

Regular Session, 2008
HOUSE BILL NO. 836
BY REPRESENTATIVE AUSTIN BADON

ACT No. 887

1 AN ACT

2 To enact Chapter 30 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 33:9100.1 through 9100.13, relative to New Orleans East; to establish and
4 provide for the membership, governance, purposes, duties, powers, and functions of
5 the East New Orleans Neighborhood Advisory Commission; and to provide for
6 related matters.

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

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Chapter 30 of Title 33 of the Louisiana Revised Statutes of 1950,
12 comprised of R.S. 33:9100.1 through 9100.13, is hereby enacted to read as follows:

13 CHAPTER 30. EAST NEW ORLEANS NEIGHBORHOOD

14 ADVISORY COMMISSION

15 §9100.1. Definitions

16 Whenever used in this Chapter, unless a different meaning clearly appears in
17 the context, the following terms, whether used in the singular or plural, shall be
18 given the following interpretations:

19 (1) "Area" means the neighborhoods in New Orleans East that are
20 represented on the commission membership.

21 (2) "Commission" means the East New Orleans Neighborhood Advisory
22 Commission.

23 (3) "Governing authority" means the governing authority of the city of New
24 Orleans.

1 §9100.2. East New Orleans Neighborhood Advisory Commission established

2 The East New Orleans Neighborhood Advisory Commission is hereby
 3 created. The commission shall constitute a body corporate in law, with all the
 4 powers of a corporation, and with all the powers and rights of a political subdivision
 5 of the state as provided by the constitution and laws of this state.

6 §9100.3. Commission's neighborhood area; domicile

7 A. The commission area shall include each neighborhood in New Orleans
 8 East that is represented on the commission by the chief executive officer and
 9 appointed representative of the neighborhood organization or association as provided
 10 in this Chapter.

11 B. The commission shall designate its domicile at a place within that area.

12 §9100.4. Purposes

13 A. The commission is established for the primary object and purpose of
 14 advising the appropriate governmental entities on matters of government policy.

15 B. Within the commission's area, the commission shall:

16 (1) Present and further the interest of the individual homeowners in the area
 17 to aid in the preservation of property values and to improve the character and
 18 integrity of individual residential neighborhoods.

19 (2) Educate and inform member neighborhood organizations and
 20 associations on matters and issues of general interest.

21 (3) Participate in planning and improvement.

22 (4) Participate with community-based organizations which seek to improve
 23 the community environment.

24 §9100.5. Commission membership

25 A. The commission shall consist of the chief executive officer and one
 26 representative appointed by the chief executive officer from each duly organized
 27 nonprofit organization or association representing single-family homeowners in New
 28 Orleans East which requests membership on the commission.

1 B. Each representative appointed by a chief executive officer for
 2 membership on the commission shall be an elector of and be domiciled within his
 3 respective neighborhood.

4 C. Commission members shall serve without compensation.

5 D.(1) The term of each commission member who is an appointed
 6 representative of an organization or association shall be two years. A member may
 7 be appointed for a succeeding term; however, no such member shall serve more than
 8 three consecutive terms.

9 (2) A commissioner shall serve until his successor has been appointed and
 10 qualified.

11 (3)(a) Any appointed representative member of the commission who ceases
 12 to be domiciled in his respective neighborhood shall be considered to have resigned,
 13 and the position shall be declared vacant.

14 (b) A vacancy on the commission shall be filled in the manner of the original
 15 appointment for the remainder of the unexpired term.

16 (4) No elected official in the legislative branch of state government may
 17 serve as a member of the commission.

18 E. Each commission member shall have a vote at commission meetings.

19 §9100.6. Commission officers

20 A. Annually, the commission shall elect from its membership a chairman,
 21 vice chairman, secretary, and such other officers as it deems appropriate.

22 B. The chairman shall be the chief executive officer of the commission, shall
 23 manage its affairs and operation, subject to the rules and regulations and bylaws
 24 adopted by the commission and the executive board, and shall preside at meetings
 25 of the commission and of the executive board.

