
SENATE COMMITTEE AMENDMENTS

2015 Regular Session

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original
Senate Bill No. 25 by Senator Peterson

1 AMENDMENT NO. 1

2 On page 1, line 2, after "(E)," and before "relative" delete "and (F)(1)," and insert the
3 following: "(F), (G), (H), (I), (J), and (K) and to enact R.S. 33:9091.17(L)"

4 AMENDMENT NO. 2

5 On page 1, line 8, after "(E)," and before "are" delete "and (F)(1)," and insert the following:
6 "(F), (G), (H), (I), (J), and (K)" and at the beginning of line 9 insert "and R.S. 33:9091.17(L)
7 is hereby enacted"

8 AMENDMENT NO. 3

9 On page 1, delete lines 15 and 17, and insert the following:

10 **"(2)(a) Until the term commencing on January 1, 2017, Three ~~three~~ board**
11 **members shall be elected from each subgroup of the district.**

12 **(b) Elections will occur as provided in the district's bylaws.**

13 **(c) Board members shall serve two-year terms.**

14 **(d) Any vacancy which occurs prior to the expiration of the terms for a board**
15 **member shall be filled for the remainder of the unexpired term in the same manner as**
16 **the original election. Board members shall be eligible for reelection."**

17 AMENDMENT NO. 4

18 On page 2, delete lines 1 through 29, in their entirety and insert the following:

19 ~~"(3)(a) Board members shall serve two-year terms. For the term commencing on~~
20 ~~January 1, 2017, and all terms thereafter, three board members shall be elected from~~
21 ~~each subgroup of the district annually.~~

22 ~~**(b) Elections will occur as provided in the district's bylaws.**~~

23 ~~**(c) Board members elected pursuant to Subparagraph (b) of this Subsection**~~
24 ~~**shall be elected to initial terms as follows: a one-year term; a two-year term; and a**~~
25 ~~**three-year term for each subgroup. At the expiration of these initial terms of office, all**~~
26 ~~**subsequent board members' terms shall be three years, thereby establishing staggered**~~
27 ~~**board terms. Board members shall be eligible for reelection.**~~

28 ~~**(b)(d) Any vacancy which occurs prior to the expiration of the terms for a board**~~
29 ~~**member shall be filled for the remainder of the unexpired term in the same manner as the**~~
30 ~~**original election. Board members shall be eligible for reelection.**~~

31 ~~**(4) **E. Governance. (1)** The board shall elect from its members a chairman, a vice**~~
32 ~~**chairman, a secretary-treasurer, and such other officers as it may deem necessary. The duties**~~
33 ~~**of the officers shall be fixed by the bylaws adopted by the board.**~~

34 ~~**(5)(2) The minute books and archives of the district shall be maintained by the**~~
35 ~~**secretary-treasurer of the board. The monies, funds, and accounts of the district shall be in**~~
36 ~~**the official custody of the board.**~~

37 ~~**(6)(3) The board shall adopt such rules, regulations, and bylaws as it deems**~~
38 ~~**necessary or advisable for conducting its business affairs. Rules and regulations of the board**~~
39 ~~**relative to the notice and conduct of meetings shall conform to applicable law, including**~~
40 ~~**R.S. 42:11 et seq., relative to open meetings. The board shall hold regular meetings as shall**~~
41 ~~**be provided for in the bylaws and may hold special meetings at such times and places within**~~
42 ~~**the district as may be prescribed in the bylaws.**~~

43 ~~**(7)(4) A majority of the members of the board shall constitute a quorum for the**~~
44 ~~**transaction of business. The board shall keep minutes of all meetings and shall make them**~~
45 ~~**available through the secretary-treasurer of the board.**~~

1 ~~(8)~~**(5)** Each member of the board shall have one vote, and the vote of a majority of
 2 the members of the board present and voting, a quorum being present, shall be required to
 3 decide any question upon which the board takes action.

4 ~~(9)~~**(6)** The members of the board shall serve without compensation but shall be
 5 reimbursed for their reasonable out-of-pocket expenses directly related to the governance
 6 of the district.

