

Regular Session, 2008

HOUSE BILL NO. 85

BY REPRESENTATIVE LORUSSO

DISTRICTS/NEIGHBORHOOD: Creates the Mid-City Security District in Orleans Parish

1 AN ACT

2 To enact R.S. 33:9091.12, relative to Orleans Parish; to create the Mid-City Security District
3 within the parish; to provide relative to the purpose, governance, and powers and
4 duties of the district; to provide for the imposition and collection of a parcel fee and
5 for the use thereof; and to provide for related matters.

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

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:9091.12 is hereby enacted to read as follows:

11 §9091.12. Mid-City Security District

12 A. Creation. There is hereby created within the parish of Orleans, as more
13 specifically provided in Subsection B of this Section, a body politic and corporate
14 which shall be known as the Mid-City Security District, referred to in this Section
15 as the "district". The district shall be a political subdivision of the state as defined
16 in the Constitution of Louisiana.

17 B. Boundaries. The boundaries of the district shall be that area within and
18 including the following perimeter: Tulane Avenue (both sides), Interstate 10 (interior
19 side), City Park Avenue (interior side), West Moss Street (interior side), Orleans
20 Avenue (both sides), and North Broad Street and South Broad Street (both sides).

1 C. Purpose. The district is established for the purpose of promoting and
2 encouraging security in the area included within the district.

3 D. Governance. (1) The district shall be governed 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 Mid-City Neighborhood Organization shall appoint three members.

7 (b) The member of the Louisiana House of Representatives whose district
8 encompasses all or the greater portion of the area of the district shall appoint three
9 members.

10 (c) The member of the governing authority of the city of New Orleans who
11 is elected from a council district and whose council district encompasses all or the
12 greater portion of the area of the district shall appoint one member.

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

15 (3) Board members shall serve three-year terms after initial terms as
16 provided in this Paragraph. Two members shall serve initial terms of one year; two
17 shall serve initial terms of two years; and three shall serve an initial term of three
18 years, as determined by lot at the first meeting of the board.

19 (4) Any vacancy which occurs prior to the expiration of the term for which
20 a member of the board has been appointed shall be filled for the remainder of the
21 unexpired term in the same manner as the original appointment. Board members
22 shall be eligible for reappointment.

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

26 (6) The minute books and archives of the district shall be maintained by the
27 secretary-treasurer of the board. The monies, funds, and accounts of the district shall
28 be in the official custody of the board.

1 (7) The board shall adopt such rules and regulations as it deems necessary
2 or advisable for conducting its business affairs. Rules and regulations of the board
3 relative to the notice and conduct of meetings shall conform to applicable law,
4 including, if applicable, R.S. 42:4.1 et seq., relative to open meetings. The board
5 shall hold regular meetings as shall be provided for in the bylaws and may hold
6 special meetings at such times and places within the district as may be prescribed in
7 the bylaws.

8 (8) A majority of the members of the board shall constitute a quorum for the
9 transaction of business. The board shall keep minutes of all meetings and shall make
10 them available through the secretary-treasurer of the board.

11 (9) The members of the board shall serve without compensation but shall be
12 reimbursed for reasonable out-of-pocket expenses directly related to the governance
13 of the district.

14 E. Powers and duties. The district shall have the following powers and
15 duties:

16 (1) To sue and be sued.

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

18 (3) To receive and expend funds collected pursuant to Subsection F of this
19 Section and in accordance with a budget adopted as provided by Subsection G of this
20 Section.

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

22 (5) To provide or enhance security patrols in the district, to provide for
23 improved lighting, signage, or matters relating to the security of the district.

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

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

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

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

3 (10) To perform or have performed any other function or activity necessary
4 or appropriate to carry out the purposes of the district.

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

8 (1) The amount of the fee shall be as requested by duly adopted resolution
9 of the board. The fee shall be a flat fee per improved parcel of land not to exceed
10 two hundred fifty dollars per year for each improved parcel.

11 (2) The fee shall be imposed on each improved parcel located within the
12 district except as provided in Paragraph (4) of this Subsection.

13 (a) For purposes of this Section, "parcel" means a lot, a subdivided portion
14 of ground, an individual tract, or a "condominium parcel" as defined in R.S.
15 9:1121.103.

16 (b) The owner of each parcel shall be responsible for payment of the fee.

17 (3)(a) The fee shall be imposed only after the question of its imposition has
18 been approved by a majority of the registered voters of the district who vote on the
19 proposition at an election held for that purpose in accordance with the Louisiana
20 Election Code. The amount of the fee may be changed by duly adopted resolution
21 of the board, not to exceed the maximum amount authorized by this Subsection. No
22 other election shall be required except as provided by this Paragraph.

23 (b) The initial election on the question of the imposition of the fee shall be
24 held at the same time as a regularly scheduled election in the city of New Orleans.

25 (c) If approved, the fee shall expire on December 31, 2014, but the fee may
26 be renewed if approved by a majority of the registered voters of the district voting
27 on the proposition at an election as provided in Subparagraph (a) of this Paragraph.
28 Any election to authorize the renewal of the fee shall be held only at the same time
29 as the mayoral primary election for the city of New Orleans. If the fee is renewed,

1 the term of the imposition of the fee shall be as provided in the proposition
2 authorizing such renewal, not to exceed eight years.

3 (4) No fee shall be imposed upon any parcel whose owner qualified for the
4 special assessment level provided by Article VII, Section 18(G)(1) of the
5 Constitution of Louisiana.

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

8 (6) Any parcel fee which is unpaid shall be added to the tax rolls of the city
9 and shall be enforced with the same authority and subject to the same penalties and
10 procedures as unpaid ad valorem taxes.

