

2024 Regular Session

HOUSE BILL NO. 185

BY REPRESENTATIVE NEWELL

DISTRICTS/CRIME PREVENT: Provides for creation of Castle Manor Security and Improvement District in New Orleans

1 AN ACT

2 To enact R.S. 33:9091.28, relative to Orleans Parish; to create the Castle Manor  
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; to  
5 authorize the city, subject to voter approval, to impose and collect a parcel fee for the  
6 district; and to provide for related 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. 33:9091.28 is hereby enacted to read as follows:

12 §9091.28. Castle Manor 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 known as the Castle Manor Improvement District, referred to in this Section as the  
16 "district". The district is a political subdivision of the state as defined in the  
17 Constitution of Louisiana.

18 B. Boundaries. The district is comprised of all property included within the  
19 following perimeter: Cerise Avenue, the south side of Chef Menteur Highway,  
20 Gawain Drive, and the north side of Dwyer Road canal.

1           C. Purpose. The district is established for the primary objects and purposes  
2           of promoting and encouraging the beautification and 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 Castle Manor Improvement Association.

7           (b) The governing board of the Castle Manor Improvement Association shall  
8           appoint two members.

9           (c) Each of the following shall appoint one member from a list of nominees  
10          submitted by the Castle Manor Improvement Association:

11          (i) The mayor of the city of New Orleans.

12          (ii) The member of the Louisiana House of Representatives whose district  
13          encompasses all or the greater portion of the area of the district.

14          (iii) The member of the Louisiana Senate whose district encompasses all or  
15          the greater portion of the area of the district.

16          (iv) The member of the governing authority of the city of New Orleans  
17          whose council district encompasses all or the greater portion of the area of the  
18          district.

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

21          (3)(a) Board members serving pursuant to Subparagraphs (1)(b) through (f)  
22          of this Subsection shall serve four-year terms after initial terms as follows: one  
23          member shall serve an initial term of one year; two shall serve two years; two shall  
24          serve three years; and one shall serve four years, as determined by lot at the first  
25          meeting of the board.

26          (b) The member serving pursuant to Subparagraph (1)(a) of this Subsection  
27          shall serve during his term of office as president of the Castle Manor Improvement  
28          Association.

1           (c) Any vacancy which occurs prior to the expiration of a term shall be filled  
2           for the remainder of the unexpired term by the governing board of the Castle Manor  
3           Improvement Association. Board members are eligible for reappointment.

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

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

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

15           (7) A majority of the members of the board constitutes 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 of the board to residents of the district.

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           (9) Each member of the board has one vote. The vote of a majority of the  
22           members of the board present and voting, a quorum being present, is required to  
23           decide any question upon which the board takes action.

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

26           (1) To sue and be sued.

27           (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 and beautification of  
7           the district.

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

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

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

14          (9) 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          (10) 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 may  
22          impose and collect a parcel fee within the district subject to and in accordance with  
23          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 not exceed the following amounts:

26                    (a) For parcels zoned residential, one hundred dollars per parcel per year for  
27                    the first three years that the fee is collected and one hundred twenty-five dollars per  
28                    parcel per year for the next two years of collection.

1           (b) For parcels zoned commercial, two hundred dollars per parcel per year  
2           for the first three years that the fee is collected and two hundred twenty-five dollars  
3           per parcel per year for the next two years of collection.

4           (2)(a) The fee shall be imposed on each parcel located within the district  
5           except a parcel whose owner qualifies for the special assessment level pursuant to  
6           Article VII, Section 18(G)(1) of the Constitution of Louisiana.

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

10           (c) The owner of each parcel is responsible for payment of the fee.

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

15           (b) The initial term for the imposition of the parcel fee is five years, but the  
16           fee may be renewed if approved by a majority of the registered voters of the district  
17           voting on the proposition at an election as provided in Subparagraph (a) of this  
18           Paragraph. Any election to authorize the renewal of the fee shall be held for that  
19           purpose in accordance with the Louisiana Election Code. If the fee is renewed, the  
20           amount of the fee shall not exceed one hundred twenty-five dollars per parcel per  
21           year for residential parcels and two hundred twenty-five dollars per parcel per year  
22           for commercial parcels. If the fee is renewed, the term of the imposition of the fee  
23           shall be as provided in the proposition authorizing such renewal, not to exceed five  
24           years. If the fee is not renewed, the district shall cease to exist.

