

SENATE BILL NO. 25

BY SENATOR PETERSON

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AN ACT

To amend and reenact R.S. 33:9091.17(D), (E), (F), (G), (H), (I), (J), and (K) and to enact R.S. 33:9091.17(L) relative to the Broadmoor Neighborhood Improvement District within the parish of Orleans; to provide relative to the composition of the board; to provide for governance of the board; to provide for a parcel fee; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9091.17(D), (E), (F), (G), (H), (I), (J), and (K) are hereby amended and reenacted and R.S. 33:9091.17(L) is hereby enacted to read as follows:

§9091.17. Broadmoor Neighborhood Improvement District

\* \* \*

~~D. Governance~~ **Board composition.** (1) The district shall be governed by the nine-member **elected** BIA board **and up to four board members to be appointed pursuant to the BIA's bylaws,** referred to in this Section as the "board".

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

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

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

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

(3)(a) ~~Board members shall serve two-year terms.~~ **For the term**

1 commencing on January 1, 2017, and all terms thereafter, three board members  
 2 shall be elected from each subgroup of the district annually.

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

4 (c) Board members elected pursuant to Subparagraph (a) of this  
 5 Paragraph shall be elected to initial terms as follows: a one-year term; a two-  
 6 year term; and a three-year term for each subgroup. At the expiration of these  
 7 initial terms of office, all subsequent board members' terms shall be three years,  
 8 thereby establishing staggered board terms. Board members shall be eligible  
 9 for reelection.

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

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

17 ~~(5)~~ (2) The minute books and archives of the district shall be maintained by  
 18 the secretary-treasurer of the board. The monies, funds, and accounts of the district  
 19 shall be in the official custody of the board.

20 ~~(6)~~ (3) The board shall adopt such rules, regulations, and bylaws as it deems  
 21 necessary or advisable for conducting its business affairs. Rules and regulations of  
 22 the board relative to the notice and conduct of meetings shall conform to applicable  
 23 law, including R.S. 42:11 et seq., relative to open meetings. The board shall hold  
 24 regular meetings as shall be provided for in the bylaws and may hold special  
 25 meetings at such times and places within the district as may be prescribed in the  
 26 bylaws.

27 ~~(7)~~ (4) A majority of the members of the board shall constitute a quorum for  
 28 the transaction of business. The board shall keep minutes of all meetings and shall  
 29 make them available through the secretary-treasurer of the board.

30 ~~(8)~~ (5) Each member of the board shall have one vote, and the vote of a

1 majority of the members of the board present and voting, a quorum being present,  
2 shall be required to decide any question upon which the board takes action.

3 ~~(9)~~(6) The members of the board shall serve without compensation but shall  
4 be reimbursed for their reasonable out-of-pocket expenses directly related to the  
5 governance of the district.

6 FF. Powers and duties. The district, acting through its board, shall have the  
7 following powers and duties:

8 (1) To sue and be sued.

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

10 (3) To receive and expend funds collected pursuant to Subsection ~~F~~ G of this  
11 Section and in accordance with a budget adopted as provided by Subsection ~~H~~ I of  
12 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  
15 improved lighting, signage, or matters relating to the security of the district, to  
16 provide for the beautification of and improvements for the district, or to provide  
17 generally for the overall betterment of the district as outlined in the Broadmoor  
18 Redevelopment Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 GH. Additional contributions. The district is authorized to solicit and accept  
10 additional voluntary contributions and grants to further the purposes of the district.

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

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

15 IJ. Miscellaneous. (1) It is the purpose and intent of this Section that any  
16 additional services or betterments provided by the district shall be supplemental to  
17 and not be in lieu of personnel and services to be provided in the district by the state  
18 or the city of New Orleans or their departments or agencies or by other political  
19 subdivisions.

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

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

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

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

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

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

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

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

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

19 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.  
20 9:2792.1 through 2792.9, a person serving the district as a board member or officer  
21 shall not be individually liable for any act or omission arising out of the performance  
22 of his duties.

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PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_