

Regular Session, 2007

ACT No. 151

HOUSE BILL NO. 490

BY REPRESENTATIVE GRAY

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AN ACT

To enact R.S. 33:9091.11, relative to the Hurstville Security and Neighborhood Improvement District in Orleans Parish; to create and provide relative to such district, including provisions for the district and its board of commissioners and their powers, duties, functions, and responsibilities; to provide for the imposition and collection of a parcel fee and for the use thereof; to provide relative to liability of board members and officers; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9091.11 is hereby enacted to read as follows:

§9091.11. Hurstville Security and Neighborhood Improvement District

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

B. Boundaries. The boundaries of the district shall be that area within and including the following perimeter streets and avenues: Magazine Street (both sides) from Valmont Street to Nashville Avenue (downtown side only), to Hurst Street (river side only), to Arabella Street (downtown side only), to St. Charles Avenue (lake side only), including the parcel at the corner of the river side of St. Charles

1 Avenue and the downtown side of Arabella Street, to Nashville Avenue (downtown
 2 side only), to Loyola Avenue (both sides), to Octavia Street (both sides), to Liberty
 3 Street (both sides), to Jefferson Avenue (uptown side only), to Prytania Street
 4 (excluding all municipal numbers in this portion of Prytania Street), to Valmont
 5 Street (both sides), to Magazine Street.

6 C. Purpose. The district is established for the purpose of promoting and
 7 encouraging security in the area included within the district and promoting and
 8 encouraging the beautification and overall betterment of the district.

9 D. Governance. (1) The district shall be governed by a nine-member board
 10 of commissioners, referred to in this Section as the "board". The board shall be
 11 composed as follows:

12 (a) The president of the Hurstville Neighborhood Association, Inc., referred
 13 to in this Section as the "association".

14 (b) The board of directors of the association shall appoint four members.

15 (c) The mayor of the city of New Orleans shall appoint one member from a
 16 list of nominations submitted by the association.

17 (d) The member of the governing authority of the city of New Orleans whose
 18 council district encompasses all or the greater portion of the area of the district shall
 19 appoint one member from a list of nominations submitted by the association.

20 (e) The member of the Louisiana House of Representatives whose district
 21 encompasses all or the greater portion of the area of the district shall appoint one
 22 member from a list of nominations submitted by the association.

23 (f) The member of the Louisiana Senate whose district encompasses all or
 24 the greater portion of the area of the district shall appoint one member from a list of
 25 nominations submitted by the association.

26 (2) All members of the board shall be residents of the district.

27 (3)(a) Board members serving pursuant to Subparagraphs (1)(b) through (f)
 28 of this Subsection shall serve four-year terms after initial terms as provided in this
 29 Subparagraph. Two members shall serve initial terms of one year; two shall serve
 30 initial terms of two years; two shall serve initial terms of three years; and two shall

1 serve initial terms of four years, as determined by lot at the first meeting of the
2 board.

3 (b) The member serving pursuant to Subparagraph (1)(a) of this Subsection
4 shall serve during his term of office as president of the association.

5 (c) Any vacancy which occurs prior to the expiration of the terms for which
6 a member of the board has been appointed shall be filled for the remainder of the
7 unexpired term in the same manner as the original appointment. Board members
8 shall be eligible for reappointment.

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

12 (5) The minute books and archives of the district shall be maintained by the
13 secretary-treasurer of the board. The monies, funds, and accounts of the district shall
14 be in the official custody of the board.

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

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

25 (8) Each member of the board shall have one vote, and the vote of a majority
26 of the members of the board present and voting, a quorum being present, shall be
27 required to decide any question upon which the board takes action.

28 (9) The members of the board shall serve without compensation but shall be
29 reimbursed for their reasonable out-of-pocket expenses directly related to the
30 governance of the district.

1 E. Powers and Duties. The district, acting through its board, shall have the
 2 following powers and duties:

3 (1) To sue and be sued.

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

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

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

9 (5) To provide or enhance security patrols in the district, to provide for
 10 improved lighting, signage, or matters relating to the security of the district, to
 11 provide for the beautification of and improvements for the district, or to provide
 12 generally for the overall betterment of the district.

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

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

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

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

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

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

28 F. Parcel Fee. The governing authority of the city of New Orleans is hereby
 29 authorized to impose and collect a parcel fee within the district subject to and in
 30 accordance with the provisions of this Subsection.

1 (1) The amount of the fee shall be as requested by duly adopted resolution
2 of the board. The fee shall be a flat fee per improved parcel of land not to exceed
3 five hundred dollars per year for each improved parcel for calendar year 2008,
4 provided that the maximum shall be increased by twenty-five dollars per year for
5 each calendar year after 2008.

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

8 (a) For purposes of this Section, "parcel" means a lot, a subdivided portion
9 of ground, an individual tract, or a "condominium parcel" as defined in R.S.
10 9:1121.103.

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

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

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

21 (c) If approved, the fee shall expire on December 31, 2014, but the fee may
22 be renewed if approved by a majority of the registered voters of the district voting
23 on the proposition at an election as provided in Subparagraph (a) of this Paragraph.
24 Any election to authorize the renewal of the fee shall be held only at the same time
25 as the mayoral primary election for the city of New Orleans. If the fee is renewed,
26 the term of the imposition of the fee shall be as provided in the proposition
27 authorizing such renewal, not to exceed eight years.

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

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

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

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

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

11 G. Additional Contributions. The district is authorized to solicit and accept
 12 additional voluntary contributions and grants to further the purposes of the district.

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

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

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

22 J. Dissolution. (1) The district may be dissolved without the vote of the
 23 registered voters of the district if a majority of the area covered by the district
 24 becomes included in another district that serves similar purposes but includes
 25 additional parcels of property adjacent to the district, if approved by the affirmative
 26 vote of not less than five members of the board. If the district is dissolved in
 27 accordance with this Paragraph, the funds of the district that relate to the portion of
 28 the district that is included in the new district, together with any other funds collected
 29 by the city of New Orleans pursuant to this Section that relate to such portion of the
 30 district, shall be transferred to the new district to be used for purposes of the new

1 district. The remaining portion of funds, if any, shall be transmitted by the board to
2 the city of New Orleans and such funds shall be used only for law enforcement,
3 security, improvement, and beautification purposes of the area that was formerly
4 within the district but is not included in the new district.

5 (2) If the district is dissolved pursuant to Paragraph (1) of this Subsection,
6 the authority for the imposition of the parcel fee provided in Subsection F of this
7 Section shall cease.

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

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

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

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

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

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.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____