

ACT No. 321

2015 Regular Session

HOUSE BILL NO. 324

BY REPRESENTATIVE BADON

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
21 intersection with North Saint Andrews Circle then northeast on North Saint Andrews
22 Circle (both sides) to its intersection with East Saint Andrews Circle then southeast
23 on East Saint Andrews Circle (both sides) to its intersection with South Saint
24 Andrews Circle then southwest on South Saint Andrews Circle (both sides) and
25 continue northwest on South Saint Andrews Circle (both sides) to its intersection

1 with West Saint Andrews Circle then northwest on West Saint Andrews Circle (both
2 sides) to the point of beginning.

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

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

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

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

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

15 (b) Members shall be eligible for reappointment.

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

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

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

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

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

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

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

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

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

15 (1) To sue and be sued.

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

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

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

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

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

27 F. Parcel Fee. The governing authority of the city of New Orleans may
28 impose and collect a parcel fee within the district subject to and in accordance with
29 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 not to exceed five hundred
3 dollars per parcel per year.

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

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

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

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

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

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

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

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

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____