

SENATE BILL NO. 115

BY SENATOR APPEL

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AN ACT

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

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

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

§9097.30. University Neighborhood Security and Improvement District

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

B. Boundaries. The boundaries of the district shall be that area within and including the following perimeter streets and avenues: 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 Street.

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

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

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

6 **(b) The board of directors of the association shall appoint three**
7 **members, none of whom shall be the president of the University Neighborhood**
8 **Association, Inc.**

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

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

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

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

19 **(g) The member of the governing authority of the city of New Orleans**
20 **whose council district encompasses all or the greater portion of the area of the**
21 **district shall appoint one member from a list of nominations submitted by the**
22 **association.**

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

24 **(3)(a) Board members serving pursuant to Subparagraphs (1)(b) through**
25 **(g) of this Subsection shall serve four-year terms after initial terms as provided**
26 **in this Subparagraph. Two members shall serve initial terms of one year; two**
27 **shall serve initial terms of two years; two shall serve initial terms of three years;**
28 **and two shall serve initial terms of four years, as determined by lot at the first**
29 **meeting of the board.**

30 **(b) The member serving pursuant to Subparagraph (1)(a) of this**

1 Subsection shall serve during his term of office as president of the association.

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

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

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

12 (6) The board shall adopt such rules and regulations as it deems
13 necessary or advisable for conducting its business affairs. Rules and regulations
14 of the board relative to the notice and conduct of meetings shall conform to
15 applicable law, including, if applicable, R.S. 42:11 et seq., relative to open
16 meetings. The board shall hold regular meetings as shall be provided for in the
17 bylaws and may hold special meetings at such times and places within the
18 district as may be prescribed in the bylaws.

19 (7) A majority of the members of the board shall constitute a quorum for
20 the transaction of business. The board shall keep minutes of all meetings and
21 shall make them available through the secretary of the board to residents of the
22 district.

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

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

30 E. Powers and duties. The district, acting through its board, shall have

1 the following powers and duties:

2 (1) To sue and be sued.

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

4 (3) To receive and expend funds collected pursuant to Subsection F of
5 this Section and in accordance with a budget adopted as provided by Subsection
6 H of this Section.

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

8 (5) To provide or enhance security patrols in the district, to provide for
9 improved lighting, signage, or matters relating to the security of the district, to
10 provide for the beautification of and improvements for the district, or to
11 provide generally for the overall betterment of the district.

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

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

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

19 (9) To acquire, lease, insure, and sell immovable property within the
20 boundaries of the district in accordance with district plans.

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

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

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

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

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

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

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

16 (3)(a) The fee shall be imposed only after the question of its imposition
17 has been approved by a majority of the registered voters of the district who vote
18 on the proposition at an election held for that purpose in accordance with the
19 Louisiana Election Code. The amount of the fee may be changed by duly
20 adopted resolution of the board, not to exceed the maximum amount authorized
21 as provided in this Subsection. No other election shall be required except as
22 provided by this Paragraph.

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

26 (c) If approved, the fee shall expire in ten years from its initial levy as
27 provided for in the ballot proposition approved by a majority of the registered
28 voters of the district voting on the proposition at an election as provided in
29 Subparagraph (a) of this Paragraph. The fee may be renewed if approved by
30 a majority of the registered voters of the district voting on the proposition at an

1 election as provided in R.S. 33:9100.21(F)(2)(d).

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

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

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

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

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

16 G. Additional contributions. The district is authorized to solicit and
17 accept additional voluntary contributions and grants to further the purposes of
18 the district.

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

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

23 I. Miscellaneous. It is the purpose and intent of this Section that any
24 additional security patrols, public or private, or any other security or other
25 services or betterments provided by the district shall be supplemental to and not
26 be in lieu of personnel and services to be provided in the district by the state of
27 Louisiana, the city of New Orleans, or their departments or agencies or by other
28 political subdivisions.

29 J. Dissolution. (1) The district may be dissolved without the vote of the
30 registered voters of the district if a majority of the area covered by the district

1 becomes included in another district that serves similar purposes but includes
2 additional parcels of property adjacent to the district, if approved by the
3 affirmative vote of not less than five members of the board.

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

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

11 (b) If the district is dissolved in accordance with Paragraph (1) of this
12 Subsection, the funds of the district that relate to the portion of the district that
13 is included in the new district, together with any other funds collected, pursuant
14 to this Section that relate to such portion of the district, may be transferred to
15 the new district, with the remaining portion of funds, if any, being transmitted
16 in accordance with Subparagraph (a) of this Paragraph for law enforcement,
17 security, improvement, and beautification purposes of the portion of the district
18 that is not included in the new district.

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

23 (2) No board member or officer of the district shall be liable to the
24 district or to any individual who resides, owns property, visits, or otherwise
25 conducts business in the district for monetary damages for breach of his duties
26 as a board member or officer, provided that the foregoing provision shall not
27 eliminate or limit the liability of a board member or officer for any of the
28 following:

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

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

2 **(3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.**

3 **9:2792.1 through 2792.9, a person serving the district as a board member or**

4 **officer shall not be individually liable for any act or omission arising out of the**

5 **performance of his duties.**

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____