

2018 Regular Session

HOUSE BILL NO. 311

BY REPRESENTATIVE LEGER AND SENATOR PETERSON

DISTRICTS/NEIGHBORHOOD: Creates the Delachaise Security and Improvement District in Orleans Parish

1 AN ACT

2 To enact R.S. 33:9091.25, relative to Orleans Parish; to create the Delachaise Security and
3 Improvement District; to provide relative to the boundaries, purpose, governance,
4 and powers and duties of the district; to provide relative to district funding, including
5 the authority to impose a parcel fee within the district; and to provide for related
6 matters.

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

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 33:9091.25 is hereby enacted to read as follows:

12 §9091.25. Delachaise Security and Improvement District

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

18 B. Boundaries. The boundaries of the district shall be that area within and
19 including the following perimeter: beginning at the intersection of Louisiana Ave.
20 and Carondelet St. and proceeding along Carondelet St. (both sides) to its

1 intersection with Marengo St., along Marengo St. (both sides) to its intersection with
2 S. Saratoga St., then along S. Saratoga St. (both sides) to its intersection with
3 Louisiana Ave., and finally along Louisiana Ave. (interior side) back to its
4 intersection with Carondelet St.

5 C. Purpose. The purpose of the district shall be to aid in crime prevention
6 by providing security for district residents and to serve the needs of the residents of
7 the district by funding other activities and improvements for the overall betterment
8 of the district.

9 D. Governance. (1) The district shall be governed by a board of
10 commissioners, referred to in this Section as the "board", consisting of five members,
11 all of whom shall be qualified voters and residents of the district, composed as
12 follows:

13 (a) The president of the Delachaise Neighborhood Association.

14 (b) The governing board of the Delachaise Neighborhood Association shall
15 appoint three members who may be members of the governing board.

16 (c) The member of the governing authority of the city of New Orleans who
17 represents Council District B shall appoint one member.

18 (2)(a) The member serving pursuant to Subparagraph (1)(a) of this
19 Subsection shall serve during his term of office.

20 (b) The members appointed pursuant to Subparagraph (1)(b) of this
21 Subsection shall serve two-year terms after initial terms as provided in this
22 Subparagraph. Two members shall serve an initial term of one year and one member
23 shall serve an initial term of two years, as determined by lot at the first meeting of
24 the board.

25 (c) The member appointed pursuant to Subparagraph (1)(c) of this
26 Subsection shall serve a term concurrent with the appointing authority.

27 (3) Any vacancy which occurs prior to the expiration of the term for which
28 a member of the board has been appointed shall be filled for the remainder of the

1 unexpired term in the same manner as the original appointment. Board members
2 shall be eligible for reappointment.

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

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

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

15 (7) A majority of the members of the board shall constitute a quorum for the
16 transaction of business. The board shall keep minutes of all meetings and shall make
17 them available through the secretary-treasurer of the board.

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

21 E. Powers and duties. The district, acting through the board, shall have the
22 following powers and duties:

23 (1) To sue and be sued.

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

25 (3) To receive and expend funds collected pursuant to Subsection F of this
26 Section and in accordance with a budget adopted as provided by Subsection H of this
27 Section.

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

1 (5) To enter into contracts with individuals or entities, private or public.

2 (6) To provide or enhance security patrols in the district, to provide for
3 improved lighting, signage, or matters relating to the security of the district, to
4 provide for the beautification of and improvements for the district, or to provide
5 generally for the overall betterment of the district.

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

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

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

12 (10) To acquire, lease, insure, and sell real property within the boundaries
13 of the district in accordance with district plans.

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

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

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

24 (1) The amount of the fee shall be as requested by duly adopted resolution
25 of the board. The fee shall be a flat fee per parcel of land not to exceed three
26 hundred dollars per year for each parcel.

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

1 (b) For purposes of this Section, "parcel" means a lot, a subdivided portion
2 of ground, an individual tract, or a "condominium parcel" as defined in R.S.
3 9:1121.103.

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

5 (d) If multiple adjacent parcels are combined for the purpose of housing a
6 single family dwelling, the flat fee for the combined parcel shall be calculated to be
7 one and four tenths times the single parcel fee for two adjacent parcels and one and
8 six tenths times the single parcel fee for three or more adjacent parcels.

