

2024 Regular Session

HOUSE BILL NO. 225

BY REPRESENTATIVE BOYD

DISTRICTS/CRIME PREVENT: Creates the Tall Timbers Crime Prevention and Improvement District in New Orleans

1 AN ACT

2 To enact R.S. 33:9091.28, relative to Orleans Parish; to create the Tall Timbers Crime
3 Prevention and Improvement District; to provide relative to the boundaries, purpose,
4 governance, and powers and duties of the district; to provide relative to district
5 funding; to authorize the city, subject to voter approval, to impose and collect a
6 parcel fee for the 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. Tall Timbers Crime Prevention 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 known as the Tall Timbers Crime Prevention and Improvement District, referred to
16 in this Section as the "district". The district is a political subdivision of the state as
17 defined in the Constitution of Louisiana.

18 B. Boundaries. The district is comprised of all lots within Sections 2 through
19 10 of the Tall Timbers Subdivision, which lots front on or abut any of the streets
20 within the Subdivision, namely: Tall Oaks Drive, Inwood Avenue, South Inwood

1 Avenue, Pin Oak Avenue, South Pin Oak Avenue, Post Oak Avenue, South Post Oak
2 Avenue, White Oak Avenue, North Teak Avenue, Red Oak Drive, Red Oak Court,
3 Tall Pines Drive, Mimosa Drive, Mimosa Court, Peach Tree Court, Silver Maple
4 Court, or Red Cypress Drive.

5 C. Purpose. The district is established for the primary objects and purposes
6 of aiding in crime prevention for district residents and their property and serving the
7 needs of residents of the district by funding beautification and other activities and
8 improvements for the overall betterment of the district and the quality of life of its
9 residents.

10 D. Governance. (1) The district shall be managed by a nine-member board
11 of commissioners, referred to in this Section as the "board". The board shall be
12 composed of the president and treasurer of the Tall Timbers Owners Association and
13 seven other members appointed by the board of the association.

14 (2) All members of the board shall be residents of the district and members
15 in good standing of the Tall Timbers Owners Association.

16 (3) Appointed board members shall serve four-year terms except that the Tall
17 Timbers Owners Association may specify a shorter initial term when making its
18 initial appointments.

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

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

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

1 (7) A majority of the members of the board constitutes a quorum for the
2 transaction of business. The board shall keep minutes of all meetings and shall make
3 them available through the secretary of the board to residents of the district.

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

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

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

12 (1) To sue and be sued.

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

14 (3) To receive and expend funds collected pursuant to Subsections F and G
15 of this Section and in accordance with a budget adopted as provided by Subsection
16 H of this Section.

17 (4) To enter into contracts with individuals or entities, private or public.

18 (5) To provide or enhance security patrols in the district, to provide for
19 improved lighting, signage, or matters relating to the security and beautification of
20 the district.

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

24 (7) To provide for services and make expenditures as the board deems proper
25 for the upkeep and beautification of the district and the quality of life of its residents.

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

28 (9) To procure and maintain liability insurance against any liability of the
29 district and against any personal or legal liability of a board member that may be

1 asserted or incurred based upon his service as a member of the board or that may
2 arise as a result of his actions taken within the scope and discharge of his duties as
3 a member of the board.

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

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

10 (1)(a) The amount of the fee shall be as requested by duly adopted resolution
11 of the board. For the first two years, the initial fee shall not exceed two hundred
12 thirty dollars per year per parcel.

13 (b) For the third and any subsequent year in which the fee is collected, the
14 fee shall not exceed two hundred fifty dollars per year per parcel.

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

16 (b) For purposes of this Section, "parcel" means a lot, a subdivided portion
17 of ground, or an individual tract.

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

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

23 (b) The initial term for the imposition of the parcel fee is five years, but the
24 fee may be renewed if approved by a majority of the registered voters of the district
25 voting on the proposition at an election as provided in Subparagraph (a) of this
26 Paragraph. Any election to authorize the renewal of the fee shall be held for that
27 purpose in accordance with the Louisiana Election Code. If the fee is renewed, the
28 term of the imposition of the fee shall be as provided in the proposition authorizing
29 such renewal, not to exceed five years.

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

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

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

8 (b) The district shall use the proceeds of the fee solely and exclusively for
9 the purposes and benefit of the district; however, the city may retain one percent of
10 the amount collected as a collection fee.

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

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

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

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

22 (2) If the district ceases to exist, the board shall transmit all district funds to
23 the city of New Orleans, and such funds, together with any other funds collected by
24 the city of New Orleans pursuant to this Section, shall be maintained in a separate
25 account by the city and shall be used only to promote, encourage, and enhance the
26 security of the area included in the district.

27 J. Indemnification and exculpation. (1) The district shall indemnify its
28 officers and board members to the fullest extent permitted by R.S. 12:227, as fully

1 as if the district were a nonprofit corporation governed thereby, and as provided in
2 the district's bylaws.

3 (2) No board member or officer of the district is liable to the district or to
4 any individual who resides, owns property, visits, or otherwise conducts business in
5 the district for monetary damages for breach of his duties as a board member or
6 officer; however the foregoing provision does not eliminate or limit the liability of
7 a board member or officer for any of the following:

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

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

11 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
12 9:2792.1 through 2792.9, a person serving the district as a board member or officer
13 shall not be held individually liable for any act or omission arising out of the
14 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 225 Engrossed

2024 Regular Session

Boyd

Abstract: Creates the Tall Timbers Crime Prevention and Improvement District in Orleans Parish.

Proposed law creates the Tall Timbers Crime Prevention and Improvement District in Orleans Parish for the purpose of aiding in crime prevention for district residents and their property and serving the needs of residents of the district by funding beautification and other activities and improvements for the overall betterment of the district and the quality of life of its residents. Provides for district boundaries. Provides that the district shall be governed by a nine-member board of commissioners composed of the president and treasurer of the Tall Timbers Owners Assoc. and seven other members appointed by the board of the association. Requires that board members be residents of the district and members in good standing of the Tall Timbers Owners Assoc.

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 parcel fee shall not exceed \$230 per year per parcel for the first two years and \$250 per year per parcel for any subsequent year. 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 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)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill:

1. Change provisions for maximum parcel fee from \$280 initial maximum, with 10% increase each year to a maximum of \$360 to \$230 for first two years and \$250 thereafter.