

2017 Regular Session

SENATE BILL NO. 115

BY SENATOR APPEL

SPECIAL DISTRICTS. Creates the University Neighborhood Security and Improvement District in Orleans Parish. (gov sig)

1 AN ACT

2 To enact R.S. 33:9097.30, relative to crime prevention and improvement districts; to create
3 the University Neighborhood Security and Improvement District in Orleans Parish;
4 to provide for the powers and duties of the district and its board of commissioners;
5 to provide for a parcel fee; to provide with respect to termination of the district; and
6 to provide for related matters.

7 Notice of intention to introduce this Act has been published.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:9097.30 is hereby enacted to read as follows:

10 **§9097.30. University Neighborhood Security and Improvement District**

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

17 **B. Boundaries. The boundaries of the district shall be that area within**

1 and including the following perimeter streets and avenues: Calhoun Street,
2 downtown side, from Saint Charles Avenue to Freret Street; Freret Street, river
3 side, from Calhoun Street to State Street; State Street from Freret Street to
4 Saint Charles Avenue; Saint Charles Avenue, lake side, from State Street to
5 Calhoun Street and all of Everett Place and 5940 Freret Street.

6 C. Purpose. The district is established for the objects of promoting and
7 encouraging security in the area included within the district and promoting and
8 encouraging the beautification and overall betterment of the district.

9 D. Governance. (1) The district shall be governed by a nine-member
10 board of commissioners, referred to in this Section as the "board". The board
11 shall be composed as follows:

12 (a) The president of the University Neighborhood Association, Inc.,
13 referred to in this Section as the "association".

14 (b) The board of directors of the association shall appoint three
15 members, none of whom shall be the president of the University Neighborhood
16 Association, Inc.

17 (c) The member of the Louisiana House of Representatives whose
18 district encompasses all or the greater portion of the area of the district shall
19 appoint one member from a list of nominations submitted by the association.

20 (d) The member of the Louisiana Senate whose district encompasses all
21 or the greater portion of the area of the district shall appoint one member from
22 a list of nominations submitted by the association.

23 (e) The assessor of Orleans Parish shall appoint one member from a list
24 of nominations submitted by the University Neighborhood Association, Inc.

25 (f) The mayor of the city of New Orleans shall appoint one member from
26 a list of nominations submitted by the association.

27 (g) The member of the governing authority of the city of New Orleans
28 whose council district encompasses all or the greater portion of the area of the
29 district shall appoint one member from a list of nominations submitted by the

1 association.

2 (2) All members of the board shall be residents of the district.

3 (3)(a) Board members serving pursuant to Subparagraphs (1)(b) through
4 (g) of this Subsection shall serve four-year terms after initial terms as provided
5 in this Subparagraph. Two members shall serve initial terms of one year; two
6 shall serve initial terms of two years; two shall serve initial terms of three years;
7 and two shall serve initial terms of four years, as determined by lot at the first
8 meeting of the board.

9 (b) The member serving pursuant to Subparagraph (1)(a) of this
10 Subsection shall serve during his term of office as president of the association.

11 (c) Any vacancy which occurs prior to the expiration of the term for
12 which a member of the board has been appointed shall be filled for the
13 remainder of the unexpired term in the same manner as the original
14 appointment. Board members may be reappointed.

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

18 (5) The minute books and archives of the district shall be maintained by
19 the secretary of the board. The monies, funds, and accounts of the district shall
20 be in the official custody of the board.

21 (6) The board shall adopt such rules and regulations as it deems
22 necessary or advisable for conducting its business affairs. Rules and regulations
23 of the board relative to the notice and conduct of meetings shall conform to
24 applicable law, including, if applicable, R.S. 42:4.1 et seq., relative to open
25 meetings. The board shall hold regular meetings as shall be provided for in the
26 bylaws and may hold special meetings at such times and places within the
27 district as may be prescribed in the bylaws.

28 (7) A majority of the members of the board shall constitute a quorum
29 for the transaction of business. The board shall keep minutes of all meetings

1 and shall make them available through the secretary of the board to residents
2 of the district.

3 (8) Each member of the board shall have one vote, and the vote of a
4 majority of the members of the board present and voting, a quorum being
5 present, shall be required to decide any question upon which the board takes
6 action.

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

10 E. Powers and Duties. The district, acting through its board, shall have
11 the 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 Subsection F of
15 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 of the district, to
20 provide for the beautification of and improvements for the district, or to
21 provide generally for the overall betterment of the district.

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

25 (7) To contract for such services and expenditures as the board deems
26 proper for the upkeep of the district.

27 (8) To acquire or lease items and supplies which the board deems useful
28 to achieving the purposes of the district.

29 (9) To acquire, lease, insure, and sell real property within the

1 boundaries of the district in accordance with district plans.

