

Regular Session, 2011

SENATE BILL NO. 118

BY SENATOR MILLS

MUNICIPALITIES. Establishes a downtown development district for the municipality of St. Martinville. (8/15/11)

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AN ACT

To enact R.S. 33:2740.40, relative to St. Martin Parish; to create the St. Martinville Downtown Development District within the parish; to provide relative to the boundaries, purpose, and powers and duties of the district; to provide relative to district funding, including the authority to levy taxes; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2740.40 is hereby enacted to read as follows:

§2740.40. St. Martinville Downtown Development District

A. Intent. The legislature hereby finds and declares that it is necessary for the public health, safety, and welfare of the city of St. Martinville that the property value deterioration in the downtown area be halted and that the causes of such deterioration be halted.

B. Creation. (1) The St. Martinville Downtown Development District, hereinafter referred to as the "district", is hereby created for the primary purpose of redevelopment of the central business district.

1 **(2) The boundaries of the district shall be that area within and including**
2 **the following perimeters: Railroad St. to Bayou Teche to Denbas St. to Lewis St.**
3 **and Washington St. and back to Railroad St.**

4 **C. Governance. (1) The governing authority of the district shall be a**
5 **board consisting of seven members, referred to in this Section as the "board",**
6 **appointed as follows:**

7 **(a) The governing authority of St. Martinville shall appoint three**
8 **members.**

9 **(b) The mayor of St. Martinville shall appoint one member.**

10 **(c) The state representative for the House of Representatives district**
11 **which encompasses all or the greater portion of the area of the district shall**
12 **appoint one member.**

13 **(d) The state senator for the Senate district encompassing all or the**
14 **greater portion of the area of the district shall appoint one member.**

15 **(e) The parish president of St. Martin Parish shall appoint one member.**

16 **(2) The appointments made pursuant to Subparagraphs (1)(b) through**
17 **(e) of this Subsection shall be subject to confirmation by the governing authority**
18 **of St. Martinville.**

19 **(3) If any appointing authority fails to make an appointment within**
20 **thirty days after notification by the board of a vacancy, the governing authority**
21 **of St. Martinville may appoint a member of its own choosing. Each member of**
22 **the board shall be a registered voter of St. Martin Parish. The appointing**
23 **authority may remove any member for cause.**

24 **(4) Terms of members shall be four years, except for initial terms which**
25 **shall be as follows: one shall be appointed for a term of one year, two for a term**
26 **of two years, two for a term of three years, and two for a term of four years as**
27 **determined by lot at the first meeting of the board. Vacancies occurring prior**
28 **to the expiration of a term shall be filled in the manner of the original**
29 **appointment for the remainder of the unexpired term.**

1 **(5) The board shall elect a chairman, a vice chairman, and a secretary-**
2 **treasurer from among its members. Officers shall serve one-year terms but**
3 **shall be eligible for reelection. The board shall adopt such rules for the**
4 **transaction of its business as it deems necessary and shall keep a record of its**
5 **resolutions, transactions, studies, findings, and determinations, which record**
6 **shall be a public record.**

7 **(6) The board may employ or contract with an executive director and**
8 **set his compensation and terms of employment. Notwithstanding any other**
9 **provision of law to the contrary, the board may establish the term of such**
10 **contract. The board also may employ such other employees as are necessary to**
11 **carry out the functions of the district as authorized by the board.**

12 **D. Redevelopment activities. (1) In order to effectuate the purposes of**
13 **this Section, the board shall have the specific authority provided in R.S.**
14 **33:4625(F); such authority shall be exercised solely within the district.**

15 **(2) The board shall formulate a redevelopment plan or plans for the**
16 **district and submit any plan to the governing authority of St. Martinville for**
17 **review. The board shall formulate a program or programs to implement any**
18 **redevelopment plan. Such a program shall implement the various plans in such**
19 **a manner as to aid and encourage private development of the area and to**
20 **promote and coordinate public development. In formulating such a program,**
21 **the board may conduct studies and may consult with all departments of the city**
22 **of St. Martinville and other public or private agencies concerned with matters**
23 **affecting or affected by the program.**

24 **(3) After adoption of the development program, the board may**
25 **implement any portion thereof in such manner as shall, in its judgment, most**
26 **likely accomplish the program. To that end, the district may employ or**
27 **contract with engineers, architects, attorneys, underwriters, and other**
28 **professionals necessary for the financing and implementation of the**
29 **construction, renovation, maintenance, or operation of facilities described in the**

1 redevelopment plan and may contract in accordance with law for the
2 construction, renovation, maintenance, or operation of the facilities.

3 (4) The board shall prepare each year an annual budget in accordance
4 with the Louisiana Local Government Budget Act, R.S. 39:1301 et seq.

5 E. Revenues. (1) Subject to the approval of the governing authority of
6 St. Martinville and district electors as provided in Paragraph (4) of this
7 Subsection, the district may levy an ad valorem tax not exceeding ten mills for
8 such number of years as may be provided in the proposition authorizing its levy
9 for the purpose of planning, constructing, acquiring, operating, or maintaining
10 public facilities contemplated by the redevelopment plan and for the operating
11 expenses of the district.

