

§9091.12. Upper Audubon Security District

A. Creation. There is hereby created within the parish of Orleans, as more specifically provided in Subsection B of this Section, a body politic and corporate which shall be known as the Upper Audubon Security 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. Boundaries. The boundaries of the district shall be that area within and including the following perimeter streets, avenues, and natural boundaries: The Uptown side of Audubon Park to St. Charles Avenue (riverside only) to Broadway Street (both sides) to Magazine Street (lakeside only) and back to the Uptown side of Audubon Park.

C. Purpose. The purpose of the district shall be to aid in crime prevention and reduction by providing additional security for district residents.

D. Governance. (1) The district shall be managed by a board of commissioners, referred to in this Section as the "board". The board shall be composed as follows:

(a) The president of the Upper Audubon Association.

(b) The board of directors of the Upper Audubon Association shall appoint three members.

(c) The member of the governing authority of the city of New Orleans whose council district encompasses all or the greater portion of the area of the district shall appoint one member from a list of nominations submitted by the Upper Audubon Association.

(d) The member of the Louisiana House of Representatives whose district encompasses all or the greater portion of the area of the district shall appoint one member from a list of nominations submitted by the Upper Audubon Association.

(e) The member of the Louisiana Senate whose district encompasses all or the greater portion of the area of the district shall appoint one member from a list of nominations submitted by the Upper Audubon Association.

(2) All members of the board shall be residents of the district.

(3)(a) Board members serving pursuant to Subparagraphs (1)(b) through (e) of this Subsection shall serve four-year terms after initial terms as provided in this Subparagraph. Two members shall serve an initial term of two years; two shall serve an initial term of three years; and two shall serve an initial term of four years, as determined by lot at the first meeting of the board.

(b) The member serving pursuant to Subparagraph (1)(a) of this Subsection shall serve during his term of office as president of the Upper Audubon Association.

(c) Any vacancy which occurs prior to the expiration of the term for which a member of the board has been appointed shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

(4) The board shall elect from its members a president, a vice president, a secretary-treasurer, and such other officers as it may deem necessary. The duties of the officers shall be fixed by the bylaws adopted by the board.

(5) All members of the board shall be voting members.

(6) The minute books and archives of the district shall be maintained by the secretary-treasurer of the board. The monies, funds, and accounts of the district shall be in the official custody of the board.

(7) The board shall adopt such rules and regulations as it deems necessary or advisable for conducting its business affairs. It shall hold regular meetings as shall be provided for in the bylaws and may hold special meetings at such times and places within the district as may be prescribed in the bylaws.

(8) 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 secretary of the board to residents of the district.

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

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

(1) To sue and be sued.

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

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

(4) To enter into contracts with individuals or entities, private or public, to provide or enhance security patrols in the district.

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

(6) To perform or have performed any other function or activity necessary for the achievement of the purposes of the district.

(7) 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.

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.

(2) The amount of the fee shall be as requested by duly adopted resolution of the board. The fee shall be a flat fee per parcel of land not to exceed five hundred dollars per year for each parcel.

(3)(a) The fee shall be imposed on each parcel located within the district except as provided in Paragraph (5) of this Subsection.

(b) For purposes of this Section, "parcel" means a lot, a subdivided portion of ground, an individual tract, or a "condominium parcel" as defined in R.S. 9:1121.103.

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

(4)(a) A fee shall be imposed only after the question of its imposition has been approved by a majority of registered voters of the district voting on the proposition at an election held for that purpose in accordance with the Louisiana Election Code at the same time as a regularly scheduled primary or general election. No other election shall be required except as provided by this Paragraph.

(b) The fee shall expire at the time provided in the proposition authorizing the fee, not to exceed six years from its initial imposition, but the fee may be renewed as provided in Subparagraph (a) of this Paragraph. Any election to authorize the renewal of the fee shall be held only at the same time as the mayoral primary election for the city of New Orleans. If renewed, the term of the imposition of the fee shall be provided in the proposition authorizing such renewal, not to exceed eight years.

(5) No fee shall be imposed upon any parcel whose owner qualifies under the Louisiana Special Assessment Level pursuant to Article VII, Section 18(G)(1) of the Constitution of Louisiana.

(6)(a) The fee shall be collected in the same manner and at the same time as ad valorem taxes on property subject to taxation by the city are levied and collected.

(b) Any 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.

(7) The proceeds of such fee shall be used solely and exclusively for the purpose and the benefit of the district; however, the city may retain one percent of the amount collected as a collection fee.

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 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.

Acts 2008, No. 833, §1, eff. July 9, 2008.