

SLS 10RS-238

ENGROSSED

Regular Session, 2010

SENATE BILL NO. 64

BY SENATOR MURRAY

SPECIAL DISTRICTS. Creates the Lakeview Street Maintenance District in Orleans Parish. (7/1/10)

AN ACT

To enact R.S. 33:9080.4, relative to Orleans Parish; to create the Lakeview Street Maintenance District; to provide for the purpose, governance, and powers and duties of the district; to provide for the imposition of a parcel fee; 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. 33:9080.4 is hereby enacted to read as follows:

§9080.4. Lakeview Street Maintenance District

A. Creation. Most of the streets in that area of the city of New Orleans known as Lakeview were restructured in the 1950s and 1960s and provided the infrastructure for the development of a modern and desirable neighborhood. This was done through a cooperative effort between the citizens of this area and the appropriate governmental entities. These streets have not been maintained in a manner commensurate with the commercial and residential character of this neighborhood. This lack of maintenance, natural aging and the accelerated deterioration caused by flooding in the aftermath of Hurricane Katrina

1 resulting from the collapse of the flood walls along the 17th Street Canal have
2 left most of the streets and alleyways of Lakeview in dire need of renovation and
3 repair, requiring a level of expenditure over and above the normal street
4 maintenance programs of the city of New Orleans and the state of Louisiana.
5 Accordingly, there is hereby created within the parish of Orleans, as more
6 specifically provided in Subsection B of this Section, a body politic and
7 corporate which shall be known as the Lakeview Street Maintenance District.
8 referred to in this Section as the "district". The district shall be a political
9 subdivision of the state as defined in the Constitution of Louisiana.

10 B. Boundaries. The district shall be comprised of the area of the parish
11 of Orleans lying within the following perimeter: commencing at the corner of
12 City Park Avenue and Orleans Avenue and proceeding in a westerly direction
13 along City Park Avenue to the Pontchartrain Expressway, thence in a northerly
14 direction to the intersection of Veterans Memorial Boulevard, thence in a
15 westerly direction to the 17th Street Canal, thence in a northerly direction to
16 Lake Pontchartrain, thence in an easterly direction to West End Boulevard,
17 thence in a southerly direction to Robert E. Lee Boulevard, thence in an easterly
18 direction to Orleans Avenue, and thence in a southerly direction to City Park
19 Avenue and the point of beginning.

20 C. Purpose. The district is established for the primary object and
21 purpose of providing supplemental maintenance, repair and upkeep to the
22 streets and alleyways and related infrastructure of Lakeview in order to achieve
23 the overall betterment thereof and thus to improve the quality of life in
24 Lakeview. It is the intent and purpose of this Section that the additional
25 maintenance provided for through the parcel fee authorized herein shall be
26 supplemental to and not in lieu of any and all street maintenance, construction
27 or other work in or on the streets or alleyways of Lakeview performed or
28 provided by the city of New Orleans or by the state of Louisiana, and that such
29 maintenance provided by the district shall not be taken into account in

1 determining any allocation of other public funds for such work performed by
2 any other public entity.

3 D. Governance. (1) The district shall be governed by a board of
4 commissioners, referred to in this Section as the "board", consisting of nine
5 members as follows:

6 (a) The president of the Lakeview Civic Improvement Association, Inc.,
7 ex officio;

8 (b) Three members appointed by the Board of Directors of the Lakeview
9 Civic Improvement Association, Inc.;

10 (c) One member appointed by the mayor of the city of New Orleans;

11 (d) One member appointed by the member or members of the New
12 Orleans City Council who represent the area that comprises the district;

13 (e) One member appointed by the assessor of the city of New Orleans;

14 (f) One member appointed by the member or members of the Louisiana
15 House of Representatives who represent the area that comprises the district;
16 and

17 (g) One member appointed by the member or members of the Louisiana
18 Senate who represent the area that comprises the district; and

19 (2) All members shall be residents and qualified voters of the district.

20 (3) At least one member of the board shall reside in South Lakeview
21 being that area of the district south of I-610 and that at least one member of the
22 board shall reside in West Lakeview being that area of the district north of
23 Veterans Memorial Blvd., and west of Pontchartrain Blvd.

24 (4) (a) The terms of the members appointed pursuant to Subparagraphs
25 (1)(a), (c), (d), (e), (f) and (g) of this Subsection shall be concurrent with the
26 respective appointing authority.