2 (10) To procure and maintain liability insurance against any personal
3 or legal liability of a board member that may be asserted or incurred based
4 upon his service as a member of the board or that may arise as a result of his
5 actions taken within the scope and discharge of his duties as a member of the
6 board.

7 (11) To perform or have performed any other function or activity
8 necessary or appropriate to carry out the purposes of the district or for the
9 overall betterment of the district.

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

13 (1) The amount of the fee shall be as requested by duly adopted
14 resolution of the board. The fee shall be a flat fee per improved parcel of land
15 not to exceed nine hundred fifty dollars per year for each improved parcel,
16 beginning in calendar year 2017.

17 (2) The fee shall be imposed on each improved parcel located within the
18 district except as provided in Paragraph (4) of this Subsection.

19 (a) For purposes of this Section, "parcel" means a lot, a subdivided
20 portion of ground, an individual tract, or a "condominium parcel" as defined
21 in R.S. 9:1121.103. "Parcel" shall not refer to any building or structure unless
22 it is part of a condominium parcel.

23 (b) The owner of each parcel shall be responsible for payment of the fee.
24 The tax collector shall submit the bill for a parcel fee which is to be collected
25 from the condominium owners to the condominium owners' association, and the
26 owner's association shall pay the fee from funds available for that purpose. The
27 owner's association shall remain liable for the entire fee until it is paid.

28 (3)(a) The fee shall be imposed only after the question of its imposition
29 has been approved by a majority of the registered voters of the district who vote

1 on the proposition at an election held for that purpose in accordance with the
2 Louisiana Election Code. The amount of the fee may be changed by duly
3 adopted resolution of the board, not to exceed the maximum amount authorized
4 as provided in this Subsection. No other election shall be required except as
5 provided by this Paragraph.

6 (b) The initial election on the question of the imposition of the fee shall
7 be held at the same time as a regularly scheduled election in the city of New
8 Orleans.

9 (c) If approved, the fee shall expire in ten years from its initial levy as
10 provided for in the ballot proposition approved by a majority of the registered
11 voters of the district voting on the proposition at an election as provided in
12 Subparagraph (a) of this Paragraph. The fee may be renewed if approved by
13 a majority of the registered voters of the district voting on the proposition at an
14 election as provided in R.S. 33:9100.21(F)(2)(d).

15 (4) No fee shall be imposed upon any parcel whose owner qualifies for
16 and receives the special assessment level provided by Article VII, Section
17 18(G)(1) of the Constitution of Louisiana.

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

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

24 (7)(a) The proceeds of the fee shall be used solely and exclusively for the
25 purpose and benefit of the district; however, the Orleans Parish Sheriff may
26 retain one percent of the amount collected as a collection fee.

27 (b) The Orleans Parish Sheriff shall remit to the district all amounts
28 collected not more than sixty days after collection.

29 G. Additional Contributions. The district is authorized to solicit and

1 accept additional voluntary contributions and grants to further the purposes of
2 the district.

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

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

7 I. Miscellaneous. It is the purpose and intent of this Section that any
8 additional security patrols, public or private, or any other security or other
9 services or betterments provided by the district shall be supplemental to and not
10 be in lieu of personnel and services to be provided in the district by the state of
11 Louisiana, the city of New Orleans, or their departments or agencies or by other
12 political subdivisions.

13 J. Dissolution. (1) The district may be dissolved without the vote of the
14 registered voters of the district if a majority of the area covered by the district
15 becomes included in another district that serves similar purposes but includes
16 additional parcels of property adjacent to the district, if approved by the
17 affirmative vote of not less than five members of the board.

18 (2) If and when the district ceases to exist:

19 (a) Unless the district is dissolved in accordance with Paragraph (1) of
20 this Subsection, all funds of the district shall be transmitted by the board of the
21 association to the city of New Orleans and such funds together with any other
22 funds collected pursuant to this Section, shall be maintained in a separate
23 account by the city of New Orleans and shall be used only for law enforcement,
24 security, improvement, and beautification purposes of the district.

25 (b) If the district is dissolved in accordance with Paragraph (1) of this
26 Subsection, the funds of the district that relate to the portion of the district that
27 is included in the new district, together with any other funds collected, pursuant
28 to this Section that relate to such portion of the district, may be transferred to
29 the new district, with the remaining portion of funds, if any, being transmitted

1 in accordance with Subparagraph (a) of this Paragraph for law enforcement,
2 security, improvement, and beautification purposes of the portion of the district
3 that is not included in the new district.

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

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

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

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

18 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
19 9:2792.1 through 2792.9, a person serving the district as a board member or
20 officer shall not be individually liable for any act or omission arising out of the
21 performance of his duties.

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

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

DIGEST

SB 115 Engrossed 2017 Regular Session Appel

Proposed law creates the University Neighborhood Security and Improvement District in Orleans Parish.

