel whose owner qualifies for the
 24 special assessment level provided by Article VII, Section 18(G)(1) of the
 25 Constitution of Louisiana.

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

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

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

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

6 G. Additional contributions. The district is authorized to solicit and accept
 7 additional voluntary contributions and grants to further the purposes of the district.

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

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

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

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

21 (2) No board member or officer of the district shall be liable to the district
 22 or to any individual who resides, owns property, visits, or otherwise conducts
 23 business in the district for monetary damages for breach of his duties as a board
 24 member or officer; however, this Paragraph does not eliminate or limit the liability
 25 of a board member or officer for any of the following:

26 (a) Acts or omissions not in good faith or which involve intentional
 27 misconduct or a knowing violation of law.

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

29 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
 30 9:2792.1 through 2792.9, a person serving the district as a board member or officer

1 shall not be individually liable for any act or omission arising out of the performance
2 of his duties.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____