

Regular Session, 2008

SENATE BILL NO. 568

BY SENATOR GRAY

SPECIAL DISTRICTS. Creates and provides for the Pensiontown Subdivision Improvement District. (8/15/08)

AN ACT

To enact R.S. 33:9091.12, relative to the Pensiontown Subdivision Improvement District; to create and provide for such district, including provisions for the district and its board of commissioners and their powers, duties, functions, and responsibilities; to provide for the imposition and collection of a parcel fee and for the use thereof; 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. 33:9091.12 is hereby enacted to read as follows:

§9091.12. Pensiontown Subdivision Improvement District; creation, composition, powers; levy of parcel fee

A. Creation. The Pensiontown Subdivision Improvement District, a special taxing district and political subdivision of the state, hereinafter referred to as the "district," is hereby created in Orleans Parish.

B. Boundaries. (1) The district shall be comprised of the area located within the following boundaries: the center line of Carrollton Avenue, the center line of Willow Street, Monticello Avenue, and the center line of Claiborne

1 Avenue.

2 (2) The district shall not include any property within the boundaries as
3 provided in Paragraph (1) of this Subsection which is zoned and used as
4 commercial property.

5 C. Purpose. The district is established for the primary object and
6 purpose of promoting and encouraging the beautification, security, and overall
7 betterment of the Pensiontown Subdivision.

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 the purposes and
12 development of the area, the affairs of the district shall be managed by a
13 thirteen-member board of commissioners, referred to in this Section as the
14 "board," who shall be appointed as follows:

15 (a) The Pensiontown Homeowners' Association's board of directors shall
16 appoint three members.

17 (b) The Palmer Park Neighborhood Association's board of directors shall
18 appoint three members.

19 (c) The Carrollton Riverbend Association's board of directors shall
20 appoint three members.

21 (d) The mayor of the city of New Orleans shall appoint one member from
22 a list of nominations submitted by the three neighborhood associations listed
23 above.

24 (e) The member of the Louisiana House of Representatives whose district
25 encompasses all or the greater portion of the area of the district shall appoint
26 one member from a list of nominations submitted by the three neighborhood
27 associations listed above.

28 (f) The member of the Louisiana Senate whose district encompasses all
29 or the greater portion of the area of the district shall appoint one member from

1 a list of nominations submitted by the three neighborhood associations listed
2 above.

3 (g) The member of the New Orleans City Council whose district
4 encompasses all or the greater portion of the area of the district shall appoint
5 one member from a list of nominations submitted by the three neighborhood
6 associations listed above.

7 (2) Each member of the board shall be a resident of or own property
8 within the district.

9 (3) The members of the board shall serve without compensation.

10 (4) The members of the board shall select from among themselves a
11 president and a secretary and such other officers as they deem appropriate. The
12 duties of the officers shall be fixed by bylaws adopted by the board. The board
13 shall adopt such rules and regulations as it deems necessary or advisable for
14 conducting its business affairs. The rules and regulations relative to public
15 notice and conduct of public meetings shall all conform with the provisions of
16 R.S. 42:4.1 et seq. The board shall hold regular meetings as shall be provided
17 in the bylaws and may hold special meetings at such times and places within the
18 district as may be provided in the bylaws.

19 (5) The minute books and archives of the district shall be maintained by
20 the board's secretary or acting secretary. The monies, funds, and accounts of
21 the district shall be in the official custody of the board.

22 (6) A majority of the members of the board shall constitute a quorum for
23 the transaction of business. The board shall keep and maintain minutes of all
24 meetings and shall make a copy of such minutes available through the board's
25 secretary.

26 (7) The term of each board member shall be two years. A member of the
27 board may be appointed for a succeeding term. A vacancy on the board shall be
28 filled in the manner of the original appointment for the remainder of the
29 unexpired term.

