

2015 Regular Session

HOUSE BILL NO. 324

BY REPRESENTATIVE BADON

DISTRICTS/CRIME PREVENT: Creates the Fairway Estates Subdivision Improvement District in Orleans Parish

1 AN ACT

2 To enact R.S. 33:9091.22, relative to Orleans Parish; to create the Fairway Estates
3 Subdivision 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, including the authority to impose a parcel fee within the district; and to
6 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. 33:9091.22 is hereby enacted to read as follows:

12 §9091.22. Fairway Estates Subdivision 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 Fairway Estates Subdivision Improvement District,
16 referred to in this Section as the "district". The district shall be a political
17 subdivision of the state as defined in the Constitution of Louisiana.

18 B. Boundaries. (1) The district shall include all of the territory within the
19 following perimeter: beginning at the intersection of Fairway Drive and West Saint
20 Andrews Circle then northwest on West Saint Andrews Circle (both sides) to its

1 intersection with North Saint Andrews Circle then northeast on North Saint Andrews
2 Circle (both sides) to its intersection with East Saint Andrews Circle then southeast
3 on East Saint Andrews Circle (both sides) to its intersection with South Saint
4 Andrews Circle then southwest on South Saint Andrews Circle (both sides) and
5 continue northwest on South Saint Andrews Circle (both sides) to its intersection
6 with West Saint Andrews Circle then northwest on West Saint Andrews Circle (both
7 sides) to the point of beginning.

8 (2) The boundaries shall not include any property located on Fairway Drive.

9 C. Purpose. The purpose of the district shall be to aid in crime prevention
10 by providing security for district residents and to serve the needs of the residents by
11 funding beautification and other activities and improvements for the overall
12 betterment of the district.

13 D. Governance. (1) The district shall be governed by a board of
14 commissioners consisting of five members appointed by the governing board of the
15 Fairway Estates Homeowners Association.

16 (2) All members of the board shall own property and reside within the
17 district and shall be qualified voters of the district.

18 (3)(a) The terms and duties of the members of the board shall be fixed by the
19 bylaws adopted by the board.

20 (b) Members shall be eligible for reappointment.

21 (4) Any vacancy in the membership of the board, occurring either by reason
22 of the expiration of the term for which appointed or by reason of death, resignation,
23 or otherwise, shall be filled in the manner of the original appointment. If the
24 appointing authority fails to fill a vacancy within thirty days, the remaining members
25 of the board shall appoint an interim successor to serve until the position is filled by
26 the appointing authority.

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

1 (6) The members of the board shall serve without compensation but shall be
2 reimbursed for their reasonable out-of-pocket expenses directly related to the
3 governance of the district.

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

7 (8) The board shall adopt such rules and regulations as it deems necessary
8 or advisable for conducting its business affairs. Rules and regulations of the board
9 relative to the notice and conduct of meetings shall conform to applicable law. The
10 board shall hold regular meetings as provided for in the bylaws and may hold special
11 meetings at such times and places within the district as prescribed in the bylaws.

12 (9) A majority of the members of the board shall constitute a quorum for the
13 transaction of business. The board shall keep minutes of all meetings and shall make
14 them available through the secretary-treasurer of the board.

15 (10) Each member of the board shall have one vote, and the vote of a
16 majority of the members of the board present and voting, a quorum being present,
17 shall be required to decide any question upon which the board takes action.

18 (11) The domicile of the board shall be within the district.

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

21 (1) To sue and be sued.

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

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

26 (4) To enter into contracts with individuals or entities, private or public, for
27 the improvement of the district.

28 (5) To purchase items and supplies which the board deems instrumental to
29 achieving the purposes of the district.

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

4 F. Parcel Fee. The governing authority of the city of New Orleans may
5 impose and collect a parcel fee within the district subject to and in accordance with
6 the provisions of this Subsection.

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

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

11 (b) For purposes of this Section, "parcel" means a lot, a subdivided portion
12 of ground, or an individual tract; however, the term "parcel" shall not include
13 "condominium parcel" or "condominium property" as defined in R.S. 9:1121.103.

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

15 (3)(a) The fee shall be imposed only after the question of its imposition has
16 been approved by a majority of registered voters of the district voting on the
17 proposition at an election held for that purpose in accordance with the Louisiana
18 Election Code.

19 (b) If approved, the initial fee shall expire on December 31, 2018, but the fee
20 may be renewed if approved by a majority of the registered voters of the district
21 voting on the proposition at an election as provided in Subparagraph (a) of this
22 Paragraph. If the fee is renewed, the term of the imposition of the fee shall be as
23 provided in the proposition authorizing such renewal, not to exceed eight years.

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

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

1 (6) The city of New Orleans shall remit to the district all amounts collected
2 not more than sixty days after collection. However, the city may retain one percent
3 of the amount collected as a collection fee.

4 G. Budget. (1) The board of directors shall adopt an annual budget in
5 accordance with the Louisiana Local Government Budget Act, R.S. 39:1301 et seq.
6 The budget and all amendments shall be subject to the approval of the New Orleans
7 City Council.

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

10 H. Miscellaneous provisions. If the district ceases to exist, any funds of the
11 district shall be transmitted to the governing authority of New Orleans and shall be
12 used for law enforcement purposes in the district.

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 324 Engrossed

2015 Regular Session

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Abstract: Creates the Fairway Estates Subdivision Improvement District in Orleans Parish to aid in crime prevention and to fund improvements for overall district betterment. Provides for a board of commissioners and for the imposition and use of a parcel fee.

Proposed law creates the Fairway Estates Subdivision Improvement District in Orleans Parish as a political subdivision of the state in order to aid in crime prevention by providing security for district residents and to serve the needs of the residents by funding beautification and other activities and improvements for overall district betterment. Provides for district boundaries.

Proposed law provides that the district shall be governed by a five-member board of commissioners, all of whom shall be residents and qualified voters of the district, appointed by the Fairway Estates Homeowners Assoc.

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 collected pursuant to proposed law and in accordance with a budget adopted as provided by proposed law.
- (4) To enter into contracts with individuals or entities, private or public.

- (5) To purchase items and supplies which the board deems instrumental to the district's purpose.
- (6) To perform or have performed any other function or activity necessary for achieving the district's purpose.

Proposed law authorizes the governing authority of the city of New Orleans, subject to voter approval, to impose and collect a parcel fee within the district which amount shall be as requested by duly adopted board resolution. Provides that the fee shall be a flat fee not to exceed \$500 per parcel per year. Requires that the fee be imposed on each parcel located within the district.

Proposed law defines "parcel" as a lot, a subdivided portion of ground, or an individual tract.

Proposed law provides that the fee shall expire on Dec. 31, 2018, but authorizes renewal of the fee. Provides that the term of the renewal shall be as provided in the proposition authorizing such renewal, not to exceed eight years.

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 parish tax rolls and enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes. Proposed law authorizes the city to retain 1% of the amount collected as a collection fee and requires the city to remit to the district all amounts collected not more than 60 days after collection.

Proposed law requires the board to adopt an annual budget in accordance with the Local Government Budget Act and provides that the district shall be subject to audit by the legislative auditor.

Proposed law provides that if the district ceases to exist all of its funds shall be transmitted to the governing authority of the city of New Orleans and shall be used for law enforcement purposes in the district.

(Adds R.S. 33:9091.22)