26 C. The vice chairman shall perform the duties of the chairman in his absence.

27 D. The secretary shall be responsible for ensuring appropriate notice of
 28 meetings of the commission and ensuring that the executive board is provided with
 29 recordings of the proceedings of the meetings of both the commission and the

1 executive board. He shall also maintain the minute books and archives of the
2 commission and the executive board.

3 E. Additional officer duties may be fixed by bylaws adopted by the
4 commission.

5 §9100.7. Commission meetings

6 A. The commission shall hold regular meetings as shall be provided in the
7 bylaws and may hold special meetings at such times and places within the
8 commission's area designed to reasonably accommodate the residents of the area
9 attending the meeting as may be provided in the bylaws. Special meetings may be
10 called by the chairman or by the executive board and shall be called by the chairman
11 upon written request of at least ten percent of the total commission membership.

12 B. Notice of regular or special commission meetings shall be provided to
13 each commission member at least two days prior to the meeting.

14 C. The presence of at least forty percent of the total commission membership
15 shall constitute a quorum for the transaction of business.

16 D. The commission shall keep and maintain minutes of all meetings and
17 shall make a copy of such minutes available through the commission's secretary.

18 E. At any meeting, the commission may consider and make
19 recommendations on matters before it, including actions or proposed actions of the
20 governing authority, the mayor, or any other agency, department, board, commission,
21 or other entity of local or state government.

22 F. A portion of each commission meeting shall be set aside to hear the views
23 of area residents and other affected persons on problems or issues of concern within
24 the area and on proposed actions that affect the area.

25 G. The commission shall establish a method to ensure the broadest
26 dissemination of information with respect to commission meetings, positions, and
27 actions.

1 §9100.8. Commission powers and duties

2 A. The commission shall:

3 (1) Adopt such rules and regulations as it deems necessary or advisable for
 4 conducting its business affairs. The rules and regulations relative to public notice
 5 and conduct of public meetings shall all conform with the Open Meetings Law.

6 (2) Have official custody of all monies, funds, and accounts of the
 7 commission.

8 B. The commission may:

9 (1) Sue or be sued.

10 (2) Adopt, use, and alter at will a seal and bylaws.

11 (3) Receive and expend funds made available to the commission and in
 12 accordance with a budget adopted as provided by R.S. 33:9100.12.

13 (4) Enter into contracts or agreements with individuals or entities, private or
 14 public, to carry out its powers and duties and accomplish its purposes.

15 (5) Purchase items and supplies which it deems instrumental to achieving its
 16 purposes.

17 (6) Employ an executive director and staff.

18 (7) Acquire, purchase, lease as lessee, and hold and use any property,
 19 immovable, movable, corporeal, incorporeal, or any combination thereof or any
 20 interest therein necessary or desirable for carrying out its purposes and sell, lease as
 21 lessor, transfer, or dispose of any property or interest therein acquired by it.

22 (8) Construct, improve, maintain, repair, and operate facilities which it
 23 deems necessary or convenient to carry out its purposes.

24 (9) Pledge all or any part of its revenues.

25 (10) Perform or have performed any other function or activity necessary or
 26 appropriate to carry out its purposes.

27 §9100.9. Executive board

28 A. There shall be an executive board of the commission consisting of the
 29 commission's officers. The board shall manage the affairs of the commission. The
 30 board shall exercise the powers and have general supervision over the affairs of the

1 commission during the interim between meetings of the commission. However, the
 2 board shall exercise no policymaking function, nor incur any indebtedness, nor
 3 obligate under contract, nor make any disbursement of funds of the commission,
 4 except as may have been specifically authorized by the commission.

5 B. The board shall hold regular meetings as shall be provided in the bylaws
 6 and may hold special meetings at such times and places within the area as may be
 7 provided in the bylaws. Board meetings may be called by the chairman and shall be
 8 called by the chairman upon written request of any two members of the board.