1 **E. Parcel fee. (1) The governing authority of the city of New Orleans may**
2 **levy and collect a parcel fee upon each parcel of taxable real property within the**
3 **district in accordance with the provisions of this Subsection. For purposes of**
4 **this Section, "parcel" means a lot, a subdivided portion of ground, or an**
5 **individual tract.**

6 **(a) Such fee shall be levied only as authorized by the Pensiontown**
7 **Subdivision Improvement District as provided in this Subsection.**

8 **(b) The amount of the fee shall be as requested by duly adopted**
9 **resolution of the board. The fee, however, shall not exceed two hundred forty**
10 **dollars per parcel per year. The owner of the parcel shall be responsible for**
11 **payment of the fee.**

12 **(c) The fee shall be levied only upon request by the board to the city of**
13 **New Orleans and only after the question of its levy has been approved by a**
14 **majority of the registered voters of the district voting on the proposition at an**
15 **election held for that purpose in accordance with the Louisiana Election Code**
16 **at a regularly scheduled election. The board may increase the amount of the fee,**
17 **by duly adopted resolution, not to exceed the amount provided in Subparagraph**
18 **(b) of this Paragraph without the necessity of an election.**

19 **(d) The fee shall be levied initially for a term not to exceed nine years,**
20 **provided that such term shall expire on December thirty-first of the year of a**
21 **mayoral election. Subsequent to its initial levy, the fee may be renewed as**
22 **provided in Subparagraph (c) of this Paragraph for a term not to exceed eight**
23 **years. Any election to authorize renewal of the fee shall be held only at the same**
24 **time as the mayoral primary election.**

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

28 **(f) Such fee shall be levied and collected in the same manner and at the**
29 **same time as ad valorem taxes on property are levied and collected by the city.**

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

4 (2) Except for the collection fee authorized in this Paragraph, the
5 proceeds of the fee shall be used solely and exclusively for the purposes and
6 benefit of the district and in accordance with the plan developed pursuant to
7 Subsection G of this Section. The proceeds shall be paid over to the Board of
8 Liquidation, City Debt, day by day as the same proceeds are collected and
9 received by the appropriate officials of the city of New Orleans and maintained
10 in a separate account. The Board of Liquidation, City Debt, shall remit to the
11 district payments requested by warrant or draft not more than thirty days after
12 the receipt of the warrant or draft. However, the city may retain one percent of
13 the amount collected as a collection fee.

14 F. Budget. (1) The board of commissioners shall adopt an annual budget
15 in accordance with the Louisiana Local Government Budget Act, R.S. 39:1301
16 et seq. The budget and all amendments shall be subject to the approval of the
17 governing authority of the city of New Orleans.

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

20 G. Plan. (1) The board shall prepare or cause to be prepared a plan or
21 plans, such plan or plans referred to in this Section collectively as the "plan,"
22 specifying the public improvements, facilities, and services proposed to be
23 furnished, constructed, or acquired for the district. The board shall conduct
24 such hearings, publish notice with respect thereto, and disseminate such
25 information as it, in the exercise of its sound discretion, may deem to be
26 appropriate or advisable and in the public interest.

27 (2) Any plan shall include:

28 (a) An estimate of the annual and aggregate cost of acquiring,
29 constructing, or providing the facilities, improvements, or services set forth

1 **therein.**

2 **(b) An estimate of the rate of the parcel fee required to be levied in each**
 3 **year in order to provide the funds required for the implementation or**
 4 **effectuation of the plan for furnishing the specified facilities, improvements, and**
 5 **services.**

6 **H. Miscellaneous provisions. (1) The board may contract with the New**
 7 **Orleans Police Department or with a private security company that has been**
 8 **certified and approved by the superintendent of the New Orleans Police**
 9 **Department for the provision of security patrols in the district. It is the purpose**
 10 **and intent of this Section that any additional security patrols, public or private,**
 11 **provided by the district shall be supplemental to and not in lieu of personnel**
 12 **and services provided in the district by the New Orleans Police Department.**

13 **(2) The district may perform or have performed any other function or**
 14 **activity necessary for the achievement of its primary objective of encouraging**
 15 **the beautification, security, and overall betterment of the Pensiontown**
 16 **Subdivision Improvement District.**

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

DIGEST

Proposed law, relative to the Pensiontown Subdivision Improvement District, creates the district in Orleans Parish as a special taxing district and political subdivision of the state and provides that its purpose is to promote and encourage the security, beautification, and overall betterment of the district. Specifies district boundaries. Provides that the district shall not include any property within its boundaries which is zoned and used as commercial property.

Proposed law provides for a 13 member board of commissioners for the district, who shall be residents of or property owners in the district appointed as follows:

- (1) Three members appointed by the Pensiontown Homeowners' Association's board of directors.
- (2) Three members appointed by the Palmer Park Neighborhood Association's board of directors.
- (3) Three members appointed by the Carrollton-Riverbend Neighborhood Association's board of directors
- (4) One member appointed by the mayor of New Orleans.

