

Bylaws of the Lake Barrington Subdivision Improvement District Commission

Article I. NAME

Section 1. There is established by the State of Louisiana, The, hereinafter referred to as the Lake Barrington Subdivision Improvement District (hereinafter, District). The boundaries of DISTRICT Commencing at the southeast intersection of Morrison Road and Wright Road/Blvd., the point of beginning; thence proceed toward Berg Canal along the south R/W line of Morrison Road a distance of 1408.92 feet to a point and corner on Berg Canal; thence proceed toward Interstate 10 Highway along the west property line of Berg Canal a distance of 2015.40 feet to a point and corner on the north R/W line of Interstate 10 Highway; thence proceed toward Wright Road/Blvd. in a northwesterly direction along the north R/W line of Interstate 10 Highway a distance of 1429.25 feet to a point and corner; thence proceed in a northwesterly direction toward Morrison Road along the east R/W line of Wright Road/Blvd., a distance of 2089.78 feet to a point, being the point of beginning.

Article II. DUTIES & RESPONSIBILITIES

Section 1. The Commission shall promote and encourage the beautification, security, and overall betterment of the Lake Barrington Subdivision.

Section . Annual Report: On or before **March 30th** of each year, the DISTRICT may file an annual report with the **City and the State of Louisiana** for the preceding fiscal year. Copies shall be made available to the public. The report shall include but shall not be limited to:

- a. Summaries of important problems perceived by the DISTRICT listed in order of their priority;
- b. Meeting agendas, minutes and sign in sheets
- c. Recommendations for improvement on the operation of the DISTRICT;
- d. An annual financial report;
- e. A summary of DISTRICT activities

Section 5. Programs: DISTRICT may conduct neighborhood or community enhancement campaigns. It may also conduct programs in conjunction with existing activities, provided that such activities on behalf of the DISTRICT are not duplicative of programs or service available.

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 seven-member board of commissioners, referred to in this Section as the "board". Each member of the board shall be a qualified voter and resident of the district and shall be appointed as follows:

- (a) Three members shall be appointed by the board of directors of the Lake Barrington Homeowners Association.
- (b) One member shall be appointed by the mayor of the city of New Orleans.
- (c) One member shall be appointed jointly by any members of the governing authority of the city of New Orleans who represent the area which comprises the district.
- (d) One member shall be appointed jointly by any members of the Louisiana House of Representatives who represent the area which comprises the district.
- (e) One member shall be appointed jointly by any members of the Louisiana Senate who represent the area which comprises the district.

(2) Term of Office:

- (a) One Member at Large shall serve four-year terms after initial terms
- (b) 2nd Vice Chairman shall serve an initial term of four years
- (c) One Member at Large shall serve an initial term of one year;
- (d) Chairman and 1st Vice chairman shall serve an initial term of two years;
- (e) Secretary and Treasurer shall serve an initial term of three years; as determined by lot at the first meeting of the board. Such members shall serve until their successors have been appointed and qualified.
- (f) 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.

(3) The board shall elect from its members a chairman, a 1st vice chairman, 2nd Vice Chairman, secretary and 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.

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

(5) 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 in the bylaws and may hold special meetings at such times and places within the district as may be prescribed 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 secretary of the board to the residents of the district.

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

Vacancies: Vacancies on the commission shall be filled in the manner of the original appointment for the remainder of the unexpired term. Should a member miss four meetings in any one year, or three consecutive meetings, said member shall be removed from the board. The appointing authority shall have the obligation to replace said member within 30 days of receiving written notification. In the event of a vacancy among the Commission Board of the DISTRICT, an election shall be held at the next regularly scheduled meeting to fill that vacancy. If there is no regularly scheduled DISTRICT meeting within 45 days, a special meeting shall be held to fill the vacancy.

