

Regular Session, 2008
HOUSE BILL NO. 1005
BY REPRESENTATIVE ABRAMSON

ACT No. 833

1 AN ACT

2 To amend and reenact R.S. 33:9091.3 and to enact R.S. 33:9091.12, relative to Orleans
3 Parish; to provide relative to the Audubon Area Security District; to create the Upper
4 Audubon Security District; to provide relative to the purpose, governance, and
5 powers and duties of the districts; to provide relative to the funding of the districts,
6 including the levy of taxes and fees; to provide for the merger of the Audubon Area
7 Security District or a part thereof with another district or a part thereof; and to
8 provide for related matters.

9 Notice of intention to introduce this Act has been published
10 as provided by Article III, Section 13 of the Constitution of
11 Louisiana.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 33:9091.3 is hereby amended and reenacted and R.S. 33:9091.12 is
14 hereby enacted to read as follows:

15 §9091.3. The Audubon Area Security District

16 A. Creation. ~~The~~ There is hereby created within the parish of Orleans, as
17 more specifically provided in Subsection B of this Section, a body politic and
18 corporate which shall be known as the Audubon Area Security District, hereinafter
19 referred to in this Section as the "district", is hereby created in Orleans Parish. The
20 district shall be a political subdivision of the state as defined in the Constitution of
21 Louisiana.

22 B. Boundaries. The boundaries of the district shall be that area lying within
23 the following perimeter: Exposition Boulevard to St. Charles Avenue to Arabella

1 Street to Hurst Street to Nashville Avenue to Prytania Street and back to Exposition
 2 Boulevard.

3 C. Purpose. ~~The district is established for the primary object and purpose of~~
 4 ~~promoting and encouraging the security of the Audubon Area Security District. The~~
 5 district is established for the purpose of promoting and encouraging security in the
 6 area included within the district and promoting and encouraging the beautification
 7 and overall betterment of the district.

8 D. Governance. (1) ~~In order for the orderly development and effectuation~~
 9 ~~of the services to be furnished by the district and to provide for the representation in~~
 10 ~~the affairs of the district of those persons and interests immediately concerned with~~
 11 ~~and affected by the purposes and development of the area, the affairs of the district~~
 12 ~~shall be managed by the district's board of directors, hereinafter referred to as the~~
 13 ~~"board". The board shall consist of nine members as follows: The district shall be~~
 14 governed by a nine-member board of commissioners, referred to in this Section as
 15 the "board". The board shall be composed as follows:

16 (a) The president of the Audubon Area Zoning Association, referred to in
 17 this Section as the "association", shall be a member.

18 (b) The board of directors of the ~~Audubon Area Zoning Association~~
 19 association shall appoint five four members.

20 (c) The mayor of the city of New Orleans shall appoint one member to the
 21 board from a list of nominations submitted by the association.

22 (d) ~~The state representative for House of Representative District No. 9*~~
 23 ~~shall appoint one member from a list of nominations submitted by the Audubon Area~~
 24 ~~Zoning Association. The member of the Louisiana House of Representatives whose~~
 25 district encompasses all or the greater portion of the area of the district shall appoint
 26 one member from a list of nominations submitted by the association.

27 (e) ~~The state senator for Senate District No. 5 shall appoint one member~~
 28 ~~from a list of nominations submitted by the Audubon Area Zoning Association. The~~
 29 member of the Louisiana Senate whose district encompasses all or the greater portion

1 of the area of the district shall appoint one member from a list of nominations
 2 submitted by the association.

3 (f) The member of the governing authority of the city of New Orleans whose
 4 council district encompasses all or the greater portion of the area of the district shall
 5 appoint one member from a list of nominations submitted by the association.

6 ~~(2) Appointees to the board~~ All members of the board shall be residents of
 7 the district.

8 (3)(a) Board members serving pursuant to Subparagraphs (1)(b) through (f)
 9 of this Subsection shall serve four-year terms after initial terms as provided in this
 10 Subparagraph. Two members shall serve initial terms of one year; two shall serve
 11 initial terms of two years; two shall serve initial terms of three years; and two shall
 12 serve initial terms of four years, as determined by lot at the first meeting of the board
 13 held after the effective date of the Act which originated as House Bill No. 1005 of
 14 the 2008 Regular Session of the Legislature.

15 (b) The member serving pursuant to Subparagraph (1)(a) of this Subsection
 16 shall serve during his term of office.

