

§9078. Kenilworth Improvement District

A. Creation. There is hereby created within the parish of Orleans, as more specifically provided in this Section, a body politic and corporate which shall be known as the Kenilworth Improvement District, referred to in this Section as the "district". The district shall be a political subdivision of the state as defined in the Constitution of Louisiana.

B. Purpose. The purpose of the district shall be to promote, encourage, and enhance the security, beautification, and overall betterment of the district.

C. Boundaries. The district shall be comprised of the area of the city of New Orleans bounded by: the mid-line of Morrison Road on the South, New Castle Street on the West, including parcels on both sides of the street, Wales Street on the North, including parcels on both sides of the street that have municipal addresses on Wales Street, and the mid-line of Mayo Road on the East.

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

(a) The board of directors of the Kenilworth Civic and Improvement Association shall appoint five members, one of whom shall be the president of the Kenilworth Civic and Improvement Association.

(b) The member or members of the Louisiana House of Representatives who represent the area which comprises the district shall appoint one member.

(c) The member or members of the Louisiana Senate who represent the area which comprises the district shall appoint one member.

(d) The member or members of the city council of the city of New Orleans who represent the area which comprises the district shall appoint one member.

(e) The mayor of the city of New Orleans shall appoint one member.

(2) Every member of the board shall be a property owner in or a resident of the district.

(3)(a) Members of the board shall serve two-year terms after initial terms as provided in Subparagraph (b) of this Paragraph.

(b) Three members shall serve initial terms of one year, three shall serve initial terms of eighteen months, and three shall serve initial terms of two years, all as determined by lot at the first meeting of the board.

(4) Vacancies resulting from the expiration of a term or for any other reason shall be filled in the manner of the original appointment. Members shall be eligible for reappointment.

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

(6) All members of the board, including the officers of the board, shall be voting members.

(7) The members of the board shall serve without compensation but shall receive reimbursement for reasonable expenses directly related to the governance of the district.

E. Powers and duties. (1) The district, acting through its board of commissioners, shall have the following powers and duties:

(a) To sue and be sued.

(b) To adopt, use, and alter at will a seal and bylaws.

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

(d) To enter into contracts with individuals or entities, private or public, to provide or enhance security patrols in the district, to provide for beautification and improvements for the district, or to provide generally for the overall betterment of the district.

(e) To contract for such services and expenditures as the board deems proper for the upkeep of

the district.

(f) To purchase items and supplies which the board deems instrumental to achieving the purposes of the district.

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

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

(2)(a) The board shall hold regular meetings as shall be provided for in its bylaws and may hold special meetings at such times and places within the district as may be provided in the bylaws.

(b) The board shall adopt such regulations as it deems necessary or advisable for conducting its business affairs. Rules and regulations of the board relative to public notice and conduct of public meetings shall conform with the provisions of R.S. 42:4.1 et seq.

(c) A majority of the members of the board shall constitute a quorum for the transaction of business. The vote of a majority of the board members present and voting, a quorum being present, shall be required to decide any question upon which the board takes action.

(d) The board shall keep minutes of all meetings.

F. Parcel fee. (1) The governing authority of the city of New Orleans is hereby authorized to impose and collect a parcel fee within the district subject to and in accordance with the provisions of this Subsection. For purposes of this Section, a parcel is defined as a lot or lots upon which only one main house is situated.

(2) The fee shall be a flat fee and shall be imposed on each parcel located within the district. The amount of the fee shall be two hundred dollars per parcel per year.

(3) The owner of the parcel shall be responsible for payment of the fee.

(4)(a) The fee shall be imposed only upon request to the city of New Orleans by the board by duly adopted resolution and only after the question of its imposition has been approved by a majority of the registered voters of the district voting on the proposition at an election held for that purpose at the same time as a regularly scheduled election and conducted in accordance with the Louisiana Election Code. No other election shall be required except as provided in this Paragraph.

(b) The initial election on the question of the imposition of the fee shall be held at the same time as the regularly scheduled election in the city of New Orleans to be held on November 2, 2004, or if not held on that date, it shall be held at the same time as a regularly scheduled election in the city of New Orleans held after that date.

(c) The fee shall expire on December 31, 2010, but the fee may be renewed, the amount of the fee provided in Paragraph (2) of this Subsection may be changed, or a maximum fee amount in excess of the amount of the fee provided in Paragraph (2) of this Subsection may be established, if approved by a majority of the registered voters of the district voting on the proposition at an election as provided in Subparagraph (a) of this Paragraph. Any election to authorize renewal of the fee, to change the amount of the fee, or to establish a new maximum fee amount shall be held only at the same time as the mayoral primary election for the city of New Orleans. If the fee is renewed, if the amount of fee is changed with voter approval, or if a new maximum fee amount is established, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, change in fee amount, or maximum fee amount, not to exceed eight years. If a new maximum fee amount is established as provided in this Subparagraph, the amount of the fee shall be determined and such amount may be changed by duly adopted resolution of the board without the necessity of an election, provided that the fee amount shall not exceed the maximum fee amount and the term of imposition shall not exceed the term of imposition

established with voter approval.

(5) The city of New Orleans shall collect the fee at the same time and in the same manner as ad valorem taxes are collected by the city and shall maintain the proceeds of the fee collected pursuant to this Section in a separate account until such proceeds are disbursed to the district.

(6) The city of New Orleans shall remit all proceeds of the fee collected by the city pursuant to this Section to the district not more than thirty days after the last day of the month in which such proceeds are collected. However, the board may enter into an agreement with the city to authorize the city to retain, as a collection fee, not more than one percent of the amount collected.

(7) Any parcel 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.

(8) The proceeds of the fee collected pursuant to this Section shall be used only for the purposes of the district.

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

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

H. Miscellaneous provisions. It is the purpose and intent of this Section that the additional law enforcement or security personnel, whether public or private, and their services provided for through the fees authorized in this Section shall be supplemental to and not in lieu of personnel and services provided in the district by the New Orleans Police Department.

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

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

(a) All funds of the district shall be transmitted by the board to the city of New Orleans and such funds, together with any other funds collected by the city of New Orleans pursuant to this Section, shall be maintained in a separate account by the city and shall be used only to promote, encourage, and enhance the security, beautification, and overall betterment of the area included in the district.

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

Acts 2004, No. 501, §1, eff. June 25, 2004.