Removal of Commissioner(s): Any or all Commissioners may be removed at any time for good cause by action of 2/3 vote of the total members at a meeting wherein a quorum is established. Should a member miss four meetings in any one year, or three consecutive meetings, or delinquencies of taxes, fees or dues said member is removed from the Commission.

Compensation for Commissioners: Commissioners shall serve without compensation; however, they may be reimbursed for expenses for the conduct of official DISTRICT affairs, in accordance with the rules, herein delineated, pertaining to the management of DISTRICT official affairs and upon rendering supporting documentation such as cash register receipts, invoices, etc.

Commission Policy Statements: Individual Commissioner, unless authorized by a majority vote of DISTRICT, shall not make public statements for the DISTRICT or assume obligations for the DISTRICT.

Records: DISTRICT, as well as each Committee of the DISTRICT, shall maintain a record of meetings, including the attendance of its members. Such records shall be forwarded to the DISTRICT Secretary and shall be available for public inspection.

Votes of the Commission: All Commissioners shall have equal voting rights following the principle of one person, one vote.

Commissioner Correspondence: Communications by individual Commissioners (i.e.; requests for information, inquiries on behalf of constituents, etc.) on Commissioner Stationery will be properly identified as personal and distinguished from Commissioner Notices. Copies of all communications by the Commissioners will be filed with the Secretary and will be kept as a part of the record of the DISTRICT related activities.

Quorum: The Commission may declare a quorum and take official action if a majority of the elected representatives of the certified Commission are present. In the absence of a quorum, Commissioners present at a duly noticed meeting may fix the time to which to adjourn, recess or take measures to obtain quorum.

DISTRICT equipment and supplies: Equipment and supplies purchased with Commission funds or donated to the DISTRICT belong to the DISTRICT and are not to be appropriated for personal use.

Article IV. OFFICERS

Section 1. Election of Officers: DISTRICT shall elect a Chairman, 1st Vice-Chairman, 2nd Vice-Chairman, Secretary, Treasurer, two At-Large Members and such other officers as may be necessary from among the DISTRICT members. The election of DISTRICT officers shall take place no later than the February meeting of DISTRICT of each election year except that election for the first officers shall be held at a meeting not later than thirty (30) days following certification of a majority of the members of the DISTRICT.

Nominations: Each candidate shall be nominated by a deeded homeowner of Lake Barrington Subdivision and must be seconded by Lake Barrington Home Owner Association (HOA) Board. A Commissioner may nominate her/himself but may not second the nomination. All candidates shall be composed of those persons domiciled within the boundaries of Lake Barrington Subdivision.

Voting: Officers of the DISTRICT shall be elected by a majority vote of the quorum present of the certified HOA board members. In the event that no candidate has a majority vote of all board members, there shall be a run-off election between the two candidates having received the most votes. Voting on each office shall occur before the floor is opened for nominations for another office.

Conflict of Interest: No officer shall use his or her official position or office to obtain personal or financial gain for himself or herself, any member of his or her household, or any business with which he or she or a member of his or her household is associated. Officers must reveal any direct or indirect conflict of interest in any subject matter within the environs of the DISTRICT prior to a vote. Be there a prevailing conflict of interest, said Officer may not vote on the proposal. Voting on a proposal when one has a conflict of interest shall result in the removal from the Board of Commissioners.

E. Plan.

(1) The board shall prepare, or cause to be prepared, a plan or plans, referred to in this Section as the "plan", specifying the public improvements, facilities, and services proposed to be furnished, constructed, or acquired for the district, and it shall conduct such hearings, publish such 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 services, improvements, or facilities set forth therein.
- (b) An estimate of the aggregate number of mills or rate of fees required to be 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 debt service, or both.

F. Taxing authority.

(1) The governing authority of the city of New Orleans is hereby authorized to levy and collect special taxes or fees, as authorized by the Lake Barrington Subdivision Improvement District, subject to and in accordance with the provisions of this Subsection.