12 (2) Subject to the approval of the governing authority of St. Martinville
13 and district electors as provided in Paragraph (4) of this Subsection, the district
14 may issue general obligation bonds in accordance with the provisions of R.S.
15 39:551 et seq., for the purpose of constructing, acquiring, or improving any
16 work of public improvement contemplated by the redevelopment plan. As
17 provided by Article VI, Section 33 of the Constitution of Louisiana, the bonds
18 shall have pledged thereto the full faith and credit of the district, and the
19 district shall levy and collect taxes on all property subject to taxation in the
20 district sufficient to pay the bonds in principal, interest, and premium, if any,
21 as the same become due and payable.

22 (3) Any ad valorem tax levied by the district, including taxes levied
23 under Paragraph (1) of this Subsection or levied to provide for payment of
24 bonds authorized under Paragraph (2) of this Subsection, being special ad
25 valorem taxes, shall be subject to homestead exemption as provided by Article
26 VII, Section 20 of the Constitution of Louisiana.

27 (4) No ad valorem tax may be levied under the provisions of Paragraph
28 (1) of this Subsection nor may any bonds be issued under the provisions of
29 Paragraph (2) of this Subsection unless authorized by a majority of the electors

1 of the district who vote at an election held for that purpose in accordance with
 2 the applicable provisions of the Louisiana Election Code. The governing
 3 authority of the city of St. Martinville shall call any such election.

4 (5) Any tax levied under authority of this Subsection shall be in addition
 5 to all other taxes which other political subdivisions in St. Martin Parish are now
 6 or hereafter may be authorized by law to levy and collect. All services and
 7 programs to be provided from the proceeds of the tax shall be in addition to the
 8 services and programs which are otherwise provided by other governing
 9 authorities.

10 F. The district shall be authorized to enter into agreements with any
 11 person or persons, public or private, providing for contributions or payments
 12 towards the cost of financing public facilities in the district. The district is
 13 hereby authorized to issue bonds secured wholly or partly by the revenues of
 14 such agreements and wholly or partly by other revenues that may be received,
 15 from time to time, by the district provided the bonds are authorized and issued
 16 in the manner provided by R.S. 39:1011 et seq.

17 G. The financial records of the district shall be audited pursuant to the
 18 provisions of R.S. 24:513.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by James Benton.

DIGEST

Proposed law creates the St. Martinville Downtown Development District in the parish of St. Martin. Provides for the districts boundaries.

Proposed law provides that the district shall be governed by a seven member board of commissioners. Provides that the board shall be composed as follows:

- (a) The governing authority of St. Martinville shall appoint three members.
- (b) The mayor of St. Martinville shall appoint one member.
- (c) The state representative for the House of Representatives district which encompasses all or the greater portion of the area of the district shall appoint one member.
- (d) The state senator for the Senate district encompassing all or the greater portion of the area of the district shall appoint one member.

(e) The parish president of St. Martin Parish shall appoint one member.

Proposed law requires the board to elect from its number a chairman, a vice chairman, a treasurer, and such other officers as it may deem appropriate. Provides that board shall adopt bylaws and shall keep a record of its resolutions, transactions, studies, findings, and determinations.

Proposed law provides that the board shall formulate a redevelopment plan or plans for the district and submit any plan to the governing authority of St. Martinville for review. The board shall formulate a program or programs to implement any redevelopment plan. Such a program shall implement the various plans in such a manner as to aid and encourage private development of the area and to promote and coordinate public development. In formulating such a program, the board may conduct studies and may consult with all departments of the city of St. Martinville and other public or private agencies concerned with matters affecting or affected by the program.

Proposed law provides that the district may employ or contract with engineers, architects, attorneys, underwriters, and other professionals necessary for the financing and implementation of the construction, renovation, maintenance, or operation of facilities described in the redevelopment plan and may contract in accordance with law for the construction, renovation, maintenance, or operation of the facilities.

Proposed law provides that the board shall prepare each year an annual budget in accordance with the Louisiana Local Government Budget Act.

Proposed law provides that the district may, subject to approval by the governing authority and electors of St. Martinville, levy an ad valorem tax not exceeding ten mills for such number of years as may be provided in the proposition authorizing its levy for the purpose of planning, constructing, acquiring, operating, or maintaining public facilities contemplated by the redevelopment plan and for the operating expenses of the district.

Proposed law provides that the district may, subject to approval by the governing authority and electors of St. Martinville issue general obligation bonds in accordance with the provisions of present law for the purpose of constructing, acquiring, or improving any work of public improvement contemplated by the redevelopment plan. As provided by the Constitution of Louisiana, the bonds shall have pledged thereto the full faith and credit of the district, and the district shall levy and collect taxes on all property subject to taxation in the district sufficient to pay the bonds in principal, interest, and premium, if any, as the same become due and payable.

Proposed law provides that any tax levied shall be in addition to all other taxes which other political subdivisions in St. Martin Parish are now or hereafter may be authorized by law to levy and collect. All services and programs to be provided from the proceeds of the tax shall be in addition to the services and programs which are otherwise provided by other governing authorities.

Proposed law provides that the district shall be authorized to enter into agreements with any person or persons, public or private, providing for contributions or payments towards the cost of financing public facilities in the district. The district is hereby authorized to issue bonds secured wholly or partly by the revenues of such agreements and wholly or partly by other revenues that may be received, from time to time, by the district provided the bonds are authorized and issued in the manner provided by present law.

Proposed law provides that the financial records of the district shall be subject to audit by the legislative auditor.

Effective August 15, 2011.

(Adds R.S. 33:2740.40)