

Regular Session, 2010

HOUSE BILL NO. 146

BY REPRESENTATIVE BROSSETT

DISTRICTS/NEIGHBORHOOD: Creates the Seabrook Neighborhood Improvement and Security District in Orleans Parish

1 AN ACT

2 To enact R.S. 33:9091.16, relative to Orleans Parish; to create the Seabrook Neighborhood  
3 Improvement and Security District within the parish; to provide relative to the  
4 purpose, governance, and powers and duties of the district; to provide for the  
5 imposition of a parcel fee and 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. 33:9091.16 is hereby enacted to read as follows:

11 §9091.16. Seabrook Neighborhood Improvement and 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 Seabrook Neighborhood Improvement and Security  
15 District, referred to in this Section as the "district". The district shall be a political  
16 subdivision of the state as defined in the Constitution of Louisiana.

17 B. Boundaries. The district shall be comprised of the area of the parish of  
18 Orleans lying within the following perimeter: Filmore Avenue, Leon C. Simon  
19 Boulevard, St. Roch Avenue, and Peoples Avenue.

1           C. Purpose. The district is established for the primary object and purpose of  
2           promoting and encouraging the beautification, security, and overall betterment of the  
3           district.

4           D. Governance. (1) The district shall be governed by a board of  
5           commissioners, referred to in this Section as the "board", consisting of members as  
6           follows:

7           (a) The president of the Seabrook Neighborhood Homeowners Association,  
8           referred to this Section as the "association".

9           (b) The city council member whose district encompasses all or a greater  
10          portion of the area of the district, or his designee.

11          (c) The governing board of the association shall appoint three members, one  
12          of whom shall be a member of the governing board of the association.

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

15          (3)(a) Board members serving pursuant to Subparagraph (1)(c) of this  
16          Subsection shall serve three-year terms after serving initial terms as follows: one  
17          member shall serve an initial term of one year, one member shall serve two years,  
18          and one member shall serve three years, as determined by lot at the first meeting of  
19          the board.

20          (b) The president of the association and the city council member shall serve  
21          on the board during their terms of office. Any designee of the city council member  
22          shall serve at the pleasure of such member.

23          (4) Vacancies resulting from the expiration of a term or for any other reason  
24          shall be filled for the remainder of the unexpired term in the manner of the original  
25          appointment.

26          (5) The members of the board shall select from among themselves a  
27          president and such other officers as they deem appropriate. The responsibilities of  
28          the officers shall be as provided by the bylaws of the board.

29          (6) The members of the board shall serve without compensation.

1           E. Powers and duties. The district, acting through its board of  
2           commissioners, shall have the 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 G of this  
7           Section.

8                   (4) To enter into contracts with individuals or entities, private or public, for  
9           the provision of security patrols in the district.

10                  (5) To purchase items and supplies which the board deems instrumental to  
11           achieving the purpose of the district.

12                  (6) To perform or have performed any other function or activity necessary  
13           for the achievement of the purpose of the district.

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

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

20                   (2)(a) The fee shall be imposed on each parcel located within the district.

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

24                   (c) The owner of each parcel shall be responsible for payment of the fee.

25                   (3)(a) The fee shall be imposed only after the question of its imposition has  
26           been approved by a majority of the registered voters of the district who vote on the  
27           proposition at an election held for that purpose in accordance with the Louisiana  
28           Election Code. The amount of the fee may be changed by duly adopted resolution

1 of the board, not to exceed the maximum amount authorized in this Subsection. No  
2 other election shall be required except as provided by this Paragraph.

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

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

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

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

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

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

22 G. Budget. (1) The board of commissioners shall adopt an annual budget  
23 in accordance with the Louisiana Local Government Budget Act, R.S. 39:1301 et  
24 seq. The budget and all amendments shall be subject to the approval of the New  
25 Orleans City Council.

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

28 H. Miscellaneous provisions. (1) It is the purpose and intent of this Section  
29 that the additional law enforcement or security personnel and their services provided

1        for through the fees authorized in this Section shall be supplemental to and not in  
2        lieu of personnel and services provided in the district by the New Orleans Police  
3        Department.

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

10       Section 2. This Act shall become effective on July 1, 2010; if vetoed by the governor  
11       and subsequently approved by the legislature, this Act shall become effective on July 1,  
12       2010, or on the day following such approval by the legislature, whichever is later.

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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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Brossett

HB No. 146

**Abstract:** Creates the Seabrook Neighborhood Improvement and Security District in Orleans Parish for the purpose of promoting and encouraging the beautification, security, and overall betterment of 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 Seabrook Neighborhood Improvement and Security District in Orleans Parish as a political subdivision of the state for the purpose of promoting and encouraging the beautification, security, and overall betterment of the district. Provides for district boundaries.

Proposed law provides that the district shall be governed by a board of five commissioners, all of whom shall be residents and qualified voters of the district. Provides that the board shall be composed as follows:

- (1) The president of the Seabrook Neighborhood Homeowners Association (association).
- (2) The city council member whose district encompasses all or a greater portion of the area of the district, or his designee.
- (3) Three members appointed by the governing board of the association, one of whom shall be a member of the governing board of the association.

Proposed law provides that appointed board members shall serve three-year staggered terms. Provides that vacancies shall be filled in the same manner as the original appointment. Further provides that members shall serve without compensation.

Proposed law authorizes the board to select from its members a president and such other officers as it may deem necessary. Provides that the duties of the officers shall be fixed by the bylaws adopted by the board.

Proposed law provides that the district 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.

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. Further provides that the fee shall be a flat fee per parcel of improved land not to exceed \$200 per year.

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).

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, but may be renewed at a mayoral primary election for 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. 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 provides that the proceeds of such tax shall be used solely and exclusively for the purpose and benefit of the district. Authorizes the city to retain 1% of the amount collected as a collection fee. Requires the city to remit to the district all amounts collected not more than 60 days after collection.

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 the additional law enforcement personnel and their services provided for through the fees authorized by proposed law shall be supplemental to and not in lieu of personnel and services provided in the district by the New Orleans Police Dept.

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

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

(Adds R.S. 33:9091.16)