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

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

24 ~~(3) (5)~~ The minute books and archives of the district shall be maintained by
 25 ~~the board's secretary~~ secretary-treasurer of the board. The monies, funds, and
 26 accounts of the district shall be in the official custody of the board.

27 ~~(4) (6)~~ The duties of the officers shall be fixed by bylaws adopted by the
 28 ~~board. The board shall adopt such rules and regulations as it deems necessary or~~
 29 ~~advisable for conducting its business affairs. It shall hold regular meetings as shall~~
 30 ~~be provided for in the bylaws and may hold special meetings at such times and~~

1 ~~places within the district as may be prescribed in the bylaws. The board shall adopt~~
 2 ~~such rules and regulations as it deems necessary or advisable for conducting its~~
 3 ~~business affairs. Rules and regulations of the board relative to the notice and~~
 4 ~~conduct of meetings shall conform to applicable law, including, if applicable, R.S.~~
 5 ~~42:4.1 et seq., relative to open meetings. The board shall hold regular meetings as~~
 6 ~~shall be provided for in the bylaws and may hold special meetings at such times and~~
 7 ~~places within the district as may be prescribed in the bylaws.~~

8 ~~(5)~~ (7) A majority of the members of the board shall constitute a quorum for
 9 the transaction of business. The board shall keep minutes of all meetings and shall
 10 make them available through the ~~board's secretary~~ secretary-treasurer of the board
 11 to members of the district.

12 (8) Each member of the board shall have one vote, and the vote of a majority
 13 of the members of the board present and voting, a quorum being present, shall be
 14 required to decide any question upon which the board takes action.

15 ~~(6)~~ (9) The members of the board shall serve without compensation but shall
 16 be reimbursed for their reasonable out-of-pocket expenses directly related to the
 17 governance of the district.

18 E. Plan. ~~(1) The board shall prepare or cause to be prepared a plan and such~~
 19 ~~plan, as provided for in Subsection F of this Section being hereinafter, referred to~~
 20 ~~collectively as the "plan", specifying the public improvements, facilities, and~~
 21 ~~services proposed to be furnished, constructed, or acquired for the district, and it~~
 22 ~~shall conduct such hearings, publish such notice with respect thereto, and~~
 23 ~~disseminate such information as it, in the exercise of its sound discretion, may deem~~
 24 ~~to be appropriate or advisable and in the public interest.~~

25 ~~(2) Any plan shall include:~~

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

28 ~~(b) An estimate of the aggregate number of mills or fees required to be~~
 29 ~~levied in each year on the taxable real property within the district in order to provide~~

~~the funds required for the implementation or effectuation of the plan for furnishing the services specified and for capital improvements, or both.~~

E. Powers and duties. The district, acting through its board, 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 Subsection F of this Section and in accordance with a budget adopted as provided by Subsection H of this Section.

(4) To enter into contracts with individuals or entities, private or public.

(5) To provide or enhance security patrols in the district, to provide for improved lighting, signage, or matters relating to the security of the district, to provide for the beautification of and improvements for the district, or to provide generally for the overall betterment of the district.

(6) To enter into contracts and agreements with one or more other districts for the joint security, improvement, or betterment of all participating districts.

(7) To provide for such services and make such expenditures as the board deems proper for the upkeep of the district.

(8) To acquire or lease items and supplies which the board deems instrumental to achieving the purposes of the district.

(9) To acquire, lease, insure, and sell real property within the boundaries of the district.

(10) 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.

(11) 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.

1 ~~F. Taxing authority. (1)(a) The city council of the city of New Orleans is~~
 2 ~~hereby authorized to levy and collect the special taxes or fees, as authorized by the~~
 3 ~~district, as hereinafter specifically provided for a term not to exceed eight years in~~
 4 ~~the same manner and at the same time as all other ad valorem taxes on property~~
 5 ~~subject to taxation by the city are levied and collected, a special ad valorem tax not~~
 6 ~~to exceed nineteen mills or fees upon all taxable real property situated within the~~
 7 ~~boundaries of the Audubon Area Security District. The tax or fee herein authorized~~
 8 ~~shall be levied and collected only after the question of its imposition has been~~
 9 ~~submitted to and approved by a majority of the registered voters of the district voting~~
 10 ~~on the question at a regularly scheduled election to be conducted in accordance with~~
 11 ~~provisions of the Louisiana Election Code. No such tax or fee shall be levied until~~
 12 ~~a plan requiring or requesting the levy of a tax or fee is finally and conclusively~~
 13 ~~adopted in accordance with the procedures prescribed in this Section.~~