9 C. A majority of the members of the board shall constitute a quorum for the
 10 transaction of business.

11 D. The board shall keep and maintain minutes of all meetings and shall make
 12 a copy of such minutes available through the commission's secretary.

13 §9100.10. Executive director

14 The executive director, with the concurrence of the commission, may hire
 15 such staff and other personnel as may be necessary to carry out the directions and
 16 instructions of the commission and do other acts as may be directed or authorized by
 17 the commission.

18 §9100.11. Advisory authority of commission; official representation

19 A. The commission may advise the governing authority, the mayor, or any
 20 other agency, department, board, commission, or other entity of local or state
 21 government with respect to all proposed matters of government policy which affect
 22 the area, including but not limited to decisions regarding planning, zoning, streets,
 23 recreation, social services programs, education, health, safety, budget, and sanitation.

24 B. The governing authority, mayor, or applicable agency, department, board,
 25 commission, or other entity of local or state government shall provide at least thirty
 26 days written notice to the commission officers of any intent to acquire or dispose of
 27 immovable property in the area or any intent to change the use of property owned or
 28 leased by the respective governmental entity in the area.

1 C.(1) "Proposed government action" as covered by this Chapter includes but
2 is not limited to action of the governing authority, the mayor, or any other agency,
3 department, board, commission, or other entity of local or state government.

4 (2) Each local or state agency, department, board, or commission, prior to
5 transmitting to the governing authority or other respective governmental entity any
6 proposed revenue bond issuance, or before the formation of any final policy,
7 decision, or guidelines with respect to grant applications, comprehensive plans,
8 requested or proposed zoning changes, variances, public improvements, licenses, or
9 permits affecting the area, the parish budget and goals and priorities, proposed
10 changes in local or state government services delivery, and opening of any proposed
11 specialty systems, shall provide at least thirty days advance notice of the proposed
12 action to each commission officer.

13 D. The issues and concerns raised in recommendation of the commission
14 shall be given great weight during the deliberations of the governing authority, the
15 mayor, or any other agency, department, board, commission, or other entity of local
16 or state government. This requires acknowledgment of the commission as the source
17 of the recommendation and reference to each issue and concern.

18 E. The views of the commission shall only be presented by an officer of the
19 commission or by a commission representative duly selected at a public meeting by
20 the commission to represent its view on the particular issue or proposed action.

21 F.(1) No provision of this Chapter is intended nor shall be construed to
22 impede, interfere with, delay, or supersede any regulatory authority of the governing
23 authority, the mayor, or any other agency, department, board, commission, or other
24 entity of local or state government.

25 (2) No provision of this Chapter is intended nor shall be construed to
26 impede, interfere with, delay, or supersede any licensing functions, rulemaking, or
27 decisionmaking authority as provided for in the Administrative Procedure Act,
28 formulation of policies and procedures, nor the award of grants by or to any agency.

1 §9100.12. Budget; audit; applicability of other laws

2 A. The commission shall adopt an annual budget in accordance with the
3 Louisiana Local Government Budget Act, R.S. 39:1301 et seq. The budget and all
4 amendments shall be subject to the approval of the governing authority.

5 B. The commission shall be subject to audit by the legislative auditor
6 pursuant to R.S. 24:513.

7 C. Except as otherwise specifically provided in this Part, the commission and
8 executive board shall be subject to the Open Meetings Law, the Public Records Law,
9 and the Code of Governmental Ethics.

10 §9100.13. Cooperation with other entities

11 A. The governing authority, the mayor, or any other agency, department,
12 board, commission, or other entity of local or state government may provide the
13 commission with staff support and assistance to enable the commission to perform
14 its duties.

15 B. The commission shall cooperate and may contract with local or state
16 government or any agency, department, board, commission, or other entity thereof
17 and may accept gifts, grants, and donations of property and money therefrom.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____