
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by James Benton.

DIGEST

Proposed law, relative to the Pensiontown Subdivision Improvement District, creates the district in Orleans Parish as a special taxing district and political subdivision of the state and provides that its purpose is to promote and encourage the security, beautification, and overall betterment of the district. Specifies district boundaries. Provides that the district shall not include any property within its boundaries which is zoned and used as commercial property.

Proposed law provides for a 13 member board of commissioners for the district, who shall be residents of or property owners in the district appointed as follows:

- (1) Three members appointed by the Pensiontown Homeowners' Association's board of directors.
- (2) Three members appointed by the Palmer Park Neighborhood Association's board of directors.
- (3) Three members appointed by the Carrollton-Riverbend Neighborhood Association's board of directors
- (4) One member appointed by the mayor of New Orleans.
- (5) One member appointed by the member(s) of the La. House of Representatives who represents the area which comprises the district.
- (6) One member appointed by the member(s) of the La. Senate who represents the area which comprises the district.
- (7) One member appointed by the member(s) of the New Orleans city council who represents the area which comprises the district.

Proposed law specifies that members shall serve without compensation. Provides for a board president and secretary and other officers the board deems appropriate and provides that officers' duties shall be as provided in board bylaws. Requires the board to adopt such regulations as it deems necessary or advisable for conducting its business affairs and specifies that rules relative to public notice and conduct of public meetings must conform with public meetings laws. Requires that the board hold regular meetings as provided in its bylaws and allows it to hold special meetings at such times and places within the district as provided in the bylaws. Provides that a majority of the board shall constitute a quorum. Requires the board to keep minutes of all meetings. Provides that the district minute books and archives shall be maintained by the board's

secretary or acting secretary and that the district monies, funds, and accounts shall be in the official custody of the board.

Proposed law provides that board members serve two-year terms. Provides for filling of vacancies in the manner of the original appointments and permits reappointment of members.

Proposed law authorizes the New Orleans governing authority to impose and collect a parcel fee on each parcel of taxable real property in the district, such fee to be as requested by board resolution not to exceed \$240 per parcel per year. Defines a parcel as a lot, a subdivided portion of ground, or an individual tract. Specifies that the parcel owner shall be responsible for payment but provides that the fee shall be imposed only after request to the city by board resolution and after the question of its imposition has been approved by a majority of the district's registered voters who vote on the proposition at an election held at the time of a regularly scheduled election and conducted in accordance with the Louisiana Election Code. Provides that the board may increase the fee by resolution, without an election, not to exceed the maximum amount (\$240). Provides that the fee shall be levied initially for a term not to exceed nine years, provided that it shall expire on Dec. 31 of the year of a mayoral election. Provides that the fee may be renewed, if approved by a majority of the registered voters of the district voting on the proposition at an election. Requires any such election to be held only at the same time as the mayoral primary election. Provides, if the fee is renewed, that the term of the fee imposition shall not exceed eight years.

Proposed law requires that no fee shall be imposed upon any parcel whose owner qualifies for the special assessment level provided by Article VII, Section 18(G)(1) of the Louisiana Constitution.

Proposed law requires that the city collect the fee at the same time and in the same manner as ad valorem taxes and provides that any unpaid fee shall be added to the city tax rolls and enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes. Provides that fee proceeds shall be used exclusively for the purposes and benefit of the district and in accordance with the plan developed pursuant to proposed law (see below).

Proposed law requires that the proceeds be paid over to the Board of Liquidation, City Debt, day-by-day as collected and received by the appropriate city officials and be maintained in a separate account. Requires the Board of Liquidation, City Debt, to remit payments to the district as requested by warrant or draft not more than 30 days after receipt of the warrant or draft. Allows the city to retain one percent of proceeds as a collection fee.

Proposed law requires the board to adopt a budget in accordance with the Local Government Budget Act and provides that the budget and all amendments to it shall be subject to the approval of the New Orleans governing authority. Provides that the district is subject to audit by the legislative auditor.

Proposed law requires the board to prepare or cause to be prepared a plan(s) (referred to as the "plan") specifying the public improvements, facilities, and services proposed to be furnished, constructed, or acquired for the district. Requires the board to conduct such hearings, publish

notice with respect thereto, and disseminate such information as it, exercising sound discretion, may deem appropriate or advisable and in the public interest. Requires that any plan shall include:

- (1) An estimate of the annual and aggregate cost of acquiring, constructing, or providing the facilities, improvements, or services in the plan.
- (2) An estimate of the parcel fee rate required to be levied in each year to provide funds required for implementation of the plan.

Proposed law authorizes the board to contract with the New Orleans Police Department or with a private security company that has been certified and approved by the superintendent of the New Orleans Police Department for the provision of security patrols in the district. Specifies that 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 New Orleans Police Department.

Proposed law authorizes the district to perform or have performed any other function or activity necessary for the achievement of its primary objective of encouraging the beautification, security, and overall betterment of the district.

Effective August 15, 2008.

(Adds R.S. 33:9091.12)