14 ~~(b) The tax or fee may be renewed subject to the provisions of Subparagraph~~
 15 ~~(a) of this Paragraph.~~

16 ~~(2) The proceeds of said tax or fee shall be used solely and exclusively for~~
 17 ~~the purpose and benefit of the district; however, the city may retain one percent of~~
 18 ~~the amount collected as a collection fee. Said proceeds shall be paid over to the~~
 19 ~~Board of Liquidation, City Debt, day by day as the same are collected and received~~
 20 ~~by the appropriate officials of the city of New Orleans and maintained in a separate~~
 21 ~~account. Said proceeds shall be paid out by the Board of Liquidation, City Debt,~~
 22 ~~solely for the purposes herein provided upon warrants or drafts drawn on said Board~~
 23 ~~of Liquidation, City Debt, by the appropriate officials of the city and the treasurer~~
 24 ~~of the district.~~

25 F. Parcel fee. The governing authority of the city of New Orleans is hereby
 26 authorized to impose and collect a parcel fee within the district subject to and in
 27 accordance with the provisions of this Subsection:

28 (1) The amount of the fee shall be as requested by duly adopted resolution
 29 of the board. The fee shall be a flat fee per parcel of land. The fee shall not exceed
 30 five hundred dollars per year for each parcel for calendar year 2009; however, the

1 maximum fee amount shall be increased by twenty-five dollars per year for each
2 calendar year after 2009.

3 (2)(a) The fee shall be imposed on each parcel located within the district
4 except as provided in Paragraph (4) of this Subsection.

5 (b) For purposes of this Section, "parcel" means a lot, a subdivided portion
6 of ground, an individual tract, or a "condominium parcel" as defined in R.S.
7 9:1121.103.

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

9 (3)(a) The fee shall be imposed only after the question of its imposition has
10 been approved by a majority of the registered voters of the district who vote on the
11 proposition at an election held for that purpose in accordance with the Louisiana
12 Election Code. The proposition shall state that the governing authority of the city
13 of New Orleans shall cease levying any other tax for district purposes on and after
14 January 1, 2009. The amount of the fee may be changed by duly adopted resolution
15 of the board, not to exceed the maximum amount authorized as provided in this
16 Subsection. No other election shall be required except as provided by this
17 Paragraph.

18 (b) The initial election on the question of the imposition of the fee shall be
19 held at the same time as a regularly scheduled election in the city of New Orleans.

20 (c) The fee shall be levied beginning on January 1, 2009. The fee shall
21 expire on December 31, 2018, but may be renewed if approved by a majority of the
22 registered voters of the district voting on the proposition at an election as provided
23 in Subparagraph (a) of this Paragraph. Any election to authorize the renewal of the
24 fee shall be held only at the same time as the mayoral primary election for the city
25 of New Orleans. If the fee is renewed, the term of the imposition of the fee shall be
26 as provided in the proposition authorizing such renewal, not to exceed eight years.

27 (4) No fee shall be imposed upon any parcel whose owner qualifies for the
28 special assessment level provided by Article VII, Section 18(G)(1) of the
29 Constitution of Louisiana.

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

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

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

9 (b) The city of New Orleans shall remit to the district all amounts collected
10 not more than sixty days after collection.

11 G. Additional contributions. The district is authorized to solicit and accept
12 additional voluntary contributions and grants to further the purposes of the district.

13 G. H. Budget. (1) The board of ~~commissioners~~ shall adopt an annual budget
14 in accordance with the Louisiana Local Government Budget Act, R.S. 39:1301 et
15 seq.

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

18 H. I. Miscellaneous provisions. ~~(1) The district shall have the power to~~
19 ~~acquire, to lease, to insure, and to sell real property within its boundaries in~~
20 ~~accordance with its plans.~~

21 ~~(2) The district may enter into a contract with the New Orleans Police~~
22 ~~Department or with a private security company which has been certified by the~~
23 ~~superintendent of the New Orleans Police Department for the provision of security~~
24 ~~patrols in the district.~~

25 ~~(3) Notwithstanding any other provision of this Section to the contrary, no~~
26 ~~tax or fee authorized herein shall be levied until the maximum amount of the tax has~~
27 ~~been approved by a majority of the registered voters of the district voting on the~~
28 ~~question at a regularly scheduled election to be conducted in accordance with~~
29 ~~provisions of the Louisiana Election Code. It is the purpose and intent of this Section~~
30 ~~that any additional security patrols, public or private, or any other security or other~~

1 services or betterments provided by the district shall be supplemental to and not be
2 in lieu of personnel and services to be provided in the district by the state or the city
3 of New Orleans or their departments or agencies or by other political subdivisions.

