

2015 Regular Session

SENATE BILL NO. 25

BY SENATOR PETERSON

SPECIAL DISTRICTS. Provides relative to the Broadmoor Neighborhood Improvement District within the parish of Orleans. (8/1/15)

1 AN ACT

2 To amend and reenact R.S. 33:9091.17(D), (E), (F), (G), (H), (I), (J), and (K) and to enact
3 R.S. 33:9091.17(L) relative to the Broadmoor Neighborhood Improvement District
4 within the parish of Orleans; to provide relative to the composition of the board; to
5 provide for governance of the board; to provide for a parcel fee; to provide for an
6 effective date; 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. 33:9091.17(D), (E), (F), (G), (H), (I), (J), and (K) are hereby
10 amended and reenacted and R.S. 33:9091.17(L) is hereby enacted to read as follows:

11 §9091.17. Broadmoor Neighborhood Improvement District

12 * * *

13 D. Governance **Board composition.** (1) The district shall be governed by the
14 nine-member **elected** BIA board **and up to four board members to be appointed**
15 **pursuant to the BIA's bylaws,** referred to in this Section as the "board".

16 (2)(a) **Until the term commencing on January 1, 2017, Three** ~~three~~ board
17 members shall be elected from each subgroup of the district.

1 (b) Elections will occur as provided in the district's bylaws.

2 (c) Board members shall serve two-year terms.

3 (d) Any vacancy which occurs prior to the expiration of the terms for a
4 board member shall be filled for the remainder of the unexpired term in the
5 same manner as the original election. Board members shall be eligible for
6 reelection.

7 (3)(a) ~~Board members shall serve two-year terms.~~ For the term
8 commencing on January 1, 2017, and all terms thereafter, three board members
9 shall be elected from each subgroup of the district annually.

10 (b) Elections will occur as provided in the district's bylaws.

11 (c) Board members elected pursuant to Subparagraph (b) of this
12 Subsection shall be elected to initial terms as follows: a one-year term; a two-
13 year term; and a three-year term for each subgroup. At the expiration of these
14 initial terms of office, all subsequent board members' terms shall be three years,
15 thereby establishing staggered board terms. Board members shall be eligible
16 for reelection.

17 ~~(b)(d)~~ Any vacancy which occurs prior to the expiration of the terms for a
18 board member shall be filled for the remainder of the unexpired term in the same
19 manner as the original election. ~~Board members shall be eligible for reelection.~~

20 ~~(4)~~ **E. Governance. (1)** The board shall elect from its members a chairman,
21 a vice chairman, a secretary-treasurer, and such other officers as it may deem
22 necessary. The duties of the officers shall be fixed by the bylaws adopted by the
23 board.

24 ~~(5)~~**(2)** The minute books and archives of the district shall be maintained by
25 the secretary-treasurer of the board. The monies, funds, and accounts of the district
26 shall be in the official custody of the board.

27 ~~(6)~~**(3)** The board shall adopt such rules, regulations, and bylaws as it deems
28 necessary or advisable for conducting its business affairs. Rules and regulations of
29 the board relative to the notice and conduct of meetings shall conform to applicable

1 law, including R.S. 42:11 et seq., relative to open meetings. The board shall hold
2 regular meetings as shall be provided for in the bylaws and may hold special
3 meetings at such times and places within the district as may be prescribed in the
4 bylaws.

5 ~~(7)~~**(4)** A majority of the members of the board shall constitute a quorum for
6 the transaction of business. The board shall keep minutes of all meetings and shall
7 make them available through the secretary-treasurer of the board.

8 ~~(8)~~**(5)** Each member of the board shall have one vote, and the vote of a
9 majority of the members of the board present and voting, a quorum being present,
10 shall be required to decide any question upon which the board takes action.

11 ~~(9)~~**(6)** The members of the board shall serve without compensation but shall
12 be reimbursed for their reasonable out-of-pocket expenses directly related to the
13 governance of the district.

14 ~~E~~**F**. Powers and duties. The district, acting through its board, shall have the
15 following powers and duties:

16 (1) To sue and be sued.

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

18 (3) To receive and expend funds collected pursuant to Subsection ~~F~~**G** of this
19 Section and in accordance with a budget adopted as provided by Subsection ~~H~~**I** of
20 this Section.

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

22 (5) To provide or enhance security patrols in the district, to provide for
23 improved lighting, signage, or matters relating to the security of the district, to
24 provide for the beautification of and improvements for the district, or to provide
25 generally for the overall betterment of the district as outlined in the Broadmoor
26 Redevelopment Plan.

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

29 (7) To provide for such services and make such expenditures as the board

1 deems proper for the upkeep of the district.

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

4 (9) To acquire, lease, insure, and sell real property within the boundaries of
5 the district in accordance with district plans.

