

Regular Session, 2010  
HOUSE BILL NO. 146

# ACT No. 230

BY REPRESENTATIVE BROSSETT

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AN ACT

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

§9091.16. Seabrook Neighborhood Improvement and Security 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 Seabrook Neighborhood Improvement and Security 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 district shall be comprised of the area of the parish of Orleans lying within the following perimeter: Filmore Avenue, Leon C. Simon Boulevard, St. Roch Avenue, and Peoples Avenue.

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

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

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

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

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

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

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

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

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

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

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

27          E. Powers and duties. The district, acting through its board of  
 28          commissioners, shall have the following powers and duties:

29          (1) To sue and be sued.

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

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

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

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

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

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

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

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

17                  (b) For purposes of this Section, "parcel" means a lot, a subdivided portion  
 18                  of ground, an individual tract, or a "condominium parcel" as defined in R.S.  
 19                  9:1121.103.

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

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

27                  (b) If approved, the fee shall expire on December 31, 2014, but the fee may  
 28                  be renewed if approved by a majority of the registered voters of the district voting  
 29                  on the proposition at an election as provided in Subparagraph (a) of this Paragraph.

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

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

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

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

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

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

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

19 H. Miscellaneous provisions. (1) It is the purpose and intent of this Section  
 20 that the additional law enforcement or security personnel and their services provided  
 21 for through the fees authorized in this Section shall be supplemental to and not in  
 22 lieu of personnel and services provided in the district by the New Orleans Police  
 23 Department.

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_