7 ~~EF.~~ Powers and duties. The district, acting through its board, shall have the following
 8 powers and duties:

9 (1) To sue and be sued.

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

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

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

14 (5) To provide or enhance security patrols in the district, to provide for improved
 15 lighting, signage, or matters relating to the security of the district, to provide for the
 16 beautification of and improvements for the district, or to provide generally for the overall
 17 betterment of the district as outlined in the Broadmoor Redevelopment Plan.

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

20 (7) To provide for such services and make such expenditures as the board deems
 21 proper for the upkeep of the district.

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

24 (9) To acquire, lease, insure, and sell real property within the boundaries of the
 25 district in accordance with district plans.

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

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

33 ~~FG.~~ Parcel fee. The governing authority of the city of New Orleans is hereby
 34 authorized to impose and collect a parcel fee within the district subject to and in accordance
 35 with the provisions of this Subsection. For purposes of this Section, a parcel is defined as
 36 a lot, a subdivided portion of ground, or an individual tract.

37 (1) The amount of the fee shall be as requested by duly adopted resolution of the
 38 board. The fee shall be a flat fee per improved parcel of land not to exceed ~~one~~ **two** hundred
 39 dollars per year for each parcel. No fee shall be imposed upon any parcel whose owner
 40 qualifies for the special assessment level provided by Article VII, Section 18(G)(1) of the
 41 Constitution of Louisiana.

42 (2) The owner of each parcel located within the district shall be responsible for
 43 payment of the fee.

44 (3)(a) The fee shall be imposed only after the question of its imposition has been
 45 approved by a majority of the registered voters of the district who vote on the proposition
 46 at an election held for that purpose in accordance with the Louisiana Election Code. The fee
 47 shall not be increased during the period of its initial levy.

48 (b) The question of the imposition of the parcel fee shall be submitted to the voters
 49 in a proposition at an election held for that purpose in accordance with the Louisiana
 50 Election Code.

51 (c) If approved, the initial fee shall expire on December 31, 2015, but the fee may
 52 be renewed if approved by a majority of the registered voters of the district voting on the
 53 proposition at an election as provided in Subparagraph (a) of this Paragraph. Any election
 54 to authorize the renewal of the fee shall be held for that purpose in accordance with the
 55 Louisiana Election Code. If the fee is renewed, the term of the imposition of the fee shall be
 56 as provided in the proposition authorizing such renewal, not to exceed five years.

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

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

1 (6)(a) The proceeds of the fee shall be used solely and exclusively for the purpose
 2 and benefit of the district; however, the city may retain one percent of the amount collected
 3 as a collection fee.

4 (b) The city of New Orleans shall remit to the district all amounts collected not more
 5 than thirty days after collection.

6 ~~G~~H. Additional contributions. The district is authorized to solicit and accept
 7 additional voluntary contributions and grants to further the purposes of the district.

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

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

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

16 (2) The district may perform or have performed any other function or activity
 17 necessary for the achievement of its primary objective of encouraging the beautification,
 18 security, and overall betterment of the area included within the district as outlined in the
 19 Broadmoor Redevelopment Plan.

20 ~~J~~K. Dissolution. (1) The district may be dissolved after the question of its dissolution
 21 has been approved by a majority of the registered voters of the district voting on the
 22 proposition at a regularly scheduled election conducted in accordance with the provisions
 23 of the Louisiana Election Code. The question may be placed on the ballot only after it has
 24 been approved by the affirmative vote of not less than five members of the district board.

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

26 (a) All funds of the district shall be transmitted by the board to the BIA and such
 27 funds, together with any other funds collected by the city of New Orleans pursuant to this
 28 Section, shall be maintained by the BIA and shall be used only for law enforcement,
 29 security, improvement, and beautification purposes of the district.

30 (b) The authority for the imposition of the parcel fee provided in this Section shall
 31 cease.

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

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

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

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

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

46 AMENDMENT NO. 5

47 On page 3, delete lines 1, through 7, in their entirety.