

Regular Session, 2013

# ACT No. 244

HOUSE BILL NO. 323

BY REPRESENTATIVES BADON, BILLIOT, WESLEY BISHOP, AND HONORE

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AN ACT

To enact R.S. 33:9091.21, relative to Orleans Parish; to create the Eastover 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. 33:9091.21 is hereby enacted to read as follows:

§9091.21. Eastover 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 Eastover 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. (1) The district shall be comprised of all property located in Eastover Subdivision within the following boundaries: the northern boundary is the northern boundary of the Eastover Subdivision, the southern boundary is Dwyer Road, the eastern boundary is the I-10 Service Road, and the western boundary is the Jahnce Canal.

1                   (2) The property located at 5690 Eastover Drive shall not be included in the  
 2                   district as long as a sales and administration office is located on the property and the  
 3                   office is available to the board to conduct its business.

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

7                   D. Governance. (1) In order for the orderly development and effectuation  
 8                   of the services to be furnished by the district and to provide for the representation in  
 9                   the affairs of the district of those persons and interests immediately concerned with  
 10                   and affected by the purposes and development of the area included within the  
 11                   district, the affairs of the district shall be managed by the members of the Eastover  
 12                   Property Owner's Association's board of directors, referred to in this Section as the  
 13                   "board".

14                   (2) The minute books and archives of the district shall be maintained by the  
 15                   board's secretary. The monies, funds, and accounts of the district shall be in the  
 16                   official custody of the board.

17                   (3) The duties of the officers shall be fixed by bylaws adopted by the board.  
 18                   The board shall adopt such rules and regulations as it deems necessary or advisable  
 19                   for conducting its business affairs. It shall hold regular meetings as shall be provided  
 20                   in the bylaws and may hold special meetings at such times and places within the  
 21                   district as may be prescribed in the bylaws.

22                   (4) A majority of the members of the board shall constitute a quorum for the  
 23                   transaction of business. The board shall keep minutes of all meetings and shall make  
 24                   them available through the board's secretary to residents of the district.

25                   (5) The members of the board shall serve without compensation.

26                   E. Powers and duties. The district, acting through the board, shall have the  
 27                   following powers and duties:

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

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

3                   (3) To purchase items and supplies which the board deems instrumental to  
 4                   achieving the purpose of the district.

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

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

10                   (1)(a) The amount of the fee shall be as requested by duly adopted resolution  
 11                   of the board. The fee shall be a flat fee per parcel of land, and the initial fee shall be  
 12                   sixteen hundred fifty-two dollars per year for each parcel.

13                   (b) If multiple adjacent parcels are combined for the purpose of housing a  
 14                   single family dwelling, the flat fee for the combined parcel shall be calculated to be  
 15                   one and four tenths times the single parcel fee for two adjacent parcels and one and  
 16                   six tenths times the single parcel fee for three or more adjacent parcels.

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

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

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

22                   (3)(a) The fee shall be imposed only after the question of its imposition has  
 23                   been approved by a majority of the registered voters of the district voting on the  
 24                   proposition at an election held for that purpose in accordance with the Louisiana  
 25                   Election Code.

26                   (b) The amount of the fee may be increased or decreased by duly adopted  
 27                   resolution of the board if approved by a majority of the registered voters of the  
 28                   district voting on the proposition at an election as provided in Subparagraph (a) of  
 29                   this Paragraph.

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

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

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

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

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

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

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

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

26                   Section 2. This Act shall become effective upon signature by the governor or, if not  
 27                   signed by the governor, upon expiration of the time for bills to become law without signature  
 28                   by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
2 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: \_\_\_\_\_