4 J. Merger and dissolution. (1) A majority of the area covered by the district
5 may be merged with the majority of the area covered by another district that serves
6 similar purposes without the vote of the registered voters of the district, if such
7 merger is approved by resolution of the board of each such district by the affirmative
8 vote of not less than five members of each respective board. Such merger may create
9 a new district comprised of the majority of the area of each district or provide that
10 the merged portion of one district shall become a part of the other district. If the
11 merger creates a new district, the resolution of each board shall also provide for the
12 dissolution of the respective district. If the merger merges a part of one district into
13 another district, the resolution of the district of which part is being merged into
14 another district shall also provide for the dissolution of the district. Such resolutions
15 shall provide for the effective date of the merger and the dissolution of the district
16 or districts. If a major portion of the area of a district is merged into a new district
17 or into another district in accordance with this Paragraph, the funds of the district
18 that relate to the portion of the district that is included in the new district or the other
19 district, as the case may be, together with any other funds that relate to such portion
20 of the district that are collected by the city of New Orleans pursuant to law relative
21 to the district, shall be transferred to the new or other district to be used for purposes
22 of such district. The remaining portion of funds, if any, shall be transmitted by the
23 board to the city of New Orleans, and such funds shall be used only for law
24 enforcement, security, improvement, and beautification purposes of the area that was
25 formerly within the district but is not included in the merged district.

26 (2) The legal authority for any district created by merger or for the merger
27 of a part of a district into an existing district, as authorized by Paragraph (1) of this
28 Subsection, shall terminate sixty days after the next regularly scheduled mayoral
29 primary election after such merger is effective unless such merger is approved by a

1 majority of the voters of the merged district voting on the proposition at a regularly
2 scheduled election prior to such termination date.

3 (3) If a part of a district is merged pursuant to Paragraph (1) of this
4 Subsection, the authority for the imposition of the parcel fee provided in Subsection
5 F of this Section shall continue but shall be applicable only to that portion of the
6 merged district contained in the district created by this Section. The authority for the
7 imposition of the parcel fee in any other portion of the merged district shall be
8 governed by the provisions applicable to the imposition of such fee in the other
9 district with which or into which a part of the district created by this Section is
10 merged.

11 K. Indemnification and exculpation. (1) The district shall indemnify its
12 officers and board members to the fullest extent permitted by R.S. 12:227, as fully
13 as if the district were a nonprofit corporation governed thereby, and as may be
14 provided in the district's bylaws.

15 (2) No board member or officer of the district shall be liable to the district
16 or to any individual who resides, owns property, visits, or otherwise conducts
17 business in the district for monetary damages for breach of his duties as a board
18 member or officer, provided that the foregoing provision shall not eliminate or limit
19 the liability of a board member or officer for any of the following:

20 (a) Acts or omissions not in good faith or which involve intentional
21 misconduct or a knowing violation of law.

22 (b) Any transaction from which he derived an improper personal benefit.

23 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
24 9:2792.1 through 2792.9, a person serving the district as a board member or officer
25 shall not be individually liable for any act or omission arising out of the performance
26 of his duties.

27 * * *

28 §9091.12. Upper Audubon Security District

29 A. Creation. There is hereby created within the parish of Orleans, as more
30 specifically provided in Subsection B of this Section, a body politic and corporate

1 which shall be known as the Upper Audubon Security District, referred to in this
2 Section as the "district". The district shall be a political subdivision of the state as
3 defined in the Constitution of Louisiana.

4 B. Boundaries. The boundaries of the district shall be that area within and
5 including the following perimeter streets, avenues, and natural boundaries: The
6 Uptown side of Audubon Park to St. Charles Avenue (riverside only) to Broadway
7 Street (both sides) to Magazine Street (lakeside only) and back to the Uptown side
8 of Audubon Park.

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

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

14 (a) The president of the Upper Audubon Association.