9 (3)(a) The fee shall be imposed only after the question of its imposition has
10 been approved by a majority of the registered voters of the district who vote on the
11 proposition at an election held for that purpose in accordance with the Louisiana
12 Election Code.

13 (b) If approved, the fee shall expire at the time provided in the proposition
14 authorizing the fee, not to exceed a duration of three years, but the fee may be
15 renewed if approved by a majority of the registered voters of the district voting on
16 the proposition at an election as provided in Subparagraph (a) of this Paragraph. If
17 renewed, the term of the imposition of the fee shall be as provided in the proposition
18 authorizing such renewal.

19 (4) No fee shall be imposed upon any parcel whose owner qualifies under
20 the Louisiana Special Assessment Level pursuant to Article VII, Section 18(G)(1)
21 of the Constitution of Louisiana.

22 (5) 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 (6) 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 (7)(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 is authorized to solicit and accept
4 additional voluntary contributions and grants to further the purposes of the district.

5 H. Budget. (1) The board shall adopt an annual budget in accordance with
6 the Louisiana 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 the additional law enforcement or security personnel and their services provided
11 for through the fees authorized in this Section shall be supplemental to and not in
12 lieu of personnel and services provided in the district by the New Orleans Police
13 Department.

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, beautification, and overall betterment of the
19 area included in the district.

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

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

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

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

4 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
5 9:2792.1 through 2792.9, a person serving the district as a board member or officer
6 shall not be individually liable for any act or omission arising out of the performance
7 of his duties.

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

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)]

HB 311 Original

2018 Regular Session

Leger

Abstract: Creates the Delachaise Security and Improvement District in Orleans Parish. Provides for the district's boundaries, purpose, governance, and funding, including the authority to impose a parcel fee.

Proposed law creates the Delachaise Security and Improvement District in Orleans Parish as a political subdivision of the state for the purpose of aiding in crime prevention and providing for overall betterment of the district. Provides for district boundaries. Provides that the district shall be governed by a board of commissioners composed as follows:

- (1) The president of the Delachaise Neighborhood Assoc.
- (2) Three members appointed by the governing board of the Delachaise Neighborhood Assoc.
- (3) One member appointed by the member of the governing authority of the city of New Orleans who represents Council District B.

Proposed law provides for the district's powers and duties 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 from an authorized parcel fee and in accordance with an adopted budget.

- (4) To enter into contracts with individuals or entities, private or public.
- (5) To provide or enhance security patrols in the district, to provide for improved lighting, signage, or matters relating to the security of the district, to provide for the beautification of or improvement to the district, and to provide generally for the overall betterment of the district.
- (6) To enter into contracts and agreements with one or more other districts for the joint security, improvement, or betterment of the district.

Requires board members to be residents and qualified voters of the district.

Proposed law authorizes the governing authority of the district, subject to voter approval, to impose and collect a parcel fee on each parcel within the district. Provides that the amount of the fee shall be in a duly adopted resolution of the board and shall not exceed \$300 per parcel per year. Defines "parcel" as a lot, a subdivided portion of ground, an individual tract, or a condominium parcel. Provides that if multiple adjacent parcels are combined for the purpose of housing a single family dwelling, the flat fee for the combined parcel must be calculated to be 1.4 times the single parcel fee for two adjacent parcels and 1.6 times the single parcel fee for three or more adjacent parcels.

Proposed law provides that the fee expires at the time provided in the proposition authorizing the fee, not to exceed a duration of three years, but authorizes renewal of the fee. Provides that the term of renewal shall be as provided in the proposition authorizing the renewal.

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. Requires the city to remit to the district all amounts collected not more than 60 days after collection and authorizes the city to retain 1% as a collection fee.

Proposed law requires the district's board to adopt an annual budget in accordance with the La. 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 Department.

Proposed law provides that if the district ceases to exist, all district funds shall be transmitted to the city to be used to provide for the overall betterment of the district.

Proposed law provides that no board member or officer of the district 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 his duties as a board member or officer unless the board member performs an act or omission not in good faith or which involves intentional misconduct or a knowing violation of law or any transaction from which he derives an improper personal benefit.

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

(Adds R.S. 33:9091.25)