

Regular Session, 2013

HOUSE BILL NO. 258

BY REPRESENTATIVE PIERRE

DISTRICTS/REDEVELOPMENT: Provides relative to the boundaries and governance of the North Lafayette Redevelopment Authority

1 AN ACT

2 To amend and reenact R.S. 33:4720.171(F)(1) and (G), relative to Lafayette Parish; to  
3 provide relative to the North Lafayette Redevelopment Authority; to provide relative  
4 to the boundaries of the authority; to provide relative to the governing board of the  
5 authority; to change the membership of the governing board; to provide relative to  
6 the terms and qualifications of board members and their powers and duties; and to  
7 provide for related matters.

8 Notice of intention to introduce this Act has been published  
9 as provided by Article III, Section 13 of the Constitution of  
10 Louisiana.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 33:4720.171(F)(1) and (G) are hereby amended and reenacted to read  
13 as follows:

14 §4720.171. North Lafayette Redevelopment Authority

15 \* \* \*

16 F.(1) The North Lafayette Redevelopment Authority shall be comprised of  
17 Councilmanic Districts 3 and 4 of the city of Lafayette as geographically drawn on  
18 ~~July 14, 2008~~ August 1, 2013, but shall not include the area comprising the

1 Commercial Core subdistrict of the Lafayette Centre Development District created  
2 by Act 116 of the 1992 Regular Session of the Legislature.

3 \* \* \*

4 G.(1)(a) The North Lafayette Redevelopment Authority shall be governed  
5 by a board of commissioners, referred to in this Part as the "board", comprised of  
6 ~~nine citizens~~ eleven members, all of whom shall reside or be employed within the  
7 geographical boundaries of the authority and ~~seven of whom~~ shall be qualified  
8 electors of the city parish of Lafayette as follows:

9 (i) ~~Three commissioners~~ Two members shall be appointed by the Louisiana  
10 state senator ~~representing~~ who represents Senate District 24 ~~or in case of~~  
11 ~~reapportionment, the state senator representing the majority of the northern portion~~  
12 ~~of the city.~~

13 (ii) ~~Two commissioners~~ Three members shall be appointed by the Louisiana  
14 state representative ~~representing~~ who represents House District 44 ~~or in case of~~  
15 ~~reapportionment, the state representative representing the majority of the northern~~  
16 ~~portion of the city.~~

17 (iii) Two members shall be appointed by the Louisiana state representative  
18 who represents House District 96.

19 (iii)(iv) ~~One commissioner~~ member shall be appointed by the councilperson  
20 ~~representing~~ who represents Council District 3 of the Lafayette City-Parish Council.

21 (iv)(v) ~~One commissioner~~ member shall be appointed by the councilperson  
22 ~~representing~~ who represents Council District 4 of the Lafayette City-Parish Council.

23 (v)(vi) ~~One commissioner~~ member shall be appointed by the mayor-president  
24 ~~of the city of Lafayette, parish of Lafayette.~~

25 (vi)(vii) ~~One commissioner shall be the director of the Lafayette Economic~~  
26 ~~Development Authority~~ One member shall be appointed by the governing board of  
27 the Upper Lafayette Economic Development Foundation.

28 (b) ~~The elected officials referred to above shall meet within thirty days of~~  
29 ~~July 14, 2008, and shall appoint the commissioners as prescribed above~~ appointing

1 authorities referred to in Subparagraph (a) of this Paragraph shall meet within sixty  
2 days after August 1, 2013, and shall appoint the members as provided in  
3 Subparagraph (a) of this Paragraph. Of the ~~seven commissioners~~ eleven members  
4 to be appointed by the elected officials, one commissioner shall be a member of the  
5 Greater Lafayette Chamber of Commerce, one shall be a member of the Greater  
6 Southwest Louisiana Black Chamber of Commerce, one commissioner shall be a  
7 member of a citizen's neighborhood association located within the jurisdiction of the  
8 authority, one commissioner shall be an accountant, one commissioner shall be a  
9 representative of the banking industry, and one commissioner shall be a  
10 representative of the real estate industry.

