

2024 Regular Session

HOUSE BILL NO. 185

BY REPRESENTATIVE NEWELL

DISTRICTS/CRIME PREVENT: Provides for creation of Castle Manor Security and Improvement District in New Orleans

1 AN ACT

2 To enact R.S. 33:9091.28, relative to Orleans Parish; to create the Castle Manor
3 Improvement District; to provide relative to the boundaries, purpose, governance,
4 and powers and duties of the district; to provide relative to district funding; to
5 authorize the city, subject to voter approval, to impose and collect a parcel fee for the
6 district; 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. 33:9091.28 is hereby enacted to read as follows:

12 §9091.28. Castle Manor 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 known as the Castle Manor Improvement District, referred to in this Section as the
16 "district". The district is a political subdivision of the state as defined in the
17 Constitution of Louisiana.

18 B. Boundaries. The district is comprised of all property included within the
19 following perimeter: Cerise Avenue, the south side of Chef Menteur Highway,
20 Gawain Drive, and the north side of Dwyer Road canal.

1 C. Purpose. The district is established for the primary objects and purposes
2 of promoting and encouraging the beautification and security of the district.

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

6 (a) The president of the Castle Manor Improvement Association.

7 (b) The governing board of the Castle Manor Improvement Association shall
8 appoint two members.

9 (c) Each of the following shall appoint one member from a list of nominees
10 submitted by the Castle Manor Improvement Association:

11 (i) The mayor of the city of New Orleans.

12 (ii) The member of the Louisiana House of Representatives whose district
13 encompasses all or the greater portion of the area of the district.

14 (iii) The member of the Louisiana Senate whose district encompasses all or
15 the greater portion of the area of the district.

16 (iv) The member of the governing authority of the city of New Orleans
17 whose council district encompasses all or the greater portion of the area of the
18 district.

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

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

26 (b) The member serving pursuant to Subparagraph (1)(a) of this Subsection
27 shall serve during his term of office as president of the Castle Manor Improvement
28 Association.

1 (c) Any vacancy which occurs prior to the expiration of a term shall be filled
2 for the remainder of the unexpired term by the governing board of the Castle Manor
3 Improvement Association. Board members are eligible for reappointment.

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

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

10 (6) The board may adopt rules and regulations for conducting its business
11 affairs. Rules and regulations of the board relative to the notice and conduct of
12 meetings shall conform to applicable law, including laws relative to open meetings.
13 The board shall hold regular meetings and may hold special meetings at times and
14 places within the district as prescribed in the bylaws.

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

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

21 (9) Each member of the board has one vote. The vote of a majority of the
22 members of the board present and voting, a quorum being present, is required to
23 decide any question upon which the board takes action.

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

26 (1) To sue and be sued.

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

1 (3) To receive and expend funds collected pursuant to Subsections F and G
2 of this Section and in accordance with a budget adopted as provided by Subsection
3 H of this Section.

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

5 (5) To provide or enhance security patrols in the district, to provide for
6 improved lighting, signage, or matters relating to the security and beautification of
7 the district.

8 (6) To enter into contracts and agreements with one or more other districts
9 for the joint security, improvement, or betterment of all participating districts.

10 (7) To provide for services and make expenditures as the board deems proper
11 for the upkeep and beautification of the district.

12 (8) To acquire or lease items and supplies that the board deems instrumental
13 to achieving the purposes of the district.

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

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

21 F. Parcel fee. The governing authority of the city of New Orleans may
22 impose and collect a parcel fee within the district subject to and in accordance with
23 the provisions of this Subsection:

24 (1) The amount of the fee shall be as requested by duly adopted resolution
25 of the board. The fee shall not exceed the following amounts:

26 (a) For parcels zoned residential, one hundred dollars per parcel per year for
27 the first three years that the fee is collected and one hundred twenty-five dollars per
28 parcel per year for the next two years of collection.

1 (b) For parcels zoned commercial, two hundred dollars per parcel per year
2 for the first three years that the fee is collected and two hundred twenty-five dollars
3 per parcel per year for the next two years of collection.

4 (2)(a) The fee shall be imposed on each parcel located within the district
5 except a parcel whose owner qualifies for the special assessment level pursuant to
6 Article VII, Section 18(G)(1) of the Constitution of Louisiana.

7 (b) For purposes of this Section, "parcel" means a lot, a subdivided portion
8 of ground, an individual tract, or a "condominium parcel" as defined in R.S.
9 9:1121.103.

10 (c) The owner of each parcel is responsible for payment of the fee.