(2) The amount of the tax or fee shall be as requested by duly adopted resolution of the board of commissioners. The tax shall be a special ad valorem tax levied on taxable property in the district and shall not exceed five mills. The fee shall be a flat fee levied on each parcel located in the district and shall not exceed three hundred sixty dollars per parcel per year.

(3) The owner of the property shall be responsible for payment of the tax or fee. The tax collector shall submit the bill for the tax or fee to the owner. Each owner shall remain liable for the entire amount until it is paid.

(4) (a) For purposes of this Section, "parcel" means a lot, a subdivided portion of ground, or an individual tract and does not mean a "condominium parcel" as defined in R.S. 9:1121.103(7).

- All members of the association shall remain liable for the entire fee until it is paid.

(5) The Tax

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

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

(6) No such tax or fee shall be levied until a plan requiring or requesting the levy of a tax or fee is finally and conclusively adopted pursuant to the provisions of Subsection E of this Section.

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

(8) Any such unpaid tax or 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.

(9) The proceeds of such tax or fee shall be used solely and exclusively for the purposes and benefit of the district. The proceeds shall be paid over to the Board of Liquidation, City Debt, day by day as the same are collected and received by the appropriate officials of the city of New Orleans and maintained in a separate account. The proceeds shall be paid out by the Board of Liquidation, City Debt, solely for the purposes herein provided upon warrants or drafts drawn on the Board of Liquidation, City Debt, by the appropriate officials of the city and the treasurer of the district. 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.
- (2) The district shall be subject to audit by the legislative auditor pursuant to R.S. 24:513.

H. Miscellaneous provisions.

- (1) The board of commissioners 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 board shall have the power to acquire, lease, insure, and sell real property within the boundaries of the district in accordance with district plans. In addition, the board 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 district.

Duties/Responsibilities of Chairman:

Convener: The Chairman shall serve as the convener of the DISTRICT and shall chair meetings.

ii. **Ruling on Procedural Matters:** The chairman may rule on procedural questions. Such rulings may be overturned by a majority vote of the DISTRICT.

iii. **Supervision of DISTRICT Staff:** The Chairman shall be responsible for supervision of the DISTRICT Staff.

Duties/Responsibilities of Vice-Chairman:

Represent the Chairman: The 1st Vice-Chairman shall fulfill the obligation of the Chairman in his or her absence. The 2nd Vice-Chairman Chairperson shall fulfill the obligations of the 1st Vice-Chairman in his, her, or their absence.

Section 9. Duties/Responsibilities of Recording Secretary:

i. **Preparation of Minutes:** The Secretary shall be responsible for preparation of the minutes of the DISTRICT, for all distribution of copies of the minutes to all Commissioners, and for making copies available at the DISTRICT office to residents of the DISTRICT area on request.

ii. **General Correspondence:** The Secretary shall be responsible for general correspondence of the DISTRICT, notices of public meetings, as well as maintaining records of all activities, including a record of notices received and DISTRICT responses to these notices.

Section 10. Duties/Responsibilities of Treasurer:

i. **Annual/Quarterly Financial Reports:** The Treasurer shall develop an annual fiscal budget and such revisions as may be required during the year, for approval by the

DISTRICT and submission to the full Board. Quarterly financial reports will also be prepared within 45 days of the close of each fiscal quarter, for approval by the DISTRICT. Information provided by the DISTRICT on this form will consist of the beginning cash balance, a summary of all receipts and expenditures, and the ending cash balance.

ii. **Bonding of the Treasurer:** If required by law, the Treasurer and the Chairman shall be bonded in accordance with Louisiana law and regulations.

iii. **Authorization of Commission Expenditures:** The Treasurer shall authorize in writing and record in the DISTRICT books of accounts each expenditure of funds by the DISTRICT. The Treasurer may disburse to another Commissioner or employee of the DISTRICT amounts not in excess of \$200 out of petty cash funds. Receipts of said expenses shall be submitted.

iv. **The Treasurer shall with the Treasurer of the HOA , Chairman or 1st Vice-Chairman in the absence of the chairman cosign all checks or withdrawal documents from any DISTRICT account.** In the absence of either or when one of them is also the payee, any other officer listed in the records of the bank may cosign. No payee shall be permitted to cosign any check. Their shall be no less than three signatories on DISTRICT bank accounts.