11 ~~(c) Appointment of a commissioner at the expiration of the term of an~~  
12 ~~appointed commissioner, or appointment of a commissioner to fill the unexpired~~  
13 ~~term of a position vacated by a commissioner, shall be made by the elected official~~  
14 ~~who appointed the commissioner whose term expired.~~

15 ~~(d) A certificate of the appointment or reappointment of any commissioner~~  
16 ~~shall be filed with the clerk of the city-parish council for Lafayette Parish, and such~~  
17 ~~certificate shall be conclusive evidence of the proper appointment of such~~  
18 ~~commissioner.~~

19 ~~(2) The commissioners who are first appointed shall serve for terms as~~  
20 ~~follows: one for one year, one for two years, one for three years, two for four years,~~  
21 ~~and two for five years, respectively, from the date of their appointment as shall be~~  
22 ~~specified at the time of their appointment the respective terms to be determined by~~  
23 ~~lot. Thereafter the term of office shall be five years. A commissioner shall hold~~  
24 ~~office until his successor has been appointed and qualified.~~

25 ~~(3) Each board member shall be a citizen of the United States, a domiciliary~~  
26 ~~of and a qualified voter in the appropriate jurisdiction for at least one year preceding~~  
27 ~~the date of appointment, and shall remain a domiciliary of and a qualified voter of~~  
28 ~~such jurisdiction during the entirety of the term of office. Furthermore, each board~~  
29 ~~member shall be of good character and shall possess some skill, knowledge, or~~

1 experience that will prove useful in the accomplishment of the goals of the authority  
2 as set forth in Subsection B of this Section.

3 ~~(4) The board shall establish rules and requirements relative to the~~  
4 ~~attendance and participation of members in its meetings, regular or special. Such~~  
5 ~~rules and regulations may prescribe a procedure whereby, should any member fail~~  
6 ~~to comply with such rules and regulations, such member may be disqualified and~~  
7 ~~removed automatically from office by no less than a majority vote of the remaining~~  
8 ~~members of the board, and that member's position shall be vacant as of the first day~~  
9 ~~of the next calendar month. Any person removed under the provisions of this~~  
10 ~~Paragraph shall be ineligible for reappointment to the board, unless such~~  
11 ~~reappointment is confirmed unanimously by the board.~~

12 ~~(5) A vacancy on the board shall be filled in the same manner as the original~~  
13 ~~appointment. In such cases a majority of the remaining board members may appoint~~  
14 ~~an interim member to serve until a new member is confirmed.~~

15 ~~(6) Board members shall serve without compensation; however, the board~~  
16 ~~may reimburse any member for expenses actually incurred in the performance of~~  
17 ~~duties on behalf of the authority.~~

18 ~~(7) The board shall have power to organize and reorganize the executive,~~  
19 ~~administrative, clerical, and other departments and forces of the authority and to fix~~  
20 ~~the duties, powers, and compensation of all employees, agents, and consultants of the~~  
21 ~~authority.~~

22 (2)(a) Members shall serve terms of five years after initial terms as provided  
23 in this Subparagraph. Three members shall serve an initial term of one year, two  
24 shall serve two years, two shall serve three years, two shall serve four years, and two  
25 shall serve five years, as determined by lot at the first meeting of the board.

26 (b) A member shall hold office until his successor has been appointed and  
27 qualified.

28 (c) Members shall be eligible for reappointment. A certificate of the  
29 appointment or reappointment of any member shall be filed with the clerk of the

1 city-parish council for the parish of Lafayette, and such certificate shall be  
2 conclusive evidence of the proper appointment of any such member.

3 (d) Any member of the board may be removed for cause upon the  
4 recommendation of a majority of the remaining membership of the board in  
5 accordance with the bylaws adopted by the board. Any person removed for cause  
6 shall be ineligible for reappointment to the board, unless such reappointment is  
7 confirmed by a unanimous vote of the membership of the board.

8 (e) Board members shall serve without compensation; however, the board  
9 may reimburse any member for expenses actually incurred in the performance of  
10 duties on behalf of the authority.

11 (3) Any vacancy in the membership of the board, occurring either by reason  
12 of the expiration of the term for which appointed or by reason of death, resignation,  
13 or otherwise, shall be filled in the manner of the original appointment. If the  
14 appointing authority responsible for the appointment of a member fails to fill a  
15 vacancy within thirty days, the remaining members of the board shall appoint an  
16 interim successor to serve until the position is filled by the appointing authority.

17 (4) The board may adopt bylaws or such other rules and regulations as it  
18 deems necessary for conducting its business affairs. The board may appoint and  
19 retain all employees it deems advisable and fix the powers, duties, and compensation  
20 of such employees. The board shall hold regular meetings and may hold special  
21 meetings as shall be provided in the bylaws.

