

ACT No. 105

2022 Regular Session

HOUSE BILL NO. 148

BY REPRESENTATIVE FREEMAN

1 AN ACT

2 To enact R.S. 33:9091.27, relative to Orleans Parish; to create the Boulogny Improvement
3 District; to provide relative to the boundaries, purpose, governance, and powers and
4 duties of the district; to provide relative to district funding, including the authority
5 to levy taxes or fees, subject to voter approval; to provide for an effective date; and
6 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. 33:9091.27 is hereby enacted to read as follows:

12 §9091.27. Boulogny Improvement District in Orleans Parish

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 Boulogny Improvement District, referred to in this
16 Section as the "district". The district shall be a political subdivision of the state as
17 defined in the Constitution of Louisiana.

18 B. Boundaries. The boundaries of the district shall encompass the area
19 included within the following perimeter: Upperline Street (both sides) to Prytania
20 Street (river side only) to Napoleon Avenue (upper side only) to Tchoupitoulas Street
21 (both sides) and back to Upperline Street. All municipal numbers on Prytania Street
22 and Napoleon Avenue are excluded from this district.

23 C. Purpose. The district is established for the primary object and purpose of
24 promoting and encouraging security in the area included within the district.

1 D. Governance. (1) In order to provide for the orderly development of the
2 district and effectuation of the services to be furnished by the district and to provide
3 for the representation in the affairs of the district of those persons and interests
4 immediately concerned with and affected by security in the area, the district shall be
5 managed by a seven-member board of commissioners, referred to in this Section as
6 the "board". The board shall be composed as follows:

7 (a) The president of the Bouligny Improvement Association or its successor,
8 referred to in this Section as the "association".

9 (b) The board of directors of the association shall appoint two members.

10 (c) The mayor of the city of New Orleans shall appoint one member from a
11 list of nominations submitted by the association.

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

15 (e) The member of the Louisiana Senate whose district encompasses all or
16 the greater portion of the area of the district shall appoint one member from a list of
17 nominations submitted by the association.

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

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

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

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

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

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

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

10 (6) The board shall adopt such rules and regulations as it deems necessary
11 or advisable for conducting its business affairs. It shall hold regular meetings as
12 shall be provided for in the bylaws and may hold special meetings at such times and
13 places within the district as may be prescribed in the bylaws.

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

17 (8) The members of the board shall serve without compensation but may be
18 reimbursed for out-of-pocket expenses.

19 E. Powers and duties. The district, acting through its board of
20 commissioners, shall have the 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 G 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 for
27 the provision of security patrols in the district. The district, through the board, may
28 contract with the New Orleans Police Department or with a private security company
29 for the provision of security patrols in the district.

1 (5) To purchase items or supplies which the board deems instrumental in
 2 achieving the purpose of the district.

3 (6) To perform or have performed any other function or activity necessary
 4 for the achievement of the purpose of the district.

5 (7) To acquire, lease, insure, and sell immovable property within its
 6 boundaries in accordance with district plans.

7 F. Plan. (1) The board shall prepare or cause to be prepared a plan or plans,
 8 such plan or plans, referred to collectively in this Section as the "plan", specifying
 9 the public improvements, facilities, and services proposed to be furnished,
 10 constructed, or acquired for the district. The board shall conduct such hearings,
 11 publish such notice with respect thereto, and disseminate such information as it, in
 12 the exercise of its sound discretion, may deem to be appropriate or advisable and in
 13 the public interest.

14 (2) Any plan shall include:

15 (a) An estimate of the annual and aggregate cost of acquiring, constructing,
 16 or providing the services, improvements, or facilities set forth therein.

17 (b) An estimate of the aggregate number of mills or fees required to be
 18 levied in each year on the taxable immovable property within the district in order to
 19 provide the funds required for the implementation or effectuation of the plan for
 20 furnishing the services specified and for capital improvements, or both.

21 G. Taxing authority. (1)(a) The governing authority of the city of New
 22 Orleans may levy and collect, as authorized by the district and as specifically
 23 provided for in this Section, for a term not to exceed eight years, in the same manner
 24 and at the same time as all other ad valorem taxes on property subject to taxation by
 25 the city are levied and collected, a special ad valorem tax not to exceed twenty mills
 26 or fees upon all taxable immovable property situated within the boundaries of the
 27 district. A tax or fee authorized by this Subsection shall be levied and collected only
 28 after the question of its imposition has been submitted to and approved by a majority
 29 of the registered voters of the district voting on the question at a regularly scheduled
 30 election to be conducted in accordance with provisions of the Louisiana Election

1 Code. The amount of the tax or fee shall be as requested by duly adopted resolution
2 of the board.

3 (b) The tax or fee may be renewed subject to the provisions of Subparagraph
4 (a) of this Paragraph.

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

8 (3) The proceeds of a tax or fee shall be used solely and exclusively for the
9 purpose and benefit of the district; however, the city may retain one percent of the
10 amount collected as a collection fee. The city of New Orleans shall remit to the
11 district all amounts collected not more than sixty days after collection.

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

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

16 I. Miscellaneous. It is the purpose and intent of this Section that any
17 additional security patrols, public or private, provided by the district shall be
18 supplemental to and not in lieu of personnel and services provided in the district by
19 the New Orleans Police Department.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____