

ACT No. 419

2024 Regular Session

HOUSE BILL NO. 225

BY REPRESENTATIVE BOYD

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AN ACT

To enact R.S. 33:9091.28, relative to Orleans Parish; to create the Tall Timbers Crime Prevention and Improvement District; to provide relative to the boundaries, purpose, governance, and powers and duties of the district; to provide relative to district funding; to authorize the city, subject to voter approval, to impose and collect a parcel fee for the district; 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. 33:9091.28 is hereby enacted to read as follows:

§9091.28. Tall Timbers Crime Prevention and Improvement 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 known as the Tall Timbers Crime Prevention and Improvement District, referred to in this Section as the "district". The district is a political subdivision of the state as defined in the Constitution of Louisiana.

B. Boundaries. The district is comprised of all lots within Sections 2 through 10 of the Tall Timbers Subdivision, which lots front on or abut any of the streets within the Subdivision, namely: Tall Oaks Drive, Inwood Avenue, South Inwood Avenue, Pin Oak Avenue, South Pin Oak Avenue, Post Oak Avenue, South Post Oak Avenue, White Oak Avenue, North Teak Avenue, Red Oak Drive, Red Oak Court,

1 Tall Pines Drive, Mimosa Drive, Mimosa Court, Peach Tree Court, Silver Maple
2 Court, or Red Cypress Drive.

3 C. Purpose. The district is established for the primary objects and purposes
4 of aiding in crime prevention for district residents and their property and serving the
5 needs of residents of the district by funding beautification and other activities and
6 improvements for the overall betterment of the district and the quality of life of its
7 residents.

8 D. Governance. (1) The district shall be managed by a nine-member board
9 of commissioners, referred to in this Section as the "board". The board shall be
10 composed of the president and treasurer of the Tall Timbers Owners Association and
11 seven other members appointed by the board of the association.

12 (2) All members of the board shall be residents of the district and members
13 in good standing of the Tall Timbers Owners Association.

14 (3) Appointed board members shall serve four-year terms except that the Tall
15 Timbers Owners Association may specify a shorter initial term when making its
16 initial appointments.

17 (4) The board shall elect from its members a chairman, a vice chairman, a
18 secretary, a treasurer, and other officers as it deems necessary. The duties of the
19 officers shall be fixed by the bylaws adopted by the board.

20 (5) The secretary or the treasurer of the board shall maintain the minute
21 books and archives of the district. The monies, funds, and accounts of the district
22 shall be in the official custody of the board.

23 (6) The board may adopt rules and regulations for conducting its business
24 affairs. Rules and regulations of the board relative to the notice and conduct of
25 meetings shall conform to applicable law, including laws relative to open meetings.
26 The board shall hold regular meetings and may hold special meetings at times and
27 places within the district as prescribed in the bylaws.

28 (7) A majority of the members of the board constitutes a quorum for the
29 transaction of business. The board shall keep minutes of all meetings and shall make
30 them available through the secretary of the board to residents of the district.

1 (8) The members of the board shall serve without compensation but shall be
 2 reimbursed for reasonable out-of-pocket expenses directly related to the governance
 3 of the district.

4 (9) Each member of the board has one vote. The vote of a majority of the
 5 members of the board present and voting, a quorum being present, is required to
 6 decide any question upon which the board takes action.

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

9 (1) To sue and be sued.

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

11 (3) To receive and expend funds collected pursuant to Subsections F and G
 12 of this Section and in accordance with a budget adopted as provided by Subsection
 13 H of this Section.

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

15 (5) To provide or enhance security patrols in the district, to provide for
 16 improved lighting, signage, or matters relating to the security and beautification of
 17 the district.

18 (6) To enter into contracts and agreements for security, improvement, or
 19 betterment of the district, including with one or more other districts for the joint
 20 security, improvement, or betterment of all participating districts.

21 (7) To provide for services and make expenditures as the board deems proper
 22 for the upkeep and beautification of the district and the quality of life of its residents.

23 (8) To acquire or lease items and supplies that the board deems instrumental
 24 to achieving the purposes of the district.

25 (9) To procure and maintain liability insurance against any liability of the
 26 district and against any personal or legal liability of a board member that may be
 27 asserted or incurred based upon his service as a member of the board or that may
 28 arise as a result of his actions taken within the scope and discharge of his duties as
 29 a member of the board.

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

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

7 (1)(a) The amount of the fee shall be as requested by duly adopted resolution
8 of the board. For the first two years, the initial fee shall not exceed two hundred
9 thirty dollars per year per parcel.

10 (b) For the third and any subsequent year in which the fee is collected, the
11 fee shall not exceed two hundred fifty dollars per year per parcel.

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

13 (b) For purposes of this Section, "parcel" means a lot, a subdivided portion
14 of ground, or an individual tract.

15 (c) The owner of each parcel is responsible for payment of the fee.

16 (3)(a) The fee shall be imposed only after the question of its imposition has
17 been approved by a majority of the registered voters of the district who vote on the
18 proposition at an election held for that purpose in accordance with the Louisiana
19 Election Code.

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

27 (4) The fee shall be collected at the same time and in the same manner as
28 city ad valorem taxes.

1 (5) 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 (6)(a) The city of New Orleans shall remit to the district all amounts
5 collected not more than sixty days after collection.

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

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

11 H. Budget. (1) The board of commissioners shall adopt an annual budget
12 in 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. (1) It is the purpose and intent of this Section
16 that 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 (2) If the district ceases to exist, the board shall transmit all district funds to
21 the city of New Orleans, and such funds, together with any other funds collected by
22 the city of New Orleans pursuant to this Section, shall be maintained in a separate
23 account by the city and shall be used only to promote, encourage, and enhance the
24 security of the area included in the district.

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

29 (2) No board member or officer of the district is liable to the district or to
30 any individual who resides, owns property, visits, or otherwise conducts business in

1 the district for monetary damages for breach of his duties as a board member or
2 officer; however the foregoing provision does not eliminate or limit the liability of
3 a board member or officer for any of the following:

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

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

7 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
8 9:2792.1 through 2792.9, a person serving the district as a board member or officer
9 shall not be held individually liable for any act or omission arising out of the
10 performance of his duties.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____