27 (b) The initial terms of office for the remaining members, appointed
28 pursuant to Subparagraph (1)(b), shall be two, three, or four years. One
29 member shall serve two years, one shall serve three years, and one shall serve

1 four years, as determined by lot at the first meeting of the board. Subsequent
2 terms shall be four years. Vacancies resulting from the expiration of a term or
3 any other reason shall be filled in the manner of the original appointment.
4 Members shall be eligible for reappointment.

5 (5) The members of the board shall select from among themselves a
6 president and such other officers as they deem appropriate. The terms and
7 responsibilities of officers shall be as provided by the bylaws of the board.

8 (6) The members of the board shall serve without compensation and
9 shall not receive reimbursement for expenses.

10 E. Powers and duties. The district, acting through its board of
11 commissioners, shall have the following powers and duties:

12 (1) To sue and be sued.

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

14 (3) To receive and expend funds collected pursuant to Subsection F of
15 this Section and in accordance with a budget adopted as provided by Subsection
16 G of this Section.

17 (4) To enter into contracts with individuals or entities, public or private,
18 to provide supplemental maintenance repair and upkeep to the streets and
19 alleyways and related infrastructure of Lakeview and also to enter into such
20 other contracts as may be necessary to achieve the purpose of the district.

21 (5) To enter into any cooperative endeavor between or among the district
22 and the state, any of its local governmental subdivisions, political corporations,
23 or public benefit corporations, the United States or its agencies, or any public
24 or private association, corporation or individual. The term "cooperative
25 endeavor" shall include, but not be limited to, cooperative financing and
26 cooperative development.

27 (6) To rent, lease, purchase or otherwise arrange for the use of the
28 following:

29 (a) Street maintenance machinery or equipment including a pot hole

1 killer, a motor grader and other similar street maintenance machinery or
2 equipment; and
3 (b) Such other property, items and supplies that the board deems
4 necessary and instrumental to achieve the purpose of the district.
5 (7) To provide supplemental maintenance, repair and upkeep to the
6 streets and alleyways and related infrastructure of Lakeview in order to achieve
7 the overall betterment thereof.
8 (8) To perform or have performed any other function or activity
9 necessary for the achievement of the purpose of the district.
10 F. Parcel fee. The governing authority of the city of New Orleans is
11 hereby authorized to impose and collect a parcel fee within the district subject
12 to and in accordance with the provisions of this Subsection:
13 (1) The amount of the fee shall be as requested by duly adopted
14 resolution of the board. The fee shall be a flat fee per each parcel of land not
15 to exceed one hundred fifty dollars per year for each parcel.
16 (2)(a) The fee shall be imposed on each parcel located within the district.
17 (b) For purposes of this Section, "parcel" means a lot, a subdivided
18 portion of ground, an individual tract, or a "condominium parcel" as defined
19 in R.S. 9:1121.103. Thus with respect to condominiums, the fee collector shall
20 impose the parcel fee on each lot on which condominiums are situated and not
21 on individual condominium units.
22 (c) The owner of each parcel shall be responsible for payment of the fee.
23 The tax collector shall submit the bill for a parcel fee which is to be collected
24 from the condominium owners to the condominium owners association and the
25 association shall pay the fee from funds available for that purpose. The
26 association shall remain liable for the entire fee until it is paid.
27 (3)(a) The fee shall be imposed only after the question of its imposition
28 has been approved by a majority of the registered voters of the district voting
29 on the proposition at an election held for that purpose in accordance with the

1 Louisiana Election Code. No other election shall be required except as provided
2 by this Paragraph.

3 (b) The fee shall be imposed only after the question of its imposition has
4 been approved by a majority of the registered voters of the district voting on the
5 proposition at an election held for that purpose in accordance with the
6 Louisiana Election Code.

7 (c)(i) The fee shall expire four years from its initial levy.

8 (ii) The fee may be renewed as provided in Subparagraph (3)(a) of this
9 Subsection.

10 (4) The fee shall be collected at the same time and in the same manner
11 as ad valorem taxes are collected by the city.

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

15 (6) The city of New Orleans shall remit to the district all amounts
16 collected not more than sixty days after collection. However, the city may retain
17 one percent of the amount collected as a collection fee.