Article V. MEETINGS

Section 1. Public Meetings Requirements: All meetings of the DISTRICT at which a quorum is present shall be open to the public.

Section 2. Official Action: No official action may be taken by the DISTRICT unless a quorum of Commissioners are present and voting at that meeting.

Section 3. Types of Meetings

a. **Business Meetings:** Regular business meetings shall be held not less than four (4) times a year, to consider matters before the DISTRICT which may include but not be limited to consideration of actions of the **City of New Orleans, state of Louisiana**, and all agencies operating under the purview of the aforementioned offices, and all independent agencies, boards and commissions of the government of the City of New Orleans and State of Louisiana. Voting will be limited to the Commissioners. **Public input will be allowed prior to voting at the discretion of the Chairman**

b. **Special Meetings:** Special Meetings may be called by the **Chairman**, by request of two commissioners, two HOA board members or a majority of deeded homeowners. The Commissioners can then cancel the scheduled month's meeting provided that, in that month, at least one meeting is held.

D. **Representatives:** The DISTRICT shall make a good faith effort to involve all segments of the DISTRICT population in its deliberations regardless of but not limited to race, sex, voting status, religion, disability, national origin, or economic status.

Section 4. Meeting Places: Meeting places may be varied so as to be held in all geographical areas of the DISTRICT.

Incorporation and Commissioner Liability: DISTRICT has the authority to incorporate. No Commissioner may be held liable for actions taken as an elected Commissioner unless said Commissioner acts in bad faith.

Hiring: DISTRICT may hire employees and accept volunteer services on a full or part time basis. Employees shall serve at the pleasure of the DISTRICT Commission Board and preferably, but not necessarily, be residents of the Eastern New Orleans. Persons hired by the DISTRICT shall meet the qualifications established in a position description drawn up by DISTRICT. The DISTRICT shall not hire present members of the DISTRICT Executive Board nor any Executive Board member's immediate family.

Article XI. AMMENDMENT OF BY-LAWS

Copy of By-Laws: The DISTRICT shall maintain an up-to-date copy of these bylaws and all amendments therein.

Revision of By-Laws: Revision of these By-Laws shall be made by a majority vote of the DISTRICT upon reading of proposed revisions at a regularly scheduled business meeting.

By-Laws Consistent with Current Louisiana and Congressional Legislation: These By-Laws shall be consistent with state law.

Public Access to By-Laws: A current copy of these By-Laws and amendments shall be available for public inspection.

Effective Date: 11/26/12

Adopted: C. Evans, J. Thompson

Signed:

Cherisse S. Evans
Sabrina Parker
J. Thompson
Julius A. Ray

Section 5. Public Notice Meeting: No less than 24 hours notice shall be given by the DISTRICT of its meetings, except when shorter notice for good cause is necessary, by any means permitted by law.

Section 6. Agenda: The Secretary is responsible for distribution of proposed agenda to Commissioners in advance of each Business and Special meeting. The Secretary shall distribute the proposed agenda at least five (5) days in advance of the scheduled meeting. The Chairman shall determine when new business which is raised on the floor and shall be voted upon. However, upon a motion carried by a unanimous vote of the DISTRICT, new business shall be permitted to be discussed and voted upon at the current meeting.

Incorporation of Resident Views: Resident views, in the form of letters, discussions, debate and votes, should be considered in all positions taken by the DISTRICT.