Proposed law creates the district as a political subdivision of the state as defined in the Constitution of Louisiana and defines its boundaries as Calhoun Street, downtown side, from Saint Charles Avenue to Freret Street; Freret Street, river side, from Calhoun Street to State Street; State Street from Freret Street to Saint Charles Avenue; Saint Charles Avenue, lake side, from State Street to Calhoun Street and all of Everett Place and 5940 Freret St. for the purpose of promoting and encouraging security in the area included within the district and promoting and encouraging the beautification and overall betterment of the district.

The district is governed by a nine-member board of commissioners composed as follows:

- (1) The president of the University Neighborhood Association, Inc.
- (2) The board of directors of the association shall appoint three members, none of whom shall be the president of the University Neighborhood Association, Inc.
- (3) The member of the Louisiana House of Representatives whose district encompasses all or the greater portion of the area of the district shall appoint one member from a list of nominations submitted by the association.
- (4) The member of the Louisiana Senate whose district encompasses all or the greater portion of the area of the district shall appoint one member from a list of nominations submitted by the association.
- (5) The assessor of Orleans Parish shall appoint one member from a list of nominations submitted by the University Neighborhood Association, Inc.
- (6) The mayor of the city of New Orleans shall appoint one member from a list of nominations submitted by the association.
- (7) The member of the governing authority of the city of New Orleans whose council district encompasses all or the greater portion of the area of the district shall appoint one member from a list of nominations submitted by the association.

All members of the board must be residents of the district. They serve four-year terms except for the president of the association who is ex officio. Two members serve initial terms of one year; two serve initial terms of two years; two serve initial terms of three years; and two serve initial terms of four years, as determined by lot at the first meeting of the board. Board members are eligible for reappointment. The members serve without compensation but must be reimbursed for their reasonable out-of-pocket expenses directly related to the governance of the district.

The board must adopt such rules and regulations as it deems necessary or advisable for conducting its business affairs. Rules and regulations of the board relative to the notice and conduct of meetings must conform to applicable law, including, if applicable, R.S. 42:4.1 et seq., relative to open meetings. It must hold regular meetings as must be provided for in the bylaws and may hold special meetings at such times and places within the district as may be prescribed in the bylaws.

Proposed law grants the district, acting through its board, the authority to perform or have performed any function or activity necessary or appropriate to carry out the purposes of the district or for the overall betterment of the district.

The governing authority of the city of New Orleans is authorized to impose and collect a parcel fee within the district in an amount that is requested by the board. The fee must be a flat fee per "improved parcel" of land not to exceed \$950 per year for each "improved parcel," for calendar year 2017. "Parcel" is defined as a lot, a subdivided portion of ground, an individual tract, or a "condominium parcel" as defined in present law. The owner of each parcel shall be responsible for payment of the fee. However, no fee can be imposed upon any parcel whose owner qualifies for and receives the special assessment level provided by Const. Art. VII, Sec. 18(G)(1). The fee is collected at the same time and in the same manner as property taxes.

The fee expires in 10 years, but may be renewed if approved by voters of the district.

The proceeds of the fee must be used solely and exclusively for the purpose and benefit of the district; however, the Orleans Parish Sheriff may retain one percent of the amount collected as a collection fee.

The district is also specifically given the authority to provide or enhance security patrols in the district, to provide improved lighting, signage, or matters relating to the security of the district, to provide for beautification of and improvements for the district, or to provide generally for the overall betterment of the district. The purpose and intent of the proposed law is stated to be that any additional security patrols, public or private, or any other security or other services or betterments provided by the district is supplemental to and not in lieu of personnel and services to be provided in the district by the state, the city of New Orleans, or their departments or agencies or by other political subdivisions.

The district may also procure and maintain liability insurance against any personal or legal liability of a board member that may be asserted or incurred based upon his service as a member of the board or that may arise as a result of his actions taken within the scope and discharge of his duties as a member of the board.

The board is required to adopt an annual budget in accordance with the Local Government Budget Act, and the district must be subject to audit by the legislative auditor.

Proposed law authorizes the dissolution of the district without the vote of the registered voters of the district if a majority of the area covered by the district becomes included in another district that serves similar purposes but includes additional parcels of property adjacent to the district, if approved by the affirmative vote of not less than five members of the board.

Proposed law requires the district to indemnify its officers and board members to the fullest extent permitted by present law, as fully as if the district were a nonprofit corporation governed thereby and as may be provided in the district's bylaws. Protects board members or officers from liability for monetary damages for breach of his duty to any individual who resides, owns property, visits, or otherwise conducts business in the district, provided that the foregoing does not eliminate or limit the liability of a board member or officer for any of the following:

- (1) Acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law.
- (2) Any transaction from which he derived an improper personal benefit.

To the fullest extent permitted by present law, a person serving the district as a board member or officer is not individually liable for any act or omission arising out of the

performance of his duties.

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

(Adds R.S. 33:9097.30)