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

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

13 **FG**. Parcel fee. The governing authority of the city of New Orleans is hereby
14 authorized to impose and collect a parcel fee within the district subject to and in
15 accordance with the provisions of this Subsection. For purposes of this Section, a
16 parcel is defined as a lot, a subdivided portion of ground, or an individual tract.

17 (1) The amount of the fee shall be as requested by duly adopted resolution of
18 the board. The fee shall be a flat fee per improved parcel of land not to exceed ~~one~~
19 **two** hundred dollars per year for each parcel. No fee shall be imposed upon any
20 parcel whose owner qualifies for the special assessment level provided by Article
21 VII, Section 18(G)(1) of the Constitution of Louisiana.

22 (2) The owner of each parcel located within the district shall be responsible
23 for payment of the fee.

24 (3)(a) The fee shall be imposed only after the question of its imposition has
25 been approved by a majority of the registered voters of the district who vote on the
26 proposition at an election held for that purpose in accordance with the Louisiana
27 Election Code. The fee shall not be increased during the period of its initial levy.

28 (b) The question of the imposition of the parcel fee shall be submitted to the
29 voters in a proposition at an election held for that purpose in accordance with the

1 Louisiana Election Code.

2 (c) If approved, the initial fee shall expire on December 31, 2015, but the fee
3 may be renewed if approved by a majority of the registered voters of the district
4 voting on the proposition at an election as provided in Subparagraph (a) of this
5 Paragraph. Any election to authorize the renewal of the fee shall be held for that
6 purpose in accordance with the Louisiana Election Code. If the fee is renewed, the
7 term of the imposition of the fee shall be as provided in the proposition authorizing
8 such renewal, not to exceed five years.

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

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

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

17 (b) The city of New Orleans shall remit to the district all amounts collected
18 not more than thirty days after collection.

19 ~~G~~H. Additional contributions. The district is authorized to solicit and accept
20 additional voluntary contributions and grants to further the purposes of the district.

21 ~~H~~I. Budget. (1) The board shall adopt an annual budget in accordance with
22 the Louisiana Local Government Budget Act, R.S. 39:1301 et seq.

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

25 ~~I~~J. Miscellaneous. (1) It is the purpose and intent of this Section that any
26 additional services or betterments provided by the district shall be supplemental to
27 and not be in lieu of personnel and services to be provided in the district by the state
28 or the city of New Orleans or their departments or agencies or by other political
29 subdivisions.

1 (2) The district may perform or have performed any other function or activity
2 necessary for the achievement of its primary objective of encouraging the
3 beautification, security, and overall betterment of the area included within the district
4 as outlined in the Broadmoor Redevelopment Plan.

5 ~~JK~~. Dissolution. (1) The district may be dissolved after the question of its
6 dissolution has been approved by a majority of the registered voters of the district
7 voting on the proposition at a regularly scheduled election conducted in accordance
8 with the provisions of the Louisiana Election Code. The question may be placed on
9 the ballot only after it has been approved by the affirmative vote of not less than five
10 members of the district board.

11 (2) If and when the district ceases to exist:

12 (a) All funds of the district shall be transmitted by the board to the BIA and
13 such funds, together with any other funds collected by the city of New Orleans
14 pursuant to this Section, shall be maintained by the BIA and shall be used only for
15 law enforcement, security, improvement, and beautification purposes of the district.

16 (b) The authority for the imposition of the parcel fee provided in this Section
17 shall cease.

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

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

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

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

- 1 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
 2 9:2792.1 through 2792.9, a person serving the district as a board member or officer
 3 shall not be individually liable for any act or omission arising out of the performance
 4 of his duties.

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

DIGEST

SB 25 Reengrossed

2015 Regular Session

Peterson

Present law provides for the district to be governed by the nine-member Broadmoor Improvement Association (BIA) board.

Proposed law provides that the district shall be governed by the nine-member elected BIA board and up to four board members who are to be appointed pursuant to the BIA's bylaws.

Present law provides for three board members to be elected from each subgroup of the district and serve two-year terms.

Proposed law retains present law and commencing on January 1, 2017, and all terms thereafter, three board members shall be elected from each subgroup of the district annually.

Proposed law provides for board members to initially serve a one-year term; a two-year term; and a three-year term for each subgroup and at the expiration of the initial terms all subsequent board members' terms shall be three years.

Present law provides for a flat parcel fee per improved parcel of land not to exceed \$100 per year for each parcel.

Proposed law provides for a flat parcel fee per improved parcel of land not to exceed \$200 per year for each parcel.

Effective August 1, 2015.

(Amends R.S. 33:9091.17(D), (E), (F), (G), (H), (I), (J), and (K); adds R.S. 33:9091.17(L))

Summary of Amendments Adopted by SenateCommittee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill

1. Changes term of office for board members to three years beginning January 1, 2017, and provides for staggered initial terms.
2. Technical.

Senate Floor Amendments to engrossed bill

1. Makes technical changes.