Dissemination of Information: The Chairman shall be the official spokesperson for the actions, recommendations, and official positions of the DISTRICT. No person shall represent DISTRICT without having obtained formal authorization from the DISTRICT executive board. The DISTRICT shall establish such mechanisms as will insure the broadest dissemination of information with respect to the DISTRICT.

DISTRICT Actions, Recommendations, Official Positions: DISTRICT actions, except for amending these By-Laws, shall be approved by a simple majority of the votes cast by the commissioners. The DISTRICT shall forward its written recommendations, if any, with respect to proposed actions to the New Orleans City Council, the Mayor, the State, and/or appropriate agency, board, or commission. In the case of a tie vote, the motion for DISTRICT action shall fail.

Joint Meetings: DISTRICT may hold joint meetings with other Commissions or co-sponsor meetings with other civic organizations to deal more effectively with citizen concerns or solicit constituent views on matters that transcend the DISTRICT boundaries. The Chairman may designate another Commissioner or a member of a standing or a hoc committee to represent DISTRICT at these meetings and to act as a liaison to other Commissioners on matters of mutual interest. Individuals so designated shall be considered on official business while performing such functions.

Article VI. VOTING

Form of Vote: Voting shall be in the form of "Yay" or "Nay". No Board member shall be permitted to abstain from voting unless said member has a Conflict of Interest and said conflict is made a part of the record. All votes shall be recorded.

Section 2. Definition of Voting Majority: For a message to pass, it must receive more than half of the votes.

Article VII. COMMITTEES

Section 1. Categories: There shall be two categories of DISTRICT committees:
a. Standing Committees: Standing committees are those established as permanent bodies by a majority vote and which shall be composed initially of at least one Commissioner. The Standing Committee shall correspond to the areas of greatest DISTRICT concern.

b. Ad Hoc Committees: Established as temporary bodies by majority vote, to address internal matters or a specific issue or need.

Section 2. Chairman's Role: The DISTRICT Chairman shall serve as an ex-officio member of all committees.

Section 3. Committees Responsibilities: Committees shall receive materials and act on requests from the DISTRICT as a whole, and may develop additional information as needed in order to make recommendations to the DISTRICT. They shall not act on behalf of the **Chairman** or represent their recommendations as official DISTRICT policy to others, without having obtained formal authorization of the DISTRICT.

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Section 4. Appointment and Removal of Committee Members: The Chairman of DISTRICT shall appoint the committee Chairperson and members of each committee. The Executive Board of DISTRICT shall have the power to remove standing committee and ad hoc committee Chairpersons by majority vote of Executive Board. Any resident of the DISTRICT area shall be eligible to be appointed as a committee member or Chairperson.

Article VIII. PARLIMENTARY AUTHORITY

Section 1. Robert's Rules of Order Revised: Shall govern the DISTRICT in all cases in which they are not inconsistent with these By-Laws and any special rules of order the DISTRICT may adopt.

Article IX. GENERAL FINANCES

Section 1. Solicitation or Acceptance of Funds: The DISTRICT may solicit funds and may accept contributions.

Section 2. Pooling Funds with Other Commission: The DISTRICT may pool funds with other Neighborhood Advisory Commissions within the City of New Orleans Greater Metropolitan Area or State of Louisiana in accordance with agreements mutually established between the Commissions.

Section 3. Depositories: The DISTRICT shall by a resolution approved by a majority of its **Commissioners** designate financial institutions within the City of New Orleans as depositories of DISTRICT funds.

Section 4. Treasury Vacancy: No expenditure shall be made by the DISTRICT during a vacancy in the Office of the Treasurer or at any time when a current, accurate, and approved budget is not on file with DISTRICT. In the event of a vacancy, the Executive Board may appoint an Interim Treasurer, pending the election.

Article X. LEGAL STATUS: OTHER POWERS AND LIMITATIONS

Legal Redress: Should the DISTRICT feel legal redress is required, it may initiate a legal action in the courts of the **State of Louisiana** or in the Federal Courts.