

Regular Session, 2008

SENATE BILL NO. 255

BY SENATOR GRAY

SPECIAL DISTRICTS. Provides for the Carrollton-Riverbend Neighborhood Association Security District. (8/15/08)

1 AN ACT  
2 To enact R.S. 33:9091.12, relative to the Carrollton-Riverbend Neighborhood Association  
3 Security District; to create and provide for such district, including provisions for the  
4 district and its board of commissioners and their powers, duties, functions, and  
5 responsibilities; to provide for the imposition and collection of a parcel fee and for  
6 the use thereof; and to provide for related matters.

7 Notice of intention to introduce this Act has been published.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:9091.12 is hereby enacted to read as follows:

10 **§9091.12. Carrollton-Riverbend Neighborhood Association Security District**  
11 **A. Creation. There is hereby created within the parish of Orleans, as**  
12 **more specifically provided in Subsection B of this Section, a body politic and**  
13 **corporate which shall be known as the Carrollton-Riverbend Neighborhood**  
14 **Association Security District, referred to in this Section as the "district." The**  
15 **district shall be a political subdivision of the state as defined in the Constitution**  
16 **of Louisiana.**

17 **B. Boundaries. The boundaries of the district shall be that area within**

1 the following perimeter: Leake Avenue to center line of Willow Street to  
2 Carrollton Avenue to Monticello Avenue. Those parcels on boundary streets  
3 that have municipal numbers outside of the district shall not be affected by the  
4 provisions of this Section.

5 C. Purpose. The district is established for the primary object and  
6 purpose of promoting and encouraging security in the area included within the  
7 district.

8 D. Governance. (1) In order to provide for the orderly development of  
9 the district and effectuation of the services to be furnished by the district and  
10 to provide for the representation in the affairs of the district of those persons  
11 and interests immediately concerned with and affected by security in the area,  
12 the district shall be managed by a nine-member board of commissioners,  
13 referred to in this Section as the "board." The board shall be composed as  
14 follows:

15 (a) The president of the Carrollton-Riverbend Neighborhood  
16 Association.

17 (b) The board of directors of the Carrollton-Riverbend Neighborhood  
18 Association shall appoint four members.

19 (c) The mayor of the city of New Orleans shall appoint one member to  
20 the board from a list of nominations submitted by the Carrollton-Riverbend  
21 Neighborhood Association.

22 (d) The member of the Louisiana House of Representatives whose  
23 district encompasses all or the greater portion of the area of the district shall  
24 appoint one member from a list of nominations submitted by the Carrollton-  
25 Riverbend Neighborhood Association.

26 (e) The member of the Louisiana Senate whose district encompasses all  
27 or the greater portion of the area of the district shall appoint one member from  
28 a list of nominations submitted by the Carrollton-Riverbend Neighborhood  
29 Association.

1           **(f) The member of the governing authority of the city of New Orleans**  
2           **whose council district encompasses all or the greater portion of the area of the**  
3           **district shall appoint one member from a list of nominations submitted by the**  
4           **Carrollton-Riverbend Neighborhood Association.**

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

6           **(3)(a) Board members serving pursuant to Subparagraphs (1)(b) through**  
7           **(f) of this Subsection shall serve four-year terms after initial terms as provided**  
8           **in this Subparagraph. Two members shall serve an initial term of one year; two**  
9           **shall serve an initial term of two years; two shall serve an initial term of three**  
10           **years; and two shall serve an initial term of four years, as determined by lot at**  
11           **the first meeting of the board.**

12           **(b) The member serving pursuant to Subparagraph (1)(a) of this**  
13           **Subsection shall serve during his term of office as president of the Carrollton-**  
14           **Riverbend Neighborhood Association.**

15           **(c) Any vacancy which occurs prior to the expiration of the term for**  
16           **which a member of the board has been appointed shall be filled for the**  
17           **remainder of the unexpired term in the same manner as the original**  
18           **appointment.**

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

22           **(5) The minute books and archives of the district shall be maintained by**  
23           **the secretary of the board. The monies, funds, and accounts of the district shall**  
24           **be in the official custody of the board.**

25           **(6) The board shall adopt such rules and regulations as it deems**  
26           **necessary or advisable for conducting its business affairs. It shall hold regular**  
27           **meetings as shall be provided for in the bylaws and may hold special meetings**  
28           **at such times and places within the district as may be prescribed in the bylaws.**

29           **(7) A majority of the members of the board shall constitute a quorum for**

1 the transaction of business. The board shall keep minutes of all meetings and  
2 shall make them available through the secretary of the board to residents of the  
3 district.

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

5 E. Powers and duties. The district, acting through its board of  
6 commissioners, shall have the 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  
10 this Section and in accordance with a budget adopted as provided by Subsection  
11 G of this Section.

12 (4) To enter into contracts with individuals or entities private or public  
13 for the provision of security patrols in the district. The district, through the  
14 board, may contract with the New Orleans Police Department or with a private  
15 security company which has been certified by the superintendent of the New  
16 Orleans Police Department for the provision of security patrols in the district.

17 (5) To purchase items or supplies which the board deems instrumental  
18 in achieving the purpose of the district.

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

21 (7) To acquire, lease, insure, and sell real property within its boundaries  
22 in accordance with district plans.

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

26 (1) The amount of the fee shall be as requested by duly adopted  
27 resolution of the board of the district. The fee shall be a flat fee per improved  
28 parcel of land not to exceed two hundred forty dollars per year for each  
29 improved parcel.