- (5) One member appointed by the member(s) of the La. House of Representatives who represents the area which comprises the district.
- (6) One member appointed by the member(s) of the La. Senate who represents the area which comprises the district.
- (7) One member appointed by the member(s) of the New Orleans city council who represents the area which comprises the district.

Proposed law specifies that members shall serve without compensation. Provides for a board president and secretary and other officers the board deems appropriate and provides that officers' duties shall be as provided in board bylaws. Requires the board to adopt such regulations as it deems necessary or advisable for conducting its business affairs and specifies that rules relative to public notice and conduct of public meetings must conform with public meetings laws. Requires that the board hold regular meetings as provided in its bylaws and allows it to hold special meetings at such times and places within the district as provided in the bylaws. Provides that a majority of the board shall constitute a quorum. Requires the board to keep minutes of all meetings. Provides that the district minute books and archives shall be maintained by the board's secretary or acting secretary and that the district monies, funds, and accounts shall be in the official custody of the board.

Proposed law provides that board members serve two-year terms. Provides for filling of vacancies in the manner of the original appointments and permits reappointment of members.

Proposed law authorizes the New Orleans governing authority to impose and collect a parcel fee on each parcel of taxable real property in the district, such fee to be as requested by board resolution not to exceed \$240 per parcel per year. Defines a parcel as a lot, a subdivided portion of ground, or an individual tract. Specifies that the parcel owner shall be responsible for payment but provides that the fee shall be imposed only after request to the city by board resolution and after the question of its imposition has been approved by a majority of the district's registered voters who vote on the proposition at an election held at the time of a regularly scheduled election and conducted in accordance with the Louisiana Election Code. Provides that the board may increase the fee by resolution, without an election, not to exceed the maximum amount (\$240). Provides that the fee shall be levied initially for a term not to exceed nine years, provided that it shall expire on Dec. 31 of the year of a mayoral election. Provides that the fee may be renewed, if approved by a majority of the registered voters of the district voting on the preposition at an election. Requires any such election to be held only at the same time as the mayoral primary election. Provides, if the fee is renewed, that the term of the fee imposition shall not exceed eight years.

Proposed law requires that no fee shall be imposed upon any parcel whose owner qualifies for the special assessment level provided by Article VII, Section 18(G)(1) of the Louisiana Constitution.

Proposed law requires that the city collect the fee at the same time and in the same manner as ad valorem taxes and provides 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. Provides that fee proceeds shall be used exclusively for the purposes and benefit of the district and in accordance with the plan developed pursuant to proposed law (see below).

Proposed law requires that the proceeds be paid over to the Board of Liquidation, City Debt, day-by-day as collected and received by the appropriate city officials and be maintained in a separate account. Requires the Board of Liquidation, City Debt, to remit payments to the district as requested by warrant or draft not more than 30 days after receipt of the warrant or draft. Allows the city to retain one percent of proceeds as a collection fee.

Proposed law requires the board to adopt a budget in accordance with the Local Government Budget Act and provides that the budget and all amendments to it shall be subject to the approval of the New Orleans governing authority. Provides that the district is subject to audit by the legislative auditor.

Proposed law requires the board to prepare or cause to be prepared a plan(s) (referred to as the "plan") specifying the public improvements, facilities, and services proposed to be furnished, constructed, or acquired for the district. Requires the board to conduct such hearings, publish notice with respect thereto, and disseminate such information as it, exercising sound discretion, may deem appropriate or advisable and in the public interest. Requires that any plan shall include:

- (1) An estimate of the annual and aggregate cost of acquiring, constructing, or providing the facilities, improvements, or services in the plan.
- (2) An estimate of the parcel fee rate required to be levied in each year to provide funds required for implementation of the plan.

Proposed law authorizes the board to contract with the New Orleans Police Department or with a private security company that has been certified and approved by the superintendent of the New Orleans Police Department for the provision of security patrols in the district. Specifies that 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.

Proposed law authorizes the district to perform or have performed any other function or activity necessary for the achievement of its primary objective of encouraging the beautification, security, and overall betterment of the district.

Effective August 15, 2008.

(Adds R.S. 33:9091.12)