22 ~~(8)~~(5) The board shall elect yearly from its number a chairman, a vice  
23 chairman, a secretary, and a treasurer and shall establish their duties as may be  
24 regulated by rules adopted by the board. The offices of secretary and treasurer may  
25 be held by the same person. ~~The board shall meet in regular session once each~~  
26 ~~month and also shall meet in special session as convened by the chairman or upon~~  
27 ~~written notice signed by three members.~~ A majority of the members of the board;  
28 ~~not including vacancies,~~ shall constitute a quorum for the conduct of business.

1           ~~(9)~~(6) All actions of the board shall be approved by the affirmative vote of  
2 a majority of the members of the board present and voting. However, no action of  
3 the board shall be authorized on the following matters unless approved by a majority  
4 of the total board membership:

5           (a) Adoption of bylaws and other rules and regulations for conduct of the  
6 authority's business.

7           (b) Hiring or firing of any employee or contractor of the authority. This  
8 function may by majority vote be delegated by the board to a specified officer or  
9 committee of the authority, under such terms and conditions, and to the extent that  
10 the board may specify.

11           (c) The incurring of debt.

12           (d) Levy of taxes and call for any tax or other election.

13           (e) Adoption or amendment of the annual budget.

14           (f) Sale, lease, encumbrance, or alienation of immovable property,  
15 improvements, or movable property with a value of more than fifty thousand dollars.

16           ~~(10)~~(7) Vote by proxy shall not be permitted. Any member may request a  
17 recorded vote on any resolution or action of the authority.

18           ~~(11)~~(8)(a) The board shall cause minutes and a record to be kept of all its  
19 proceedings, and it shall select a newspaper of general circulation within its  
20 territorial jurisdiction as its official journal in which it shall publish its minutes and  
21 in which it shall publish all official notices required by law. Except as otherwise  
22 provided in this Paragraph, the authority shall be subject to the Public Records Law,  
23 the Open Meetings Law, and the Code of Governmental Ethics.

24           (b) Notwithstanding the provisions of R.S. 42:14, until thirty days prior to  
25 the date the board is scheduled to consummate a final sale or lease of any immovable  
26 property owned by the authority, the board may meet in executive session to discuss  
27 negotiations between the authority and any prospective seller, purchaser, lessor or  
28 lessee of that property. R.S. 44:31 through 35 shall not apply to any records related  
29 to the negotiations of or to the terms of such a sale or lease until thirty days prior to

1 the date the board is scheduled to consummate a final sale or lease. The board shall  
 2 give written public notice of its intention to consummate a final sale or lease at least  
 3 thirty days prior to the date on which the board intends to take such action. This  
 4 notice shall comply with the procedural provisions of R.S. 42:19. Notwithstanding  
 5 any other provision of this Part to the contrary, that portion of documents evidencing  
 6 proprietary information or trade secrets of either the authority or the seller,  
 7 purchaser, lessor, or lessee shall not be subject to the Public Records Law for any  
 8 reason ~~whatsoever~~.

9 Section 2. The terms of all members of the board of commissioners of the North  
 10 Lafayette Redevelopment Authority serving on the effective date of this Act shall terminate  
 11 on the effective date of this Act, and members of the board shall be appointed in accordance  
 12 with R.S. 33:4720.171(G) as amended by this Act.

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#### 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)]

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Pierre

HB No. 258

**Abstract:** Relative to the North Lafayette Redevelopment Authority, changes the membership of the governing board of the authority and provides for terms and qualifications of board members. Provides relative to the district's boundaries.

Present law creates the North Lafayette Redevelopment Authority to provide for the utilization of appropriate private and public resources to eliminate and prevent the development or spread of slum, blighted, and distressed areas in north Lafayette. Provides that the authority is a special district and political subdivision of the state.

Proposed law retains present law.

Present law provides that the authority shall be comprised of Councilmanic Districts 3 and 4 of the city of Lafayette as geographically drawn on July 14, 2008. Excludes certain properties.

Proposed law instead provides that the authority shall be comprised of the above-named districts as geographically drawn on the effective date of proposed law. Otherwise retains present law.

Present law provides that the authority shall be governed by a board of nine commissioners all of whom shall reside or be employed within the authority's boundaries and seven of whom shall be qualified electors of the city as follows:

- (1) Three commissioners appointed by the state senator representing Senate District 24.

