

ACT No. 231

Regular Session, 2010

HOUSE BILL NO. 147

BY REPRESENTATIVE BROSSETT

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.

20 C. Purpose. The district is established for the primary object and purpose of
21 promoting and encouraging the beautification, security, and overall betterment of the
22 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 Milneburg Neighborhood Homeowners Association,
 5 referred to in this Section as the "association".

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

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

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

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

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

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

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

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

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

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

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

1 (1) To sue and be sued.

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

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

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

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

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

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

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

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

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

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

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

29 (b) If approved, the fee shall expire on December 31, 2014, but the fee may
30 be renewed if approved by a majority of the registered voters of the district voting

1 on the proposition at an election as provided in Subparagraph (a) of this Paragraph.
 2 If the fee is renewed, the term of the imposition of the fee shall be as provided in the
 3 proposition authorizing such renewal, not to exceed eight years.

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

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

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

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

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

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

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

25 (2) If the district ceases to exist, all funds of the district shall be transmitted
 26 by the board to the city of New Orleans, and such funds, together with any other
 27 funds collected by the city of New Orleans pursuant to this Section, shall be
 28 maintained in a separate account by the city and shall be used only to promote,
 29 encourage, and enhance the security, beautification, and overall betterment of the
 30 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.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____