

2021 Regular Session

HOUSE BILL NO. 332

BY REPRESENTATIVE WILLARD

DISTRICTS/CRIME PREVENT: Creates the Vista Park Crime Prevention District in Orleans Parish

1 AN ACT

2 To enact R.S. 33:9091.26, relative to Orleans Parish; to create the Vista Park Crime
3 Prevention District; to provide relative to the boundaries, purpose, governance, and
4 powers and duties of the district; to provide relative to district funding, including the
5 authority to impose a parcel fee within the district; to provide for an effective date;
6 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. 33:9091.26 is hereby enacted to read as follows:

12 §9091.26. Vista Park Crime Prevention 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 Vista Park Crime Prevention District, hereinafter
16 referred to as the "district". The district shall be a political subdivision of the state
17 as defined in the Constitution of Louisiana.

18 B. Boundaries. The boundaries of the district shall be that area within and
19 including the following perimeter: Robert E Lee Boulevard, Fillmore Avenue,
20 London Avenue Canal, and Paris Avenue.

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

4 D. Governance. (1) The district shall be governed by a five-member board
5 of commissioners, referred to in this Section as the "board". The board shall be
6 composed as follows:

7 (a) The board of directors of the Vista Park Civic and Improvement
8 Association shall appoint three members.

9 (b) 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 one
11 member.

12 (c) The member of the governing authority of the city of New Orleans whose
13 council district encompasses all or the greater portion of the area of the district shall
14 appoint one member.

15 (2) All members of the board shall be residents and qualified voters of the
16 district.

17 (3)(a) Board members shall serve four-year terms after initial terms as
18 provided in this Subparagraph. Two members shall serve initial terms of one year;
19 one shall serve an initial term of two years; one shall serve an initial term of three
20 years; and one shall serve an initial term of four years, as determined by lot at the
21 first meeting of the board.

22 (b) Any vacancy which occurs prior to the expiration of the term for which
23 a member of the board has been appointed shall be filled for the remainder of the
24 unexpired term in the same manner as the original appointment. Board members may
25 be reappointed.

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

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

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

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

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

16 (9) The members of the board shall serve without compensation but shall be
17 reimbursed for their reasonable out-of-pocket expenses directly related to the
18 governance of 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 H of this
25 Section.

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

27 (5) To provide or enhance security patrols in the district, to provide for
28 improved lighting, signage, or matters relating to the security of the district, to

1 provide for the beautification of and improvements for the district, or to provide
2 generally for the overall betterment of the district.

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

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

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

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

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

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

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

22 (1)(a) The amount of the fee shall be as requested by duly adopted resolution
23 of the board. The fee shall be imposed on each improved or unimproved parcel
24 located within the district. The fee shall be a flat fee per parcel per year not to
25 exceed four hundred dollars for unimproved parcels zoned residential, four hundred
26 dollars for improved single-family parcels zoned residential, one thousand dollars
27 for improved multi-family parcels zoned residential, and one thousand dollars for
28 unimproved and improved parcels zoned commercial.

1 (b) Notwithstanding the provisions of Subparagraph(a) of this Paragraph, if
2 multiple adjacent residential parcels are combined for the purpose of housing a
3 single-family dwelling, the flat fee for the combined parcel shall not exceed six
4 hundred dollars per year.

5 (2)(a) For purposes of this Section, "parcel" means a lot, a subdivided
6 portion of ground, or an individual tract.

7 (b) The owner of each parcel shall be responsible for payment of the fee.

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

11 (4) The term of the imposition of the fee shall be as provided in the
12 proposition authorizing the fee, not to exceed eight years. The fee may be renewed
13 if the renewal is approved by the voters in the manner provided in Paragraph (3) of
14 this Subsection. If renewed, the term of the imposition of the fee shall be as
15 provided in the proposition authorizing such renewal, not to exceed eight years.

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

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

21 (7)(a) The proceeds of the fee shall be used solely and exclusively for the
22 purpose and benefit of the district; however, the city may retain one percent of the
23 amount collected as a collection fee.

24 (b) The city of New Orleans shall remit to the district all amounts collected
25 not more than sixty days after collection.

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

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

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

3 I. Miscellaneous provisions. (1) It is the purpose and intent of this Section
4 that the additional law enforcement or security personnel and their services provided
5 for through the fees authorized in this Section shall be supplemental to and not in
6 lieu of personnel and services provided in the district by the New Orleans Police
7 Department.

8 (2) If the district ceases to exist, all funds of the district shall be transmitted
9 by the board to the city of New Orleans, and such funds, together with any other
10 funds collected by the city of New Orleans pursuant to this Section, shall be
11 maintained in a separate account by the city and shall be used only to promote,
12 encourage, and enhance the security, beautification, and overall betterment of the
13 area included in the district.

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

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

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

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

26 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
27 9:2792.1 through 2792.9, a person serving the district as a board member or officer
28 shall not be individually liable for any act or omission arising out of the performance
29 of his duties.

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

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 332 Original

2021 Regular Session

Willard

Abstract: Creates the Vista Park Crime Prevention District in Orleans Parish. Provides for the district's boundaries, purpose, governance, and funding, including the authority to impose a parcel fee.

Proposed law creates the Vista Park Crime Prevention District in Orleans Parish for the purpose of promoting and encouraging the beautification, security, and betterment of the district. 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, composed as follows:

- (1) Three members appointed by the board of directors of the Vista Park Civic and Improvement Association.
- (2) One member appointed by the member of the La. House of Representatives whose district encompasses all or the greater portion of the area of the district.
- (3) One member appointed by the member of the New Orleans City Council whose district encompasses all or the greater portion of the area of the district.

Proposed law provides that members serve without compensation but must be reimbursed for their reasonable out-of-pocket expenses directly related to the governance of the district.

Proposed law provides relative to the powers and duties of the district.

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. Provides that the maximum fee shall be as follows: \$400 per year for unimproved residential parcels; \$400 per year for single family residential parcels; \$600 per year for multiple adjacent residential parcels housing a single-family dwelling; \$1000 per year for multi-family residential parcels; and \$1000 per year for unimproved and improved commercial parcels.

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

Proposed law provides that the fee shall expire eight years after its initial levy but authorizes renewal of that fee. Provides that the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed eight years. Further provides that the fee shall be collected at the same time and in the same manner as ad valorem taxes and

that any unpaid fee shall be added to the city's tax rolls and enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes. Requires the city to remit amounts collected to the district not later than 60 days after collection, but authorizes the city to retain 1% as a collection fee.

Proposed law provides that the district shall adopt an annual budget in accordance with present law (R.S. 39:1301 et seq.) and shall be subject to audit by the legislative auditor's office.

Proposed law provides that the intent of proposed law is to enhance the law enforcement personnel and services provided by the city and not to be in lieu of such services. Further provides that if the district ceases to exist, all district funds shall be transmitted to the city to be used to provide for the overall betterment of the district.

Proposed law provides that no board member or officer of the district shall be liable to the district or to any individual who resides, owns property, visits, or otherwise conducts business in the district for monetary damages for breach of his duties as a board member or officer unless the board member performs an act or omission not in good faith or which involves intentional misconduct or a knowing violation of law or any transaction from which he derives an improper personal benefit.

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

(Adds R.S. 33:9091.26)