- (2) Two commissioners appointed by the La. state representative representing House District 44.
- (3) One commissioner appointed by the councilperson representing Council District 3 of the Lafayette City-Parish Council.
- (4) One commissioner appointed by the councilperson representing Council District 4 of the Lafayette City-Parish Council.
- (5) One commissioner appointed by the mayor-president of Lafayette.
- (6) The director of the Lafayette Economic Development Authority.

Requires members to serve five-year staggered terms without compensation but authorizes reimbursement for expenses incurred in the performance of the duties of the authority.

Proposed law increases the membership of the board from nine to 11. Grants an additional appointment to the state representative for House District 44 and grants two appointments to the state representative for House District 96. Removes one of the appointments granted to the state senator for Senate District 24. Removes the appointment granted to the director of the Lafayette Economic Development Authority and instead grants an appointment to the governing board of the Upper Lafayette Economic Development Foundation. Requires all board members to be residents or be employed within the jurisdiction of the authority and to be qualified electors of Lafayette Parish. Retains present law requirement that board members serve five-year staggered terms without compensation. Additionally retains present law provision authorizing reimbursement for expenses.

Present law requires the elected officials granted appointments to the board to meet within 30 days of July 1, 2008, to make board appointments.

Proposed law instead requires the appointing authorities to meet within 60 days of the effective date of proposed law to make board appointments.

Present law requires that the seven commissioners appointed by elected officials represent the following organizations and industries: Greater Lafayette Chamber of Commerce, Greater Southwest La. Black Chamber of Commerce, a citizen's neighborhood association, accounting, the banking industry, and the real estate industry.

Proposed law removes the requirement that the seven appointments made by elected officials be representatives of the above-named organizations and industries and instead makes the requirement applicable to the full board membership. Requires the member who represents a citizen's neighborhood association to be a member of an association located within the jurisdiction of the authority.

Present law requires that each board member be a citizen of the U.S., a domiciliary of and a qualified voter of the city of Lafayette for at least one year preceding the date of appointment, and to remain a domiciliary of and a qualified voter of the city during the entirety of the term of office. Additionally requires each board member to be of good character and to possess some skill, knowledge, or experience that will prove useful in the accomplishment of the goals of the authority.

Proposed law removes present law.

Present law requires that a certificate of the appointment or reappointment of any commissioner be filed with the Lafayette Parish clerk. Provides that the certificate shall be conclusive evidence of a proper appointment.

Proposed law retains present law.



Present law requires vacancies to be filled in the same manner as the original appointment. Authorizes remaining board members to appoint an interim member until a new member is confirmed.

Proposed law specifies that remaining members of the board may appoint an interim member if the appointing authority fails to appoint within 30 days. Otherwise retains present law.

Present law requires the board to establish rules and regulations relative to the attendance and participation of members in its meetings. Authorizes the board, upon approval of a majority of its members, to provide for disqualification and automatic removal of board members should they fail to comply with the board's rules and regulations. Provides that any person removed is ineligible for reappointment to the board, unless his reappointment is confirmed unanimously by the board.

Proposed law authorizes the board to adopt bylaws or other rules and regulations as it deems necessary for conducting its business affairs. Provides that a board member may be removed for cause upon the recommendation of a majority of the remaining membership of the board in accordance with the board's bylaws. Retains present law provision that prohibits a removed board member from being reappointed unless reappointment is confirmed unanimously by the board.

Present law grants the board the power to organize and reorganize the executive, administrative, clerical, and other departments and forces of the authority and to fix the duties, powers, and compensation of all employees, agents, and consultants of the authority.

Proposed law instead grants the board power to appoint and retain all employees it deems advisable and to fix the powers, duties, and compensation of the employees.

Present law requires the board to meet in regular session once each month and to meet in special session as convened by the chairman or upon written notice signed by three members. Provides that a majority of the members of the board, not including vacancies, constitutes a quorum for the conduct of business.

Proposed law requires the board to hold regular meetings and authorizes the board to hold special meetings as provided in the board's bylaws. Retains present law provision relative to a majority of members constituting a quorum but removes provision relative to vacancies.

Proposed law provides that the terms of all members of the board serving on the effective date of proposed law shall terminate on that date and requires that new board members be appointed in accordance with proposed law.

(Amends R.S. 33:4720.171(F)(1) and (G))