

Regular Session, 2010

HOUSE BILL NO. 147

BY REPRESENTATIVE BROSSETT

DISTRICTS/NEIGHBORHOOD: Creates the Milneburg Neighborhood Improvement District in Orleans Parish

1 AN ACT

2 To enact R.S. 33:9080.4, relative to Orleans Parish; to create the Milneburg Neighborhood
3 Improvement District within the parish; to provide relative to the purpose,
4 governance, and powers and duties of the district; to provide for the imposition of
5 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. 33:9080.4 is hereby enacted to read as follows:

11 §9080.4. Milneburg Neighborhood Improvement 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 Milneburg Neighborhood Improvement District,
15 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: Mexico St., St. Roch Ave., Elysian
19 Fields Ave., and Filmore Ave.

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 Milneburg Neighborhood Homeowners Association,
8 referred to in this Section as the "association".

9 (b) The governing board of the association shall appoint three members.

10 (c) The member of the governing authority of the city of New Orleans whose
11 council district encompasses all or the greater portion of the area of the district shall
12 appoint one member from a list of nominations submitted by the association.

13 (d) The member of the Louisiana House of Representatives whose district
14 encompasses all or the greater portion of the area of the district shall appoint one
15 member from a list of nominations submitted by the association.

16 (e) The member of the Louisiana Senate whose district encompasses all or
17 the greater portion of the area of the district shall appoint one member from a list of
18 nominations submitted by the association.

19 (2) All members shall be residents and qualified voters of the district.

20 (3)(a) Board members serving pursuant to Subparagraphs (1)(b) through (e)
21 of this Subsection shall serve three-year terms after serving initial terms as follows:
22 two members shall serve an initial term of one year, two shall serve two years, and
23 two shall serve three years as determined by lot at the first meeting of the board.

24 (b) The president of the association shall serve during his term of office.

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

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

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

5 E. Powers and duties. The district, acting through its board, shall have the
6 following powers and duties:

7 (1) To sue and be sued.

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

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

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

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

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

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

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

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

25 (b) For purposes of this Section, "parcel" means a lot, a subdivided portion
26 of ground, an individual tract, or a "condominium parcel" as defined in R.S.
27 9:1121.103.

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

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

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

9 (c) If approved, the fee shall expire on December 31, 2014, but the fee may
10 be renewed if approved by a majority of the registered voters of the district voting
11 on the proposition at an election as provided in Subparagraph (a) of this Paragraph.
12 If the fee is renewed, the term of the imposition of the fee shall be as provided in the
13 proposition authorizing such renewal, not to exceed eight years.

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

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

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

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

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

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

1 H. Miscellaneous provisions. (1) It is the purpose and intent of this Section
 2 that the additional law enforcement personnel and their services provided for through
 3 the fees authorized in this Section shall be supplemental to and not in lieu of
 4 personnel and services provided in the district by the New Orleans Police
 5 Department.

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

12 Section 2. This Act shall become effective on July 1, 2010; if vetoed by the governor
 13 and subsequently approved by the legislature, this Act shall become effective on July 1,
 14 2010, or on the day following such approval by the legislature, whichever is later.

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)]

Brossett

HB No. 147

Abstract: Creates the Milneburg Neighborhood Improvement 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 Milneburg 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 seven 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 Milneburg Neighborhood Homeowners Association (association).
- (2) Three members appointed by the governing board of the association.

- (3) One member appointed by the member of the governing authority of the city of New Orleans whose council district encompasses all or the greater portion of the areas of the district from a list of nominations submitted by the association.
- (4) One member appointed by the member of the La. House of Representatives whose district encompasses all or the greater portion of the areas of the district.
- (5) One member appointed by the member of the La. Senate whose district encompasses all or the greater portion of the areas of the district.

Proposed law requires appointed board members to serve staggered three-year terms. Provides that members shall serve without compensation.

Proposed law provides relative to the powers and duties of the district including the following:

- (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 land not to exceed \$200 per year.

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. 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 of such tax 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 later 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 and shall be used only to promote, encourage, and enhance the security, beautification, and overall betterment of the area included in the district.

Effective July 1, 2010.

(Adds R.S. 33:9080.4)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill.

1. Removed requirement of proposed law that the election to renew the parcel fee be held at the same time as the mayoral primary election.