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

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

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

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

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

17           **(c) If approved, the fee shall expire on December thirty-first after the**  
18           **2014 mayoral election for the city of New Orleans, but the fee may be renewed**  
19           **if approved by a majority of the registered voters of the district voting on the**  
20           **proposition at an election as provided in Subparagraph (a) of this Paragraph.**  
21           **Any election to authorize renewal of the fee shall be held only at the same time**  
22           **as the mayoral primary election for the city of New Orleans. If the fee is**  
23           **renewed, the term of the imposition of the fee shall be as provided in the**  
24           **proposition authorizing such renewal, not to exceed eight years.**

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

28           **(5) The fee shall be collected at the same time and in the same manner**  
29           **as ad 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**  
 2                   **city and shall be enforced with the same authority and subject to the same**  
 3                   **penalties and procedures as unpaid ad valorem taxes.**

4                   **(7) 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**  
 6                   **the amount collected as a collection fee. The proceeds shall be paid over to the**  
 7                   **Board of Liquidation, City Debt, day-by-day as the same are collected and**  
 8                   **received by the appropriate officials of the city of New Orleans and maintained**  
 9                   **in a separate account. The proceeds shall be paid out by the Board of**  
 10                   **Liquidation, City Debt, solely for the purposes provided in this Section upon**  
 11                   **warrants or drafts drawn on the Board of Liquidation, City Debt, by the**  
 12                   **appropriate officials of the city and the treasurer of the district.**

13                   **G. Budget. (1) The board of commissioners shall adopt an annual budget**  
 14                   **in accordance with the Local Government Budget Act, R.S. 39:1301 et seq.**

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

17                   **H. Miscellaneous. It is the purpose and intent of this Section that any**  
 18                   **additional security patrols, public or private, provided by the district shall be**  
 19                   **supplemental to and not in lieu of personnel and services provided in the district**  
 20                   **by the New Orleans Police Department.**

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

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#### DIGEST

Proposed law creates the Carrollton-Riverbend Neighborhood Association Security District in Orleans Parish as a political subdivision of the state for the purpose of promoting and encouraging security in the area included within the district. Provides for district boundaries.

Proposed law provides that the district shall be governed by a board of nine commissioners all of whom shall be residents of the district. Provides that the board shall be composed as follows:

- (1) The president of the Carrollton-Riverbend Neighborhood Association.
- (2) Four members appointed by the board of directors of the Carrollton-Riverbend Neighborhood Association.

- (3) One member appointed by the mayor of the city of New Orleans from a list of nominations submitted by the Carrollton-Riverbend Neighborhood Association.
- (4) One member appointed by the member of the La. House of Representatives whose district encompasses all or the greater portion of the area of the district from a list of nominations submitted by the Carrollton-Riverbend Neighborhood Association.
- (5) One member appointed by the membr of the La. Senate whose district encompasses all or the greater portion of the area of the district from a list of nominations submitted by the Carrollton-Riverbend Neighborhood Association.
- (6) 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 area of the district from a list of nominations submitted by the Carrollton-Riverbend Neighborhood Association.

Proposed law provides that appointed board members shall serve four-year staggered terms. Provides that the president of the Carrollton-Riverbend Neighborhood Association shall serve during his term of office. Further provides that members shall serve without compensation.

Proposed law requires the board to elect from its members a chairman, a vice chairman, a secretary-treasurer, and such other officers it deems necessary. Provides that the duties of the officers shall be fixed by the bylaws adopted by the board.

Proposed law provides that the district, through its board of commissioners, shall have the following powers and duties:

- (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 in the district.
- (5) To purchase items and supplies which the board deems instrumental to achieving the purpose of the district.
- (6) To perform or have performed any other function or activity necessary for the achievement of the purpose of the district.
- (7) To acquire, lease, insure, and sell real property within its boundaries in accordance with district plans.

Proposed law authorizes the governing authority of the city of New Orleans to levy 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 of the district. Further provides that the fee shall be a flat fee per improved parcel of land not to exceed \$240 per year.

Proposed law defines a parcel as a lot, a subdivided portion of ground, an individual tract, or a condominium parcel. Further provides that the owner of each parcel shall be responsible for payment of the fee.

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 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 December 31 after the 2014 mayoral election for the city of New Orleans. Authorizes renewal of such fee. Provides that any election to authorize fee renewal shall be held only at the same time as the mayoral primary election.

Proposed law provides that if the fee is renewed, the term of the imposition of the fee shall be provided in the proposition authorizing such renewal, not to exceed eight years.

Proposed law provides that no tax shall be imposed upon any parcel whose owner qualifies for the Louisiana Special Assessment Level provided by Const. Art. VII §18(G)(1) for persons age 65 or older meeting certain income and other criteria.

Proposed law provides that the fee shall be collected in the same manner and at the same time as all other 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 provides that the proceeds of the fee shall 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. Provides that the proceeds shall be paid over to the Board of Liquidation, City Debt, day-by-day as the same are collected and received by the appropriate officials of the city of New Orleans and maintained in a separate account. Further provides that the proceeds shall be paid out by the Board of Liquidation, City Debt, solely for the purposes provided in proposed law upon warrants or drafts on the Board of Liquidation, City Debt, by the appropriate officials of the city and the treasurer of the district.

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 any additional security patrols, public or private, provided by the district shall be supplemental to and not in lieu of personnel and services provided in the district by the New Orleans Police Department.

Effective August 15, 2008.

(Adds R.S. 33:9091.12)