

§9075. The Lake Oaks Subdivision Improvement District; creation, composition, powers; levy of parcel fee

A. Creation. The Lake Oaks 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. The district shall include all property within the following boundaries: commencing at the northeast intersection of New York Street and Elysian Fields Avenue proceed in a northerly direction a distance of one hundred feet to a point at the northwest corner of Lot 20, Block 5 of the Lake Oaks Subdivision, being the point of beginning; thence proceed at a right angle into the right-of-way of Elysian Fields Avenue to its midpoint; thence proceed in a northerly direction along the midline of Elysian Fields Avenue a distance of one thousand six hundred three feet to a point and corner; thence proceed at a right angle toward the northwest corner of Square Three, Lake Oaks Subdivision, to a point and corner; thence proceed two hundred thirty-two feet to a point on Lake Oaks Parkway right-of-way; thence proceed along the north right-of-way line of Lake Oaks Parkway a distance of one thousand eight hundred nine feet to a point and corner on the northeast corner of Lake Oaks Subdivision; thence proceed in a southerly direction toward Leon C. Simon Drive along the east side of Lake Oaks Subdivision a distance of one thousand four hundred thirty-nine feet to the midpoint of Leon C. Simon Drive; thence proceed in a westerly direction along the center line of Leon C. Simon Drive a distance of five hundred ninety-three feet to a point and corner; thence proceed at an angle towards New York Street along the midline of St. Roch Avenue a distance of two hundred four feet to a point and corner; thence proceed in a westerly direction towards the center of Block 6, Lake Oaks Subdivision, a distance of sixty-four feet to the east line of Block 6, Lake Oaks Subdivision; thence proceed along the south side of the alleyway (south of Lots 1 through 10 in Block 6 and Lots 1 through 10 in Block 5) a distance of one thousand three hundred twenty-five feet to a point and corner on the east right-of-way line of Elysian Fields Avenue being the point of beginning. All measurements are more or less and subject to survey.

C. Purpose. The district is established for the primary object and purpose of promoting and encouraging the beautification, security, and overall betterment of the Lake Oaks 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 district shall be managed by a nine-member board of commissioners as provided by this Subsection.

(a) The Lake Oaks Homeowners Association board of directors shall appoint four 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 two members.

(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 the district.

(3) Except for initial terms, a commissioner's term shall be four years. Two commissioners shall serve an initial term of one year, two of two years, two of three years, and three of four years as determined by lot at the first meeting of the board. A commissioner shall serve until his successor has been appointed and qualified.

(4) 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.

(5) 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 which rules and regulations relative to public notice and conduct of public meetings shall all conform to the provisions of R.S. 42:4.1 et seq. It shall hold regular meetings and may hold special meetings as shall be provided in the bylaws.

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

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

E. Plan. (1) The board shall prepare or cause to be prepared a plan or plans, such plan or plans hereinafter referred to 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 services and improvements.

F. Parcel fee. (1) The governing authority of New Orleans may levy and collect a parcel fee upon all taxable real property within the district in accordance with the provisions of this Subsection.

(a) Such fee shall be levied only as authorized by the board of commissioners of the Lake Oaks Subdivision Improvement District and only after the question of its levy has been submitted to the registered voters of the district at an election held for that purpose in accordance with the Louisiana Election Code and such proposition has been approved by not fewer than a majority of the voters voting on the proposition in such election. The election on the question of the initial 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. The amount of the fee may be changed as authorized by the board and in accordance with a plan prepared as provided in Subsection E of this Section, not to exceed the maximum amount authorized as provided in this Section. No other election shall be required for such change in the amount of the fee.

(b) Such fee shall be levied for a term not to exceed six years but may be renewed by election subsequent to the initial levy. Any election to authorize renewal of the fee shall be held only at the same time as the mayoral primary election for the city of New Orleans, and any such renewal shall be for a term not to exceed four years.

(c) Such fee shall be levied and collected in the same manner and at the same time as all other taxes on property levied and collected by the city.

(d) Such fee shall not exceed four hundred dollars per parcel per year.

(e) 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 E 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.

G. 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 New Orleans.

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

H. Miscellaneous provisions. (1) The governing authority of the district 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 Lake Oaks Subdivision Improvement District.

Acts 2000, 2d Ex. Sess., No. 20, §1, eff. July 5, 2000; Acts 2001, No. 118, §1; Acts 2004, No. 199, §1, eff. June 14, 2004.

NOTE: See Acts 2004, No. 199, §2, relative to implementation of change in membership of board of commissioners.