25           (4) The fee shall be collected at the same time and in the same manner as  
26           city ad valorem taxes are collected.

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

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

3           (b) The district shall use the proceeds of the fee solely and exclusively for  
4           the purpose and benefit of the district; however, the city may retain one percent of  
5           the amount collected as a collection fee.

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

8           H. Budget. (1) The board of commissioners shall adopt an annual budget  
9           in 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. (1) It is the purpose and intent of this Section  
13           that 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           (2) If the district ceases to exist, the board shall transmit all district funds to  
18           the city of New Orleans, and such funds, together with any other funds collected by  
19           the city of New Orleans pursuant to this Section, shall be maintained in a separate  
20           account by the city and shall be used only to promote, encourage, and enhance the  
21           security of the area included in the district.

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

26           (2) No board member or officer of the district is liable to the district or to  
27           any individual who resides, owns property, visits, or otherwise conducts business in  
28           the district for monetary damages for breach of his duties as a board member or

- 1        officer; however, the foregoing provision does not eliminate or limit the liability of  
 2        a board member or officer for any of the following:
- 3                (a) Acts or omissions not in good faith or which involve intentional  
 4        misconduct or a knowing violation of law.
- 5                (b) Any transaction from which he derived an improper personal benefit.
- 6                (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.  
 7        9:2792.1 through 2792.9, a person serving the district as a board member or officer  
 8        shall not be held individually liable for any act or omission arising out of the  
 9        performance of his duties.

## 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 185 Original

2024 Regular Session

Newell

**Abstract:** Creates the Castle Manor Improvement District in New Orleans.

Proposed law creates the Castle Manor Improvement District in New Orleans for the purpose of promoting and encouraging the beautification and security of the district. Provides for district boundaries. Provides that the district shall be governed by a seven-member board of commissioners composed as follows:

- (1) The president of the Castle Manor Improvement Assoc.
- (2) The governing board of the association shall appoint two members.
- (3) Each of the following shall appoint one member from nominees submitted by the association:
  - (a) The mayor of New Orleans.
  - (b) The member of the La. House of Representatives whose district encompasses all or the greater portion of the area of the district.
  - (c) The member of the La. Senate whose district encompasses all or the greater portion of the area of the district.
  - (d) The member of the governing authority of New Orleans whose council district encompasses all or the greater portion of the area of the district.

Proposed law requires that all members of the board be residents and qualified voters of the district.

Proposed law provides for the powers and duties of the district.

Proposed law authorizes the governing authority of New Orleans, subject to voter approval, to impose and collect a parcel fee within the district. Provides that the amount of the parcel fee shall not exceed the following:

- (1) For parcels zoned residential, \$100 per parcel per year for the first three years that the fee is collected and \$125 per parcel per year for the next two years of collection.
- (2) For parcels zoned commercial, \$200 per parcel per year for the first three years that the fee is collected and \$225 per parcel per year for the next two years of collection.

Present constitution provides that property assessments shall not increase for certain property owners who meet specified age, disability, and income requirements. Proposed law provides that the parcel fee shall not be imposed on parcels whose owners qualify for this special assessment level.

Proposed law provides that the initial term for the imposition of the parcel fee is five years but authorizes renewal, subject to voter approval, for terms not to exceed five years.

Proposed law requires that the fee be collected in the same manner and at the same time as ad valorem taxes. Authorizes the city to retain 1% of the amount collected.

Proposed law requires the district's board to adopt an annual budget in accordance with present law (R.S. 39:1301 et seq.) 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 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 state or the city. Further provides that if the district ceases to exist, funds of the district shall be transmitted to the city of New Orleans, and such funds, together with other funds collected by the city pursuant to proposed law, shall be maintained in a separate account and shall be used only to promote, encourage, and enhance the security of the area included in the district.

(Adds R.S. 33:9091.28)