

Regular Session, 2012

HOUSE BILL NO. 336

BY REPRESENTATIVE LEGER

DISTRICTS/CRIME PREVENT: Creates the Upper Marlyville Security District within Orleans Parish

1 AN ACT

2 To enact R.S. 33:9091.19, relative to Orleans Parish; to create the Upper Marlyville Security
3 District within the parish; to provide relative to the purpose, governance, and powers
4 and duties of the district; to provide for the imposition of a parcel fee and for the use
5 thereof; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:9091.19 is hereby enacted to read as follows:

§9091.19. Upper Marlyville 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 Upper Marlyville Security District, referred to in this
15 Section as the "district". The district shall be a political subdivision of the state as
16 defined in the Constitution of Louisiana.

17 B. Boundaries. The boundaries of the district shall be that area included
18 within the following perimeter: beginning at the intersection of Vendome Place and
19 Dart Street, then west along Dart Street to its intersection with State Street Drive,
20 then south along State Street Drive to its intersection with Walmsley Avenue, then

1 west along Walmsley Avenue, to its intersection with Broadway Street, then south
2 along Broadway Street to its intersection with Fontainebleu Drive, then east along
3 Fontainebleu Drive to its intersection with Vendome Place, then north along
4 Vendome Place to the point of beginning.

5 C. Purpose. The purpose of the district shall be to aid in crime prevention
6 and reduction by providing additional security for district residents.

7 D. Governance. (1) The district shall be managed by a five-member board
8 of commissioners, referred to in this Section as the "board". The board shall be
9 composed as follows:

10 (a) The president of the Claiborne-University Neighborhood Association.

11 (b) The board of directors of the Claiborne-University Neighborhood
12 Association shall appoint one member.

13 (c) 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 nominees submitted by the Claiborne-University
16 Neighborhood Association.

17 (d) The member of the Louisiana Senate whose district encompasses all or
18 the greater portion of the area of the district shall appoint one member from a list of
19 nominees submitted by the Claiborne-University Neighborhood Association.

20 (e) The member of the governing authority of the city of New Orleans whose
21 council district encompasses all or the greater portion of the area of the district shall
22 appoint one member from a list of nominees submitted by the Claiborne-University
23 Neighborhood Association.

24 (2) All members of the board shall be residents of the district.

25 (3)(a) Board members serving pursuant to Subparagraphs (1)(b) through (e)
26 of this Subsection shall serve four-year terms after initial terms as follows: one
27 member shall serve an initial term of one year; one shall serve an initial term of two
28 years; one shall serve an initial term of three years; and one shall serve an initial term
29 of four years, as determined by lot.

1 (b) The member serving pursuant to Subparagraph (1)(a) of this Subsection
2 shall serve during his term of office as president of the Claiborne-University
3 Neighborhood Association.

4 (c) Any vacancy which occurs prior to the expiration of the term for which
5 a member of the board has been appointed shall be filled for the remainder of the
6 unexpired term in the same manner as the original appointment. Board members
7 shall be eligible for reappointment.

8 (4) The board shall elect from its members a chairman, a vice chairman, a
9 secretary, a treasurer, and such other officers as it may deem necessary. The duties
10 of the officers shall be fixed by the bylaws adopted by the board.

11 (5) The minute books and archives of the district shall be maintained by the
12 secretary or the treasurer of the board. The monies, funds, and accounts of the district
13 shall be in the official custody of the board.

14 (6) The board shall adopt such rules and regulations as it deems necessary
15 or advisable for conducting its business affairs. Rules and regulations of the board
16 relative to the notice and conduct of meetings shall conform to applicable law,
17 including laws relative to open meetings. The board shall hold regular meetings as
18 shall be provided for in the bylaws and may hold special meetings at such times and
19 places within the district as may be prescribed in the bylaws.

20 (7) A majority of the members of the board shall constitute a quorum for the
21 transaction of business. The board shall keep minutes of all meetings and shall make
22 them available through the secretary of the board to residents of the district.

23 (8) The members of the board shall serve without compensation but shall be
24 reimbursed for their reasonable out-of-pocket expenses directly related to the
25 governance of the district.

26 (9) Each member of the board shall have one vote. The vote of a majority of
27 the members of the board present and voting, a quorum being present, shall be
28 required to decide any question upon which the board takes action.

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

8 (4) To enter into contracts with individuals or entities, private or public.

9 (5) To provide or enhance security patrols in the district, to provide for
10 improved lighting, signage, or matters relating to the security of the district, to
11 provide for the improvements of the district, or to provide generally for the overall
12 betterment of the district.

13 (6) To enter into contracts and agreements with one or more other districts
14 for the joint security, improvement, or betterment of all participating districts.

15 (7) To provide for such services and make such expenditures as the board
16 deems proper for the upkeep of the district.

17 (8) To acquire or lease items and supplies which the board deems
18 instrumental to achieving the purposes of the district.

19 (9) To procure and maintain liability insurance against any personal or legal
20 liability of a board member that may be asserted or incurred based upon his service
21 as a member of the board or that may arise as a result of his actions taken within the
22 scope and discharge of his duties as a member of the board.

23 (10) To perform or have performed any other function or activity necessary
24 or appropriate to carry out the purposes of the district or for the overall betterment
25 of the district.

26 F. Parcel fee. The governing authority of the city of New Orleans may
27 impose and collect a parcel fee within the district subject to and in accordance with
28 the provisions of this Subsection:

1 (1) The amount of the fee shall be as requested by duly adopted resolution
2 of the board. The fee shall be a flat fee per parcel of land. The fee shall not exceed
3 four hundred dollars per year.

