

§9079. The Kingswood Subdivision Improvement District; creation, composition, powers; levy of parcel fee

A. Creation. The Kingswood 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 I-10 Service Road, the West right-of-way line of the Kingswood Subdivision, the center line of the Morrison Canal, and the center line of the Vincent Canal.

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

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

D. Governance. (1) In order to provide for the orderly development of the district and effectuation of the services to be furnished by the district and to provide for the representation in the affairs of the district of those persons and interests immediately concerned with and affected by the purposes and development of the area, the affairs of the district shall be managed by a nine-member board of commissioners, referred to in this Section as the "board", who shall be appointed as follows:

(a) The Kingswood Homeowners' Association's board of directors shall appoint five members.

(b) The mayor of New Orleans shall appoint one member.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Any unpaid fee will 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 are unpaid ad valorem taxes.

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

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

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

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

(2) Any plan shall include:

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

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

H. Miscellaneous provisions. (1) The board may 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. It is the purpose and intent of this Section that any 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.

(2) The district may 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 Kingswood Subdivision Improvement District.

Acts 2005, No. 232, §1, eff. June 29, 2005.