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

15 (b) The initial term for the imposition of the parcel fee is five years, but the
16 fee may be renewed if approved by a majority of the registered voters of the district
17 voting on the proposition at an election as provided in Subparagraph (a) of this
18 Paragraph. Any election to authorize the renewal of the fee shall be held for that
19 purpose in accordance with the Louisiana Election Code. If the fee is renewed, the
20 amount of the fee shall not exceed one hundred twenty-five dollars per parcel per
21 year for residential parcels and two hundred twenty-five dollars per parcel per year
22 for commercial parcels. If the fee is renewed, the term of the imposition of the fee
23 shall be as provided in the proposition authorizing such renewal, not to exceed five
24 years. If the fee is not renewed, the district shall cease to exist.

25 (4) The fee shall be collected at the same time and in the same manner as
26 city ad valorem taxes are collected.

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

1 (6)(a) The city of New Orleans shall remit to the district all amounts
2 collected not more than sixty days after collection.

3 (b) The district shall use the proceeds of the fee solely and exclusively for
4 the purpose and benefit of the district; however, the city may retain one percent of
5 the amount collected as a collection fee.

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

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

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

12 I. Miscellaneous provisions. (1) It is the purpose and intent of this Section
13 that any additional security patrols, public or private, or any other security or other
14 services or betterments provided by the district shall be supplemental to and not be
15 in lieu of personnel and services to be provided in the district by the state or the city
16 of New Orleans or their departments or agencies or by other political subdivisions.

17 (2) If the district ceases to exist, the board shall transmit all district funds to
18 the city of New Orleans, and such funds, together with any other funds collected by
19 the city of New Orleans pursuant to this Section, shall be maintained in a separate
20 account by the city and shall be used only to promote, encourage, and enhance the
21 security of the area included in the district.

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

26 (2) No board member or officer of the district is liable to the district or to
27 any individual who resides, owns property, visits, or otherwise conducts business in
28 the district for monetary damages for breach of his duties as a board member or

- 1 officer; however, the foregoing provision does not eliminate or limit the liability of
 2 a board member or officer for any of the following:
- 3 (a) Acts or omissions not in good faith or which involve intentional
 4 misconduct or a knowing violation of law.
- 5 (b) Any transaction from which he derived an improper personal benefit.
- 6 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
 7 9:2792.1 through 2792.9, a person serving the district as a board member or officer
 8 shall not be held individually liable for any act or omission arising out of the
 9 performance of his duties.

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 185 Engrossed

2024 Regular Session

Newell

Abstract: Creates the Castle Manor Improvement District in New Orleans.

Proposed law creates the Castle Manor Improvement District in New Orleans for the purpose of promoting and encouraging the beautification and security of the district. Provides for district boundaries. Provides that the district shall be governed by a seven-member board of commissioners composed as follows:

- (1) The president of the Castle Manor Improvement Assoc.
- (2) The governing board of the association shall appoint two members.
- (3) Each of the following shall appoint one member from nominees submitted by the association:
 - (a) The mayor of New Orleans.
 - (b) The member of the La. House of Representatives whose district encompasses all or the greater portion of the area of the district.
 - (c) The member of the La. Senate whose district encompasses all or the greater portion of the area of the district.
 - (d) The member of the governing authority of New Orleans whose council district encompasses all or the greater portion of the area of the district.

Proposed law requires that all members of the board be residents and qualified voters of the district.

Proposed law provides for the powers and duties of the district.

Proposed law authorizes the governing authority of New Orleans, subject to voter approval, to impose and collect a parcel fee within the district. Provides that the amount of the parcel fee shall not exceed the following:

- (1) For parcels zoned residential, \$100 per parcel per year for the first three years that the fee is collected and \$125 per parcel per year for the next two years of collection.
- (2) For parcels zoned commercial, \$200 per parcel per year for the first three years that the fee is collected and \$225 per parcel per year for the next two years of collection.

Present constitution provides that property assessments shall not increase for certain property owners who meet specified age, disability, and income requirements. Proposed law provides that the parcel fee shall not be imposed on parcels whose owners qualify for this special assessment level.

Proposed law provides that the initial term for the imposition of the parcel fee is five years but authorizes renewal, subject to voter approval, for terms not to exceed five years.

Proposed law requires that the fee be collected in the same manner and at the same time as ad valorem taxes. Authorizes the city to retain 1% of the amount collected.

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

Proposed law provides that it is the purpose and intent of proposed law that the additional law enforcement personnel and services provided for through the fees authorized by proposed law shall be supplemental to, and not in lieu of, personnel and services provided in the district by the state or the city. Further provides that if the district ceases to exist, funds of the district shall be transmitted to the city of New Orleans, and such funds, together with other funds collected by the city pursuant to proposed law, shall be maintained in a separate account and shall be used only to promote, encourage, and enhance the security of the area included in the district.

(Adds R.S. 33:9091.28)