4 (2)(a) The fee shall be imposed on each parcel located within the district
5 except as provided in Paragraph (4) of this Subsection.

6 (b) For purposes of this Section, "parcel" means a lot, a subdivided portion
7 of ground, an individual tract, or a "condominium parcel" as defined in R.S.
8 9:1121.103.

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

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

16 (b) The fee shall expire four years after its initial levy but may be renewed
17 if approved by a majority of the registered voters of the district voting on the
18 proposition at an election as provided in Subparagraph (a) of this Paragraph. Any
19 election to authorize the renewal of the fee shall be held for that purpose in
20 accordance with the Louisiana Election Code. If the fee is renewed, the term of the
21 imposition of the fee shall be as provided in the proposition authorizing such
22 renewal, not to exceed four years.

23 (4) No fee shall be imposed upon any parcel whose owner qualifies for the
24 special assessment level provided by Article VII, Section 18(G)(1) of the
25 Constitution of Louisiana.

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

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

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

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

9 G. Additional contributions. The district is authorized to solicit and accept
10 additional, voluntary contributions and grants to further the purposes of the district.

11 H. Budget. (1) The board of commissioners shall adopt an annual budget in
12 accordance with the 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 I. Miscellaneous provisions. It is the purpose and intent of this Section that
16 any additional security patrols, public or private, or any other security or other
17 services or betterments provided by the district shall be supplemental to and not be
18 in lieu of personnel and services to be provided in the district by the state or the city
19 of New Orleans or their departments or agencies or by other political subdivisions.

20 J. Indemnification and exculpation. (1) The district shall indemnify its
21 officers and board members to the fullest extent permitted by R.S. 12:227, as fully
22 as if the district were a nonprofit corporation governed thereby, and as may be
23 provided in the district's bylaws.

24 (2) No board member or officer of the district shall be liable to the district
25 or to any individual who resides, owns property, visits, or otherwise conducts
26 business in the district for monetary damages for breach of his duties as a board
27 member or officer, provided that the foregoing provision shall not eliminate or limit
28 the liability of a board member or officer for any of the following:

1 (a) Acts or omissions not in good faith or which involve intentional
2 misconduct or a knowing violation of law.

3 (b) Any transaction from which he derived an improper personal benefit.

4 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
5 9:2792.1 through 2792.9, a person serving the district as a board member or officer
6 shall not be individually liable for any act or omission arising out of the performance
7 of his duties.

8 Section 2. This Act shall become effective upon signature by the governor or, if not
9 signed by the governor, upon expiration of the time for bills to become law without signature
10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
11 vetoed by the governor and subsequently approved by the legislature, this Act shall become
12 effective on the day following such approval.

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)]

Leger

HB No. 336

Abstract: Creates the Upper Marlyville Security District in Orleans Parish for the purpose of aiding in crime prevention and reduction by providing additional security for district residents. Provides for a board of commissioners and for the imposition and use of a parcel fee.

Proposed law creates the Upper Marlyville Security District in Orleans Parish as a political subdivision of the state for the purpose of aiding in crime prevention and reduction by providing additional security for district residents. Provides for district boundaries and that the district shall be governed by a board of five commissioners, all of whom shall be residents of the district, composed as follows:

- (1) The president of Claiborne-University Neighborhood Association (association).
- (2) One member appointed by the association's governing board.
- (3) One member appointed by the member of the La. House of Representatives whose district encompasses all or the greater portion of the district's area.
- (4) One member appointed by the member of the La. Senate whose district encompasses all or the greater portion of the district's area.
- (5) One member appointed by the member of the New Orleans City Council whose district encompasses all or the greater portion of the district's area.

Proposed law appointed members shall serve staggered four-year terms. Provides that the president of the association board shall serve during his term of office. Provides that vacancies shall be filled in the same manner as the original appointment and that members shall serve without compensation.

Proposed law authorizes the board to select from its members a president and other officers whose duties shall be fixed by the board bylaws. Provides for district powers 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.
- (4) To enter into contracts with individuals or entities, private or public, for the provision of security patrols.
- (5) To purchase items and supplies instrumental to achieving the district's purpose.
- (6) To perform or have performed any other function or activity necessary for achieving the district's purpose.

Proposed law authorizes the New Orleans City Council to impose and collect a parcel fee within the district, subject to voter approval, which amount shall be as requested by duly adopted board resolution. Provides that the fee shall be a flat fee per parcel and shall not to exceed \$400 per year. 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 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. Provides that the fee shall expire four years from its initial levy, but may be renewed, and that if renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing renewal, not to exceed four years.

Proposed law provides that the fee shall be collected in the same manner and at the same time as ad valorem taxes and that any unpaid fee shall be added to the city tax rolls and enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes. Proposed law provides that fee proceeds shall be used solely and exclusively for the district's purpose and benefit. Authorizes the city to retain 1% of the amount collected as a collection fee and 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 state, the city, or any other political subdivision.

Proposed law requires the district to indemnify its officers and board members to the fullest extent permitted by present law (relative to indemnification of officers, directors, employees, and agents of nonprofit corporations) as fully as if the district were a nonprofit corporation governed thereby and as may be provided in district bylaws. Provides that no board member

or officer shall be liable to the district or to any individual who resides, owns property, visits, or otherwise conducts business in the district for monetary damages for breach of duties; however, provides that this shall not eliminate or limit the liability of a board member or officer for:

- (1) Acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law.
- (2) Any transaction from which he derived an improper personal benefit.

Proposed law provides that a board member or officer shall not be individually liable for any act or omission arising out of the performance of his duties to the fullest extent permitted by present law relative to limitation of liability of directors, officers, and trustees of certain organizations and districts.

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

(Adds R.S. 33:9091.19)