18 G. Budget. (1) The board of commissioners shall adopt an annual
19 budget in accordance with the Local Government Budget Act, R.S. 39:1301 et
20 seq. The budget and all amendments shall be subject to the approval of the New
21 Orleans City Council.

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

24 H. Miscellaneous provisions. (1) If the parcel fee is not approved, the
25 district shall cease to exist.

26 (2) If the parcel fee is not renewed, the district shall cease to exist.

27 (3) If the district ceases to exist, any funds of the district shall be
28 transmitted to the governing authority of the city of New Orleans, and shall be
29 used solely and exclusively for providing supplemental maintenance, repair and

1 upkeep to the streets and alleyways and related infrastructure of the Lakeview

2 area.

3 Section 2. This Act shall become effective on July 1, 2010.

The original instrument was prepared by James Benton. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

DIGEST

Murray (SB 64)

Proposed law creates the Lakeview Street Maintenance District and provides that the district is established for the primary object and purpose of providing supplemental maintenance, repair and upkeep to the streets and alleyways and related infrastructure of Lakeview in order to achieve the overall betterment thereof and thus to improve the quality of life in Lakeview.

Proposed law provides that the district shall be governed by a board of commissioners, consisting of nine members as follows:

- (a) The president of the Lakeview Civic Improvement Association, Inc., ex officio;
- (b) Three members appointed by the board of directors of the Lakeview Civic Improvement Association, Inc.;
- (c) One member appointed by the mayor of the city of New Orleans;
- (d) One member appointed by the member or members of the New Orleans City Council who represent the area that comprises the district;
- (e) One member appointed by the assessor of the city of New Orleans;
- (f) One member appointed by the member or members of the Louisiana House of Representatives who represent the area that comprises the district; and
- (g) One member appointed by the member or members of the Louisiana Senate who represent the area that comprises the district; and

Proposed law further provides:

- (1) All members shall be residents and qualified voters of the district.
- (2) At least one member of the board shall reside in South Lakeview and that at least one member of the board shall reside in West Lakeview.

Proposed law provides that the district 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, public or private, to provide

supplemental maintenance repair and upkeep to the streets and alleyways and related infrastructure of Lakeview and also to enter into such other contracts as may be necessary to achieve the purpose of the district.

- (5) To enter into any cooperative endeavor between or among the district and the state, any of its local governmental subdivisions, political corporations, or public benefit corporations, the United States or its agencies, or any public or private association, corporation or individual. The term "cooperative endeavor" shall include, but not be limited to, cooperative financing and cooperative development.
- (6) To rent, lease, purchase or otherwise arrange for the use of street maintenance machinery or equipment including a pot hole killer, a motor grader and other similar street maintenance machinery or equipment; and such other property, items and supplies that the board deems necessary and instrumental to achieve the purpose of the district.
- (7) To provide supplemental maintenance, repair and upkeep to the streets and alleyways and related infrastructure of Lakeview in order to achieve the overall betterment thereof.
- (8) To perform or have performed any other function or activity necessary for the achievement of the purpose of the district.

Proposed law authorizes the governing authority of the city of New Orleans to impose and collect a parcel fee within the district. Provides that the fee shall be:

- (1) In an amount that shall be as requested by duly adopted resolution of the board.
- (2) A flat fee per each parcel of land not to exceed \$150 per year.
- (3) Imposed only after approved by a majority of the registered voters of the district who vote at an election held for that purpose in accordance with the Louisiana Election Code.
- (4) Expires four years after initial levy, but may be renewed.

Proposed law provides that the board of commissioners shall adopt an annual budget in accordance with the Local Government Budget Act. The budget and all amendments shall be subject to the approval of the New Orleans City Council.

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

Proposed law provides that if the parcel fee is not approved, the district shall cease to exist. If the parcel fee is not renewed, the district shall cease to exist.

Proposed law provides that if the district ceases to exist, any funds of the district shall be transmitted to the governing authority of the city of New Orleans, and shall be used solely, and exclusively for providing supplemental maintenance, repair and upkeep to the streets and alleyways and related infrastructure of the Lakeview area.

Effective July 1, 2010.

(Adds R.S. 33:9080.4)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill.

1. Changes relative to election dates for renewal of parcel fees from 2010 congressional primary election ~~to~~ an election held for that purpose.