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

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

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

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

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

28 (3)(a) Board members serving pursuant to Subparagraphs (1)(b) through (e)
29 of this Subsection shall serve four-year terms after initial terms as provided in this
30 Subparagraph. Two members shall serve an initial term of two years; two shall serve

1 an initial term of three years; and two shall serve an initial term of four years, as
2 determined by lot at the first meeting of the board.

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

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

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

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

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

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

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

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

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

25 (1) To sue and be sued.

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

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

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

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

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

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

11 F. Parcel fee. (1) The governing authority of the city of New Orleans is
 12 hereby authorized to impose and collect a parcel fee within the district, subject to and
 13 in accordance with the provisions of this Subsection.

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

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

19 (b) For purposes of this Section, "parcel" means a lot, a subdivided portion
 20 of ground, an individual tract, or a "condominium parcel" as defined in R.S.
 21 9:1121.103.

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

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

28 (b) The fee shall expire at the time provided in the proposition authorizing
 29 the fee, not to exceed six years from its initial imposition, but the fee may be
 30 renewed as provided in Subparagraph (a) of this Paragraph. Any election to

1 authorize the renewal of the fee shall be held only at the same time as the mayoral
 2 primary election for the city of New Orleans. If renewed, the term of the imposition
 3 of the fee shall be provided in the proposition authorizing such renewal, not to
 4 exceed eight years.

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

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

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

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

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

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

20 H. Miscellaneous provisions. It is the purpose and intent of this Section that
 21 any additional security patrols, public or private, provided by the district shall be
 22 supplemental to and not in lieu of personnel and services provided in the district by
 23 the New Orleans Police Department.

24 Section 2. The terms and service of members of the board of the Audubon Area
 25 Security District in office on the effective date of this Act shall terminate on the effective
 26 date of this Act. The members of the board of the Audubon Area Security District shall be
 27 appointed and shall take office as provided in this Act and shall serve initial terms as
 28 provided in this Act. This Act shall not be construed to prevent the reappointment to the
 29 board of a member in office on the effective date of this Act.

1 Section 3. This Act shall become effective upon signature by the governor or, if not
 2 signed by the governor, upon expiration of the time for bills to become law without signature
 3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 5 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

Revised 11/19/03

**Bylaws
of
The Audubon Area Security District**

ARTICLE I - NAME

This organization is created by Act 40 of the 1st Extraordinary Session of the 2002 Louisiana Legislature and shall be known as the Audubon Area Security District, hereinafter referred to as the AASD. The official business address is 826 Perdido Street, Suite 302, New Orleans, LA 70112.

ARTICLE II - PURPOSE

AASD has been established for the primary object and purpose of promoting and encouraging the security of the Audubon Area in the City of New Orleans.

ARTICLE III - COMMISSIONERS AND OFFICERS

Section 1: Commissioners

The AASD shall be governed by a board of 9 Commissioners, each of whom shall have full voting privileges on matters brought before the Board. The 9 Commissioners are appointed by the organizations and officials designated in Act 40.

Section 2: Terms of Office

The president of the Audubon Area Zoning Association's term as a member of the AASD Board shall run concurrent with his/her term as president of the Audubon Area Security District. All other Commissioners shall be appointed on a rotating and staggered schedule of three-year terms and may serve successive terms. Terms shall commence on September 15. Term rotation and designated years shall be determined by random selection by the first Board of Commissioners in 2003. Three Commissioners will have an initial term of one-year ending in 2004; three Commissioners will have an initial term of two years ending in 2005; and two Commissioners will have an initial term of three years ending on 2006. In the event that a Commissioner resigns, or otherwise vacates the office before the end of his or her term, a successor shall be appointed by the organization or official office which appointed the predecessor. Such successor Commissioner shall serve the remainder of the unexpired term of office.

When a Commissioner's term has expired, the organization or official that appointed the Commissioner shall have the responsibility to re-appoint the Commissioner or appoint a new Commissioner in his place.

Notwithstanding the foregoing paragraph, Commissioners hold office until their successors are appointed.

Section 3: Responsibilities

The Board of Commissioners has the overall responsibility for the policies, management and administration of the affairs of the AASD. All Commissioners shall be obliged and committed to representing the total interests and needs of AASD and shall demonstrate an affirmative obligation to the AASD with respect to meeting attendance and committee participation.

Commissioners may hire personnel or contract for services as necessary to administer the affairs of the AASD.