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

14 (b) The city of New Orleans shall remit to the district all amounts collected
15 not more than sixty days after collection.

16 G. Budget. (1) The board shall adopt an annual budget in accordance with
17 the Local Government Budget Act, R.S. 39:1301 et seq.

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

20 H. Miscellaneous. (1) It is the purpose and intent of this Section that any
21 additional security patrols, public or private, or any other security or other services
22 or betterments provided by the district shall be supplemental to and not be in lieu of
23 personnel and services to be provided in the district by the state or the city of New
24 Orleans or their departments or agencies or by other political subdivisions.

25 (2) If the district ceases to exist, all funds of the district shall be transmitted
26 by the board to the city of New Orleans and such funds, together with any other
27 funds collected by the city of New Orleans pursuant to this Section, shall be
28 maintained in a separate account by the city and shall be used only to promote,
29 encourage, and enhance the security of the area included in the district.

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

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)]

Lorusso

HB No. 85

Abstract: Creates the Mid-City Security District in Orleans Parish for the purpose of promoting and encouraging security in the area included within the district. Creates and provides for the district's board of commissioners. Provides for the imposition and use of a parcel fee.

Proposed law creates the Mid-City Security District in Orleans Parish as a political subdivision of the state for the purpose of promoting and encouraging security in the area included within the district. Provides for district boundaries.

Proposed law provides that the district shall be governed by a seven-member board of commissioners, all of whom shall be qualified voters and residents of the district. Board members shall be appointed as follows:

- (1) Three members appointed by the Mid-City Neighborhood Organization.
- (2) Three members appointed by the member of the La. House of Representatives whose district encompasses all or the greater portion of the area of the district.
- (3) One member appointed by the member of the governing authority of the city of New Orleans who is elected from a district (not at-large) and whose council district encompasses all or the greater portion of the area of the district.

Proposed law provides that board members shall serve three-year staggered terms. Provides that vacancies shall be filled for the remainder of the unexpired term in the same manner as the original appointment. Provides that board members shall be eligible for reappointment. Requires board members to serve without compensation but provides that each member shall be reimbursed for reasonable out-of-pocket expenses directly related to the governance of the district.

Proposed law provides that the district, through the board, shall have the following powers and duties:

- (1) To sue and be sued.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To receive and expend funds collected pursuant to proposed law and in accordance with a budget adopted as provided by proposed law.

- (4) To enter into contracts with individuals or entities, private or public.
- (5) To provide or enhance security patrols in the district, to provide for improved lighting, signage, or matters relating to the security of the district.
- (6) To enter into contracts and agreements with one or more other districts for the joint security, improvement, or betterment of all participating districts.
- (7) To provide for such services and make such expenditures as the board deems proper for the upkeep of the district.
- (8) To acquire or lease items and supplies which the board deems instrumental to achieving the purposes of the district.
- (9) To acquire, lease, insure, and sell real property within the boundaries of the district in accordance with district plans.
- (10) To perform or have performed any other function or activity necessary or appropriate to carry out the purposes of the district.

Proposed law authorizes the governing authority of the city of New Orleans to impose and collect a parcel fee within the district. Provides that the amount of the fee shall be as requested by duly adopted resolution of the board of the district. Further provides that the fee shall be a flat fee per improved parcel of land not to exceed \$250 per year.

Proposed law defines a parcel as a lot, a subdivided portion of ground, or an individual tract. Provides that a parcel does not mean a condominium parcel as defined in present law (R.S. 9:1121.103). Provides that the owner of each parcel shall be responsible for payment of the fee.

Proposed law provides that the fee shall be imposed only after the question of its imposition has been approved by a majority of the registered voters of the district voting on the proposition at an election held for that purpose. Provides that the amount of the fee may be changed by duly adopted board resolution, not to exceed the maximum amount authorized by proposed law. Provides that no other election shall be required except as provided by proposed law.

Proposed law requires that the initial election on the question of the imposition of the fee be held at the same time as a regularly scheduled election in the city of New Orleans. Provides that the fee shall expire on Dec. 31, 2014. Authorizes renewal of such fee. Provides that any election to authorize fee renewal shall be held only at the same time as the mayoral primary election. Proposed law provides that if the fee is renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed eight years.

Proposed law provides that no fee shall be imposed upon any parcel whose owner qualifies for the special assessment level provided by Const. Art. VII, §18(G)(1) for persons age 65 or older meeting certain income and other criteria.

Proposed law provides that the fee shall be collected in the same manner and at the same time as ad valorem taxes on property subject to taxation by the city are levied and collected. Provides that any fee which is unpaid shall be added to the tax rolls of the city and shall be enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes.

Proposed law requires that the proceeds be used solely and exclusively for the purpose and benefit of the district. Requires the city to remit to the district all amounts collected not

more than 60 days after collection, but authorizes the city to retain 1% of the amount collected as a collection fee.

Proposed law requires the board of commissioners to adopt an annual budget in accordance with the Local Government Budget Act 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 any additional security patrols, public or private, provided by the district shall be supplemental to and not in lieu of personnel and services provided in the district by the state or city of New Orleans or their departments or agencies or by other political subdivisions.

Proposed law provides that if the district ceases to exist, all funds of the district shall be transmitted by the board to the city of New Orleans. Requires that all such funds, together with any other funds collected by the city of New Orleans pursuant to proposed law, be maintained in a separate account by the city. Further requires that such funds be used only to promote, encourage, and enhance the security of the area included in the district.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 33:9091.12)