

Regular Session, 2008

HOUSE BILL NO. 1032

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 five-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 two members.

7           (b) The City Park Association and the Parkview Neighborhood Association  
8           shall jointly appoint one member.

9           (c) The two members of the governing authority of the city of New Orleans  
10          who are elected from Council District A and B shall each appoint one member.

11          (2) All members appointed pursuant to Paragraph (1) of this Subsection shall  
12          be qualified voters and residents of the district.

13          (3) Board members appointed pursuant to Paragraph (1) of this Subsection  
14          shall serve three-year terms.

15          (4)(a) Upon the expiration of the terms of members serving pursuant to  
16          Paragraph (1) of this Subsection, board members shall be appointed as provided is  
17          this Paragraph.

18          (i) The Mid-City Neighborhood Organization shall appoint three members.

19          (ii) The City Park Association shall appoint one member.

20          (ii) The Parkview Neighborhood Association shall appoint one member.

21          (b) All members appointed pursuant to Subparagraph (4)(a) of this Paragraph  
22          shall be qualified voters and residents of the district.

23          (c) Board members appointed pursuant to Subparagraph(4)(a) of this  
24          Subsection shall serve three-year terms after serving initial terms as provided in this  
25          Subparagraph. One member shall serve an initial term of one year; two shall serve  
26          initial terms of two years; and two shall serve an initial term of three years, as  
27          determined by lot at the first meeting of the board.

28          (5) Any vacancy which occurs prior to the expiration of the term for which  
29          a member of the board has been appointed shall be filled for the remainder of the

1 unexpired term in the same manner as the original appointment. Board members  
2 shall be eligible for reappointment.

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

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

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

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

19 (10) The members of the board shall serve without compensation but shall  
20 be reimbursed for reasonable out-of-pocket expenses directly related to the  
21 governance of the district.

22 E. Powers and duties. The district shall have the following powers and  
23 duties:

24 (1) To sue and be sued.

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

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

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

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

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

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

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

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

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

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

16                 (1) The amount of the fee shall be as requested by duly adopted resolution  
17                 of the board. The fee shall be a flat fee per improved parcel of land of not less than  
18                 two hundred dollars and not to exceed two hundred fifty dollars per year for each  
19                 improved residential parcel and not less than three hundred dollars and not to exceed  
20                 three hundred seventy-five dollars for each improved commercial parcel.

21                 (2) The fee shall be imposed on each improved parcel located within the  
22                 district.

23                         (a) For purposes of this Section, "parcel" means a lot, a subdivided portion  
24                         of ground, an individual tract, or a "condominium parcel" as defined in R.S.  
25                         9:1121.103.

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

27                         (3)(a) The fee shall be imposed only after the question of its imposition has  
28                         been approved by a majority of the registered voters of the district who vote on the  
29                         proposition at an election held for that purpose in accordance with the Louisiana

1        Election Code. The amount of the fee may be changed by duly adopted resolution  
2        of the board, not to exceed the maximum amount authorized by this Subsection. No  
3        other election shall be required except as provided by this Paragraph.

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

6                (c) If approved, the fee shall expire on December 31, 2015, but the fee may  
7        be renewed if approved by a majority of the registered voters of the district voting  
8        on the proposition at an election as provided in Subparagraph (a) of this Paragraph.  
9        Any election to authorize the renewal of the fee shall be held at the same time as a  
10       regularly scheduled election in the city of New Orleans. If the fee is renewed, the  
11       term of the imposition of the fee shall be as provided in the proposition authorizing  
12       such renewal, not to exceed eight years.

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

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

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

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

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

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

27               H. Miscellaneous. (1) It is the purpose and intent of this Section that any  
28       additional security patrols, public or private, or any other security or other services  
29       or betterments provided by the district shall be supplemental to and not be in lieu of

1 personnel and services to be provided in the district by the state or the city of New  
2 Orleans or their departments or agencies or by other political subdivisions.

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

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

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#### 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)]

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Lorusso

HB No. 1032

**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 five-member board of commissioners, all of whom shall be qualified voters and residents of the district. Board members shall be appointed as follows:

- (1) Two members appointed by the Mid-City Neighborhood Organization.
- (2) One member appointed jointly by the City Park Association and the Parkview Neighborhood Association.
- (3) One member appointed by each of the two members of the governing authority of the city of New Orleans who are elected from Council District A and B.

Proposed law provides that board members shall serve three-year terms.

Proposed law provides that upon the expiration of the terms of members appointed pursuant to (1) through (3) above, board members shall be appointed as follows:

- (1) Three members appointed by the Mid-City Neighborhood Organization.
- (2) One member appointed by the City Park Association.
- (3) One member appointed by the Parkview Neighborhood Association.

Proposed law requires all members appointed pursuant to (1) through (3) above to be qualified voters and residents of the district. Provides that such members shall serve three-year staggered terms.

Proposed law 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 of not less than \$200 and not more than \$250 per year for each improved residential parcel and not less than \$300 and not more than \$375 for each improved commercial parcel.

Proposed law defines a parcel as a lot, a subdivided portion of ground, an individual tract, or 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, 2015. Authorizes renewal of such fee. Provides that any election to authorize fee renewal shall be held at the same time as a regularly scheduled election in the city of New Orleans. 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 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)