Commissioners may obtain and maintain liability and other insurance as appropriate for the AASD. The AASD shall contract for and accept the burden of expense of such insurance.

If the Board determines that a Commissioner is no longer eligible to serve as a Commissioner, such as failing to be both a resident and real property owner within the Audubon Area, or if the Board determines that the Commissioner is not carrying out his responsibilities, the Board may request the organization or official that appointed the Commissioner to appoint another person to complete the remaining term of the approved Commissioner.

Section 4: Officers

AASD officers shall be elected by the Board of Commissioners at the first Board meeting after September 15 for a term to begin immediately and to end on September 14 of the following year.

Notwithstanding the foregoing, officers shall hold office until their successors are elected

2. Officers of the Board shall include President, Vice-President, Secretary and Treasurer, to be chosen from among the Commissioners. Any two of these offices may be combined in one person; however, one person may not hold the offices of the president and secretary.

3. The duties of the officers shall be:

President

The President shall preside at meetings of the Board of Commissioners. He or she shall appoint the committees as necessary to manage the affairs and operation of the organization. In addition, the President shall have the responsibility for supervising the activities of all hired or contracted personnel. He or she shall assure that AASD operates on a balanced budget.

Vice President

The Vice President shall preside at all AASD meetings in the absence of the President and shall fill any unexpired term of service in the absence of the President. He or she shall assist the President in his or her duties as stated above.

Treasurer

The Treasurer shall be responsible for the compiling of appropriate financial statements in accordance with Louisiana Local Government Budget Act R.S. 39:1301 et seq. and in

accordance with other applicable state and local statutes. The financial statement shall reflect all revenues collected and disbursements paid by the organization. He or she shall also prepare and submit to the Board an annual budget for the operation of the organization and shall assure that AASD operates on a balanced budget.

Secretary

The Secretary shall prepare and keep accurate minutes of all meetings of the Board of Commissioners. The Secretary shall assure compliance with the provisions for the open meetings law.

In case of the absence or disability of any officer of the Board of Commissioners or for any other reason deemed sufficient by a majority of the Board of Commissioners, the Board of Commissioners may assign any officer's powers or duties to any other officer or to any Commissioner for the time being.

Executive Committee

The Executive Committee shall be comprised of the four officers of the organization. It shall be empowered to act on behalf of the Board of Commissioners between meetings on specific matters as charged by the Board. A quorum shall be three of the four officers.

4. Any officer chosen or appointed by the Board of Commissioners may be removed either with or without cause at any time by the affirmative vote of a majority of the whole Board of Commissioners. If the office of any officer becomes vacant for any reason, the vacancy shall be filled by the affirmative vote of a majority of a quorum of the Board of Commissioners.

The President, Vice President, Treasurer and Executive Director shall have the authority to sign checks, drafts or orders for payment of money on behalf of the the AASD. In the event that any such check, draft or order for payment of money is less than \$1,000.00, any one of them shall have the authority to sign. In the event that any such check, draft or order for payment of money is \$1000.00 or more, any two of them shall have the authority to sign. The Executive Director shall have the authority to enter into contracts of less than \$1000.00 on behalf of the AASD. The President shall have the authority to enter into contracts of less than \$5000 on behalf of the AASD.

ARTICLE IV - MEETINGS AND NOTICES

Section 1. Commissioner Meetings

1. Each year the Board of Commissioners shall meet a minimum of three times

2. The presence of five Commissioners or more shall constitute a quorum and all votes shall be by a majority. Commissioners must be present to vote.

3. Meetings may be called by the President, Vice President or by the request of at least three Commissioners as provided by statute and also provided at least 24 hours prior written notice is given to the Commissioners.

ARTICLE V - FISCAL YEAR

Section 1.

1. Subject to statute, the fiscal year of the AASD shall begin on the 1st day in January in each year.

ARTICLE VI - AMENDMENTS OF BY LAWS

Section 1.

1. Any proposed amendment to these bylaws may be adopted at a meeting by a majority vote of all Commissioners.

CERTIFICATE

As president of the Audubon Area Security District, I hereby certify that the forgoing is a true and correct copy of the bylaws duly and legally adopted by the Board of Commissioners of the Audubon Area Security District, after due notice, and that said bylaws have not been rescinded, modified or recalled, and are in full force and effect.

WITNESS my signature on this 30 day of Dec, 2003.



Title: president

Audubon Area Security District